



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 17 April 2008.

Requests to Move Adjournment of Dáil under Standing Order 32	1
Order of Business	3
Visit of Czech Delegation	11
Order of Business (<i>resumed</i>)	11
Standing Orders: Motion	16
Private Members' Business	
World Trade Organisation Negotiations: Motion	17
An Bille um an Ochtú Leasú is Fíche ar an mBunreacht 2008: An Dara Céim (<i>atógáil</i>)	63
Twenty-eighth Amendment of the Constitution Bill 2008: Second Stage (<i>resumed</i>)	63
Ceisteanna — Questions	
Minister for Justice, Equality and Law Reform	
Priority Questions	73
Other Questions	83
Private Notice Questions	86
Adjournment Debate Matters	95
Adjournment Debate	
Psychiatric Services	96
Hospital Services	99
Child Protection Issues	103
Questions: Written Answers	107

DÁIL ÉIREANN

DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

TUAIRISC OIFIGIÚIL OFFICIAL REPORT

IMLEABHAR 652

VOLUME 652

Déardaoin, 17 Aibreán 2008.
Thursday, 17 April 2008.

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 32.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of national importance, namely, the failure of the Government to increase competitiveness and reduce the cost base to attract and retain foreign investment and stem the escalating closure and moving of existing businesses abroad, which is adversely affecting the nationwide employment profile. The publication of the live register for March showed a dramatic rise in unemployment levels, particularly in the midlands, with Longford and Westmeath having lost 683 jobs in the past couple of weeks and County Longford having had no such level in March of any previous year. The impact on those workers who have lost their jobs and on their families is shocking and my sympathies go to them.

Deputy Willie Penrose: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of public interest requiring urgent attention, namely, the serious implications for employment and the general economy in the midlands, with the appointment of a liquidator to Iralco, Collinstown, County Westmeath, and the constant threat to 420 jobs there, the urgent need for the Minister for Enterprise, Trade and Employment, Deputy Martin, and the industrial development agencies to support all efforts by the liquidator to ensure the continued operation of the plant as a going concern. In view of the importance of this issue, I hope the Leas-Cheann Comhairle will agree to this request.

Deputy Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 32 to address a matter of national importance requiring urgent consideration, namely, the catastrophic situation facing Monaghan and Cavan general hospitals, as clearly set out by hospital consultants in correspondence to the HSE, if the HSE proceeds with its plan to further downgrade Monaghan General Hospital resulting in the loss of its capacity to care for 3,000 acute medical admissions per annum and placing the burden of care on Cavan General Hospital, which already has 5,000 medical admissions per annum and 160% bed occupancy; and the need for the Minister for Health and Children, Deputy Harney, and all her Government colleagues to reverse their disastrous centralisation and privatisation policy, which will result in further deaths of patients and the deterioration of our public health system.

Deputy Kathleen Lynch: I request the adjournment of the Dáil under Standing Order 32 to discuss an urgent and specific matter of public interest, namely, the reports that the new €5 million accident and emergency unit at Mercy University Hospital, Cork, will close each evening at 8 p.m. because of financial cutbacks. The accident and emergency unit at this hospital treated 25,000 people last year and 10,000, or 40% of these patients, were treated after 8 p.m. Mercy University Hospital has a proven track record of providing quality health care and managing its affairs in a business-like manner and it makes no financial sense to invest €5 million in a facility and keep it closed for half of the time. The hospital, its staff and, most importantly, the people of Cork are being treated shamefully by the Minister and the HSE and I call for the adjournment of the Dáil to discuss this most important issue.

Deputy Seymour Crawford: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of local and national importance, namely, that the HSE north east is insisting on removing and continuing with its plans to remove on-call service from — in other words, close — Monaghan General Hospital by November 2008 at the latest despite the public commitment by the Government and the HSE not to remove any service until as good a service or better is available. I wish also to discuss the fact that HSE staff are instructing ambulance services to bring patients to other hospitals to lie on trolleys rather than allow them into the safe and good care of the consultants and staff of Monaghan General Hospital. The Minister, Deputy Dermot Ahern, has made it clear that there is not a red cent to build a hospital in the region. He recently advised that the only alternative was to retain the five hospitals. Is life in Monaghan less important to this Administration than anywhere else on this island?

Deputy Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 32 to address a matter requiring urgent consideration, namely, the need for the Minister for Health and Children to reverse the proposed HSE cutbacks targeting the weakest and most vulnerable in society, particularly in the Ballyfermot area from June with its plans to reduce the number of respite beds available in Cherry Orchard Hospital from 24 to 12 and the serious consequences this will have on the quality of life for more than 50 elderly and disabled patients in the area who avail of the service for three-day or four-day respite periods and the effect on their families and carers; and the fact that this cutback comes on top of other short-sighted cuts in services announced recently by the HSE which will affect other vulnerable groups in the Ballyfermot area, including children in need of speech and language therapy and recovering addicts in need of methadone treatment or other supports.

An Leas-Cheann Comhairle: 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. 11, motion re Standing Order 99; and No. 19, the Twenty-eighth Amendment of the Constitution Bill 2008 — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that No. 11 shall be decided without debate; Private Members' business, which shall be No. 34 — motion re World Trade Organisation, shall take place on the conclusion of No. 11 and shall be brought to a conclusion after three hours, if not previously concluded.

An Leas-Cheann Comhairle: Is the proposal that No. 11 be decided without debate agreed? Agreed. Is the proposed arrangement to deal with Private Members' business today agreed? Agreed.

Deputy Enda Kenny: The Dáil did not sit earlier this week on account of the death of former President, Dr. Patrick Hillery. Last week I raised a question here with the Taoiseach about the elderly in a certain hospital in Dublin. I noted the comments of the Chairman of the Joint Committee on Health and Children, Deputy John Moloney, who said in the context of that question versus stamp duty, the question of the elderly was less relevant.

I beg the indulgence of the Leas-Cheann Comhairle to permit me to say to the Tánaiste and Minister for Finance that it is a national scandal that a 76 year old woman with Alzheimer's disease who suffered a heart attack has been on a trolley in the Mater Hospital since Monday. This is an appalling situation. We are spending €15 billion on health, which is under the purse strings of the Minister for Finance. The recruitment embargo which prevents specialists being recruited and appointed will result in a disastrous situation sooner rather than later.

It is two years since the absent Minister for Health and Children said that the accident and emergency units around the country were a "national disgrace". I accept what the Tánaiste says, that he is a man who wants results and that health is his priority, but this is a national scandal. I beg the Chair's indulgence to ask the Tánaiste to apologise to the family involved on behalf of the Government and send out the Minister for Health and Children to do something about this situation this morning.

Deputies: Hear, hear.

An Leas-Cheann Comhairle: Before I call on the Tánaiste to reply, I ask Deputies to note that there are no Leader' Questions today. I will allow for some latitude, but within that confine.

The Tánaiste: It is very important to point out that there are many improvements taking place in the health service. Obviously there are issues but if the Leader of the Opposition's tactic is to come in and talk about a particular case where there is a difficulty and suggest that the sorting out of that difficulty alone is to sort the health service is a rather simplistic and facile approach and analysis.

Clearly what we are trying to do is to bring reforms into the health service that will deal with many of the perennial problems we are facing.

Deputy Liz McManus: Things are getting worse.

The Tánaiste: The whole purpose of the reforms we are pursuing is to achieve that.

Deputy James Reilly: The Government has had 11 years to sort it out.

Deputy Bernard J. Durkan: It is not working.

(Interruptions).

An Leas-Cheann Comhairle: The Tánaiste without interruption. I now call Deputy Eamon Gilmore.

Deputy Michael Creed: Neither stamp duty nor the elderly counts for anything.

Deputy Eamon Gilmore: There is nothing facile or superficial about this issue. A 76 year old woman who had a heart attack has been lying on a trolley since last Monday. She has been feeling so bad about her condition that she has been asking her family to allow her to die. Her family have been on the national airwaves to talk about it. It is not an isolated case.

The problem of accident and emergency at the Mater Hospital has been highlighted here on many occasions by my colleague, Deputy Joe Costello. The situation in the Mater is so bad that Deputy Costello has been picketing that hospital every Saturday for the past five years. I was there with him two weeks ago. I walked through the accident and emergency ward. At 2 p.m. on a Saturday, it was overcrowded for the patients and for the staff. When I talked to some of the staff they said “You should see it on a Friday night or a Saturday night”. This is scandalous and I appeal to the Tánaiste——

An Leas-Cheann Comhairle: I am anxious that this very serious matter is dealt with in a way that is in order.

Deputy Eamon Gilmore: I appreciate that and I do not want to stray out of order but I would ask the Tánaiste to get——

(Interruptions).

Deputy Eamon Gilmore: It is funny, is it? It would not be funny if any of our mothers was lying on a trolley like that.

Deputies: Hear, hear.

Deputy Eamon Gilmore: This woman needs a bed in a proper ward and needs treatment. Would somebody over there go and sort it out, please?

Deputies: Hear, hear.

Deputy Eamon Gilmore: I wish to raise a second matter. Yesterday a High Court judge, dealing with a case involving the custody of the child of a lesbian couple and a biological father, criticised legislators for not having introduced legislation to deal with the rights of same sex couples. He said that such legislation was urgent. In March 2007, the Labour Party introduced a Bill to legislate for civil unions for same sex couples. The Government at the time used a procedural device to postpone the Second Stage. We introduced a motion in October to restore that Bill to the Order Paper and at that stage the Government told us that the heads of a Government Bill would be published by the end of March 2008. To date, we have not had the heads of that Bill, nor do we have a date for its publication. When does the Government intend to publish the heads of the Bill and when will the Bill itself be before the House?

The Tánaiste: To deal again with the first matter, the point I am making is that of course one hopes that the management and staff within the health service can accommodate any person who is an emergency case or where there is a particular issue arising. That is a responsibility for the management and staff to work out themselves. The operational responsibility is there. I am simply making the point that if our attempts to reform the health service are on

the basis of trying to solve problems relating to individual cases, we will not actually reform the health service in the way we must. It will be a *status quo*-plus situation.

Deputy Michael D. Higgins: The woman has a statutory right to a minimum level of service.

Deputy James Reilly: She has been lying on a trolley. The oxygen ran out twice. Last week we——

Deputy Liz McManus: Deputy Harney said she should be judged on the improvements in health.

(Interruptions).

The Tánaiste: If we are going to have order in the House——

An Leas-Cheann Comhairle: Allow the Tánaiste to conclude his remarks without interruption.

Deputy James Reilly: It is not isolated. It is happening throughout the country.

The Tánaiste: The Deputy is not in order. If there is any way we can sort out those problems, of course we will seek to sort them out.

Deputy James Reilly: The Government has had 11 years to sort them out.

The Tánaiste: We cannot have a debate on health if Deputies are just going to keep shouting. That does not solve anybody's problems.

Deputy Ruairí Quinn: The situation is worse now than it ever was.

The Tánaiste: It is neither intelligent nor rational.

Deputy James Bannon: What has the Government been doing for the past 11 years?

An Leas-Cheann Comhairle: I ask Deputy Bannon to allow the Tánaiste to speak.

The Tánaiste: What has been happening in the last number of years——

Deputy James Reilly: With respect, a Leas-Cheann Comhairle, the Tánaiste using terms like “facile” is not helpful.

An Leas-Cheann Comhairle: The Tánaiste without interruption.

The Tánaiste: Are we going to have a debate or a shouting match?

Deputy Ruairí Quinn: Appoint a new Minister.

The Tánaiste: No.

(Interruptions).

An Leas-Cheann Comhairle: The Tánaiste has the floor.

The Tánaiste: I will tell Deputies the situation. The reforms have to continue in terms of resolving these problems. On the Mater Hospital——

Deputy Willie Penrose: The Minister gets an NG. She is a failure.

(Interruptions).

An Leas-Cheann Comhairle: Please allow the Tánaiste to speak.

The Tánaiste: With regard to the Mater Hospital, it took a considerable number of months——

Deputy Liz McManus: Things must get worse. Is that what the Tánaiste is saying?

The Tánaiste: I am sorry, Deputy McManus, I am replying to the leader of the Labour Party, who is in order.

Deputy Liz McManus: The Tánaiste is not in order.

The Tánaiste: I am replying to the leader of the Labour Party.

An Leas-Cheann Comhairle: If Deputies——

The Tánaiste: If we are not going to have a debate on this, what is the point?

An Leas-Cheann Comhairle: I ask Deputies to refer their remarks through the Chair and allow the Tánaiste to conclude his reply without interruption. This is the national Parliament.

The Tánaiste: The development of primary care teams in the north of the city, which took many months——

Deputy Alan Shatter: The Tánaiste fell asleep for three years as Minister for Health and Children.

The Tánaiste: ——to negotiate with GPs is bringing a much improved primary care and out-of-hours services to the area. The situation regarding what is provided in Smithfield is another example of taking some of the pressure off the accident and emergency unit in the Mater Hospital. Those are facts and such improvements are being used by people from the north inner city as we speak. There have been continuing problems in the accident and emergency units in many of our Dublin hospitals because we have not been in a position to provide sufficient primary care cover and out-of-hours services——

Deputy Joan Burton: A heart attack is not a primary care issue.

Deputy James Reilly: That is not the main issue. The system is not working.

The Tánaiste: ——over weekends, particularly. In fact, there were 400,000 people——

Deputy Liz McManus: That is not the issue at all.

The Tánaiste: ——who did not have that cover in the north side of the city——

Deputy James Reilly: People need beds in hospital, not trolleys.

The Tánaiste: ——until primary care teams were put in place. It is the intention to increase the number of primary care teams right across the city and country. Improvements are being made.

Deputy Pádraic McCormack: Does the Tánaiste really believe that?

The Tánaiste: With regard to the judgment that was announced yesterday, it must be examined by the relevant Departments and staff in the Attorney General's office. It has been reported that there may well be an appeal to the Supreme Court. With regard to the civil partnership Bill that the Government is seeking to sponsor, the scheme has been circulated among Departments for their observations and will be brought to Government shortly.

Deputy Liz McManus: When, next March?

Deputy Caoimhghín Ó Caoláin: There is, unquestionably, a crisis of confidence in the Department of Health and Children and the HSE among the wider populace that is not only reflected on the Opposition benches here. What steps will the Tánaiste take to address the logjam in terms of legislation that is promised by Government under the aegis of the Minister for Health and Children? I speak specifically of the health (long-term residential care services) Bill. The fact that this Bill has not been presented to the House continues to create untold anxiety for older people and their families.

An Leas-Cheann Comhairle: The Tánaiste to respond on the legislation.

The Tánaiste: To clarify——

Deputy Caoimhghín Ó Caoláin: There is other legislation about which I wish to ask. If the eligibility for health and personal social services Bill, about which we have asked on many occasions, is delayed any further, there might be very little left, given the way the HSE is proceeding. The nurses and midwives Bill has been promised, as has the dentists Bill and the pharmacy (No. 2) Bill. The list is endless.

An Leas-Cheann Comhairle: The Tánaiste to respond on five Bills in the health area.

Deputy Caoimhghín Ó Caoláin: There is clearly a logjam in the Department. Is the Minister on top of her brief?

With regard to the pharmacy (No. 2) Bill, is the Tánaiste aware pharmacies throughout the country have been issuing notice to their customers that as of 1 May they may withdraw from the State-sponsored schemes of access to medication?

An Leas-Cheann Comhairle: That is not relevant to the Order of Business.

Deputy Caoimhghín Ó Caoláin: What steps are being taken? Will the Tánaiste intervene with the Minister for Health and Children to ensure an adequate address of this fearful situation presenting? This matter has been addressed by the health committee but it has not been addressed substantively in the Chamber. Will he ask the Minister for Health and Children to come before the House and be accountable for what can only be described as her dilatoriness in regard to a serious situation presenting?

The Tánaiste: The eligibility for health and personal social services Bill and the nursing and midwives Bill will be published next year. It is not possible to say at this stage when the dentistry Bill will be published. The long-term residential care Bill is due this session and it is still with the Attorney General.

Deputy Caoimhghín Ó Caoláin: What of the eligibility Bill?

The Tánaiste: I answered that. Next year.

Deputy Caoimhghín Ó Caoláin: What of the dentistry Bill?

The Tánaiste: I answered those questions.

Deputy Caoimhghín Ó Caoláin: Does the Tánaiste agree there is an inordinate list?

The Tánaiste: The Deputy does not care what is the answer.

Deputy Caoimhghín Ó Caoláin: I care. The Tánaiste has to demonstrate he does.

Deputy Seymour Crawford: I wish to raise two Bills, which have been mentioned. However, clarification is needed on the long-term home residential care Bill because there is absolute and total desperation out there. People are in dread because they do not where or how they will get the money.

An Leas-Cheann Comhairle: The Tánaiste has answered that question.

Deputy Seymour Crawford: I refer to the pharmacy (No. 2) Bill. The pharmacists dispute is absolute chaos and needs to be dealt with as a matter of urgency.

The Fines Bill 2007 has been promised for years. If implemented, it would mean gardaí could spend more time on the beat instead of collecting fines and it would make people conscious of the fact that they owe money which should be paid.

The Tánaiste: The Bill is awaiting Second Stage. The other Bill is not relevant to the issue the Deputy raises.

Deputy Brian Hayes: Earlier this week, an independent report was published with stark findings regarding the actions of six public authorities, which failed to act when information first came into the public domain about an individual who had been sentenced for serious sexual assault. In light of the recommendations in the report, does the Government have plans to put existing child care protection policy on a statutory basis? Will the House have an opportunity to debate the matter over the next few weeks?

An Leas-Cheann Comhairle: Is legislation promised?

The Tánaiste: I am not aware of promised legislation but the Minister of State at the Department of Health and Children, Deputy Brendan Smith, has asked senior officials in his office to convene an urgent meeting with key stakeholders in child protection, including the HSE and the Garda, to ensure full awareness of child protection policies, guidelines and procedures. He has stated that the conclusions of the review referred to by the Deputy are a vindication of the existing guidelines.

Deputy Richard Bruton: The Tánaiste will have read earlier this week that Dublin City Council closed its affordable housing waiting list with 8,313 people still on it. At the current rate of affordable housing delivery, it would take 32 years to accommodate them while less than one third of the NDP commitment to affordable housing is being delivered. Does the Tánaiste accept public housing policy is in tatters? When will we see the promised social housing legislation?

The Tánaiste: The legislation is due this session. I do not accept housing policy is in tatters. We need to continue to work with local authorities and make the necessary provision to get affordable houses up and running. It is happening in many parts of the country.

Deputy Richard Bruton: Affordable housing is falling.

The Tánaiste: We have a particular problem in Dublin. Perhaps the Deputy will ask the councillors who comprise the majority on those councils, including those of his own party, to help do something about it.

Deputy Richard Bruton: It will take a generation to accommodate the people on the current waiting list.

Deputy Bernard J. Durkan: The Tánaiste needs to get real on this issue.

Deputy Jan O'Sullivan: In reply to the question about the lady in the Mater Hospital, the Tánaiste referred to reforms in the health service. There have been no such reforms. A young woman, Tania McCabe, died in Our Lady of Lourdes Hospital, Drogheda, in childbirth.

An Leas-Cheann Comhairle: Unfortunately, we cannot discuss this now.

Deputy Jan O'Sullivan: Contributory factors were overcrowding and the overworking of the staff in the hospital. In Ennis hospital, 15 people died of c.difficile as a result of overcrowding.

An Leas-Cheann Comhairle: We cannot discuss these matters now.

Deputy Jan O'Sullivan: Throughout the country, there is overcrowding and overworking in our health service.

An Leas-Cheann Comhairle: That is not in order on the Order of Business.

Deputy Jan O'Sullivan: I am sure I am in order to ask the Tánaiste whether a Supplementary Estimate relating to health services will be introduced while we wait for reform. People are dying all over the country.

An Leas-Cheann Comhairle: Is a Supplementary Estimate promised?

The Tánaiste: None is promised.

Deputy Jan O'Sullivan: A Supplementary Estimate is needed. I will not sit down on this issue. A debate in the House is needed because people are dying. Between 350 and 500 stroke victims are suffering because of the lack of funding, resources and reform.

An Leas-Cheann Comhairle: The issues raised by the Deputy are important and they merit proper debate.

Deputy Jan O'Sullivan: People are dying while the Government sits back. Can we have an urgent debate on this issue?

An Leas-Cheann Comhairle: These matters are urgent and serious but it is not in order to raise them on the Order of the Business. No Supplementary Estimate is promised.

Deputy Jan O'Sullivan: Can we have a promise of a debate? Can we see some indication that the Government takes these matters seriously?

Deputy Michael Creed: Can we even see the Minister for Health and Children in the House?

An Leas-Cheann Comhairle: Other vehicles are more appropriate to request a debate.

Deputy Jan O’Sullivan: I have been seeking an Adjournment debate about a young woman who has tried to commit suicide seven times but I have not succeeded with my request. There are so many health issues that we cannot secure an Adjournment debate.

An Leas-Cheann Comhairle: The Deputy should submit the request later.

Deputy Jan O’Sullivan: I have submitted it. We need a broad debate on the appalling problems in the health service.

Deputy Alan Shatter: I refer to two areas of legislation, one of which was touched on by a colleague. A report published on Tuesday regarding Doctor A indicated a gross failure on the part of State agencies, including the Department of Justice, Equality and Law Reform, to comply with the Children First guidelines. The report contains a recommendation that these guidelines be put on a statutory basis. This is not a new recommendation as it was contained in the Ferns Report, on which the Government promised to act. The response of the Minister of State with responsibility for children to which the Tánaiste referred is grossly inadequate. Does the Government intend to introduce legislation to put these guidelines on a statutory basis?

Deputy Gilmore referred to a case in the High Court yesterday. The Government has studiously ignored the issue involved because it is paralysed by fear, which needs to be addressed. The issue is not simply about partnership legislation. A report was commissioned at substantial expense by the Department of Health and Children to kick into touch the issue of the rights that arise in regard to parents, donors and children when children are born as a result of scientific techniques such as egg or sperm donation. A report commissioned by the Government recommends the introduction of legislation in this area. The Government has abdicated its responsibility in this area because it is paralysed by fear. Is it intended to introduce legislation to deal with this important issue?

11 o'clock

An Leas-Cheann Comhairle: Is either of those legislative measures promised?

The Tánaiste: They are not promised but, to be helpful, the Minister of State with responsibility for children in the context of the review that arises as a result of the case will take into account everything to improve the position for the future, which may involve putting the Children First guidelines on a statutory basis. That must be determined. However, doing so could be problematic in terms of placing extensive administrative burdens on relevant bodies and organisations and slowing the notification process. Where a statutory arrangement is in place, there is anecdotal and research evidence that such problems have been encountered.

Deputy Alan Shatter: The problem is State agencies and the Department are not complying with the guidelines.

The Tánaiste: I am trying to respond. What is the point?

Deputy Alan Shatter: There are huge problems because they are not on a statutory basis.

The Tánaiste: Consideration has been given to all this in the review. I have explained that there can be some problems with putting it on a statutory basis. There is empirical evidence from other jurisdictions to confirm where the problems exist when it is put on such a basis. That is all I am saying. I am not saying it in favour or against the notion of putting it on a statutory basis — it is being considered. I am doing this to give information to the Deputy and if I can do so, he can decide what he wants to do with it.

It is true that the question of assisted reproduction techniques requires careful examination as it is a complex issue. It is being considered by a group in the Department that the Minister may have formed a couple of years ago. It is not a question of being paralysed by fear, but of treading very carefully where there are very serious ethical considerations.

Deputy Alan Shatter: The Government has been treading carefully for ten years on this. It has been treading so carefully it will drown under the weight of the issue.

Visit of Czech Delegation.

An Leas-Cheann Comhairle: On my own behalf and on behalf of Dáil Éireann, I wish to express a warm welcome, céad míle fáilte, to a parliamentary delegation from the petitions committee of the Parliament of the Czech Republic, led by Mr. Stanislav Krecek MP. I hope members of the delegation find their visit to Ireland both enjoyable and successful.

Order of Business (Resumed).

Deputy Bernard J. Durkan: I wish to bring to the attention of the Tánaiste an issue of which we are constantly reminded——

An Leas-Cheann Comhairle: Please speak about promised legislation. A number of Deputies wish to speak and I want to accommodate them all.

Deputy Bernard J. Durkan: I do not want to read out a list of Bills, with the exception of those Bills that relate to the escalating levels of crime. There is an urgent need to move one of the Bills that is promised on either the pink sheet or the white sheet, if only to give an indication that this House is conscious of the increased levels of crime and the need to do something urgent about it.

An Leas-Cheann Comhairle: Is there a particular Bill?

Deputy Bernard J. Durkan: One example is the criminal justice miscellaneous provisions Bill. It is on the pink sheet. I also have another example of such Bills and I implore the Taoiseach designate to bring that forward as quickly as possible.

I am sure the Leas-Cheann Comhairle and others have received constant reminders from pharmacists all over the country with regard to——

An Leas-Cheann Comhairle: That has already been asked.

Deputy Bernard J. Durkan: It has not been dealt with in the context of the ongoing problem whereby people who are in need of services from pharmacies fear that the service they enjoy will be phased out.

The Tánaiste: Both Bills will be taken in this session.

Deputy Bernard J. Durkan: I know that they will be taken in this session, but that is no longer good enough.

An Leas-Cheann Comhairle: I ask the Deputy to give way to his party leader.

Deputy Bernard J. Durkan: At what stage in this session will the pharmacy (No. 2) Bill come before the Houses so that we can have a debate on the issue in general?

An Leas-Cheann Comhairle: It is promised during this session. I call Deputy Kenny.

Deputy Bernard J. Durkan: When will it be taken during this session? We must be more precise than that.

An Leas-Cheann Comhairle: This session is a normal answer.

Deputy Bernard J. Durkan: This session lasts until Christmas.

Deputy Enda Kenny: It would be appropriate for the House to note that the funeral mass takes place this morning of a former political reporter who graced these benches for many years, Mr. Michael Mills, who was the first Ombudsman in the State. He was a person of absolute integrity. He had the highest commitment to public service and was a role model for any good journalist to follow. He did a wonderful job as the first Ombudsman and made sure that every citizen was entitled to due process of the law. He fought very hard to get the resources to ensure that the office worked properly. The House should note his passing and the quality of his public service.

The Tánaiste: I join in that message of sympathy to the Mills family. Michael Mills was a doyen of political journalism in Irish parliamentary politics for many years. He was very distinguished and went on to be the first Ombudsman, a position he discharged with a great sense of fairness and justice and with great effectiveness. He was a fellow constituency man of mine as a native of County Laois. We convey our sincere sympathy to his wife and his eight children, his many relatives and his friends. It is a sad coincidence that we buried a former President yesterday and Michael Mills will be buried this morning. They were two people who met frequently and informally in their retirement. They were close friends who shot the breeze on many occasions and I am sure many of us would like to have been a fly on the wall to listen to their conversations.

Deputy Eamon Gilmore: I join Deputy Kenny and the Tánaiste in expressing sympathy to the Mills family on the death of Michael Mills. He had a long record as a political journalist and a political commentator. His views and opinions were taken very seriously because he took politics very seriously and examined what the Dáil and political parties were doing. As a journalist, he examined policy issues in a very deep way over a long time. As has been said, he was also the first Ombudsman. He established the Office of the Ombudsman and the reputation of that office. Indeed, he had to defend that office when an attempt was made to close it down at the end of his first term.

He will be missed very much by his family and his many friends, and I add to the words of sympathy that have been expressed this morning.

Deputy Caoimhghín Ó Caoláin: I join colleagues in extending sympathy to the wife and family of the late Michael Mills. Over many years he was an important commentator on political matters on this island and beyond. In being appointed the first Ombudsman, he set a very high standard. It was a difficult task but one that he approached with a seriousness and earnestness that was reflective of the man. The Irish for ombudsman is fear an phobail and we could not have got a more decent man to take on the role as the first Fear an Phobail, which he certainly conducted with distinction. Ar dheis Dé go raibh a anam dílis.

Deputy Eamon Ryan: On behalf of the Green Party, I offer my condolences and sympathy to the family of Michael Mills. We recognise the work he did with the fourth estate in curbing what we do in the political scene. He moved out of that estate into the Office of the Ombudsman, which is an estate that looks over all of us and checks what we do. For the honourable manner in which he carried out his duties in that office, we owe him many thanks.

An Leas-Cheann Comhairle: I would like to be associated with the expressions that every Member feels when thinking of the Mills family now. We will proceed with the Order of Business and I call Deputy Sheehan.

Deputy Tom Sheahan: Following statements made by the Tánaiste about the issue raised by my party leader earlier——

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

Deputy Tom Sheahan: The responsibility for delivery of services in hospitals is with the HSE management. What happens the management that does not deliver the service?

An Leas-Cheann Comhairle: I must move on. I call Deputy Burton.

Deputy Tom Sheahan: The Tánaiste spoke about reform of the health service. Will he confirm that part of that reform is to——

An Leas-Cheann Comhairle: We must allow the Order of Business to proceed.

Deputy Tom Sheahan: ——divide the HSE into four parts, each with its own separate CEO. Is that part of the reform?

Deputy Joan Burton: Does the Tánaiste anticipate that the Government will have recourse to a supplementary budget after the Lisbon treaty, given the rapidly declining fortunes in public expenditure and revenue?

An Leas-Cheann Comhairle: Something relevant to the Order of Business would be a help.

Deputy Joan Burton: Has he had an opportunity to look at the OECD report which states that there is a risk——

An Leas-Cheann Comhairle: That is not relevant to the Order of Business.

Deputy Joan Burton: ——on housing? Prices could fall below their long-term level.

An Leas-Cheann Comhairle: The Deputy cannot ignore the Chair.

Deputy Joan Burton: It anticipates further falls. We have had no detailed debate on the economy in this House since the budget.

An Leas-Cheann Comhairle: I call Deputy Ciarán Lynch.

Deputy Joan Burton: Will the Government provide time before or after the Lisbon treaty for a detailed debate on the economy in the context of the OECD report?

An Leas-Cheann Comhairle: Is a debate on the economy promised?

Deputy Joan Burton: Does the Government plan a supplementary budget? Judging from the OECD report, one will be necessary. The same is true with regard to the health services.

An Leas-Cheann Comhairle: The Deputy has asked her questions. The Tánaiste to reply.

The Tánaiste: With regard to the OECD report, can I say——

An Leas-Cheann Comhairle: I would rather the Tánaiste did not.

The Tánaiste: May I not say, therefore, on the OECD report——

An Leas-Cheann Comhairle: Is a debate promised?

The Tánaiste: I have no problem with the Whips considering a debate on the OECD report as that would give people the opportunity to discuss it. Both Deputy Burton and I would obviously need more time to deal with it, based on our interpretation of the report this morning. I regard it as far more positive than that.

An Leas-Cheann Comhairle: I call Deputy Ciarán Lynch.

Deputy Joan Burton: I have a further question.

An Leas-Cheann Comhairle: I hope it is a relevant question.

Deputy Joan Burton: The Tánaiste is aware that many Irish construction workers are being made redundant in favour of foreign workers operating on CT certificates. What is the position of the agency Bill. The Labour Party moved a Bill in Private Members' time and the response from Government was that it had its own proposals to protect the legitimate requirements of Irish workers to defend their jobs and reasonable terms and conditions of work.

The Tánaiste: I understand the employment agency regulation Bill is due this session.

Deputy Ciarán Lynch: The housing miscellaneous provisions Bill was due in the House before Christmas, then before Easter, and now it is due before the summer. I am concerned in particular with the section of the Bill which allows tenants to purchase local authority flats. When will that Bill come before the House? Has a date been set in the Minister's office for it and will the Tánaiste guarantee it will come before the House before the summer recess?

An Leas-Cheann Comhairle: I understand the Social Housing (Miscellaneous Provisions) Bill is due this session. However, with regard to the specific point raised by the Deputy, I will ask that the line Minister communicate with his office.

Deputy Michael D. Higgins: In May, an international conference will take place in Croke Park on the banning of cluster munitions, an issue we discussed last week in a Private Members' motion on the Fine Gael Party private Bill. Legislation is promised on the issue in the Government programme, but if we are to influence the conference, as we did in the case of the landmines legislation in 1996, it would be useful if the Government published heads of legislation before the conference. This would be preferable to chairing the conference and then publishing the legislation when a weak text may emerge.

It has been pointed out to me that it is not even necessary to legislate but that the Government could, by statutory instrument, extend the landmine legislation and, through that, quickly lay down a template that would lead to the best possible outcome on the banning of cluster munitions. Will the Government consider taking such a measure between now and the conference in May?

An Leas-Cheann Comhairle: This matter was dealt with extensively in Private Members' business last week.

The Tánaiste: It was and my understanding is that the Minister suggested he would bring forward legislation later this year and, therefore, would not take up or agree with the view the Deputy has just expressed. All I can do is refer the matter to his office for further consideration. The possibility of a statutory instrument extending or expanding the existing landmines legis-

lation as a method of trying to deal with the matter is a question I will have to ask the Minister's office to consider. I am not aware of the possibilities in that regard.

Deputy Michael D. Higgins: I appreciate the Tánaiste's effort to be constructive. It is in the interest of all of us to achieve the best possible outcome. The strategy I suggest is one that was adopted successfully in 1996 in the case of the landmines. I appreciate the Tánaiste is willing to consider it as a strategy for the Government. It would have the support of all.

Deputy James Bannon: Considering the rise in under-age drinking, the pressure being brought to bear by teenagers for a reduction in the drinking age from 18 to 16 and a number of reports commissioned by the Government, when can we expect the sale of alcohol Bill to come before the House?

The Tánaiste: I understand it will come before the House late this year.

Deputy Eamon Gilmore: I take this opportunity to congratulate Senator Ciarán Cannon on his election as leader of the Progressive Democrats and to commiserate with my former constituency colleague, Senator Fiona O'Malley. It is great to see that the Progressive Democrats will still be led by somebody from Galway. I welcome that. The Constitution provides that the only Cabinet position that a Senator may not hold is the Ministry of Finance. Are there any plans to bring a motion to the House to change the membership of the Cabinet arising from the election of a new leader of the Progressive Democrats?

An Leas-Cheann Comhairle: That is not in order. The question would be just as ineffective if the Deputy wrote to me on the matter.

Deputy Eamon Gilmore: Which Deputy does the Tánaiste suggest should write to him, is it the Minister for Health and Children, Deputy Harney, or Deputy Grealish?

The Tánaiste: I am suggesting the Deputy is trying to breach a wall which will not be breached before 7 May.

Deputy Eamon Gilmore: I would not like a dangerous precedent to be set that leaders of parties would not be in Cabinet.

Deputy Michael D. Higgins: It is the foundations that are important.

Deputy Enda Kenny: They are all hanging on every word the Tánaiste speaks.

Deputy Kathleen Lynch: I do not need to explain to the Tánaiste why the mental capacity Bill is important, but I would like to know when it will be introduced.

The Tánaiste: I understand it will be introduced later this year.

Deputy Joanna Tuffy: Does the Tánaiste intend to suspend plans for legislation to oblige the use of bio-fuels? That legislation was promised in the programme for Government. In light of the growing evidence that bio-fuels contribute to rising food prices, famine in areas around the world and, possibly, global warming as a result of the clearing of forests, is the legislation still planned?

An Leas-Cheann Comhairle: Is there promised legislation in that area?

The Tánaiste: We have not promised legislation in the House on that.

Deputy Joanna Tuffy: I wish to raise another issue on legislation. With regard to the petitions committee visiting us from the Czech Republic, the Leas-Cheann Comhairle may not be aware that, as Senators, Deputy Mary O'Rourke and I had the Standing Orders of the Seanad changed to provide for a Seanad petitions committee in the last session. Senator Donie Cassidy has not implemented that decision and I request the Tánaiste to have a word with him.

The Tánaiste: I am very surprised to hear he has not——

An Leas-Cheann Comhairle: Before the Tánaiste comments, I wish to point out it is not appropriate for this House to make a comment on the activities of Members of the other House.

The Tánaiste: I would have thought there would be the most intense co-operation between those two parties.

Deputy Billy Timmins: I wish to raise two issues. The Tánaiste will be aware that elections took place in Zimbabwe on 29 March but, to date, we do not have the result. Will he inform us whether the Government has used any diplomatic channel to try to get election observers into Zimbabwe for a run-off, if one takes place?

Reports today indicate that Mr. Semple was paid money from Irish Aid, but it is not clear in what capacity he operated in Afghanistan.

An Leas-Cheann Comhairle: That issue is more appropriate to Question Time.

Deputy Billy Timmins: I would like the Tánaiste to arrange for the Minister for Foreign Affairs to come to the House some day and outline how Irish Aid funding is disbursed.

On the issue raised by Deputy Higgins, in coming to a conclusion on the procedure he would follow with respect to the legislation, the Minister stated last week that he had discussions with NGOs and that these discussions were an influential factor in making his decision. I have not been able to establish that any NGO advised him to take the route he is taking.

An Leas-Cheann Comhairle: That is another matter that would be more appropriately put in a question to the relevant Minister.

Deputy Billy Timmins: Will the Tánaiste arrange for the Minister to come in and outline what NGOs told him to take the path he has taken?

An Leas-Cheann Comhairle: We will move on. Those questions are appropriate questions for the Minister for Foreign Affairs.

Standing Orders: Motion.

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

That, notwithstanding anything in Standing Orders, the Standing Orders of Dáil Éireann relative to Public Business are hereby amended in Standing Order 99 by the insertion of the following sub-paragraph after paragraph (3):

(b) In the absence of a Party Whip or member nominated to serve on the sub-committee, a substitute may be nominated to take part in the proceedings and shall be entitled to vote in the absent member's stead and to move motions and amendments in his or her own name.

Question put and agreed to.

An Leas-Cheann Comhairle: We will now move on to Private Members' business.

Deputy Joan Burton: Sorry, there are two items of business, *9a* and *9b*, to move Bills in the name of the Labour Party.

An Leas-Cheann Comhairle: I have not received notice about them.

Deputy Joan Burton: They are listed.

An Leas-Cheann Comhairle: My office has not been notified of them. Perhaps the Deputy will table them for Tuesday so that they will be in order.

Private Members' Business.

World Trade Organisation Negotiations: Motion.

Deputy Enda Kenny: I move:

That Dáil Éireann—

notes:

- with concern the political failure of the Government to have non-trade issues debated in the context of the World Trade Organisation Talks;
- the concessions already made to the WTO by the EU in CAP reforms in 2003;
- the failure of the Government to honour its own commitments in this regard as outlined in the Programme for Government;
- the fact that the current proposals would devastate Irish agriculture and in particular would decimate the Irish beef sector with the loss of thousands of jobs both at primary producer and processing level;
- that the Common Agricultural Policy currently provides EU consumers with a safe and secure supply of food produced to the highest environmental and animal welfare standards;
- the financial consequences to the Irish economy to be at least €4 billion p.a.; and
- the current conflict between the WTO proposals as pursued by Commissioner Mandelson and Article 39.1 of the Treaty of Rome;

calls on the Government:

- to mount a major political and diplomatic initiative to protect the Common Agricultural Policy and Irish agricultural interests;
- to ensure that food safety and security, climate change, animal welfare and human health interests are priorities in the context of any future agreement in the WTO;
- to immediately publish a sectoral analysis on the impact of the current proposals for Irish agriculture; and

[Deputy Enda Kenny.]

- to signal its willingness to use all necessary measures to defeat the current WTO proposals.

I wish to share time with Deputy Creed. This motion is in the name of Deputy Creed and other Fine Gael Deputies and deals with the current World Trade Organisation talks which are underway and the important meeting which is being held on 19 May 2008.

It is entirely appropriate that Deputy Creed should place this motion before the House at this time as the President of the European Commission, José Manuel Barroso, is due to speak to the European forum today about the EU reform treaty, the Lisbon treaty. The concerns about these negotiations are so deep that farming organisations are on the streets today in protest at the lack of clarity surrounding the WTO negotiations and the implications of what is on the table, not only for the Irish agri-sector but also for jobs in every sector in Irish society.

I am pleased to see the Minister for Agriculture, Fisheries and Food in the House. This is a forum where it behoves her as the Minister for Agriculture, Fisheries and Food, to set out her Department's response to what we know is being put on the table by Commissioner Mandelson.

I have some experience of this issue. In 1996 when Ireland held the Presidency of the European Union I was a Minister of State with responsibility for trade and I dealt with those negotiations along with the then Commissioner, Leon Brittan. I know how complex and difficult are these negotiations. It is a case of playing off one hemisphere against the other and dealing with issues of child labour, labour costs, agriculture and the other sectors of manufacturing and services.

The implications for this country of what is on the table in these negotiations need to be spelled out by the Minister. I have not heard nor have I seen the response from the Department of Agriculture, Fisheries and Food, as to the analysis the Minister has carried out on the implications for the beef and dairy sectors of Commissioner Mandelson's proposals for a 70% cut in tariffs, and the adjustments and devastation that would be wreaked on so many sectors of Irish life. I understand the figure for expenditure across the different sectors, particularly beef and dairy and right across the domestic supply services, is of the order of €6 billion, as against the domestic spend for services and goods supplied for the pharmaceutical sector which is approximately €2 billion. These are both very important areas of manufacturing and service provision.

I am an elected vice-president of the EPP and I attend the meetings in Brussels of what is the most important voting block in the European Parliament. Food shortage, increased productivity costs, increased fertiliser costs, the implications of deforestation and a move to bio-fuels, and climate change, all have implications for the agri-sector.

I need to hear from the Minister for Agriculture, Fisheries and Food and from the Department her analysis of the implications of what Commissioner Mandelson has on the table. Does she agree with the figures produced by the farming organisations in this country that a tripling of the importation of beef into the European Union would cause the loss of 50,000 jobs in the agri-sector in this country? Does she accept that this figure is real, that it is validated and that this figure stands up in the context of her Department's assessments? No Member of this House has knowledge of the Department's assessments and this House is the forum where this should be spelled out by the Minister.

Is the Minister, on behalf of the Government, in a position to veto a deal whether or not it is concluded on 19 May? Has the Government discussed this position and taken a decision on it? My understanding is that if this is dealt with sector by sector, it may come back to the General Services Committee in which case the Minister for Foreign Affairs may have to vote

on this issue. The Minister should inform the House whether the Government has discussed this and whether she is in a position to carry through a veto in respect of the WTO proposals being put forward by Commissioner Mandelson and with their consequential devastating results for the Irish agri-sector. We need to know these facts. We need to know the advice and assessment provided to the Minister by the experts in the Department and in the Government.

The different leaders of the European countries are very concerned that any deal done should be balanced and fair. The point being made by Deputy Creed and others is that it is not fair to have a situation where Irish agriculture measures up to the highest standards of production, hygiene, safety and traceability and yet we allow a situation where there are floods of imported products coming into the European Union from other dubious sources.

This will come to a head on 19 May 2008 in Geneva. We need to be very clear about where our Government stands. Is the Minister in a position to use a veto? Is it her view that this will require unanimity of decision as to whether or not the matter will be concluded on 19 May? What is the assessment of the Minister and her Department of Commissioner Mandelson's proposals?

The Government amendment to this motion refers to the 2003 reform of the Common Agricultural Policy. If my recollection is correct, that was for a 35% cut in tariffs but the 2005 mandate given to the Minister by her Government was for a 50% cut. What is the position? What is her negotiating stance and what are the figures and the assessments available to her?

We have had a wall of silence from the Department of Agriculture, Fisheries and Food and from the Minister in terms of the figures and the validation of these figures. Does the Minister accept the IFA's figures? Are these the figures the Department is using? Does she accept the other conclusions of the farming organisations? We need to know.

Politicians are spending their time going around the country informing people about the EU reform treaty. It is very important that people know what the treaty contains. This is equally the case for the WTO talks and the implications for Irish agriculture and jobs in all sectors. We need to know what the Minister for Agriculture, Fisheries and Food is doing in response to Commissioner Mandelson's proposals. What is her assessment of the consequences of what he has said?

I have been through this process previously and I respect the need for a fair and balanced deal. However, other leaders in Europe who attend at the sessions of the European People's Party are very concerned that what is on the table will not lead to a balanced deal and would be devastating for Ireland.

I cannot comment and neither do I know what are the implications of American involvement. America is the real power house in world politics and in 1996 issues that the Americans did not wish to discuss were not discussed. Senator Clinton has stated she would not sign a deal and I have not heard the views of Senator McCain or Senator Obama.

There are implications for the sector and we need clarity from the Minister. We need a strong, clear and concise decision. I ask the Minister in her response to Deputy Creed's motion to tell the House the evaluation of the Department and whether she is in a position to veto this deal in respect of the protection of thousands of jobs across many sectors of the Irish economy, on the basis that this does not represent a balanced and fair deal or outcome for everybody.

Deputy Michael Creed: I wish to share the remainder of my time with Deputies McHugh, Burke and O'Mahony.

It is difficult to recall a moment in our economic history when so much stands to be lost from the failure of this Government and its predecessor to defend a vital national interest. The

[Deputy Michael Creed.]

failure of the Minister for Agriculture, Fisheries and Food, the lead Department in this fiasco, even to quantify the consequences of failure is troubling in itself. It is matched only by the “pass the parcel” approach in Government, with the Taoiseach-elect, Deputy Brian Cowen, refusing to engage on the matter until his appointment is confirmed. Deputy Cowen leaves the Department of Finance in a precarious state. Unemployment and inflation are on the rise, competitiveness is slipping and tax revenues have slumped. Any would-be Minister for Finance should bear in mind that if Mr. Mandelson’s proposals for agriculture under the World Trade Organisation agenda become a reality, the picture will grow far bleaker. Thousands of jobs at farm gate level and in the agribusiness sector will be lost and farm incomes will fall significantly. We are undoubtedly in the last chance saloon and the signs from the Government benches are not encouraging.

Before dealing with the specifics of the motion, some general observations are required to put the debate in context. In the past 20 years, the EU has slipped significantly as a trading bloc in agricultural commodities. Our share of world imports of virtually all agricultural commodities is increasing far faster than our share of exports. This is nowhere more evident than in the meat sector where the EU share of trade is down in volume terms from 12% to 9%, even though volume trade in meat doubled in the same period. The latter is no surprise when one considers Chinese consumption *per capita* grew from 20 kg to 50 kg between 1980 and 2008. The same is true for the dairy sector, with the EU share down from 31% to 17%.

This clearly proves that the EU, as represented by its Commissioner for Trade, Mr. Mandelson, is accelerating an existing trend of systematically exposing its citizens to increased dependence on imports of dubious quality. Ireland, as an agricultural trading and exporting nation, is being prevented from capturing emerging markets, such as China and India, which will be left instead to those who outmanoeuvre and outsmart the EU in negotiations, whether the United States, Brazil, Argentina, New Zealand or Australia.

This decline in the EU position has occurred at the same time as the cost base for farmers within the Union has increased significantly. Reforms of the CAP and other initiatives in this period have seen consumer concerns move centre stage with issues of food quality, animal welfare and environmental policy at the core of every farmer’s daily life. The 2003 CAP reforms were widely believed to be the EU’s contribution to the world trade deal emanating from the Doha round. The understanding was that the radical changes farmers had to make to meet the reform requirements were the *quid pro quo* for a WTO deal.

The reality of our predicament, however, is that we have been negotiated into a situation far beyond what was asked of the agricultural sector under CAP reform. Concession after concession has left our beef and dairy industries in peril, led to continuing hikes in the cost of food and exposed consumers to unacceptable levels of risk. The future viability of the family farm structure as we know it is in jeopardy. I have asked the Minister for Agriculture, Fisheries and Food to lay the facts before the House. She must admit openly to agriculture producers and consumers the type of impact the current WTO proposals will have on the Irish economy. However, she is either unable or, more likely, deliberately unwilling to divulge to the House any substantial evidence of economic analysis undertaken by her Department to assess the situation.

I am glad the Minister of State at the Department of Enterprise, Trade and Employment, Deputy McGuinness, has come to the Chamber for this debate. As Deputy Kenny observed, the figures from those working in the industry, at both farm gate and food processing level, are stark. These figures are undisputed by the Minister and her Department. Some €4 billion is being lost to the economy on an annual basis. There have been 50,000 job losses at farm gate level and a further 50,000 in food processing. This is not merely a problem for the agricultural

sector. The beef and dairy industries together contribute an estimated €6 billion to the economy in terms of goods and services. How will this revenue be replaced if the current WTO proposals are implemented?

Apart from the obvious economic carnage in the countryside and the job losses in the food processing and agribusiness sector, several other non-trade issues have not been taken into account in the current negotiations. In a nutshell, we are legalising large volumes of imported food from outside the EU that it would be illegal for Irish farmers to produce. We are also, in one fell swoop, undermining the biosecurity of the agricultural sector and exposing consumers to salmonella, antibiotic resistance, hormone fed meat, avian flu, foot and mouth disease and a whole host of dangers as yet unknown and unquantified. I say to the Minister: "Thanks but no thanks". I say the same to the Commissioner for Trade, Mr. Mandelson. This is a time when the interests of farmers and consumers are at one. That alliance requires political expression but such expression is sadly lacking from the Minister and the Government.

Non-trade issues, including climate change and food security, should be centre stage at the WTO negotiations. We have received warnings from the International Monetary Fund, the World Bank and the Food and Agriculture Organisation of the United Nations in recent days relating to food security. At the beginning of this month, the Haitian Prime Minister was forced to resign because of food riots in that country. Export bans and national inquiries have been introduced throughout the world in an effort to maintain local supplies of food. Yet, this week was the first time I read a statement from the Minister on this issue when she spoke about food security in the context of WTO negotiations in a press release arising from the recent Council of Agricultural Ministers.

We are in our current situation because of the failure of the Minister and the Government. No amount of bonhomie with farmers can mask that fact. This has happened on the Minister's watch. While she may be preparing for pastures new, many farmers and others are facing the annihilation of their livelihoods. Has the Minister ever bothered to meet the Commissioner for Trade, Mr. Mandelson?

Deputy Mary Coughlan: The Deputy obviously reads none of my press releases.

Deputy Michael Creed: If the Minister has met the Commissioner, she should not broadcast it too loudly because he is clearly not taking too much notice of her.

Has the Minister thought about the significant challenge ahead in terms of feeding a world population that is growing by 80 million per annum and will reach 9.2 billion by 2050? Has she raised with the Commissioner the challenges and consequences of climate change, including food miles, CO₂ emissions, urbanisation, desertification, increasing consumption, water shortages, record low levels of global food inventories, famine and death? All these issues are relevant to a proper defence of the CAP in the WTO negotiations. Perhaps the Minister's understanding of climate change in this context is based on the pronouncements of the Minister for the Environment, Heritage and Local Government, Deputy Gormley, about the twin evils of the cow and the car. The Minister, Deputy Gormley, could yet have his way as these proposals will decimate the suckler cow herd and, in one giant leap, allow the Government to meet its legal obligations to reduce the CO₂ emissions from agriculture.

Much has been made by the Minister, Deputy Coughlan, of the fact that Mr. Mandelson is exceeding the brief given to him by the Council of Agricultural Ministers in October 2005. This raises three questions. First, the 2003 CAP reforms were set forth as the EU contribution to a world trade deal. Why should European farmers, including Irish farmers, and European consumers have to pay twice for that deal? Second, we are now reaching a crisis point in negotiations. What has the Minister done in the last two and a half years to ensure non-trade issues

[Deputy Michael Creed.]

such as climate change are put on the negotiating table? Third, has she managed to unearth any economic analysis of the consequences of the 2005 brief which she gave to Mr. Mandelson or is that as hard to come by as figures for the impact of the current proposals?

The answer to these questions is obvious. Nothing has been done. For all the Minister's talk in this House, via parliamentary questions and statements, about groups of five, seven, 14 or 20 being aligned with her in terms of opposition, she and her colleagues in the Council of Ministers have not succeeded in reining in the Commissioner for Trade, Mr. Mandelson. That is a political failure from which she cannot hide.

The consequences for Ireland of the 2005 decision have never been laid before the House by the Minister. I am appalled that she has done no homework on these matters and equally appalled that she finds some type of high moral ground in the 2005 brief. That brief mandated Mr. Mandelson to offer tariff cuts of 50% to 60% on beef, 35% to 50% on pigmeat and poultry, and 50% on butter and skimmed milk powder. It raises questions about the Minister's judgment that she could find comfort in this sell-out. We can come to only one conclusion from her apparent inability to do anything even though what is now on the table is substantially worse than what was offered in 2005. It is blatantly obvious why she has failed to publish a sectoral analysis. She knows the consequences and hopes to run from the problem in a reshuffle. There are shades here of the actions of the Minister for Enterprise, Trade and Employment, Deputy Martin, in regard to the nursing home scandal.

Deputy Mary Coughlan: That is absolutely infantile.

Deputy Michael Creed: The Manuel school of politics in Fianna Fáil is alive and well. "I know nothing" is the refrain, or "I would rather not know".

When asked last week whether her Department had prepared estimates on the impact of the world trade deal, the Minister replied that a "final analysis" was not yet completed. That is convenient for her. There will be no front page headlines to highlight the extent of the potential damage. There will be no "Prime Time" investigations into the future of Irish agriculture and no public humiliation on radio talk shows. Fortunately, those involved in the industry have taken it on themselves to assess the effect of Commissioner Mandelson's generosity. His proposals will devastate the agriculture sector and will have a disastrous knock-on effect on its associated industries. It is predicted that a 70% tariff cut on beef imports will see prices plummet to €2 per kilo. Does the Minister realistically expect the Irish beef industry to survive with such price levels? In a document on the Irish food and drink industry that was distributed to all Deputies today, the Irish Dairy Industries Association pointed out that the European dairy industry has had to withdraw its support for the WTO negotiations as it has become clear that the EU is continuing to reduce all available mechanisms to balance the market should the need exist. In the same document, Meat Industry Ireland, which has continued to monitor the situation closely, suggests that recent developments have been very dangerous from an Irish agrifood perspective and highlights the negative impact of import tariff cuts in the meat sector at domestic and European Union level. Does the Minister believe that Irish farmers can survive if prices are reduced to €2 per kilo?

The future of the Irish beef industry, which provides 100,000 jobs — half at farm gate and half in the food processing industry — and is worth €4 billion, is at stake in the context of the WTO talks. We need to protect the way of life of family farms from Malin Head to Mizen Head. At best, there is an indifference on the Government benches to the consequences of the WTO discussions and, at worst, there is a lack of political will to face the issues concerned. There are rumours that the Minister is preparing to fly the coop from the Department of

Agriculture, Fisheries and Food to new pastures. If this deal is her legacy to Irish agriculture, she may run but she will never be allowed to hide. It seems that the Government sees rural Ireland as the Achilles heel in our economic development. It is estimated that 25% of jobs outside Dublin depend on agriculture. Will the Minister's colleague, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, be pleased when everyone in rural Ireland is forced to turn off all the lights, park the tractors and take the train to the capital?

Deputy Trevor Sargent: That is a ridiculous question.

Deputy Michael Creed: The Government has ensured that infrastructure and employment are concentrated on the east coast.

Deputy Trevor Sargent: The Deputy is a clown.

Deputy Michael Creed: It has neglected the rest of the country. The Minister, Deputy Coughlan, is ready to deliver the final nail in the coffin of rural Ireland by consigning 50,000 farmers and 50,000 others who are employed in the food industry to the dole queue. We are nearing the end game in this process as it is possible that a WTO ministerial meeting will take place next month, which means that the time for effective action is running out. The Minister has repeatedly said she is not prepared to accept an unbalanced deal for Irish agriculture.

Deputy Mary Coughlan: That is right

Deputy Michael Creed: She has said she will not allow Irish agriculture to be sacrificed for the sake of ensuring that a deal goes through. What exactly is she prepared to accept? Is she prepared to accept the agreement in its current format? It will be a step too far to sacrifice Irish agriculture and compromise consumers throughout the EU as part of an unbalanced deal. What will we get in return? I look forward to Deputy McGuinness's contribution in that regard. This is a clear example of how the Government has taken its eye off the ball by focusing on self-preservation, the succession stakes within the Cabinet and the Mercs and perks of office, while a vital part of our economy and heritage slips away.

Deputy Mary Coughlan: The Deputy is the one who is interested in such matters.

Deputy Michael Creed: The Taoiseach's final days in office would be best spent touring European capitals to meet Heads of State and try to generate sufficient momentum to ensure the Mandelson proposals are defeated at this late stage.

Deputy Mary Coughlan: He met the German Chancellor this week.

Deputy Michael Creed: The Minister has often said that a majority of the Ministers on the Agriculture and Fisheries Council are opposed to this deal. However, I am concerned that the Ministers on the General Affairs and External Relations Council will do the final deal, as Deputy Kenny has suggested. How much opposition to this deal is evident among foreign affairs Ministers? One of the objectives of this motion is to compel the Minister, Deputy Coughlan, and her Cabinet colleagues to do the right thing in the interests of Irish agriculture. I ask her to assure the House that she will use her veto to defeat the WTO deal if it is presented as it currently stands. If she refuses to do this, she will have to look the farmers of this country, including those in the Gallery for this debate, in the eye and explain why the Government is refusing to stand by them in their hour of need.

Article 39 of the Treaty of Rome outlines the European Union's aims in the agriculture sector. The EU seeks to ensure a fair standard of living for the agricultural community, increase

[Deputy Michael Creed.]

the earnings of those engaged in agriculture, stabilise markets and assure food supply at a reasonable price. In a year when the eyes of the entire Union are upon us, the Minister has a responsibility to protect the rights which are enshrined in the founding document of the European Community. Her failure to show honest and courageous leadership on this key issue is jeopardising the commitment to the European project of those who have been its most ardent advocates. She needs to wake from her slumber and reject Mandelson's misery. If she says "No" to the WTO's agriculture proposals, she will allow the citizens of the EU to rest easy in the knowledge that the reform treaty will be ratified. As things stand, however, her indecision and evasiveness on this deal are allowing the waters of the treaty debate to be muddied.

This debate is an exercise in parliamentary accountability. The Minister, Deputy Coughlan, needs to come out of the comfort zone of Cabinet governance by laying before the House, for once and for all, where she stands on the WTO deal. Essentially, it is a matter of avoiding undue risk. The Minister is putting at risk the livelihoods of thousands of farmers who have consistently stepped up to the plate by meeting EU requirements. She is jeopardising the future of the food processing industry, which would crumble and collapse in the face of cheap imports of dubious quality. The Minister is exposing consumers to the risk of potentially unsafe food. She is putting the European project at risk by calling into question the safe passage of the reform treaty. Her silence on this matter makes her complicit in the looming global food scarcity crisis. She has failed this House by not putting before it the nature and extent of her intentions in respect of this world trade deal. The Minister has a final opportunity to redeem herself by accepting the Fine Gael motion, which I commend to the House.

Deputy Joe McHugh: Regardless of whether the Minister for Agriculture, Fisheries and Food, Deputy Coughlan, will still hold that portfolio on 19 May next, as a member of the Cabinet she will continue to be bound by collective responsibility to consider local interests when acting on this issue. All Ministers are charged with flying the flag for Irish farmers, families and communities on this issue. The problem with the approach being taken by the EU External Trade Commissioner, Peter Mandelson, is that he is thinking globally without consulting local interests. Mr. Mandelson is keen to address global issues such as hunger and food shortages. He is placing a great deal of emphasis on what he sees as the need to open up world markets. He cosied up to the Chinese yesterday as part of an effort to get them to open up their manufacturing sector and reduce manufacturing and services tariffs, but there is no guarantee that will happen.

The irony of what is happening is that farmers in the United Kingdom, which is the country Peter Mandelson hails from, will lose out as a result of the WTO deal. Similarly, Irish, Polish and French farmers will be used as sacrificial lambs. While I accept that the EU has to be strong in terms of opening up certain markets, it also needs to be strong in terms of protection. An interesting comparison can be made with the EU carbon tax proposals. It is possible that a carbon tax of 20% on the production of oil will be imposed by 2020. If that happens, we will lose out in oil production, which will move further to the Middle East. The UK Prime Minister, Gordon Brown, was red-faced yesterday when his request to OPEC to consider an increase in the production and supply of oil was turned down. Counter-balances need to be in place to ensure that collective global responsibility is a feature of the global warming debate, just as it is in the food shortage debate. If the member states of the EU take the high moral ground on global issues, they may lose out at local level.

How can the EU help to address the problems which lead to food shortages? There is plenty of land in the world. We could use our expertise to ensure that large swathes of land in Africa

are used for food production. We can assist in the production of genetically modified crops and incentivise prices. Such issues are not being raised at EU level.

Deputy Trevor Sargent: The Deputy does not know what he is talking about.

Deputy Joe McHugh: We are looking at sacrificing an industry. Ireland is the fourth largest exporter of beef in the world. I respect the Minister as a fellow representative of Donegal. I acknowledge the difficulty of her job. Deputy Creed mentioned the possibility that she may be moving to another Department. If she demonstrates her competence in the next two weeks, she might be able to stay where she is. I would be delighted if that happened. I will give her every credit for the efforts she will make as part of the trade talks. Commissioner Mandelson and the Commission are looking at addressing the problems of 3.5% accelerated inflation, the economic downturn and food production as a way out of this scenario and the reduction of 70% tariffs to do so. This will not happen. It will be a complete injustice and disservice to Irish farmers in terms of cost compliance and traceability compliance, as my leader, Deputy Kenny, stated. The efforts and investment we make in quality and food production will be out the window. We will be left in limbo with 50,000 jobs lost. The Minister has a responsibility and the Cabinet has collective responsibility to do so. I implore the Minister to fly the flag for Irish farmers, families and communities in this round of talks.

Deputy Ulick Burke: I thank Deputy Creed for sharing time. We face one of the greatest threats to Irish agriculture we have seen since we entered the EU. On many previous occasions, negotiations took place day and night to preserve Irish agriculture. On this occasion, the threat is even greater in so far as we do not know what are the Minister's intentions with regards to Irish agriculture.

Is the Irish agricultural industry to be sold out as against preservation in other areas? It is my belief that we have clear signs this is so. When the Minister states we will have a deal sooner or later, my response, as is the response of many Irish agricultural people and families, is that it would be better to have no deal than a bad deal at this time.

From Donegal to Kerry and west Cork, the Minister will find the majority of farming households and holdings are essentially dependent on two aspects of Irish agriculture, namely, suckler herds and their produce and sheep farming. Numbers in both of these are declining rapidly on an annual basis. This is particularly true with regard to sheep where numbers have dropped to 40,000. If we must have a reduction of up to 70% in trade tariffs how can we expect the survival of this aspect of Irish agriculture, which is so pivotal to the survival of agriculture in the west of the country?

Profitability in sheep has gone. If this were replicated in beef, as is outlined by farming organisations, we will lose out substantially and the entire suckler herd will be sent for slaughter, as happened in the past, only to be reintroduced by new schemes again. We have no consistency. It behoves the Minister to outline immediately absolute opposition to the deal on the table. It will be a bad one and as I stated, it would be better to have no deal than a bad one. Irish agriculture expects the Minister to clearly and unequivocally state that she will veto any plan which does not allow Irish agriculture to prosper.

We must consider the tremendous efforts made by various agricultural groups and the industry itself to negotiate foreign markets for quality Irish produce. We could throw it all away and be devastated by the Minister's failure to deliver in this instance. If we are discussing food safety, during the past 12 months we had to endure the situation with regard to Brazilian beef imports. If we are discussing security of food, not necessarily in Ireland but on the world scene, and during the past week the World Bank mentioned security of food supplies and starvation in the world, how can we reconcile this with what we are promised under the Mandelson deal?

[Deputy Ulick Burke.]

In the interests of the preservation of farming communities and employment in this country, it is imperative that the Minister declare she will use the veto.

Deputy John O'Mahony: I welcome the opportunity to contribute to the Fine Gael Private Members' motion on the impact on Irish agriculture of the WTO talks and I commend Deputy Creed for tabling it.

There should be no need to emphasise the importance of agriculture to the Irish economy. It has been the backbone of this country down through our history. Other sectors of the economy have come and gone but agriculture has been a constant. When it is thriving Ireland does well and when it is in crisis not only the farming community is affected. We only have to look back in history to see plenty of examples, the failure of the potato crop in the 1840s being the most vivid because of the catastrophic effect it had on our population.

When we joined the EEC, as it was in the 1970s, the big selling point was the benefit it would bring to our farming community. This was proved correct in a number of ways with benefits accruing from many policies, such as the Common Agricultural Policy. However, the good news for Irish agriculture will come to an abrupt halt unless we have a major change in direction in the WTO talks. The concerns and interests of Irish agriculture and the wider agribusiness have to be taken into account because ultimately it will be the consumer who will lose if this does not happen.

The loss of the sugar beet industry in the past and its consequent knock on effects should have been a lesson to us all. The cost to the economy of an estimated €4 billion with the loss of 50,000 jobs in farming and thousands more in the food industry is something we cannot allow to happen. In recent years, various sectors of the farming community have had difficulties. Their income has not in any way kept pace with other sectors in the economy and this would be the last straw which would break the camel's back.

IFA figures suggest that in my county of Mayo, the estimated cost would be €123 million. The blow would be felt in our county not only among the farming community. In the small town of Ballyhaunis, 600 people are employed in meat and poultry plants with a further 100 employed in Ballinrobe. The 600 jobs in Ballyhaunis are equivalent to at least 6,000 jobs in a larger urban area. It should be noted that in recent years farmers were able to top up their incomes with part-time employment outside agriculture. However, this avenue will be greatly reduced with the downturn in our economy.

In recent times we have heard about the problems with global food shortages and the dramatic rise in prices. Food security needs to be made a top priority in these talks and this is not the case at present. With the beef and dairy industries contributing 17% of our total exports and contributing €6 billion in goods and services to the economy it is crucial that these talks have a positive outcome for Irish farmers. The Minister and the Government must do whatever is necessary to protect Irish farming by ensuring there is no sell-out in the WTO talks. Time is running out and a marker must be put down quickly. It is not sufficient and it is too vague to suggest that we will negotiate a balanced agreement. The future of Irish farming must not be put at risk. I strongly commend the motion to the House.

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I move amendment No. 1:

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

"notes that:

- as a small open economy Ireland has much to gain from the rule based trading environment provided by the World Trade Organisation and Ireland is committed to seeking an acceptable conclusion to the current round of WTO negotiations;
- the Government is seeking an outcome to these WTO negotiations that is balanced across all of the negotiating sectors (agriculture, manufacturing, services, rules, etc) and across the three agriculture negotiating pillars (market access, domestic supports and export subsidies) and which does not sacrifice Irish and European agriculture;
- the Government is using every available opportunity to represent the Irish position and concerns in relation to these WTO negotiations at EU and international level;
- the limit of the EU Commission's negotiating position in the WTO agriculture negotiations is the 2003 Reform of the Common Agricultural Policy and that any WTO agreement which exceeds this negotiating position will be unacceptable to Ireland; and
- the Government is honouring its commitments in relation to these negotiations as outlined in the programme for Government;

acknowledges the commitment of the Government to:

- continue to pursue a balanced outcome to the WTO negotiations;
- continue to express at every available opportunity at EU and international levels Ireland's concerns in the negotiations, particularly in relation to agriculture;
- continue to insist that the EU Commission adhere to the principle of ensuring any outcome does not necessitate a further reform of the CAP; and
- continue to seek and enhance support for its position at EU level among other like-minded EU member states.

Fáiltím go mór roimh an deis labhairt sa Teach maidir leis an idirbheartaíocht WTO. Tá sé soiléir go bhfuil muid ag céim rithábhachtach de na cainteanna agus léiríonn an ghníomhaíocht ar na sráideanna lasmuigh den Teach seo an tábhacht fhíor-mhór a bhaineann leis an idirbheartaíocht do gach leibhéal in Éirinn. Táim sásta dá bhrí sin leis an aird atá tugtha don cheist sa Teach agus táim sásta leis an deis atá tugtha do na Teachtaí a n-inní a chur in iúl ag bpointe cinniúnach seo.

Ba mhaith liom roinnt fíricí a chur os bhur gcomhair. Is geilleagar oscailte atá in Éirinn, geilleagar a bhfuil ag éirí go han-mhaith leis agus is mór an toradh atá faighte as an timpeallacht trádála riail-bhunaithe a chuireann an WTO ar fáil. Is mar gheall air sin gur mian leis an Rialtas go mbeadh críoch inghlactha ar an mbabhta idirbheartaíochta seo. Mar sin féin, aithnímid go mór go gcaithfidh an comhaontú deiridh a bheith cothrom, agus caithfear teacht ar réiteach nach gcuirfidh ualach díréireach ar aon earnáil amháin ná go deimhin ar aon bhall amháin den WTO.

It is in this context that I have expressed to the House on many occasions recently my concerns at the current imbalance in the negotiations. The approach adopted in these negotiations by the Commission is not a good basis for achieving the ambitious and balanced conclusion to the round which the Government is seeking. Instead of a balanced approach, agriculture has been pushed out in front and, as a result, concessions have been sought and proposals made which would place an unacceptable burden on EU agriculture. I have strongly

[Deputy Mary Coughlan.]

opposed this approach in the Council of Agriculture Ministers and I am glad to say my concerns are now being echoed by many other member states.

I have consistently pursued and will continue, as the negotiations proceed, to pursue a positive outcome for Ireland. I have sought to do this within the EU in a way that wins us the greatest number of allies. I have been instrumental in forging alliances with a number of like-minded member states in the group of 14, including France, and I will advert to this again later.

I am acutely aware of the importance of the outcome of these negotiations for Ireland and, in particular, I recognise the challenges which an agreement will present for Irish and EU agriculture. The current position in the negotiations is all the more disappointing given that the EU has prepared in a very constructive manner for these negotiations.

The reforms of CAP, agreed in 2003 as part of the mid-term review of the Agenda 2000 package, were undertaken with the next WTO agreement clearly in mind. As part of the 2003 reforms, the EU made a deliberate decision to prepare in a forward looking and positive manner for the challenges which Doha set for agriculture. The EU move to decoupled payments was carried out with a view to fulfilling the Doha target of substantially reducing trade distorting domestic supports. Decoupled payments, which by their nature are not linked to production, are considered non-trade distorting by the WTO. The EU move away from coupled and market support-type payments has reduced very substantially our levels of trade-distorting supports, therefore fulfilling one of the key objectives of the Doha Declaration.

In addition, the reforms have also made European agriculture more competitive, better prepared for globalisation, more compliant with food safety requirements, more environmentally sustainable and more conscious of animal welfare requirements. All of these outcomes show the multifaceted nature of the CAP and highlight that European agriculture policy is designed to deliver much more than economic benefits to society.

By taking this approach, the EU has clearly shown its commitment to achieving an ambitious outcome. I am disappointed to have to point out that the same level of commitment to reform has not been shown to date by many of the other developed countries and large emerging economy countries in the WTO. The principles on which the CAP was founded over 40 years ago, namely, 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 remain as valid today as they did then, in particular, when we look at current market circumstances where concerns prevail about global food shortages and food security, a matter echoed here this morning. This is why it is of fundamental importance to me and the Government to ensure that the current CAP is not undermined by the next WTO agreement.

I also want to ensure that new market realities and emerging food security issues are not ignored in the rush towards an agreement. A bad WTO deal would reduce EU production to the extent that it could damage the ability of the EU to supply its food needs into the future.

A major objective in the agriculture negotiations is to ensure that the final agreement will not require a further reform of the CAP. This is the limit of the Commission's negotiating position and this must be adhered to.

While our overall policy, therefore, has been to prevail upon the Commission to seek a fair and balanced deal with the maximum benefits for Ireland, I have also been actively engaged with the Commission in the detailed technical discussions on the three agriculture pillars that may equally deliver the solutions to accommodate our current concerns. My specific priorities in the negotiations cover the main negotiating pillars on agriculture, namely, domestic supports, export subsidies, market access and non-trade concerns.

On domestic supports, my aim is to ensure that the EU system of decoupled direct payments continue to qualify as non-trade distorting payments under the WTO Green Box classification and so remain exempt from reductions under the new round. There can be no question of the decoupled single farm payments being undermined by any WTO proposals for reviewing the Green Box. This is a clear red line for the Government which cannot be crossed in the negotiations. There are clear threats to the definition of the Green Box emanating from recent discussions in Geneva and I for one will be vigilant to ensure that these threats do not come to fruition. I raised this vital point in the Agriculture Council on Monday, as did several other Ministers.

On export subsidies, my priority is to ensure that there is full parallel elimination of all forms of export subsidy and to seek the maximum flexibility in the phasing out arrangements for the EU export refunds scheme. In the CAP health check discussions, I have also emphasised the critical importance of maintaining effective flexible market management measures, including export refunds. While export refunds remain a policy tool of the EU, they should be used by the Community whenever the situation requires. There is strong support for this position in the Agriculture Council.

On market access, it is vitally important that Irish and EU farmers have sufficient time to adjust to the CAP reform and, in particular, the impact of the introduction of decoupled payments. An effective import regime has a vital role to play. Therefore, my aim is to retain the most effective level possible of protection for our producers and exporters from increased imports. I have been strongly pressing the Commission on this issue, as have my colleagues in Government, at every opportunity and in every available forum.

The current negotiations in Geneva are significantly focused on market access issues at present and, in particular, on the question of sensitive products. I want to make it clear that I believe it is absolutely essential that sensitive product status should deliver real and meaningful protection for key sectors of our farm economy. I will not be fobbed off by a deal in which the price paid for such status is so high in terms of TRQ conceded or the benefit is so low in terms of the allowed deviation from the overall tariff reduction that it delivers minimal real protection for beef and other key products. This is a fundamental issue for Ireland and I will continue to make sure the Commission is in absolutely no doubt about that.

I realise that this is a rather complex area but it is a very important one. Therefore, if the Opposition spokespersons on agriculture so wish, I, along with my officials, would be happy to go through some of the details with them.

On non-trade concerns, I want to take this opportunity to inform the House again that I continue to take every opportunity to raise the issue of recognition for non-trade concerns in the WTO negotiations. The Doha mandate, which sets out in broad terms the objectives of this round of WTO negotiations, provides for the recognition of non-trade concerns in the final agreement. I will continue to seek to have these issues addressed in the ongoing negotiations. It is worth noting that at last Monday's Council of Agriculture Ministers meeting, my position on the importance of non-trade concerns was also picked up by a number of other member states.

Having said that, I need to correct what appears to be a mistaken understanding of where we are in regard to non-trade concerns and the WTO since there is an impression out there that the WTO is completely silent on that matter. I draw the attention of the House to the fact that the WTO rules, and specifically the WTO Sanitary and Phyto-Sanitary Agreement, provide for the application of equivalent levels of protection for consumers in regard to imports. It is in this context that exports of Brazilian beef to the EU are currently restricted.

Deputy Michael Creed: The beef coming in is not of the same standard.

Deputy Mary Coughlan: This demonstrates that WTO rules enable importing countries to ensure that supplies of food are safe and secure. I will continue to insist that the Commission enforces all the required animal and public health controls to ensure products imported into the EU are safe and are produced to the equivalent standards of EU products.

Deputy Michael Creed: What about the chickens from China that are pumped with antibiotics?

Deputy Mary Coughlan: These priorities are fully in line with the commitments made by the Government in the programme for Government and I am fully determined these commitments will be delivered.

As part of the process of developing my strategy for the negotiations, I and my Department meet on an ongoing basis representatives of the various interested parties in the agriculture and agrifood sectors to discuss the latest developments and to share information. In that context, I note the demands from certain quarters for a detailed analysis of the impact of the current proposals on Irish agriculture.

My Department has done a huge amount of detailed analysis of the issues within the WTO talks since the outset of the negotiations and this has been done on a continuous and sometimes daily basis. As standard practice, we carry out assessments of the various negotiating proposals that emerge in the negotiations. This analysis covers a large number of different scenarios and their impacts on the different agricultural sectors. In particular, the analysis evaluates the levels of import protection for individual products under the various different tariff cut scenarios that have been proposed thus far in the negotiations. It provides a basis for assessing the impact of such cuts and the relative benefits of seeking sensitive product status to mitigate their effects. Much of the analysis has been discussed with the farming and processing sectors. One of the primary reasons for establishing the WTO consultative committee was to ensure full engagement, consultation and discussion with all stakeholders on the potential impacts of the ongoing negotiations.

As I stated previously to the House, I am not convinced it would be appropriate for me to publicly release all the analysis available. I believe this to be a reasonable and prudent approach given the critical point we are at. I do not want to undermine in any way my negotiating position and I do not believe that anyone in this House would wish to undermine Ireland's position in the negotiations. I have already indicated that I and my officials are available to brief the Opposition, on a confidential basis, on the sensitive products issue and other key issues in regard to impact analysis.

I note that a number of Deputies, including the Leader of the Opposition, referred to the possibility of Ireland using its veto to stop the proposals in their tracks. This is, in my view, premature and defeatist talk.

Deputy Michael Creed: It sends out a signal.

Deputy Mary Coughlan: It is far too early to consider what position Ireland will have to take on a final WTO deal. We are still in the throes of negotiations and there is no certainty as yet in terms of the timing or shape of a final deal. The next couple of weeks will be crucial. It will be up to the Irish Government in the fullness of time to consider its position taking into account in an informed manner all the relevant factors when the shape and details of a final deal are known.

Similar estimations have been made by various representative bodies and shared with the Department. These assessments are also used to evaluate the various negotiating proposals which emerge from the discussions and to develop the Irish negotiating position in the negotiations.

A number of bodies and research institutes in Ireland and elsewhere have also carried out economic studies. Some of these analyses attempt a broader, overall assessment of possible outcomes of the negotiations. Inevitably, these studies are based on a wide range of assumptions about issues that are yet to be decided in the negotiations. My Department also considers and uses these studies to inform our negotiating strategy. In particular, I point to the FAPRI Ireland WTO analysis of impacts on Irish and EU agriculture of March 2006 and the 2003 Forfás WTO Negotiating Objectives for Irish Enterprise report. The FAPRI analysis is currently being updated.

The EU Commission recently presented its latest analysis of possible impacts of the most recent proposals from the chairman of the WTO agriculture committee. This analysis is currently the subject of ongoing discussions between member states and the Commission. Perhaps the Acting Chairman would tell me at this point how much time I have remaining.

Acting Chairman (Deputy Charlie O'Connor): There is 15 minutes remaining in this slot.

Deputy Mary Coughlan: There is no doubt that we are entering another crucial phase in these negotiations and determined efforts will be made during the coming weeks to reach an agreement. We must all remain vigilant to ensure that the final agreement is a balanced one that does not result in disproportionate burdens on EU agriculture. I and my Department will continue to consult with all the interested parties with a view to ensuring that their concerns are addressed.

I have impressed upon the Commission at every available opportunity that the current unbalanced approach in the negotiations is unacceptable to Ireland. I have consistently expressed my concerns during my many bilateral meetings with them and at the agriculture Council of Ministers, most recently on Monday last when I pressed the Commission to introduce a note of realism into the discussions and not to be bounced into a bad deal. My Government colleagues have also outlined Ireland's concerns in the many meetings they have had with their EU counterparts and at the general affairs Council of Ministers.

The Taoiseach has consistently outlined Ireland's position on the WTO negotiations in his many meetings with EU and world leaders, including in his discussions with the EU Commission. I have played a leading role in forming and developing an alliance among a group of like-minded EU member states who share concerns about the manner in which the WTO agriculture negotiations have been progressing. This group now numbers some 20 member states. While the members of this group have varying concerns in the negotiations, I believe that the solidarity of this type of group is a useful way of influencing the Commission in terms of ensuring it addresses the concerns of member states across a broad range of areas.

I am continuing to foster these alliances as I view them as a crucial way of influencing the negotiations as they move towards a conclusion. Only this week I met with a number of EU colleagues in the margins of the Council of Ministers to reiterate my concerns on the current position in the negotiations and to explain that Ireland will not accept an agreement which would sacrifice EU agriculture for the sake of a deal.

I assure the House that I, and my Government colleagues, will not accept an agreement which does not deliver significant benefits for the EU and Ireland. The Taoiseach highlighted Ireland's concerns to the German Chancellor during her visit to Dublin on Monday of this week. The House will be aware the President of the European Commission is visiting Ireland

[Deputy Mary Coughlan.]

today and the WTO negotiations are high on the agenda for his meeting with the Taoiseach. The Taoiseach will reiterate in the strongest terms that Ireland will not accept a WTO agreement which sacrifices EU agriculture. Any deal must be comprehensive and balanced and must not focus exclusively on agriculture.

I repeat to the House my, and the Government's, strong commitment to achieving a successful conclusion to this round of WTO negotiations. However, other WTO negotiating partners must realise that the EU has made its contribution and it is now time for them to step up and to make appropriate moves to facilitate a balanced and ambitious outcome. I assure the House in no uncertain terms that I, and the Government, will not accept an agreement which would undermine the 2003 reform of the CAP. This represents the limit of EU Commission's negotiating position as approved by the EU Council of Ministers.

Deputy Michael Creed: Is that the 36% tariff cuts?

Deputy Mary Coughlan: I am referring not to the 2005 offer but to the 2003 reform of the CAP. This represents the limit of the Commission's negotiating position as approved by the Council of Ministers.

I assure the House that I will continue to vigorously pursue Ireland's interests in these negotiations. I will seek to influence in every way possible the discussions within the EU and WTO negotiating forums with a view to maximising the benefits of a WTO agreement for the EU and Ireland. I firmly believe that now is not the time for divisiveness in the House.

Deputy Johnny Brady: Hear, hear.

Deputy Mary Coughlan: We must be united in our efforts to achieve a positive outcome for Ireland, an outcome which will stimulate the economy, enhance the position of our exporters in the global market, an outcome which does not undermine the 2003 reforms of the CAP and an outcome which will provide a basis of the continued growth and development of the agriculture and agrifood sectors in Ireland.

Acting Chairman: I thank the Minister for her contribution. There are ten minutes remaining in this slot. I call Deputy John McGuinness.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): I welcome the fact that this motion is being debated in the House. For the third time, we are discussing the WTO and that is as it should be. For the first time in a long time we are debating in this House real issues that affect the economy of the country and particular sectors of it.

While I accept the motion has given rise to the debate, I disagree with a considerable amount of what Deputy Creed had to say in his contribution. His analysis of the situation brings us to a doomsday situation, one that would cause farmers and business people to run away from their businesses, close up shop and walk out. I do not accept that is the situation in which we now find ourselves. There is a need for Deputy Creed to understand the facts in this regard. The fact is that we are, along with all other member states of the European Union, fighting our cause. On the last occasion this issue was debated, there was a significant degree of support for a unified approach on this matter. That unified approach involved us putting the cause of Ireland and supporting what has been done.

In the motion Deputy Creed has placed before the House, he has ignored all of the effort made to date. He has ignored the real facts of this debate and he has ignored where we actually

stand and how we will deal with the issue. If he understood all of that he would join with us in ensuring——

Deputy Michael Creed: Tell me. Other than lecturing me, tell me.

Deputy John McGuinness: I told Deputy Creed previously but he was not listening. He has brought the misunderstanding of fact to a fine art and he refuses to hear the argument on the other side and to hear the facts.

Deputy Michael Creed: I cannot, nobody is telling me.

Deputy John McGuinness: The facts are this——

Deputy Mary Coughlan: Deputy Creed is more than welcome——

Deputy John McGuinness: Deputy Creed states that we should mount a diplomatic and political effort now. That has been under way for some time.

Deputy Michael Creed: I doubt that it has. Somebody should tell Mr. Mandelson about it.

Deputy John McGuinness: I have spent since last January visiting London, Geneva, Berlin, Slovenia, the Hague, Paris and Brussels.

Deputy Michael Creed: Many interviews.

Deputy John McGuinness: In February, I met with Mr. Peter Mandelson——

Deputy Michael Creed: By whom the Minister of State was charmed.

Deputy John McGuinness: ——together with the officials from the Department of Agriculture, Fisheries and Food and my own Department. I was not charmed by him. I put very strong opinions

Deputy Michael Creed: That is what the Minister of State said on the record of the House.

Deputy John McGuinness: No. I did not say that.

Deputy Michael Creed: That is what he stated on the record of the House.

Deputy John McGuinness: Deputy Creed is obviously not able to read either because that is not what I stated on the record of the House——

Deputy Michael Creed: It is.

Deputy John McGuinness: ——and Deputy Creed should go back and read it. I will tell Deputy Creed what I stated. I said Mr. Mandelson was a charming man, and so he is, but that does not take from the fact that I would defend Ireland's position and the business that is being conducted on behalf of Ireland within the context of this world trade deal.

There is not one of the Fine Gael spokespersons on business here today. None of them is interested, and that was the same the last time.

Deputy Michael Creed: The Minister of State knows so much about agriculture that he must put down questions on the Order Paper so that he can answers about it.

Deputy John McGuinness: Fine Gael prefers to put out dedicated propaganda to lead people down the wrong way and to give them misinformation.

Deputy Michael Creed: He ought not lecture me about it. Let him put his pen in his pocket.

Deputy John McGuinness: The fact of the matter is this, that the deal currently on the table back to the last texts which were issued — this is my position and this is what I have explained to Trade Ministers right across the European Union and to a number of French Ministers — is not a deal for the 21st century. It is not a deal that allows services to be properly and appropriately traded from this country. We rely heavily on this area, as I know through Enterprise Ireland.

It is not good for agriculture and neither is it good for trade facilitation. It does not take bureaucracy out of the system, it does not allow us to trade as freely as we would like to trade and it does not open new markets for us. The markets that it does open for us bring about a significant cost to Ireland in the context of what is coming down the tracks in terms of agriculture.

I have praised on the record of this House organisations such as IBEC and the IFA that are representing their views within Europe because it is their views that are constructive and coming from the heart of business and agriculture. I insisted in my meeting with Mr. Mandelson that those views be listened to and that the changes necessary, particularly in agriculture, be brought about.

The position of the Government is that we do not accept what he has on the table, and I impressed that position on Mr. Mandelson. I did exactly the same at the Trade Ministers meeting in Brussels on 9 and 10 March last. In spite of visiting Trade Ministers and attending those dinners and meetings, I have taken the opportunity to defend Irish farming, to defend the beef and dairy sectors, and to ensure that changes are made.

Mr. Mandelson would be a foolish man to continue in the effort to bring a deal in May or late May, and that is what we must defend ourselves against. The best way to do that is having a united voice from this Parliament to ensure that Mr. Mandelson and others listen to us.

If I had but one point to reiterate, it would be that the offer made by Mr. David O'Sullivan to come here and explain to the IFA or to the business sector, relative to the figures currently before us, should be acted upon. That has not been acted upon to date and I, again, ask that that meeting be arranged so that people can come together around the figures, which are being analysed on an ongoing basis by the Department of Agriculture, Fisheries and Food, and, indeed, by my Department in the case of the business sector, which we ought not forget.

Deputy Michael Creed: Some 70% tariff cuts.

Deputy John McGuinness: No. That is what is being debated. That is not the outcome. The mistake Deputy Creed is making is that he is taking the current position as being the outcome. He is wrongly trying to inform and to drum up——

Deputy Michael Creed: What did Mr. Mandelson say to the Minister of State when he stated we did not accept it?

Deputy John McGuinness: ——the type of analysis that he put before this House this morning which is damaging to both business and agriculture.

Deputy Michael Creed: The Minister of State would want to listen to Mr. Mandelson a little more carefully.

Deputy John McGuinness: What Deputy Creed should do is join in the effort that is being made to protect Ireland, to open the appropriate markets——

Deputy Michael Creed: Read it. Read what they themselves say.

Deputy John McGuinness: ——and to ensure that Irish agriculture is protected.

At the meeting of Ministers in Brussels I again insisted that we would be going down the road on which the beef industry went and I acknowledge the damage done in that regard. I acknowledged the difficulties in pig and sheep meat and the fact that we are now in a position where our beef industry is being called into question and that this deal will not satisfy what we need on the table for us to expand that industry, to protect it and to ensure that we have new markets.

It is fair to state that if what is being proposed were to be the final outcome, an extra 300,000 tonnes of beef or 100,000 tonnes of New Zealand butter might arrive in our market. That is something of which we must be conscious, but being so conscious and understanding the facts would lead us to a greater challenge with Mr. Mandelson, and we would inform him of our position, which is ongoing in all the meetings held.

I commend the Minister for Agriculture, Fisheries and Food, Deputy Coughlan, on what she has done on this issue because it is not just about one meeting. It is something that is being debated and is ongoing since 2001.

Deputy Michael Creed: Exactly.

Deputy John McGuinness: We are now reaching the critical phase and, suddenly, Fine Gael wakes up.

Deputy Michael Creed: The Government is now waking up.

Deputy John McGuinness: Where was that party for the past seven years?

Deputy Michael Creed: The Government is now waking up.

Deputy John McGuinness: Where was it when all of the 133 committee meetings were going on——

Deputy Michael Creed: Where was the Government in 2003 and 2005 — this is 2008?

Deputy John McGuinness: ——and the interests of agriculture and business were being debated?

Deputy Michael Creed: We have gone from 36% to 50% to 70%.

Deputy John McGuinness: Fine Gael was in Opposition, asleep.

Deputy Michael Creed: The Minister of State was sitting over there, sound asleep.

Deputy John McGuinness: It was in Opposition in a coma for the past ten years and still has not come out of it.

Deputy Michael Creed: The Minister of State does not have a clue about what he is speaking.

Deputy John McGuinness: Deputy Creed still does not understand what is being done out there. I would appeal to him, again, to understand what is being put before him today——

Deputy Michael Creed: We have gone from 36% to 50% to 70%, and the Minister of State tells me he was awake.

Acting Chairman: Please allow the Minister of State to conclude.

Deputy John McGuinness: —and to join us, with the IFA and Irish business, in defending the Irish position rather than talking it down.

Deputy Seán Sherlock: I wish to share my time with Deputies Ó Caoláin and Bannon.

Acting Chairman: Is that agreed? Agreed.

Deputy Seán Sherlock: In response to the Ministers present, it is fair to say that we all have this country's interest at heart. In terms of the debates that have been facilitated by this House, it is right, proper and pertinent that Opposition Members would hold the Government to account on its position *vis-à-vis* the WTO negotiations and that the Government would not take any pertinent questions from this side of the House as a slight, given that we all have as our best interests the future interests of Irish agriculture and Irish agri-business.

By way of response to the speech of the Minister, Deputy Coughlan, I wish to clear up the notion that she seemed to convey on the issue of the single farm payments. It is our clear understanding that to convey the impression somehow that the single farm payments will be undermined and that she is endeavouring to save them under the WTO agreements under the green box issues, is something of a misnomer. My understanding is that they are not part of the WTO negotiations in any event and to say they are conveys the wrong impression.

Deputy Michael Creed: That is called the softening up process.

Deputy Seán Sherlock: The fundamental question that we must ask ourselves today is what the Doha Round will mean for Irish agriculture and for farm families who form the bedrock of our rural society. The WTO is informed by a *modus operandi* that seeks, with the World Bank and the IMF, a global market devoid of trade barriers. Since 2001, at Doha, the WTO has embarked on a strategy of liberalisation of global trade resulting in a view, by countries such as our own and, I might add, poorer countries, that the indiscriminate liberalisation agenda will be detrimental to our interests and the interests of poorer countries seeking to raise their economic output.

For the purposes of analysing the Government's amendment to this motion, there is absolutely nothing in its response that would give solace to the thousands of farmers who today had to leave their homesteads in the quest to have their voices heard.

Our critique of the current Doha Round is simple. The WTO is not on the correct path to deliver worldwide economic prosperity. It will not raise the economic tide of all comers and, from this island's point of view, will have a disastrous effect on the rural economy and agricultural sector. Moreover, it will decimate the Common Agricultural Policy, to which we all subscribe and which has been negotiated by a process of pooled sovereignty of EU member states through many years of diplomacy.

All of us recognise the primacy of agricultural negotiations and this sector has become an easy target for the EU Commission in its quest to gain concessions on a neoliberal trade agenda because of the subsidisation of agriculture. Our view is simple. To use developing countries as a bargaining chip to unravel CAP is a disingenuous argument and one to which we do not subscribe. It is our analysis that concessions will be fought for on agricultural issues as a substitute for agreement on the liberalisation of services. Developing countries rightly argue that it is unfair to expect them to open their markets on services while clear barriers to entry exist

amongst developed countries on the provision of services. The key worry for services liberalisation is what it means for the ability to regulate foreign service-based companies operating in less developed regions.

Furthermore, the availability of micro-credit in Africa has had the positive effect of lifting tens of millions of small farmers out of poverty. An agrarian revolution is taking place in Africa about which one will not hear on radio or TV. Our concern is that the growth of urban populations in Africa, which are fed through the rural African economy, may be compromised in the quest to achieve a rate of liberalisation, which may be detrimental to their economic interests. Therein lies the comparison with the Irish farmer. While the Irish farmer relies on the subsidisation of agriculture, the African farmer relies on a new system of micro-credit which may allow him to survive, and even in time, flourish.

In that context, Ireland and developing countries are united in their opposition to the Doha round, albeit for differing reasons. To state that our interests are somehow detrimental to those of developing countries is a naked lie which must be firmly nailed. To say that we are being protectionist and self-interested is true. We should not be afraid to state that we as a nation must ensure the primacy of agriculture as an integral part of our society and any attempt to diminish hard-fought gains on CAP must be resisted at ministerial level.

A fairer global trading system is something we all want. Any agreement should also encompass bilateral deals in which the EU is engaged, particularly with the poorest and most vulnerable economies through economic partnership agreements. As we in Ireland look at the potential cost of cuts in tariffs, the poorest countries are being asked to eliminate more than 80% of their tariffs by the EU. There is no equity in that proposal which signals a bad deal for both developing countries and developed countries such as Ireland.

Global food security is an issue that not only effects those who are more prone to adverse weather conditions but also this island. If it advances, this deal will compromise the food security of this nation. The African farmer may also be left with a stark choice if this process is to succeed as envisaged by the EU Commission. The African farmer may find himself at the end of a trade liberalisation agenda that forces him to buy his seed from a conglomerate such as Monsanto, thereby risking his livelihood, chaining him to another form of bonded labour and potentially compromising his biodiversity.

Doha and the WTO have failed to consider the cultural and societal permutations of ramming this deal down our throats. If it succeeds, we can wave goodbye to a traditional way of living. Those farmers who are able to acquire more land and develop economies of scale will flourish and the traditional farm family will no longer exist. I may be accused of expounding rhetoric but the implication of this deal will be a flight from the land. This will be due to the influx of cheaper imports devoid of any controls, standards or traceability.

The Doha round is predicated on a globalisation agenda. It relies on unrestricted global market forces. In this scenario, transnational corporations will commandeer advantageous terms of trade. Small local interests will no longer be able to secure, control or protect market share. Co-operatives will be swallowed up by larger food multiples and the "Tescofication" of agriculture will become the norm. When these larger food multiples control the means of production, they will control the price the consumer pays and the price the producer derives. We have already arrived at this scenario, albeit on a smaller scale.

The structure of an unaccountable WTO rule-making militates against the small producer, be he or she European or African. The structures give an advantage to large corporations and foreign direct investors at the cost of weakening the traditional equity-orientated economic programmes such as CAP, from which we as an island have benefited.

Acting Chairman: The Deputy has less than one minute left.

Deputy Seán Sherlock: If the rules governing ownership of companies are changed, we will not see a company from a lesser developed region acquiring a firm from a developed country. I thought I had 15 minutes.

Acting Chairman: Yes.

Deputy Seán Sherlock: Have I already reached the 15-minute mark?

Acting Chairman: Yes, according to my records.

Deputy Seán Sherlock: I am only at ten minutes.

Acting Chairman: I apologise. I will not hang the official. Apparently, the clock is wrong. The Deputy has five minutes left. I do not do accusations.

Deputy Seán Sherlock: I thank the Acting Chairman.

In reality, these shoddy proposals will bring major changes in the market structures of developing countries in terms of ownership. It is our view that trade liberalisation will transform subsistence farming into arid export monocultures, stifle the power of micro-credit and put poor countries at the mercy of Western countries such as the US. Furthermore, the price sensitivity of markets will be more keenly felt.

In essence, the WTO proposals as they currently stand are overly ambitious in terms of trade liberalisation and rule implementation. Developing countries, as well as this country, rightly fear that they have nothing to gain from this deal. We feel that we have made enough concessions and have gained nothing in return. If this is the case, it is then clear that the process has failed both ourselves and lesser developed countries and is, therefore, unworkable in its current terms. Contiguous to the analysis arrived at in recent weeks is the notion that perhaps no deal is better than a bad deal. This is something that needs to be teased out in greater detail.

The EU Commission agenda is detrimental to both Irish agriculture and agriculture in developing countries. The Irish farming position is one which has genuine fears about cuts to beef and dairy tariffs. The question is whether enough support is evident at Council of Ministers level for such a cut. If this is the case, the Minister for Agriculture, Fisheries and Food has questions to answer about whether she feels this is a tenable position and if not, what her counter argument is and if there is a sufficient blocking minority to force a rethink on this deal.

There are no grounds for believing that Pascal Lamy can push through a deal ahead of the meeting of Agriculture Ministers on 19 May. As I understand it, the Doha agenda is unpopular and there are question marks over whether the end of the Bush regime in the US will signal any mood for a deal in advance of a new president being appointed.

It is our view that, while guaranteeing food security for EU citizens is a priority and this can best be achieved through a combination of supporting EU food production and through imports set in the framework of the WTO rules, this food security also depends on the EU's contribution to the building up of world stocks, which are today dramatically low. This allows the EU not only to protect itself against shortages but also to take responsibility with regards to global food security.

We must take cognisance of the need to protect the farmers of Europe, including Irish farmers, against a liberalisation agenda that will ultimately compromise Irish comparative advantage in both the beef and dairy sector and will add nothing of value to developing countries' terms of trade. Our view is one which unashamedly seeks to protect the national interest.

In seeking to do so, we are protecting our economy, particularly the rural economy, and a way of life that is under threat. Commissioner Mandelson has an agenda which is incongruous with the founding principles of the European Union on issues of subsidiarity and its position as a Community-based trading bloc. We are now left with an appalling scenario whereby the Mandelson agenda is totally at variance with that of certain members of the Council of Ministers, including our Minister. The Commission must take its mandate from the Council of Ministers. It must not exceed its mandate. It is a supra-national organisation and it must derive its negotiating stance from the Minister and her colleagues. The Minister has a hard task, therefore, in building the alliance of interests that is necessary to protect our interests.

We cannot and must not trade away the rural economy at a time when other sectors of the economy have been undermined. The agribusiness sector is the one that has remained constant through thick and thin throughout the history of the State. It is the sector that will always be there. If we are to trade away the concessions that have been hard won through tough negotiations and diplomacy, all those concessions will have been in vain.

Deputy Caoimhghín Ó Caoláin: I thank Deputy Sherlock for sharing time.

I fully support the sentiments expressed in the motion tabled by Fine Gael and concur with the concerns expressed across the farming sector at the implications the WTO negotiations might have for Irish agriculture. The proposals by the Trade Commissioner to open up the EU to increased food imports, if accepted, will have massive and detrimental consequences for EU farmers. Some of these are set out in the motion and the farming groups have provided further details on how the beef and other sectors will be undermined. The ICOSA has also made the valid point that increasing imports and thereby reducing food production within the EU could have serious long-term implications for food security if European farmers are forced out of business and Europe becomes dangerously dependent on food imports.

Any deal of the sort currently on the table would also undermine the EU's stated commitment to preserving the European model of farming, based on family farms. That is one of the stated objectives of the Common Agricultural Policy. If those farms are made unviable, the entire basis of the CAP will be undermined. Farmers are rightly aggrieved at this, as they will demonstrate in the city shortly, and more so given that they were persuaded to accept the 2003 reform of CAP on the basis that decoupling would provide longer-term security and meet the EU's obligations under the WTO to move away from direct subsidies based on production.

Indeed, it is interesting to recall what Commissioner Mandelson had to say on this subject in February 2005 when the EU was under attack because of its failure to meet the demands of others with regard to further changes to the CAP and agricultural support mechanisms. Mr. Mandelson rejected what he described as the "race to the bottom" pursued by advocates of a free market which he said would cause "mayhem", not least to the interests of the developing countries. With regard to the CAP, he referred to the need to take broader societal and non-economic interests into account. He also stated that the EU would make no further concessions unless something substantial was conceded in return.

What has changed in the meantime and what exactly are the concessions, if any, that would induce Commissioner Mandelson to jettison the above view and agree to sacrifice European farmers in the interests of a deal? Mr. Mandelson also praised decoupling as having guaranteed farmers a "predictable source of income". However, if his proposals are allowed to proceed, the single farm payment may be not only the only predictable source of income for many farmers but indeed the only source of income for those who will be driven out of the beef and other sectors. It is vital, therefore, that the Government uses whatever influence and power it has to ensure that Commissioner Mandelson is not allowed effectively to betray the trust of farmers who agreed to the 2003 reform.

[Deputy Caoimhghín Ó Caoláin.]

I note that the Government amendment refers to the Commission being bound by the terms of the Fischler reforms and that it will accept nothing further. If that is the case, the Commission surely has much explaining to do with regard to what Commissioner Mandelson has indicated he is prepared to offer. If the Commission is willing to abrogate those terms, that constitutes an even worse betrayal of the trust of EU farmers. Of course, that calls into question the extent to which this country and others most directly affected by the proposals can influence policy on this issue or prevent the Commission from proceeding with proposals that are damaging to our interests into the future. The amendment states that the Government will not accept anything that goes beyond the 2003 reform. That is all very fine but will it be able to prevent it from going ahead? That is the question. If not, what does that say about the protection of vital national interests within an enlarged EU, one where it is currently proposed to further reduce the influence of national states? That concern clearly needs to be at the heart of the current debate on the Lisbon treaty.

It is also interesting and significant that the leaked memo from the Department of Foreign Affairs regarding the date of the referendum on the Lisbon treaty cited concerns over the WTO as one of the factors to be taken into consideration. Obviously, the concern is that if Irish farmers feel that their interests are being damaged by Commissioner Mandelson's stance at the negotiations, they might not support the proposal on 12 June. Farmers and the farming organisations are right to be concerned. They are right to be worried about a situation in which the European Commission can adopt a stance detrimental to European farmers and clearly at odds with many member states. It is a clear case of national sovereignty being undermined and an instance where this country's vital interests could be sacrificed by the Commission, something that is already familiar to Irish fishermen. Given that this is the situation, I urge farmers and their representative organisations to seriously consider the implications which the further centralisation and diminution of sovereignty proposed in the Lisbon treaty will have in the future.

I will conclude with the following quote:

Agriculture is an economic sector that cannot be treated like all others. It is too intimately connected to wider issues such as the environment, food security, the future of the countryside and our distinctive rural way of life.

These are not my words or the words of any Irish public representative but those of Commissioner Mandelson. I trust that he bears them in mind and, more importantly, that this Government and other member states who share our common concerns will collectively succeed in forcing the Commission to reject the Trade Commissioner's current proposals.

Deputy James Bannon: I thank Deputy Sherlock for sharing time.

I support this essential motion and put on record my disgust at the lack of acceptance by the Government of the basic reasoning behind it and the need to adopt its main recommendation, that is, the protection of our farmers, their livelihoods and an industry that is an irreplaceable part of our economy and heritage. It is not surprising that a Government that has been responsible for an unprecedented exodus of farmers from the land should not support a Fine Gael motion which has only one purpose, the prevention of another 50,000 farmers from being driven out of business. As we know, farming has been through a very rough time on this Government's watch. The huge amount of bureaucracy and red tape is unbelievable. As a farmer, I fully understand what our farmers have to go through, with bureaucracy and red tape, under this Government.

I have no conviction that the Government, particularly the Minister for Agriculture, Fisheries and Food, can be trusted to protect our Irish farmers and beef. Her record of support for Irish farmers in Europe, particularly regarding the EU bureaucracy and red tape which is destroying our farming industry, is not encouraging. If Mr. Peter Mandelson's headlong dash is not restrained, which will at this stage be akin to halting a high speed train, Irish farmers will face the alarming prospect of beef prices being halved to 60 cent per pound. On top of the loss of 50,000 farming jobs, a further 50,000 jobs in processing, manufacturing and services will go and the economy will be poorer by €4 billion per annum with the loss of the suckler cow herd as 1 million of these animals are to be slaughtered.

The Minister, Deputy Coughlan, admitted less than ten days ago that she does not have a complete analysis of the final impact of the latest proposals under WTO on the different strands of our agriculture sector. Surely it is not beyond the realms of possibility that she should keep on top of this one when one considers the projections and chilling outlook for agriculture of those who know, namely, the people protesting outside this House today, the IFA, other farming interests and IBEC. The way the Minister, Deputy Coughlan, behaved and her contribution here today was shameful and was a let-down to Irish farmers.

Deputy Timmy Dooley: This is a lot of rubbish.

Deputy James Bannon: Irish farmers are paid approximately €2.98 per kilo of beef from factories, which is £1.06 in Irish punts. This is put in perspective when one considers that the 1988 rate was £1.05 per kilo. While the single farm payments are distorting the loss-making position, such shortfalls will decimate our farming industry. The destruction of the Common Agricultural Policy would be a major blow for Ireland. The farming sector, already weakened by a series of punitive measures, including the nitrates directive and the importation of Brazilian beef, to name but a couple, could not survive a halving of its already squeezed profit margin. According to IFA president Mr. Pdraig Walshe, "Commissioner Mandelson is working behind closed doors in Geneva in a reckless destruction of the CAP". Mr. Walshe has also said Mr. Mandelson is engaged in a race to the bottom, to the lowest standards of food safety, animal welfare and the environment. He is prepared to sell out the Irish beef industry to get a deal at any cost. It is a shame on the Minister that she allows him to do so.

Farmers estimate that without a rise in beef prices in the next few years there will not be many people still working in the sector. With very little return currently, a further reduction would make it impossible for many beef farmers to continue. Dairy, sheep, poultry, pig-meat and cereal farmers are also under threat and are facing tariff cuts of up to 70c, undermining the current strong EU market and milk price.

My area of Longford-Westmeath is a mixed farming region. What happens to one sector happens to all in the fragmentation of farming in the midlands, which is a disadvantaged area of relatively high unemployment that cannot withstand a fall-out in the farming sector. Many of the people who lost their jobs in the industries that went to the wall last week in Longford and Westmeath were also working on small farms.

The Doha round of WTO talks started in 2001 but it hardly touches on the new trade issues which have arisen since then around environmental sustainability, climate change and carbon trading. We live in a changing world. The roller-coaster of political appointments has a potentially damning impact on negotiations. The future of our farming sector should not hinge on the power-hungry rush to conclude negotiations before positions are terminated, and that includes that of the Minister for Agriculture, Fisheries and Food, whose job is very much threatened by change.

[Deputy James Bannon.]

The Government has failed to meet its obligations under the programme for Government on animal welfare and other non-trade issues to be included in WTO negotiations. The Government that promised to secure the highest achievable level of support for the farming sector in these negotiations has, once again, been found lacking. While this is a crucial moment for the Minister on the home front, it is also a deciding moment for the future of the agriculture sector and that is the most important consideration. The Minister should be on a round-the-world trip, looking for support in other European countries to try to ensure Mr. Mandelson does not get his way. If he does, farming will be finished forever. I plead with the Minister and the Taoiseach to do their utmost on behalf of the farming sector and shame on them if they let it down.

Deputy Johnny Brady: They are waiting.

Deputy James Bannon: Deputy Brady cannot talk, coming as he does from a constituency where a large number of farmers——

Deputy Johnny Brady: Fine Gael destroyed agriculture every time it was in power, in the 1970s, the 1980s and the 1990s.

Deputy James Bannon: Deputy Brady should not slight the farmers of this country. The Government tried it before and half got away with it but it will not get away with it today if one listens to the people outside the House. The Government let them down.

Deputy Michael Creed: Former Deputies Austin Deasy and Ivan Yates were the two best Ministers for Agriculture.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Trevor Sargent): Ba mhaith liom mo chuid ama a roinnt leis na Teachtaí Timmy Dooley, Johnny Brady, Mary Alexandra White agus Martin Mansergh. Beidh deich nóiméad agam agus cúig noiméad an duine ag na Teachtaí eile. Tugaim lán tacaíocht don leasú ar an rún atá curtha chun cinn ag an Rialtas, mar atá molta ag mo chomhghleacaí an tAire Talmhaíochta, Iascaigh agus Bia, an Teachta Máire Ní Chochláinn. Gabhaim buíochas leis an bhFreasúra as an deis comhcainteanna an WTO a phlé anseo. Chomh maith le cearta daonna, tá cursaí bia is ganntanas bia mar ceisteanna mhóra eacnamaíochta do feirmeoirí na tíre, agus go hidirnáisiúnta. Tá ionadh orm nach bhfuil níos mó daoine den bhFreasúra anseo nó i nGailearaí na gCuartheoir chun an díospóireacht a chloisint, ach sin scéal eile.

As Deputy Bannon is aware, I know his area of Longford well. He knows a number of my farming relations there. I am very conscious of the sensitivities of this debate and the amount that rests on it and that needs to be done to ensure we can look forward to a more hopeful scenario than that painted by Deputy Bannon.

As we have already heard, this round of WTO negotiations has reached another critical stage on what has turned out to be a long road to achieving a final agreement. The current intensive, ongoing efforts aim to conclude a full and final agreement before the end of 2008. We are, therefore, very aware that negotiations will intensify further in the coming weeks and we must be very vigilant to ensure Irish interests in these negotiations are fully represented and realised. I assure the House that the Government is fully committed to achieving these goals and realising an acceptable outcome for Ireland in the final agreement. We must achieve an outcome that is balanced across all the negotiating pillars and provides real benefits not just for Ireland but for global food security, on which newspapers increasingly report. I have one from last December which reads, “World faces surging food prices, falling production, report warns”.

Every day we are getting it, not just in the financial and farming media but throughout the news. To paraphrase a report from the International Food Policy Research Institute published on 4 December 2007, the world faces surging food prices due to falling production unless we build up national food production resilience to insulate ourselves from less food imports being available as fossil fuel and agri-chemicals become more expensive and scarce. This is an enormous challenge and we must all pull together on it. It will not be met by political points scoring.

Food self-sufficiency, now called food sovereignty, was one of the fundamental objectives of the Common Agricultural Policy when it was devised over 40 years ago. This key objective remains vitally important and even more so when we consider the current situation on world agricultural markets and the huge demand for food globally. As the CAP has been reformed over the years this fundamental principle has remained at the heart of the policy and it is equally, if not more, important now as we reflect on the food supply situation in the world today.

The food sovereignty approach is being taken increasingly seriously by respected experts and forms the basis for collaboration between the Food and Agricultural Organisation of the UN, which I have visited, and farmers groups, whom I regularly meet and others in civil society as announced by the Food and Agricultural Organisation's Secretary General, Mr. Jacques Diouf, at the 2002 World Food Summit.

It is in this context that the current round of WTO negotiations represents a significant challenge for EU agriculture. We must ensure the EU model of agriculture and food sovereignty is not undermined. We must recognise the fundamental requirement for the EU to feed its citizens. Indeed, my Green Party colleague from England, Dr. Caroline Lucas, MEP, has published an excellent report called *Stopping the Great Food Swap — Relocalising Europe's Food Supply*, which highlights the absurdity of what has developed in terms of food which is exported from one country and then imported by the same country, as if it were going across the sea on an outing. That level of wastage must be addressed as it is using unnecessary amounts of energy. I commend that report to all interested in food security.

We must not create an environment within the EU whereby we are over-reliant on imports of agricultural products from third countries, the supplies of which we have no control over. This is the fundamental reason the 2003 reformed CAP cannot be undermined by a WTO agreement.

I note that Mr. Pascal Lamy, Director General of the WTO, has said that a successful conclusion of the Doha Round would stabilise uncertain financial markets. However, if the resulting deal makes food more energy intensive in the face of peaking oil production, then greater instability, instead, would be the result.

The EU must safeguard its production base so that it can meet the natural demand of its population for food, feed and bioenergy, while at the same time being in a position to assist least-developed countries to meet their growing food needs.

As to the details, the EU has moved away from trade-distorting production and price supports to decoupled supports. This is a major contribution to these negotiations and other WTO members must now make equivalent contributions to facilitate a balanced final agreement. Given the WTO focus on removing supports, it is ironic but worth remembering that no country currently considered developed got that way without government supports for agriculture.

I have touched on the need for the EU to assist developing countries in meeting their needs in terms of food production. I assure the House that the Government remains very aware that this WTO round of negotiations is a development round. The Government believes very strongly that the CAP is compatible with achieving a strong development round. We must

[Deputy Trevor Sargent.]

refute criticism that we are seeking to protect EU agriculture at the expense of developing countries. It is worth stating that the EU is already by far the largest importer of agricultural products from developing countries, importing products worth approximately €35 billion at zero or very low tariff, compared with €18 billion for the US. The EU imports more from developing countries than the US, Canada, Australia and New Zealand put together. It absorbs about 85% of Africa's agricultural exports and 45% of Latin America's. The EU has also introduced the Everything But Arms, EBA, initiative, a unilateral gesture by the EU to allow into the EU market, duty free and quota free, all products except arms from the 49 least-developed countries.

Within the WTO negotiations we support the principle of special and differential treatment for developing countries. This provision will result in lower levels of reduction commitments and longer implementation periods for developing countries when the agreement is finalised. This will be an important element of the final agreement and the Government recognises fully that developing countries require more time to adjust to the implications of further liberalisation of trade.

As part of the agreement reached in the 2005 Hong Kong ministerial conference, the EU secured agreement that other developed countries and those emerging developing economies in a position to do so would provide full quota and duty free access to their markets for almost all exports of products from the least-developed countries. This is in line with the EU's EBA initiative and represents a major potential benefit for the poorest and least-developed countries.

In addition to these provisions, the EU is seeking a positive outcome to the trade facilitation negotiations and a comprehensive aid for trade package including a broad financial envelope, which compensates for possible loss of preferences by least-developed countries.

We must recognise that it is important that a final WTO agreement is realised. However, the final agreement must be a balanced one. The WTO must take on board the reality that most of civil society campaigning on trade issues has strong positions against patents on food and in favour of the right of nations to use the precautionary principle when it comes to genetically engineered organisms and food. Deputy McHugh should read the findings of the International Assessment on Agricultural Science and Technology for Development, which is made up of over 4,000 scientists from around the world. Its report basically concludes that genetically modified crops will not help global food security. That report merits careful study. We must be discussing the facts and the science on this issue. Deputy Sherlock has probably read more on the issue and seems to be tuned in to the difference between the science and the deception, which is the public relations element of the debate.

The EU and particularly EU agriculture cannot be sacrificed for the sake of a final WTO deal. The other major WTO negotiating partners must now make appropriate contributions to match those already made by the EU. We have reformed our income supports to farmers by moving to non-trade-distorting decoupled payments, committed to the elimination of export subsidies and made a significant offer regarding market access.

It is now clearly time for others to match these contributions to ensure that a final agreement, which will deliver benefits to the EU and to the least developed countries in the world, is achieved. I reiterate to the House that the Government will not accept an agreement which sacrifices EU agriculture for the sake of a deal. All members of the Government will continue to express this position in all of our meetings with our EU counterparts and representatives of countries outside of the EU, in the interests of Irish farming and global food security.

Deputy Johnny Brady: I am delighted to have his opportunity to discuss the WTO in the House. This is the second time the issue has been discussed in recent months.

The Doha Development Round negotiations are now in their seventh year and have, in recent weeks, reached a critical phase in Geneva. The Minister for Agriculture, Fisheries and Food, Deputy Coughlan, the Taoiseach and the Tánaiste have all been active in strongly defending the agricultural interests of the country over recent months. The Taoiseach met Chancellor Merkel earlier this week and had a very useful exchange of views on the various issues. The Minister will be travelling to Germany next week to meet her counterpart, Minister Seehofer. She has also had a number of meetings with her French counterpart, Mr. Barnier, in recent months and they met again this week at the agriculture Council in Luxembourg. Today, President Barroso is in Dublin meeting the Taoiseach and the Tánaiste. These high-levels contacts are testimony to the Government's commitment to protect the interest of Irish farmers.

I was glad to hear that Commissioner Fischer Boel made it clear at the agriculture Council earlier this week that a balanced outcome was a precondition of any deal. I was also glad to hear the Commissioner reiterate that the negotiations are based on the single undertaking to include industrial goods, services and a rules-based system.

Like others in this House, I am concerned that Commissioner Mandelson has been adopting an unnecessarily concessionary approach to the negotiations.

The Commission negotiates in the WTO on behalf of the member states on the basis of a mandate agreed in the Council of Ministers. The mandate is designed to defend the CAP as it evolves under successive reforms, including Agenda 2000 and the mid-term review, both of which were agreed with a view to positioning the EU in the WTO negotiations. Essentially, the Council mandate aims to protect the European model of agriculture as an economic sector and a basis for sustainable development based on the multifunctional nature of agriculture and the part it plays in the economy, the environment and society generally. The CAP reforms that have been implemented represent a significant contribution to these negotiations and other WTO negotiating partners must make equivalent contributions to ensure, in the event of an agreement, it is balanced from an agricultural perspective.

I am glad to highlight that the Minister has been successful in establishing an alliance with a group of more than 14 member states and there is good support for the view that the legitimate interests of the EU agri-food sector must be strongly defended. At the March Council meeting the membership of the group of 14 swelled to 20. Each member state has its own particular concerns. While Ireland focuses on the green box, export refunds and market access for beef and dairy products, others are concerned, for example, about Mediterranean products.

However, such broad alliances are crucial in an EU of 27 members. I support the Minister's specific priorities in the ongoing agriculture negotiations. On domestic support, she is seeking to ensure decoupled direct payments continue to qualify as non-trade distorting payments under the WTO green box classification and to remain exempt from reductions under the new round. On export subsidies, she wants to ensure the full parallel elimination of all forms of export subsidy and seeks the maximum flexibility in the phasing out arrangements for the EU export refunds scheme. On market access, an effective import regime has a vital role to play, and, therefore, the aim is to retain a realistic and effective level of protection for our producers and exporters.

I wish the Minister and the Minister of State, Deputy McGuinness, well. I compliment every farming organisation on their contribution on this issue because if Mr. Mandelson gets this way, he will kill agriculture and rural Ireland, which the Government, the Taoiseach and Minister will fight to keep alive.

Deputy Denis Naughten: Fianna Fáil said the same about the Green Party before the general election.

Deputy Johnny Brady: Given the negotiating skills of the Minister and the Minister of State, Mr. Mandelson will not get his way.

Deputy Timmy Dooley: It is difficult to follow a passionate speech like Deputy Brady's but I welcome the opportunity to contribute to this important debate. Like him, I represent a rural constituency. I was brought up on a small family farm in east Clare and I am well aware of the concerns and issues of farmers regarding this deal. I am fully aware of the issues and difficulties associated with the Mandelson proposals and, therefore, I do not need to be lectured by Opposition Members about their implications. We all have a clear understanding of the complex issues involved and the potential impact they will have not only on rural Ireland and the farmers but also the wider agriculture industry and the people employed in it. I am happy to contribute because of the impact of these proposals.

I am confident in the negotiating skills of Ministers and Ministers of State in various Departments and the approach adopted by the Government to the proposals. The Government has a clear understanding of the proposals' implications. The Departments of Agriculture, Fisheries and Food, Finance and Enterprise, Trade and Employed have adopted a skilful and diplomatic approach to the negotiations. This approach has stood Ireland well in the various challenges faced since its accession to the EU. This is not the first time we have faced difficult negotiations on proposals emanating from the Commission. Through the skilful and diplomatic approach of the Government, our permanent representatives in the EU and civil servants who regularly parse different proposals, Ireland is ready to take on the challenges from a diplomatic and political point of view. Civil servants and permanent representatives work behind the scenes in negotiations with other countries.

The Minister referred to her concerns about, and her opposition to, this deal and her efforts to build an alliance of like minded member states. This alliance was initially the group of 14 but this number has increased to 20 and includes a number of major powers within the EU. Success will be achieved through such an approach. Building alliances at Civil Service and Government level has stood Ireland well. I am amazed, therefore, that Opposition Members would ask the Minister to show her negotiating hand. Nobody would expect her to do this but she has been castigated by them.

Deputy Michael Creed: If she knew what she was at, she might not be castigated.

Deputy Timmy Dooley: One of the most recent contributions was from a prepared script and she was castigated about her contribution to the debate. However, it must have been written in advance of the debate like the old retort to the budget. That is not helpful but that may only be the position of one or two Opposition Members.

As others have said, we need to come together in a cohesive way and support the efforts of the Minister and the Government. This is an important national issue on which we need greater cohesiveness of approach. Nobody suggests the Government has all the knowledge and parish pump, church gate type politics do nothing for the efforts of the Government or to benefit Ireland. However, as we have always done in Government, we will work in the better interest of the people and farmers.

Deputy Michael Creed: Governments Members are carrying a great deal of weight on their shoulders.

Deputy Timmy Dooley: The WTO trading system has been helpful to Ireland and it continues to work. However, the proposed changes are extremely troubling and the Minister and the Government have rightly set their stall firmly against them. That is why I find it difficult to

accept the notion put forward by the Opposition that the Minister has done nothing. She has shown in various statements, including her contribution to the debate, that she is not prepared to accept the proposals. The Minister for Enterprise, Trade and Employment put forward a strong argument regarding the efforts he is making to ensure a deal will not be accepted. That approach has found agreement among 20 member states and it is clear the deal will not be accepted. We should support that approach. A successful conclusion to these negotiations would be nice but we would be better off with no deal, as Deputy Ulick Burke said, than the deal on the table. That must be a central part of the stance adopted.

A fair agreement, which does not place an undue burden on EU agriculture, is needed. The industry is important to Ireland but may not be as important to other member states. The Minister set out how, through the special status of goods, Ireland will be in a stronger position to deal with the proposals. Ireland must set limits beyond which it is not prepared to pass and Irish agriculture, in particular, cannot be sacrificed for the benefit of others. I, like my colleagues, am extremely concerned about the issues underlying the agreement. We are focused on the potential impact on the livelihoods of small rural holdings and the entire agriculture sector. That is not to say we allow it to cloud our mind. We recognise the deal that is there and that it is not acceptable. Through our Ministers and Department officials, we are clearly putting forward the alternatives and a strong objection to what is being proposed.

Deputy Mary Alexandra White: As someone who was elected in a rural constituency by many small hill farmers and land owners, I welcome this debate which encompasses many issues concerning Irish agriculture, such as food supply and security, prices and issues of fair trade, socio-economic progress in developing countries and environmental protection. I commend the Minister on her efforts on behalf of Ireland during the EU negotiations and at the world trade talks.

The current proposals from Crawford Falconer are far from satisfactory. It is said that Rossini wept three times in his life: first, when he heard an air by Paganini; second, when his opera was hissed off stage; and, third, when the Rossini family turkey fell off a platter and rolled into Lake Garda. If he were alive today and read these proposals, he might well have shed a fourth tear. Many of the proposals outlined by the WTO agricultural negotiating committee in February are unsatisfactory to Irish and European farming communities. The significant tariff reductions proposed include a 60% cut in carcass beef, 50% in boneless beef, as well as cuts in butter and skimmed milk powder and similar cuts for whole milk, lamb and pig meat. These cuts would make life miserable for many in Irish agriculture. I have confidence in the Minister representing the Irish position and I trust she will continue to highlight her concerns to the WTO agricultural negotiating committee and to Commissioner Mandelson.

With global staple food prices having increased by 80% in the past three years, it is vital that the repercussions of any deal do not put any undue burden on Irish suppliers. We need to highlight several other issues as the EU works towards a deal. The global danger from climate change means environmental protection must underpin any agreement. Agriculture is already seeing the effects of climate change. Too major regions of food supply have seen such effects in recent years. Australia has experienced two of its most severe droughts on record in the past five years. Its grain output in 2006 fell by 20 million tonnes, which is half of its average output. Its milk yield in 2007 was only 60% of that in 2001. Flooding in Brazil and Argentina has seen reduced food supply, all of which drive up prices throughout the world.

We have gone from a situation where CAP reform in the early 1990s was aimed at compensating cereal producers for a drop in prices, and where such reforms led to reduced incentives for farmers to increase production, to a situation where climate change, rising population — perhaps 8.5 billion by 2025, according to the UN — and increased expenditure of disposable

[Deputy Mary Alexandra White.]

income on food by people in the developed world have resulted in massive price increases. The carbon footprint of food, the issue of biofuels and other such issues must be factored into any deal. We must not end up in a situation where all our beef is Brazilian, all our apples are Chinese, our asparagus is from Peru and our green beans from Kenya. Increased transport and exports equals more carbon dioxide emissions. If experts are expecting food demand to triple by 2050 due to world population and economic growth, it would be absurd to have environmentally unsustainable movements of food while discouraging our own farmers from growing more.

We in the Green Party recognise that the issue of land use and biofuels is not simplistic. We will review our current policies regarding land for cereals being used for biofuels and will support major investment in second generation biofuels. There is a serious problem with food prices, exacerbated by the amount of land used for biofuels. A total of 8 million hectares in the US, which once provided animal feed and food, is now being used for biofuel production. Large areas of Brazil, Argentina, Canada and eastern Europe are diverting sugar cane, palm oil and soya bean crops to biofuel. This year, 18% of all US grain production will go to biofuels. The President of the World Bank, Robert Zoellick, stated that all staple food prices had risen by 80% in three years and that 33 countries faced unrest due to rising prices.

Acting Chairman (Deputy Charlie O'Connor): I wish to inform the Deputy that less than five minutes remain in the slot.

Deputy Mary Alexandra White: I will be finished before that. Finally, any agreement may be guided by the principles of fair trade.

Acting Chairman: I am sorry I had to remind the Deputy. I do apologise and I thank her for her assistance. I now call on Deputy Mansergh.

Deputy Martin Mansergh: After dairying, the beef sector is the main staple of Irish farming. The margins are tight and often practically non-existent, even at the moment. Much of the production comes from part-time farms. If viability was to collapse, it would be devastating for rural Ireland and the agrifood sector. The job losses would be large, but are difficult to quantify. We have seen what has happened to sheep numbers and we have seen the wipe-out of the sugar industry, which I regret was ever privatised.

Extreme concern exists about the WTO negotiations. We must take into account that Ireland is one of the most globalised countries in the world and benefits from freer world trade. We have always had to balance agriculture and other trade interests. It is entirely unclear what are the non-trade benefits to Ireland or even the EU. Chancellor Merkel expressed reservations on that count in Dublin Castle this week. There is deep distrust running right through this debate of EU trade Commissioner Mandelson, who twice had to resign from the British Government and who attempted to sabotage the implementation of the Patten report on police reform, pandering to the right wing press in Britain. No doubt he would be delighted to sabotage the CAP before his term ends next year, but that would be exceptionally short-sighted, not least from Britain's point of view. That is a country of about 60 million that over the centuries has relied on ready access to food supplies from Ireland. If that were to dry up, it would have serious consequences.

These negotiations take place against the background of rising food prices, concern about the effects of biofuels and acute concerns about the effects on the political stability of many countries due to food shortages. I have complete confidence in the Minister and her Department that they will do the maximum possible to protect Irish agricultural interests with full Government support from the top. However, it is not sensible to do all the negotiating in public

and we need to bear in mind that these matters will be decided by qualified majority vote. Therefore, no country has a veto and it is necessary to muster allies. The Minister has been very successful in doing this. The interests of different member states are not identical. There may well be no deal and I am following this issue closely in the international press. If there is a deal, we will negotiate the best deal that we can get. It would be an illusion to believe that Ireland is in a position to dictate terms.

Playing the Lisbon treaty card has its dangers. Concerns about the short-term fate of the Lisbon treaty in Ireland would not be enough to deter or prevent a WTO deal. The reality is that a “No” vote would do nothing for Irish farmers or the country as a whole. It would be a protest, but it would marginalise us and cripple our ability to fight future battles. I welcomed the unconditional support of the IFA for the EU treaty at the beginning of the year and I hope it will be revived and that farmers will not be left in a state of uncertainty. We need to remember that this country has received €40 billion from the EU, most of it for agriculture.

I wish the Minister every success in negotiations and a favourable outcome for Ireland, not least one that we will be able to manage and digest without any major disruption, having regard to major changes in world market conditions.

Deputy Andrew Doyle: I wish to share my time with Deputies Noel Coonan, Joe Carey, Denis Naughten, Dan Neville and Seymour Crawford.

Acting Chairman: Is that agreed? Agreed.

Deputy Andrew Doyle: I agree with Deputy Mansergh that the “No” campaign against the Lisbon treaty does not do anything to enhance industry, employment or agriculture. Therefore, it would be a terrible shame if Government inaction contributed to the “No” campaign winning. It is not disingenuous to suggest this could happen. The farm organisations have mentioned that they will find it very difficult to sell a pro-Lisbon vote to their members if it is seen that the EU has sold farmers down the Swanee.

The purpose of this motion was to try to concentrate minds on the context and importance of the WTO negotiations and the future, in light of employment, the economy, world food security and the balance of what is to gain for Ireland. The debate also gives us the opportunity to discover the Government’s thinking on its priorities. Many of our fears have come to light in the Government amendment to this motion, which recognises the benefits Ireland has gained in the World Trade Organisation regime.

Since the last world trade deal was done, we have lost our beet industry and many of our manufacturing jobs have gone to other trading blocs. We now buy what we would, heretofore, have produced for ourselves and for export. This morning I heard David O’Sullivan, the director general of the EU trade commission, make many of the same points. He even suggested that the agriculture industry was improving in light of rising world food prices. It does not help the agriculture industry or the production of food for us to have insecurity in the market. Prices may be good this year, but as the French Agriculture Minister, Michel Barnier, said, we must not leave the vital issue of feeding people to the mercy of market laws and international speculation. If that is what is going to determine the level and price of food produced, God help us.

Oil prices rose again today and we are already at the end of a gas pipeline from Russia. If we persist in allowing the WTO agreement to go through and cut €40 billion from the agrifood sector in Europe, we will be even more dependent on a food pipeline from other parts of the world, with little control over it. We are all concerned about the Third World, but if the EU reduces production below capacity, we will not be self-sufficient and the first people to suffer

[Deputy Andrew Doyle.]

will be the people from the 50 poorest nations in the world with which the EU already has an agreement to allow in all but arms to be traded without tariffs. The EU customer will be much better able to buy food than the poor. It is the poor within the EU who will not be able to afford food, not the wealthy people, the people who actually control the trading blocs.

A matter that has arisen in the discussion, mentioned in the Government amendment, is that the limit of the EU Commission's negotiating position in the WTO agriculture negotiations is the 2003 reform of the Common Agricultural Policy. However, in 2005 a ministerial mandate went far beyond that position of approximately 35%, up to 50% or 60% tariff cuts. We need clarification of the Government's position. In the context of the position today regarding food supply and security, is it going to go ahead with what was already a bad deal in 2003 or will it adopt the even more draconian 2005 position?

I mentioned gain. I cannot see any gain for Ireland. As a manufacturing bloc, Ireland has the capacity to feed 36 million people. We have a 31 million surplus, primarily in beef and dairy products. We can sell a significant amount of that surplus into Europe and do not need a trade deal that will cut our production and viability on the basis of what is good for other trading blocs. That cannot happen. We should remember that CAP was formed out of necessity, post-two world wars and food coupons. However, we now see food coupons making a comeback in the United States. I suggest instead indirect subsidisation of food costs.

The CAP was put in place to ensure that it was viable for producers to produce enough food to feed the nations of Europe. The fact that it has been a victim of its own success and that food mountains and lakes were created — which were dealt with badly — is no reason to undermine it and bring us to a state where we have, probably, less than eight weeks food reserves on the planet. Deputy Mary White mentioned climatic events. If, for example, we had a scenario where we had a drought in North America, another in Australia and an extremely cold spring in the old USSR block, and food production dropped below what it is at today, those reserves would be wiped out. The first people to suffer in that scenario would be the people in the poorest nations and the poorest people within our nations, the second to suffer would be the producers.

We are treading a dangerous path. One man's legacy is not worth the price. Throughout history we have seen Europeans and world leaders try to create a legacy for themselves, but when history judges them, it never finds a positive legacy. I have heard the talk, let us walk the walk. Let us use our veto. We must agree that we should have unanimity on May 19 or no deal. No deal is better than a bad deal.

Deputy Noel J. Coonan: In the interest of farmers nationwide, the Government needs to show it is willing to defeat the current WTO proposals. A major diplomatic and political project must be re-energised to protect the CAP and Irish agricultural interests. There is no doubt that the WTO agreement may put numerous farmers out of business and have a serious impact on European consumers.

A large number of food scares have been associated with non-EU produced food products and additives. Any future agreement in the WTO must be the right one and must ensure that food safety and security, animal welfare and human interests are paramount. Food security is a high priority, but I wonder whether it is one of Commissioner Mandelson's main concerns. It should be, given that the world's poorest countries are suffering from increases in international cereal prices, oil prices and freight charges.

The most important thing for us is to ensure we get a balanced outcome from the negotiations, one that does not jeopardise Irish or European agriculture. It has been estimated by the IFA that the financial consequences to the Irish economy could be at least €4 billion per

annum. This dire financial situation would, undoubtedly, have knock-on effects for those living in north Tipperary. This is unacceptable in the post-Celtic tiger era, when all people's pockets are pinched as inflation rises. The IFA's estimation of the economic impact is extremely worrying. It notes that we could have 50,000 farmers out of business and 50,000 jobs lost in manufacturing and services. Such statistics should be considered, as their effects could be detrimental to the well-being of the rural community. We thought the closure of the sugar factory in Carlow was a blow to local communities, but the WTO proposals will have much more serious consequences.

There is significant concern among the farming representatives of the agriculture industry. I wonder, along with party colleagues, how the Government can make a decision on the issue when it was revealed recently in reply to a Dáil question that the Department has no definite figures on the impact and the proposals. There are thousands of farmers protesting outside the Dáil today and, as their banner states, "No way, José".

Deputy Joe Carey: The American author, Mark Twain, once advised an audience to "invest in land because they're not making any more of it". We in Ireland, as members of initially the European Economic Community and latterly the European Union, have paid heed to that advice. One of the principal reasons for the establishment of the EEC in the early 1950s was to ensure that Europe, having suffered two catastrophic wars in the preceding 50 years, could always guarantee its citizens a food supply.

Since then, agriculture has advanced and the land and its productivity has been improved. There are standards of quality and a system of traceability for European food products. The issue of animal welfare has been taken seriously. In short, we have established a system in which consumers and farmers can have confidence.

This has taken some time to achieve and no other region in the world has paid this type of detailed attention to its agricultural economic sector. It now seems apparent that our EU trade negotiator, Mr. Peter Mandelson, is prepared to throw all this away without receiving any concessions on other matters on behalf of the European Union. Mr. Mandelson is following a historical British obsession with cheap food. The UK can no longer feed itself and this mode of thinking was fine when they had an empire behind them but we now live in a different world.

In World Trade Organisation talks, agriculture is at an advanced stage of conclusion, non-agricultural market access is at a stage of limited progress and there is absolutely no progress on services and trade rules. The Government amendment to this Private Members' motion notes that the Government is seeking an outcome to these WTO negotiations that is balanced across all the negotiating sectors. If that is the case, it is time for the Minister to wake up. The talks on agriculture face conclusion with little or no progress on other trade sectors. Are we to be part of a negotiating team that offers everything and gains little?

Our food industry is the largest Irish-owned manufacturing sector, accounting for over 50% of exports from Irish-owned manufacturing. Ireland's food and drink exports were worth €8.6 billion in 2007, representing 17% of Ireland's net export earnings. Farming, the food industry and the service industries depending on agriculture provide 300,000 jobs, which is 25% of all jobs outside the greater Dublin area. This WTO deal, as it currently stands, threatens these exports and 50,000 jobs in rural Ireland.

The Trade Commissioner negotiates on behalf of the EU on the basis of a mandate agreed by the Council of Ministers. This mandate is based on protecting the European model of agriculture, with the family farm structure being the cornerstone. This has formed and should continue to form a basis for sustainable development reflecting the multifunctional nature of agriculture and the part it plays in our economy and the environment.

[Deputy Joe Carey.]

Former Agriculture Commissioner, Franz Fischler, assured Irish farmers in 2003 that they would not have to make any further concessions following the reform of the CAP. This was in essence how we in the European Union prepared for this round of WTO talks and yet we find ourselves today having gone beyond that position with no obvious direction from the Council of Ministers.

The idea of transporting food around the world for consumption in Europe and the impact of this transportation on the environment should be of interest to the Minister for the Environment, Heritage and Local Government, Deputy Gormley. Beef from Brazil, lamb from New Zealand, grain from South America and chicken from Asia would indicate that we will no doubt make worse the already serious issue of climate change which is so dear to his heart.

In terms of the environment, the example of Brazil is worth noting. Between May 2000 and August 2006, Brazil lost nearly 150,000 sq. km of forest, an area larger than Greece, and since 1970, over 600,000 sq. km of Amazon rain forest has been destroyed. This has not been led by conventional farmers in the European sense but rather by large ranchers and speculators.

The Minister must not fall into the trap of thinking that protection of the single farm payment will suffice and keep people happy at this time. This is not at issue here. This is not a time for presentation and mealy-mouthed responses. The Minister previously failed to acknowledge the seriousness of the deficiencies of Brazilian beef and at this time both she and the Taoiseach need to send out a strong and unequivocal signal from the Council of Ministers that this deal in its current state is just not on.

Mark Twain was wise in his advice. We in Europe have invested so much to get where we are today. Our systems are perfect for the future, systems that protect our environment, our people and a safe food supply. It is critical that the Government acts now and acts decisively to protect our agricultural economy.

Deputy Denis Naughten: The European Commission's WTO negotiating position is not the deal that Irish farmers signed up to when agreeing to the mid-term review of CAP in 2003 and the introduction of the single farm payment.

It is unacceptable for the European Commission to put together a deal on agriculture under the mid-term review, setting out the spending and funding measures for farmers up to 2013 and now try to use the WTO as an excuse to renegotiate the deal. The European Commission cannot and must not be allowed to renege on its commitment. While it is the objective of some of the international trading blocs and the Trade Commissioner, Peter Mandelson, with the support of some member states, to dismantle CAP, it should be pointed out that this will have dangerous repercussions.

We should not forget that one of the fundamental objectives of the original EEC was to guarantee food security for Europe in light of the devastation and inability to import food during the Second World War. As a result, Europe's agricultural production is a lot higher than it would have been and, traditionally, world food prices were a lot lower because of subsidised production in Europe.

While the threats to food security and its definition are a lot different today, the fact remains that we in Europe must be able to control food prices and we must be able to feed our own people. The mid-1970s saw a world food crisis caused by a combination of factors, including an oil crisis, drought across many major grain producing regions of the world and unfolding humanitarian disasters in South Asia and the Horn of Africa, all putting increased pressure on emergency grain stocks. Many of those issues are arising today. The experts claim that we will soon reach peak oil production, which will lead to a shortage of oil. However, on this occasion

not only have we to worry about the traditional impact that this has had on food supplies, but now we have an added one in that food is being diverted into fuel production and this acts with a multiplier effect to deepen any food shortage. The consequence is that land and crops which might otherwise contribute to global food security will be devoted to satisfying the growing fuel demand.

The Trócaire television advertising campaign shows the impact that global warming can have on developing countries such as those in Africa and this can also impact on the major food producing regions of the world. Grain prices rose dramatically in 2006-07 as a result of poor weather conditions. One example was hurricane Katrina in New Orleans in 2005, which had a significant impact on the ability of the US to export grain and which contributed to an increase in the world cost of grain. Sadly, humanitarian disasters in Africa and Asia are as big a threat today as they ever were not only as a result of global warming, but also because of the political instability in many of these countries. I refer to the example of Zimbabwe, the bread basket of Africa, where one man has destroyed the economy and the agricultural capacity of that country. All these factors are feeding into the increasing price on the supermarket shelves of basic food products and this trend will only go one way unless action is taken now.

Yet with all these potential threats, we have found ourselves in a situation today that is unprecedented in modern times, where world food stocks are at an all-time low. Today there is less than a 30-day supply of food available to feed the world. With a food shortage, the peoples of Africa and Asia will become the food security migrants of the next decade. This will bring with it further challenges for our immigration system and that of our EU neighbours. By prioritising the issue of food security at EU and WTO level, everybody can benefit. By ignoring it, food will become more expensive and due to immigration into Ireland and other EU countries, there will be significantly more people to feed.

The key question for Europe and its people is whether we want Peter Mandelson to open up Europe to free trade in food with the consequent impact on food security and cost in order that we can have cheap imported toys, electronics and clothes. This is a critical issue for the Commission and we must reject the proposals on sensitive food products.

I call on the incoming Taoiseach, the Tánaiste and Minister for Finance, Deputy Brian Cowen, to go to the capital cities of the member states and tell them that this proposal is unacceptable to Ireland and that we will reject it.

Deputy Dan Neville: I welcome the opportunity to speak on this motion. The deal currently on the table in the World Trade Organisation negotiations is most damaging for the beef and dairy industry but is also likely to have a knock-on effect in other areas of agriculture and agribusiness. It will cost the economy an estimated €4 billion per year. There is widespread concern regarding the general state of economic affairs. The economy could certainly not withstand the removal of €4 billion, including the loss of €2 billion in export earnings, if the current proposals are carried through.

There have been significant job losses in the poultry industry in my constituency of Limerick West. Whatever semblance of the poultry industry remains — there are still farmers engaged in it in my area — will be wiped out if these proposals are implemented. Some 50,000 jobs in agricultural manufacturing and services throughout the State will be lost. In recent decades, we have witnessed a remarkable change in the agricultural industry. Many farmers in my own constituency and elsewhere now operate on a part-time basis only. In other cases, either the wife or husband in a farming family must take a second job to supplement their income from agriculture. According to the Irish Farmers Association, the current proposals will take 50,000 farmers out of business, leading to a further decline in the contribution of agriculture to our economy and society. One million suckler cows will be slaughtered, decimating that sector on

[Deputy Dan Neville.]

which many farmers who have moved into part-time farming now depend for a decent livelihood.

In my own area in Limerick, dairy farming is extremely important to the regional economy. These proposals will have a devastating effect on the dairy industry. The proposed 70% tariff cut means the imposed price for butter will be 16% below the EU rate. The drop in tariff, according to the Irish Creamery Milk Suppliers Association, ICMSA, will be from 18 cent to 4 cent per litre. This means Irish dairy farmers will be expected to operate at New Zealand prices plus 4 cent per litre from inside the most heavily regulated and cost intensive production system on the planet. The loss to a 350,000 litre dairy farmer is in the order of €27,000 per annum. This would decimate the dairy farming industry in my constituency.

Ireland is the fourth largest exporter of beef in the world. It is a vital national interest estimated to be worth three times more to Ireland than wine is to the French market. A 70% cut in beef tariffs is estimated to reduce cattle prices to an unsustainable level of £2 per kilogram or 70p per pound. When I left the beef industry in 1988, having worked in it for more than 20 years, the price of beef was 108p per pound. The prices being forecast will devastate the industry. It is inconceivable that there should be such a change in the return to beef farmers. There is already a major discrepancy in this regard compared with what was available in the late 1980s. The industry will become unviable if the current proposals are implemented. A reduction of such scale in prices would not even cover the cost of production of beef. I urge the Minister to ensure these proposals, the details of which she seems unsure of, are rejected by the Government.

Deputy Seymour Crawford: I thank Deputies Kenny and Creed for introducing this important motion. It is one of the most serious motions to come before the House for some time. Not only our agricultural industry, but our economy in general is at a crossroads. In recent times, there has been a 10% drop in food exports to the United Kingdom. That drop will continue, partly because of the exchange rates and partly because of our high cost of production compared to that in the United Kingdom and other EU states. The National Competitiveness Council has pointed out that Ireland's energy prices have moved from some of the lowest in the EU to the second highest in 2007. Between 2001 and 2007, Irish industrial electricity prices increased by almost 70% compared to an EU-15 average of 36%. Meanwhile, the cost of waste disposal in Ireland is five times higher than in the United Kingdom.

Even before the effects of any WTO agreement are felt, agriculture and the agribusiness sector are struggling. In my constituency, for example, Grove Turkeys in Monaghan has shed two thirds of its workforce and Clones Poultry has closed. Many pig farmers have been forced out of business. Beef output at meat factories and in terms of live exports has dropped significantly as has output in the sheep industry. Butter and skimmed milk prices are seriously under pressure. In September 2007, butter was worth €4,100 per tonne but has fallen back to €2,600 per tonne. Skimmed milk powder was worth €3,600 per tonne in September 2007 but will now fetch only €2,100. The recently granted 2% increase in EU quota will undoubtedly facilitate the Commission's objective of maintaining a lower food price structure. This is without taking account of the increased prices of oil, fertiliser and so on. All these developments are having serious implications for Irish farmers even before factoring in the outcome of the WTO talks. This is an indication of how the Government has failed agri-industry.

The Minister for Agriculture, Fisheries and Food, Deputy Coughlan, has failed to avail of this opportunity to brief the Dáil on what discussions she or the Government have had to rein in the Commissioner for Trade, Mr. Mandelson. Meanwhile, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy McGuinness, tried to blame the

Opposition for the Government's recent failures. This is the Deputy who, before he became Minister of State, acted as though he was in Opposition. I advise him to check the Official Report for a reminder of Fianna Fáil's activities against the then Minister, Mr. Ivan Yates, when we were in the middle of a BSE crisis. He would soon learn what negative politics is all about.

This motion seeks to support the Government by affording it an opportunity to assure us that it will use its veto if necessary and work to rein in Mr. Mandelson who seems to believe that he must still follow the old British cheap food policy. Our desire to escape that policy was the main reason, from an agricultural point of view, that we joined the EU in 1973. The Ministers for Agriculture, Fisheries and Food, Enterprise, Trade and Employment and Foreign Affairs and, above all, the Taoiseach must all show leadership on this issue. They must agree at this stage that no deal is better than a bad deal. Given the general economic difficulties we currently face, it is vital that we do not lose 50,000 jobs in agriculture and 50,000 jobs in related industry, as forecast by the Irish Farmers Association. Most other farm related organisations state clearly that the Mandelson proposals are a disaster. The Minister, Deputy Coughlan, has failed either to support or deny this analysis, so we must take it as fact.

My party leader, Deputy Kenny, has clearly played his role within the European People's Party. While I appreciate that the Government parties have no such alliance in Europe, the Government has access to the ministerial Councils and to a Government-appointed Commissioner, the former Minister for Finance, Mr. Charlie McCreevy. The Government must use every angle to ensure Mr. Mandelson is reined in. We must make use, for instance, of our so-called close relationship with the President of the United States. The Government must protect Ireland's long-term national interest, which includes our agricultural sector and the objective of food security for Europe.

It has been stated that in previous negotiations where intervention and export refunds were either removed or wound down, this was done solely in the interests of Third World countries. However, the recent protests in Haiti and Egypt show that this change in EU policy did not have the desired effect. Nobody should be fooled into thinking the current WTO proposals have been made for that reason. They are being negotiated solely on behalf of big business in the US, Brazil, Argentina, New Zealand and Australia. The Government must get off its backside and show real initiative and care for the people and nation it represents. The Minister said earlier that this is limited to the Commission's negotiation proposals. I would like her to say whether she agrees with Mr. Mandelson's proposals. If she does, we are facing nothing short of a disaster.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Mary Wallace): I support the amendment proposed by my colleague, the Minister for Agriculture, Fisheries and Food, Deputy Coughlan. Having listened attentively to the debate, I have heard nothing that leads me to support the motion tabled by Fine Gael. The original motion asks Deputies to note the "failure of the Government to have non-trade issues debated in the context of the World Trade Organisation talks". The reality is that the efforts of the Government — particularly my colleague, the Minister, Deputy Coughlan — have ensured that non-trade concerns are a feature of every debate on this subject at Council level. We are pleased that this issue is to the fore of the agendas of a considerable number of other member states, including France, Austria, Belgium, Netherlands and Greece. The existing WTO provisions on equivalent protection for consumers allowed the EU to take action recently to restrict beef imports from Brazil.

The Fine Gael motion also asks the House to note "the failure of the Government to honour its own commitments in this regard as outlined in the programme for Government". I suggest

[Deputy Mary Wallace.]

that we should conduct this debate on the basis of facts. The Government has not failed to honour its WTO commitments. It has pledged to secure the highest achievable level of support for the farming sector and to promote the need for non-trade issues to be part of further trade deals. This is precisely what we have done and are continuing to do. The motion calls for “a major political and diplomatic initiative to protect the Common Agricultural Policy and Irish agricultural interests”. A major political and diplomatic offensive to protect the policy has been up and running for a considerable time. My ministerial colleagues have outlined in some detail during this debate the efforts that have been made at all levels of the Government to press the Irish viewpoint on the world trade deal. The Taoiseach, the Tánaiste and the Minister for Agriculture, Fisheries and Food have made every effort in this regard. These efforts will be continued and redoubled in the crucial weeks to come.

The original motion moved by Deputy Kenny asks the Government to “ensure that food safety and security, climate change, animal welfare and human health interests are priorities in the context of any future agreement in the WTO”. My colleagues have expressed in no uncertain terms the Government’s concerns about the proposals which are on the table. These concerns range across the full spectrum of Irish interests and include not only the matters referred to in the Opposition’s motion, but also the real social, economic and environmental impacts of any final deal. The Opposition has called on us to “immediately publish a sectoral analysis on the impact of the current proposals for Irish agriculture”. The Minister, Deputy Coughlan, has made clear that a huge range of analysis has been carried out by the Department of Agriculture, Fisheries and Food and other agencies on an ongoing basis since the outset of the negotiations to inform Ireland’s negotiating position. She has also offered to brief Deputies on a confidential basis on the key issues relating to this analysis. It would be imprudent for the Government to undermine its negotiating position by making its calculations available publicly.

Fine Gael has called on the Government to “signal its willingness to use all necessary measures to defeat the current WTO proposals”. It goes without saying that the Government will make every effort to secure the best possible deal for Irish agriculture and will continue to pursue a balanced outcome to the WTO negotiations. The Government’s two-pronged strategy in regard to the negotiations involves both the over-arching political level and the detailed technical level. We will continue to seek the broadest and strongest possible political alliance within the EU to oppose a bad deal for Irish and European agriculture, while pursuing detailed issues with the Commission which could be of significant assistance to the Irish agri-food sector if a deal is done. We will continue to express at every available opportunity at EU and international levels Ireland’s concerns about the negotiations, particularly in relation to agriculture. We will continue to insist that the Commission adheres to the principle of ensuring that any outcome does not necessitate further reform of the CAP. We will continue to seek and enhance support for our position at EU level among other like-minded member states. We will pursue vigorously, with the Commission and elsewhere, the technical points that will allow Ireland to maintain effective import protection for its products and will result in equitable treatment of sensitive products and provide meaningful levels of protection and reasonable and fair prices. I commend the amendment proposed by the Minister, Deputy Coughlan, to the House.

Deputy Tom Sheahan: Fine Gael has proposed this Private Members’ motion on foot of the mounting concern about the current direction of the World Trade Organisation talks and the potentially disastrous effect the proposed agreement will have on Irish agriculture and agribusiness and, ultimately, Irish consumers. The deal that is currently on the WTO table will damage our beef and dairy industries. It is likely to have a knock-on effect on other areas of agriculture and agribusiness. It will cost the economy an estimated €4 billion per year, put 50,000 farmers

out of business and result in an estimated 50,000 additional job losses in manufacturing and services. Such figures have not been gleaned from data compiled by the Minister, Deputy Coughlan, or the Department of Agriculture, Fisheries and Food. They have emerged from detailed analysis of the effects of the proposed WTO deal that has been conducted by other interested parties in this sector.

The Minister has repeatedly suggested that she intends to negotiate a “balanced” agreement for Ireland. She claims she is determined to ensure that Irish and EU agriculture is not sacrificed for the sake of an unbalanced deal. Given that the Department has failed to produce an independent analysis of the economic impact of the current WTO proposals on the Irish economy, it is difficult for me and the 6,000 farmers who are protesting across the street today to understand what a “balanced” deal involves. To what extent will the Government make concessions in agreeing a world trade deal?

I am concerned about the impact of the proposed deal on producers and on non-trade issues such as animal welfare and food security. Such important areas of consideration have been largely ignored in the context of the current negotiations. When Deputy Creed recently asked the Minister whether she will invoke this country’s veto if Irish farmers want her to do so, she refused to answer him one way or other. The Minister of State, Deputy Wallace, has just told the House that “a huge range of analysis has been carried out by the Department of Agriculture, Fisheries and Food”. I beg to differ with her in that regard. On 8 April last, the Minister, Deputy Coughlan, admitted that the Department had not finalised its analysis of the impact of the WTO proposals. She said that a firm analysis of the proposals made by the chairman of the WTO agriculture committee, Crawford Falconer, had not yet been completed.

I would like to comment further on non-trade issues which are not being prioritised, such as animal welfare and food security. Irish producers are adhering to strict regulations in rearing and slaughtering their animals, but the same cannot be said of many countries which export to the European Union. We are aware of the problems associated with Brazilian beef, etc. By adhering to the various restrictions, Irish farmers have rightly invested heavily in ensuring they produce high quality products. They are not operating on a level playing field with other producers, however, and are paying the price as a result. Production costs for EU farmers are significantly higher than those of farmers from non-EU countries. It is unlikely that EU producers will be able to compete with low costs if the WTO proposals for cuts in tariffs for various sectors are accepted.

Producers have highlighted issues such as the sale of chicken cages which are not considered appropriate for use on EU farms to farmers in countries like Thailand and Brazil. The use of such cages is seen as appropriate in countries which import chicken into the EU. The issue of food security, which is not at the forefront of the agreement, does not appear to be a priority for Commissioner Mandelson. In light of the increase in the world’s population, global climate changes and the growth of biofuel crops as an alternative land use, the WTO agreement is vital in securing food supplies into the future.

The Council of Agriculture Ministers met on 14 April. After the meeting, the Minister for Agriculture, Fisheries and Food, Deputy Coughlan, suggested that while Ireland is committed to the WTO, the European Union “should not be bounced into concluding a deal which is unbalanced and does not respect the important role of agriculture within the EU or the changed circumstances which prevail in relation to global food shortages and food security”. I wish the Minister of State would not come in here and tell us what analysis the Minister has done when she herself stated on April 8 that she had none.

Pieces are being picked from other bodies such as the IFA who, because of concerns about the WTO, have gone to the trouble of conducting a detailed analysis of the effects of the WTO on Irish agriculture.

Deputy Olwyn Enright: The real concern I have is that the Government is ignoring the momentum which exists for a deal to be made at this point and the consequences this deal will have for our agriculture industry, which remains a valuable part of our economy.

This morning I heard David O’Sullivan, the director general of trade at the EU Commission, on “Morning Ireland”. He more or less stated that we are concerning ourselves with the “potential consequences of something that is not yet fully agreed”. Surely now is the exact time at which Ireland needs to push its message across, as I see little point in discussing the deal after it has been concluded.

Commissioner Mandelson is at those talks to represent the European Union and this means he is there to represent our country. How well he does this depends on how well our Ministers and Government do their job.

Deputy Tom Sheahan: Hear, hear.

Deputy Olwyn Enright: It is their responsibility to ensure that the concerns of Irish farmers and consumers are on the agenda. I listened to Deputy Sheahan describe the response of the Minister last week when she stated no firm analysis was completed. That was nine days ago. How well can she be beating the drum if she did not have the facts and figures to hand to do so?

Deputy Tom Sheahan: Hear, hear.

Deputy Olwyn Enright: Make no mistake, this deal will be no windfall for consumers either. The reality is that farmers receive approximately 30% of what the consumer pays for produce. When consumers here buy Irish products, they can have the confidence that they are buying products of the highest possible quality. Traceability, as well as strictly enforced farming practices with severe penalties for breaches of rules, have ensured much better animal welfare as well as high quality food. However, this strict regime leads to much higher production costs, a trade off which ensures a quality product. It is extremely unfair to enforce such strict regimes here and expect our farmers to compete against imported products which do not have the same, or anywhere near the same, levels of control. We have seen the impact of imported beef from other countries most notably Brazil. We have no control over the quality of product eventually landing on the Irish dinner table.

Along with quality we need to ensure that the issue of food security is at the forefront of Commissioner Mandelson’s mind over the coming weeks and I am not convinced that it is. The UN’s Food and Agriculture Organisation’s most recent report shows that the world’s poorest countries are being hit badly. When one considers the rise in the world’s population and climate change, the outcome of these negotiations is crucial. If we damage our beef, dairy and sheep sectors over the next five years, it will not be possible to get them back. I reject the suggestion I heard this morning, not made in the House, that it will be less painful because it will be spread over a period of time. Once we let this industry slide, and the Government sat back and watched the beet industry slide away, it will be unable to recover.

The agreement being negotiated has the potential to seriously damage our agricultural sector. I have witnessed in my constituency the impact the demise of the sugar industry has had on particular areas, on farmers as well as on associated ancillary services, and this was with a proportionally much smaller number of farmers engaged in sugar beet production. The potential damage to a much larger portion of the agricultural community cannot be underestimated and I fear the Government is underestimating it.

There is no mandate to do this. It is far more than we signed up to in CAP. The Minister spoke about a balanced deal but she has not outlined what that deal would entail. She told us

that the Government has made its opinions known to the EU. However, it took this motion to get them outlined to the House.

Deputy Mary Coughlan: That is not factually correct.

Deputy Olwyn Enright: The Government tabled an amendment to Fine Gael's reasoned motion. What Deputy Creed and our party have called for is fourfold and doable, if the will to do it is there.

Deputy Mary Coughlan: I look forward to hearing Deputy Enright's proposals.

Deputy Olwyn Enright: Deputy Mansergh spoke of the deep distrust of Commissioner Mandelson and stated that no doubt he would be happy to sabotage the CAP. Today, thousands of farmers are marching through the streets of Dublin. They are not convinced that the Government is doing all it can to prevent this deal going ahead. The Minister, Deputy Coughlan, told us she will not accept an agreement which jeopardises Irish interests, but she has not told us she will use the veto if it is needed.

Deputy Michael Creed: At the outset, I thank my colleagues who spoke in support of the motion and the members of the Labour Party and Sinn Féin for their contributions also. Previously, I made the point that a great deal of jargon surrounds the WTO debate and today's discussion reinforces this. With reference to jargon I want to deal with the Government's amendment which I reject entirely. It speaks about the mandate being the 2003 CAP reform and that anything else would be unacceptable to Ireland. I heard the Minister speak about Commission Mandelson straying from his 2005 brief. The issue raised is what is balance. In the context of the WTO, the 2003 CAP reform mentioned tariff cuts in the of 36%. The 2005—

Deputy Mary Coughlan: That is not true. Deputy Creed is mixed up — 2005 is the mandate.

Deputy Michael Creed: I did not interrupt the Minister. The 2005 October riding instructions to Commissioner Mandelson dealt with tariff cuts in beef of between 50% and 60%, tariff cuts in pigmeat and poultry of up to 50% and likewise in milk and skimmed milk powder. Therefore, the 2005 figure is 50% while the 2003 figure is 36%. We are now discussing cuts of up to 70%.

I listened at length to the Minister of State at the Department of Enterprise, Trade and Employment, with responsibility for trade and commerce, Deputy McGuinness. In many ways, his was the most alarming contribution because apart from a loud mouthed lecture and hectoring—

Deputy Mary Coughlan: I have to say Deputy Creed is good at that. He does not want to hear what we have to say.

Deputy Michael Creed: —there was not a single contribution which confirmed to us what the balance was. What are we getting to concede 70% tariff cuts?

Deputy Mary Coughlan: We are not in the deal yet.

Deputy Michael Creed: We are not, but we are being asked to park the agriculture negotiations and buy a pig in a poke for 70% tariff cuts in agriculture. Over the dead bodies of those of us on this side of the House.

Deputy Tom Sheahan: Hear, hear.

Deputy Michael Creed: It is shameful that the Minister did not indicate that in defence of a vital national interest she will not invoke every measure available to her, including the veto.

Deputy Mary Coughlan: I will consider withdrawing facilitating Deputy Creed and I will speak to his leader instead.

Deputy Michael Creed: Deputy McGuinness, the Minister of State with responsibility for trade, previously stated he was charmed by Commissioner Mandelson.

Deputy Mary Coughlan: That is an incorrect fact. The Minister of State corrected that on the floor of the House.

Deputy Michael Creed: Check the record. I do not have enough time to deal with it now.

Deputy Mary Coughlan: I will check the record. That is incorrect. The Minister of State clarified what he had to say and that should be taken as said. I will send Deputy Creed a copy of the blacks.

Deputy Michael Creed: It is obvious that he is also blinded by the lights of the director general of trade in the Commission. Not alone is he charmed by Commissioner Mandelson but he accepts that we should save our powder until such time as the ink is dry on the deal——

Deputy Mary Coughlan: He did not say that either.

Deputy Michael Creed: ——and then have a debate in this House and castigate what is happening. That is wrong.

I wish to briefly deal with a number of issues raised by the Minister in her contribution. She spoke about the Green Box. Do not try to soften us up here by claiming the single farm payment is under threat.

Deputy Mary Coughlan: Deputy Creed was not there.

Deputy Michael Creed: We do not accept that the single farm payment is under threat.

Deputy Mary Coughlan: I stated we would pay more——

Deputy Michael Creed: She also stated consumers in Europe were protected by sanitary and phyto-santiary agreements under the WTO. This is simply not the case.

Deputy Mary Coughlan: Deputy Creed is not factually correct.

Deputy Michael Creed: This is the point the Minister missed repeatedly in the Brazilian debate and in the debate on the ending of battery poultry production and outsourcing chicken imports from China which would be produced to a standard not acceptable in Europe. We are exposing consumers to beef from Brazil, a country where foot and mouth disease is rampant. The same standards do not apply. There is no equivalence. The Minister's failure is to put non-trade issues on the negotiating table for Commissioner Mandelson.

Deputy Mary Coughlan: When did Deputy Creed speak to any Commissioner? When did Deputy Creed speak to him?

Deputy Michael Creed: My time is running out. The issue is in the context of the veto and 2003.

Deputy Mary Coughlan: I would like to see his leader's influence in the liberal group.

Deputy Michael Creed: Irish and European Union farmers and consumers must not be asked——

Deputy Mary Coughlan: Trade liberalisation——

Deputy Michael Creed: ——to pay twice for a world trade deal. This is the issue. The Minister is part of a moveable feast which speaks about the 2003 CAP reform as the bottom line and then October 2005.

Deputy Mary Coughlan: No, I did not. That is the Green Box.

Deputy Michael Creed: Now we hear it is 70% cuts and we do not know what we will receive in return. Somebody must have a bottom line. Is it 20% or 50% tariff cuts? The Minister was a signatory to the 2005 riding instructions to Commissioner Mandelson which spoke about 50% and the amendment to this motion states it is 30% quota cuts.

The Government amendment is bankrupt. We on this side of the House are entirely committed to ensuring the best possible deal for Irish agriculture, which we happen to believe has a common interest across the European Union with primary producers and consumers.

Deputy Mary Coughlan: What is Deputy Creed's deal or proposal?

Deputy Michael Creed: We asked the Minister to tell us but she refused to avail of the opportunity to say she would use a veto.

(Interruptions).

Deputy Michael Creed: I listened to the Minister on statements and during Question Time and she is preparing to pack her bags, go to pastures new——

Deputy Mary Coughlan: I am not.

Deputy Michael Creed: ——and leave the mess behind for somebody else. She might run but she will never hide if this is her lasting legacy to Irish agriculture. I commend the motion to the House.

Amendment put.

The Dáil divided: Tá, 62; Níl, 48.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Aylward, Bobby.
Behan, Joe.
Blaney, Niall.
Brady, Áine.
Brady, Johnny.
Byrne, Thomas.
Carey, Pat.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cregan, John.

Cuffe, Ciarán.
Curran, John.
Devins, Jimmy.
Dooley, Timmy.
Finneran, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Grealish, Noel.
Hanafin, Mary.
Hector, Máire.
Kelleher, Billy.
Kenneally, Brendan.
Kennedy, Michael.
Killeen, Tony.

Tá—*continued*

Kirk, Seamus.	Ó Cuív, Éamon.
Kitt, Michael P.	Ó Fearghail, Seán.
Kitt, Tom.	O'Connor, Charlie.
Lenihan, Brian.	O'Flynn, Noel.
Lenihan, Conor.	O'Hanlon, Rory.
Lowry, Michael.	O'Keeffe, Edward.
Mansergh, Martin.	O'Rourke, Mary.
McEllistrim, Thomas.	O'Sullivan, Christy.
McGrath, Finian.	Power, Peter.
McGrath, Mattie.	Ryan, Eamon.
McGrath, Michael.	Sargent, Trevor.
McGuinness, John.	Scanlon, Eamon.
Moloney, John.	Treacy, Noel.
Moynihan, Michael.	Wallace, Mary.
Mulcahy, Michael.	White, Mary Alexandra.
Nolan, M. J.	Woods, Michael.

Níl

Allen, Bernard.	Lynch, Kathleen.
Bannon, James.	McCormack, Pádraic.
Breen, Pat.	McHugh, Joe.
Broughan, Thomas P.	McManus, Liz.
Burke, Ulick.	Mitchell, Olivia.
Burton, Joan.	Naughten, Denis.
Carey, Joe.	Neville, Dan.
Clune, Deirdre.	Ó Caoláin, Caoimhghín.
Coonan, Noel J.	O'Donnell, Kieran.
Costello, Joe.	O'Dowd, Fergus.
Coveney, Simon.	O'Mahony, John.
Crawford, Seymour.	O'Sullivan, Jan.
Creed, Michael.	Penrose, Willie.
D'Arcy, Michael.	Quinn, Ruairí.
Deasy, John.	Rabbitte, Pat.
Deenihan, Jimmy.	Reilly, James.
Doyle, Andrew.	Ring, Michael.
Durkan, Bernard J.	Sheahan, Tom.
English, Damien.	Sherlock, Seán.
Enright, Olwyn.	Shortall, Róisín.
Flanagan, Charles.	Stagg, Emmet.
Hayes, Brian.	Tuffy, Joanna.
Higgins, Michael D.	Upton, Mary.
Kehoe, Paul.	Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 61; Níl, 49.

Tá

Ahern, Michael.	Brady, Johnny.
Ahern, Noel.	Carey, Pat.
Andrews, Barry.	Conlon, Margaret.
Andrews, Chris.	Connick, Seán.
Aylward, Bobby.	Coughlan, Mary.
Behan, Joe.	Cregan, John.
Blaney, Niall.	Cuffe, Ciarán.
Brady, Áine.	Curran, John.

Tá—*continued*

Devins, Jimmy.
 Dooley, Timmy.
 Finneran, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Grealish, Noel.
 Hanafin, Mary.
 Hoctor, Máire.
 Kelleher, Billy.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 Mansergh, Martin.
 McEllistrim, Thomas.
 McGrath, Finian.
 McGrath, Mattie.

McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Bannon, James.
 Breen, Pat.
 Broughan, Thomas P.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.
 Clune, Deirdre.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Flanagan, Charles.
 Hayes, Brian.
 Higgins, Michael D.
 Kehoe, Paul.
 Lynch, Kathleen.

McCormack, Pádraic.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Sullivan, Jan.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Sheahan, Tom.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Tuffy, Joanna.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

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).

Ataireadh an cheist: “Go léifear an Bille an Dara hUair anois.”

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

Deputy Bernard J. Durkan: It is ironic to note, when we have just had a vote on many of the issues which are for debate in the course of this referendum campaign, that if the referendum was passed and the Lisbon treaty of reform was passed and approved by all Europeans, the kind of problems now faced by the agri-food sector probably would not occur at all.

I should mention that some years ago I was Chairman of the Joint Committee on European Affairs, as I am now. At that time we set out a series of objectives. We identified the issues that we felt needed attention to ensure member states were not disadvantaged by any decision taken by the Commission, the Council or the European Parliament. It is interesting that most of the issues we raised at that time — to our surprise — have been address in the Lisbon treaty of reform. We did not expect that but it is indicative of the fact that somebody somewhere was listening. I compliment the Taoiseach and the Ministers, former and current, who listened to what we had to say at that time, obviously took it on board and used it, as we had done, among the European institutions with a view to ensuring it was possible for smaller countries to retain their position, to be part and parcel of the European scene notwithstanding the proposal to reduce the number of commissioners and to rearrange the Council and its operation.

We all recognise that it is not a question of Ireland joining Europe. We have got away from that notion which we held for some time. We now recognise that we are Europeans, that we are part and parcel of Europe and that we have a meaningful, constructive and important role to play in the Europe of today and the future. If we do not accept our responsibilities in that area, if we shirk, shilly-shally and equivocate, that will be seen by all around as well and it would not be consistent with the attitude we have adopted.

Deputy Finian McGrath: We do not shilly-shally.

Deputy Bernard J. Durkan: I am glad to hear we do not shilly-shally. Sitting on a fence is a dangerous and sore place, as Deputy McGrath will know the longer he sits on it.

Deputy Finian McGrath: I never sit on the fence.

Deputy Bernard J. Durkan: Through the Chair——

Acting Chairman (Deputy Charlie O'Connor): I can only protect Deputy Durkan if he speaks through the Chair.

Deputy Bernard J. Durkan: I was being provoked, Acting Chairman. When I get provoked I lose control of myself completely. I apologise entirely.

I want to say this for the benefit of my heckler who, I am told, is waiting for a call at present. In that situation, as elected Members of a sovereign Parliament——

Deputy Batt O'Keeffe: He is knocking on a different door.

Deputy Bernard J. Durkan: He had the wrong door. There was silence from that one. There would be an echo.

As Members of Parliament with a mandate from the people, whether those inside or outside like it or not, we have a responsibility to the people who elect us. We then must represent those people and their best interests in the interests of the country and in the interests of the community at large. We, on all sides of the House, have done that.

It is also extraordinary that the majority of the membership of the House happens to be of the same opinion on the issue of the Lisbon treaty of reform. There are those who state that is not democratic enough——

Deputy Finian McGrath: Hear, hear.

Deputy Bernard J. Durkan: —that there should be room and space in Parliament for those who do not hold that view. There is, and there was. It happened less than a year ago and if the people did not see fit to provide for that way of thinking, then it is not possible to arrange. One cannot arrange democracy. One cannot configure it in such a way. Our proportional representation system has already catered for that — the majority and one's second, third, fourth and up to tenth choice. Everything is provided for in the electoral system of this country. The only system remotely like it is the Australian one. Therefore, I reject the notion that every such position has not been provided for.

That said, I agree it is always beneficial to hear the opposite side of the argument because it forces those who are on the other side to bring forward their best argument. Let us hear it. Let us put it forward, analyse it and dissect it and let us then make a decision.

Deputy Finian McGrath: Hear, hear.

Deputy Bernard J. Durkan: That is beneficial to the public at large, it is beneficial to the elected representatives and it is beneficial to the country.

Sadly and wrongly, all politicians seem to reach the conclusion that when something goes wrong one should blame Brussels for it being wrong because they did not do what they should have done. In fact, that is not the case at all. We are our own masters. We predetermine what happens in Brussels. We ourselves draw up the rules and regulations.

In this treaty there is specific provision for the member state parliaments to have a greater influence than they ever had previously, and that is by way of the Joint Committee on European Affairs of which I am chair and the Joint Committee on European Scrutiny which is chaired by Deputy John Perry. There is in place a vetting procedure that did not exist previously. It is significantly beneficial to Government, irrespective of who is in office. It is significantly beneficial to European institutions because they will know at a much earlier stage whether what they propose is in order and acceptable.

That is a good development, but I would voice one proviso. It is almost a veto. It is not a veto but it close to being one. The danger of any such situation is that the entire development and the evolution of the European concept may be slowed down. It is necessary to slow it down in some cases but in other cases, it is not a good thing. That argument has two sides. I ask that it be borne in mind by European institutions and national governments in the future that this is not intended to be a recipe to bring the European Union and the development of its institutions to a halt. It is merely to prevent those who decide to rush off on a solo run, like our friend Mr. Mandelson, and determine what they may well see as the best option in the EU's interests from doing so.

The new proposals whereby the Commission will now be divided up may be seen by some people as a disadvantage. We only have one third of representation over a 15-year period. I used to think this was a disadvantage and was a strong supporter of the notion that each country should retain its Commissioner. Of course, that would mean that some countries would retain two Commissioners. I have changed my mind. I believe the proposed system is much better, much safer and much more in the interests of smaller countries. It will defend the interests of the smaller countries in a much better way than allowing a situation where the Commissioner was referred by every country as "our Commissioner" to continue. It was never intended that a Commissioner would be referred to in that way by a national government or state. It was never intended that the Commission would become the property of member states. From the outset, it was always intended that the Commission would be the driving force and

[Deputy Bernard J. Durkan.]

engine that drove the European Union on in a responsible and regulated way. What has happened in recent years is that we have all fallen into the trap of referring to what has become known as “our Commissioner”. If everyone out of the 27 member states in the European Union has an “our Commissioner” attitude, we will ultimately find ourselves in a situation where it cannot go in 27 different directions. This only relates to the present situation because the Union will be larger.

There is a notion that the European Union has fulfilled all its objectives and that it is time to slow down, row back from the shore, go backwards, reassure and re-examine matters. There is an argument for slowing down from time to time but slowing down and bringing things to a halt are two very different issues. One of the things that needs to be remembered is that the entire Continent of Europe is a long way from being within the European Union. I know there are and always will be proposals in the future for enlargement. However, we also need to recognise that there are areas within Europe, for example, the western Balkans, which have, to say the least, caused friction in the past and are likely to cause friction in the future unless specific action is taken. I know the Acting Chairman is about to tell me to stop. I can see the hair standing up on the back of his neck and can see him getting ready to tell me that my time is up.

Acting Chairman: I merely wish to remind the Deputy that one minute remains.

Deputy Bernard J. Durkan: I thought it was something that he had in mind and my worst fears have been realised. Can I say that it takes a little bit longer than the ten minutes available to us to develop all the themes relating to this issue?

I honestly believe that the Lisbon treaty is an honest treaty that does more to address the issues of concern we had than any other treaty I have seen heretofore. One cannot have a treaty that will meet all the requirements of every member state, be they 27 or 37. However, it does go down the road of addressing the issues that have concerned us in this country and many other people throughout Europe over the past four or five years. If Europe progresses for the next 50 years as much as it did in the past 55 years, it will do well. I hope that this is the legacy that the current generation of Europeans could well hand over to the next generation and that it would be a good one.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): I wish to share my time with Deputy Timmy Dooley.

Acting Chairman: Is that agreed? Agreed.

Deputy Batt O’Keeffe: I am delighted to get the opportunity to speak on the EU reform treaty, or the Lisbon treaty as it is commonly known. We can all accept that since Ireland joined the EU in 1973, our involvement has helped shape our economy and our society in an extremely positive manner. EU membership has been a key factor in the growth in employment and prosperity which has come our way in recent years. For Ireland, it has provided the foundations for unrivalled economic development and has been a positive factor in the development of Irish life. The reform treaty will allow the EU to continue to positively influence Ireland. The EU has helped Ireland to develop our strong and distinctive voice on international affairs and to have an influence way beyond the size of the island itself.

Our membership of the EU is one of the factors that has enabled this State to consistently punch above its weight. Our young people no longer need to emigrate. As we all know, we see significant immigration, particularly from our fellow EU member states. Membership of the EU has served us very well and will continue to serve us well.

To put it simply, the reform treaty, as the name suggests, will reform the way in which the EU does its business. After half a century of EU integration, there will clearly be a need for the arrangements governing the Union to be brought up to date so we can ensure that they meet the needs of today's Europe. The reform treaty makes a series of positive changes which will make the Union function far more effectively and efficiently. For example, the amended treaty on the European Union will eliminate the old distinction between the European Union and the European Community. It will provide for a single legal entity, the European Union, which, in formal legal terms, will replace and succeed the European Community once the reform treaty has been ratified. The European Union, which is given explicit legal personality, will fulfil the tasks of the current European Community as well as those provided for in the current treaty on European Union. The Union's current laws and all other aspects of its legal order will continue to remain in force.

The reform treaty will continue to pay attention to the wider purposes of the Union. It will highlight the values and objectives of the Union, for example, democracy and respect for human rights. It strikes a balance between the social and the economic goals of the Union. It aims towards full employment, social progress and combating social exclusion and discrimination. It also stresses the need to ensure balanced growth and competitiveness.

The EU has been to the fore in the advancement of gender equality over the years. Many concrete improvements in the lives of Irish women, such as the right to equal pay, were brought about by our membership of the Union. This is something we have been reminded of in recent days with the sad passing of the former President, Dr. Patrick Hillery, ar dheis
 3 o'clock Dé go raibh a anam dhílis, who as European Commissioner for Social Affairs, played a key role in the directive on equal pay. The new reform treaty will cop-perfasten the importance the Union gives to equality and, in particular, to gender equality. It will do so most visibly by specifically referring to gender equality as a value common to EU member states. It also clearly states that the promotion of equality between men and women is an objective that the Union will strive for.

A new horizontal "social article" will require the Union in its work to promote a high level of employment, adequate social protection and a high level of education, training and protection of human health. The reform treaty will also give special recognition to "services of general economic interest", which will include services with a public good.

Another important innovation in the reform treaty concerns EU accession to the European Convention on Human Rights. In the words of the Convention working group, this is intended to "give a strong political signal of the coherence between the Union and the "greater Europe" reflected in the Council of Europe and its pan-European human rights system".

During the treaty negotiations, some member states sought to include a stronger reference to Europe's Christian heritage, an understandable desire when one considers that the European region was known as Christendom for hundreds of years before it was known as Europe. Ireland could have supported such a reference, but it was not possible to agree the wording. However, a new treaty article recognises the specific contribution of the churches and, for the first time, provides for an open, transparent and regular dialogue with them. This has been widely welcomed by the churches and faith organisations.

It is in our interests to have a regional and international environment which allows us to consolidate and build upon the great economic gains we have made in recent years. The treaty will enable Ireland and the Union to continue to prosper. It is important to remember that the creation and maintenance of the EU Single Market allows Ireland, a country of 4 million people, access to a market of 500 million people. The treaty will enable Ireland to continue to create a business-friendly environment, one which has seen the level of employment in this

[Deputy Batt O’Keeffe.]

country grow from 1 million when we joined the Union in 1973 to 2 million today. The treaty will not challenge either Ireland’s foreign direct investment policy or broader national enterprise policy. This point cannot be understated. All member states will remain free to determine their own policies in these areas subject to state aid and competition rules and other areas of EU competence. The reform treaty does not change this position.

In the reform treaty, qualified majority voting is the standard decision making mechanism in the common commercial policy. However, there are some important qualifications. The Council is to act unanimously in the areas of trade in services, intellectual property and foreign direct investment where the negotiations cover issues for which unanimity is required internally. An important example of this is the area of taxation. Under the reform treaty, Ireland continues to have the right to determine how our fiscal policy is developed and applied. For us, this is a key aspect of enterprise policy for both the indigenous and foreign direct investment sectors. The treaty will, therefore, allow Ireland to continue to attract vital foreign investors.

In 1972, just before we joined the Union, foreign direct investment was just €16 million. Today it is measured in billions. The most recent IDA annual report indicated that, in 2006 alone, there was new capital investment of €2.6 billion; €470 million was invested in new research, development and innovation projects. Multinational companies employed more than 135,000 people, with an annual payroll of €15 billion, and paid an estimated €2.8 billion in corporation tax. It should also be borne in mind that hundreds of thousands of other Irish people are employed indirectly as a result, often in the small and medium-sized sector.

Ireland has a vital interest in a well functioning EU. We have benefited greatly from Europe and we want to retain our role as an active and committed EU member. This Government will make every effort to secure a positive outcome in the forthcoming referendum. It is in the best interests of the people of Ireland that Ireland be an integral part of the reform treaty.

Deputy Timmy Dooley: I thank the Minister for sharing time. The challenges facing Ireland’s jobs, environment and competitiveness are global. Against climate change, rising energy costs, transnational crime and global economic downturns our capacity, acting alone, to defend our interest is minimal. Ireland’s sovereignty, power and strength is, after all, that capacity to act for our people in defending Ireland’s prosperity, safeguarding its environment and protecting the jobs and livelihoods which Irish families have worked so hard to build. However, the capacity to act, although minimal when acting alone, is enhanced and increased extraordinarily through the unique partnership that is the European Union, as seen in the free market, practical co-operation and the greater clout on the world stage which membership has given us. The reform treaty increases Ireland’s capacity to act even further. It cuts bureaucracy, tackles inefficiency and speeds up decision making, delivering a Union more responsive to our citizens and more accountable to the Oireachtas. The EU empowers us and the treaty empowers us further. We have done well out of the EU and this treaty will allow us to do better.

I will briefly speak about the role of the Union on the international stage. The treaty aims to make the Union more coherent and effective as a campaigning voice in international fora. The challenges facing the world today do not recognise national borders. Climate change, natural disasters, internecine wars and trafficking in persons or, indeed, terrorism spill across national boundaries. Acting alone, we can achieve little, but by pooling sovereignty we can make, and have made, a difference. Climate change is one of the greatest environmental, social and economic threats facing our planet. The warming of the climate system is happening, as is now evident from observations of increases in global air and ocean temperatures, widespread melting of snow and ice and rising global mean sea level. Projected global warming this century is likely to trigger serious consequences for humanity and other life forms, including a rise in

sea levels which will endanger coastal areas and small islands. As an island nation we should be very concerned about it. We are already witnessing greater frequency and severity of extreme weather events.

What has any of this to do with the European Union and the reform treaty? It has everything to do with it. The EU is to the forefront of international efforts to combat climate change. Kyoto would not have happened without the EU. The UN framework convention on climate change reached in Bali in December was achieved because the EU herded the United States, China and India into a binding agreement. These countries signed up to emissions targets for the first time. That is real progress, and it was achieved through the efforts of the European Union.

Today, the EU is the largest donor of humanitarian aid in the world. Some 56% of all development assistance delivered by major industrialised countries is provided by the EU. The primary objective of EU development co-operation is the eradication of poverty in the context of sustainable development, including the pursuit of the UN millennium development goals. These are not simply lofty aspirations couched in fancy rhetoric. They are real commitments, which range from the eradication of extreme poverty to halting the spread of HIV/AIDS. I am pleased the EU chooses to focus the majority of its resources on Africa, which is suffering the worst ravages of war, natural disasters and the affliction of HIV/AIDS. Our assistance is unconditional; it does not matter if the disaster is natural or man-made.

Much will be heard in the coming weeks and months about the Union's common foreign and security policy. Those promoting a "No" vote will suggest it is a cloak for increased militarisation and a surrender of our policy of military neutrality. This is quite simply false. What it actually does is provide the Union with the capacity to respond to crisis situations such as those that engulfed the Balkans in the 1990s. The European Union stands indicted for its inaction in the Balkans. It is regrettable for me and many other citizens of Europe that it was left to another superpower to deal with a problem on our border and within our Continent. We witnessed the deaths of thousands of people through acts of genocide. We must work to ensure that such an event never befalls Europe again. In the five years since the first European security and defence policy mission was launched in 2003, the Union has conducted over 20 such missions, the great majority being civilian rule of law missions, such as the ongoing police mission in Bosnia.

For Ireland, the key point is that participation by Irish soldiers in any peacekeeping mission, whether led by the UN, the EU or others, has always been and always will be a sovereign decision of this State, and the legal requirements of the triple lock of Government decision, Dáil approval and UN authorisation must be respected. Nothing in the reform treaty changes this in any way, and there is no change in the rule that any one member state can veto a proposed mission by the EU if it disagrees with it. I was shocked last week to hear an Opposition Deputy, in the course of the debate and advocating a "No" vote, describe the Irish Defence Forces' participation in the UN-mandated, EU-led peacekeeping mission to Chad and the Central African Republic as a "military adventure". It is incredibly disrespectful and shows absolute contempt for our Defence Forces to describe our peacekeeping troops in such a manner. I realise that regard for the Irish Defence Forces by some on the "No" side is to some extent coloured by past history. It is pitiful to think that a mission with a central purpose of peacekeeping being carried out in a highly dangerous battle zone is thought of as a military escapade. Thankfully, the Irish people value the proud tradition of peacekeeping a little more than some on the "No" side.

In turbulent economic times, security is to be found in a solid trading bloc that speaks with a single voice. No longer do we find ourselves second-guessing currency speculators in an

[Deputy Timmy Dooley.]

attempt to insulate our economy. We were told by the naysayers that economic and monetary union would result in a flight of Irish capital and the loss of thousands of jobs. A noted campaigner on the “No” side, Professor Anthony Coughlan warned, “the euro is a key instrument for eroding national defences against the dangerous effects of economic globalisation, which transmit downturns in some major economies rapidly to others”. On the contrary, the EMU has helped us create thousands of jobs and we have become the envy of the industrialised world. In this and every claim made by Professor Coughlan and his kind over the past 30 years, they were wrong in their interpretation and understanding of the positive impact and benefits of membership of the EU for Ireland and other member states.

My final point cannot be repeated often enough. Due to European integration there has been the longest continuous period of peace on the European continent. There has not been a 60-year stretch of peace in Europe since the congress of Vienna. I can say with some confidence that hopefully my children will never witness a war in which European states are locked in combat with one another. That is great and is a recognition that the EU’s approach in its recognition of the importance of using military for the purpose of defence and protection is good and is not, as others suggest, militarisation for its own sake.

When leadership on the world stage has been required, Europe has stepped forward. I am proud that Ireland is a member of a community with a strong voice that is listened to by the international community. Ireland’s ability to influence the global challenges facing the world is determined by our relative strength within the Union. Little can be gained from alienating our colleagues. To put it more bluntly, Ireland can achieve little on its own in the context of the global challenges facing our planet. As a committed member of the EU, we can achieve a lot.

The treaty represents a very good outcome for Ireland. On issues of major sensitivity, such as unanimity in the taxation and defence areas and the general principle of equality among member states, we have secured a good result. The Minister has outlined that, particularly related to the retention of the veto on taxation policy despite the desires of others to drive towards a common, consolidated tax base. Nothing in the Lisbon treaty will allow that to happen, but the treaty will reaffirm Ireland’s position to retain the veto.

No Irish interest would be served by creating a political crisis in Europe by turning our backs on a treaty that was to a considerable extent “made in Ireland” and that responds to our needs and aspirations. As we face current and future challenges on our domestic front, such as the need to safeguard the livelihoods and quality of life of our citizens, Ireland’s membership of the EU is as vital as ever. Imagine for a second if we had to face the current uncertainty in the global economy on our own, outside of the European monetary system. A key section of the treaty is devoted to setting out the values and democratic principles on which the Union is based. It specifies that the Union is founded on “representative democracy” and makes it clear that “every citizen shall have the right to participate in the democratic life of the Union.”

The treaty contains concrete measures that will enhance democracy within the Union. It strengthens the role of national parliaments by giving them a direct input into European legislation. The provision whereby a sufficient number of national parliaments can object to a particular proposal is a genuine step forward. It will enable national parliaments to ensure that the Union does not exceed its authority. I recognise the efforts this Parliament is making through the establishment of the Joint Committee on European Scrutiny chaired by Deputy John Perry. Its role as a stand-alone committee is critically important to retaining an oversight of the proposals coming from the European Commission and one which is most welcome.

The treaty gives national parliaments a right to veto any proposal to move issues from unanimity in the European Council or Council of Ministers to qualified majority voting, QMV. It

is important that point is made because some on the “No” side suggest this treaty has the capacity to move certain elements from majority to QMV in the future and that is unacceptable.

I hope, as others have said, that the Irish people will examine this treaty as a whole, the comments, the people supporting it, the various social partners and interests which have come out behind it, and that they will come out and vote “Yes” to the continuous development and evolution of the EU.

Deputy Joan Burton: I thank the Cathaoirleach for this opportunity to speak on the Lisbon treaty. It is good that the Government has selected a date, although it will be late in the political calendar and well into June. I do not know if all those who have holiday homes in Ireland and abroad will be able to return to their usual residences to vote. The fate of the treaty will depend on voting outturns and, so far, in the public debates and fora, including those sponsored by the National Forum on Europe, the people broadly in favour of a “Yes” vote are less motivated to vote with the degree of zeal and vigour that many in the “No” camp seem to feel.

I want to refer to what happened after a Labour Party meeting in Liberty Hall on Monday night, which is indicative of the deeper currents that disturb people regarding the fundamentals of where we are going as a society and an economy. It is fine for the Government to be bullish and cheerful, and to say to construction workers who are losing their jobs, people in north Westmeath and the Coole electoral area who are losing valuable local employment that has been there for 30 years, that all this is all right and that the treaty does not impact on it. However, there are deeper currents of concern among people regarding where we are going as a society and an economy.

Monday night’s Labour Party meeting was chaired by former Minister for Education, Niamh Bhreathnach, and speakers included the leader of the Labour Party, Deputy Gilmore, and Mr. Proinsias De Rossa, MEP. A number of people were there who had no votes and no views and they were very aggressive and agitated about the wider implications of this. It was not a free exchange of views in which people argued for and against the treaty with mutual respect, in particular the people arguing from a “No” point of view, some of whom were highly aggressive. They wanted to film all the speakers and had various media devices. That is all fine and good, but it is not a good sign when, after the meeting, somebody of the eminence, experience and commitment to democracy of Mr. Proinsias De Rossa, MEP, is brought to the ground. At least one of the people involved sat on his back and he had to be rescued by the Garda. I do not know if the excitement or determination on the issue got the better of the people involved and they acted out of character, but what happened was wrong. It poses a question for people involved in both sides of the campaign that, while we need a debate, it is important to respect the views of those in both the “Yes” and the “No” camps. People with conscience, after due thought and examination of the issues, believe on balance that Ireland should vote “Yes” to this treaty.

Even if it is a small, unrepresentative fringe on the “No” side, it is not appropriate to treat people as some kind of political Antichrist or to treat them with disrespect, spilling over into the kind of episode that occurred after the recent Labour Party meeting. Thankfully, Mr. Proinsias De Rossa has made a full recovery from the shock of the ordeal but the episode was a very dangerous indicator of what can happen when people get carried away on European issues.

There is a small group of people in Ireland with general and genuine disagreements with the European Union about how certain policies have progressed, who have taken that further and ended up demonising the Union as carrying some responsibility for everything that is wrong in Irish society. Some might say that the Government, in a certain sense, has been provocative by blithely saying that all is right with everything and that everything that is good in Irish society is a product of the European Union. This then puts objectors into a box and forces them to

[Deputy Joan Burton.]

argue that anything that is wrong with Irish society must be laid at the door of the European Union.

We must have a balanced debate. We need to have an adult debate about the future of the country, where we go from here and whether, on balance, saying “Yes” to the Lisbon treaty is in the economic and social interests of the broad mass of people in Ireland. The Labour Party believes that, on balance, voting “Yes” to Lisbon is in the interests of Irish people. We are not urging people to vote “Yes” because the European Union is perfect or because there are no serious issues to be addressed by the EU. We do not deny that there are serious inequalities throughout the European Union but we believe the EU, for all of its faults, offers a mechanism to make progress on a broad range of issues that affect people in Ireland. Giving the European Union the additional powers set out in the Lisbon treaty will help to make the EU better and more effective in terms of carrying out those actions that benefit Ireland and Irish people.

In that context, it must be recognised that a Union of 27 countries needs better and more effective procedures than those designed for a much smaller Union. Ratifying the Lisbon treaty will allow for several changes to the EU decision making process, such as more qualified majority voting, which will ensure that more timely and effective decisions can be made in terms of how the Union addresses its business.

Like many others, I was rather surprised by the recent statements of the French Finance Minister, Madame Christine Lagarde, in which she set out, very robustly, her views on the harmonisation of taxation in the European Union. She set forward views which would, very precisely and particularly, have a very negative impact on Ireland. People seem to think that Madame Lagarde’s proposals largely deal with the rate of corporation tax. In fact, however, they go much further than that. They actually deal with the basis of taxation in terms of the revenue flows.

What she and the French Government, under Mr. Sarkozy, would like to see is that revenue flows from taxation would flow to those countries which have the largest populations and the largest number of consumers, whether at retail or commercial consumer level. Ireland is a small island with a population of just over 5 million and if one was to do a head count, *vis-à-vis* the mainland states of Europe, it would not emerge well from a change in the fundamental tax base which would calculate tax flows to different member states on the basis of population purchasing, which inevitably would reflect population size and commercial activity in the actual member states. Madame Lagarde is not simply talking about headquartering, but about what one might call real-time activity, real purchases and real transactions having their root and origin in a particular country. In other words, she is talking about determining where the purchases take place, where the goods and services are actually consumed and then designating tax flows on that basis. That would have very serious consequences for the Irish economy.

I understand that today the Taoiseach is seeking assurances from the President of the European Commission, Mr. José Manuel Durão Barroso, that we will have a watertight guarantee regarding these changes and, in effect, retain our veto. This kind of proposal, which does not, in the case of France, give any serious consideration to the interests of smaller member states is likely to give rise to justified apprehension about its economic impact on Ireland.

The Government carries a responsibility for not having a strong contact base with governments throughout the European Union. We are living off past capital in the European Union, rather than maintaining the depth of contact within the European Union which was once the hallmark of Irish Ministers in the past. During the period of the last Government, the number of meetings which various Ministers chose not to attend and at which they were represented by our ambassadors — who are excellent people, by the way — was notable. This Government

has been foolish in that regard. At all ministerial Council meetings, ambassadors obviously rank below any serving Minister, in terms of presentation and presence. The Government must examine how it has prosecuted our active presence in Europe. Various Ministers, from the Minister of Finance down, have not been in a position to attend as many meetings as was the custom and practice in the past.

In terms of reasons to vote “Yes” to the Lisbon treaty, the issues of climate change and human trafficking are important. Such issues can only be addressed by a country like Ireland in the context of co-operation and collaboration with other members of the EU. Collaboration and co-operation on addressing the issue of climate change is a profound reason for voting “Yes” to the Lisbon treaty. If we want to see an end to the scourge of people trafficking and forced prostitution — particularly of women and children — in Europe, the best way to deal with it is through wider European co-operation. Such wider co-operation will be significantly enhanced if the Lisbon treaty is passed.

As a woman politician, when I weigh up the balance sheet of the positive and negative aspects of the EU and of Ireland’s membership of the community since 1973 it is clear, for example, that issues such as equality for women in the workplace in terms of pay, working conditions, maternity leave and so forth have been infinitely progressed by our membership of the European Union. That is a specific reason people, in particular women, who are interested in equality should strongly consider voting “Yes” to reinforce the strong tradition of progress on equality issues in Europe.

Cuireadh an díospóireacht ar athló.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Departmental Funding.

1. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take following the recent report of the Garda audit committee, which documents the chronic underfunding of the Garda Síochána. [14242/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The report of the Garda audit committee should not be misinterpreted as indicating any underfunding of the Garda in 2007. The report referred to by the Deputy was submitted to the Garda Commissioner. The Garda budget for 2007 was a record high of more than €1.4 billion. This enabled the force to continue to expand its attested strength to 13,755 by the end of the year, with a further thousand recruits in training. It also enabled the force to increase its civilian support staff by an unprecedented 32%. The budget also made possible the continued renewal and expansion of the Garda fleet and facilitated a major investment in information and communication technology. The fact that an additional €25 million was made available to the Garda by way of Supplementary Estimate is not an indication of an inadequacy in the original budget for 2007. It was not needed to plug gaps. Instead, and following regular monitoring of expenditure trends and operational requirements over the year by the Garda and my Department, it was made available to facilitate a further increase in discretionary spending on overtime, significantly above the budget provision of €88.8 million. As is standard practice, the Supplementary

[Deputy Brian Lenihan.]

Estimate was submitted to, and approved by, the House towards the end of the financial year when the likely outturn figures were known.

The reality from an auditing perspective is, had this additional provision not been available, discretionary expenditure would have been maintained within the original allocation without impact on the original agreed priorities. In the final analysis the expenditure for the Vote as a whole for 2007 was €21 million more than the original Estimate provision, representing just 1.5% of the overall Garda budget. With regard to this year, the total budget increased by 11.6% on the 2007 allocation to more than €1.6 billion. I am satisfied sufficient funds are available again this year for the Garda to carry out its functions, expand its strength and continue the major programme of investment under way. Although the report is submitted to the Commissioner, not to me, I interpret the report as referring to the Supplementary Estimate and the need for same.

Deputy Charles Flanagan: Not enough is being done to deal with the problem of crime in Dublin and in the country. The key to resolving it in the interim is to sufficiently resource the Garda. There are not sufficient resources and, in spite of the Minister's reply that increased resources have been granted, with which I do not have a difficulty, the omens are not good. Last year, a Supplementary Estimate of €25 million was needed and a similar amount will be needed this year if sufficient funds are to be made available. Warnings have been issued by no less a person than Mr. John Leamy, who recently took up an important position, and a colleague of the Minister in Cabinet who indicated the Garda is struggling to keep up with legislative changes and the new responsibilities involved. Votes containing sufficient resources are vitally important.

Deputy Brian Lenihan: The Deputy raised a number of points. I reiterate the increase in expenditure this year is 11.6%, which is substantial. The Garda has maintained Operation Anvil in Dublin, mandatory breath testing nationwide, policing of the Corrib gas project in Rosspport, County Mayo, and Shannon security operation. These are examples of operations that necessitated additional expenditure on overtime last year, which will not necessarily arise on an annual basis. That illustrates one of the reasons the Supplementary Estimate was required last year.

With regard to the Dublin metropolitan region, since 2005 under Operation Anvil, 86,941 checkpoints were deployed, leading to more than 12,000 arrests, of which 111 were murder-related, 1,258 related to serious assault, 3,044 related to burglary and 1,047 related to robbery. The Garda is engaged in a relentless war against criminals and I do not accept it is losing the war. The resources allocated this year are sufficient for the force to do its job.

With regard to the possible legislative indigestion of the Garda, I accept a volume of legislation was enacted in recent years. I said to the Garda Commissioner and to gardaí on visits to stations that I appreciate that a vast range of legislation has been enacted and they need time to digest it.

Deputy Charles Flanagan: In spite of what the Minister says, the only benchmark or yardstick that can be used for serious crimes ranging from murder to common assault is statistics. One must contrast the resources available to the Garda with those available to criminal gangs. Last week it was reported a gang had bought 4 x 4 BMWs costing €200,000 and a 14 year old in Limerick had a bullet proof vest supplied by gangsters and a double barrel sawn off shotgun. If it was not for electricity, gardaí would be operating in Stone Age circumstances. They have no e-mail or digital radio, in spite of entering into two pilot projects in recent years. They also have no computers or laptops in cars and they have a fleet that constantly needs upgrading in

terms of vehicular prowess. The situation is such that the Minister must provide resources to enable the Garda to deal with ever-changing and serious circumstances.

Deputy Brian Lenihan: A total of €99 million is allocated this year for information technology and communications-related projects. Technology is essential and the provision of the digital radio service for the Garda is under way. A new automated fingerprint identification system has commenced and the Garda fleet has been the subject of huge investment. The investment in the motor fleet has ensured the force has the most modern fleet it ever had.

Gaming Regulation.

2. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the reason the report of the casino regulation committee, which was submitted to Government in April 2007 has not been published, having regard, in particular, to his statement to the Houses of the Oireachtas on 4 March 2008 that it would be published within a fortnight; the main provisions of the report; his views on the recommendations; and if he will make a statement on the matter. [14083/08]

Deputy Brian Lenihan: I am committed to publishing the report of the casino committee, entitled *Regulating Gaming in Ireland*, and am disappointed I was not in a position to do so within the timeframe previously envisaged. The report is ready for publication and it is my intention to publish it as soon as the arrangements I envisage for advancing the issues highlighted in it are settled.

The lengthy report deals with a range of complex and interrelated public policy matters. The Government has not adopted a view on the report. Because it made recommendations that have significant public policy implications, it was clear that it would require further detailed analysis before Government could be asked to make a formal decision on introducing a new regulatory regime for the gaming area. I considered that the best way to deal with the issue, therefore, was to publish the report and refer it to an informal all-party committee. In this regard I was grateful Deputy Seán Barrett, with the agreement of his party leader, consented to act as chairperson of that committee. The Deputy will be aware I also raised the formation of such a committee with his party leader and, briefly, with him. Subject to agreement, I envisage such a committee can be established without delay and the report published within the framework of that committee.

Progress in this area can best be achieved through cross-party consensus. There can be no question of delaying the making of key decisions that will have profound implications for the type of society we want to create for our citizens in the years ahead. We need to get things right with any new gaming code that emerges from this process. I want to ensure such activities are carried out within a responsible framework that recognises the reality of those activities and the changed environment within which these activities now take place, including on the Internet, and which ensures they are properly and responsibly managed, particularly as far as those who may experience problems as a result of their participation in gaming activities are concerned. The all-party approach presents an opportunity to Oireachtas Members to contribute, at the important policy formulation stage, to the future architecture of gaming in Ireland. It offers the best guarantee that the interests of all elements in our society are taken into account from the beginning in an area of important public policy. I note that Deputy Rabbitte let out the hare of the fixed odds betting terminals in a statement a few weeks ago. I am hesitant to publish the report in advance of the formation of a committee, but I can confirm that the report specifically recommends that we do not introduce fixed odds betting terminals.

Deputy Pat Rabbitte: I am long enough in this House to know that when a Minister wants to embrace me in an all-party committee, it is time to reach for my gun because something very unpopular is usually in contemplation. I am surprised to hear the Minister say the Government has no views on the report. The Government received the report in April 2007, so that should be long enough to form a view. When did we start legislating on an all-party basis? The point of being fortunate enough to be in the Minister's position is that he initiates legislation and this House expresses a view on it.

The Minister promised on 4 March that he would publish the document within a fortnight. Why did he not keep that pledge? I put it to him that it must be because of the approach of the bookmakers to the Government with a view to the introduction of these modern day slot machines. These machines are woefully addictive and are described across the water as the cocaine of gambling. Given the complexities that confront his Department, is legislating for the introduction of slot machines the most productive use of the Minister's time? Slot machines are addictive for young working class males in particular. There is no point in telling me that the report states that they should not be implemented, because I do not have the report. The Minister told me he would have it in two weeks on 4 March, but we have not had it yet. Now he tells us it is ready for publication, but used the felicitous phrase that it was subject to the issues in it being resolved. Theoretically that gives the Minister about five years and he can shelter behind that phrase during that time.

When will the report be published? Will he legislate for slot machines or not?

Deputy Brian Lenihan: The reason the report is not being published is because Deputy Rabbitte issued a statement which suggested that the Labour Party would not participate in any all-party committee on this matter. I am very anxious to publish the report and we should be able to secure all-party agreement on the consideration of a report. The reason I advocated an all-party approach to this issue is that previous experience in this House suggests that it is one of those issues that cuts across party lines.

Deputy Rabbitte returned to the question of bookmakers. I have been exceptionally careful on this particular issue with regard to people to whom I have spoken. I am extremely conscious of the fact that strong views are held on all sides of this particular issue. Since taking up office, I have been scrupulous in not holding discussions with any of the interest groups advocating a change in the law in the area of gaming and lotteries. I have had no meetings with any group involved in this particular area. My main objective is to arrive at a code which recognises the fact that adults gamble and that for some it is an enjoyable past-time, but equally that addiction to gambling has the potential to ruin lives. I accept all those propositions, but the current position outlined in the report is that this is an area where parts of the law are unworkable. I reiterate that the Government has no view on the report because it is anxious to see whether an all-party approach could generate a consensus in this area.

The report specifically recommends against the fixed odds betting terminals, the slot machines to which Deputy Rabbitte referred. These machines have been introduced in the UK and have resulted in a grave increase in gambling addiction. The report specifically recommends against that.

Deputy Pat Rabbitte: It is news to me that my statement was the cause of the report not being published. I only made my statement when I read in a publication that an all-party committee was to be established and that a colleague in the House was invited to be its chairman. I received no invitation at all.

Is the Minister in favour of legislating for these modern day roulette style touch-screen betting machines in bookmakers' shops? Bringing in legislation or otherwise is his responsi-

bility. Will he take any action in respect of the 1,000 people employed in casinos at the moment? The casinos are completely unregulated and the owners want them to be regulated as far as I am aware. In an earlier reply, the Minister said there were no breaches detected of the Gaming and Lotteries Act 1956, and I take his word. However, they need to be regulated.

Deputy Brian Lenihan: The policy of the Government has been to give all the parties in the House a say in the shape of any such legislation. That is the Government's position on the issue. In noting the report and approving its publication, the Government made it contingent on the establishment of such a committee. I am anxious to move these matters forward and I hope that Deputy Rabbitte can re-examine this issue and consider whether he can see his way to participating in this committee and making his points of view in that committee for the shaping of any legislation. I agree with the Deputy that legislation is required in this area.

Liquor Licensing Laws.

3. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take in the context of the recent report of the alcohol advisory group. [14243/08]

Deputy Brian Lenihan: I intend to bring the contents of the report of the alcohol advisory group to the attention of Government in the very near future. At the same time, I will seek the Government's approval of my proposals for the implementation of recommendations contained in the report. The group was asked to examine the following areas of concern — the increase in the number of supermarkets, convenience stores and petrol stations with off-licences and the manner and conditions of sale of alcohol products in such outlets, including below unit-cost selling and special promotions; the increasing number of special exemption orders which permit longer opening hours and which are being obtained by licensed premises around the country; and the use, adequacy and effectiveness of existing sanctions and penalties, particularly those directed towards combating excessive and under-age alcohol consumption.

I also intend to publish the legislation during the current session, and with the assistance and co-operation of both Houses, to have it enacted before the summer recess. I received the report at the end of March, but I decided not to publish it because there have been a sufficient number of reports on this particular area. Any report should be matched on publication with definitive Government proposals for the implementation of the recommendations in it.

Deputy Pat Rabbitte: How does the Minister reconcile that with his previous answer?

Deputy Brian Lenihan: I will.

Deputy Pat Rabbitte: *Touché.*

Deputy Charles Flanagan: I welcome the fact that the Minister engaged in setting up the committee and I was pleased to have the opportunity to make a submission when the chairman and members of the group met with the all-party Dáil committee. I am somewhat surprised that the Minister is sticking to his stated aim of having legislation enacted by the summer. I would have thought that if he was looking for the type of all-party agreement that he was hoping for the previous issue, then he might let us have a look at the report and publish it.

Does he accept that over the last five years his Government has been responsible for an explosion in the number of outlets? The number of theatre licences have increased by 30% in the last five years. Special exemption orders were up 11% last year to a massive 91,000. There have been very serious public order consequences of this Government decision. There has been

[Deputy Charles Flanagan.]

a 57% increase in such offences covering the period since the introduction of the Intoxicating Liquor Act 2003.

Time is of the essence, but the democratic process ordains that we have an opportunity to debate and scrutinise any proposals. We should be allowed to see the intention of the Minister and his colleagues at the earliest date possible.

Deputy Brian Lenihan: I examined the report and I am preparing heads of legislative proposals based on that report. I will be bringing them before the Government in a matter of weeks. I hope to publish the heads along with the report so that all parties in the House will have the opportunity to examine them before the definitive legislation is published. The report makes a large number of recommendations, some of which will be implemented in the legislation. Some additional matters outside of the report also require urgent attention. All of these matters will be brought before the other parties as quickly as possible. I appreciate that Deputy Flanagan wants the earliest possible opportunity to examine these matters. I hope to facilitate all Members of the House in that regard.

On the more general issue of drinking and drinking patterns and their effects on public order and health, there has been a significant change in the patterns of consumption in recent years. There has been a shift from drinking in licensed premises to drinking at home and elsewhere. This shift must be reflected in any legislation we introduce. We will not solve the problem with one Act, but will need a number of enactments over a number of years to deal with the situation. However, we need to make a start on it urgently, before the summer, and that is my intention.

Deputy Charles Flanagan: In the context of the narrow remit of the committee and bearing in mind the serious disturbances that took place in west Dublin on St. Patrick's Day, does the Minister intend to go beyond the remit and consider the matter of the age at which alcohol is available to people? Both the Garda Síochána and the Minister of State in the Minister's Department indicated that one of the difficulties with regard to the situation was that very young children, perhaps as young as ten or 11 years, were indulging on a regular basis in alcohol, which appeared freely available.

Deputy Brian Lenihan: The Minister of State in question, Deputy Pat Carey, is not attached to my Department.

Deputy Charles Flanagan: I referred to Deputy Seán Power.

Deputy Brian Lenihan: Sorry, forgive me. The reference to the constituency confused me, because the incident took place in Deputy Carey's constituency.

Some of the proposals brought forward by the advisory group reflect the need to develop robust provisions to prevent the sale and supply of alcohol to younger persons.

Proposed Legislation.

4. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if he will introduce legislation to enhance the rights of homeowners in respect of defending their homes. [14494/08]

Deputy Brian Lenihan: The Deputy will be aware that the Government's legislative programme includes a proposed criminal law (defence of life and property) Bill, the drafting of which the previous Government approved in March 2007. The Deputy may also be aware that this important issue is currently being examined by the Law Reform Commission as part of its

consideration of the issue of defences generally in the context of the criminal law. The Law Reform Commission published a consultation paper on the subject of legitimate defence in November 2006. This paper formed the basis for discussion and further consideration of the issues and consultation with interested parties. I understand that this consultation process has been completed and work on the writing of a report on the topic is under way. In its consultation paper, the Law Reform Commission gave considerable attention to the question of the application of legitimate defence with regard to attacks on property and on the person in the home dwelling and in the curtilage of the home. It is expected the report will be published by the end of this year or early in 2009. For this reason, I must await the commission's findings and recommendations on the issue of the application of legitimate defence in defence of the home dwelling.

My hand is stayed for a second reason. It has been drawn to my attention that the Court of Criminal Appeal took the opportunity to examine this question, and in a judgment delivered on 21 December 2006 in the case of the DPP v. Anthony Barnes — I am not sure whether this judgment was made before the decision of the Government to draft the legislation — Mr. Justice Hardiman said:

The offence of burglary committed in a dwellinghouse is in every instance an act of aggression. [The violation of a citizen's dwelling house is just that, a violation and act of aggression, no matter what the other circumstances.] . . . Although he is not liable to be killed by the householder simply for being a burglar, he is an aggressor and may expect to be lawfully met with retaliatory force to drive him off or to immobilise or detain him and end the threat which he offers to the personal rights of the householder and his or her family or guests. And this is so whether the dwellinghouse which he enters is, or appears to be, occupied or unoccupied when he breaks into it.

It is, in our view, quite inconsistent with the constitutional doctrine of the inviolability of a dwellinghouse that a householder or other lawful occupant could ever be under a legal obligation to flee the dwellinghouse.

The common law position, as clarified now by the Court of Criminal Appeal, goes a long way to addressing the concerns that have been voiced on this subject.

Deputy Charles Flanagan: On that point, it not sufficient for the Minister, the Department or the Government to await progress or change on the matter from the courts. The changes should be introduced in this House and should emanate from the Department. This is a serious issue, but thanks to the inactivity of the Government over a number of years it is criminals rather than victims who appear to get most protection from the law. Since Deputy Lenihan took over as Minister for Justice, Equality and Law Reform, he appears to have relaxed the stated position of his predecessor, that this matter would be subjected to legislation at an early date.

We see, and this was confirmed last month by Deputy Cowen, the Taoiseach designate, that this is not on the list of proposed legislation and, therefore, does not appear to be a matter of priority. I remind the Minister that it is an urgent issue. I do not believe anybody in the House would promote the excessive use of violence under any circumstances but, nevertheless, people are fearful. They fear their constitutional position is not being upheld, having regard to the Constitution, which says the dwellinghouse of every citizen is inviolable and shall not be freely entered forcibly save in accordance with the law. However, the law has given rise to significant uncertainty leaving people very fearful of intruders, particularly in rural Ireland, where on a nightly basis they are subjected to fear and terror. They are left in the position where if they exercise force of a type which they may wish to use, they are ultimately culpable.

Deputy Brian Lenihan: One of the reasons, unfortunately, that householders are fearful is because of the persistent misrepresentation which the Deputy and his predecessor have engaged in with regard to the law that applies in this area. The law in this area was revisited by the Houses of the Oireachtas in the Non-Fatal Offences Against the Person Act 1997. I repudiate the suggestion that I have somehow been derelict in the performance of my duty of vindicating the rights of citizens to the security of their dwelling places. The 1997 Act makes it clear that reasonable force may be applied to protect oneself or a member of the family or another from injury, assault or detention caused by a criminal act, to protect one's property from appropriation, destruction or damage caused by a criminal act or from trespass or infringement.

There are various other circumstances in which the Oireachtas has clearly laid out the provisions. In sections 18 to 20 of the Non-Fatal Offences Against the Person Act 1997, the Oireachtas has set out in some detail the circumstances in which the right of self defence can be exercised. These cover the circumstances outlined by the Deputy. It is important, and I am glad to have the opportunity, to make it clear to the public that they are entitled to use reasonable force in the protection of themselves and their property. The recent judgment of the Court of Criminal Appeal confirms that the right of citizens is buttressed by the constitutional protection of the dwellinghouse.

Deputy Charles Flanagan: Notwithstanding what the Minister has said, it is almost two years since the House rejected a Fine Gael Private Members' Bill and the Government has done nothing about the situation in the interim. The Minister referred to the Law Reform Commission report of November 2006. That document explicitly states that the law in this matter is uncertain and made recommendations which have not been taken on board. I do not have a difficulty with the Minister awaiting the final report of the Law Reform Commission provided he seeks an early meeting with the chairman of the group and urges that the matter be dealt with quickly. The people are frightened as a result of the law as it stands and how it is applied.

Deputy Brian Lenihan: I do not accept the law is as vague or uncertain as is being represented, as is clear if one looks at the expressions used in the legislation we enacted in 1997. However, I am prepared to ask the chairman of the Law Reform Commission whether consideration of this topic can be expedited to a conclusion.

Asylum Support Services.

5. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the cost of the asylum direct provision accommodation centres in 2005, 2006 and 2007; and if he will make a statement on the matter. [14216/08]

Deputy Brian Lenihan: The Reception and Integration Agency is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. The information required by the Deputy regarding the cost of the asylum direct provision system in each of the past three years is: a total of €84.382 million in 2005, a total of €78.728 million in 2006 and a total of €83.262 million in 2007. A breakdown of this expenditure is set out in the following table.

The average number of people accommodated by the Reception and Integration Agency for the past three years is 6,784 in 2005, 5,036 in 2006 and 6,122 in 2007. The continued increase in the numbers availing of accommodation provided by the reception and integration agency is influenced by a number of factors, including delays associated with cases where judicial

reviews and certain leave-to-remain applications are involved and other complex cases which of themselves take time to resolve, thus leading to a slowing-up of throughput within the direct provision system. Where judicial reviews are concerned, the time taken to discharge any proceedings is a matter for the courts.

The length of time taken to process asylum applications at the Office of the Refugee Applications Commissioner for prioritised cases is, on average, 17 to 20 working days from the date of application.

In respect of appeals to the Refugee Appeals Tribunal, the average length of time to process and complete substantive appeals is 21 weeks and for prioritised cases the average is nine weeks. A large volume of the appeals outstanding for more than six months in the Refugee Appeals Tribunal is due to the delay in processing appeals pending the granting of access to tribunal decisions following the Supreme Court judgment on the matter in the Atanasov case. Following the judgment, the Refugee Appeals Tribunal set up a comprehensive data bank of previous decisions of the tribunal, suitably redacted, which is readily available for access by legal representatives of applicants.

Additional Information not given on the floor of the House.

This data bank, with other measures being applied by the Refugee Appeals Tribunal will be of considerable assistance in clearing the current backlog of cases.

The Immigration, Residence and Protection Bill 2008 comprehensively reforms and simplifies the current asylum system through the introduction of a single procedure for the investigation of all grounds, including protection ones, put forward by applicants for protection. The investigation of such an application shall also include whether, not being entitled to protection, an applicant should be otherwise permitted to remain in the State. This reform of the processing framework will lead to the removal of the existing multi-layered and sequential process which considers refugee matters first and then as part of a whole new process, issues associated with leave to remain in the State. It will allow an applicant to receive a final decision on their application in a more timely and efficient manner.

Spending in 2005 broken down as follows:

Type	Explanation	Spend
		€m
Commercial	60 Centres commercially owned	63.022
State Owned	9 centres owned by the State	10.388
Self-Catering	11 non-direct provision commercially owned centres	6.025
Pre-School	Payments for wages, consumables etc. in 10 pre schools	0.133
Utilities (Gas)	Direct spending by RIA on gas in State Owned Centres	0.141
Transport	Direct spending by RIA on transport of asylum seekers on dispersals around the country	0.358
HSE	Refund of accommodation costs to HSE for accommodation of Unaccompanied Minors	4.273
Miscellaneous	Payments for nappies, funeral expenses etc.	0.042
		84.382

[Deputy Brian Lenihan.]

Spending in 2006 broken down as follows:

Type	Explanation	Spend
		€m
Commercial	47 centres commercially owned	57.303
State Owned	7 centres owned by the State	10.648
Self Catering	9 non direct provision commercially owned centres	5.176
Pre-School	Payments for wages, consumables etc. in 9 pre-schools	0.302
Utilities (Gas)	Direct spending by RIA on gas in State Owned Centres	0.136
Transport*	Direct spending by RIA on transport of asylum seekers on dispersals around the Country	0.255
HSE**	Refund of accommodation costs to HSE for accommodation of Unaccompanied Minors	4.841
Miscellaneous	Payments for nappies, medical reports.	0.067
Total		78.728

Spending in 2007 broken down as follows:

Type	Explanation	Spend
		€m
Commercial	55 centres commercially owned	64.876
State Owned	7 centres owned by the State	9.042
Self Catering	9 non direct provision commercially owned centres	5.166
Pre school	Payments for wages, consumables etc. in 10 pre schools	0.305
Utilities (Gas)	Direct spending by RIA on gas in State Owned Centres	0.128
Transport*	Direct spending by RIA on transport of asylum seekers on dispersals around country	0.163
HSE**	Refund of accommodation costs to HSE for accommodation of Unaccompanied Minors	3.486
Miscellaneous	Payments for nappies, funeral expenses etc.	0.096
Total		83.262

*This represents direct spending by RIA on costs in relation to, transport to reception centres and, onwards on dispersal, to accommodation centres. Individual centres also provide transport, e.g. into local town or city, for resident asylum seekers but this cost is subsumed into the overall contract price.

**The HSE is solely responsible for the accommodation of separated children seeking asylum, SCSAs, otherwise known as unaccompanied minors. The procurement, contract and payment for these centres is the responsibility of the HSE but RIA is required to refund the costs incurred.

Deputy Denis Naughten: I thank the Minister for his reply. In recent years, the number of asylum applications has dropped by two thirds, yet there has not been a significant fall in the cost of providing accommodation. On average it is costing approximately €210 per asylum seeker per week. Will the Minister explain why this is the case? The reason the cost to the taxpayer has not fallen is that it is taking so long to bring these applications to completion. What is the length of time taken to deal with an asylum application and a leave-to-remain application? Is it not the case that some people are waiting nearly a decade for decisions?

Deputy Brian Lenihan: The figures are set out in my reply to the Deputy's question. It takes on average 17 to 20 working days to determine an asylum application——

Deputy Denis Naughten: What is the time for leave-to-remain applications?

Deputy Brian Lenihan: I do not have that information but I will furnish it to the Deputy if he wants it. A study of the numbers involved will show that the average number of persons which the Reception and Integration Agency catered for in the past three years was 6,784 persons in 2005; 5,036 persons in 2006; 6,122 persons in 2007. The courts are independent in the operation of their functions. In our consideration of the immigration legislation in select committee, we can examine how the large volume of judicial reviews in this area can be reduced.

Deputy Denis Naughten: It will give me the greatest pleasure to deal with it on Committee Stage but I want to focus on what is within the Minister's competency. The reality is that it is taking years for applications to be processed to completion.

What checks and balances are in place to ensure that these asylum centres are up to an acceptable standard of accommodation? I have visited some of these centres throughout the country and I am aware that there is a serious problem with depression and isolation among the people there. They have nothing to do and all day to do it for up to a decade while they are waiting for decisions to be made.

I refer to the comments made by a public health nurse about a facility in County Roscommon. She said that for babies learning to crawl and for toddlers learning to walk there is physically no room in the accommodation for them. Does the Minister stand over such a situation? Will he outline the reason only 60% of the target number of inspections of asylum accommodation centres are taking place?

Deputy Brian Lenihan: I will examine the various matters which Deputy Naughten has raised, which certainly do not arise out of the question as put by him. I will have any specific matter of concern to him investigated and dealt with. It is the case that a person who seeks asylum in this jurisdiction is placed in direct provision and this is a Government policy decision.

Deputy Denis Naughten: The Minister has no answer in the case of his Department.

Other Questions.

Criminal Justice Act.

6. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform when he will sign commencement orders in respect of outstanding sections of the Criminal Justice Act 2007. [14113/08]

Deputy Brian Lenihan: The Criminal Justice Act 2007 contains 60 sections and two Schedules. With the exception of sections 11 to 13, inclusive and 19 and 41, inclusive, all sections and the two Schedules have been commenced. Sections 11 to 13, inclusive, of the Act, concern the Bail Act 1997. They are the enabling provisions for electronic monitoring of persons granted bail subject to certain conditions. The merits of electronic monitoring and the different methods by which it can be carried out, require careful consideration before I am in a position to make specific recommendations on its introduction to my Government colleagues. I advise the Deputy that the cost effectiveness of electronic monitoring and developments in technology are being monitored by my Department.

[Deputy Brian Lenihan.]

Section 19 amends the Criminal Procedure Act 1967 to provide that the High Court may in certain circumstances transfer its jurisdiction to hear appeals in bail cases to the Circuit Court. The section also extends the appeal rights of the prosecution in bail cases. The commencement of this provision has been deferred. I wish to have the question of the transfer of bail hearings to the Circuit Court reassessed to ensure that the potential benefits outweigh some of the practical concerns about its implementation which have been identified. These are very serious practical concerns about the implementation of that particular provision of the 1997 Act.

As Deputy Charles Flanagan will be aware, the historic practice has been that bail applications are taken initially at the District Court. If bail is refused in the District Court, a person may invoke the inherent jurisdiction of the High Court and apply for bail in the event of refusal in the District Court. The involvement of other courts in the bail process, such as the Circuit Court, the Special Criminal Court, the Court of Criminal Appeal, has historically depended on whether the particular court has seisin of the particular offender. There has been no general bail jurisdiction in the Circuit Court. I am not convinced that the implementation of this section of the legislation would be of benefit in the administration of criminal justice in the State.

Deputy Charles Flanagan: I do not wish, and I am sure the Leas-Cheann Comhairle would not allow me, to refer to the manner in which this Criminal Justice Bill was heralded by Ministers and Government Deputies this time last year. Suffice to say that 12 months later, there are a number of gaps, two of which have been adverted to by the Minister. The urgency of the matter this time last year is perhaps even greater now from a criminal justice point of view, having regard to the increased levels of crime and very serious crime, throughout society.

From the Minister's reply I take it that the section dealing with bail is now a dead duck and will not be enshrined in law. Reading between the lines that is what the Minister has said. I wonder then why such reservations were not put forward last year, either by him, his party members or his associates in Government. I ask him to confirm that this will not now or during his tenure be subjected to a commencement order.

Deputy Brian Lenihan: Some of the provisions relating to bail will be commenced. I refer to the provisions relating to electronic monitoring of persons on bail which is certainly under examination in the Department. I have reservations about the legislative intent to transfer general jurisdiction in bail matters to the Circuit Court because it opens up the vista of a District Court case being followed by a Circuit Court case, being followed by a High Court case, in a single bail application. I cannot see how that can be of advantage in the administration of justice. I also fail to understand how the Circuit Court can exercise jurisdiction on a continuous basis in bail matters when in many provincial circuits, a judge holds a sitting at different venues throughout a large geographical area. There would be significant practical problems in implementing a bail jurisdiction in the Circuit Court given the disposition of the judicial personnel involved.

I examined the section on my appointment as Minister and I confess that, as I was not responsible in this Department at the time of the enactment, I was not aware of the proposal at that time. I understand the Leas-Cheann Comhairle expressed views on this matter at the time. I have examined the issue since becoming Minister and I am not satisfied that the proposal is practical. However, I am always open to suggestions as to how the bail laws can be improved.

Deputy Charles Flanagan: Does the Minister intend to engage in discussions with the probation and welfare service on the introduction of electronic monitoring?

Deputy Brian Lenihan: We are already engaged in discussions with the probation and welfare service on this matter. One of the main considerations is that the introduction of electronic monitoring may increase the number of persons out on bail at any one time. We are liaising with the probation and welfare service on this and other aspects of the introduction of such a system.

Garda Reserve.

7. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda reserve recruited to date; the stations to which they have been allocated; the number of applicants for the reserve currently in training; if he is satisfied with the rate of recruitment; when he expects that the full complement of 1,500 will be in place; and if he will make a statement on the matter. [14073/08]

Deputy Brian Lenihan: As at 31 March 2008, there were 51 reserve trainees and 264 attested reserve gardaí. In the Dublin metropolitan region, 123 attested reserve gardaí are assigned as follows: 21 at Pearse Street, five at Kevin Street, three at Kilmainham, six at Donnybrook, nine at Store Street, six at Bridewell, six at Fitzgibbon Street, two at Clondalkin, four at Finglas, five at Lucan, three at Ballyfermot, 11 at Blanchardstown, one at Ronanstown, two at Santry, three at Raheny, three at Swords, two at Clontarf, three at Coolock, two at Ballymun, three at Balbriggan, one at Malahide, one at Howth, two at Crumlin, one at Sundrive Road, two at Rathmines, two at Terenure, two at Tallaght, two at Rathfarnham, three at Bray, three at Dún Laoghaire and four at Blackrock.

The 30 attested reserve gardaí in Cork are assigned as follows — three at Mayfield, four at Gurranabraher, four at Middleton, one at Mitchelstown, two at Mallow, 13 at Anglesea Street and three at Togher. There are 111 attested reserve gardaí in other stations throughout the State, assigned as follows: six in Sligo; 16 in Galway; ten at Henry Street, Limerick; six in Ennis; two in Tralee; eight in Waterford; two in Tramore; five in Kilkenny; one in Wexford; one in New Ross; one in Gorey; one in Enniscorthy; one in Arklow; one in Wicklow; one in Newbridge; one in Blessington; two in Naas; four in Carlow; two in Clonmel; one in Cahir; one in Carrick on Suir; two in Tipperary town; one in Thurles; two in Cavan town; one in Monaghan town; four in Drogheda; four in Dundalk; one in Kells; one in Navan; four in Castlebar; one in Westport; three in Ballina; five in Mullingar; one in Longford; four in Letterkenny; two in Tullamore; one in Portlaoise; and one in Roscommon.

The agreed programme for Government has set a target strength for the reserve at 10% of the strength of full-time members of the force. Recruitment is continuing and regular promotional efforts to attract potential reserve members are being undertaken. Garda reserve members undertake their training and other duties on a voluntary basis during their free time. As a result, it is not possible to predict how many people will commence training in any particular period.

In the annual policing plan for 2008, the Garda Commissioner has set a target of recruiting 270 members this year. The next class of reserve trainees will commence training on 7 June. I cannot predict exactly when the full complement of Garda reserve members will be reached but I assure the Deputy the Garda Síochána has advised that it is making every effort to reach it.

The reserve has been notably successful in attracting non-Irish nationals to its ranks. Twenty reserve members or trainees are non-Irish nationals. These include seven from the United Kingdom, two from China, one from Belarus, one from Germany, one from Japan, one from

[Deputy Brian Lenihan.]

Pakistan, one from Zimbabwe, one from Morocco, one from Nigeria, one from Poland, one from Austria, one from Bulgaria and one from India.

Deputy Pat Rabbitte: What is the Minister's understanding of the lack of success in recruiting members of the Garda reserve? Some 1,400 reserve gardaí were promised but there are many Garda divisional districts with a single reserve garda. I cannot remember any similar issue attaining so much mileage in the newspapers, with hundreds of thousands of words written about this initiative. I hope it is not the case, now that its author has left politics, that there is not the same commitment from the current Minister and the Department on this issue.

When does the Minister expect the target of 1,400 to be met? I saw an amusing programme on television last Sunday night which featured Risteard Cooper posing as the former Minister for Justice, Equality and Law Reform, with three Garda reserve members with L plates on their backs running after him and looking after his every whim. Now that the former Minister, Mr. McDowell, is functioning only at the Bar, I hope it is not the case that the current Minister's commitment to the notion of a Garda reserve is only lukewarm and that the Garda is resisting it.

Deputy Brian Lenihan: I am fully committed to the Garda reserve. One of my first functions as Minister, during which I paid tribute to my predecessor, was to attend a passing out ceremony for the Garda reserve. Applicants are carefully assessed and there has been a high attrition rate on applications. It has always been recognised that it will take some time to reach the desired target level for the force because it takes time to recruit, train and assess members. I am strongly of the view that this is a good initiative.

One of the functions being undertaken by the Garda reserve is to accompany full-time gardaí on routine patrolling duties. That is working well and results in an immediate increase in Garda visibility in particular areas.

Written Answers follow Adjournment Debate.

Private Notice Questions.

Job Losses.

An Leas-Cheann Comhairle: I call on the Deputies who tabled questions to the Minister for Enterprise, Trade and Employment in the order in which they submitted their questions to my office.

Deputy Willie Penrose asked the Minister for Enterprise, Trade and Employment if he is aware of the serious implications for employment and the general economy in the midlands of the appointment of a liquidator to Iralco Limited, Collinstown, County Westmeath on 14 April 2008 and the consequent threat to 420 jobs; his views on the importance of keeping the plant operating as a going concern; and if he will request the industrial development agencies to support all possible steps being taken by the liquidator in its discussions with employees, suppliers, customers and the company itself to keep the plant open and secure the maximum number of jobs.

Deputy Johnny Brady asked the Minister for Enterprise, Trade and Employment if he will take every possible action to ensure the jobs of the 420 employees at Iralco Limited,

Collinstown, County Westmeath are secured, given that the company provides employment not only in County Westmeath but also in counties Meath, Longford and Cavan.

Deputy James Bannon asked the Minister for Enterprise, Trade and Employment the reason the Government failed to increase competitiveness and reduce the cost base to attract and retain foreign investment and stem the escalating closure and movement abroad of existing businesses; if he is aware that this is adversely affecting the nationwide employment profile, with the publication of the live register for March 2008 showing a rise in unemployment levels, particularly in the midlands, and Longford-Westmeath having lost 683 jobs in recent weeks; and if he will make a statement on the matter.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I propose to take all the questions together.

I fully share the Deputies' concern regarding the announcement by the company in question that it is facing liquidation and the impact of that decision on its employees. The company announced the appointment of liquidators in a press statement on Monday, 12 April. I understand that the liquidators are carrying out an initial assessment and will speak with employees, suppliers and customers in the coming days. The Government and the State development agencies await the outcome of the meetings between the company, union representatives and the liquidator. The efforts of the agencies will be geared towards saving as many jobs as possible, including any possible assistance in the event of any management buy-out options.

This company has been a significant employer in County Westmeath since 1964. It would be extremely disappointing were operations to cease at Collinstown and particularly devastating for the workers and families directly affected. I understand the company had incurred losses for the last three years and, although some strategic investment was under way, had projected losses for 2008 and 2009. The company's business plan projected a turnaround in 2010. The success of this business plan would have secured employment in Collinstown for the medium term, albeit at a reduced level.

The company recently informed the Industrial Development Authority, IDA, that jobs were at risk if specific industrial relations issues in regard to pay increases could not be resolved. Additional funding was also needed to proceed with the investment it had planned in the Ukraine, which was crucial to the future of its Irish operation. The timeframe on this decision was immediate. The IDA was already engaging with the company and had offered to assist by lending its support to resolve the industrial relations situation through discussions with the union at senior level and discussions with shareholders.

Subject to the resolution of the industrial relations and funding issues, the IDA had confirmed to the company that it would consider support for training, consultancy and research and development, based on its future business plan in Collinstown. The IDA also offered to assist if the company decided to seek investment from equity or industrial partners and to work with Enterprise Ireland in the case of an indigenous shareholding investment. However, despite the input of the Labour Relations Commission and IDA Ireland, which made every effort to avert this development by negotiating with the company on a package of incentives geared towards trying to maintain the business for the future, this approach has unfortunately not borne fruit. When the Minister, Deputy Martin, contacted the company directly, he reiterated that the Government agencies remain available and willing to provide any assistance or take any steps to ensure the company remains in production on terms satisfactory to the management, unions and employees. Deputies O'Rourke, Johnny Brady, Penrose and Bannon have been in continuous contact with the Minister on this issue since the bad news broke. Senator Cassidy raised the matter this morning in the Seanad.

[Deputy Billy Kelleher.]

I assure the House that IDA Ireland is in ongoing contact with the company and will continue to work closely with its representatives during this challenging period. IDA Ireland will meet members of the family that owns the company tomorrow to discuss this issue further. The Minister, Deputy Martin, has said he is also available to meet the owners of the company to discuss the matter. While I am conscious of the effect job losses have on the workers involved and their families, as well as the local community, I assure them that the Government will make every possible support available to develop new employment opportunities. The role of FÁS, which is the State training agency, will be particularly important in assisting people if jobs are lost. FÁS will be available to provide advice and training opportunities for the Iralco workforce. The agency will make its full range of support services available to the workers. It will work on reaching top-level agreement with the company on responsibilities and actions. It will engage in intensive interviews, individually or in groups, with affected workers to outline the range of supports and services available. FÁS will prepare a skills analysis report based on the identified needs of workers and local opportunities. It will refer the affected workers to jobs, training courses and other options. It will establish special or customised training courses, where necessary. It will offer ongoing support and action to keep redundant workers in touch with the labour market.

The Government, through the State development agencies and other interested parties, adopts a co-ordinated approach in dealing with job losses. Such bodies work together to make the employees aware of the supports available to assist in finding new employment or starting their own businesses. The Minister for Enterprise, Trade and Employment has pointed out on a number of occasions that there has been, and continues to be, a significant churn in employment. The effects of globalisation are felt in the smallest markets and global competition will intensify and extend its reach. The Government has recognised the inevitable changes taking place across the world in the areas of trade and investment. Enterprise policies that equip companies with the ability to better compete in world markets, capture the opportunities presented by globalisation and build a competitive advantage in innovation and knowledge have been central to policy development. The best response to globalisation is to ensure Ireland remains attractive for investment and enterprise growth.

As the economy has matured, foreign direct investment incentives have been tailored to match our strengths. As low wage costs are no longer an enticement, they have been replaced by other attractions, including a competitive tax and regulatory environment, a better educated workforce, an improving infrastructure and a commitment to world-class standards of research, development and innovation. Maintaining and improving upon these standards is vital to sustaining Ireland's competitiveness.

IDA Ireland is working to develop the knowledge economy in the midlands region, which was mentioned by Deputy Bannon, so it can compete nationally and internationally for foreign direct investment. In the past five years, the agency has been promoting counties Longford and Westmeath as part of an integrated midlands region with a population base of more than 310,000 people. The counties have traditionally been a centre of manufacturing for foreign direct investment but, like other counties, they have seen a number of closures within the multinational sector as global investment shifts to low cost destinations. In response, IDA Ireland is marketing the midlands gateway of Athlone, Tullamore and Mullingar as a key location for investment in medical technologies, international financial services and ICT, in line with the national spatial strategy and as part of the process of repositioning the region to facilitate a more knowledge-based economy.

Some progress is evident in the midlands region. Companies like Kinetic Concepts, Teleflex Medical, AXA Assistance, Elan Corporation and Alienware Corporation are establishing or expanding their operations in the county. When I was in Savannah, Georgia, recently, I visited the offices of Georgia Tech Research Institute, which has linked up with Athlone Institute of Technology as part of a very interesting concept. The 21 IDA Ireland-supported companies in County Westmeath employ 2,298 people. Enterprise Ireland has 119 companies, which employ over 3,000 people, in the county. The Government is not complacent — it is well aware of the challenges ahead not only in a global context but also in County Westmeath. The Government is investing in the infrastructure needed to attract foreign direct investment to County Westmeath. It is investing €3.5 million in a quality flagship business park in Athlone, which is an integral part of the agency's international marketing programme. IDA Ireland has purchased 70 acres of land at Ardmore in Mullingar. The site has been master planned and phase 1 construction is complete.

Enterprise Ireland has a number of programmes in place to assist indigenous companies to grow and export. It has invested heavily in Athlone Institute of Technology, which is a key infrastructure element for the attraction and development of enterprise. In February of this year, the Minister, Deputy Martin, announced a €50 million boost to regional economic development. Athlone Institute of Technology is set to benefit directly from this investment, which will support enterprise focused activity in the midlands by funding the purchase of industry-relevant research equipment, providing more incubation space for start-up companies and establishing additional market focused research groups.

The manufacturing sector has been vital to the economic success this country has enjoyed in the past 15 years. The Minister for Enterprise, Trade and Employment recently launched the report of the high level group on manufacturing. The group, which was set up under the Towards 2016 agreement, spent 12 months examining the challenges facing the manufacturing sector in Ireland. It concluded that manufacturing will continue to play an important role in Ireland's economic development, as it has done in the past. Manufacturing is evolving and will be different in the future. It will be even more technologically advanced, knowledge intensive, capital intensive and skills intensive, led by an understanding of markets and customer needs.

We need to ensure that firms are making the changes necessary to be at the leading edge in terms of production processes, global business models, organisational structures and human resources practices. In effect, this means firms need to invest in innovation and mechanisms to increase productivity, reskilling and upskilling their workforces and building a world class management capability that is relevant to an innovative firm operating in a global context. The Government, which established Skillsnet to oversee its strategy of upskilling the whole labour force, is investing in various training programmes. Future successful manufacturing firms will have a participative culture, where management and staff work collectively to ensure the success and long-term sustainability of the firm for the benefit of all. This will involve evolutionary change for some firms, while for others it will mean fundamentally transforming how they do business and organise themselves.

The report acknowledges that a range of policies have been developed to enhance Ireland's business environment so it continues to be a good place to do business. The report calls on the Government to take steps to address the rising costs which have been facing the sector for some time. Energy costs, waste charges, professional services and local authority development charges, for example, have a negative impact on the sustainability of the manufacturing sector. I welcome the recommendation that we should continue to focus on collective action through the establishment of a manufacturing forum. We know what needs to be done. Everyone needs

[Deputy Billy Kelleher.]

to play a part in making it happen. Manufacturing matters to Ireland's economy and will continue to matter as we move into the next decade.

I am confident that the strategies and policies being pursued by the State development agencies will continue to support enterprise development and job creation in the midlands area. I reaffirm that the State agencies will continue to work closely with each other and with local interests to assist an integrated approach to investment and enterprise development in counties Westmeath and Longford and the adjoining areas. The Government is committed to using all the State agencies to secure as many jobs as possible at Iralco Limited. There has been high level contact with the unions, management and owners of the company. We have to deal with the challenges associated with the competitive global market. We understand the impact job losses can have on families and the broader community.

Deputy Willie Penrose: I thank the Minister of State. Perhaps it was a Freudian slip when he referred to "Monday, 12 April", given that last Monday was 14 April. Did somebody know more than their prayers on Saturday, 12 April? I am sure the Minister of State is aware of the huge devastation that was visited on the 430 employees of Iralco Limited and their families last Monday when they were informed, without prior notice, that their place of employment was to go into liquidation. It was a devastating bombshell, as Deputy Johnny Brady said, to learn that the liquidators had been appointed earlier that day. It will be a terrible blow for north Westmeath and the north midlands as a whole if a factory that has been a bedrock of employment since 1964 has to close. This week's news is a bitter blow for many families who have worked for Iralco Limited over the years. The factory has provided employment to three generations of some families — the parents and grandparents of some current workers are former employees of the company. I know of an extended family that has eight people working there. Other families have been working there for years. Such people are very worried.

Is the Minister of State aware that, on top of the 430 likely job losses, many ancillary industries will be affected? I refer to companies which supply parts, services and goods to this long-standing factory. Is the Minister of State aware that it is estimated that the 430 job losses will have an impact on approximately 2,000 people? That is how the impact of the closure of this factory can be gauged. That shops and other businesses in Collinstown will be affected was made clear by the comments of Mr. Bernie Conaty of the local post office the other night. When one considers that the company has been employing large numbers of people for the best part of five decades, it is clear that last Monday's announcement represents a black day for County Westmeath and the north midlands in general. When the loss of 66 jobs at Kimball Electronics in Longford and the loss of a further 100 jobs at Nexans Ireland in Athlone are taken into account, it is evident that over 600 jobs have been lost in the midlands over the past week. Will the Minister of State establish a dedicated task force to confront the serious problems being encountered in the manufacturing sector? This would focus absolute priority on the search for replacement industries.

Is the Minister of State aware that the magnitude of the impact of the loss of 420 jobs in a rural area such as Collinstown is the equivalent of the loss of 8,000 to 10,000 jobs in a large city such as Cork or Galway? Collinstown is home to the Collinstown Glenidon hurling club and the late Jobber McGrath. It is a great hurling area and the people are very resilient.

Iralco has been a bedrock of employment for families. Will the Minister of State take steps to ensure that every assistance is given to the liquidator, Mr. John McStay, whom we met, the managing director, the shareholders, Mr. John Bolger and Mr. Peter Kenny who are negotiating, the suppliers, customers and, most importantly, the employees, who are carrying out

ongoing assessments? All shoulders must be to the wheel with no excuses to secure as many jobs as possible, if not all, of the 420.

Does the Minister of State accept a talented and skilled workforce is available? Their skills were utilised by the company to manufacture high-quality motor components for some of the largest manufacturers in the world, including Ford, Bentley, Volvo and Volkswagen. Families have been devastated as five, six or seven members of the same family are involved. Will the Minister of State ensure that upskilling, training and education facilities are made available? People have indicated to me that if this cannot be secured they will not be able to find alternative employment.

Has the Minister of State ascertained from the company why it abruptly applied for a liquidator to be appointed? Is it because of the cost of energy or the strength of the euro? The employees have not received an increase since 2005. They have forgone increases. Admittedly, an industrial relations issue arose. Will all agencies such as the IDA, Enterprise Ireland and FÁS get involved through a focused taskforce to ensure an all-out effort is made, with no obstacles, to help the workers and their families secure the maximum amount of employment?

Deputy Billy Kelleher: I am aware of the importance of the company in providing employment for many years. Iralco was a strong employer in the area. We acknowledge that the loss of 420 jobs in an area such as Collinstown in Westmeath has an immediate impact on the community and environment with the embryonic and ancillary spin-offs to other job creation, investment in shops and hurling teams. It has a devastating impact.

The IDA is in negotiations. It is trying to rescue the company and it will meet with the family which owns it tomorrow evening. An investment plan existed to establish a plant in the Ukraine and coating and painting was being shipped over there. Primarily, we are trying to ensure the IDA is in there putting together a rescue package. This has been ongoing for some time. The Labour Relations Commission was involved previously and discussions took place between the unions and management. They could not agree to pay the national pay deal. Discussions took place to see whether the wage level could be reduced. Unfortunately, for whatever reasons, this did not come to fruition.

We are in a competitive global market and this company has sustained losses for some time. The IDA approached it some time ago in the context of grant assistance for research and development in conjunction with it forwarding a business plan. It is still involved.

I wish to state to the workers that we acknowledge that generations of the same families have been employed by Iralco and have raised families. The company has been a good and responsible employer for many years and this must be acknowledged. The reasons for the announcement to go into liquidation can be ascertained at a later date. At present, we want to rescue as many jobs as possible.

Deputy Johnny Brady: I thank the Minister of State for coming to the House to respond to this issue. As Deputy Penrose stated, the announcement of the appointment of a liquidator to Iralco is a major blow to the region. With 420 jobs, it was the largest employer in the region. It is a rural area and it is estimated that Iralco contributes €8 million to the economy. People from not only north Westmeath were employed but also people from my town of Oldtown in the new constituency of Meath West and from up as far as Kells, Oldcastle and Moylagh. Deputy Penrose knows this area well—

Deputy Willie Penrose: Very well.

Deputy Johnny Brady: —as does Deputy English.

It covers four counties, and is in the heartland of Westmeath, Longford, Meath and Cavan. People from all areas are employed. I am glad substantial orders are on the books which remain to be filled. As we speak, some employees are working, deliveries are being accepted and representatives are with the liquidator. I hope contracts can be kept in place and terms can be arranged with the unions for the factory to reopen.

I appreciate other Members wish to speak. I know the Minister, the Department and the Minister of State will do everything that can be done. It is a vital cog in the area and the employees affected will not get other jobs in the area. As Deputy Penrose stated, some of the employees have worked there for 44 years with eight or ten people from the same family working there. In some cases, husbands and wives are working there. We saw on the television people who work there and are expecting their first child after building a new house. I know the Minister of State will not be found wanting and I appeal to him to do everything in his power to ensure most of the jobs will be saved if they cannot all be saved.

Deputy Billy Kelleher: Contracts and orders were placed by Volkswagen, Volvo and Bentley. Unfortunately, the company has been sustaining losses for a number of years. It tried to put together a business plan. The IDA has been in discussion with the company for some time to see whether it could assist in industrial relations, a business plan and support aids.

I saw the news and I acknowledge it has a harrowing and devastating impact on a community, primarily on people with investments in houses, mortgages and rearing families in the hope the company would be an employer for years to come. Unfortunately, the company has appointed a liquidator. We are where we are and we are trying to ensure the IDA, at this late stage, can in some way assist in saving as many jobs as possible. It will meet with the family which owns the company and is in discussion with management and the unions. We will see whether we can rescue the company.

During recent years, this business has become more competitive internationally and the company has been sustaining losses. FÁS is doing a skills audit to see whether jobs are available elsewhere for people who have worked in Iralco for a number of years. It is important to deal with the company in the situation in which we find it.

Deputy James Bannon: In his speech, the Minister of State referred to Deputies O'Rourke and Kelly. Where are they this evening? Their insincerity and hypocrisy is noted by their absence from the Chamber. They should be here to discuss this important issue concerning the constituency of Longford-Westmeath.

An Leas-Cheann Comhairle: The Deputy should not disparage Members who are not present.

Deputy James Bannon: Announcements of job losses have become too common an event. What investors in business seek is the right environment to create and maintain jobs. High business costs and tax levies are driving businesses elsewhere such as to Eastern Europe and China. This is regrettable at this time. The Government has imposed a series of massive stealth taxes in recent years.

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

Deputy James Bannon: The large amount of job losses in the midlands was brought home to us in recent months. Deputy Penrose referred to the loss of almost 500 jobs at Iralco. We also had the loss of 100 jobs at Nexans, 60 jobs at Kimball Electrics and the announcement that more than 20 jobs will be lost at B3 Cable in Longford, which has gone unnoticed by the media.

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

Deputy James Bannon: I offer my heartfelt sympathies to the workers and their families. Will the Minister of State put in place the necessary measures to stop the job drain from the midlands which is threatening the economic development of the area? We need a high level of intervention by the Minister of State to save those jobs. Sadly, for the workers of Longford-Westmeath this did not happen. I would like to know if the Government has done everything possible.

An Leas-Cheann Comhairle: Deputy Bannon——

Deputy James Bannon: This Government is lacking an industrial strategy.

An Leas-Cheann Comhairle: Deputy——

Deputy James Bannon: We have not had a strategy on unemployment since Alan Dukes produced the Tallaght strategy.

An Leas-Cheann Comhairle: The Chair will not be ignored.

Deputy James Bannon: I am entitled to five minutes.

An Leas-Cheann Comhairle: The Deputy is not entitled to five minutes. He must ask a question. This is not an Adjournment Debate; it is Question Time.

Deputy James Bannon: I thought we had half an hour to debate it.

An Leas-Cheann Comhairle: Half an hour has been allocated to the debate. I am anxious to allow a number of other Deputies——

Deputy James Bannon: May I speak again?

An Leas-Cheann Comhairle: The Deputy may not speak again. The issue is——

Deputy James Bannon: It is very important to my constituency and to the people of Longford-Westmeath who are disgusted with the behaviour of the Government on this issue.

An Leas-Cheann Comhairle: The Deputy will not disparage the Chair.

Deputy James Bannon: No disrespect to the Chair but I stand here for the people of Longford-Westmeath and I am disappointed at the way they have been let down by the Government.

An Leas-Cheann Comhairle: The Deputy will know that I allowed a Private Notice Question on this matter because the Chair felt it was an important one.

Deputy James Bannon: I thank the Leas-Cheann Comhairle for that.

An Leas-Cheann Comhairle: It would be appropriate to allow a number of other Deputies, who also wish to ask a question on this important topic, to speak. In the meantime, the Deputy should have some regard to the Chair when being addressed.

Deputy Billy Kelleher: Deputies have been in contact with the office and others have used the Private Notice Question to highlight this very serious issue in the midlands. I agree with Deputy Bannon that this is a very emotive issue which has an immediate impact on families and people working in Iralco. The Government is trying to do everything possible. The IDA is there at present, is in discussions and is to meet the owners tomorrow. It has been in discussions previously in terms of providing assistance and support for research and development in the context of a business plan because the company has been losing substantial amounts of money for a number of years. As I pointed out, this has been an ongoing process.

The Labour Relations Commission was involved previously in discussions with the management and the workers to secure a pay deal which could rescue the company. Unfortunately, events have moved on and a liquidator was appointed over the weekend. We very much acknowledge the pain and frustration of the families directly affected and of the broader area.

Deputy Bannon is doing himself an injustice by talking down Longford-Westmeath as an area for potential investment.

Deputy James Bannon: We are disappointed by the Government attempts to maintain jobs in the midlands.

Deputy Billy Kelleher: It is important that we——

Deputy James Bannon: I am not talking down my county. I am talking about people who have lost their jobs in Longford-Westmeath.

Deputy Billy Kelleher: I am trying to make the point that it is important that we do not talk down the whole area because we have a difficulty with this company. There is investment in Longford-Westmeath. The IDA is marketing the midlands area for the high and innovative-type skills which I outlined earlier. It is investing in infrastructure as well.

An Leas-Cheann Comhairle: I am anxious to allow Deputies English and Ó Snodaigh to ask brief questions.

Deputy Damien English: I thank the Minister of State for his understanding of the importance of this issue which is devastating for those concerned, but I will not go into that because we are short of time. Some important meetings were held yesterday and today. I am conscious that the Minister of State's reply has been worked on since this morning. Is there any update on yesterday's meetings, mainly with the employees? What information are they getting? We hope many of these jobs can be saved.

I urge the Minister of State and the Minister to meet the family. I know the IDA is doing that but I urge the Minister to do so to prove how important these jobs are to the country, the area and the Government.

I believe the factory in Ukraine is unable to function without the Collinstown plant working. Will the Minister of State confirm that? Is there a danger that things are moving quietly along? The employees understand that one cannot work without the other and we would not like to find out further down the line that this is not the case.

The factory in Collinstown is similar to NEC in Ballivor. Such factories are very important and are the heart of villages in Westmeath and south Meath, which are not a built up. There is a danger that some of these jobs might be permanently lost. We must try to replace them with new jobs. I am conscious that many of the IDA visits are to bigger areas such as Mullingar, Dundalk and Drogheda. If there are existing factories and premises and if jobs are being lost, a real effort should be made by the IDA to replace these jobs in those locations to give villages, small shops and post offices a chance to survive. NEC did not receive any visits from the IDA last year. I do not want that to happen in Collinstown. If any of these jobs are lost, we will need a strategy to replace them or to locate a new enterprise there.

Deputy Aengus Ó Snodaigh: When did the Minister become aware that the company was in trouble? If he was aware, why was a task force not put in place to try to ensure workers had alternatives? Has the liquidator been informed that the Government would support either a worker or a State buy-out of the company to ensure workers in that region would not be affected in the way they will be if the company closes? It would be appropriate for the State to say it will buy-out this company initially to ensure workers have continuation of employment and orders are filled. Workers could then try to look towards the future.

Deputy Billy Kelleher: On the question of Ukraine, the two factories are interdependent. That has been brought to the attention of the IDA. It is important to reiterate that the IDA had already been engaging with the company and had offered assistance by lending its support to resolve the industrial relations situation through discussions with unions at senior level and with shareholders. That has been happening for some time. Subject to the resolution of the industrial relations and funding issues in the company, the IDA had confirmed to the company that it would look at supporting training, consultancy and research and development based on its future business plans in Collinstown. The IDA also offered to assist if the company decided to seek investment from equity or industrial partners and to work with Enterprise Ireland in the case of an indigenous shareholding investment. It has been in negotiations and in contact with the company for some time. A liquidator was appointed over the weekend, which was a very regrettable decision.

The IDA is there at present. If jobs are lost, or if the company can be saved and only a certain number of jobs are retained, FÁS will be available to do a skills audit to ensure there are opportunities for people to undertake courses, upskill or train or to be pointed towards other enterprises which might need the skills of workers heretofore employed in Iralco.

The Government is very committed. The Minister has said he is available to meet the family. The IDA is there at present. However, this is a very complex issue. The company is now in liquidation. The company in Ukraine is dependent on the one in Collinstown and vice versa. It was clearly explained some time ago that it needed immediate investment to speed up the Ukraine development which would have an impact on Collinstown.

Adjournment Debate Matters.

Acting Chairman (Deputy Jack Wall): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy John O'Mahony — the very worrying ongoing dispute between the IPU and the HSE and to ask the Minister what contingency plans she has to ensure the public have access to their medicines after 1 May; (2) Deputy Joe McHugh — to ask if the HSE has received notices of withdrawal from contracts from pharmacists, if the Minister will outline the details of the HSE's contingency plans to ensure patients get access to medicines, especially in

[Deputy Jack Wall.]

rural areas, and if she will indicate what steps, if any, are being taken to try to resolve the dispute; (3) Deputy Dinny McGinley — the critical situation in Scoil Mhuire, Stranorlar, County Donegal, due to lack of space, inadequate facilities, overcrowding and the urgent need to replace the same school as soon as possible; (4) Deputy Jan O’Sullivan — the need to provide extra beds and community teams for child and adolescent psychiatry; (5) Deputy Jimmy Deenihan — the delay in appointing design team consultants for the proposed new school at Blennerville, Tralee, County Kerry (details supplied); (6) Deputy James Bannon — the need for the Minister to give the go-ahead for Ballymahon Vocational School’s refurbishment project to go to tender without further procrastination or reconsideration on her part and if she will make a statement on the matter; (7) Deputy Denis Naughten — the need for the Minister for Health and Children to outline her plans for the provision of acute medical and surgical care to the people of Roscommon, Galway, Westmeath, Longford, Leitrim and Offaly following the HSE decision to close the inpatient surgery and accident departments at Roscommon County Hospital and transfer them to Portiuncula Hospital, Ballinasloe, on an interim basis; (8) Deputy Dan Neville — funding for A Vision for Change; (9) Deputy Willie Penrose — the serious implications for employment and the general economy in the midlands of the appointment of a liquidator to Iralco Limited, Collinstown, and the consequent threat to 420 jobs and the urgent need for the Minister and the industrial development agencies to support all efforts being taken by the liquidator to ensure the continued operation of the plant as a going concern; (10) Deputy Caoimhghín Ó Caoláin — the situation facing Monaghan General Hospital and Cavan General Hospital; (11) Deputy Chris Andrews — that the Minister should introduce the sale of flats scheme as a matter of urgency and give a timeframe for its introduction and outlines the reasons for its delay; (12) Deputy Joanna Tuffy — the need for the speech therapist’s position at Ronanstown health centre, which fell vacant in October 2007 during the HSE recruitment embargo, to be filled as a matter of urgency; (13) Deputy Thomas Byrne — the need for improvements in maternity services in Our Lady of Lourdes Hospital, Drogheda; (14) Deputy Ulick Burke — the needs of the BOB staff and pupils of Eglis national school, Ahascragh, County Galway, the immediate replacement of the school and in the interest of health and safety to provide temporary accommodation in the meantime (details supplied); (15) Deputy Aengus Ó Snodaigh — the urgent need for the Minister to address current anomalies in the regulation of public service vehicles, in particular limousines, and to publish the recent report on the matter by the Road Safety Authority; (16) Deputy Kieran O’Donnell — the plans of the Minister for Health and Children to resolve the dispute with pharmacists to ensure the public can have access to medicines under all community drug schemes; and (17) Deputy Alan Shatter — the need to comply with the Children First guidelines as detailed in the final report of the review inquiry into the Doctor A case.

The matters raised by Deputies Jan O’Sullivan, Caoimhghín Ó Caoláin, Thomas Byrne and Alan Shatter have been selected for discussion.

Adjournment Debate.

Psychiatric Services.

Deputy Jan O’Sullivan: I thank the Minister of State, Deputy Jimmy Devins, for coming in to reply this matter. Almost every day we hear harrowing stories of how the health service is failing patients, but there are none more scandalous than the neglect of young people with

mental health problems. I spoke on the telephone last week to the mother of a 16 year old girl who has attempted to take her own life nine times. As one can imagine, that mother was at her wits end trying to watch over her daughter to keep her alive and safe. She urgently needs appropriate hospital care but she lives in a region of the country in which there are no dedicated child and adolescent psychiatric beds. As of the last information I received, there were only 12 such beds in the entire country.

This girl has been on a waiting list for months to get one of those 12 beds or a bed in a private hospital. The HSE buys in such beds in extreme cases. If it has no alternative and the young person must be hospitalised, he or she may be placed in an adult psychiatric ward or in a paediatric ward in a general hospital. When I contacted the HSE in the particular region in the past hour, I was told that this young girl is now in an adult psychiatric hospital. As the Minister of State well knows, adult psychiatric hospitals are not suitable for children and adolescents for a variety of reasons.

I spoke to another mother a couple of months ago whose daughter was in an adult psychiatric hospital and she was extremely distressed about this. It is a disgrace that we treat highly vulnerable people in this way and that there are thousands of children on long waiting lists for psychiatric services around the country. The strain on families who must watch and wait is enormous.

I raised this issue in a parliamentary question last autumn and received a written reply. The reply which I received on 19 October 2007 states:

There are currently 12 public in-patient beds available, six of those are in Warrenstown in Dublin and the other six are in St. Anne's in Galway. Additional bed capacity will become available in March 2008 with the commissioning of four further beds in St. Anne's in Galway bringing the total bed provision in Galway to ten and an additional six beds will be provided at St. Vincent's, Fairview, also in March 2008.

I was also informed in the reply that at that time there were 3,598 children on psychiatric waiting lists. I understand from a recent press report that this figure has increased further.

We learned relatively recently that most of the €25 million allocated in 2007 for the implementation of the recommendations in *A Vision for Change*, the report of the expert group on mental health policy, was diverted for other purposes. It is incomprehensible that this could have happened when so many children and adolescents were in such desperate need of services. I urge the Minister of State — I am aware this issue has been raised with him on a number of occasions — to ensure the €25 million allocated is ringfenced for the purpose for which it was intended, namely, implementation of *A Vision for Change*. This funding must be used this year to address the needs of the most vulnerable of our citizens.

I am particularly concerned about our young adolescents given our suicide rate. They are vulnerable young people who, when they need a bed, desperately need it. We must ensure these beds are provided for them. We must also provide the required community services.

I have two questions for the Minister of State. Were the ten extra beds promised in the reply to my parliamentary question provided by end March? If not, perhaps the Minister of State can tell me why they have not been provided and when they and further beds will be provided. The number of beds promised is only a small fraction of the number required. I accept promises have been made in respect of bed provision in Cork, Limerick and other parts of the country. However, it is absolutely vital that money should be spent in this area. I hope the Minister of

[Deputy Jan O'Sullivan.]

State's response in respect of the ten extra beds will be that they have been provided and are available.

My second question relates to when the young person to whom I referred will get a suitable bed. I will give the Minister of State the detailed information in this regard. I have spoken directly about this matter to the relevant people in the parliamentary affairs division of the HSE and to the young woman's mother. It is absolutely vital that she gets a suitable bed. I hope the Minister of State's response to my questions will be positive.

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

Many factors affect the mental health of young people. While the changes which have taken place in Irish society in recent years have brought considerable benefits to individuals and communities, social problems continue to exist which affect young people and their families.

The recognition and application of early intervention for any young person experiencing mental health difficulties is the fundamental first step on the road to recovery. Without the right circumstances and support, problems may arise which can have a significant effect on a young person's future and can potentially lead to serious difficulties.

A Vision for Change contains some 200 recommendations to be implemented over a 7-10 year timeframe. It is clear that new funding should follow implementation. In this regard an additional €51.2 million has been allocated since 2006 to the Health Service Executive for mental health services, bringing spend on mental services to a billion in 2007. However, it is not alone this unprecedented investment that has allowed us to make real improvements to mental health services but a completely different approach that has, and will, enable new mental health services to develop. We now have a much greater focus on community services and the provision of multi-disciplinary teams, early intervention services and many others. This modernisation and reform of services is in line with what patients need and want.

While it has to be acknowledged that there are still gaps in our services, I am pleased that in this context the HSE has prioritised the development of child and adolescent services in 2008 and that those services delayed in 2006 and 2007 will be developed in 2008 including, critically, the recruitment of eight additional child and adolescent community mental health teams.

Deputy Jan O'Sullivan: Is the Minister of State certain they will be developed?

Deputy Jimmy Devins: Alongside this will be the provision of 18 additional beds for children and adolescents, increasing the bed complement to 30 by end 2008. As Deputy O'Sullivan correctly stated, four of these beds are located in St. Anne's, Galway and I had the pleasure to launch them last week.

Deputy Jan O'Sullivan: Are they open?

Deputy Jimmy Devins: Yes, they are open. We went to St. Anne's in Galway last Thursday during the health forum. I recommend that the Deputy take the opportunity to visit that wonderful facility which now has a complement of ten beds.

Deputy Jan O’Sullivan: That is welcome news. I hope the other six beds will soon be provided.

Deputy Jimmy Devins: The other six beds will be provided at St. Vincent’s in Fairview which I visited some weeks ago. Construction of the facility, the timeframe for which has slipped a little, is well under way. It is hoped the project will be completed by end August.

It is also hoped that we will have 30 extra beds in place by the end of the year, including eight beds in St. Senan’s in Cork.

Deputy Jan O’Sullivan: I will continue to monitor the situation, as I am sure will the Minister of State.

Deputy Jimmy Devins: Absolutely. It is an issue of concern to me also and I strongly support the need for these beds.

Looking further ahead, the construction of two 20-bed units for children and adolescents in Cork and Galway will also commence this year and will be, it is anticipated, completed by Autumn 2009. I recognise the many challenges that lie ahead but I assure the Deputy that the Government is fully committed to the continued development of our mental health services, as clearly reflected in the decision last January to establish the Office for Disability and Mental Health. The new office brings together responsibility for a range of different policy areas and State services and aims to bring about improvements in the manner in which these services respond to the needs of people with disabilities and mental health issues by working to develop person-centred services, focusing on the holistic needs of clients and service users and actively involving them in their own care. I have been designated Minister of State with responsibility for disabilities and mental health and the new office will support me and facilitate cross-agency and cross-departmental working and thus enable us to deliver real benefits to clients and service users into the future.

On the Deputy’s second question, I would be grateful if the Deputy could provide me with details of the case to which she referred. I have been working, during the past couple of hours, on a particular case in the south east. I will keep in touch with the Deputy on the matter.

Hospital Services.

Deputy Caoimhghín Ó Caoláin: Every week since the Dáil resumed at the start of this year has brought news of more cuts in our public health services as a result of the disastrous policy of this Government and disastrous management by the Health Service Executive. These cuts have come on top of the policy of over-centralisation which attacks the services provided at local hospitals. Nowhere has this been done more ruthlessly than in counties Cavan and Monaghan where our two hospitals are now facing what consultants at Monaghan have described as “a catastrophic situation.”

What is the Minister for Health and Children doing about this? She is driving it. Her priority is privatisation. Next week, on 24 April, the Minister will open a private health conference in Dublin and participants will pay more than €500 each to attend this exclusive event for private health profiteers. Meanwhile, our patients are suffering and our public hospitals are being downgraded.

The latest crisis for Monaghan General Hospital has been provoked by the attempt of HSE management to discontinue the ventilation facility at Monaghan General Hospital which was due to close on 7 April. The closure has not taken place because consultants at Monaghan are

[Deputy Caoimhghín Ó Caoláin.]

refusing to operate proposed new protocols for the treatment of patients requiring acute care. The consultants say that the removal of the ventilation facility will lead to the ending of all acute medical admissions in Monaghan resulting in “mortality for patients”.

Correspondence from the consultants at Monaghan General Hospital to Health Service Executive management shows that the hospital is facing, in the words of the medical professionals, “a catastrophic situation”. If the HSE is allowed to proceed with its plan to end all acute medical admissions at Monaghan General Hospital, then facilities will have to be found for the treatment of the 3,000 per annum acute medical admissions to Monaghan. The main burden will fall on Cavan General Hospital which already has to cater for 5,000 such admissions per annum and which currently has 160% bed occupancy. In other words, it has 60% more patients awaiting beds than there are beds available in the hospital.

The consultants make clear that with only some 25 additional beds proposed for Cavan, the proposed downgrading of Monaghan is totally untenable. I commend the Monaghan consultants for refusing to agree and operate the protocols proposed by the HSE. As a result of their stand, the HSE has not been able to enforce the closure of the Monaghan ventilation facility.

An existing protocol, not previously known publicly, states that Monaghan is only allowed to have three patients on trolleys awaiting admission at any one time. If a fourth patient presents he or she must be moved to Cavan or another hospital. This has nothing to do with patient care. All it does is disguise the true need and demand for the services at Monaghan. In the first three months of 2008 some 78 patients were moved from Monaghan in this way. It is interesting to note that 18 patients left Monaghan untreated rather than go to another hospital. This protocol serves only to disguise the true need and demand for services at Monaghan General Hospital.

Just as significant as the strong protest from the consultants about the proposed ending of acute medical admissions is their assertion that since returning “on-call” in 2005, Monaghan General Hospital has functioned very well and provided a high standard of care to patients with acute medical illnesses. This reflects the positive experience of the overwhelming majority of people, this Deputy included, in the area served by the hospital.

All of this unquestionably gives the lie to the utterly false and misleading claims by HSE management and the Minister for Health and Children, Deputy Mary Harney, that the downgrading of Monaghan General Hospital is based on patient safety and achieving better standards of care. It is clearly no such thing. It is driven by cost-cutting and a ruthless centralisation agenda. The HSE is enforcing flawed strategic plans in the most high-handed manner, regardless of the impact on patient care. This correspondence exposes how bureaucrats have sought to enforce protocols for the care of patients against the wishes of the medical professionals who have to deliver that care.

The implications of the HSE plans are very serious for Cavan General Hospital. It will not be able to cater for 8,000 acute medical admissions per annum. Any notion that somehow Monaghan’s loss is Cavan’s gain is totally spurious. Patient care in both counties and in the north-east region will be adversely affected. For the sake of both hospitals and all who depend on them these plans must be resisted.

GPs in County Monaghan have written to Mr. Stephen Mulvaney, network manager of the HSE in the north-east region, and they state that patient care is not at the centre of HSE decision making. Those are the professional colleagues of the Minister of State, Deputy Devins.

Monaghan General Hospital is the victim of political decision-making on health care at Government level which takes no account of the reality of people's lives. I will conclude by making it abundantly clear that I will continue to challenge the Taoiseach, the Minister for Health and Children, Deputy Mary Harney, and all their Fianna Fáil and Green Party Government colleagues on this matter and I urge people throughout counties Cavan and Monaghan, irrespective of their political affiliation or none, and beyond both counties and that region, to challenge Government and Government-supporting Deputies on this disgraceful set of proposals which will be a template employed on hospital networks throughout the rest of the jurisdiction.

Deputy Jimmy Devins: I am taking this matter on behalf of my colleague, Deputy Mary Harney, Minister for Health and Children. I thank Deputy Ó Caoláin for raising this issue.

The Health Service Executive north-east transformation programme involves widespread and fundamental change and is designed to build a health system that is in line with the model of care emerging internationally. The programme is expected to deliver an integrated care system with local and regional hospitals functioning within a co-ordinated, integrated clinical network as part of the wider system of primary, community and continuing care. Its overriding aim is to improve safety and achieve better standards of care for patients in the region.

The HSE has advised that the north-east transformation programme is approaching the end of its initial phase of detailed planning and is moving towards detailed design and implementation. Operational management and transformation management arrangements in the region have now been linked in order to achieve full integration of the transformation programme with the management of operations. The HSE has emphasised its commitment that existing services in the region will remain in place until they are replaced with higher quality, safer or more appropriate services. The HSE further advises that no decisions have been taken on reducing services in the north east.

The HSE is facing a challenging year and is exploring, in the case of the north east, how best to deliver on service plan targets within the level of resources available. The Teamwork report clearly states that there is a role for all five hospital sites in the development of acute hospital services in the future. The report clearly indicates that the current service configuration is unsustainable and that there needs to be a reconfiguration of hospital services across the five hospital sites and, ultimately, the development of the new regional hospital in order to ensure the highest level of patient safety.

There are a number of factors influencing the direction of these developments, not least the need to ensure that there are fully trained teams of emergency medical and surgical staff available to deal with the most complex cases which will present in the region. In the case of Monaghan General Hospital there have been a number of significant improvements, including two newly refurbished inpatient medical wards. This project, which cost €5 million, consists of two 25 bedded in-patient wards — male and female — with each ward providing a range of multi-bedded and single rooms. The ward project builds on the investment of €1.2 million on new equipment, an upgrade of the pharmacy and general facility upgrades for the hospital.

The HSE envisages that the role of Monaghan General Hospital in the future will be to provide a range of diagnostic, outpatient, day cases and some in-patient treatment services within clinical networks. Significant developments have also taken place in the provision of surgical services across the Cavan-Monaghan Hospital interface. Emergency surgical services on a 24-hour, seven day basis are provided on the Cavan site while significant elements of diagnostic, outpatient and day case services are provided on the Monaghan hospital site. This has resulted in lower waiting times for outpatient appointments and inpatient elective services.

[Deputy Jimmy Devins.]

Since the reconfiguration of Cavan-Monaghan surgical services, patients can be seen by the visiting consultant surgeon on the day of referral by the general practitioner. The HSE has indicated that the relevant clinical protocols for the development of a minor injuries treatment unit at Monaghan hospital are currently being developed by the emergency care clinical network in conjunction with Cavan-Monaghan hospital group management.

Monaghan hospital will continue to have an important role to play in the provision of health services in the north east. This view was confirmed in the Teamwork report and also in the north-east transformation programme.

Deputy Caoimhghín Ó Caoláin: Protocols are being developed by management. Does anything else say it as clearly?

Deputy Thomas Byrne: It is with particular sadness that I speak today. A young expectant mother, who lived in the same estate as myself, died in childbirth. Her family and the wider community were in shock and deeply saddened. Let me, therefore, first express my sympathies with the family of Tania McCabe — her husband Aidan, their children, and the families of Aidan and Tania.

When this happened my personal amateur, non-medical reaction was that it must have been the kind of devastating and unfortunate accident which sometimes happens in medical practice. As a nurse, my wife's immediate reaction was that this should not happen in Ireland or in the western world. How right she was. This should not have happened in Ireland.

A report made by the HSE was leaked, as usual, to the media before we legislators saw it, although in this case it seems the family saw it before it reached the newspapers, unlike other cases such as the recent cancer scare. The report paints a devastating picture of the quality of maternity services at Our Lady of Lourdes Hospital in Drogheda. According to newspaper reports, which are what I must rely on, staff shortages, high workloads and systems failures contributed to death in this case.

Will this happen again? As a father of a child born in Our Lady of Lourdes Hospital in Drogheda six months ago, and who has such hopes for some time in the future, I have no reassurance. The Government, as the Minister of State, Deputy Devins, will be conscious, has a duty to protect our people. I have regularly defended medical services at the hospital and I will continue to defend and praise the midwives and doctors, many of whom I know, but I cannot stand over the systems and the numbers of staff in place. According to newspaper reports, the HSE report states — speaking of the medical staff in general, I think — that their practice and, ultimately, the care that they provided to Tania was compromised by their workload and the environment in which they were working.

The report also identifies shortcomings in record keeping, according to the media. This seems to be a perennial problem when we come to hospital issues. The HSE press release says the HSE will move quickly to look at the recommendations on how best to approach their implementation. This has been said before and must be said. We have heard from the Kinder task force, An Bord Altranais, Judge Maureen Harding Clark and the medical board of the hospital itself. A consultant recently offered to pay for staff out of his own salary. People die in hospital, but in this case it seems that HSE systems contributed to the death in question. I say “seems” because we are relying on media reports and I do not want to intrude on the family's grief.

I will paint a picture of the estate in which we live. It is a brand new estate of perhaps 1,000 houses. Many of the people who live in the estate are, like my wife and I, young couples with young children. There are lots of mothers on maternity leave walking around the estate with

their newborns. They are very happy people. One home in that estate has been left bereft of a wife and mother. It is a very sad situation. The Government and myself, as a Deputy for that area, estate and constituency, have a responsibility to get things right.

Deputy Jimmy Devins: I am taking the matter on behalf of my colleague, Deputy Mary Harney, Minister for Health and Children. I thank Deputy Thomas Byrne for raising this very sad issue and extend my sincere sympathies to the family of the deceased at this difficult time.

I understand that an internal review of the circumstances pertaining to the death of the lady concerned and her infant son at Our Lady of Lourdes Hospital, Drogheda was carried out. The scope of the review covered the period from the woman's first antenatal specialist consultation in November 2006 to the time of her death and the death of her son in March 2007. The review team was chaired by a consultant obstetrician and its membership included a consultant anaesthetist, a director of midwifery and the risk assessor for the HSE north east. The review group was asked to examine protocols and procedures relevant to the incident, taking into account prevailing standards of best practice, and to prepare a written report for the HSE north east hospital network manager to include such recommendations as it saw fit.

The Department is advised that the review has now been completed and that the resulting report has been given to the family. The family has also been offered professional support at this most difficult time. Relevant hospital personnel have also been briefed on the contents of the report and its recommendations. The HSE has said that it is assessing the recommendations as a priority. I also understand that the coroner is due to hold an inquest in respect of the case.

The enhancement of maternity service provision and development in Our Lady of Lourdes Hospital is being addressed. For example, three additional consultant anaesthetists were appointed in 2007, which has facilitated the provision of dedicated consultant anaesthetist obstetric cover seven days per week. The HSE has also approved an additional 22 midwives. This has raised the approved midwifery staffing complement to 88.6. I understand that all but six of these posts have been filled. Along with the increases in staffing levels, the HSE advises that it has strengthened the governance and communications structures to address some of the main issues highlighted during the review. I understand that the Minister does not propose to comment further at this time out of respect for the deceased and the family.

Child Protection Issues.

Deputy Alan Shatter: I thank the Acting Chairman for the opportunity to raise this issue. In the brief time available, I will only be able to touch on some of the issues that arise out of the publication of what is known as the McElwee review report. It is a damning indictment of Government Departments and State agencies in respect of their abysmal failure to comply with the Children First guidelines, which were specifically put in place to provide protection for children.

It is clear that there is no point in making a contribution if the Minister of State is not even listening to me. I am sure he has a prepared script for response but this procedure becomes even more futile if he is not listening. With the chance that he might reply to something I raise, I will continue.

A litany of failure has been set out in this report, which is one of many we have seen which illustrate the incapacity of the State and its agencies to ensure that the guidelines it put in place for child protection are properly complied with. We require explanations that are not provided by this report.

I will refer briefly to some matters contained in the report. It is clear that at an early stage the Central Authority for Mutual Assistance in Criminal Matters, based in the Department of

[Deputy Alan Shatter.]

Justice, Equality and Law Reform, received correspondence from the Dutch authorities informing it that Dr. A “sexually harassed American girls, two of them being 18 years old and one of them being 16 years old” in Amsterdam. An inquiry was made of the Department as to whether a prosecution could take place in Ireland. That was referred to the Director of Public Prosecutions who said it could not. Subsequently, the same section in the Department was requested in August 2005 to serve a summons on Dr. A for a court session that took place on 13 September 2005. Those court proceedings resulted in his conviction for a sexual offence.

It seems that although this was an Irish national who was engaged in sensitive work and indeed was undertaking research into child protection issues, it never occurred to the Minister for Justice, Equality and Law Reform, any official in his Department or any official who had received the original letter or the request to serve the summons to inquire into the outcome of that prosecution. The Department of Justice, Equality and Law Reform explains its failure to communicate anything to anybody after 2005 on the basis that it was not made aware of any detail of the conviction. There should be an obligation on the Department to inquire into the detail of the conviction and what occurred. If the Department had applied the Children First guidelines, it would have been required to ensure that if Dr. A was working in a position dealing with children, proper information was furnished. I want an explanation for the failure on the part of the Department and an assurance that in similar circumstances it will not behave similarly.

We then have what can only be described as a damning indictment of the Midland Health Board and the HSE midland area. The HSE midland area and the health board are the bodies which are primarily responsible for child protection. They have a statutory duty to protect children’s welfare. At a very early stage in 2004, a top official in that health board was advised of the allegations made against Dr. A. Indeed, the outcome of the summons and the conviction were made known to him. Yet, incredibly, that health board continued to commission work from Dr. A into child protection issues and, amazingly, in the context of publishing one report, subsequently had the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern, present, presumably to give the Government *imprimatur* to his piece of research.

The report concludes:

Having regard to all of the facts available in respect of Dr. A’s behaviour in Amsterdam in June 2004, the absence of any recorded risk assessment in respect of Dr. A, and the absence of any recorded “closure” of the Amsterdam incident for the Midland Health Board, it is inconceivable that an Officer of the Health Board would continue to make decisions to fund various projects involving Dr. A, particularly where they would involve young persons. The fact that at least one of those arrangements, incomplete and apparently entitled the *Youth Resilience Project*, was with Dr. A in a private capacity, and secured outside of any evident tendering or procurement procedures, raises serious concerns and requires further separate inquiry through the HSE’s Internal Audit System.

It raises more than that. This reports lists a litany of failures on behalf of a number of officials of the Midland Health Board and the HSE. No one is held accountable for anything. I want to know whether anyone has resigned and whether the official known anonymously and euphemistically as MHB 1, who was at the centre of everything that occurred in the context of the total failure to abide by the Children First guidelines and the continued commissioning of Dr. A, despite information indicating that he was inappropriate to undertake research, is currently

working in the HSE, in what capacity and whether his or her work has anything to do with children. Has he or she resigned?

The problem with this report is that it contains a litany of failure and the anonymity of departmental, health board and HSE officials is preserved. No one is held accountable. The truth is that no one, including this Government, cares. I ask the Minister to ensure that those issues are followed up and that the recommendation contained in this report that the Children First guidelines be given a statutory base be put in place. The report itself complains that where the guidelines are breached, there are no consequences. There should be consequences.

Those working in these areas need proper training to ensure they adhere to guidelines the Government put in place to protect children. What training is currently taking place to ensure that people in positions of management in the HSE, the Departments of Justice, Equality and Law Reform, Education and Science, Health and Children and in other relevant Government agencies are not only aware of the Children First guidelines but understand their obligations to comply with them and are advised that there are consequences if they fail to do so?

Deputy Jimmy Devins: I thank Deputy Shatter for raising this issue and welcome the opportunity to respond on behalf of my colleague, Deputy Brendan Smith, Minister of State with responsibility for children, who is in Armagh at a North-South function and cannot attend the debate.

The Minister welcomes the publication by the Health Service Executive on 15 April 2008 of the review inquiry into child protection issues touching on or concerning Dr. A. When this issue came into the public domain in July 2007, the Minister instructed the HSE to carry out an immediate review of how the relevant authorities responded to an incident in Amsterdam involving Dr. A and his subsequent conviction in 2005. The Minister wishes to stress that the HSE report does not imply a general failure to operate the Children First guidelines across the public service, but only shows that in some instances the guidelines were not followed.

A key finding of the HSE review clearly states that Children First — the National Guidelines for the Protection and Welfare of Children, was not followed in at least some instances, once the situation concerning Dr. A's trip to Amsterdam came to light. The Minister welcomes the finding that if the guidelines had been followed, as stated in the report, then "timely and clear outcomes in a child protection context would have been achieved". This is a strong endorsement of the guidelines as they stand. The Minister believes, however, that lessons can be learned from this case. The review of Children First currently being undertaken by his office will carefully consider the recommendations of the report and take account of same in finalising the review, which is nearing completion. On the Minister's instruction a high level group has been established, comprising officials of the Office of the Minister for Children, the HSE, the Garda Síochána and the Departments of Justice, Equality and Law Reform and Education and Science. The group will meet as soon as possible to ensure that there is a fuller awareness of child protection policies, guidelines and procedures, and to explore how the current arrangements under Children First can be improved upon.

In the light of the publication of the review, there has been some commentary on the need to place Children First on a statutory basis. The Minister believes the conclusions of the review to be a clear vindication of the existing child protection guidelines. Co-operation between the HSE and State agencies has been improved upon since the incident in 2004. It can be argued that a statutory route could be problematic, as it might place extensive administrative burdens on relevant bodies and organisations and actually slow up the notification process.

Deputy Alan Shatter: Complete nonsense.

Deputy Jimmy Devins: In some jurisdictions where a statutory arrangement is in place, there is anecdotal and indeed research evidence that such problems have been encountered.

Deputy Alan Shatter: Instead, the guidelines are entirely ignored.

Deputy Jimmy Devins: The consideration of putting the Children First guidelines on a statutory basis will be taken account of in the review which is nearing completion in the Office of the Minister for Children. This is a complex area which has been the subject of serious consideration by previous Ministers with responsibility for children. Any such decision could not be taken lightly as there is international evidence that such an approach has both positive and negative consequences associated with it. What is important now is to ensure that Children First, as it currently operates, is as effective and robust as possible in facilitating child protection.

Training and education, together with good recruitment and child protection policies in line with Children First, in all relevant agencies is most important in ensuring child protection, and the HSE has undertaken in its response to this report to address these issues, particularly training and education. The report has been referred to the HSE's human resources directorate to determine what, if any, implications there are under the HSE's human resources policies, and the Minister welcomes that. In addition to the meeting between the Office of the Minister for Children and relevant stakeholders, the finalisation of the review of Children First, which commenced after the Ferns Report, is an ideal opportunity to ensure that the guidelines are updated and improved as appropriate in the light of the Dr. A inquiry. It is important to note that the Children First guidelines, although not on a statutory basis, are Government approved guidelines which bring with them very clear responsibilities for those who become aware of child protection issues.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 22 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 7, inclusive, answered orally.

Rural Policing.

8. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on the future of rural policing; and if he will make a statement on the matter. [14114/08]

47. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the steps he will take to improve rural policing; and if he will make a statement on the matter. [25234/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 8 and 47 together.

I am informed by the Garda authorities that engagement with the rural community and rural policing are key priorities of the Garda Síochána. Rural Policing is continually being reviewed and developed and the enhanced liaison structures between Garda Management and Local Authorities through Joint Policing Committees and Community Policing Fora will be of significant benefit to the policing of rural areas.

Detective Inspectors are now appointed in each Division with specific responsibility for the investigation of serious crime in rural areas. The quality of criminal intelligence is continually improving, and, in early 2007, for example, such intelligence resulted in the identification of a Cork-based gang targeting the elderly in rural areas of Cork and Limerick. A number of persons are currently before the Courts arising from this.

In order to enhance rural policing a number of initiatives have been implemented in Garda Divisions nationally. Checkpoints are held at strategic locations in rural areas to detect criminals travelling to commit crime outside the areas they reside in and to prevent the commission of crimes and offences.

Crime Prevention Officers are available to offer crime prevention and security advice to residential and business groups and regularly provide such advice through local media outlets, newspaper and radio broadcasts. In addition, residents in rural areas are encouraged to estab-

[Deputy Brian Lenihan.]

lish and rejuvenate Community Alert Schemes assisted by members of local Community Policing Units.

Staffing levels at Garda stations are monitored by local Garda management to ensure that adequate coverage is provided and where vacancies arise within the rural community they are filled as expeditiously as possible to ensure continuity in the service being provided by An Garda Síochána to the local community.

Initiatives under Operation ‘Anvil’ have been implemented in every Garda District in the country incorporating special crime prevention and detection patrols in rural areas which have been identified as being particularly vulnerable to crime. Patrol times are varied in order to maximise coverage in such areas.

In conjunction with Muintir na Tire, I launched the Community Alert Strategy document for 2007-2011 on 26 October 2007. This new strategy document will be distributed nationwide to all Garda stations and Community Alert Groups and will provide advice on how the Community Alert programme can be implemented over the next five years.

It is of course the responsibility of the Garda Commissioner to decide on the prioritisation and allocation of resources within the Force. Against this background, he is currently reviewing arrangements within the Garda Síochána for urban and rural community policing. I very much welcome this, and I look forward to its outcome and to receiving the Commissioner’s proposals for the future development of community policing in Ireland.

Liquor Licensing Laws.

9. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform if he will use the powers available to him under Section 22 of the Intoxicating Liquor Act 2003 to provide for the traceability of alcohol sold for consumption off premises; and if he will make a statement on the matter. [14068/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position is that section 22 of the Intoxicating Liquor Act 2003 provides for the making of regulations specifying particulars to be affixed to containers in which intoxicating liquor is sold for consumption off licensed premises which are adequate to enable the licensee and the licensed premises concerned to be identified.

However, while the labelling of containers in which alcohol is sold with a view to combating under-age consumption is an attractive idea, significant challenges would need to be overcome in order to render it effective in practice. These challenges arise under two headings.

Firstly, practical difficulties will arise at retail level where several individual containers are packaged together for sale, e.g. an enclosed six-pack of bottles; a plastic-wrapped tray of cans; or a wooden box containing bottles of wine. This raises the important issue of whether the label could be attached earlier in the supply or distribution chains rather than at the point of sale. Attaching labels to containers at an earlier stage might be simpler but it would create logistical difficulties for importers and distributors and lead in turn to increased distribution costs. Moreover, in the case of imports from EU countries, such additional labelling requirements could be regarded as infringing internal market rules relating to free movement of goods.

Secondly, from an enforcement perspective it is clear that possession by an underage person of a labelled container will not in itself constitute proof that the alcohol in the container has been illegally supplied to that person by the licensee whose particulars appear on the container. It may have been taken from the family home or have been sold to a person over the age of 18 in good faith before being passed on to the underage person. Also, it would be naive to

overlook the possibility of labels being removed, or rendered non-legible, after sale. The possible transfer of the alcohol from a labelled container to another unmarked container cannot be ruled out either.

Issues relating to the evidential value of being found in possession of a labelled container were raised during consultations on implementation of section 22 of the 2003 Act and the matter was subsequently raised with the Office of the Attorney General. That Office has expressed serious doubts about the evidential value of possession of a labelled container and doubt is, therefore, cast on the utility of any regulations that might be made under section 22 of the 2003 Act.

One option that could possibly be considered in the context of future legislation would be a presumption that any alcohol container found in the possession of an under-age person had been purchased by that person from the licensee identified on the container until the contrary was proved. However, the Attorney General's Office has also advised that such a proposal would raise serious constitutional issues and would run the significant risk of being found to be inconsistent with Article 38 of the Constitution.

For these reasons, I do not intend to make regulations under section 22 of the 2003 Act at this time. I will, however, give serious consideration in the context of future legislation to any reasonable and workable proposal that would deal with this matter without giving rise to the difficulties that I have outlined.

Proposed Legislation.

10. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform his proposals for a judicial council to deal with complaints regarding judicial misbehaviour; and if he will make a statement on the matter. [14002/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As I indicated in my reply to an earlier question on the same topic on 31 January last (No. 224), work on the scheme of the Judicial Council Bill to build on the report of the Committee on Judicial Conduct and Ethics is at an advanced stage of development in my Department.

Consultations on the proposed Bill have, as is usual in the development of any legislative proposals, taken place with the Office of the Attorney General. It was also considered prudent, given the particular nature of the subject, to consult with the Chief Justice.

Following contacts with the Chief Justice a working group has now been established to advance the Bill. The Group comprises a nominee each of my Department and of the Chief Justice. I am confident that this approach will ensure that the details of the proposed Bill can be finalised in the reasonably near future.

Crime Levels.

11. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to date in 2008; the number of such cases in which prosecutions for murder were initiated; the number of such cases where convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [14064/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The information requested by the Deputy concerning the numbers of cases of murder recorded in which firearms were used in each year from 1998 to date in 2008, the number of prosecutions initiated and the

[Deputy Brian Lenihan.]

number of convictions secured is set out in the table below. Figures provided for 2008 are provisional, operational and liable to change.

The detection rate for murders by its nature increases overtime as Garda investigations progress. It is expected that in respect of each year the number of convictions obtained will increase as Garda investigations are concluded and the number of proceedings commenced are finalised by the courts. This applies particularly to murders committed in the most recent years. In addition, directions may be received from the Law Officers to charge persons arrested in connection with such incidents with offences other than murder. Furthermore such persons charged and brought before the courts may be convicted of offences other than murder.

The House will be aware that there can be considerable difficulties for the Garda in obtaining evidence in shootings which are the result of gangland activities. This arises not least because none of the associates of such victims will co-operate with the Garda investigation. Nevertheless, the Garda are determined to pursue rigorously all killings, whatever their background. In this context I would refer specifically to measures which the Commissioner has introduced to strengthen the investigation of crime.

The number of murders recorded in which a firearm was used, proceedings commenced and convictions for the years 1998 to 2007 and in 2008 up 11 April

Year	Recorded	Detected	Proceedings Commenced	Convictions
2008	9	3	3	0
2007	20	6	2	0
2006	26	7	5	2
2005	22	5	2	2
2004	8	7	4	3
2003	19	10	3	1
2002	10	5	3	1
2001	9	5	2	1
2000	12	7	3	1
1999	12	7	7	5
1998	4	3	2	1

Figures provided for 2008 are provisional, operational and liable to change.

Drugs in Prisons.

12. **Deputy John Perry** asked the Minister for Justice, Equality and Law Reform if he is satisfied that sufficient drug free landings are available in prisons here in view of the danger of prisoners developing drug addictions in prisons; and if he will make a statement on the matter. [14139/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am committed to ensuring that all prisons are drug free in line with the commitments contained in the Irish Prison Service Drugs Policy and Strategy and I will continue to pursue strategies to achieve that objective. Drugs have a pernicious effect both on prisoners and on the prison system itself and they must be eradicated. However, this is not a problem that can be solved overnight.

One of the strategies adopted in progressing towards drug free prisons has been the introduction of drug free units. They are currently operating in the following prisons: Wheatfield Prison; St. Patrick's Institution; Castlerea Prison and Mountjoy Prison. There is also an intensive detox

programme in operation in Mountjoy Prison. Allied to this the Training Unit, Arbour Hill Prison, Loughan House and Shelton Abbey are regarded as drug free institutions. The operation and consideration of the expansion of such facilities is a matter kept under constant review by the Irish Prison Service.

The Irish Prison Service Drugs Policy and Strategy, entitled Keeping Drugs out of Prison was launched in May 2006. For those prisoners who have given up drugs, and those who do not misuse drugs, the policy provides for the establishment of Voluntary Drug Testing Units within each closed prison. This allows prisoners to reside in an environment that has enhanced supports to maintain their drug free status. For many offenders, prison provides the first opportunity to escape from the terrible cycle of drug abuse. Drugs awareness courses and other interventions to highlight the detrimental effects of drug use and encourage prisoners to adopt or maintain a drug free lifestyle are also provided. The Irish Prison Service is also enhancing the range of treatment options for those who are addicted to drugs.

I am fully committed to supporting the provision of drug free units and to encouraging prisoners to develop a responsible attitude to drugs, both while in prison and following release as outlined in the Strategy.

The Prison Rules 2007, which took effect from 1 October 2007, include specific provision for mandatory drug testing. Mandatory drug testing provides information on trends in drug misuse, enables the identification and referral of drug abusers to treatment programmes, enables enhanced focusing of resources and acts as a deterrent to drug misuse. Mandatory drug testing will also serve to provide important information to prison management that will contribute significantly to decision-making in relation to the management of individual prisoners' sentences.

With regard to supply elimination, the implementation of the Policy and Strategy has seen an intensification of efforts to eliminate the availability of illicit drugs within prisons. In addition to the introduction of mandatory drug testing, other elements include enhancement of CCTV, utilisation of video scope camera cell search and enhanced security generally. Also, new visiting arrangements are in place in almost all closed prisons whereby only persons who have been nominated by the prisoner and pre-approved by the Governor are permitted to visit.

Facilities for screened visits have been installed in all closed prisons. In accordance with the Irish Prison Service Drugs Policy and Strategy, prisoners in respect of whom the Governor is satisfied that there is no risk of contraband being passed may be facilitated with open visits. Prisoners who are caught receiving drugs or who test positive for drugs will be facilitated with screened visits only.

As regards enhanced security, the Deputy will also be aware that in 2007 I secured sanction for an additional 155 staff to implement a range of security measures, coordinated nationally by a dedicated Governor, aimed at keeping contraband out of our prisons. These measures include:

- the establishment of a drug detection dog service within the Irish Prison Service;
- the establishment of Operational Support Units in each prison dedicated to, and developing expertise in, searching and gathering intelligence; and
- the introduction of enhanced security screening and searching of all persons (visitors and staff) entering our prisons.

With regard to demand elimination and treatment for prisoners with drug problems, the policy and strategy provides for a comprehensive range of treatment options. Drug rehabilitation

[Deputy Brian Lenihan.]

programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided both by the Irish Prison Service and visiting statutory and non-statutory organisations. The programmes seek to reduce the demand for drugs within the prison system through education, treatment and rehabilitation services for drug-addicted prisoners. Particular initiatives include, inter alia, the provision of detoxification, methadone maintenance, education programmes, addiction counselling and drug therapy programmes.

The strategy mentioned above sees existing drug treatment programmes being expanded and enhanced with the further recruitment of nurses, psychologist and 24 dedicated addiction counsellors, as well as other staff including prison officers. The expansion of these services is being achieved in partnership with community based services and will see a significant improvement in the range, quality and availability of drug treatment service in the prisons.

I am committed to ensuring that all prisons are drug free in line with the commitments contained in the Irish Prison Service Drugs Policy and Strategy.

Organised Crime.

13. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform the plans he has in place to deal with the unwelcome development in the recent arrests of younger teens for serious crimes carried out on behalf of organised gangs. [14149/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that they believe criminal groups or individuals are using young people in Limerick City to facilitate the commission of serious criminal acts. I condemn the manipulation by criminal gangs of young people in this way. This issue is of particular concern in relation to gang related criminal activity in Limerick.

Addressing gang and feud related criminal activity has been central to policing Limerick City for some time. Particular areas of the city are intensively policed, with additional resources being deployed in particular areas at short notice by Garda management, on the basis of intelligence received. Additional resources are also being deployed on community policing.

Substantial Garda resources under Operation Anvil have been provided in Limerick in recent months. Garda initiatives are continually undertaken to target the activities of criminal elements in the city. These initiatives have had significant results, including the seizure of significant quantities of drugs.

Regardless of age, it is already an offence to incite another to commit a crime. The crime of incitement stands alone and does not depend on whether a substantive offence was committed. It is punishable by imprisonment and/or a fine with the duration and amount at the discretion of the court. Furthermore, the Criminal Law Act 1997 provides that any person who aids, abets, counsels or procures the commission of an indictable offence is liable to be tried as the principal offender.

My colleague the Minister for Children recently launched the National Youth Justice Strategy for 2008-2010. It is based on the principles of the Children Act 2001, as amended, and the Government's decision to reform the youth justice area.

The purpose of this Strategy is to develop a co-ordinated approach among agencies working in the youth justice system over the next three years. The Strategy acknowledges that the youth justice system is but one component in a broader community based approach for preventing youth offending that takes account of the wider family and social issues which need to be addressed by a number of agencies.

There is close liaison between an Garda Síochána and other Government and non-Government agencies in a multi-agency approach to address the wide range of social and economic problems experienced by people in certain areas of Limerick, including those relating to young people.

Jury Service.

14. **Deputy Michael D’Arcy** asked the Minister for Justice, Equality and Law Reform if in view of the Government’s efforts to eradicate discrimination, he has plans to remove the age bar or to give persons aged over 70 the option to put themselves forward for selection for Jury service if called to do so; and if he will make a statement on the matter. [14153/08]

607. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the steps that will be taken to address the perceived discrimination that allows people over the age of 70 to give expert testimony in courts, yet they can not serve on juries; and his views on bringing in amending legislation to allow for older people to serve on juries. [14507/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 14 and 607 together.

Under the law as it stands, the Juries Act 1976 provides that every citizen aged 18 years or upwards and under the age of 70 years is qualified and liable to serve as a juror. Persons excusable from jury service as of right include those aged 65 years or upwards and under the age of 70 years. Prior to the Act of 1976 the upper age was 65 years.

I am currently considering the removal of the upper age limit for jury service. The changes I am considering would allow for persons aged over seventy years to be called for jury service but would retain the right of excusal for persons over the age of sixty-five who wish to avail of it.

I will of course have to consult with my Cabinet colleagues on the matter. I cannot pre-empt the outcome of such consultations but if Government approval were to be given to proceed with the amendment, the Civil Law (Miscellaneous Provisions) Bill 2006 could provide a mechanism by which to introduce it. That piece of legislation already makes a number of amendments to the Juries Act 1976 and is currently awaiting Committee Stage in Seanad Éireann.

Liquor Licensing Laws.

15. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he has received the report of the Alcohol Advisory Group; the main recommendations of the report; when it is intended to publish the report; and if he will make a statement on the matter. [14069/08]

555. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform further to a previous parliamentary question, if he has received the report from the Government Alcoholic Advisory Group; if so, when it will be published; when the relevant legislation will be put in place to activate its recommendations; and if he will make a statement on the matter. [13974/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 15 and 555 together.

I intend to bring the contents of the Report of the Alcohol Advisory Group to the attention of Government in the very near future and, at the same time, seek Government approval of my proposals for the implementation of recommendations contained in the Report.

As the Deputy is aware, the Group was asked to examine the following areas of concern:

[Deputy Brian Lenihan.]

- the increase in the number of supermarkets, convenience stores and petrol stations with off-licences and the manner and conditions of sale of alcohol products in such outlets, including below unit-cost selling and special promotions;
- the increasing number of special exemption orders which permit longer opening hours which are being obtained by licensed premises around the country; and
- the use, adequacy and effectiveness of existing sanctions and penalties, particularly those directed towards combating excessive and under-age alcohol consumption.

I also intend to publish the legislation during the current session and, with the assistance and cooperation of both Houses, to have it enacted before the Summer recess.

Prison Education Service.

16. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform if he will extend the linkage programme to all prisoners prior to their release from prison; and if he will make a statement on the matter. [14137/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that the Linkage Programme is a National training and employment initiative designed to create a link between employers and ex-offenders. It was established in February, 2000, and is funded by my Department, under the National Development Plan, as a joint project between Business in the Community Ireland (BITC) and the Probation Service. In the current year the Linkage Programme is being funded by my Department in the amount of €1,520,000. A further €185,614 has been approved by the Dormant Accounts Fund for the Programme to be expended during the period July 2007 to October, 2008.

The Linkage Programme in partnership with both the Probation Service and the Irish Prison Service makes a significant contribution towards preparing offenders for employment prior to and following release from prison. The ultimate objective of the Linkage Programme is to assist the ex-offender re-integrate into the working community by facilitating participants to make a range of informed choices from which a career path is agreed which is realistic, achievable and sustainable.

I can inform the Deputy that between February 2000 and December 2006 over 5,000 referrals were made to the Linkage Programme by Probation Officers which included 1,288 direct referrals from prisons and places of detention.

Furthermore, during 2006, the Irish Prison Service (IPS) secured Dormant Accounts Funding (DAF), under the economic and social disadvantage measure, for projects focused on the provision of employability supports for prisoners and ex-prisoners. A significant allocation from this funding measure has been utilised to engage Training and Employment Officers (TEOs), employed by the Linkage Programme, who are based on a full-time basis in the Mountjoy and Midlands' campuses for a 15 month pilot period. The effectiveness of this pilot will be independently evaluated during the course of this year. Consideration will then be given to whether the service, within the two campuses, will be funded on a long term basis and, indeed, whether the model of service delivery should be extended to other prisons throughout the country.

In addition to the foregoing, a network of 19 Training and Employment Officers employed by the Linkage Programme are based in Probation Service centres across the country. I can advise the Deputy that TEOs have always provided, an in-reach service to prisons in their respective areas of responsibility. Furthermore, some TEOs are designated to the prison-based

Probation Service staff and one TEO is based 3 days per week in Wheatfield Prison. I am pleased to say that in the current year additional funding has been provided by my Department under the National Development Plan to increase the number of Training and Employment Officers by two, bringing the total to 21, to further enhance the important and valuable work being provided by the Linkage Programme.

The initiative will be kept under review and further expansion of the scheme will be considered having regard, inter alia, to the findings of the evaluation on the current pilot programme.

Departmental Inquiries.

17. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform when he will publish the report of the Hartnett Inquiry into the death of a person (details supplied); the reason the report has not been published; if it is intended to publish the report in full; and if he will make a statement on the matter. [14043/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I welcome Mr Hartnett's report which constitutes a detailed and independent examination by an eminent and experienced senior counsel of the circumstances surrounding the arrest and detention of Brian Rossiter. I accept the findings of the Inquiry.

I have been advised that publication of the report in full is not possible for legal reasons. Instead I published a comprehensive summary last Friday containing extensive extracts from it, which will I hope, facilitate a clear understanding of the events leading up to the tragic death. Copies of the summary have been placed in the Oireachtas library and it is also available on my Department's website (www.justice.ie).

The Coroner's Inquest is underway at present and I was advised that I could offer her a copy of the full report on a confidential basis. She accepted that offer. I have also given a copy of the full report to the family (within the context of ongoing civil litigation against the State), to the DPP and the Garda Commissioner. I am constrained in any further remarks which I might wish to make by the fact that the Inquest is ongoing and by the afore-mentioned civil litigation, but clearly the findings of the report will have to be carefully considered to see if there are any lessons to be learned in dealing with any such cases in the future.

Proposed Legislation.

18. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform when he expects the Government's promised legislation on same sex unions will be published; the reason the heads of the Bill have not been published, despite undertakings given in October 2007 that this would be done by the end of March 2008; and if he will make a statement on the matter. [14062/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): My proposals for the Scheme of a Civil Partnership Bill were circulated to Government Departments on 14 March, 2008, and are at present the subject of consultations with the relevant Departments and the Attorney General. They will shortly be formally submitted Government after which the Scheme of the Bill will be published.

I stated in the Dáil on 31 October, 2007, that I would bring forward proposals for a Scheme of a Bill at the end of March 2008 and I have met that deadline.

19. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform when he expects to publish the promised Property Services Regulatory Authority Bill; if the Bill will

[Deputy Kathleen Lynch.]

include provisions to regulate the operation of management companies; and if he will make a statement on the matter. [14055/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Government Legislative Programme published on 1 April 2008 provides for publication of the Property Services Regulatory Authority Bill during the current Dail session.

The position regarding property management companies is that the Law Reform Commission published a Consultation Paper on Multi-Unit Developments in December 2006 which identified problems relating to the structure and governance of property management companies and the manner in which company law currently applies to them.

The Law Reform Commission has indicated that it will publish, as soon as possible, its Report on Multi-Unit Developments which, following an extensive consultation process, will contain definitive reform proposals concerning the regulation and governance of property management companies. The Government has already directed that early action be taken by the relevant Departments to address the Commission's recommendations; the types of action to be taken will, of course, be dependent on the form that the recommendations take.

A high-level interdepartmental committee, under the chairmanship of my Department, comprising representatives of relevant Departments and Offices has been established to assist in the development of a coherent and comprehensive response to the problems arising in relation to multi-unit developments. A key task of this committee will be to identify the legislative and other actions to be taken in response to the Commission's reform recommendations and to determine a timescale for their implementation. This committee is reporting to a Cabinet Committee whose membership comprises the Ministers for Justice, Equality and Law Reform; Environment, Heritage and Local Government; Enterprise, Trade and Employment and the Attorney General.

20. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform if he will introduce legislation to enhance the rights of homeowners in respect of defending their homes; and if he will make a statement on the matter. [14117/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy will be aware that the Government's Legislative Programme includes a proposed Criminal Law (Defence of Life and Property) Bill, the drafting of which the previous Government approved in March 2007. The Deputy may also be aware that this important issue is currently being examined by the Law Reform Commission as part of its consideration of the issue of defences generally, in the context of the criminal law. The Law Reform Commission published a Consultation Paper on the subject of Legitimate Defence in November 2006. This Paper formed the basis for discussion and further consideration of the issues and consultation with interested parties. I understand that this consultation process has been completed and work on the writing of a Report on the topic is underway. In its Consultation Paper, the Law Reform Commission gave considerable attention to the question of the application of legitimate defence in relation to attacks on property and on the person in the home dwelling and on the curtilage of the home.

It is my understanding that, following a detailed consultation process, the Law Reform Commission intends to publish a single Report dealing with three related areas of the criminal law namely: provocation, duress and necessity and legitimate defence. I am told that this Report is now expected to be published by the end of this year or early in 2009. It is my intention to await the Commission's findings and recommendations in relation to the issue of the application of legitimate defence in the context of defence of the home dwelling, and to undertake a

comprehensive assessment of the matter at that time, before deciding on whether there is a need to proceed with legislation on the issue.

Garda Equipment.

21. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the position regarding the development of a secure digital radio system for An Garda Síochána; and the reason for the long delay in introducing this essential policing tool. [13993/08]

43. **Deputy Ulick Burke** asked the Minister for Justice, Equality and Law Reform the progress made in respect of the national roll out of a digital radio facility for An Garda Síochána; and if he will make a statement on the matter. [14126/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 21 and 43 together.

Following the completion of a pilot Digital Radio project by the Garda authorities, a decision was taken to procure a single nationwide digital radio service for use by the Garda authorities, other emergency services and non-commercial State bodies. This enables economies of scale as well as allowing for inter-agency communication in the event of major incidents or cross agency operations. Following completion of the tender processes by the Department of Finance a preferred bidder, TETRA Ireland Ltd, was selected. In order to ensure that the preferred bidder demonstrate its capability to deliver this key service for the emergency services, both from a technical and organisational perspective, a service performance evaluation covering a significant part of the Dublin Metropolitan Region and surrounds, including Dublin Port and the Airport, was carried out and completed satisfactorily late last year.

In parallel with the performance evaluation, detailed and intensive contract negotiations have been taking place between the Department of Finance and the preferred bidder. I understand these negotiations are virtually finalised and that the contract will be signed very shortly. I am also advised that preparation and planning by the Garda authorities is well advanced and implementation will closely follow the rollout of the infrastructure by the preferred bidder. The entire nationwide rollout is expected to be completed over a 2 year period.

I might add that the Garda authorities continue to maintain its existing radio infrastructure including the digital radio system servicing significant parts of the Dublin Metropolitan Region and its analogue systems throughout the country.

Criminal Prosecutions.

22. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform the number of convictions that have taken place under Part 9, Section 46, of the Criminal Justice Act 2007, which concerns the possession of an article intended for use in connection with certain offences; and if he will make a statement on the matter. [14157/08]

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.

[Deputy Brian Lenihan.]

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Operations.

23. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform the general approach to policing the situation in Limerick; and if he is satisfied that there are adequate numbers of gardaí on the ground in the estates suffering the worst levels of crime there. [13996/08]

89. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform his proposals to deal with the continuing problem of inter-gang violence, particularly in the Limerick area; and if he will make a statement on the matter. [14038/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 23 and 89 together.

The Garda will continue to police Limerick to meet the challenges posed by the activities of gangs and organised crime. The Commissioner is adopting a hard policing approach and has deployed a unit from the Emergency Response Unit on a 24 hour basis. The ERU team is under the supervision of local Garda management and is operating through patrolling and checkpoints. The ERU deployment is providing support for regular policing activities and at the same time provides reassurance to the law abiding communities of Limerick.

The areas most affected by criminal activity are intensively policed, with additional resources, both armed and uniform, being deployed at short notice depending on intelligence received or in response to incidents involving feuding factions. The operation of the gangs in these areas are kept under constant surveillance. Currently armed patrols exclusively cover the most affected areas of the city on a 24 hour basis.

Initiatives under Operation Anvil are also in place within the Division supported by the National Support Services, including the National Bureau of Criminal Investigation, the Air Support Unit and the Criminal Assets Bureau.

Offenders and gang members are actively monitored on a daily basis, and a considerable volume of intelligence has been gathered. Targeted, intelligence-led operations are aimed at curbing their activities, seizing their property and removing illicit drugs from the street. The intensity of the Garda operation is reflected in the fact that 70 firearms of all types and calibres were recovered in Limerick Division in 2007 and 15 to date in 2008. In addition a number of significant drug seizures have been made.

Considerable resources will continue to be put into containing and pursuing this gang activity. An additional 70 officers have been deployed to Limerick in the last twelve months, bringing the total strength there to 602 — the highest number ever deployed in the Limerick Division. By comparison, at the end of 1997 there were 423 personnel — an increase of 42%.

At the same time, the Gardaí are committed to the community policing ethos. Almost 80 officers are dedicated exclusively to community policing patrols, particularly in the areas of highest concern. These patrols are undertaken on foot or mountain bike, an initiative which is regarded locally as being extremely successful.

Limerick City has a very active Joint Policing Committee, where there is very close co-operation between the Gardaí and local elected representatives.

The Government is also very aware of the broader considerations and the urgent need to tackle the concentrations of disadvantage and deprivation which exist in Limerick. Following

the Fitzgerald Report on addressing issues of social exclusion, the Limerick Southside and Northside Regeneration Agencies launched ambitious vision statements for the regeneration of disadvantaged areas of Limerick, in particular, Moyross, Southill and O'Malley Park, earlier this year after a wide consultation process. Their plans provide a blueprint for action on an unparalleled scale which will lift the areas out of the cycle of despair and disadvantage which characterises them currently.

I have been assured by the Garda Commissioner of his personal commitment to providing in 2008 the Garda resources recommended in the Fitzgerald Report.

An Garda Síochána will continue to respond appropriately and forcefully to the developing situation in Limerick, and will have the full support of the Government in doing so. The Government is at the same time committed to tackling the roots of deprivation and exclusion, not only because it is the proper thing to do, but also because it will help remove some of the motivators of the kind of unacceptable behaviour we are seeing.

Garda Deployment.

24. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of community police working in communities here in each county; his plans to expand the number of community police; and if he will make a statement on the matter. [14152/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As of 31 March 2008, the latest date for which figures are readily available, there were 674 members of the Garda Síochána assigned to community policing. This represents 4.84% of the total strength of the Force of 13,900 on that date. These figures are broken down by Division in the following table.

The Deputy will appreciate that, as with any large organisation, on any given day the overall strength of the Force may fluctuate due, for example, to retirements, resignations etc.

While these are the numbers of Gardaí specifically assigned to community policing, it is of course the case that all Gardaí have a role to play in addressing community policing issues. In that sense, community policing involves far more than a single unit within the Garda Síochána, and I agree with the view of the Garda Inspectorate, expressed in its most recent report, that community policing is a fundamental policing philosophy and that there is a strong foundation for it in Ireland.

It is of course the responsibility of the Garda Commissioner to decide on the prioritisation and allocation of resources within the Force. Against this background, he is currently reviewing arrangements within the Garda Síochána for community policing. I very much welcome this, and I look forward to its outcome and to receiving the Commissioner's proposals for the future development of community policing in Ireland.

Divisions	Community Policing
Carlow/Kildare	4
Cavan/Monaghan	1
Clare	4
Cork City	28
Cork North	1
Cork West	5
D.M.R. East	54
D.M.R. North Central	69
D.M.R. North	70

[Deputy Brian Lenihan.]

Divisions	Community Policing
D.M.R. South Central	80
D.M.R. South	50
D.M.R. West	88
Donegal	20
Galway West	19
Kerry	7
Laois/Offaly	6
Limerick	90
Longford/Westmeath	16
Louth/Meath	15
Mayo	8
Roscommon/Galway East	0
Sligo/Leitrim	5
Tipperary	9
Waterford/Kilkenny	20
Wexford/Wicklow	5
Total	674

Drugs in Prisons.

25. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the steps being taken to end the flow of drugs to prisons, in view of the disclosure that inmates have tested positive for drugs 40,000 times over the past three years; the prisons or places of detention that are regarded as drug free; and if he will make a statement on the matter. [14052/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): A wide range of security measures are currently in place aimed at reducing the supply of contraband, including drugs, into our prisons. These measures include:

- Tighter control and monitoring of prisoner visits in all closed prisons;
- New visiting arrangements in most closed prisons, with visitors required to be pre-approved by the Governor and required to provide identification on each visit;
- Greater use of screened visits;
- Greater vigilance in examining mail by prison censors and searching of other items entering the prison;
- Increased random searching of cells and their occupants;
- Stricter searching of all persons committed to custody and prisoners returning from court, temporary release, after visits or on receipt of intelligence; Use of modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, under floor boards and other cavities;
- Installation of nets over exercise yards to prevent access to contraband items, including mobile phones and drugs; and
- Use of phone detectors and phased installation of telephone blocking technology.

In addition, a number of new security initiatives are shortly being introduced in all closed prisons including:

- The introduction of enhanced security screening for all persons (visitors and staff) entering our prisons;
- The establishment of a drug detection dog service within the Irish Prison Service involving approximately 30 handling teams; and
- The establishment of Operational Support Units dedicated to and developing expertise in searching and gathering intelligence on illicit material being hidden inside our prisons; they will be available in addition to the normal prison staff and can target specific security problem areas.

There are currently drug free units in the following prisons — Wheatfield Prison, St. Patrick's Institution, Castlerea Prison and Mountjoy Prison. There is also an intensive detox programme in operation in Mountjoy Prison. Allied to this the Training Unit, Arbour Hill Prison, Loughan House and Shelton Abbey are regarded as drug free institutions.

It is extremely difficult to quantify the numbers of prisoners who can be deemed to be drug free, particularly given the secretive and covert nature of illicit drug taking in a custodial setting. In this context, the Prison Rules 2007, effective from 1 October 2007, include specific provisions for mandatory drug testing. Mandatory drug testing provides information on trends in drug misuse, enables the identification and referral of drug abusers to treatment programmes, enables enhanced focusing of resources and acts as a deterrent to drug misuse. At present, mandatory drug testing takes place in the Training Unit, St. Patrick's Institution, Castlerea Prison, Loughan House and Shelton Abbey and the intention is to roll out a programme of testing to the remaining institutions during 2008.

Garda Operations.

26. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform the cost of the reportedly elaborate security operation mounted at Shannon Airport on 6 April 2008 in preparation for a possible refuelling stop by the US President, Mr. George Bush which did not happen. [10503/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the approximate total cost of Garda policing arrangements at Shannon Airport on 6 April, 2008, in respect of the planned possible stopover by the US President was €151,921, which includes salaries and overtime payments.

In this regard, the Garda Síochána is statutorily required to provide policing services for the State with the aim of preserving public order and protecting life and property. The policing arrangements instituted at Shannon Airport were considered necessary having regard to the particular circumstances.

Organised Crime.

27. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which he will take action against criminal gang bosses living overseas and continuing to organise their criminal empires and enjoy their ill-gotten gains; and if he will make a statement on the matter. [14089/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Authorities that organised criminal gangs operating in this jurisdiction are being targeted on an ongoing basis. The profiles of those suspected of involvement in criminal gangs are continually updated. The membership of criminal gangs, their operating methods, criminal interests and financial assets are likewise proactively targeted. The Garda response to this problem comprises of intelligence-led operations which are primarily undertaken by specialised units such as the National Bureau of Criminal Investigation, the Garda National Drug Unit, the Organised Crime Unit and the Criminal Assets Bureau. In addition information relating to these groupings is disseminated on a regular basis to Europol at The Hague.

An Garda Síochána maintains liaison with other law enforcement agencies throughout Europe, and elsewhere, exchanging information and intelligence on Irish criminals living abroad. This ongoing liaison has led to a number of successful joint operations, targeting attempted importations of drugs and firearms, resulting in a number of significant arrests here and in other jurisdictions. Where intelligence, supported by evidence, is available, law enforcement agencies in other jurisdictions put operations in place, as appropriate, to prevent and detect such criminality. To facilitate cooperation with other law enforcement agencies, An Garda Síochána has posted Liaison Officers to a number of centres throughout Europe.

Where information exists that a person who is wanted in relation to a particular crime in this jurisdiction is living abroad, and where the particular legal requirements apply, extradition is sought or application is made for a European Arrest Warrant.

Where there is justification and a legal basis, those suspected of involvement in criminal activity are arrested, detained and questioned in relation to specific crimes. A member of An Garda Síochána must, at all times, have reasonable grounds to believe that an individual has been involved in criminal activity before they can arrest and question any person in relation to criminality.

Ireland is a party to various International Conventions which provide for assistance in criminal matters between jurisdictions. An Garda Síochána send and receive requests for assistance via the Central Authority for Mutual Assistance at the Department of Justice, Equality and Law Reform.

Requests for Assistance may also be dealt with on the basis of reciprocity where certain jurisdictions may not be a party to specific conventions

Crime Levels.

28. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of murders since the beginning of 2008 in which firearms were used; and if he will make a statement on the matter. [14066/08]

550. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to date in 2008; the number of such cases in which prosecutions for murder were initiated; the number of such cases where convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [13924/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 28 and 550 together.

I refer the Deputies to my answer to Question No. 11 of today's date.

Juvenile Offenders.

29. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform the number of spaces in special residential units for underage juvenile offenders nationally; and if he will make a statement on the matter. [14161/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In March 2007 responsibility for children detention schools was transferred from the aegis of the Department of Education and Science to my Department. Children Detention Schools accept children who have been ordered to be detained as part of criminal proceedings before the Courts. The Children Detention Schools provide rehabilitative programmes of care, education and training for children being so detained. The four children detention schools can accommodate 77 children who are to be detained on foot of remand or committal orders from the Courts.

30. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the plans he has in place for the detention of 16 to 18 year olds in the interim of the opening of Thornton Hall and the establishment of a new juvenile offenders prison. [14148/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): My colleague, the Minister for Children, Mr. Brendan Smith T.D., recently announced the Government's decision to develop new children detention facilities on a State owned site at Oberstown, Lusk, Co. Dublin, which currently houses 3 of the 4 existing children detention schools.

The new facilities, which are being developed by the Irish Youth Justice Service of my Department, will replace some older accommodation on the site, and create sufficient new detention school places to accommodate 16 and 17 year old boys, who are currently detained in St. Patrick's Institution. The development, which is a children detention school model and not a prison, will involve careful planning and consultation. The facilities will be secure and capable of supporting staff in delivering a safe, caring environment for welfare, education and rehabilitative programmes.

In the interim, 16 and 17 year old boys may continue to be detained in St. Patrick's Institution, a closed medium security place of detention for males aged 16 to 21 years of age. Much effort has gone into improving facilities at St. Patrick's in recent years for those who will continue to be held there pending the new development at Lusk, and a significant increase in staff has also been made.

The separation of children and young adults in St. Patrick's Institution has taken place in so far as is possible given the physical limitations of the St. Patrick's site. Should it be required when the Mountjoy complex is closed, interim accommodation for 16 and 17 year old boys, segregated from adults, will be provided on the Thornton Hall campus, pending the provision of children detention school facilities. On completion of the detention school development project in Lusk, all children under 18 years of age being detained will only be accommodated in dedicated children facilities.

When fully completed, the new facilities will meet the highest international standards and will be a centre of excellence in best practice for youth detention. This major development will play a key role in the suite of measures available in the Children Act 2001, as amended, in making children who offend accountable for their actions and promoting reintegration into their families and communities.

Criminal Assets Bureau.

31. **Deputy Kieran O'Donnell** asked the Minister for Justice, Equality and Law Reform the

[Deputy Kieran O'Donnell.]

progress that has been made in establishing regional branches of the Criminal Assets Bureau as was indicated previously would be considered; the timeframe for establishing such branches; and if he will make a statement on the matter. [14160/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy will be aware that the Criminal Assets Bureau has been at the forefront of the fight against organised crime, including drug trafficking, in this jurisdiction since its inception in 1996. The significant successes that the Bureau continues to achieve by its operations demonstrates the effectiveness of its approach in pursuing illegally gotten gains.

The manner in which the Bureau operates has, in the period of its existence, come to be viewed, both domestically and internationally, as a very successful model for targeting persons seeking to derive profits from criminal activities.

In relation to the issue of the Bureau's work at regional and local levels, I can inform the Deputy that in order to maximise the benefit that can be derived from local knowledge, officers from the Criminal Assets Bureau work closely with gardaí from specific regions and localities in order to ensure that the efforts of the Bureau are targeted in the most effective manner possible.

I have also already included in the Government's policing priorities for 2008 for An Garda Síochána a specific reference to enhanced liaison arrangements between Garda Divisions and the Criminal Assets Bureau in the pursuit of those engaged in drug dealing at all levels.

The Bureau will continue to utilise the services of Divisional Criminal Assets Profilers throughout the country. At present eighty one Garda divisional profilers have been appointed and are operational and the complement of Divisional profilers will continue to be monitored and reviewed on an on-going basis. In addition, eleven officials from the Revenue Commissioners have been trained as asset profilers.

The use of local Garda officers in this way ensures that preparatory groundwork can be carried out in advance of a full investigation by the Bureau. Asset profilers have at all times recourse to the expertise and advice of the Bureau.

Essentially a key function of these profilers is to ascertain and build up information at local levels and point out individuals at whom the Bureau's work can be targeted. Such information is then investigated and followed up further by the Criminal Assets Bureau.

Finally, I can assure the Deputy that any individuals in local communities who believe they can openly flaunt wealth or assets secured through illegal activities, including drug dealing, will be vigorously pursued by the Gardaí either through the provisions of the Criminal Justice Act 1994 or through the work of the Criminal Assets Bureau under its statutory remit.

Criminal Prosecutions.

32. **Deputy Dinny McGinley** asked the Minister for Justice, Equality and Law Reform if Section 72 of the Criminal Justice Act 2006 has been commenced; the number of prosecutions that have taken place under this section; and if he will make a statement on the matter. [14115/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Section 72 of the Criminal Justice Act 2006 was commenced with effect from 1 August 2006. The relevant order is the Criminal Justice Act 2006 (Commencement) Order 2006 (S.I. No. 390 of 2006).

Section 72 creates the offence of contributing to, or participation in, an activity of a criminal organisation. The intention behind the contribution must be to enhance the ability of, or facili-

tate the organisation to commit a serious offence. It is not necessary to prove the commission of a specific offence. The offence is punishable by up to 5 years' imprisonment.

I am informed by the Garda Síochána that to date no proceedings have commenced under this section.

Victims Commission.

33. **Deputy Pádraic McCormack** asked the Minister for Justice, Equality and Law Reform the action he will take to enhance the rights of victims, and in the case of murder, their families, within the criminal justice system; and if he will make a statement on the matter. [14120/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy may already be aware against a background of a need to review the mechanisms and services put in place by specific agencies to assist victims of crime, my predecessor established the Commission for the Support of Victims of Crime (CSVC) in March 2005. The CSVC was established with a three year remit to disburse funding for victim support measures and to develop a framework for victim services going forward. I have been advised that over the last three years the CSCV have made funding available to organisations who support victims of crime including Support After Homicide and Advic, which are respectively a support group and an advocacy group for families affected by homicide.

As the Deputy will be aware, as early as my first public engagement as Minister for Justice, Equality and Law Reform, I announced my intention of moving ahead with measures to enhance support for victims of crime, which would include families affected by homicide, consistent with the commitment contained in our Programme for Government.

I understand that the CSVC is now finalising its work in proposing an appropriate support framework for victims of crime into the future. After meeting with the Commission late last year, I formed the view that this framework document will provide important insights into how support for victims of crime might be developed into the future. I propose, therefore, to await the outcome of the Commission's deliberations before deciding on what changes — if any — to present arrangements would be desirable.

Pending finalisation of this process, I have decided to extend the term of Office of the Commission. I am happy to say that the members of the Commission have graciously indicated their willingness to remain in Office. I would, however, like to take this opportunity to place on record my gratitude and that of the Government to the members of the CSCV for the very valuable public service that they have performed over the last three years and for their willingness to continue in Office.

My Department is also currently reflecting on the question of Victim Impact Statements, taking account not only of issues raised by the public debate on the subject but also the recommendations contained in the 2007 report of the Balance in the Criminal Law Review Group which was chaired by Dr Gerard Hogan, SC.

The Review Group made a number of very helpful comments. In relation to the current arrangements under section 5 of the 1993 Act, the Review Group suggests the section may be too restrictive in so far as it permits a statement by or on behalf of the direct victim only. It suggests there is a case for expanding the definition of 'victim' to include other persons intimately affected by the crime such as the family members of victims of homicide.

In a further recommendation, the Review Group addressed the possibility of inappropriate use of statements and raised the possibility of restrictions on publication in certain circumstances, at the direction of the court.

[Deputy Brian Lenihan.]

Any proposals for the improvement of the current system will need to ensure that the victim is allowed as much opportunity as is reasonably possible to have his or her experiences taken into account while also ensuring that, in the interests of all parties, the integrity of the criminal process is preserved and that due process continues to be observed.

The issues involved are complex and require careful consideration. It will therefore be necessary to take some time to ensure any proposals are appropriate and well grounded.

Garda Reserve.

34. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform the five most common reasons that applications to join the Garda Reserve are unsuccessful; and if he will make a statement on the matter. [14135/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There are a range of reasons not all applicants secure a place as Reserve trainees. It must always be borne in mind that membership of the Reserve is a spare-time voluntary service and so applicants may not always be available to attend for interview or take up a place in training when it is first offered due to family, work or social commitments.

Applicants must first of all meet the basic entry criteria relating to age and residence and must also satisfy the criteria regarding occupations, for example, members of the Defence Forces are precluded from joining. It may not be clear when the initial application is made whether an applicant satisfies the criteria.

Many applicants for the Garda Reserve also apply to join as full-time members and leave aside their Reserve application to take up places as full-time trainee gardaí.

The recruitment process involves a number of stages at which applicants must succeed before proceeding to the next stage. The Public Appointments Service carries out the interview and written test stage. To date in 2008 182 applicants have attended the Public Appointments Service interview and written test. Success at both interview and written test is required to proceed to the next stages of the recruitment process. Of the 182 applicants interviewed and tested so far this year, 117 were successful.

If successful at the Public Appointments Service stage, applicants must then pass a Garda medical examination and must satisfy the requirements of a rigorous background security vetting.

Irish Prison Service.

35. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the action he has taken following the most recent report of the EU Committee for the Prevention of Torture which documented high levels of violence in prisons here and the need for ongoing external reviews on the specific subject of prison violence; and if he will make a statement on the matter. [14145/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), on its visit to Ireland was published on 10 October 2007, together with the response of the Government of Ireland to the issues raised by the CPT in that report.

In its response to the issues raised, the Government set out in considerable detail the efforts made to deal with the range of issues highlighted in the report.

In the Government's response to the CPT report on the question of inter-prisoner violence it was accepted that the CPT had correctly identified an emerging problem and that further measures are needed to deal with the issue. I am glad to advise the Deputy that a range of measures have been taken to address the prison related issues, including violence in prisons, that were highlighted in the report and I can assure the Deputy that the security and safety of our prisons is kept under constant review.

A wide range of security measures are currently in place aimed at reducing the supply of contraband, including drugs and weapons, into our prisons. These measures include:

- Tighter control and monitoring of prisoner visits in all closed prisons;
- New visiting arrangements in most closed prisons, with visitors required to be pre-approved by the Governor and required to provide identification on each visit;
- Greater use of screened visits;
- Greater vigilance in examining mail by prison censors and searching of other items entering the prison;
- Increased random searching of cells and their occupants;
- Stricter searching of all persons committed to custody and prisoners returning from court, temporary release, after visits or on receipt of intelligence;
- Use of modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, under floor boards and other cavities;
- Installation of nets over exercise yards to prevent access to contraband items, including mobile phones and drugs; and
- Use of phone detectors and phased installation of telephone blocking technology.

In addition, a number of new security initiatives are being introduced in all closed prisons including:

- The introduction of enhanced security screening for all persons (visitors and staff) entering our prisons;
- The establishment of a drug detection dog service within the Irish Prison Service involving approximately 30 handling teams;
- The establishment of Operational Support Units dedicated to and developing expertise in searching and gathering intelligence; they will be available in addition to the normal prison staff and can target specific security problem areas.
- A number of serious drug and criminal gang members are now segregated in a special area of Cloverhill Prison. This initiative, in conjunction with the other measures, will prevent them from exerting inappropriate influence over other prisoners.

As indicated in the CPT report, the Government recognises the necessity to modernise and expand the prison estate. That is why my Department has embarked on an ambitious prison building programme which, with the full support of the Government, will result in the replacement and/or refurbishment of nearly 40% of the entire prison estate and the ending of 'sloping out'.

Garda Strength.

36. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform the progress made with regard to the commitment given in the Programme for Government to increase Garda numbers to 15,000 by 2010 and 16,000 by 2012; if he is satisfied that these targets will be met; the strength of the Force as of 1 June 2007 and at present; and if he will make a statement on the matter. [14071/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The accelerated intake of 1,100 Garda recruits per annum is on course to meet the Government's recruitment target.

The personnel strength (all ranks) of An Garda Síochána on 31 May 2007 was 13,140 with a further 1,349 recruits in training making a combined strength of 14,489.

As of 31 March 2008, the latest date for which figures are readily available, there were 13,900 fully attested members of An Garda Síochána with a further 1,306 recruits in training. The combined strength of the Force, including recruits in training, on that date was 15,206.

Organised Crime.

37. **Deputy Noel J. Coonan** asked the Minister for Justice, Equality and Law Reform his views on recent reports that children are being groomed by criminal gangs in Limerick; if he plans to introduce legislation to tackle this development; and if he will make a statement on the matter. [14125/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my answer to Question No. 13 of today's date.

Garda Operations.

38. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the progress with regard to the establishment of the Garda organised crime unit; the personnel and resources that will be made available to the unit; and if he will make a statement on the matter. [14050/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will be aware, the Garda authorities established an Organised Crime Unit on a temporary basis in November 2005 to target organised criminal gangs. The Garda Commissioner has now established the Unit on a permanent basis with a complement of seventy. A review of its activities and strength is ongoing.

Since its establishment, the Organised Crime Unit has pro-actively targeted criminal gangs engaged in diverse types of criminality, which transcend the organisational and divisional boundaries of An Garda Síochána.

The main forms of criminality being committed by these gangs include armed robberies, hi-jacking of valuable loads and commodities, warehouse robberies / burglaries, 'tiger' kidnappings, cash-in-transit robberies, bank robberies involving firearms and the importation of large quantities of controlled drugs.

Through focused, intelligence-led operations, success has been achieved and the activities of many of the organised crime groups have been disrupted. A number of persons suspected of involvement in this type of criminality have been apprehended on serious charges with many before the courts facing lengthy sentences.

The Organised Crime Unit has taken the lead role in targeting organised criminal gangs in conjunction with the assistance of other national units. The unit's primary functions are as follows:

- To identify organised crime groups that operate within the State through increased profiling, intelligence gathering, overt and covert surveillance and threat assessments
- To develop intelligence on highly organised and professional groups of criminals involved in serious crime and whose operations transcend district / divisional and regional boundaries.
- To develop intelligence and information supplied by confidential sources on major targeted criminals.
- To liaise with the National Criminal Intelligence Unit in developing intelligence and information from all sources in relation to serious and organised criminal groups.

The Unit will continue to work closely with the other specialist units, including the Garda National Drugs Unit, the National Bureau of Criminal Investigation, the Special Detective Unit and the Emergency Response Unit, in targeting those suspected of involvement in organised criminal activity.

39. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform when it is intended to increase the Garda search powers, promised in the Programme for Government, in relation to drug crime along the lines of the new random breath-testing model for drink driving to allow random searches at particular, places, times and events where senior Gardaí believe there is a risk of drugs being present; and if he will make a statement on the matter. [14079/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As I indicated in my reply to Parliamentary Question 9121/08 on 4th March 2008, any significant extension of Garda search powers beyond those already available in the Misuse of Drugs Act 1977 and the Criminal Justice (Drug Trafficking) Act 1996 gives rise to consideration of highly sensitive issues, including ones of Constitutional importance. In this regard I have in mind, for example, Article 40.3 (personal rights) and 40.5 (inviolability of a dwelling). My aim is to ensure in so far as possible that any new powers will be capable of withstanding Constitutional scrutiny. Accordingly I am unable to say at this stage when proposals will be available.

Refugee Appeals Tribunal.

40. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform if he is satisfied with the manner in which the Refugee Appeals Tribunal discharged its functions in the wake of a case (details supplied) and attendant publicity; and if he will make a statement on the matter. [14042/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will be aware, the Refugee Appeals Tribunal is a statutory independent body established under the Refugee Act, 1996 to deal with appeals against negative recommendations in respect of applications for refugee status issued by the Office of the Refugee Applications Commissioner (ORAC). The Tribunal has been in operation since November 2000 and comprises a full time Chairperson and 32 part-time members at present.

[Deputy Brian Lenihan.]

Since its establishment, the Tribunal has undertaken a significant job of work having completed some 30,000 appeals up to the end of March 2008. I would also point out that the cases before the Refugee Appeals Tribunal cover applicants from over 90 different countries with a large variety of grounds being put forward for refugee status. All cases have to be considered individually having regard to the definition of who is and who is not a refugee in the Refugee Act, 1996. In addition to the applicant's own case which is often considered in an oral appeals hearing, a large amount of documentation has to be considered including complex country of origin information, UNHCR guidelines and detailed case law from our courts. All of this must be weighed up by the individual members of the Tribunal in coming to a decision.

I would also point out that the UNHCR is heavily involved in training within the asylum process and within the Tribunal itself. I would also draw the Deputy's attention to comments made previously by a former UNHCR representative who is quoted as saying that Ireland is now a model for the new Member States of the European Union and that "we now have a system which, in many respects, is one of the best in Europe".

Given the Tribunal's statutory independence in the performance of its functions under the provisions of sections 15 and 16 of the 1996 Act, it would be inappropriate for me to comment further on how it discharges its functions. Accordingly, I do not propose to comment on any individual case or group of cases handled by the Tribunal or any legal issues arising from such cases.

Asylum Applications.

41. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of applications for asylum submitted in each of the past five years; the average time being taken to process applications for asylum; and if he will make a statement on the matter. [14076/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The information sought by the Deputy about the number of applications for asylum received in each of the last 5 years is set out in the table below.

Asylum Applications Received — 2003 to 2007

Year	No. of asylum applications received
2003	7,900
2004	4,766
2005	4,323
2006	4,314
2007	3,985
Total	25,288

Timescales for the processing of asylum applications

Asylum applications are considered under the provisions of the Refugee Act 1996 (as amended), at first instance by the Office of the Refugee Applications Commissioner (ORAC) and at appeal stage by the Refugee Appeals Tribunal (RAT).

The length of time taken to process asylum applications differs depending on whether an applicant is dealt with under prioritised arrangements or not. With effect from the 25 January 2005, new arrangements for the speedier processing of applications from certain countries were implemented. These arrangements apply in the main to nationals of Nigeria, Croatia and South

Africa. They also applied to Romania and Bulgaria prior to their accession to the EU on 1 January 2007.

The Office of the Refugee Applications Commissioner

In terms of time scales at first instance for Prioritised cases, an interview date is usually scheduled within 9 – 12 working days from the date of the initial application. These applications are normally finalised within a further 5 – 8 working days, giving an average processing time of 17 – 20 working days from the date of application.

In the case of Non-prioritised cases, an interview date is usually scheduled approximately 16 – 18 weeks from the date of the initial application. These applications are normally finalised within a further 4 – 5 weeks, giving a total processing time of approximately 22 – 23 weeks from the date of application.

Some cases will take significantly longer to complete due to, for example, medical reasons, non-availability of interpreters or because of judicial review proceedings. Some cases are also more complex than others with applicants coming from over 90 different countries.

ORAC continues to schedule applicants for interview on the date of application unless there are medical or other compelling reasons not to do so.

The Refugee Applications Commissioner continues to keep the procedure for processing applications for refugee status in that Office under ongoing review with a view to limiting the amount of time applicants have to wait for a recommendation to be made, without compromising on an applicant's rights to a fair and balanced examination of their case.

The Refugee Appeals Tribunal

The average length of time taken by the Tribunal to process and complete substantive appeals is 21 weeks.

The average length of time taken by the Tribunal to process and complete Accelerated appeals (appeals on papers only) is 8 weeks.

The average length of time taken by the Tribunal to process and complete appeals for Prioritised cases is 9 weeks.

While many appeals are completed in a shorter time span than above, many factors such as adjournments, postponements, judicial reviews and requests by legal representatives for access to previous Tribunal decisions can impede the Tribunal from completing cases earlier. High quality, consistent and fair decision-making in all cases continues to be a high priority in the Tribunal.

Improvements in Processing Timescales

The Office of the Refugee Applications Commissioner has made significant progress in the processing of asylum applications since the creation of the office in November 2000.

In November 2000, when the ORAC was established, there were over 9,400 applications awaiting decision at first instance. As at the 31st March 2008, there were 1,218 outstanding applications awaiting a recommendation by ORAC. Of these, only 137 cases were on hands over 6 months.

The Refugee Appeals Tribunal has also made significant progress in the processing of asylum appeals since the creation of the office in November 2000. Prior to the establishment of the RAT, substantive appeals took on average 36 weeks to complete. As already indicated, the average processing timescale for substantive cases is 21 weeks and 9 weeks for prioritised cases.

[Deputy Brian Lenihan.]

As at the 31st March 2008, there were 3,369 appeals outstanding in the Tribunal. Of these 3,369 outstanding appeals, 2,136 were on hands over six months. A large volume of the appeals outstanding more than 6 months in the Refugee Appeals Tribunal is due to the delay in processing appeals pending the granting of access to Tribunal Decisions following the Supreme Court judgement (in the Atanasov case) on the matter. Following the judgement the RAT set up a comprehensive data bank of previous decisions of the Tribunal, suitably redacted, which is readily available for access by legal representatives of applicants. This data bank, along with other measures being applied by the RAT, will be of considerable assistance in clearing the current backlog of cases.

Sentencing Policy.

42. **Deputy Andrew Doyle** asked the Minister for Justice, Equality and Law Reform when integrated sentence management will be available to all prisoners; and if he will make a statement on the matter. [14144/08]

56. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the reason integrated sentence management does not take place in all prisons; and if he will make a statement on the matter. [14143/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 42 and 56 together.

Sentence management processes have operated in the prison system for many years to the benefit of prisoners and the community. Over much of this time, the development of these processes to their full potential has, however, been constrained by a number of factors.

New regulatory, organisational and working arrangements together with the ongoing programme of modernisation of the prison estate and the addition of new programmes and services have transformed the situation in recent times. The Irish Prison Service is now in a position to develop and roll out a fully coordinated Integrated Sentence Management System (ISM) across all prisons and places of detention. The National Development Plan is providing significant new funding for this initiative and the roll out of ISM will be delivered progressively over the lifetime of the Plan.

ISM will involve a new orientation in the delivery of services to prisoners and a new emphasis on prisoners taking greater personal responsibility for their own development through active engagement with both specialist and non-specialist services in the prisons. The end result will be a prisoner-centred, multidisciplinary approach to working with prisoners with provision for initial assessment, goal setting and periodic review to measure progress.

During 2008, pilot sentence management projects will be progressed at Wheatfield and Arbour Hill prisons. Parallel work will take place on the selection of assessment tools and processes and the development of staff training programmes and an IT database to support the ISM system.

Question No. 43 answered with Question No. 21.

Proposed Legislation.

44. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform when the anomaly in the Criminal Law (Insanity) Act 2006 resulting in the Mental Health Review Board denying the release of certain patients who are eligible for discharge from the Central Mental Hospital was first discovered; and the number of patients affected. [13995/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Criminal Law (Insanity) Act 2006 provides a mechanism by which persons detained in the Central Mental Hospital may be released conditionally or unconditionally by the Criminal Law (Mental Health) Review Board, depending on the circumstances.

It is my intention to introduce certain amendments to the Act in this area shortly which will augment the powers of the Board in the light of recent developments.

Civilianisation Programme.

45. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform the progress made in terms of civilianising Garda tasks since the publication of the Garda Inspectorate report in August 2007. [13997/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The civilianisation programme proposed for An Garda Síochána is being implemented by the Garda Commissioner and significant progress has been made to date in the recruitment of civilian staff. The number of full and part-time civilian staff assigned to the Garda Síochána as at the 31 March 2008 was 2,461.

The number of full-time equivalent civilian staff of An Garda Síochána increased from 1,687 on 31 December 2007 to 1,838 on 31 March 2008, representing an increase of 151 (9%) in the number that have been appointed to the organisation in the first three months of this year. This follows on from a 32% increase in the number of civilian employees from 1 January 2007 to 31 December 2007 — from 1,282 to 1,687.

Civilian staff of An Garda Síochána are involved in the provision of a wide range of professional support services in the administrative, professional, technical and industrial areas. This is best demonstrated by the range of recruitment of civilians that has taken place in the Garda organisation:

- Over 300 Clerical Officers were recruited and assigned positions within An Garda Síochána in Dublin in 2007 on foot of the Government Decision of 19 December 2006. These Clerical Officers have been allocated to the Dublin Metropolitan Region, Garda Headquarters and Specialised Units.
- The civilianisation of posts at senior levels of An Garda Síochána has also commenced. Appointments have been made to the positions of Chief Administrative Officer and Director of Communications. The positions of Executive Director of ICT, Director of Change Management and Head of Legal Services have been advertised with a closing date of 10 April, 2008. Recruitment for the position of Executive Director of Human Resources is due to commence shortly.
- Significant progress is underway in recruiting Clerical Officers to Garda Stations outside Dublin, the Garda Central Vetting Unit, Thurles and the Garda Information Services Centre, Castlebar.

The recruitment of civilian staff to other senior and middle management positions in the Garda Síochána is also well under way and appointments have been made to a wide range of positions.

A dedicated Human Resource Directorate, reporting to the Assistant Commissioner in charge of HRM has been established in An Garda Síochána to serve the needs of the civilian, administrative, professional, technical and industrial staff in the Garda Síochána.

[Deputy Brian Lenihan.]

The Commissioner is committed to developing the civilian support function within the Garda Síochána to the level of best international practice and will continue to work to drive the civilianisation programme forward.

Garda Operations.

46. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform when he plans to establish regional Garda support units with trained negotiators and non-lethal weaponry for hostage taking and other critical situations; and if he will make a statement on the matter. [14159/08]

48. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the concern expressed by the Association of Garda Sergeants and Inspectors regarding proposals from the Commissioner that certain uniformed Gardaí would be required to carry firearms in their Garda vehicles; his views on the concerns raised; and if he will make a statement on the matter. [14045/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 46 and 48 together.

The Garda Commissioner is establishing Regional Support Units (RSUs) in the Garda regions outside Dublin to act as a primary response to critical incidents, pending the arrival of the Emergency Response Unit. These RSUs will be drawn from the existing regional Garda resources and the Gardaí involved in these teams will receive training relevant to the role. It was an important recommendation in the Garda Inspectorate's report on barricade incidents that a second tier response capability should be established to allow rapid initial deployment to critical incidents in regional areas.

I am informed by the Garda authorities that RSU members will operate in regular Garda uniform and in marked Garda vehicles. Where appropriate, RSUs will have the capacity to respond with firearms and less lethal devices. However, it is intended that when operating in armed response mode RSU members will, for identification purposes, wear apparel similar to that currently used by armed, plain-clothes Gardaí when they are carrying out armed duties overtly.

Question No. 47 answered with Question No. 8.

Question No. 48 answered with Question No. 46.

Garda Equipment.

49. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if the PULSE system is capable of processing anti social behaviour orders; and if he will make a statement on the matter. [14133/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that an interim solution for the recording of Behaviour Warnings, Good Behaviour Contracts and Civil Orders issued under the Criminal Justice Act, 2006 on the PULSE system is currently being piloted.

I am also advised by the Garda authorities that the development of a full IT solution for capturing and processing such of information is under review.

Proposed Legislation.

50. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the progress made in the talks between his Department and representatives of the judiciary regarding the introduction of a judicial council; when he expects that the Judicial Council Bill will be published and enacted; and if he will make a statement on the matter. [14059/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following contacts with the Chief Justice on the proposals for a Judicial Council Bill, a working group has now been established to advance the Bill. The Group comprises a nominee each of my Department and of the Chief Justice. I am confident that this approach will ensure that the details of the proposed Bill can be finalised in the reasonably near future.

Community Policing.

51. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform when he expects to receive the results of the review being undertaken by the Garda Commissioner of arrangements within An Garda Síochána for community policing; and if he will make a statement on the matter. [14049/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I share the view of the Garda Inspectorate, expressed in its most recent report, that community policing is a fundamental policing philosophy and that there is a strong foundation for it in Ireland.

I am informed by the Garda authorities that a working group has developed proposals for a comprehensive model of rural and urban community policing. The group has completed its report, and it is currently being considered by the Garda Commissioner. I look forward to receiving the final views of the Commissioner.

Drug Seizures.

52. **Deputy John Perry** asked the Minister for Justice, Equality and Law Reform the number of sniffer dogs which are used to detect drugs in prisons here; if the use of sniffer dogs constitutes best practice in this context; and if he will make a statement on the matter. [14142/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy will be aware that a drug detection dog service is operating on a pilot basis in the Irish Prison Service since May 2006. The service is currently provided on contract by a UK company and started in the Midlands Prison. It has since been extended and currently four dog/handler teams operate in the Midlands Complex, the Mountjoy Complex, Wheatfield/Cloverhill Prisons, and Cork/Limerick Prisons. The contract has been extended pending the establishment of a dedicated drug detection dog service (Canine Unit) within the Irish Prison Service.

The management of the Canine Unit is now in place and the selection process for the required staffing has recently commenced. Following training, the first of 30 dog handling teams will be active in approximately 3 months. Searching is concentrated on visitors but proactive searching of areas within the prison also take place. The evidence is that the teams have a significant interception and deterrent effect. The use of drug detection dogs is a common feature of prison systems in other jurisdictions and plays a vital role in preventing the smuggling of drugs into prisons.

Sex Offender Treatment Programme.

53. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the number of places available for sex offenders seeking treatment in Arbour Hill Prison; the

[Deputy Billy Timmins.]

number of prisoners incarcerated resulting from sexual offences; and if he will make a statement on the matter. [14138/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can advise the Deputy that every effort is made to assist sex offenders in custody who are willing to participate at any level in rehabilitation and relapse prevention. There are three main forms of direct therapeutic intervention for sex offenders currently operating within the Irish prison system. These are as follows: an intensive sex offender programme which has been in operation since 1994 and is delivered currently in Arbour Hill Prison; individual counselling from the Irish Prison Service's Psychology Service and from the Probation Service; and one to one interventions by visiting psychiatrists who provide support to prisoners.

The intensive sex offender's programme is a group programme managed and delivered by the Irish Prison Service's Psychology Service in partnership with the Probation Service. It caters for eight offenders at a time, taking eleven months to complete. The programme is voluntary. Although delivered in Arbour Hill Prison, it is available to sex offenders in other prisons. The practice has been to invite all eligible sex offenders to apply for a place on the programme when a new group programme is being set up.

The programme is a structured, offence focused programme, employing a cognitive behavioural approach with a relapse prevention component. The programme places considerable emphasis on the therapeutic process within the group and on supporting each participant in gaining the knowledge, skills, attitudes and self confidence necessary to live life differently and more constructively in the future. The programme seeks to address the behaviour that leads to offending. A total of 128 sex offenders have completed the sex offender programme to date. A further eight men are currently undertaking the programme. There is no waiting list in operation in respect of participation on the programme.

The Programme is currently under review. Options under consideration include more flexible delivery of programmes based on individual offender's risks, needs and capacity. The likely outcome is a package of sex offender interventions comprising group and individual programmes for a significantly larger group of offenders.

Some individuals engage with the therapeutic services initially to seek assistance in adjusting to imprisonment or to address their mental health needs. Following such interventions, offenders are often more open to looking at their sexual offending and a concentrated period of motivational work is conducted to help them address their offending behaviour and related issues. In response to such counselling, many offenders who initially might deny responsibility for their crime or deny any need for treatment, are motivated towards some process of change. For some offenders this results in them undertaking the more intensive sex offender programme, for others it results in sustained individual therapy around their offending or engagement in some other programme available in the prison system.

Probation Officers working in a prison context provide individual counselling to sex offenders as part of their generic role in relation to offence focused work and as part of the Parole Board Process. This counselling can vary from one session addressing a particular problem to intensive ongoing counselling.

A number of offenders undergo one-to-one counselling in relation to their sexual offending. So far in 2008, the Irish Prison Service's Psychology Service has undertaken one-to-one offence-related interventions with 33 sex offenders. The Probation Service also engages with prisoners on a one-to-one basis.

As of 10 April, 2008, there were 269 persons serving sentences for sex offences.

Garda Deployment.

54. **Deputy Kieran O'Donnell** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in the Limerick Garda districts, broken down by station and garda rank as at the current date, 31 December 2006 and 31 December 2005; the number of these gardaí deployed in the regeneration areas; and if he will make a statement on the matter. [14168/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that as of 31 March 2008, the latest date for which figures are readily available, the total strength in the Limerick Division was 601, broken down as follows:

Stations	C/Supt	Supt	Insp	Sergt	Gda	Total
Henry St	1	2	7	26	194	230
Mary St	—	—	—	1	13	14
Castleconnell	—	—	—	1	4	5
Ardnacrusha	—	—	—	1	3	4
Mayorstone Pk	—	—	—	13	72	85
Roxboro Rd	—	1	4	15	109	129
Patrickswell	—	—	—	1	2	3
Ballyneety	—	—	—	1	1	2
Caherconlish	—	—	—	—	2	2
Askeaton	—	1	—	3	17	21
Adare	—	—	—	1	2	3
Pallaskenry	—	—	—	—	2	2
Croom	—	—	—	1	3	4
Foynes	—	—	—	—	2	2
Glin	—	—	—	—	1	1
Shanagolden	—	—	—	—	1	1
Rathkeale	—	—	—	1	5	6
Bruff	—	1	—	2	22	25
Kilfinane	—	—	—	—	1	1
Ballylanders	—	—	—	—	1	1
Hospital	—	—	—	1	1	2
Bruree	—	—	—	—	1	1
Kilmallock	—	—	—	1	2	3
Pallas	—	—	—	1	2	3
Cappamore	—	—	—	1	2	3
Murroe	—	—	—	—	2	2
Drumcollogher	—	—	—	1	1	2
Newcastlewest	—	1	1	4	22	28
Abbeyfeale	—	—	—	1	10	11
Ballingarry	—	—	—	—	1	1
Tournafulla	—	—	—	—	1	1
Athea	—	—	—	—	1	1
Kilmeedy	—	—	—	—	1	1
Castletown	—	—	—	—	1	1

[Deputy Brian Lenihan.]

The information requested by the Deputy in relation to the 2005 and 2006 Garda numbers was previously issued to him in Parliamentary Question 2611/08, which he put down for answer on 31 January 2008.

The Deputy will appreciate that, as with any large organisation, on any given day the overall strength of the force may fluctuate due, for example, to retirements, resignations etc. It is, of course, the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The strength of the Henry Street and Roxboro Road Districts has increased from 292 to 338 and 117 to 136 respectively in the period 31 March 2007 to 31 March 2008. The Commissioner has informed me that he will continue to allocate additional resources to these areas on a priority basis.

Anti-Social Behaviour.

55. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the number of persons given anti-social behaviour warnings since the new system came into operation on 1 January 2007; the number of anti-social behaviour orders sought in the same period; and if he will make a statement on the matter. [14074/08]

69. **Deputy Ulick Burke** asked the Minister for Justice, Equality and Law Reform if legislation in respect of anti social behaviour orders is working effectively in combating antisocial behaviour; and if he will make a statement on the matter. [14127/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 55 and 69 together.

Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act, relating to anti-social behaviour by children, was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the Children's Court.

I am informed by the Garda authorities that up to 31 March, 2008, 557 behaviour warnings were issued to adults and 211 to children. There have been seven formal good behaviour contracts, which are used only in the case of children, agreed. In setting up the regime, the intention was that these warnings or good behaviour contracts would themselves address the problem behaviour. It is only if they fail that a court order will be applied for. In any case, it inevitably takes time to reach the stage where a court order itself might be sought. No significance therefore should be attached to the fact that the stage has not yet been reached in the process where a court order has been issued. Where warnings or good behaviour contracts do not succeed in altering a person's behaviour, however, they will culminate in a court order being sought by the Garda authorities from the courts.

Question No. 56 answered with Question No. 42.

Crime Levels.

57. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the measures he is taking to address the increase in violent crime; and if he will make a statement on the matter. [14116/08]

85. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he will take to combat the continued growth of violent crime, organised criminal gangs, intimidation of witnesses, extortion, protection, racketeering and money laundering; if it is intended to take particular initiatives to address these issues; and if he will make a statement on the matter. [14090/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 57 and 85 together.

The Government attaches the highest importance to ending gangland violence and bringing those involved to justice. Relentless activity by An Garda Síochána, under Operation Anvil in particular, is being deployed to deal with these gangs. The primary focus of Operation Anvil is the disruption of serious and organised crime. An allocation of €20 million has been ring-fenced from the Garda Budget 2008 to ensure that ongoing operations of Anvil, both locally and nationally, continue to be undertaken. The Operation is augmented by other Garda operations and initiatives. The Garda Commissioner will continue to allocate resources as appropriate from the significant resources being made available to him.

The Organised Crime Unit has the role of targeting organised criminal gangs in conjunction with other national units. Organised criminal gangs operating in this jurisdiction are targeted on an ongoing basis and information regarding the personnel of such groups is continually updated. Through focused, intelligence-led operations, the activities of many of the organised crime groups have been disrupted, and a number of persons suspected of involvement in this type of criminality are before the courts.

The intelligence gathering capabilities of the Garda Síochána will be further enhanced with the establishment of a DNA database for criminal investigation purposes. Work is ongoing on the Criminal Justice (Forensic Sampling and Evidence) Bill which will provide for this and related matters. I expect to publish the Bill later this year.

The criminal law has also been strengthened. It is more difficult to get bail in drug trafficking and firearms cases. The periods the Gardaí can question people suspected of involvement in serious crime have been extended, and the law on the right to silence has been updated. The reality is that it takes time for changes which are made in the law to have full effect in practice.

The Criminal Justice Act 2006 provides for offences relating to organised crime by creating new offences targeting the activities of those involved in criminal organisations and those who may commit offences for the benefit of criminal organisations, including the offence of conspiracy. It provides that a person who knowingly participates in or contributes to any activity of a criminal organisation for the purpose of enhancing the ability of the criminal organisation to commit a serious offence, whether in or outside the State, is guilty of an offence.

It also provides that a person (who is not a member of the criminal organisation) who commits an offence for the benefit of, at the direction of or in association with a criminal organisation is guilty of an offence. Statutory provisions are also in place to ensure the admissibility of witness statements in circumstances where a witness seeks to resile from a statement already provided to the Garda Síochána in the course of an investigation. The Criminal Justice Act 2006 provides that a statement relevant to court proceedings may be admitted as evidence even if the witness, although available for cross-examination, refuses to give evidence or denies making a statement. It is a matter for the court of trial to decide if such a statement is to be admitted as evidence.

We have strong legislation in place to tackle money laundering and the financing of terrorism in the Criminal Justice Act 1994 and the Criminal Justice (Terrorist Offences) Act 2005. In February, 2008 the Government approved my proposals for the Criminal Justice (Money

[Deputy Brian Lenihan.]

Laundering) Bill which will update our current legislation in this area and strengthen Ireland's existing anti-money laundering and terrorist financing regime. This is an important piece of proposed legislation as it deals with implementation of the Third EU Money Laundering Directive and relevant recommendations arising from the Financial Action Task Force third mutual evaluation report.

In every criminal case where the possibility of intimidation of civilian witnesses may be an issue the case is closely monitored by An Garda Síochána throughout the investigation, up to and including any criminal proceedings. In circumstances when a witness is crucial to the case, the evidence to be proffered is not available elsewhere and there is a serious threat to the life of the witness or his/her family, an application can be made, with the consent of the witness, to have him/her included in the Witness Security Programme. When an investigation team is aware of such intimidatory incidents they may be raised with the trial judge, who may decide to revoke bail or impose another sanction on the suspect.

The offence of blackmail, extortion and demanding money with menaces is provided for in the Criminal Justice (Public Order) Act, 1994 which makes it an offence for any person who, with a view to gain for himself or another or with intent to cause loss to another, makes any unwarranted demand with menaces.

I am determined that the Gardaí and other agencies of the criminal justice system will play their full part in dealing with this type of behaviour and that they are properly resourced, both legislative and financial to do so.

Crime Prevention.

58. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the rationale for the establishment of Operation Encounter; the nature of the initiative; the original budget defined for its implementation; the expenditure on it to date; the goals set for the operation before its inception; the goals that have been met and the goals that remain to be met; and if he will make a statement on the matter. [14128/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An Garda Síochána proactively target public disorder and anti-social behaviour. Additional foot and mobile patrols are directed to areas subject to such behaviour during such times when these offences are more likely to occur. All such incidents detected by members on patrol or reported to An Garda Síochána are dealt with immediately and the suspected offenders are dealt with in accordance with the law.

I am informed by the Garda authorities that Operation Encounter was commenced by the Garda Commissioner in February, 2002 to target public disorder and anti-social behaviour against the community and local businesses. The Operation specifically targets offences contrary to the Criminal Justice (Public Order) Act 1994 and the Intoxicating Liquor Act 1988, which include the sale to and consumption of alcohol by underage persons. Since the commencement of Operation Encounter almost 465,000 offences have been detected.

The detailed allocation of Garda resources is a matter for the Garda Commissioner to decide in accordance with his identified operational requirements and priorities. As Operation Encounter is an ongoing operation relating to general duties carried out by Garda members, there is no specific budget allocated for it.

Sale of Alcohol.

59. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the

steps he has taken to ensure the more effective enforcement of the law in regard to the sale of alcohol and particularly the sale of alcohol to persons under age; and if he will make a statement on the matter. [14072/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Provisions for controlling supply to and consumption of intoxicating liquor by persons under the age of 18 years are contained in the Intoxicating Liquor Act 1988, as amended. The national age card scheme by the Garda Síochána has facilitated the Force, in co-operation with the licensed trade, in addressing and combating the problem of underage drinking. The age card scheme allows any person who has attained 18 years of age to apply for an age card at his/her local Garda Station in order to confirm that they have attained the legal age for the purchase of intoxicating liquor.

The new age card introduced in 2006 has state of the art security features. Its design has been greatly enhanced and includes an image security feature that is supplied only to Government projects worldwide. Currently there is no matching technology or method by which this technology can be copied.

We have to accept that we have a problem with binge drinking and it is clear that this problem is adding to public disorder. The Government Alcohol Advisory Group, which I established at the beginning of the year, was tasked with examining key aspects of the law governing the sale and consumption of alcohol and the adequacy and effectiveness of existing sanctions and penalties, including those directed towards combating excessive and under-age alcohol consumption. The Group also considered issues of enforcement of legislation.

The Group presented their report to me on 31 March, 2008. I intend to bring the contents of the Report to the attention of Government in the very near future and, at the same time, to seek Government approval of proposals for the implementation of recommendations contained in the Report. My commitment is to publish the relevant legislation during the current session and, with the assistance and cooperation of both Houses, to have it enacted before the Summer recess. In parallel with this, work will continue on the drafting of a comprehensive Sale of Alcohol Bill, which is already included in the Government Legislation Programme for 2008 and which will modernise and streamline the law in this area. Under the Garda Síochána Act 2005 it is open to me to set policing priorities for An Garda Síochána. One of the priorities I have set for 2008 is to combat, particularly in cooperation with other agencies and the community generally, the problems of public disorder with particular emphasis on alcohol related behaviour (including under age drinking) and socially disadvantaged communities especially through utilisation of the legal mechanisms being made available, including behaviour warnings and closure orders

I am informed by the Garda authorities that Operation Encounter, was commenced by the Commissioner in February, 2002 to target public disorder and anti-social behaviour against the community and local businesses. The Operation specifically targeted offences contrary to the Criminal Justice (Public Order) Act 1996 and the Intoxicating Liquor Act 1988, which include the sale and consumption of alcohol by underage persons.

Anti-Social Behaviour.

60. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the steps being taken to tackle anti-social behaviour in Carrigaline, County Cork; and if he will make a statement on the matter. [14167/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that local Garda management is aware of ongoing problems of public disorder and anti-social behaviour in the area concerned.

[Deputy Brian Lenihan.]

Community Gardaí are in constant contact with schools and youth groups in the area, and there have been a number of seminars with local community groups and the business community in an effort to evaluate the extent of the problem and to help target resources at identified problem areas.

I am further informed that local Garda management has noted a decrease in anti-social behaviour type offences recorded. The position is continuously reviewed, and the response modified accordingly.

Garda Deployment.

61. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform his plans to increase the visibility of An Garda Síochána in small rural towns and villages; and if he will make a statement on the matter. [14166/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Engagement with rural communities and rural policing is one of the priorities of An Garda Síochána. Senior Garda management continually monitor resources and policing initiatives to ensure that the service being provided to these communities by Garda personnel is continuously improving.

As of 31 March, 2008, the latest date for which figures are readily available, there were 13,900 fully attested members of An Garda Síochána with a further 1,306 recruits in training. The combined strength of the force including recruits in training on that date was 15,206.

Staffing levels at Garda stations are monitored by local Garda management to ensure adequate coverage is provided to the areas concerned. Where vacancies arise in rural areas they are filled as expeditiously as possible to ensure continuity in the service being provided by An Garda Síochána to the local community.

I am informed that in order to enhance rural policing a number of initiatives have been implemented in Garda Divisions nationally. Checkpoints are established at strategic locations in rural areas in order to detect criminals travelling to commit crime. Criminals travelling to commit crimes in rural areas have been targeted through intelligence led operations, as a result of which a number of arrests have been made and criminal groups disrupted. Initiatives under Operation Anvil have been implemented in every Garda District in the country, incorporating special crime prevention and detection patrols in rural areas which have been identified as vulnerable to crime. Such patrols include all available Garda resources including uniform and plain-clothes personnel, District Detective and Drug Units as well as Divisional Crime Task Forces and Traffic Corps personnel. Patrol times are also varied in order to maximise coverage in such areas.

Crime Prevention Officers are available to offer crime prevention and security advice to residential and business groups in rural areas and regularly provide such advice through local media outlets such as newspaper and radio broadcasts. The enhanced liaison structures between Garda management and local authorities being established through Joint Policing Committees are of significant benefit to the policing of rural areas, and this will increase as the Committees are rolled out to all local authorities in the near future. Important partnerships in which the Gardaí are involved are the Community Alert Programme and Neighbourhood Watch, national strategies for which for the period 2007-2011 were launched in Autumn 2007. The new strategies include a number of significant improvements. Training has been provided to the sergeants and inspectors most closely involved with the Programmes. In addition, the holding of information seminars is continuing for all liaison Gardaí and scheme coordinators for Garda Districts and Divisions.

My Department provides funding to Muintir na Tíre to operate Community Alert, and An Garda Síochána operate Neighbourhood Watch. In addition, members of local Community Policing Units assist residents in rural areas in establishing and strengthening Community Alert schemes.

Drug Seizures.

62. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if there has been a decision to roll-out the dial to stop drug dealing scheme that was successfully piloted in Blanchardstown to other locations. [13991/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am pleased to advise the Deputy that following the success of this local initiative in Blanchardstown, the National Drugs Strategy Team is currently finalising proposals to begin a national roll out of this programme this year in conjunction with the fourteen local and ten regional drug task forces.

Prison Equipment.

63. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform the timeframe for the roll out of mobile phone signal blocking equipment to all prisons; and if he will make a statement on the matter. [14158/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am committed to dealing with the problem of prisoners using mobile phones. On completion and evaluation of the pilot project to inhibit mobile phones in the Midlands and Portlaoise Prisons, the Irish Prison Service will proceed to install mobile phone inhibitors in all prisons.

The indication of the success of the pilot scheme in the Midlands continues to be positive, and if the early results from the pilot inhibition project are confirmed, inhibitors will be installed in all other closed prisons over an 18 to 24 month period.

Crime Levels.

64. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the number of burglaries recorded at each Garda station in County Wexford for 2007; the number of detections which resulted from these burglaries; and if he will make a statement on the matter. [14163/08]

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 Vetting Services.

65. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the steps he is taking to speed up the turn around time of Garda vetting checks in view of the

[Deputy Aengus Ó Snodaigh.]

fact that delays are resulting in loss of earnings for individuals who are prohibited from officially taking up their full positions of employment until such time as the vetting application is completed. [13992/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that all vetting application forms received by the Garda Central Vetting Unit (GCVU) are processed in sequential order from the date of receipt. The current, average turnaround time for the processing of correctly completed vetting application forms is approximately one month. Significant departures from the average processing time occur only when further, more detailed enquiries are required in specific instances.

In order to meet the increased demand arising since 2006 from the ongoing major expansion in the provision of its vetting service, the GCVU has been in receipt of very significant additional resources. In particular, the human resource allocation to the Unit has increased from 13 originally to its current level of more than 60, with new personnel joining the Unit in each of the first three months of this year. When all these personnel have completed their induction and training, it is anticipated that processing times will be further reduced.

Garda Management.

66. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform if he is satisfied with the rate of implementation of recommendations made by the Garda Inspectorate for Garda Reform, having regard to the fact that just one third of the reforms have been acted upon; and if he will make a statement on the matter. [14048/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am satisfied that significant progress is being made in implementation of the Garda Inspectorate's Recommendations. The first three reports of the Garda Inspectorate were as follows: report on the Senior Management Structure; review of Practices and Procedures for Barricade Incidents; and policing in Ireland, Looking Forward.

The reports covered a wide range of issues from senior management to the technicalities of managing barricade incidents and the development of ICT systems. Over 130 recommendations have been made. Bearing in mind the major programme of reform and modernisation underway in the Garda Síochána as well as the major civilianisation programme, I believe that the Commissioner has made commendable progress in implementing the Inspectorate's recommendations.

I note that when publishing the Inspectorate's report on the implementation of its recommendations the Chief Inspector, Kathleen O'Toole said: "Overall, the Inspectorate is very pleased that nearly all of its recommendations to date have been accepted and that substantial progress has been made in giving effect to them. The Inspectorate confirms that over one third of the 134 recommendations have been implemented. This is set to increase to more than eighty percent by October of this year."

Road Safety.

67. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the position in regard to the tender process for the provision of speed cameras; the proposed timetable for the installation of same; and if he will make a statement on the matter. [14077/08]

84. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform when the rollout of 6000 hours of speed camera enforcement will be delivered; the amount it

is estimated to cost; the reason the supposedly prohibitive estimated cost of the speed camera rollout was not taken into consideration before it was included in the Road Safety Strategy 2007 to 2012 in Autumn 2007; the further reason he did not allocate additional funding from his Department's budget for 2008 to the rollout of the speed camera programme; if he has requested additional funding from the Department of Finance for the national speed camera rollout; the number of speed camera hours currently in operation across the road network; and if he will make a statement on the matter. [9611/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 67 and 84 together.

A tender process for procuring an outsourced safety camera network is under way. During this process issues arose because it emerged that costs involved would be substantially higher than had been estimated when the matter was considered by Government previously, which necessitated a further examination of the matter by Government. The Government has confirmed that it will be proceeding with the outsourcing of a countrywide safety camera network and the financial resources necessary to do so will be provided. The tender process is at an advanced stage, and it is expected that contract negotiations with the preferred bidder will commence shortly.

As the tender process is not complete I am not in a position to indicate at this time the cost of the project nor was it possible to allocate an amount in the 2008 Estimates. I am informed by the Garda authorities that they currently operate a range of mobile speed detection equipment, including six Gatso vans (mobile units with on-board cameras, radar and computer system) throughout the State. There is also a number of fixed camera installation posts at various locations in the Dublin area and the Louth/Meath Division and cameras are rotated between these posts.

The financial resources allocated to traffic related duties increased from €3.7 million in 2007 to €11 million in this year's Estimates, in addition to the amount which will be allocated for the safety camera network. An Garda Síochána have been authorised to replace the GATSO systems currently operating with eight new state of the art mobile speed cameras. These will be operational not later than June. This will take place against the background of an increase in the Garda Traffic Corps of 170 this year and 225 last year, bringing the strength of the Corps to 1,200 by end of the year.

In addition, approval has also been given for the Gardaí to acquire an Automated Number Plate Recognition System for up to 100 Garda vehicles, which among many features, will have a speed detection capability. Gardaí will also continue to use over 400 hand held detection devices available to them.

Prisoner Escapes.

68. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the number of prisoners who have escaped or absconded from prisons here in each of the past ten years; the number who were serving sentences for serious crimes; if he is satisfied with the effort made to locate them; and if he will make a statement on the matter. [14056/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my answer to question 180 of 4 March, 2008. The position remains unchanged.

Question No. 69 answered with Question No. 55.

Prison Education Service.

70. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform the reason the CONNECT project was abolished; and if he will make a statement on the matter. [14136/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Director General of the Irish Prison Service that CONNECT was piloted with EU Integra Funding in the years prior to 2000 and was announced as part of the 2000 to 2006 National Development Plan. Expenditure under the programme consisted in the main, of staff salaries and materials for the work training area. CONNECT consisted of three strands: work training (including Special Projects; sentence management; and capital project.

CONNECT's original focus was on vocational orientation and training for prisoners, combined with job placement at the time of release. CONNECT in its structure was intended to permit other needs of prisoners (which may impact on their employability) to be addressed through the services available within prison. An internal Irish Prison Service review of CONNECT was carried out in 2002. The result of which was a decision to refocus the project to concentrate on the Work Training area. It was decided that the sentence management elements needed to be aligned more centrally within the prison system rather than residing in the work training area. This change in focus was subsequently agreed by the Regional Monitoring Committees that monitor the NDP during the Mid-term Review Process.

The refocus towards the provision of enhanced prevocational and vocational training in Irish prisons involved dedicated new staffing and funding for the expansion of work training in the prison system. The Work Training Service now comprises an authorised complement of over 250 posts — a major increase on the numbers engaged prior to the Agreement for Organisational Change of 158, resulting in new activities and workshops, and over €5 million has been spent in the last two years alone, on the ongoing workshop refurbishment and equipment replacement programme. New workshops and activities are also continuing to be developed at various institutions. Furthermore, a Quality Assurance System (QAS) is being introduced to underpin FETAC certification of a range of vocational and employability programmes and courses.

Currently we have over 90 workshops operating across the prison estate. The new prison development at Thornton Hall will provide extensive work training facilities, providing vocational skills to upwards of 700 prisoners each day. The learning from CONNECT, in respect of such other aspects as individual programme planning, and indeed from new interventions piloted in other initiatives such as the EQUAL project, a European Social Fund (ESF) programme, is being taken into account in the development and rollout of Integrated Sentence Management (ISM). ISM, which is being funded under the new National Development Plan, will provide for initial risk and needs assessments, individualised plans and targeted service delivery to prisoners. ISM will be delivered progressively over the lifetime of the NDP.

Garda Deployment.

71. **Deputy Charlie O'Connor** asked the Minister for Justice, Equality and Law Reform if he will take action to ensure a high visibility Garda presence on the streets of Tallaght, Dublin 24; and if he will make a statement on the matter. [11855/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the personnel strength of Tallaght Garda Station as at 31 March, 2008, the latest date for which figures are readily available, was 179.

An unprecedented increase in the strength of the Garda Síochána is continuing in line with the commitment in the Programme for Government, with an intake of approximately 1,100 recruits per annum. In addition, there is a significant expansion under way in the number of civilian staff being made available to the Commissioner.

Tallaght Garda District is patrolled by foot and mobile patrols from that Garda station, including uniform and detectives units, the Community Policing Unit, the District Drug Unit and the District Traffic Corps with a view to ensuring a concentrated and visible Garda presence in the area. There are also four Juvenile Liaison Officers allocated to the area. The Garda District personnel are supplemented, as required, by resources from the Divisional Crime Task Force and the Divisional Traffic Corps.

A Mountain Bike Unit is also based in Tallaght District, consisting of six bikes, which are actively used by members of the regular Garda units and the Community Policing Units.

The Community Policing Unit consists of 2 Sergeants and 22 Gardaí. These Gardaí liaise closely with communities through schools, businesses, churches, community centres and other community groups in the area. Members of the Community Policing Unit operate Garda clinics for one hour per week, in conjunction with the Anti-social Behaviour Unit of South Dublin County Council.

When necessary, and to support more serious investigations being conducted in the District, expert assistance is also available from National Units, including the Garda National Drugs Unit, the National Bureau of Criminal Investigation, the Garda Bureau of Fraud Investigation, the Criminal Assets Bureau, the Technical Bureau and the Operational Support Units, including the Garda Air Support, Mounted, Water and Dog Units.

I am informed that local Garda management constantly monitor criminal activity and crime levels within the District and Division and the allocation of personnel is kept under regular review to ensure the provision of a policing service in the area.

Current policing policy in the area is predicated on the prevention of crime, including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

State Airports.

72. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he discussed the extension of the US customs and border protection facility at Shannon Airport with the US President, Mr. George Bush in Washington recently; and if he will make a statement on the matter. [11905/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I did not discuss this issue during my recent Ministerial engagements in the US.

However, my Department has been and continues to be involved in the ongoing negotiations with the US authorities on the possible extension of US customs and border protection facilities at Shannon Airport.

Public Order Offences.

73. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform his views on the increase of almost 60% in the number of public order offences between 2003 and 2007;

[Deputy Joe Costello.]

the steps he is taking to reduce the number of such offences; and if he will make a statement on the matter. [14046/08]

591. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he has taken to prevent anti-social behaviour; the number of cases reported to the Gardaí since the introduction of the legislation; the number of prosecutions arising therefrom; and if he will make a statement on the matter. [14459/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 73 and 591 together.

It is the nature of many public order offences that they are only recorded and detected because of the presence of Gardaí. Accordingly, an increase in the number of such offences detected almost certainly signifies can signify increased Garda activity rather than any failure in Law enforcement.

Under the Garda Síochána Act 2005 it is open to me to set policing priorities for An Garda Síochána. One of the priorities I have set for 2008 is to combat, particularly in cooperation with other agencies and the community generally, the problems of public disorder. I specified that there should be particular emphasis on alcohol related behaviour (including under age drinking) and socially disadvantaged communities.

Strong provisions are already in place to combat anti-social behaviour. The Criminal Justice (Public Order) Act 1994 modernised the law in this regard. Furthermore, the Intoxicating Liquor Act 2003 contains provisions to deal with alcohol abuse and its effect on public order. In addition, the Criminal Justice (Public Order) Act 2003 provides the Garda with powers to deal with late night street violence and anti-social conduct attributable to excessive drinking.

Operation Encounter was commenced by the Commissioner in February 2002 to target public order and anti-social behaviour against the community and local businesses. The operation specifically targets offences contrary to the Criminal Justice (Public Order) Act 1996 and the Intoxicating Liquor Act 1988 which include the sale and consumption of alcohol by underage persons.

All members of An Garda Síochána proactively target public disorder and anti-social behaviour. Areas subject to such behaviour have been identified as 'hot-spots' by local Garda management and additional foot and mobile patrols are directed at these areas during times when these offences are more likely to occur. All such incidents detected by members on patrol or reported to An Garda Síochána are dealt with immediately and the suspected offenders are dealt with in accordance with the law. Almost 465,000 offences have been detected since the commencement of Operation Encounter.

The Government Alcohol Advisory Group, which I established at the beginning of the year, was tasked with examining key aspects of the law governing the sale and consumption of alcohol, including those directed towards combating excessive and under-age alcohol consumption. The Group presented their report to me on 31 March 2008. I intend to bring the contents of the report to the attention of Government in the very near future and, at the same time, to seek Government approval of proposals for the implementation of recommendations contained in the report. I intend to publish the relevant legislation during the current session and, with the assistance and cooperation of both Houses, to have it enacted before the Summer recess.

The Criminal Justice Act, 2006 enacted provisions to combat anti-social behaviour by adults and children. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. A significant number of behaviour warnings have been issued

under the legislation — 557 behaviour warnings to adults up to the end of March and 211 to children. There have also been seven formal good behaviour contracts, which are used only in the case of children, agreed.

In addition to the criminal law, there is a range of initiatives in place to get at the root causes of this type of behaviour. The Garda Juvenile Diversion Programme has proven to be highly successful in diverting young persons away from crime by offering guidance and support to juveniles and their families. Under the provisions of the Children Act, 2001 the Programme has a statutory basis.

Garda Youth Diversion Projects are community-based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved, or further involved, in anti-social or criminal behaviour. There are currently 100 projects operating throughout the country, and it is intended to establish a further 68 projects in the lifetime of this Government, bringing the total number of projects to 168 nationwide.

More broadly, a number of reforms have taken place in recent years to bring about a more effective youth justice system and these have been enshrined in legislation in the Children Act 2001, as amended. The Act is based on the principles of diversion from crime and anti-social behaviour, restorative justice, the expanded use of community-based sanctions and measures by the courts.

The Garda Síochána Act 2005 provides for the establishment of a joint policing committee in each local authority administrative area. The purpose of these committees is to provide a forum where members of a local authority and senior Garda officers, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area. There are currently 29 Committees in operation in a pilot phase to gain experience rolling the Committees out to all local authority areas in the State. In general the outcome to date has been positive, and the Committees are meeting definite local needs. Issues of public disorder are high on the agenda of the committees.

Following on from a consultation seminar last November, work is underway on revising the guidelines under which the committees operate in the light of the experience gained to date. Following consultation with my Ministerial colleagues, I intend to issue revised guidelines to enable the roll out of the committees to take place as soon as possible, which I envisage will be in the middle of this year.

Garda Deployment.

74. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the number of Gardaí currently operating as juvenile liaison officers; if he has plans to increase the number having regard to the success of schemes operated by JLOs; and if he will make a statement on the matter. [14057/08]

91. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform the number of juvenile liaison officers working here; his plans to expand the force; and if he will make a statement on the matter. [14151/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 74 and 91 together.

As of 31 March 2008, the number of Gardaí assigned to the Juvenile Liaison service (JLO) was 102. The Garda Commissioner has given a commitment to appoint an additional 21 JLOs by 2010.

[Deputy Brian Lenihan.]

The Garda Juvenile Diversion Programme has proven to be highly successful in diverting young persons away from crime by offering guidance and support to juveniles and their families. It also enables referral to the Garda Youth Diversion Projects which operate separately from the Programme and aim to divert young people away from crime and anti social behaviour. These Projects are community-based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved, or further involved, in anti-social or criminal behaviour. There are currently 100 of these type of projects operating throughout the country and this number will be extended to 168 in line with the commitment in the Agreed Programme for Government.

Garda Operations.

75. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform the action taken in regard to the report into the circumstances in which the Gardaí failed to act on information supplied through Interpol from the Austrian authorities in relation to the alleged involvement of people based here in a global child pornography ring; the reason the report will not be published; if he is satisfied that adequate procedures are in place to ensure that information supplied is dealt with in future; and if he will make a statement on the matter. [14067/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the Garda Chief Superintendent appointed to conduct an investigation into the matter concerned has submitted his report, which is internal to An Garda Síochána to the Garda Commissioner.

I am further informed that the report provides a comprehensive review of the actions taken by all parties in relation to the information supplied by the Austrian authorities through Interpol and makes a number of recommendations to ensure that such an occurrence does not happen in the future. These recommendations are being implemented by the Garda authorities.

Juvenile Offenders.

76. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform the number of juveniles who have been held in detention centres here for the years 2004, 2005, 2006 and 2007; and if he will make a statement on the matter. [14150/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Director General of the Irish Prison Service that the data below relate to those of 15 years and above but less than 18 years, the overwhelming majority of whom were detained in Saint Patrick’s Institution, a closed medium security place of detention for males aged 16 to 21 years of age.

Year	Persons Committed	Total Committals
2004	350	509
2005	280	389
2006	297	473
2007	260	393

It should be noted that the total number of committals per year is greater than persons, as a person may have been committed more than once during the year.

A snapshot of committals for the 15 to 18 year age group in 2006 gives the following breakdown:

Age	Female	Male	Total
15	1	2	3
16	4	129	133
17	12	149	161

Liquor Licensing Laws.

77. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he will introduce emergency legislation closing the current loophole whereby the licence to sell alcohol appears to be transferred from the licence holder to the delivery person in dial and drink situations contributing to underage drinking problems. [14029/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The law already provides for the matter referred to by the Deputy.

Under section 17(3) of the Intoxicating Liquor Act 2003, it is an offence for a licensee, with intent to evade the conditions of the licence, to take intoxicating liquor from the premises to which the licence refers for the purpose of its being sold on the account or for the benefit or profit of the licensee, or to permit any other person to do so. Sales of intoxicating liquor for which payment is received on delivery do not comply with these statutory provisions. The penalty on conviction for such an offence is a fine of up to €1,500 for a first offence and up to €2,000 for a second or subsequent offence.

Section 31 of the Intoxicating Liquor Act 1988 (as amended by the Intoxicating Liquor Acts of 2000 and 2003) makes provision for offences relating to the sale and delivery of intoxicating liquor to persons under the age of 18 years. It is an offence under section 31(2) for a licensee to sell or deliver, or to permit any other person to sell or deliver, intoxicating liquor for consumption by a person under the age of 18 years in any place except with the explicit consent of that person's parent or guardian in a private residence in which he or she is present either as of right or with permission. The penalty on conviction for such an offence is a fine of up to €1,270 for a first offence and up to €1,904 for a second or subsequent offence.

In addition, the Intoxicating Liquor Act 2000 provides for the mandatory temporary closure of licensed premises in cases where a licensee is convicted of an offence under section 31 of the 1988 Act (up to 7 days for a first offence, or at least 7 and not more than 30 days for a second or subsequent offence).

Garda Operations.

78. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform his further plans to expand the Garda diversion programme; and if he will make a statement on the matter. [14165/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Part 4 (Sections 17-51) of the Children Act 2001, as amended, provides the legislative framework for the Garda Diversion Programme. The Programme operates under the general superintendence and control of the Garda Commissioner. As the Deputy is aware, it is the responsibility of the Garda Commissioner to decide on the prioritisation and allocation of resources within the force. The Commissioner has indicated that, subject to operational demand, he will increase the resources

[Deputy Brian Lenihan.]

available to the Garda Juvenile Diversion Programme. As of 31 March 2008, the number of Juvenile Liaison Officer (JLO) positions was 102. The Garda Commissioner has given a commitment to appoint an additional 21 JLOs by 2010.

Operating separately to, but in tandem with the statutory Diversion Programme are the Garda Youth Diversion Projects, which are funded by my Department through the Irish Youth Justice Service. These projects are community-based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved, or further involved, in anti-social or criminal behaviour. There are currently 100 of these type of projects operating throughout the country and this number will be extended over the next few years to 168, in line with the commitment in the Agreed Programme for Government. Additional resources have been allocated to fund the expansion of these projects with funding set at €11.909 million for 2008 out of a total of €120 million allocated under the National Development Plan 2007-2013.

Residency Permits.

79. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application by a person (details supplied) in County Kildare for a stamp four or long term residency; the reason for the delay in this case; and if he will make a statement on the matter. [11857/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Long term residency was introduced by way of an administrative scheme in May 2004. The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

Time spent in the State on student conditions cannot be counted towards long term residency.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received on the 23 July 2007. I understand that applications received in August 2006 are currently being dealt with.

I understand that following the redeployment of resources within the Irish Naturalisation and Immigration Service, additional personnel have recently been assigned to deal with applications for long term residency. I am satisfied that these additional resources will make an impact in processing the backlog on hand and dealing with the ongoing increase in the number of applications being received.

Garda Divisions.

80. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the implications the establishment of a Garda division for Wexford, separate from Wicklow, will have in terms of manpower and resources; and if he will make a statement on the matter. [14162/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In accordance with section 22 of the Garda Síochána Act 2005, proposals in relation to changes to Garda Divisions

are a matter in the first instance for the Garda Commissioner in the context of the Annual Policing Plans. The Garda Síochána has committed in its Annual Policing Plan for 2008 to institute separate Divisions of Wicklow and Wexford.

I am informed by the Garda Authorities that the key benefits of this initiative for both Divisions of Wicklow and Wexford include greater efficiencies and effectiveness in facilitating the establishment and working of Joint Policing Committees in accordance with the provision of Section 22(1) of the Garda Síochána Act 2005. This will lead to reduced duplication of effort for both Garda management and the local authorities as the requirement to sit on more than one Joint Policing Committee will be removed. In addition, it will facilitate improved consultation between the Garda Síochána and elected representatives concerning matters such as public disorder and other anti-social behaviour.

The personnel and resources requirements for the two Divisions are being fully considered by the Garda authorities as part of the planning and management of the project.

Prison Building Programme.

81. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the position in regard to the proposed Thornton Hall prison plan; the latest estimate available to his Department of the expected cost, including the cost of the site, the provision of infrastructure and ancillary services; the cost of construction and fitting out of the prison; the costs incurred to date; the estimated date for the completion of the project; and if he will make a statement on the matter. [14054/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Negotiations are currently underway with a commercial consortium, which was selected following an E.U. tender procedure as the preferred tender for the design, construction, finance and maintenance of the proposed prison facilities at Thornton Hall, North County Dublin.

The project includes the construction of the prison facilities along with the ancillary infrastructure including services. The development consent procedure for the development is set out in Part 4 of the Prisons Act 2007. I am pleased to advise the House that the Notice of Development and Environmental Impact Assessment in respect of the project was published on Friday 29 February 2008. The closing date for receipt of observations or submissions in respect of the Environmental Impact Assessment was 11 April.

A copy of the Notice of Development has been lodged in the Oireachtas library. The publication of the Environmental Impact Assessment afforded all interested parties ample opportunity to make their views known and have them fully considered prior to a decision to proceed with the development.

It is intended, subject to the statutory planning phase and the successful conclusion of the contract negotiations, to commence construction later this year. It is envisaged that the development will take approximately three years to complete.

It is not, for commercial and procurement reasons, possible to provide details as to the likely costs of the construction and fit out costs. The disclosure of such information is, in any event, not allowed under Department of Finance PPP guidelines.

I can, however, confirm the following expenditure which has taken place to date on the project. The cost of the site acquisition was €29,900,000. An additional 8.7 acres has also been acquired to provide a dedicated access road to the main site. This was done following representations from the local community which reflected concern in relation to the effect of increased

[Deputy Brian Lenihan.]

traffic generated by the prison project. In addition to allaying these concerns, the new roadway will provide significant additional benefits both during the construction and operational phases of the project. The cost of this additional land was €1,305,000.

A total of €5,863,895.00 has been expended to date on preliminary site works including surveys, landscaping, security and maintenance of the property, studies such as archaeological, topographical, etc., and professional fees including legal and specialist technical advice.

Expenditure to date on the project has amounted to a total of €37,068,895.00 including site acquisition costs.

Garda Equipment.

82. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he has received a recommendation from the Garda Commissioner as to whether members of the Force should be supplied with pepper sprays to help fend off attacks; when he expects a decision will be made on this proposal; and if he will make a statement on the matter. [14047/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that a Working Group has been established to examine the use of incapacitant sprays. The Group is chaired by the Assistant Commissioner in charge of Crime and Security and is researching: the effectiveness of incapacitant spray; the medical implications involved; and the development of a policy for the use of such devices and its operational and training implications. The Working Group will report to the Commissioner on completion of this examination.

Garda Retirement Age.

83. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform if he has plans to raise the compulsory retirement age for senior Garda officers from its current level of 60; if he is satisfied that the compulsory retirement age is consistent with obligations under equality law and anti-discrimination measures; and if he will make a statement on the matter. [14080/08]

608. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the steps he will take to address the perceived discrimination that prevents members of An Garda Síochána from serving until the age of 65 as is the case for all other civil servants; and if he will make a statement on the matter. [14508/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 83 and 608 together.

I believe that the current compulsory retirement age of 60, which is now applicable to all ranks in An Garda Síochána, is fully consistent with the law on equality and anti-discrimination. I have no proposals to raise this age limit. Any proposals for change in the retirement age would have to be considered in light of the extremely favourable retirement package available to Gardaí generally.

Question No. 84 answered with Question No. 67.

Question No. 85 answered with Question No. 57.

Regulation of Legal Profession.

86. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform his proposals for the effective regulation of solicitors, having regard to the statement made to Dáil Éireann on 21 November 2007 that he was not satisfied with the system of self-regulation; and if he will make a statement on the matter. [14075/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Question No. 89 of 13 December 2007. I have nothing further to add to the details of that reply other than to say that the Legal Services Ombudsman Bill was published on 27 March 2008.

Garda Charter.

87. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform when he expects to introduce the Garda Charter, promised in the Programme for Government, setting out targeted Garda response times and levels of service which the public can expect; and if he will make a statement on the matter. [14078/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The policing priorities for 2008 which I set for An Garda Síochána include, “To increase the level of high visibility patrols, including through greater use of marked vehicles, linked to the development during 2008 of a Garda Charter which will set out targeted response times and levels of service, including frequency of high visibility patrols.”

This priority has been incorporated into the Annual Policing Plan for 2008 by the Garda Commissioner who has set a target for its development later this year.

Earlier this month I asked the Garda Inspectorate to examine the allocation of Garda resources and also to provide advice on the development of a Garda Charter as proposed in the Programme for Government and I look forward to receiving its advice.

An Garda Síochána has always been cognisant of its duty to provide a high quality service to the public. It has currently in place a Garda Customer Charter and a Declaration of Ethical and Professional Standards, and it is developing a Customer Relationship Model for all its customers.

I aim to build on the excellent record of An Garda Síochána in this regard through the development of a Charter which will ensure that Garda resources are targeted where they can have most effect and can respond rapidly and effectively to the needs of communities in all parts of the country.

Drug Seizures.

88. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the quantity and value of seizures of heroin, cocaine, cannabis, and other drugs here during 2007; the proportion of the overall flow of drugs into Ireland that is believed to be represented by these seizures; the new initiatives he is planning to control the flow of illegal drugs into Ireland; and if he will make a statement on the matter. [14053/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the following table provides details of the seizures made of the main categories of illegal drugs for 2007.

[Deputy Brian Lenihan.]

*Drug Seizures in 2007

Drug Type	Quantity	Street Value
		€
Heroin	125.2 Kgs	24,920,000
Cannabis Resin	1.7 Tonne	12,416,000
Cannabis Herb	1.76 Tonne	3,676,000
Ecstasy Tablets	360,279 tablets	3,602,000
*Cocaine	1.7 tonne	119,480,000
Amphetamine	64 kgs	1,010,000
Total		164,604,000

* These figures are provisional only.

Obviously, given the clandestine nature of this illegal activity it is extremely difficult to quantify with any degree of certainty the proportion of drug seizures made in this jurisdiction by our law enforcement authorities in relation to the overall volumes of drugs being trafficked. Any estimate is, therefore, speculative.

According to the United Nations Office for Drugs and Crime (UNODC), the global illicit drug trade is reputed to exceed billions of US\$ annually. That office estimated in 2005 that global seizures for that year accounted for 44% of cocaine production, 28% of cannabis resin, 25% of opium production, 7% of amphetamines and 4.7% of ecstasy.

As I am sure the Deputy appreciates, drug misuse remains one of the most complex social ills faced globally. Our drug law enforcement response is of course a vital feature of our overall response in addressing the issue but we cannot just look at the issue from a supply reduction perspective only.

Rather, we must examine the drugs problem in the wider context in which it takes place and take cognisance of the fact that the demand for and the use of illegal drugs is what fuels the drugs trade. The measures that we have in place to address the problem must take account of this.

The Government remains resolutely committed to tackling the problem through our current National Drugs Strategy 2001-2008.

The National Drugs Strategy addresses the problem under pillar headings of education and prevention, supply reduction, treatment and rehabilitation and research and is firmly founded on the principle that drug misuse needs to be addressed in an integrated manner across these headings through a co-operative approach involving the statutory, community and voluntary treatment sectors.

The Department of Community, Rural and Gaeltacht Affairs, under the stewardship of my colleague and Minister of State Mr. Pat Carey, T.D., is the lead Government Department in co-ordinating the implementation of the National Drugs Strategy and has recently begun the process of developing our new Strategy for the years 2009-2016.

This work will involve a wide-ranging consultative process, in which my Department will actively participate, which will fully inform the development of our new Strategy. This process will incorporate a comprehensive public consultation element which will include a series of 15 public meetings this year which will be held around the country between late April to early June.

My Department's remit in this area, while not exclusively, is primarily in the area of drug supply reduction, and drug law enforcement remains a key feature of the Government's drug policy framework.

An Garda Síochána invokes a number of broad strategic responses in addressing the issue. These include the following:

- Identifying, targeting and dismantling national and international drug trafficking networks which supply and distribute illegal drugs within this state.
- Conducting intelligence-driven operations focusing on all aspects of the illicit drugs trade including commodity, logistics, distribution and financing.
- Working with other national and international law enforcement agencies on joint actions designed to reduce the availability of drugs and the proceeds derived from the drugs trade.
- Working in partnership with statutory, community and voluntary groups to reduce both the supply and demand for drugs within society.

I am advised by the Garda authorities that in addition to the considerable volumes of drugs seized, a significant impact was made in 2007 by arresting and prosecuting a number of major players involved in drug trafficking through the importation, sale and distribution of drugs. A significant number of crime gangs involved in this type of criminal activity have been disrupted and dismantled.

This work is ongoing and An Garda Síochána will continue to pursue these strategies and continue to tackle organised crime and drug trafficking primarily through the use of specialist units and targeted intelligence led operations.

To further assist in our law enforcement efforts against drug trafficking, a number of new initiatives have been recently introduced.

Some examples of this includes the following:

- The establishment in January 2008 of the Organised Crime Unit on a permanent footing with full time staff assigned to it. The Unit now has a personnel strength of seventy and in conjunction with the Garda National Drugs Unit and local Gardaí, will continue to implement initiatives such as Operations Anvil and Oak which target criminals involved in the trafficking of drugs.
- The recently established Maritime Analysis and Operations Centre (Narcotics) MAOC(N) in Lisbon, of which Ireland is a founding member. The Centre has the specific objective of intercepting narcotic shipments, in particular cocaine, to the European Union from Latin America.
- A number of provisions introduced in the Criminal Justice Acts 2006 and 2007 have provided for further measures which will enhance the powers of the Gardaí in the investigation and prosecution of drug offences.

I can assure the Deputy that I will continue to keep the measures and resources for tackling all forms of drug trafficking under review. The enforcement of the law relating to drugs continues to be a key element in the Government's policing priorities and this is reflected in An Garda Síochána's Policing Plan for 2008.

Question No. 89 answered with Question No. 23.

Broadcasting of Court Proceedings.

90. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform his views on the proposal by the President of the Association of Garda Sergeants and Inspectors that television coverage of major criminal trials should be allowed; and if he will make a statement on the matter. [14044/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There are no statutory provisions dealing with the taking of photographs, television or video recordings in court. As pointed out by the Law Reform Commission in a Consultation Paper published in 1991 dealing with reform of the law in relation to contempt of court, in the absence of any such provisions, the matter appears to be one governed by the inherent jurisdiction of the court, that is, a matter for the presiding judge. In fact, in April 1995, RTE filmed the opening arguments in the Supreme Court hearing of *Re the Regulation of Information (Services Outside the State for the Termination of Pregnancies) Bill 1995*. I understand that this was the first time that a broadcasting company was permitted to film a court in this State in session.

For my part, while mindful of the issues raised by the Association of Garda Sergeants and Inspectors, I have no proposals to introduce legislation in the matter.

Question No. 91 answered with Question No. 74.

Pre-Nuptial Agreements.

92. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform if he plans to give legal recognition to pre-nuptial agreements; and if he will make a statement on the matter. [14156/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Questions No. 64 and 131 on 7 November 2007. The recommendations made in the Report of the Study Group on Pre-nuptial Agreements remain under review in my Department.

Sale of Alcohol.

93. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform when he will implement the commitment given in the Programme for Government to increase penalties under the Criminal Justice (Public Order) Act 1994 particularly for alcohol related disorder and increase the fines for supplying alcohol to persons under 18 from €1,500 to €5,000; and if he will make a statement on the matter. [14070/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy will be aware that as part of its remit, the Government Alcohol Advisory Group, chaired by Dr. Gordon Holmes, was asked to examine the use, adequacy and effectiveness of existing sanctions and penalties, particularly those directed towards combating excessive and under-age alcohol consumption. I am currently examining the Report of the Group and I hope to be in a position very shortly to make an announcement on the action to be taken on foot of its recommendations.

EU Directives.

94. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the interest groups with which he has consulted with regard to the implementation of Directive 2006/24/EC of the European Parliament and the Council on the retention of data; when he

expects these consultations to conclude; when he expects that his proposals will be finalised; and if he will make a statement on the matter. [14051/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have finalised my proposals to transpose Directive 2006/24/EC of the European Parliament and Council on the retention of telephony and internet data. A copy of the draft Statutory Instrument which will transpose the Directive is available on my Department's website.

In the course of the preparation of the draft, officials from my Department consulted with the Internet Service Providers Association of Ireland (ISPAI), the Alternative Operators in the Communications Market (ALTO) and the Telecommunications and Internet Federation (TIF). Between them, those Bodies represent almost all the telephony operators and internet service providers in Ireland. Further consultations with the ISPAI, ALTO and TIF to discuss the draft will now be arranged.

Proposed Legislation.

95. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he has proposals to reform the law on perjury; and if he will make a statement on the matter. [14001/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The offence of perjury is an offence at common law committed by any person who in a judicial proceeding gives false evidence of a material nature. The maximum penalty is imprisonment for seven years. The offence also exists in particular statutes such as the Civil Liability and Courts Act 2004 relating to personal injury actions.

Although there are no current plans to reform the law on perjury, the Deputy will be aware that the Criminal Law Codification Advisory Committee was established last year under Part 14 of the Criminal Justice Act 2006 to oversee the development of a programme for the codification of the criminal law.

While codification of the offence of perjury is not provided for in the Advisory Committee's First Programme of Work for 2008-2009, the offence will be examined by the Advisory Committee in due course.

EU Directives.

96. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance if he will expedite the implementation of the EU flood directive; the timetable for its implementation; and if he will make a statement on the matter. [14826/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): The EU Floods Directive came into force in November 2007.

It requires member States to bring into force laws, regulations and administrative provisions necessary to comply with it before 26th November 2009. The transposition of the Directive will be led by OPW.

The Directive requires that Preliminary Flood Risk Assessments be completed before 22nd December 2011, for each river basin or unit of management to provide an assessment of potential flood risks. The Preliminary Flood Risk Assessment is to be reviewed and if necessary updated by 22nd December 2018 and every six years thereafter.

It requires the preparation of Flood Hazard Maps and Flood Risk Maps by 22nd December 2013, in respect of those areas for which it is concluded in the Preliminary Flood Risk Assess-

[Deputy Noel Ahern.]

ment, that potential significant flood risks exist or might be considered likely to occur. The Flood Hazard and Flood Risk Maps are to be reviewed and if necessary updated by 22nd December 2019 and every six years thereafter.

The Directive further requires that Flood Risk Management Plans be prepared by 22nd December 2015 in respect of those areas for which it is concluded in the Preliminary Flood Risk Assessment, that potential significant flood risks exist or might be considered likely to occur. The Flood Risk Management Plans are to be reviewed and if necessary updated by 22nd December 2021 and every six years thereafter.

The Directive will be implemented by the OPW in cooperation with Local Authorities and other State bodies.

The requirements of the Directive align closely with the National Flood Risk Management strategy that was adopted in 2004. As part of this strategy, the OPW published on the internet in 2006 maps and records of actual flood events. Maps showing predicted flood extent areas will be produced as part of a programme of flood risk management studies initiated under the strategy. A pilot study that will produce a Flood Risk Management Plan for the Lee catchment is currently well advanced and similar studies are underway for the Suir and Dodder catchments.

Data necessary for the preliminary flood risk assessment required by the Directive is being acquired by OPW at present.

I am confident that these measures will be completed within the timescales set in the Directive.

Tax Code.

97. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Finance the action he is taking to ensure that defibrillators used by voluntary community groups for non-commercial purpose are exempt from VAT at 21%. [14585/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The position is that in matters relating to the VAT rating of goods and services, I am constrained by the requirements of EU VAT law with which Irish VAT law must comply. In this regard, I would point out that the rate of VAT that applies to a particular good or service depends on the nature of the good or service and not on the status of the consumer. In this case, there is no provision in EU law that would permit the removal or reduction of VAT based on the social or economic status of the consumer.

In relation to the VAT rate that applies to defibrillators, the position is that under the VAT Directive, Member States may retain the zero rates on goods and services which were in place on 1 January 1991, but cannot extend the zero rate to new goods and services. The zero VAT rate cannot therefore be applied to defibrillators which are subject to the standard rate.

In addition, Member States may only apply the reduced VAT rate to those goods and services which are listed under Annex III of the VAT Directive. While Annex III does include the supply of medical equipment for the exclusive personal use of a disabled person, it does not include defibrillators for general use. The reduced rate cannot be applied to the supply of defibrillators.

Therefore the only rate of VAT that can apply to the supply of defibrillators is the standard VAT rate which in Ireland is 21%.

98. **Deputy Brendan Howlin** asked the Tánaiste and Minister for Finance if his attention has been drawn to the fact that students enrolled in the graduate medicine programme at various universities in the State are required to contribute up to €12,000 per year from their own resources towards the annual tuition fee; if it is equitable that tax relief on tuition fees for such students is limited to outlay of €5,000 per year; if he will take steps to amend this unfair anomaly; and if he will make a statement on the matter. [14823/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I assume the Deputy is referring to the new graduate entry programme which has been introduced as part of the plan to increase the number of medical graduates overall and to expand opportunities for entry to medicine. The graduate entry programme provides undergraduate medical education of four years duration and it has been developed to produce medical graduates with the ability to successfully undertake an internship and thereafter to gain full registration with the Medical Council. The programme is supported by a combination of student fees, State funding and other income. Provision has been made for students from disadvantaged backgrounds participating in the programme through providing hardship funds and access to student loans.

While in this case the fees are high, in the majority of cases where third level tuition fees are payable they are at much lower levels. I would also point out that those participating in the programme must already have acquired an undergraduate degree, the fees for which would have been covered by the State in the vast majority of cases. Furthermore, the Government allocated €263 million towards student support for 2008, an increase of 9%. The largest component of this spending is maintenance grants. These provisions ensure that State support in this area is directed towards those who most need it. It should also be noted that in 2008 total current funding for third level education is almost €1.9 billion, while €190 million is being allocated towards third level capital funding.

As the Deputy may be aware, the level of tuition fees on which tax relief can be claimed was increased by 57%, from €3,175 to €5,000, as recently as Budget 2005. The question of any further increases would be a matter for consideration in the context of future Budgets.

Driving Tests.

99. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance the plans he has to facilitate the relocation of the driving test centre in Roscommon Town; and if he will make a statement on the matter. [14827/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): There are no plans to relocate the existing driving test centre in Roscommon Town. The centre will continue to operate from the State owned site at Circular Road, Roscommon.

Flood Relief.

100. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance the status of the application for removal of silt from the Shannon Cut to the National Parks and Wildlife Service; and if he will make a statement on the matter. [14828/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): The National Parks and Wildlife Service has asked the Office of Public Works for additional information in relation to the proposed removal of silt.

The OPW are considering the request.

101. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance when the Office of Public Works will commence a catchment flood risk assessment and management study of the River Shannon; and if he will make a statement on the matter. [14829/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): It is not possible to say at this point precisely when the Catchment Flood Risk Assessment and Management Study will be commenced.

A preliminary flood risk assessment [PFRA] will be required to be completed by 22nd December 2011 to comply with the provisions of the EU Floods Directive.

Flood Hazard and Flood Risk Maps will be required to be completed by 22nd December 2013 in respect of areas in the River Shannon basin where the PFRA identifies that significant flood risks exist or might be considered likely to occur. Flood Risk Management Plans will be required to be completed by 22nd December 2015 in respect of these areas.

A pilot study that will produce a Flood Risk Management Plan for the Lee catchment is currently well advanced and similar studies are underway for the Suir and Dodder catchments. Experience gained in the completion of these studies, especially the Lee study, will influence the specification for the River Shannon and other studies.

OPW is preparing an implementation schedule for all of the studies required to implement the National Flood Risk Management Strategy and the EU Floods Directive. It is expected that this will be completed later this year.

102. **Deputy Denis Naughten** asked the Tánaiste and Minister for Finance further to Parliamentary Question No. 168 of 12 February 2008, the position regarding the Office of Public Works application to the National Parks and Wildlife Service for consent to address flood risk at Clonlara; and if he will make a statement on the matter. [14830/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): The National Parks and Wildlife Service sought additional ecological data from the Office of Public Works in relation to the application for works at Clonlara. This data is currently being gathered and the OPW expect to respond to NPWS during May.

Tax Code.

103. **Deputy Joe Carey** asked the Tánaiste and Minister for Finance the number of employers that still use tax deduction cards; the measures he has put in place to facilitate these employers from 1 January 2009 when it is proposed to discontinue the issuing of TDCs; and if he will make a statement on the matter. [14847/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that in January 2008 when they issued tax credit details incorporating the Budget changes, a total of 449,000 individual Tax Deduction Cards (TDCs) were issued to Employers. This figure represents 17.5% of the total employments of 2.56m on record at that time.

In an attempt to identify the number of Employers using TDCs for their intended purpose, in 2007 the Commissioners conducted a survey of Employers in receipt of TDCs. The result of this survey revealed that over ninety percent of the Employers surveyed no longer used TDCs to operate the PAYE cumulative system and calculate the net pay of their employees. Instead, they used computerized payroll systems. It is clear therefore, that the requirement by employers for the use of paper TDCs has been greatly reduced.

In the context of an on-going review by Revenue of service delivery channels to ensure their continued relevance and effectiveness, including cost effectiveness, it is now proposed to discontinue the issue of TDCs to all employers with effect from 1st January 2009. (It should be noted that the issue of TDCs to new employers was discontinued in January 2006).

The Commissioners have decided to introduce the following options for Employers to replace the issue of paper TDCs from 1st January 2009.

- Continue to issue paper copies of employee Tax Credit Certificates (TCC) to Employers who are currently receiving TDCs. These certificates contain all the information required to enable an Employer to operate the PAYE system.
- Provide an electronic version of the existing TDC on their website www.revenue.ie later this year. This will allow an Employer to enter Employee details and automatically calculate the weekly/fortnightly/monthly deductions as they were previously shown on the TDC. This web based TDC can then be printed and used in the same way as the existing TDC.
- Employers can also opt to receive Tax Credit Certificates for their Employees through the Revenue On-Line Service (ROS). This is a fast, efficient and secure service through which in excess of 70% of Employee Tax credit Certificates are already delivered to Employers.

Revenue will continue to remind Employers that the issue of paper TDCs will be discontinued from 1st January 2009 and to inform them of the options they will have in relation to receiving pay and tax details for their Employees from that date. An Employer who is seeking further information or assistance on this matter should contact the Revenue Employers Helpline at 1890 25 45 65.

I am satisfied that the measures to be rolled out by Revenue to replace paper TDCs will ensure that no employer will be disadvantaged. I am further satisfied that the options being introduced represent an appropriate response to changing circumstances and will ensure that resources are deployed effectively while continuing to offer employers a choice of alternatives through a variety of different service channels.

104. **Deputy Jack Wall** asked the Tánaiste and Minister for Finance the taxes a property owner is required to pay when leasing property the applicant in the first instance used as their own home; and if he will make a statement on the matter. [14922/08]

105. **Deputy Jack Wall** asked the Tánaiste and Minister for Finance the tax benefits a property owner can claim against income obtained from the leasing of property that was formerly the person's home; the effects such leasing would have on a mortgage tax relief that the person obtained on their home; and if he will make a statement on the matter. [14923/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 104 and 105 together.

I am informed by the Revenue Commissioners that, where a property owner vacates his or her own home and leases the property, the rental income arising from such a letting is liable to income tax after allowing for the cost of maintenance, repairs, insurance and mortgage interest on borrowings to purchase, repair or improve the property. The property owner is also liable to PRSI and the Health Levy on the rental income. The letting of a property which was formerly a person's home will not result in a clawback of mortgage interest relief claimed once the property was the claimant's sole or main residence during the period of claim.

[Deputy Brian Cowen.]

Where a property owner does not vacate a property and continues to occupy it as his or her sole or main residence but lets a room or rooms in the property for residential purposes he or she may be entitled to avail of a relief known as rent-a-room relief. This applies where the gross income received from the letting does not exceed €10,000 per annum (previously €7,620 prior to 31 December 2007). Gross income for the purposes of the relief includes any amount received for meals, cleaning, laundry or other similar goods and services that are incidentally provided in connection with the residential use. Where the gross income received does not exceed the limit, the income is exempt from Income Tax, PRSI & the health levy. No deduction is allowed for any expenses that have been incurred in generating that income. Where the gross income received exceeds the limit, it is treated as rental income and is subject to income tax, PRSI and health levy in the normal way. The receipt of rent under the rent a room relief scheme does not affect an individual's entitlement to mortgage interest relief on his or her principal private residence.

I am also informed by the Revenue Commissioners that certain provisions of the Stamp Duties Consolidation Act 1999 provide for relief from stamp duty for first time purchasers of both newly built and second-hand houses and apartments and for other owner-occupiers who purchase newly built houses or apartments. However, this relief is subject to a clawback where a property is vacated by its owner and rental income received from its letting within a period of 2 years (previously 5 years prior to 5 December 2007) from the date of its purchase. However, a clawback of stamp duty relief would not occur where a property owner let a room or rooms in his or her property while at the same time remaining in occupation of the property himself or herself.

Finally, I am also informed by the Revenue Commissioners that tax relief can be claimed against rental income for capital expenditure incurred, on or after 6 April 2001 and before 31 July 2008, on the refurbishment of certain rented residential accommodation. However, as part of and in line with the phasing out of property incentive schemes generally, only 75% of expenditure incurred during 2007 and 50% of expenditure incurred in the period 1 January 2008 to 31 July 2008 qualifies for relief. The expenditure is allowed as a deduction over a 7-year period at the rate of 15% per annum for the first 6 years and 10% in year 7. To qualify, the premises must be used as a residential dwelling. From the date of completion of the refurbishment, the premises must be let in its entirety under a qualifying lease throughout a period of 10 years from the date of completion of the work or, if later, the date of the first letting. The lessor must comply with the regulations in relation to standards for rented houses, rent books and registration of rented houses. From 1 January 2006 entitlement to relief under this scheme is conditional on compliance with the registration requirements of Part 7 of the Residential Tenancies Act 2004.

Garda Stations.

106. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Finance when Portlaoise Garda Station which is out-dated and in a state of disrepair will be upgraded to an adequate standard. [13994/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Office of Public Works carries out works to Garda Stations at the behest of the Garda Authorities. At present there are no requests to undertake refurbishment works to Portlaoise Garda Station with the exception of remedial roof repairs which are due to take place this year.

In addition, negotiations are ongoing with the Health Service Executive with regard to the procurement by the Office of Public Works of a site of approximately 2 acres for the construc-

tion of a new Garda Station for Portlaoise. In the meantime, arrangements are being made for the provision of additional pre-fabricated accommodation units to the rear of the station.

Insurance Industry.

107. **Deputy Willie Penrose** asked the Tánaiste and Minister for Finance if his attention has been drawn to a newspaper advertisement (details supplied); the circumstances in which there might be a legitimate market in the purchase of second-hand life assurance policies; his function in enforcing the laws governing life assurance policies and the sale of assurance policies to persons who have no insurable interest in the life assured; if the advertisement in question will be the subject of investigation by his Department; and if he will make a statement on the matter. [14302/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I understand that the issue the Deputy is referring to relates to what is known as the secondary market for life insurance policies. I have been informed by the Financial Regulator that this market is minimal in Ireland, by comparison with the US and the UK, for example. The type of policy that is most likely to be sold on is a life assurance investment policy. This type of policy is intended to be held to maturity in order to maximise the value of the policy. However, some policyholders may, for a variety of reasons, wish to realise some level of value from their policies before maturity. In these cases, the policyholder may choose to sell the life policy, as the value might be greater than the surrender value at that time. As part of the sale process, the policy is typically assigned to the purchaser and the purchaser becomes the beneficiary. The purchaser can continue to pay any remaining premiums on the policy and hold the policy until maturity or earlier death of the policyholder and obtain the full value of the policy. The purchaser could also sell-on the policy at a profit.

The Financial Regulator has indicated that it does not consider the sale and advertisement of such policies to be inappropriate once the necessary authorisation is in place.

The Financial Regulator has advised that where relevant a purchasing company will be subject to either the Regulator's enforcement powers or the enforcement powers in the EU jurisdiction of authorisation. I have asked the Financial Regulator to look into the case referred to by the Deputy.

Tax Code.

108. **Deputy John Deasy** asked the Tánaiste and Minister for Finance if he has plans to remove the €10 charge which applies to debit cards for old age pensioners; and if he will make a statement on the matter. [13865/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Stamp Duty on cheques has existed for many years and when electronic means of money transfers were subsequently introduced, Stamp Duty was gradually extended to these products to ensure that the Stamp Duty from cheques was not eroded.

In Budget 2008, I introduced a 50% cut in the Stamp Duty on Debit cards, reducing the charge for €10 to €5. A similar cut was introduced for combined Debit and ATM cards, which reduced the charge from €20 to €10.

Stamp Duty on financial cards is a significant contributor to the Exchequer and is in accordance with the overall taxation policy of widening the tax base in order to keep direct tax rates generally low. Any possible changes to the existing arrangement are considered as part of the annual Budget process.

Golf Club Licensing.

109. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Finance if, under the auspices of the Office of Public Works, a club (details supplied) in County Laois, has been granted permission to engage in the activities of depositing animal droppings, dumping trees and branches, planting trees and constructing greens and tee boxes on lands outside of its licensed area of 137 acres. [13927/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Office of Public Works have not granted permission to The Heath Golf Club to engage in any activities outside of the area licensed to them for use as a golf course on the Great Heath of Maryborough.

Equal Opportunities Employment.

110. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the number or women forced to retire from the Civil Service on marriage pre-1973 and who were reinstated in the Civil Service as widows between January 2004 and June 2006. [13942/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): There are no cases of women forced to retire from the Civil Service on marriage pre-1973 and who were reinstated in the Civil Service as widows between January 2004 and June 2006.

Section 11 of the Civil Service Regulation Act, 1956, as amended by the Civil Service (Employment of Married Women) Act, 1973, provided for the reinstatement to their former positions of women who resigned from the Civil Service for marriage-related reasons and who fulfilled specific criteria.

The statutory provisions permitting such reinstatements were, however, challenged under the terms of the Employment Equality Act, 1977 by the Employment Equality Agency and were found by the Labour Court to be discriminatory and contrary to the principle of equal treatment. The Civil Service Regulation (Amendment) Act, 1996, repealed the statutory provisions and, consequently, the only avenue of re-entry to the Civil Service now open to former civil servants (regardless of gender or marital status) is to go through the normal recruitment route, i.e. they must be successful at a Public Appointments Service open competition, or such other competitions that may be run under licence by individual Civil Service Departments or Offices.

Tax Code.

111. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance his views on reports that possibly 40% of large land deals are the subject of substantial tax avoidance measures and that these measures may cost the Exchequer upwards of €250 million on an annual basis; if he plans to reconsider activation of section 110 of the Finance Act 2007; and if he will make a statement on the matter. [13947/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Section 110 of the Finance Act 2007 made provision for a charge to stamp duty where license agreements and other such arrangements are used when land is purchased for development without conveyance or transfer. The provision ensured that these arrangements will incur a Stamp Duty charge where a landowner receives a payment amounting to 25% or more of the market value or consideration concerned. Section 110 is subject to a commencement order on the basis that it would be prudent that the state of the housing and property market be considered before commencing the provision.

For this reason, I commissioned an independent study of the potential effects that such a provision may have on the market. The Deputy was recently given a copy of the report and it is also available for download on my Department's website at <http://www.finance.gov.ie/documents/publications/reports/2008/S110Report.pdf>.

The Report makes the point that there are no official data sources on the value of development land sales; therefore, it gives an indicative estimate of the total value of the development land market in 2006 at c. €7bn to €8bn. Based on an assumption that 40% of land transactions using these arrangements, the Report estimated a potential revenue gain in 2006 of c. €251m if the provisions had been in place at that time. However, this estimate is based on the historic levels of activity in 2006 and is not indicative of the revenue gain that would occur following commencement of the provisions. A more realistic figure for the revenue accruing from the provisions is in the order of €50m per annum.

Of particular importance is that the Report indicates that Section 110 would have led to a rise in land prices, with a knock-on increase in house prices, especially for first-time buyers, and possibly risked exacerbating the down-turn in the property market. In addition, the Report highlighted that Section 110 would also have raised the cost to the State of PPP projects because of increased land prices. The commencement of Section 110 of the Finance Act 2007 is kept under constant review and has to take into account circumstances in the housing and property markets.

Tax Yield.

112. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if, in view of the most recent Exchequer returns for the first quarter and the shortfall of these returns as against Budget 2008 projections, he will provide a revised estimate for the end of year outturn. [13958/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): At the end of March there was an Exchequer deficit of EUR354 million. For the year as a whole an exchequer deficit of EUR4,866 million was forecast in the budget. In looking at the performance of taxes, of particular note is the good performance of income tax, which is up 5 per cent compared to the same period last year. This is a good indication of the resilience of the Irish economy and reflects that the most important part of economic activity — employment — remains strong.

Overall tax receipts were EUR600 million, or 5.1 per cent 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 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.

Tax Code.

113. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if he will confirm that the Revenue Commissioners have decided that from 18 March 2008 penalties will no longer be applied when calculating tax liabilities for deceased persons and their estates. [13961/08]

114. **Deputy Michael Ring** asked the Tánaiste and Minister for Finance if, in view of the decision by the Revenue Commissioners not to charge penalties on the estates of deceased

[Deputy Michael Ring.]

non-compliant tax payers from 18 March 2008, he will request the Revenue Commissioners to repay such penalties imposed on estates processed prior to that date. [13962/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 113 and 114 together.

I am advised by the Revenue Commissioners that they have, with effect from 18 March 2008, implemented revised arrangements regarding the recovery of penalties in tax settlements involving deceased persons. Where the taxpayer dies before a settlement has been agreed with Revenue, Revenue will not seek recovery of any penalty element from the deceased's personal representatives (and will discontinue proceedings for recovery of such penalty if they have been initiated).

I am advised that settlements finalised before 18 March 2008 will not be reopened by Revenue. These negotiated settlements, made in good faith by both parties, will generally have involved unreserved letters of offer and acceptance and are considered to be binding.

I should point out that where a settlement that includes a penalty element has been agreed between Revenue and a deceased taxpayer prior to his/her death (or where a penalty has been awarded in proceedings finalised prior to the taxpayer's death), and that penalty remains unpaid or not fully paid as at the date of death, Revenue will continue to proceed against the personal representatives of the deceased for the recovery of that unpaid penalty. There is no change to existing Revenue practice in these particular circumstances.

115. **Deputy Michael McGrath** asked the Tánaiste and Minister for Finance when the accelerated capital allowances for certain energy efficient equipment set out in Section 46 of the Finance Act 2008 will take effect; and the person who will determine the list of eligible equipment. [14040/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): In Finance Act 2008, I introduced a new tax initiative to encourage the use of energy efficient equipment by companies for their business. This accelerated capital allowance incentive will allow companies to claim the full cost of specified energy efficient equipment against their profits in the year of purchase. Expenditure must be above a certain minimum amount for each class of technology covered by the scheme. The incentive will be confined to new energy efficient equipment purchased by companies and it will not apply to equipment that is leased, let or hired.

The incentive will come into effect by order when EU State-aid approval is obtained. The process of applying for State-aid approval from the EU Commission is currently being progressed by my Department and the Department of Communications, Energy and Natural Resources. While the approval issue is not entirely within our control, the aim is to expedite matters as soon as possible.

The energy efficiency criteria to be met by eligible equipment and the specified eligible products under the three classes of technology covered by the incentive (motors and drives, lighting and building energy management systems) will be published in a list established by order of the Minister for Communications, Energy and Natural Resources (with the approval of the Minister for Finance). The list will be maintained by Sustainable Energy Ireland. Issues relating to the criteria and the publication of the list of equipment eligible for the incentive are matters for my colleague, the Minister for Communications, Energy and Natural Resources.

Finally, I should make the point that the incentive will run for a period of 3 years from the date when the first order establishing the list of energy efficient equipment is made. Energy-efficient equipment purchased in the period between 31 January 2008 (including that date) and

the date of the first order will qualify under the scheme, provided the equipment purchased in that period is on the list established by that first order.

Flood Relief.

116. **Deputy Jim O’Keeffe** asked the Tánaiste and Minister for Finance if his attention has been drawn to the concerns regarding the operation of the sluice gates in the Ringabella embankment dam near Minane Bridge, County Cork which is the responsibility of the Office of Public Works; and if he will take steps to ensure that the infrastructure is upgraded at this stage. [14093/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): Cork County Council recently approached the Office of Public Works regarding the sluice gates referred to by the Deputy. The OPW have no responsibility for the maintenance of these structures and do not propose to carry out any works to them.

Consultancy Contracts.

117. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Finance the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14106/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The following table sets out the information the Deputy is seeking in respect of payments made to consultants by my Department.

Name	Purpose	Firm or Individual	Paid in 2007	Basis	Rate (P/D etc.)	Report	Has it been published?	When will it be published?
Hay Group (Ireland) Ltd.	Public Service Benchmarking Body (PSBB) surveys of public service and private sector companies	Firm	€ 206,956	Fixed Price	N/A	Yes (as input to the overall benchmarking report)	No	Not expected to be published.
Mercer Human Resource Consulting	PSBB surveys of public service and private sector companies	Firm	349,301	Fixed Price	N/A	Yes	No	Not expected to be published.
Hay Group (Ireland) Ltd.	Review of remuneration of CEO's of Commercial State Bodies.	Firm	47,795	Fixed Price	N/A	Yes	No	Not expected to be published.
Jenny Smyth & Associates	PSBB surveys of public service and private sector companies	Firm	104,863	Fixed Price	N/A	No	N/A	N/A
Hay Group (Ireland) Ltd.	Review Body on Higher Remuneration in the Public Sector. Evaluation of the jobs of senior posts in the Irish public service	Firm	190,249	Fixed Price	N/A	Yes (as input to the overall review report)	No	Not expected to be published.
Indecon International Economic Consultants	Review of Section 481 Film Relief	Firm	92,111	Fixed Price	N/A	Yes	Yes	N/A
Horwath Consulting Ireland Ltd.	Value for Money Review of Ordnance Survey Ireland.	Firm	19,150	Fixed Price	N/A	Yes	Yes	N/A
Goodbody Economic Consultants	Review of exemption from taxation of royalties or income derived from patents.	Firm	59,532	Fixed Price	N/A	Yes	Yes	N/A
PWC (Price Waterhouse Coopers)	Risk Evaluation PMG.	Firm	49,624	Fixed Price	N/A	Yes	No	Not expected to be published.
Goodbody Economic Consultants	Study on the potential effects of commencing Section 110 Finance Act 2007.	Firm	43,651	Fixed Price	N/A	Yes	Yes	N/A
Indecon International Economic Consultants	Update of review of scheme of tax relief for residential units associated with nursing homes.	Firm	42,592	Fixed Price	N/A	Yes	Yes	N/A
Nifast	Hazards and Risks Assessment.	Firm	22,750	Fixed Price	N/A	Yes	No	Not expected to be published.
Canavan and Byrne	Operational audits of Civil Service Crèches.	Firm	6,050	Fixed Price	N/A	Yes	No	Not expected to be published.
Safety Solutions	Health & Safety Audit.	Firm	2,420	Fixed Price	N/A	Yes	No	Not expected to be published.
Comamona Health & Safety Consultants	Workstation Health and Safety Review in Tullamore.	Firm	7,800	Fixed Price	N/A	Yes	No	Not expected to be published.
Acuvest Investment Advisors Ltd	Internal Advisor on Pensions	Firm	48,400	Fixed Price	N/A	No	N/A	N/A
Life Strategies Limited	Pensions study for PSBB and Review Body	Firm	87,726	Fixed Price	N/A	Yes	Yes	N/A

Name	Purpose	Firm or Individual	Paid in 2007 €	Basis	Rate (PID etc.)	Report	Has it been published?	When will it be published?
DLA Piper Rudnick	Internal Advisor role to the PSBB. Contract for the role as advisor during the deliberative phase of the work of the PSBB	Firm	€ 190,114	Per Diem rates	Payment of €96,188 was made in 2007 in respect work carried out in 2006 at a rate of €1,975 per day. Payment of €93,926 was also made in 2007 in respect of work carried out in 2007 at a rate of €2,250 per day. The total payment in 2007 was €190,114.	No	N/A	N/A
Ernst & Young	Economics study of CSO National Employment Survey 2003	Firm	56,567	Fixed Price	N/A	Yes	Yes	N/A
The Reward Partnership	Parallel Partnership N/A Examination of pay of craft workers in the Health and Local Authority sectors	Firm	151,554	Fixed Price	N/A	Yes	No	Not expected to be published.

The following table sets out the information the Deputy is seeking in respect of payments made to consultants by the Office of the Revenue Commissioners.

Name	Purpose	Firm or Individual	Paid in 2007	Basis	Rate (P/D etc.)	Report	Has it been published?	When will it be published?
2020 Vision Design Group	Design Work	Firm	€ 998	Variable	€100 per hour	No	N/A	N/A
Achilles Procurement Services Ltd	Procurement advice in respect of the outsourcing of the New State Warehouse	Firm	5,731	Variable	€220 per hour	No	N/A	N/A
Actons Solicitors	Professional Fee	Firm	372	Fixed	N/A	No	N/A	N/A
Alchemy Films PTY LTD	Advice on Film Relief	Firm	5,808	Variable	N/A	No	N/A	N/A
Arthur Nowlan	Valuation of seized goods	Individual	3,199	Variable	N/A	No	N/A	N/A
Ballycotton Marine Services	Customs vessel	Individual	4,091	Annual Agreement	€726 per day	No	N/A	N/A
Bearing Point Ltd.	HRMS Managed Services	Firm	239,359	Fixed	N/A	No	N/A	N/A
Bennis Design	Design Service	Firm	7,611	Variable	N/A	No	N/A	N/A
Bull Info systems	Services in relation to the Revenue- Risk Evaluation Analysis and Profiling (REAP)- System	Firm	18,072	Fixed	€1,250 per day	No	n/a	n/a
C. Moore and Associates Ltd	Independent Quality Assessment of VFM Review	Individual	2,677	Fixed	€1,070 per day	Yes	Yes	N/A
Carisle Advisory Services	Research	Firm	2,420	Variable	N/A	Yes	No	Not expected to be published
Catalysto Ltd.	Design features re Employers Guide to PAYE.	Firm	3,896	Variable	N/A	No	N/A	N/A
Ciaran Feighery	Affidavits signed by solicitor	Firm	150	Fixed	N/A	No	N/A	N/A
Copper Reed Studio Ltd.	Form Design	Firm	483	Fixed	N/A	No	N/A	N/A
Costello Commercial	Report & Valuation of various properties	Firm	14,520	Variable	N/A	Yes	No	Not expected to be published
Costello Commercial	Valuation of properties	Firm	5,808	Fixed	N/A	No	N/A	N/A
Creative A.D.	Desk Top Publishing Design	Firm	2,305	Fixed	N/A	No	N/A	N/A
De Veres	Valuation of Heritage Objects	Firm	605	Variable	N/A	No	N/A	N/A
De Burca rare Books	Valuation of Heritage Objects	Firm	5,445	Variable	N/A	No	N/A	N/A

Name	Purpose	Firm or Individual	Paid in 2007	Basis	Rate (P/D etc.)	Report	Has it been published?	When will it be published?
Deloitte	VFM Review of IT External Resources Expenditure in 2006	Team of Deloitte Consultants	€ 118,580	Fixed	N/A	To assist in the production of a report	Yes	N/A
Enterprise Ireland	To give advice/prepare reports relating to customs classification of certain products(IT/Electronic etc)	Firm	2,360	Variable	€78 per hour	Yes	No	Not expected to be published
Frontend.com	Review of Revenue's website and advice re redesign strategy	Firm	23,450	Fixed	N/A	Yes	No	Not expected to be published
Gerard O'Leary	Valuation of motor vehicles	Individual	8,205	Fixed	N/A	No	N/A	N/A
Interactive Innovation	Advice on R&D credit	Firm	3,630	Variable	€1,000 per day	No	N/A	N/A
IQ Content Limited	Advice on ROS (Revenue on-Line Service)	Firm	14,641	Fixed	N/A	Yes	No	Not expected to be published
James Nash	Document analysis	Individual	847	Fixed	N/A	Yes	No	Not expected to be published
Mealys	Valuation of Heritage Objects	Firm	5,082	Variable	N/A	No	N/A	N/A
Mr. Gerry McMahon	Valuation of Heritage Objects	Individual	7,098	Hourly rate	€78 per hour	Yes	No	Not expected to be Published
Ms Niamh Brodie	Valuation of shares in private companies	Individual	16,500	Variable	€300 per hour	Yes	No	Not expected to be published
Ms. Marie Armah-Kwantreng t/a Devlin Editing	Typesetting and editing of non-statutory consolidation of Customs legislation	Individual	9,638	Variable	Variable, depending on typesetting editing output	No	N/A	N/A
PCS Consultancy	HR Advice	Firm	726	Fixed	N/A	Yes	No	Not expected to be published
Polaris HR	HR Consultation	Firm	13,315	Variable	€190 per hour and where relevant, €120 per day subsistence, plus travel expenses	Yes	No	Not expected to be published
UCD	Advice on R&D credit	Firm	7,260	Variable	€1,000 per day	No	N/A	N/A
Whyte & Son Auctioneers	Valuation of Heritage Objects	Firm	726	Variable	N/A	No	N/A	N/A

[Deputy Brian Cowen.]

In relation to the Office of Public Works, the Valuation Office, the State Laboratory, the Public Appointments Service, the Commission for Public Service Appointments and the Office of the Ombudsman, my Department has asked those offices to communicate the required information to me and I will forward it to the Deputy shortly.

Departmental Properties.

118. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Finance if he will provide this Deputy with more information as to the amount of rental default in relation to a centre (details supplied) in Dublin 5; and if he will make a statement on the matter. [14232/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): Northside Civic Centre is mainly occupied by Community Groups and front-line delivery units of Government Departments. When the centre was being constructed, OPW gave an indication to the relevant prospective tenants of the level of rent which might be envisaged in respect of the accommodation to be occupied by them. Shortly after they took up occupation many of the tenants, who were previously unaware of the level of service charges which would be payable in addition to the rent indicated, made representations for a reduction to rent. In addition to the issue of service charges OPW is also cognisant that the determination of an appropriate rent may be also influenced by the fact that other branches of a number of the Bodies housed in the Centre occupy premises elsewhere on a peppercorn rent.

Unfortunately, because the transfer of the site from Dublin City Council to OPW has yet to be finalised it is not possible at this point to formalise occupancy details, including rent, with the tenants. Once the title issue has been finalised the question of rent levels can then be formally addressed. However, based on the indicative figure given to the tenants prior to occupancy the amount of rental default would be in the region of €500,000.

Tax Code.

119. **Deputy Seán Fleming** asked the Tánaiste and Minister for Finance the situation regarding the new arrangements introduced in the Finance Act 2008 that allow senior citizens operate deposit interest retention tax free bank accounts; if this arrangement extends to joint accounts in the names of two elderly people both of whom are over 70 years; and if he will make a statement on the matter. [14262/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Finance Act 2007 introduced a new scheme that allows senior citizens to operate DIRT-free accounts. The scheme is available to individuals or their spouses who are aged 65 years of age, or over whose total annual income is no more than the relevant income tax exemption limit — for 2008 this is €20,000 for a single or widowed person and €40,000 for a married couple.

A joint account only qualifies under the scheme where the account holders are husband and wife. In this regard, the husband and wife must sign the declaration form in respect of that account. In the case of a joint account held by individuals who are not husband and wife, there is no provision that allows for the operation of a DIRT free account. In this situation, the previous provisions still apply in that each individual can claim a repayment of the relevant DIRT by submitting a claim form, with the appropriate certificates of interest received, to the Revenue Commissioners.

EU Directives.

120. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Finance when he last

received a review on the operation of the deposit protection account maintained by the Central Bank for the purposes of the European Communities (Deposit Guarantee Schemes) Regulations 1995, S.I. No. 168 of 1995; the recommendations made as to its operation; if he is satisfied that the amount in the account is sufficient to meet potential liabilities; if he is considering changes to the level of contribution required from each credit institution at 0.2 % of deposits, the maximum 90% compensation limit or the maximum €20,000 compensation limit or any of these; and if he will make a statement on the matter. [14265/08]

121. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Finance if the European Commission has discussed with his Department its view set out in a communication to the European Parliament (details supplied) that Directive 94/19/EC on deposit guarantee schemes requires that, if a member state decides that depositors should bear a certain percentage of losses themselves in the event their deposits become unavailable and therefore introduces a deposit protection scheme which imposes a limit on compensation equivalent to 90% of deposits, then the maximum compensation limit in that scheme must be set at €22,222; his views on the Commission's interpretation of the directive; the implications for the European Communities (Deposit Guarantee Schemes) Regulations 1995, S.I. No. 168 of 1995, which impose both a 90% limit and a maximum compensation limit of €20,000; and if he will make a statement on the matter. [14266/08]

122. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Finance his response to the views of the president of the European Central Bank that deposit protection schemes that only partially cover smaller deposits will increase the risk of future bank runs and should be phased out; if, as a result he proposes changes to the European Communities (Deposit Guarantee Schemes) Regulations 1995, S.I. No. 168 of 1995, which impose both a 90% limit and a maximum compensation limit of €20,000; and if he will make a statement on the matter. [14267/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos. 120 to 122, inclusive, together.

The issue of Deposit Guarantee Schemes (DGS) has received extensive consideration and examination over recent times at EU level. The Commission carried out a first review in 2006 of the Deposit Guarantee Schemes Directive (Directive 94/19/EC). The subsequent Commission Communication on that review acknowledged that Member States had different approaches to deposit guarantee schemes reflecting distinct national circumstances and concluded that there was no consensus about what an ideal scheme would look like. The Commission proposed to focus on non-legislative actions in the short term while more fundamental issues would be postponed, in particular the coverage level, the scope and the funding arrangements.

In the wake of dislocation in global financial markets from mid-2007 onwards, the Ecofin Council of 9 October 2007 requested the Commission and the EU Financial Services Committee (FSC) to consider possible enhancements of the EU deposit guarantee scheme and to report back to the Council by mid-2008. Since then, discussions on DGS have taken place in the FSC, the EU Economic and Finance Committee (EFC) and at Ecofin. These discussions are ongoing and acknowledge the crucial role that DGS can play in maintaining confidence in the banking system. They also recognise that DGS are but one of the elements of the financial safety net. Views expressed by the ECB will be taken into account in the EU review.

Ireland is participating in the EU review of DGS launched by EU Finance Ministers last October. On the basis of the outcome of the EU review, I will, of course, consider any specific

[Deputy Brian Cowen.]

changes required in the Irish DGS to ensure that savers in Ireland benefit from safeguards in line with EU best practice.

The Irish DGS is based on a mix of *ex ante* and *ex post* funding mechanisms. As the Deputy indicated in his question, under the Irish DGS there is a levy of 0.2% on deposits, which has so far yielded a fund of some €450 million.

I would remind the Deputy that, as I have mentioned in response to previous similar questions, the first and most robust line of defence for depositors must be a well-managed system of prudential regulation and supervision so as to try to minimise the risk that a DGS needs to be activated. Recent assessments by bodies such as the IMF have confirmed that the Irish regime for financial regulation complies with best international practice.

Ireland has implemented Article 7(4) of the Deposit Guarantee Directive, in the manner described in footnote 7 on page 5 of the European Commission's Communication cited by the Deputy. The Irish Deposit Protection Scheme guarantees 90% of deposits up to a limit of €22,222, which means the maximum possible payout is €20,000. The Irish DGS is maintained by the Central Bank and Financial Services Authority of Ireland.

Customs Service.

123. **Deputy John O'Mahony** asked the Tánaiste and Minister for Finance the number of patrol boats available to the customs authorities for patrolling the Irish coastline; the reason for the withdrawal of the patrol boat from duties along the west coast; and if he will make a statement on the matter. [14528/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that, in addition to the assistance provided by the Naval Service, they have a 23 metre cutter, the RCC Suirbhéir, with full sea-going capability. This vessel is used to patrol the Irish coastline and is also used in targeted operations where it operates in conjunction with shore-based resources. The cutter has not been withdrawn from duties along the west coast. During 2007, it carried out 7 patrols on the West Coast of Ireland involving 28 patrol days. These included two operations that led to recoveries of cannabis from the seabed in an area west of Galway Bay.

Revenue has recently signed a contract for the purchase of a second cutter and expects to take delivery in September 2009.

124. **Deputy John O'Mahony** asked the Tánaiste and Minister for Finance the number of sniffer dogs available to the customs authorities at the western seaboard ports and Carrickfin, Sligo, Ireland West and Galway Airports; and if he will make a statement on the matter. [14529/08]

125. **Deputy John O'Mahony** asked the Tánaiste and Minister for Finance the number of vessels boarded and searched with sniffer dogs at western seaboard ports for 2006 and 2007; the names of the ports in question; and if he will make a statement on the matter. [14530/08]

126. **Deputy John O'Mahony** asked the Tánaiste and Minister for Finance the number and value of drug seizures made at Carrickfin, Sligo, Ireland West and Galway Airports and ports along the western seaboard in 2006 and 2007; and if he will make a statement on the matter. [14531/08]

127. **Deputy John O'Mahony** asked the Tánaiste and Minister for Finance the number of customs staff employed at the various ports along the western seaboard; and if he will make a statement on the matter. [14532/08]

128. **Deputy John O'Mahony** asked the Tánaiste and Minister for Finance the number of hours and dates that the customs staff were on duty at the Carrickfin, Sligo, Ireland West and Galway Airports; and if he will make a statement on the matter. [14533/08]

129. **Deputy John O'Mahony** asked the Tánaiste and Minister for Finance the number of customs staff employed at Carrickfin, Sligo, Ireland West and Galway Airports; and if he will make a statement on the matter. [14534/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I propose to take Questions Nos.124 to 129, inclusive, together.

I am advised by the Revenue Commissioners that there is a full time dog detector unit based in Sligo which covers the areas mentioned. Dog detector units are also located in Shannon and Dublin which can be called upon if required. The Commissioners are satisfied that the dog detector unit located in Sligo is sufficient to meet current demands. During 2006 and 2007, a drug detector dog was used on a number of occasions to assist in the search of vessels for drugs. It is not the policy of the Revenue Commissioners to publish details of the usage of sniffer dogs as this could prejudice current or future operations.

In 2006, eight seizures (value €233) were made at Ireland West Airport Knock. In 2007, eight seizures were made at Ireland West Airport Knock (value €291) and one seizure at Galway (value €36). No seizures took place at Galway Airport in 2006 and none at Carrickfin or Sligo Airports in 2006 or 2007. No seizures took place in the ports along the Western seaboard during 2006 or 2007. During 2007, 362 kgs of Cannabis was recovered from the seaboard off the west coast by a number of fishing trawlers. The drugs were seized by the Revenue Customs Service and intensive enquiries were carried out nationally and internationally into the source of the cannabis.

One Officer is employed full time in Killybegs Port. Shipping duties in Galway and Sligo Ports are covered, as required, by local Officers based at Galway and Sligo. Other coverage of ports along the western seaboard is provided by mobile Revenue Customs Officers on a risk analysis basis. The Revenue Customs cutter patrols the Western seaboard from time to time and where there is a significant maritime threat, the Customs Service receives invaluable assistance from the Naval Service and the Air Corps. Assistance is also received from foreign Customs. Revenue is actively promoting the Customs Drugs Watch programme in the coastal area.

For the first three months of 2008, Customs Officers carried out a total of 34 visits to the airports at Carrickfin, Sligo, Ireland West and Galway. The total staff hours spent on these visits was 446 hours. It is not the policy of the Revenue Commissioners to publish details of the dates and times of enforcement activities as this could prejudice current or future operations. A number of new flights are due to start shortly and existing flights are due to increase under summer schedules. Enforcement visits will increase accordingly.

Customs Officers are not permanently based at Carrickfin, Sligo, Ireland West or Galway airports. Customs controls at such aerodromes are risk-based and are carried out by mobile Revenue Customs Officers. Attendance by these Officers is selective and targeted and is based on analysis and evaluation of national and international seizure trends, traffic frequency, routes and other risk indicators. Attendance can also be as a result of specific intelligence. Flights with origins and destinations with a high-risk rating attract particular interest. These attend-

[Deputy Brian Cowen.]

ances cover the full range of flight times and are kept under constant review in particular to take account of emerging smuggling trends and any traffic increases at these airfields.

In addition to drugs enforcement work, other duties are undertaken by officers in attending airfields/aerodromes, including controls against the smuggling of excise products, the clearance of aircraft and passengers arriving from third countries, spot checks on EU flights and checks on private aircraft to ensure compliance with import procedures.

It is important to note, by way of context, that the operating environment for Customs has been shaped to a significant degree by the introduction of the Internal Market and the related principles of freedom of movement within the EU. Of specific relevance are the abolition of routine and systematic Customs checks on goods and passengers moving within any part of the EU and the elimination of Customs controls on the baggage of intra-Community passengers other than for anti-smuggling checks. This is particularly relevant in the case of these aerodromes where passenger traffic is predominantly intra-Community. In this context, Revenue's approach has, of necessity, been to balance the freedom of movement principle in regard to people and goods with the need to control smuggling and enforce prohibitions and restrictions.

The Revenue Commissioners assure me that, having regard to the context set out above, they are satisfied that their risk based approach remains valid and their operations are on a par with, and may even exceed, those of many other EU Member States. The risk rating for all of the airports mentioned is due for review by 30 June 2008 and any change in the risks will be addressed. I am also assured by the Revenue Commissioners of their strong ongoing commitment to playing their part in combating smuggling and criminal activity, as reiterated in their recently published statement of strategy.

Garda Stations.

130. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Finance if a decision has been taken to rescind the offer of a site and buildings of the old Garda station in Ashford to the local community; the basis for this decision; and if he will make a statement on the matter. [14567/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Office of Public Works has been advised by An Garda Síochána that Ashford Garda Station remains a requirement and therefore consideration cannot be given to the disposal of this State owned property.

Tax Code.

131. **Deputy Billy Timmins** asked the Tánaiste and Minister for Finance the position in regard to the case of a person (details supplied); if there are exceptions for people in this position; and if he will make a statement on the matter. [14577/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that for the purposes of both Gift and Inheritance Tax, the relationship between the person who provided the gift or inheritance (i.e. the disponer) and the person who received the gift or inheritance (i.e. the beneficiary), determines the maximum tax-free threshold — known as the “Group threshold”. Three Group thresholds were introduced on 1 December 1999, based on the relationship of the beneficiary to the disponer, and these Group thresholds are indexed annually by reference to the Consumer Price Index. The indexed Group threshold applying to a gift or inheritance received by a person from their brother is the Group B threshold and this Group B threshold is €52,121 for 2008.

Any other gifts and inheritances that might have been received by the beneficiary from within the same Group B threshold (i.e. from brothers, sisters, uncles, aunts or grandparents) since 5 December 1991 will also be taken into account when applying the threshold for the purposes of calculating tax due on any inheritance/gift from a person within that threshold. If the total value of all gifts and inheritances received by the beneficiary since this date from within the same Group does not exceed the Group threshold, no Gift or Inheritance Tax will apply. If the Group threshold figure is exceeded, then a 20% rate of tax will apply only on the excess over the threshold figure.

In the case in question, if the beneficiary did not receive any gifts and inheritances since 5 December 1991 from within Group B threshold (i.e. brothers, sisters etc.) then inheritance tax at the rate of 20% will apply on €97,879 on the market value of the home of €150,000 less the tax-free Group B threshold of €52,121 for 2008. If, however, the beneficiary did receive gifts/inheritances since 5 December 1991, their value will have to be taken into account and the tax free Group threshold will be reduced accordingly. The legislation provides for payment of any tax due on an inheritance/gift in 5 equal yearly instalments, it also provides for situations of hardship or illiquidity and such instances may be dealt with by postponement of payment in certain cases.

Apart from the tax-free Group threshold available to a beneficiary, the Capital Acquisitions Tax code (Gift and Inheritance Tax) exempts certain gifts and inheritances completely from tax and also contains relieving provisions. For example, a gift or inheritance of a dwelling-house is exempt from gift or inheritance tax in certain circumstances. If a beneficiary receives an inheritance of a dwelling-house, the inheritance of that house will be exempt from inheritance tax if the beneficiary has resided in the house for a minimum of 3 years prior to the inheritance and if the beneficiary has no interest in any other dwelling-house. This exemption ensures that what may be the family home for many people will not be the subject of any gift or inheritance tax when it is the subject of a gift or inheritance. Given that the overall position in relation to inheritances can be complicated, it would be advisable for the individual in this case to contact his local office of the Revenue Commissioners so that his position can be fully considered.

Departmental Staff.

132. **Deputy James Bannon** asked the Tánaiste and Minister for Finance if rules and regulations with regard to further study for staff in Civil Service positions, particularly in regard to payment of fees and study leave are common to all Departments, or if regulations that are applicable to an individual Department only, which would not allow for potential movement to a different section, or the future need for particular knowledge or skills, are permitted; and if he will make a statement on the matter. [14665/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The general instructions covering refund of fees, study leave and examination leave for civil servants are set out in Circular 23/07.

The circular sets out the arrangements to facilitate Departments/Offices in building appropriate skill and expertise levels and in supporting officers' efforts in the area of self-development and life-long learning. The support provided for further study is directed at enhancing workplace performance in the Civil Service and assisting officers to achieve improvements in the efficiency and effectiveness of public service delivery.

Consistent with Civil Service strategic management objectives, the approach of the circular is to maximise the discretion available to Departments/Offices in addressing post-entry education matters in ways that are most relevant to their own areas of responsibility. In using

[Deputy Brian Cowen.]

this discretion, the overall goal of Departments/Offices should be to provide as much support as possible for relevant staff education and development, subject to the general conditions governing the refund of fees, study leave and examination leave set out in this circular.

A copy of the circular is available on www.personnelcode.gov.ie as is the Staff Information Booklet — Terms and Conditions of Employment in the Irish Civil Service.

National Monuments.

133. **Deputy Damien English** asked the Tánaiste and Minister for Finance if his attention has been drawn to the fact that a monument commemorating 1798 has been removed from the Hill of Tara in County Meath; if this monument will be replaced by the Office of Public Works; and if he will make a statement on the matter. [14721/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Office of Public Works has no knowledge of a monument commemorating 1798 being removed from lands managed by the Office of Public Works at the Hill of Tara, Co. Meath.

Research Funding.

134. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she has received and studied the recent submission from an organisation (details supplied) with particular reference to the identification of the most urgently required provisions in term of facilities or funding; the extent to which she expects to meet such requirements in 2008; and if she will make a statement on the matter. [14713/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I met with representatives of Muscular Dystrophy Ireland in October 2007 and discussed the issue raised by the Deputy. I subsequently wrote to Mr. Joe Mooney, Director of Muscular Dystrophy Ireland on 7 February 2008 outlining the position in relation to funding research trials into Duchenne Muscular Dystrophy in the United Kingdom. There is no mechanism or budget for Government funding of U.K. health research.

135. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if, arising from the recent submission submitted to her Department by an organisation (details supplied), she has examined the extent to which these deserving needs can be met in the short or medium term; her proposals to meet such requests in the near future; and if she will make a statement on the matter. [14714/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I met with representatives of Muscular Dystrophy Ireland in October 2007 and discussed the issue raised by the Deputy. I subsequently wrote to Mr. Joe Mooney, Director of Muscular Dystrophy Ireland on 7 February 2008 outlining the position in relation to funding research trials into Duchenne Muscular Dystrophy in the United Kingdom. There is no mechanism or budget for Government funding of U.K. health research.

Community Pharmacy Services.

136. **Deputy Michael McGrath** asked the Minister for Health and Children if the Health Service Executive's decision to reduce the reimbursement rates paid to pharmacists from 1 March 2008 under the community drugs schemes represents a breach of the existing contract between the HSE and pharmacists; and if she will make a statement on the matter. [14813/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (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 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 interests of patient care and safety, it has no option but to require pharmacists 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 patients who may be affected by the actions of individual pharmacists.

Health Service Expenditure.

137. **Deputy Damien English** asked the Minister for Health and Children if, in regard to Parliamentary Questions Nos. 318 and 319 of 5 February 2008, she will instruct the Health Service Executive to issue a final reply to same; the reason for the prolonged delay in their response; and if she will make a statement on the matter. [14818/08]

Minister for Health and Children (Deputy Mary Harney): I have been informed that the information requested was sent to the Deputy on 10 April 2008.

Hospital Services.

138. **Deputy Arthur Morgan** asked the Minister for Health and Children when the review of renal services in this State will be published; the number of dialysis patients there are in the State; the number of patients awaiting dialysis; the number of dialysis stations actively available in the public sector; the number of patients they are catering for; the number of public patients being catered for in private facilities which are paid for by Health Service Executive; the cost per patient for public patients referred to private facilities; the cost for dialysis per patient in public hospitals; and if she will make a statement on the matter. [14825/08]

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.

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.

Health Services.

139. **Deputy Jack Wall** asked the Minister for Health and Children if the Health Service Executive has paid funding towards the medical costs of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14839/08]

Minister for Health and Children (Deputy Mary Harney): Full eligibility for health services is granted to persons who, in the opinion of the Health Service Executive, are unable to provide general practitioner, medical and surgical services for themselves and their dependants without undue hardship. Persons with full eligibility are entitled to general practitioner services, prescribed drugs, medicines and appliances, all in-patient public hospital services in public wards including consultant services, all out-patient public hospital services including consultant services, dental, ophthalmic and aural services and appliances, child health services, home nursing and a maternity and infant care service. Persons aged 70 and over are statutorily entitled to a medical card, regardless of income. In all other cases an assessment of means is undertaken.

As the determination of an individual's eligibility status is the responsibility of the Health Service Executive, my Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Health Service Staff.

140. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children her views on the staff-to-case ratios of social work personnel in child protection; her plans to improve these ratios; and the timeframe for same. [14840/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The Deputy's question relates to the management and delivery of health and social services which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Office has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Community Pharmacy Services.

141. **Deputy Michael Ring** asked the Minister for Health and Children the contingency plans in place for 1 May 2008 (details supplied); and if she will make a statement on the matter. [14850/08]

150. **Deputy Dinny McGinley** asked the Minister for Health and Children the details of the Health Service Executive's contingency plans to ensure patients receive access to medicines, particularly in rural areas, in the event of the withdrawal of services by pharmacists as they have indicated; the steps being taken to resolve this long running dispute; and if she will make a statement on the matter. [14877/08]

152. **Deputy Dan Neville** asked the Minister for Health and Children the number of pharmacies who have indicated to her that they will be suspending their contracts with the Health Service Executive. [14884/08]

154. **Deputy Deirdre Clune** asked the Minister for Health and Children if she will confirm that a significant number of pharmacists have terminated their contract with the Health Service Executive and that others have advised the HSE of their right to suspend their contract from 1 May 2008; her views on whether this will have a serious effect on the delivery of primary health care in communities; and if she will make a statement on the matter. [14887/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 141, 150, 152 and 154 together.

I have been informed by the HSE that it has, to date, received notification from 360 community pharmacy contractors indicating their intention to either cease providing services from 1st May 2008, or otherwise reserving their right to do so.

Community pharmacy contractors are required under the terms of their contract to give three months notice of their intention to withdraw. The HSE has written to each of the 360 contractors, seeking formal confirmation of their intentions and pointing out that 3 months notice of cessation of service is required. At this point in time, only two contractors have actually given formal notification of termination in accordance with the requirements in the contract.

The HSE has developed a national contingency planning framework which will inform and provide direction to local operational management for the development of local area — specific contingency plans. As service provision, geographical and demographic circumstances will vary from area to area, each local health area is developing its own area — specific contingency plan within the context of the overall national framework.

I believe that threats of withdrawal from the community pharmacy contract are unjustified and not in anyone's interest. There is no need to bring patients into a dispute between the pharmacists and the HSE. There can be no grounds for causing upset or anxiety about the supply of prescriptions to patients.

Qualifications Recognition.

142. **Deputy Jack Wall** asked the Minister for Health and Children when a decision will be made in relation to an application for registration by a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14851/08]

Minister for Health and Children (Deputy Mary Harney): I presume the Deputy is referring to the application by this individual for the recognition of professional qualifications.

The Academy of Medical Laboratory Science (AMLS) is the competent authority for the implementation of Directive 92/51/EEC in relation to the recognition of professional qualifications in medical laboratory science. This Directive is now consolidated, with other Directives on the recognition of professional qualifications, into Directive 2005/36/EC for which my colleague the Minister for Education and Science has overall national responsibility. As the Deputy was recently advised, the AMLS is in the process of reviewing the application and I am advised that it will be in touch with the Deputy very shortly.

Drug Reclassification.

143. **Deputy Joe Costello** asked the Minister for Health and Children the number and names of countries in the EU which permit cannabis to be used for medical purposes; if she proposes to permit the use of cannabis for medical purposes here; if her attention has been drawn to a person (details supplied) in County Galway who can not live here because their medical prescription cannot be obtained here under law; and if she will make a statement on the matter. [14854/08]

Minister for Health and Children (Deputy Mary Harney): The Misuse of Drugs Act 1977 and regulations made thereunder regulate and control the import, export, production, supply and possession of a range of named narcotic drugs and psychotropic substances. Substances are scheduled under the Act in accordance with Ireland's obligations under international conventions and/or where there is evidence that the substances are causing significant harm to public health in Ireland.

[Deputy Mary Harney.]

The current legal position in Ireland in relation to cannabis is that it is a scheduled drug under the Misuse of Drugs Act 1977 and its sale, supply, distribution and possession is unlawful except for the purpose of research. My Department is aware that claims have been made in respect of cannabis and its possible benefits for patients suffering from certain conditions such as multiple sclerosis and glaucoma. As the law currently stands, however, cannabis is not licensed here for medicinal use. I am aware of the case referred to by the Deputy, however, I do not propose to change the law in this regard. My Department does not have details of the countries in the EU which permit cannabis to be used for medical purposes.

Health Service Allowances.

144. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will review a decision to discontinue the payment of domiciliary care allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [14858/08]

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 services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

145. **Deputy Finian McGrath** asked the Minister for Health and Children if a service (details supplied) in County Dublin will be given maximum support in 2008. [14864/08]

146. **Deputy Finian McGrath** asked the Minister for Health and Children if she will advise on a query (details supplied). [14865/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 145 and 146 together.

The Deputy's specific question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

147. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if arrangements will be made to continue to provide respite care for persons (details supplied) in St. Oliver Plunketts Hospital, Dundalk, County Louth; the reason respite care is being refused; if the decision is a result of cutbacks in the health service locally; and if she will make a statement on the matter. [14870/08]

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.

Cancer Screening Programme.

148. **Deputy Seán Sherlock** asked the Minister for Health and Children the provisions in place to ensure adequate prostate screening for men; and if she will make a statement on the matter. [14871/08]

Minister for Health and Children (Deputy Mary Harney): The National Cancer Control Strategy does not recommend the introduction of a population based screening programme for prostate cancer as there is currently insufficient evidence available. This position is consistent with the Recommendations adopted by the European Union which advocate the introduction of cancer screening programmes which have demonstrated their efficacy having regard to professional expertise and priority setting for healthcare resources. The EU proposals do not provide for specific recommendations in respect of screening for prostate cancer. My Department and the National Cancer Screening Service will keep emerging international evidence under review including the results of randomised trials that are currently being conducted internationally.

Appropriate treatment for men diagnosed with prostate cancer is available at major hospitals throughout the country. Any man who has concerns in relation to prostate cancer should contact his GP who will, where appropriate, refer him to the appropriate services in his area.

National Treatment Purchase Fund.

149. **Deputy Jack Wall** asked the Minister for Health and Children the number of hospitals that use the National Treatment Purchase Fund scheme in relation to hip replacement operations; the location of such hospitals; the number of operations that have been carried out in each over the past three years that used the National Treatment Purchase Fund scheme; the name of the hospitals that have a waiting list for such operations; the number on such waiting lists; the number of hospitals that have extended the timescale of the scheme from the original waiting period of three months to one year; and if she will make a statement on the matter. [14872/08]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to the operation of the National Treatment Purchase Fund, my Department has asked the Chief Executive of the Fund to reply directly to the Deputy in relation to the information requested.

Question No. 150 answered with Question No. 141.

Health Services.

151. **Deputy Michael Ring** asked the Minister for Health and Children when a seating assessment will be carried out by occupational therapy services for a person (details supplied) in County Mayo. [14879/08]

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.

Question No. 152 answered with Question No. 141.

153. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will expedite the psychological assessment of a person (details supplied) in County Cork who was diagnosed with dyspraxia in October 2005 and is still awaiting assessment; and if she will make a statement on the matter. [14886/08]

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.

Question No. 154 answered with Question No. 141.

Nursing Homes Repayment Scheme.

155. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the position regarding an application to the Health Service Executive health repayment scheme by a person (details supplied) in County Louth; and if she will make a statement on the matter. [14889/08]

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.

Health Services.

156. **Deputy John Cregan** asked the Minister for Health and Children when the full multi-disciplinary team will be put in place at a centre (details supplied) in County Limerick for children over six years of age; when a speech therapist will be appointed in view of the fact that there has been no speech therapy provided for the children for some time; and if she will make a statement on the matter. [14893/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's specific question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

157. **Deputy Michael McGrath** asked the Minister for Health and Children the position in relation to the provision of a communication device for a child (details supplied) in County Cork. [14902/08]

158. **Deputy Michael McGrath** asked the Minister for Health and Children the position in relation to the provision of speech therapy, physiotherapy and occupational therapy for a child (details supplied) in County Cork. [14903/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 157 and 158 together.

The Deputy's specific question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

159. **Deputy Michael McGrath** asked the Minister for Health and Children the position in relation to plans to provide dedicated facilities, including a day unit and patient beds, at Cork University Hospital for adult cystic fibrosis patients; and the funding that has been committed for the provision of such facilities. [14910/08]

Minister for Health and Children (Deputy Mary Harney): I have identified the enhancement of services to persons with Cystic Fibrosis (CF) as a key priority over recent years. Additional revenue refunding of €6.78m has been allocated to the Health Service Executive (HSE) since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive.

Over the past number of years there has been a significant investment in CF services at Cork University Hospital (CUH). In 2006, the HSE allocated over €700,000 revenue funding to CUH to enhance services for people with CF. Towards the end of 2007, the Southern Hospitals Group received an additional allocation of €293,000 in respect of CF. These additional funds have resulted in a 300% increase in staffing levels for the CF Unit in the CUH.

The HSE has informed me that, while CUH does not have a purpose built CF Unit, every effort is made by bed management staff to accommodate patients in appropriate settings on admission to the hospital. A Statement of Need for Adult Cystic Fibrosis Services is being prepared by the hospital. This will set out the requirements for both day- and in-patient facilities to accommodate the caseload of adult patients and enable CF services to be delivered by the multidisciplinary team in line with best practice. The management at CUH has indicated that it is fully committed to the further development of CF facilities at the hospital and has been in regular contact with the Cystic Fibrosis Association to keep it apprised of developments.

I understand that the CUH Management has also indicated its commitment to working with the Build4Life group in providing monetary support to the in the development of services for CF patients.

Medicinal Products.

160. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the details of any cancer drug reaction studies being carried out in the Dublin north east Health Service Executive area; the reason for such a study; the persons who are carrying it out; if such studies are being carried out elsewhere in other HSE areas; the date this study commenced; the expected completion date; and when the results will be published. [14914/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the management and delivery of health 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 Health Service Executive to consider the information requested by the Deputy and to have a reply issued directly to the Deputy on the matter.

Hospital Services.

161. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a

[Deputy Caoimhghín Ó Caoláin.]

reply will issue from the Health Service Executive to Parliamentary Question No. 208 of 11 March 2008. [14918/08]

Minister for Health and Children (Deputy Mary Harney): My Department has been informed by the Health Service Executive that a reply will issue to Deputy in the near future.

Community Care.

162. **Deputy Charlie O'Connor** asked the Minister for Health and Children the reason, in view of the positive assessment report by the Health Service Executive into the hospital in the home service, based in Tallaght, Dublin 24, a decision has been made by the HSE to close down this vital service within the month; and if she will make a statement on the matter. [14920/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

163. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the position regarding an operation for a person (details supplied) in County Louth; and if she will make a statement on the matter. [14942/08]

Minister for Health and Children (Deputy Mary Harney): Regulation (EC) 1408/71 sets out entitlements of insured persons of one member state who receive public health services in another member state. Article 22 (1) (c) of Regulation 1408/71 governs the referral of patients for public health services to another European country. In accordance with this article, a person eligible for health services in Ireland may be authorised by the HSE to go to another country for treatment in the public health system there, if certain criteria are met. When a person is authorised to receive treatment abroad under the above provisions, Form E112 is issued by the HSE and is confirmation that the HSE will bear the cost of the treatment.

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 have the issue examined and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

164. **Deputy John Deasy** asked the Minister for Health and Children if she is satisfied that treatment provided under the National Treatment Purchase Fund provides an equivalent level of specialisation to patients to that which would be provided in the public health system; and if she will make a statement on the matter. [14957/08]

165. **Deputy John Deasy** asked the Minister for Health and Children if she is satisfied that patients referred to private hospital treatment under the National Treatment Purchase Fund are provided with the level of specialisation required by the complexity of the condition being treated; and if she will make a statement on the matter. [14958/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 164 and 165 together.

Services delivered under the auspices of the National Treatment Purchase Fund (NTPF) are provided by hospital consultants who are required by the NTPF to be registered with the Fund and who are also approved by the NTPF's Chief Medical Advisor as being eligible for certification on the Medical Council's Specialist Register.

Patients are referred to consultants in the specialty which they require and to hospitals approved by the NTPF to undertake the necessary procedure. As is the case in the public hospital system, not all procedures can be carried out in all hospitals and, in the interests of optimal patient safety, patients are only referred to hospitals appropriate to their needs.

I am satisfied that patients who benefit from treatment sourced through NTPF are not at any disadvantage compared to those who receive similar treatment through the public health system.

Health Services.

166. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if treatment has been prescribed in the case of a person (details supplied) in Dublin 24; and if she will make a statement on the matter. [14959/08]

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.

Medical Cards.

167. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14960/08]

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.

168. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent of a refund due under the residential repayment scheme in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14961/08]

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.

Mental Health Services.

169. **Deputy Seán Sherlock** asked the Minister for Health and Children when the senior officials group will put into action the recommendations of the National Economic and Social Forum report as per the national plan for social inclusion; and if she will make a statement on the matter. [13837/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The National Economic and Social Forum's report on Mental Health and Social Inclusion is consistent with 'A Vision for Change' which was launched in January 2006. A key recommendation of the NESF report is 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.

Health Services.

170. **Deputy Noel Greally** asked the Minister for Health and Children the outcome of a meeting held on 19 March 2008 (details supplied); when a decision will be made on this issue; and if she will make a statement on the matter. [13849/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to provide the specific information sought by the Deputy. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

171. **Deputy Jack Wall** asked the Minister for Health and Children if alternative arrangements will be made for a person (details supplied) in County Kildare to allow them to obtain an operation; and if she will make a statement on the matter. [13851/08]

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.

Medical Aids and Appliances.

172. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the case of a person (details supplied) in Dublin 8 who was just released from hospital and to whom the Health Service Executive will not release the wheelchair assigned to them until they have a ramp installed at their flat; if her attention has further been drawn to the fact that Dublin City Council will not install the ramp until they receive an occupational therapist report, the waiting time for which is excessively long; and if she will enquire into the matter and take steps to ensure an occupational therapist is assigned without further delay. [13852/08]

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 services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Accommodation.

173. **Deputy Pádraic McCormack** asked the Minister for Health and Children if the necessary funds will be provided to the Health Service Executive west for the reopening of seven closed beds at a nursing home (details supplied) in County Galway where the capacity is for 34 beds but only 27 are in use; if a review will be carried out of the funding of the nursing home given that the budget is based on 2001 figures and the number of dependent patients is currently greater; if there will be a review of the funding to this nursing home; and if she will make a statement on the matter. [13853/08]

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.

174. **Deputy Pádraic McCormack** asked the Minister for Health and Children the situation as regards the filling of the six vacant beds in a nursing home (details supplied) in County Galway; if the necessary staff have been allocated to the nursing home to allow for the filling of these six vacant beds; and if she will make a statement on the matter. [13854/08]

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 Depart-

[Deputy Máire Hóctor.]

ment has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Nursing Homes Repayment Scheme.

175. **Deputy John O'Mahony** asked the Minister for Health and Children the number of appeals heard under the health repayment scheme; the number that have been successful; the number that have been unsuccessful; and if she will make a statement on the matter. [13860/08]

Minister for Health and Children (Deputy Mary Harney): The Health Repayment Scheme Appeals Office is an independent office established to provide an appeals service to those who wish to appeal the decision of the Scheme Administrator under the Health (Repayment Scheme) Act 2006. The Health Repayment Scheme Appeals Office has informed my Department that as of 4 April 2008, the Appeals Office has issued 903 appeal decisions. Of these appeal decisions 229 have disagreed with the decision of the Scheme Administrator and 674 have agreed with the decision of the Scheme Administrator.

Inter-Country Adoptions.

176. **Deputy Seán Barrett** asked the Minister for Health and Children if additional resources, in the form of extra social worker staff, will be provided in the Dublin area to address and expedite processing of the Adoption Board's lengthy backlog of inter-country adoption applications, where waiting periods are usually upwards of 24 months prior to assessment; and if she will make a statement on the matter. [13861/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive (HSE) under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy. As the Deputy may be aware, requests for assessment for intercountry adoption are continuously increasing. The recent study on intercountry adoption, undertaken by the Children's Research Centre in Trinity College, revealed that Ireland has one of the highest rates for foreign adoption in Europe. In addition, as a result of the increased number of children coming from abroad, a new and increasing demand for post-adoption reports from sending countries has been created. Both assessments and post-placement reports are being undertaken by HSE social work staff. The HSE has been assessing the provision of services in the context of moving from the health board system to a single executive. It has acknowledged that there is a divergence in the provision of services and is committed to addressing those differences. In a number of areas, the HSE has improved waiting times by contracting assessments out to non-statutory agencies with appropriate expertise. The HSE has undertaken a review of the intercountry adoption service. This review examined staffing, business processes, resources, strengths and options within the service. The HSE has indicated that it will contact the Department shortly with a proposed strategy on the management of the service into the future based on this work and parallel discussions with professionals within the service. I would like to assure the Deputy of my attention to this issue and reiterate the importance of a rigorous and effective assessment system.

Health Services.

177. **Deputy Finian McGrath** asked the Minister for Health and Children if she will take action in relation to a query (details supplied). [13876/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

178. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a proposal (details supplied). [13877/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

179. **Deputy Michael Ring** asked the Minister for Health and Children if funding could be made available under the National Childcare Investment Programme for a new purpose built facility (details supplied) in County Mayo in order that it can open on completion. [13885/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme 2006-10, which will invest €575 million over 5 years, with €358 million of this in capital grant aid for child care services. I understand the Group in question has applied through its local County Childcare Committee for capital funding under the programme. However the committee requires further information before the application can progress. This includes obtaining a letter from the Group confirming the basis of the original funding for the project, to avoid duplication of funding, and confirmation that the group has access to community employment workers to ensure its financial sustainability. When the application is complete, it will be forwarded to Pobal, which is engaged to administer grants under the programme, for assessment. Following the assessment it will be forwarded to the child care directorate of my office for recommendation on funding. The Group will be notified of the decision in due course.

National Treatment Purchase Fund.

180. **Deputy Michael McGrath** asked the Minister for Health and Children if the Health Service Executive will provide financial support to persons who undergo a specific treatment abroad (details supplied). [13896/08]

Minister for Health and Children (Deputy Mary Harney): Entitlement to treatment abroad is provided for under Regulation (EC) 1408/71, which deals with the co-ordination of social security, including health care, between EU/EEA member states and Switzerland. Under its provisions, persons who are insured with or covered by the public health care system of one member state are entitled to receive health care in the public system of another member state under certain circumstances. In particular, Article 22(1)(c) of the regulation governs the referral of patients for public health services to another of these countries (E112 arrangements). Under this provision, a person who is eligible for health services in Ireland may be referred by the HSE for treatment in the public health system of another member state. In such cases, a Form E112 is issued by the HSE, which involves a commitment by the Executive to pay the cost of treatment. However, the Regulation provides that entitlement to have treatment abroad

[Deputy Mary Harney.]

under this provision is contingent, *inter alia*, on the treatment in question being among the benefits provided for by Irish legislation. This means that there can be no entitlement to receive a particular treatment in another European country at the cost of the HSE unless the patient is eligible for the same or similar treatment within the Irish public health care system. As there is no eligibility for pre-implantation genetic diagnosis within the Irish public healthcare system, there is therefore no entitlement to have the costs of this treatment met under E112 arrangements.

Hospitals Building Programme.

181. **Deputy James Reilly** asked the Minister for Health and Children the cost of the location study carried out by The Health Partnership on the proposed location of a hospital in the north east; the expected completion date for the project; and if she will make a statement on the matter. [13900/08]

Minister for Health and Children (Deputy Mary Harney): The study in question was commissioned by the Health Service Executive and accordingly my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Courts Service.

182. **Deputy P. J. Sheehan** asked the Minister for Health and Children if she will direct that every assistance possible, and all necessary information, is supplied to a person (details supplied); and if she will make a statement on the matter. [13920/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): As this question relates to a request for information arising from criminal court proceedings, it is more appropriate to my colleague, the Minister for Justice, Equality and Law Reform.

Vaccination Programme.

183. **Deputy Kathleen Lynch** asked the Minister for Health and Children her views on the lengthy waiting time for the BCG vaccination in the Cork area; her proposals to reduce this waiting time in view of the recent tuberculosis health scare in the Cork area; the number of neonatal BCG clinics that have been introduced at Cork University Maternity Hospital; the number of outreach clinics that have been set up in the Cork area; the throughput of these clinics; and if she will make a statement on the matter. [13926/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

184. **Deputy Chris Andrews** asked the Minister for Health and Children the range of health services that will be available at a centre (details supplied); when it is scheduled to open; if there will be transfer of services from another centre; and if she will make a statement on the matter. [13940/08]

Minister for Health and Children (Deputy Mary Harney): The provision of the appropriate infrastructure to facilitate the delivery of primary care services is the responsibility of the Health Service Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters raised by the Deputy investigated and to have a reply issued directly to the Deputy.

185. **Deputy Joe Carey** asked the Minister for Health and Children when, in view of the approval by the Health Service Executive for the development of a dementia specific unit in Clarecastle, County Clare and the completion of its construction, the centre will be opened; and if she will make a statement on the matter. [13955/08]

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 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.

186. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist a person (details supplied) in County Dublin. [13970/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

187. **Deputy Finian McGrath** asked the Minister for Health and Children the options and services available for people (details supplied). [13971/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Registration of Nurses.

188. **Deputy Paul Kehoe** asked the Minister for Health and Children if her attention has been drawn to the delays being experienced by nurses seeking their registration with An Bord Altranais; if additional resources will be made available to deal with this matter; and if she will make a statement on the matter. [13983/08]

Minister for Health and Children (Deputy Mary Harney): An Bord Altranais has statutory responsibility for the regulation of nurses and midwives under the Nurses Act, 1985. I am sure that the Deputy will appreciate that An Bord Altranais must process each application thoroughly to ensure that all those entered on the Register of Nurses are deemed professionally qualified and competent for such registration. The protection of the public underpins this pro-

[Deputy Mary Harney.]

cess. Once An Bord Altranais receives an application form, fee and fully completed documentation needed for the consideration of the application, a decision is reached and the applicant is informed in writing within six weeks.

I have been informed by An Bord Altranais that the most common reason for an increased length in time for processing the application for registration from the receipt of an application form and fee to the issuing of a decision letter is a delay in the receipt of supporting documents. These documents, including transcripts of training and the verification of registration and good standing (for applicants who trained outside Ireland), must come directly from source to An Bord Altranais. At times, An Bord Altranais has experienced a considerable delay in the receipt of these documents. An Bord Altranais endeavours to process applications in a timely manner but must have the documents necessary to support a decision to grant registration. I am satisfied that the Board discharges its functions in a professional manner and the necessity of additional resources is not an issue in this matter.

189. **Deputy Paul Kehoe** asked the Minister for Health and Children if her attention has been drawn to the delays being experienced by a person (details supplied) seeking registration with An Bord Altranais; if additional resources will be made available to deal with this matter; and if she will make a statement on the matter. [13984/08]

Minister for Health and Children (Deputy Mary Harney): An Bord Altranais has statutory responsibility for the regulation of nurses and midwives under the Nurses Act, 1985. I am sure that the Deputy will appreciate that An Bord Altranais must process each application thoroughly to ensure that all those entered on the Register of Nurses are deemed professionally qualified and competent for such registration. The protection of the public underpins this process. I am satisfied that the Board discharges its functions in a professional manner and the necessity of additional resources is not an issue in this matter.

Given the statutory functions of the Board and its independence in this regard, it would not be appropriate for the Minister to intervene in individual applications for registration. I have been informed by An Bord Altranais that upon receipt of an application form, fee and all fully completed documentation needed for the consideration of the application, the file is reviewed and a decision is reached and the applicant is informed in writing within six weeks.

I have been informed by An Bord Altranais that the most common reason for an increased length in time for processing the application for registration from the receipt of an application form and fee to the issuing of a decision letter is a delay in the receipt of supporting documents. These documents, including transcripts of training and the verification of registration and good standing (for applicants who trained outside Ireland), must come directly from source to An Bord Altranais. At times, An Bord Altranais has experienced a considerable delay in the receipt of these documents. An Bord Altranais endeavours to process applications in a timely manner but must have the documents necessary to support a decision to grant registration.

Nursing Home Repayment Scheme.

190. **Deputy Phil Hogan** asked the Minister for Health and Children if she received an application for nursing home rebate from a person (details supplied) in County Kilkenny; when a reference number will be provided in order that the applicant can avail of the help desk; and if she will make a statement on the matter. [13987/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the

Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Hospital Services.

191. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be offered a bed in a specific unit in Dublin. [13989/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

192. **Deputy John O'Mahony** asked the Minister for Health and Children when the post of biochemist will be filled in a hospital (details supplied) in County Mayo; and if she will make a statement on the matter. [14005/08]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

193. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be provided with a long stay bed. [14008/08]

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 case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Accommodation.

194. **Deputy Charles Flanagan** asked the Minister for Health and Children the progress made

[Deputy Charles Flanagan.]

in respect of adapting an existing ward at St. Vincent's Hospital, Dublin to provide isolation units for cystic fibrosis inpatients; and if she will make a statement on the matter. [14013/08]

195. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of the 11 principal recommendations of a report (details supplied) that have been fully implemented to date; and if she will make a statement on the matter. [14014/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 194 and 195 together.

I take it that the Deputy is referring to the report by Dr Ronnie Pollock which was commissioned by the Cystic Fibrosis Association of Ireland. Following publication of the Pollock Report in 2005, the Health Service Executive established a Working Group to undertake a detailed review of cystic fibrosis services. The Group, which was multi-disciplinary in its composition, was asked to review the current configuration and delivery of services to persons with cystic fibrosis in Ireland. The Group identified a range of service improvements required for persons with Cystic Fibrosis, including the need to increase the level of clinical, nursing and allied health professional staffing in Cystic Fibrosis units around the country.

Arising from the Pollock Report and the emerging recommendations of the Working Group, I identified the development of cystic fibrosis services as a policy priority in the Estimates process. In 2006 and 2007, additional revenue funding of €6.78 million was provided to the Health Service Executive (HSE) to develop services.

My Department is advised by the HSE that 44 additional staff dealing with cystic fibrosis were recruited on foot of this additional funding and that the necessary funding is available to facilitate the recruitment of a further 37 staff nationally.

The HSE was asked to place a particular focus on the development of services at the National Adult Tertiary Referral Centre at St. Vincent's Hospital. A number of capital projects have recently been completed at the hospital and have helped to improve facilities.

However, it is accepted that these developments do not fully address the immediate needs of patients. The HSE has been working intensively with the Hospital and with representatives of the Cystic Fibrosis Association of Ireland to progress options for further interim improvements. The HSE has advised that work has commenced on the refurbishment of St. Mark's Ward to provide eight single en-suite rooms. On completion of this refurbishment, additional development work will be undertaken at the hospital to provide a further six single rooms for patients with cystic fibrosis.

In the longer term, a new ward block is to be built and will include 120 replacement beds in single en-suite accommodation. The new facility will accommodate cystic fibrosis patients and will include appropriate isolation facilities.

Beaumont Hospital operates as a regional centre in providing services to adults with cystic fibrosis. In the 2008 Budget, a special allocation of €2.5m capital funding was provided to enable the hospital to develop out patient facilities for cystic fibrosis patients.

Health Services.

196. **Deputy Catherine Byrne** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 12 will have their respite care terminated as and from May 2008; and if she will make a statement on the matter. [14034/08]

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.

197. **Deputy Catherine Byrne** asked the Minister for Health and Children the reason funding for respite care at Cherry Orchard Hospital has been cut and vital respite care services have been scaled down; if she will reverse this decision in view of the undue suffering it will cause for patients and their families; and if she will make a statement on the matter. [14035/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): Arising from Budget 2008, a full year package of €22m has been allocated for new services in the area of older people. This therefore gives a total of over €422m for new services for older people over the last three years. These measures have been designed to both enhance existing services that the Government had already put in place, and also to widen the range of services available to older people.

In this context, over €16m has been provided in the last three years for new Day/Respite Care services. The recent Budget will allow an additional 1,245 clients nationally to avail of new Respite places and brings the total projected Day Care provision by the Health Service Executive to around 21,300 places by the end of this year.

The HSE have committed through its National Service Plan 2008 to deliver services within its Vote provided by the Oireachtas. It will manage the provision of respite care beds at Cherry Orchard within this context and also recognising the priority the Government and the Executive have given to services for older people.

There is no doubt that demand can at times exceed service resources and that this problem can manifest itself in particular at local level. I understand that there are particular pressures being experienced at Cherry Orchard, and that these are kept under constant review by the HSE.

It is a matter for the Executive to manage service delivery, both nationally and locally, within its budget and in line with overall health policy priorities. 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 HSE to arrange to have the matter investigated in detail and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

198. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for a MRI scan. [14065/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

199. **Deputy Brian O'Shea** asked the Minister for Health and Children further to Parliamen-

[Deputy Brian O'Shea.]

tary Question No. 198 of 8 April 2008, if the reply means that the radiation oncology capacity at the integrated satellite centre at Waterford Regional Hospital will be in place by 2010; and if she will make a statement on the matter. [14082/08]

Minister for Health and Children (Deputy Mary Harney): The specific question raised by the Deputy in relation to progress under the National Plan for Radiation Oncology relates to the management and delivery of health and personal social services, which are the responsibility of the HSE under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in this regard.

Medical Cards.

200. **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; and if she will make a statement on the matter. [14084/08]

Minister for Health and Children (Deputy Mary Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. 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 do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

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.

Consultancy Contracts.

201. **Deputy Olivia Mitchell** asked the Minister for Health and Children the consultants who carried out work for her Department or for any body under the auspices of her Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if she will make a statement on the matter. [14108/08]

Minister for Health and Children (Deputy Mary Harney): My Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to have this matter investigated and to respond directly to the Deputy. The information regarding this Department and other agencies is currently being compiled and will be forwarded to the Deputy as soon as possible.

Child Care Services.

202. **Deputy Tom Sheahan** asked the Minister for Health and Children her views on whether the introduction of the new subvention scheme with regard to the provision of childcare is the best way forward for the children and parents of rural communities; and if she will make a statement on the matter. [14129/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme 2006-2010 (NCIP) under which the Community Childcare Subvention Scheme (CCSS) was introduced in January of this year. The CCSS replaced the previous staffing support grant scheme which was implemented under the EU co-funded Equal Opportunities Childcare Programme 2000-2006 (EOCP) and which ended in December 2007.

In providing for the CCSS and the previous EOCP support scheme, Government childcare policy has recognised the need to target additional supports towards disadvantaged families in addition to the main supports which are made available to parents to assist them with their childcare costs, that is Child Benefit and the Early Childcare Supplement. The latter payment is the responsibility of my Office and, it alone is expected to amount to expenditure of over €500m in 2008. These payments are universal and benefit all parents, regardless of their income, labour market status or the type of childcare they choose.

The Community Childcare Subvention Scheme has an allocation of €154.2 million over 2008-2010 and will continue to support and ensure the sustainability of community-based childcare services which provide reduced childcare fees for disadvantaged parents. Data available from the Department of Social and Family Affairs would suggest that this is, proportionately, of greater potential benefit in rural areas, where incomes are lower and more families have entitlement to social welfare benefits. Community-based childcare services will qualify for grant aid on the basis of the level of service they provide and the profile of the parents benefiting from their service. The parent profile of each service, and the amount of subvention it will receive, are determined on the basis of completed parent declaration forms which they return as part of the application process. The subvention received by services is, in turn, reflected in a tiered fee system under which reduced fees are charged to parents who qualify as disadvantaged under the scheme. As the parent declaration forms are completed on an annual basis, the level of funding which is approved for each service is established on an annual basis.

Transitional arrangements have been put in place to facilitate services which were funded under the previous EOCP support scheme to adjust to the new arrangements. As a result, these services will receive not less than 95% of their previous level of funding in 2008. The CCSS also recognises that in some cases, particularly in rural areas or on the islands, community childcare services may operate with a small or fluctuating number of children, in which case a minimum annual grant level of €20,000 can be awarded.

The CCSS provides an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community-based childcare services generally and, I am satisfied that it will also be effective in delivering the NCIP objectives of supporting families to break the cycle of poverty and disadvantage. It will also provide a framework which can accommodate any future childcare related initiatives which may be introduced. The scheme is responsive to the level of service provided as well as the degree of parental disadvantage and the ceiling for funding which existed under the previous scheme has been removed. Account is also taken of all of the operational costs of the service rather than staffing costs alone. The changes which have been introduced will ensure that the most affordable childcare is available to families according to their means. Put simply,

[Deputy Brendan Smith.]

the tiered fee structure is the most effective way of ensuring that the considerable and ongoing Government support for the community childcare sector, will be targeted at those who need it most.

I am also pleased to advise the Deputy that the Childcare Directorate of my Office has begun notifying services of their individual grant levels for July-December 2008 and that the total amount of grant assistance under the new Scheme will be significantly higher than was the case under the previous scheme. I am confident that the Community Childcare Subvention Scheme is a fair and equitable way of supporting community childcare operators in the provision of an affordable and high quality service to parents.

Hospital Services.

203. **Deputy Tom Sheahan** asked the Minister for Health and Children if she will provide a dedicated cystic fibrosis treatment facility in Cork University Hospital to cater for the sufferers of cystic fibrosis in the Cork-Kerry region whereby an organisation (details supplied) have raised in excess of €1 million which they will give to develop these facilities. [14134/08]

Minister for Health and Children (Deputy Mary Harney): I have identified the enhancement of services to persons with cystic fibrosis (CF) as a key priority over recent years. Additional revenue refunding of €6.78m has been allocated to the Health Service Executive (HSE) since 2006 to facilitate the recruitment of specialist staff in this area. The detailed application of this funding across the various hospital networks is a matter for the Executive.

Over the past number of years there has been a significant investment in Cystic Fibrosis (CF) services at Cork University Hospital (CUH). In 2006, the HSE allocated over €700,000 revenue funding to CUH to enhance services for people with CF. Towards the end of 2007, the Southern Hospitals Group received an additional allocation of €293,000 in respect of CF. These additional funds have resulted in a 300% increase in staffing levels for the CF Unit in the CUH.

The HSE has informed me that, while CUH does not have a purpose built CF Unit, every effort is made by bed management staff to accommodate patients in appropriate settings on admission to the hospital. A Statement of Need for Adult Cystic Fibrosis Services is being prepared by the hospital. This will set out the requirements for both day and in-patient facilities to accommodate the caseload of adult patients and enable CF services to be delivered by the multi-disciplinary team in line with best practice.

The management at CUH has indicated that it is fully committed to the further development of CF facilities at the hospital and has been in regular contact with the Cystic Fibrosis Association to keep it apprised of developments. I understand that the CUH Management has also indicated its commitment to working with the Build4Life group in providing monetary support to the in the development of services for CF patients.

Nursing Homes Repayment Scheme.

204. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to ensure that an application for repayment under the health repayment scheme is made to a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [14173/08]

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.

Ambulance Service.

205. **Deputy Willie Penrose** asked the Minister for Health and Children if her attention has been drawn to the fact that the National Ambulance Service have been recently advised by the chief fire officers in the relevant areas that they will be seeking payment for ambulance assist calls previously provided without charge and that the Fire and Rescue Services will be seeking full cost of call outs plus 33% for overhead costs; further, if her attention has been drawn to the fact that the National Ambulance Service is not funded for such charges and this could lead to a discontinuation of requests for such assistance, which could have serious implications in the respect of road traffics accidents; and if she will make a statement on the matter.

[14175/08]

Minister for Health and Children (Deputy Mary Harney): My Department has made inquiries of the National Ambulance Office of the Health Service Executive regarding the matter raised by the Deputy.

I understand that, while the HSE National Ambulance Office is aware that this general matter has been raised from time to time at local level, it has not been raised by the fire services centrally with the National Ambulance Office.

Medical Cards.

206. **Deputy Eamon Gilmore** asked the Minister for Health and Children the reason the income guidelines for a full medical card have not increased in the past two years; if her attention has been drawn to the effect this is having on many people, particularly those aged between 60 and 70 years; and if she will make a statement on the matter. [14183/08]

Minister for Health and Children (Deputy Mary Harney): The assessment of eligibility to medical cards is statutorily a matter for the HSE and is determined following an examination of the means of the applicant and his/her dependants. Under Section 45 of the Health Act 1970, medical cards are provided for persons who, in the opinion of the HSE, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants.

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 do not qualify for a medical card, would not be deterred on cost grounds from visiting their GP. Persons aged 70 and over are statutorily entitled to a medical card, regardless of income. In all other cases an assessment of means is undertaken.

In recent years there have been significant improvements to the way in which people's eligibility for medical cards and GP visit cards is assessed. Since the beginning of 2005, the qualifying guidelines have increased by a cumulative 29%. Assessment is now based on an applicant's and, where relevant, his/her spouse's income after tax and PRSI, and takes account of reasonable expenses incurred in respect of rent or mortgage payments, childcare and travel to work. In June 2006, there was a further increase in the qualifying threshold for the GP visit card to 50% above that for a medical card. Furthermore, under the assessment guidelines, applicants whose weekly incomes are derived solely from Social and Family Affairs payments or HSE payments, even if these exceed the stated thresholds, qualify for a medical card.

[Deputy Mary Harney.]

The Programme for Government commits to the following: indexing the income thresholds for medical cards to increases in the average industrial wage; doubling of the income limit eligibility of parents of children under 6 years of age, and trebling them for parents of children under 18 years of age with an intellectual disability. My Department is currently reviewing all legislation relating to eligibility for health and personal social services with a view to making the system as fair and transparent as possible. As part of this exercise, a review of the eligibility criteria for medical cards in the context of financial, medical and social need is being undertaken and is expected to be completed by autumn 2008. When that review is completed, it is my intention to consider how best to progress the commitments in the Programme for Government in relation to medical card eligibility.

Research Funding.

207. **Deputy Mary Upton** asked the Minister for Health and Children her views on Ireland's contribution to funding EU embryonic stem cell research; and if she will make a statement on the matter. [14188/08]

Minister for Health and Children (Deputy Mary Harney): My colleague Mr Micheál Martin, TD, Minister for Enterprise, Trade and Employment has lead responsibility for Ireland for negotiation of the EU Seventh Research Framework Programme, under which EU funding of research of this kind arises.

Departmental Properties.

208. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on Our Lady's Hospital, Lee Road, Cork; and the plans she has in order to eliminate what is considered to be the biggest derelict site on the northside of Cork City, most of which has been unoccupied since 2003. [14190/08]

209. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the recent arson attack on the unoccupied St. Kevin's Unit on the vacant site of Our Lady's Hospital, Lee Road, Cork and the damage that was done in that arson attack; and the cost of security services on an annual basis over the past six years for that site. [14191/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I propose to take Questions Nos. 208 and 209 together.

Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular matter raised by the Deputy.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

210. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on a recent comment made by the director of stroke services in Tallaght Hospital that at least 400 lives could be saved every year by improving the delivery of stroke services; and the reason the proposals for a national rehabilitation centre to be located in Cork have been scrapped. [14192/08]

Minister for Health and Children (Deputy Mary Harney): The Government believes that individuals at risk of stroke, or those who suffer from the consequences of stroke, should be provided with high quality preventative and treatment services. In September last year Minister Harney established a Cardiovascular Health Policy Group to advise on how to prevent the occurrence of cardiovascular disease and stroke and improve services for individuals affected by these conditions. The recently published Irish Heart Foundation National Audit of Stroke Care, which was conducted with the support of my Department, has highlighted a number of areas where clinical care and the organisation of stroke services can be enhanced. The Cardiovascular Health Policy Group has, in the course of its work, considered the Audit and is expected to make recommendations in the summer.

The availability of stroke services and plans for development of rehabilitation services are matters which relate to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

Food Safety Standards.

211. **Deputy Bernard Allen** asked the Minister for Health and Children the initiatives she proposes to take to deal with the problems of gastroenteritis in the community which is a preventable disease and which according to recent research by Trinity College Dublin, is costing Ireland more than €135 million each year. [14193/08]

Minister for Health and Children (Deputy Mary Harney): The study — The Economic Impact of Gastroenteritis on the Island of Ireland — to which the Deputy refers was commissioned by the Food Safety Promotion Board (FSPB). The study showed that approximately 10% of the people on the island report suffering symptoms of gastroenteritis each year. This is in line with estimated rates from other studies in the EU.

The study has estimated the economic burden of gastroenteritis at €135 million, of which €101 million is borne in the South. These estimates include the costs of GP and hospital services where required and also costs borne by individuals, including estimates of the valuation of time off work.

In order to combat this disease a number of initiatives have been developed across Government Departments and agencies including the Food Safety Authority of Ireland, the Health Protection Surveillance Centre, the Environmental Protection Agency and the FSPB. These initiatives include training and guidance documents for healthcare workers, industry and the hospitality sector. Other initiatives such as the slaughter-out policy for Irish poultry flocks have been effective in addressing this issue. There is evidence of the impact of these initiatives such as reduced numbers of salmonella cases in recent years who acquire the disease at home and a reduction in the average size of outbreaks.

A sample initiative is the FSPB's promotion of food safety in schools and educational settings in order to communicate and train young people in adequate food hygiene. It has developed a transition year programme called "safefood for life". This is an educational resource, produced in conjunction with the Environmental Health Officers Association, to train students on simple food hygiene messages and which certifies them to a basic hygiene standard so as to allow them to work in food premises. At primary school level educational drama resources have been developed and disseminated to emphasise hand hygiene.

Hospitals Building Programme.

212. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on plans for a new hospital at the site of St. Mary's Orthopaedic Hospital, Cork, to provide services for the elderly; and the other plans she has for that site. [14194/08]

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.

Hospital Accommodation.

213. **Deputy Bernard Allen** asked the Minister for Health and Children when she expects the new 100 bed community nursing unit in Ballincollig to be opened for use. [14195/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

214. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the recent report which stated that up to 90% of asylum seekers experienced depression and feelings of worthlessness within six months of arriving here. [14196/08]

Minister for Health and Children (Deputy Mary Harney): I am not aware of a Report on research relating to the prevalence of depression among asylum seekers. The observation that "90% of asylum seekers experienced depression and feelings of worthlessness within six months of arriving here" was reported recently in a medical publication, but it did not refer to a representative research project conducted in a systematic way. Access to primary care and mental health services is available to all individuals experiencing depression, including asylum seekers.

Cancer Screening Programme.

215. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the situation where at least 60% of cervical smear tests carried out at Health Service Executive hospitals will be sent abroad once a tender process for cytology screening services is complete. [14201/08]

227. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on a situation where ten laboratories currently providing diagnostic gynaecological cytology services are disqualified for inclusion under the terms of the national cervical screening programme in view of the fact that they do not fulfil the necessary criteria, particularly the criteria to have full accreditation and that, as a result, tests will have to be sent abroad; and if she will confirm that 39,000 tests were sent to a US based laboratory in 2007 for processing due to excessive waiting times here. [14227/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 215 and 227 together.

The rollout of a national cervical screening programme is the most efficient population approach to preventing and controlling cervical cancer. The National Cancer Screening Service (NCSS) is planning to roll out such a programme on a national basis around the middle of this year. Women aged 25 to 44 years old will be screened every 3 years; women aged 45 to 60 will be screened every 5 years. The service will be available free of charge to eligible women everywhere in the country. Approximately 230,000 women will be screened annually, assuming an 80% take up by eligible women. All elements of the programme — call/recall, smear taking, laboratories, colposcopy and treatment services will be quality assured, organised and managed to deliver a single integrated national service.

Additional revenue funding of €5.0m was allocated to the NCSS in 2007 for the roll-out of the programme and an additional €15.0m has been allocated in 2008. An additional 30 posts have been approved to facilitate integration and roll-out of the programme.

The Deputy's specific questions in relation to the tender process and criteria for same under the national cervical screening programme are the responsibility of the National Cancer Screening Service. Accordingly, my Department has requested the Chief Executive Officer of the Service to respond directly to the Deputy in relation to the matters raised.

The Deputy's specific question in relation to the number of smear tests sent abroad in 2007 is the responsibility of the Health Service Executive (HSE). Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to have a reply issued directly to the Deputy in this regard.

Hospital Waiting Lists.

216. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the new Health Service Executive report which suggests that the number of patients on hospital waiting lists has increased by nearly 10% owing to staff and bed shortages and that this report has come nearly four years after she declared overcrowding in hospital emergency departments a national crisis; and the action she will take regarding the situation. [14202/08]

Minister for Health and Children (Deputy Mary Harney): I understand that the report to which the Deputy refers is an internal HSE document.

The provision of public hospital services and the management of waiting lists generally is a matter for the Health Service Executive (HSE) while the National Treatment Purchase Fund (NTPF) has statutory responsibility for the collation, management and publication of data on waiting times and numbers of persons waiting for surgical procedures.

Since the establishment of the NTPF, waiting times for surgical procedures have fallen dramatically. As of October 2007, an analysis of the Patient Treatment Register (PTR) operated by the NTPF indicated median waiting times as follows:-18 of Adult top 20 procedure wait times were 2 to 4 months;8 of Child top 10 procedure wait times were 2 to 5 months; and an overall median wait time for all specialties of 3.5 months.

The PTR showed a consistent pattern of reduced waiting times for those longest waiting. For example, as of October 2007, the numbers of adults waiting for more than 12 months had reduced by almost 22% when compared with the position at the end of December 2006.

[Deputy Mary Harney.]

With reference to hospital Emergency Departments, significant additional resources have been provided to address the problems which manifest in these Departments. Among the developments which have taken place are:

- Additional public and private Long Stay Beds,
- Additional Home Care Packages and Home Help Hours,
- Major capital developments in emergency departments and the provision of Acute Medical Assessment Units,
- Hospital-in-the-Home service in the greater Dublin area,
- Community Intervention Teams in Cork, Limerick and Dublin,
- Rapid assessment clinics to support the catchment population of the Mater Hospital, and
- Expansion of the GP out of hours services in North Dublin.

However, there are a number of hospitals where waiting lists and waiting times for surgical procedures continue to be unacceptably long. The NTPF continues to seek the co-operation of these hospitals in making referrals to it.

As the management of waiting lists generally is a matter for the HSE, my Department has requested the Parliamentary Affairs Department of the Executive to arrange to have a reply issued direct to the Deputy in the matter.

Disability Allowance.

217. **Deputy Olwyn Enright** asked the Minister for Health and Children if she will provide a breakdown of the payments made under subheading II F1 Payments in respect of disablement caused by thalidomide, to include the number of people paid, and the amount paid to each person, excluding their names; and if she will make a statement on the matter. [14208/08]

Minister for Health and Children (Deputy Mary Harney): There are a total of thirty-one people in receipt of the Thalidomide Allowance receiving tax free payments ranging from €5,977.80 to €12,888.21 per annum.

Hospital Services.

218. **Deputy Bernard Allen** asked the Minister for Health and Children if her attention has been drawn to a recent UK study presented recently at the Irish Medical Organisation conference which found a 1% increase in mortality with each 10 km increase in journey distances from hospitals; and the way she can reconcile the contents of that study with her proposals to close down local hospitals in favour of a centralised programme. [14211/08]

Minister for Health and Children (Deputy Mary Harney): I am aware of the study to which the Deputy refers. It was carried out in the UK where a different system of health service delivery to our own is in operation. In addition, the data was also collected between 1997 and 2001. Therefore, changes in performance in recent years or new policies may have affected the suggested increase in the mortality rate.

The key issue in relation to distance from hospital and outcomes from acute events such as heart attacks is the quality and speed of delivery of pre-hospital emergency care. This is an area where there has been considerable investment and development in recent years. The Pre-

Hospital Emergency Care Council, a statutory agency charged with responsibility for standards, education and training in the field of pre-hospital emergency care in Ireland, plays a key role in the area of new developments, promotion of research, emerging technology and advances in clinical practice. Among the Council's initiatives at present are:-

- A spatial analysis study for each HSE region, the results of which will inform decisions on the optimum location for ambulance bases and the deployment arrangements necessary to minimise response times;
- On-going co-operation with the HSE to facilitate a partnership in addressing many of the recommendations of the Sudden Cardiac Death Task Force Report, especially with regard to best practice in First Responder and Co-Responder schemes; and
- Continuation of the roll-out of the Advanced Paramedic training programme.

Nursing Homes Repayment Scheme.

219. **Deputy Michael Ring** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo has not received their payment under the health repayment scheme. [14212/08]

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.

Research Funding.

220. **Deputy Denis Naughten** asked the Minister for Health and Children if she will fulfil a commitment to an organisation (details supplied) to provide funding for Exon skipping trials in the UK; and if she will make a statement on the matter. [14213/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): I met with representatives of Muscular Dystrophy Ireland in October 2007 and discussed the issue raised by the Deputy. I subsequently wrote to Mr. Joe Mooney, Director of Muscular Dystrophy Ireland on 7th February 2008 outlining the position in relation to funding research trials into Duchenne Muscular Dystrophy in the United Kingdom. There is no mechanism or budget for Government funding of U.K. health research.

Primary Care Strategy.

221. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the slow roll-out of the Health Service Executive's primary care teams and the fact that meetings have been held between the Health Service Executive and general practitioners over a three year period with very little progress being made. [14218/08]

Minister for Health and Children (Deputy Mary Harney): The Primary Care Strategy aims to develop services in the community to give people direct access to integrated multi-disciplinary teams of general practitioners, nurses, home helps, physiotherapists, occupational therapists and others. It has been estimated that up to 95% of people's health and social services needs can be properly met within a primary care setting and the establishment of new Primary Care Teams can contribute greatly to enhancing community based health services.

[Deputy Mary Harney.]

The HSE received additional funding of €40m in the period 2006 to 2008 for the establishment of some 200 primary care teams involving some 600 additional front line professionals. The Government has committed under the Towards 2016 agreement to the establishment of 300 Primary Care teams by 2008; 400 by 2009 and 500 by 2011. A review of these targets is due to be undertaken in 2008.

The provision of the appropriate infrastructure to facilitate the delivery of primary care services is being considered by the HSE, having regard to a number of factors. These include the type and configuration of the services involved, the mixed public/private nature of our health system, the suitability of existing infrastructure and the capital requirements of the health services generally over the coming years. I have emphasised to the Health Service Executive the importance which I attach to the continued development and roll-out of primary care teams and my Department will monitor progress in this regard throughout the year.

As the Health Service Executive has the operational and funding responsibility for Primary Care services, it is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Cancer Treatment Services.

222. **Deputy Bernard Allen** asked the Minister for Health and Children if she proposes to commission a patient impact assessment by consulting with doctors and patients before changes are made in the delivery of cancer services at hospital level. [14219/08]

Minister for Health and Children (Deputy Mary Harney): The aim of the National Cancer Control Strategy, which was published in June 2006, is to reduce our cancer incidence, morbidity and mortality rates relative to other Member States of the European Union. The Strategy was developed by the National Cancer Forum, a multi-disciplinary expert group, comprising of both professional medical bodies and patient advocacy groups. The Forum recommended that all cancer care should be provided through a national system of four managed cancer control networks.

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 decisions of the HSE in relation to four managed cancer control networks and eight cancer centres will be implemented on a managed and phased basis. Professor Tom Keane, Director of the HSE's National Cancer Control Programme, is currently consulting with a wide range of informants on how the Programme should be implemented. Prof Keane is also engaging in detailed planning to facilitate the orderly phased transfer of services between locations.

Health Services.

223. **Deputy Bernard Allen** asked the Minister for Health and Children if she will direct the Health Service Executive to make its board meetings public and accountable in the interest of transparency in view of the fact that many major decisions affecting the lives of people are being made behind closed doors by a body which in the main is not accountable to Dáil Éireann. [14220/08]

Minister for Health and Children (Deputy Mary Harney): Section 6 of the Health Act, 2004 states that the Health Service Executive is a corporate body. In view of this, arrangements in

relation to its Board meetings are a matter for the HSE. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the matter raised.

Accident and Emergency Services.

224. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the situation whereby a new fully equipped accident and emergency unit at the Mercy Hospital, Cork, is lying idle whilst the present unit elsewhere on the campus of the Mercy University Hospital was deemed unfit for its purpose over two years ago, is tiny and does not have enough space for the demands on it. [14221/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy will be aware that the Health Act 2004 provided for the Health Service Executive (HSE) to have the responsibility to manage and deliver, or arrange to have delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at the Mercy University Hospital, Cork.

Improving the delivery of Accident and Emergency services continues to be a top priority for the Government and the Health Service Executive. There are three Accident and Emergency Departments in Cork City. These are located at Cork University Hospital, the Mercy University Hospital, and the South Infirmity Victoria University Hospital. These units are cross-covered by a team of Consultants in Emergency Medicine.

Funding of €4.7m for the provision of a new Accident and Emergency Department at the Mercy University Hospital was included in the HSE's Capital Plan 2006-2010. Building work on the new Accident and Emergency Department was completed on schedule in January 2007. The work of equipping and commissioning the new facility was completed at the end of October 2007.

The HSE has informed my Department that there are currently 46 staff assigned to the existing A&E Department at an annual cost of approximately €2.5m. The staff complement includes the equivalent of 18 full time nurses, 1 full time Consultant in Emergency Medicine, 2 Registrars and 7 Senior House Officers. The working of the existing Department is underpinned by close working relationships with physiotherapists, a social worker, an occupational therapist, radiographer, pharmacist, psychiatry and other support services, including chaplains, security and housekeeping staff.

The original approval for the project included an additional revenue allocation of €0.40m. I understand that in January 2007, the Mercy University Hospital submitted an application to the HSE's National Hospitals Office for an additional 24.5 full time staff for the new unit, at a cost of almost €1.5m. This would represent a very substantial increase in staffing over the current complement.

In December 2007, in an effort to advance the issue, both sides agreed to an evaluation of the staffing requirement for the new facility. I understand that this process will be concluded shortly. On Monday 14th April the Mercy University Hospital indicated that it proposed to bring the new Accident and Emergency Department in the Hospital into operation on a limited basis, beginning in June 2008. The HSE and Mercy University Hospital are engaged in ongoing discussions regarding the opening of the A&E Department and related issues.

225. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the recent comments by an association (details supplied) that seven emergency departments nationwide have been identified as unfit for the purpose by the Emergency

[Deputy Bernard Allen.]

Department Task Force and are in that condition two years after she declared emergency departments overcrowding, a national emergency. [14222/08]

Minister for Health and Children (Deputy Mary Harney): The Emergency Department Task Force Report was commissioned by the Health Service Executive and published in June 2007. Significant additional resources have been provided to address the problems which manifest in Emergency Departments. Among the developments which have taken place in line with the recommendations of the Task Force Report are:

- additional public and private Long Stay Beds,
- additional Home Care Packages and Home Help Hours,
- major capital developments in emergency departments and the provision of Acute Medical Assessment Units, including Mercy Hospital, Cork, Our Lady of Lourdes Hospital, Drogheda and Beaumont Hospital.
- Hospital in the Home Service in the greater Dublin area.
- Community Intervention Teams in Cork, Limerick and Dublin.
- Rapid assessment clinics to support the catchment population of the Mater hospital.
- Expansion of the GP out of hours services in North Dublin.

In drawing up its Capital Plan the Health Service Executive is required to prioritise the capital infrastructure projects to be progressed within its overall capital funding allocation under the National Development Plan 2007-2013, taking account of the NDP targets for division of capital investment between the Acute and Primary, Community & Continuing Care pillars. The HSE has submitted a draft Capital Plan to my Department, including provision for A & E developments, for consideration and approval in the normal way. The draft plan sets out the HSE's proposed short and longer term priorities and commitments. Consultation on the plan is ongoing between the HSE, the Department of Finance and my Department. The HSE has undertaken to provide additional clarification on its proposed capital developments and is currently engaged in this process.

Hospital Services.

226. **Deputy Bernard Allen** asked the Minister for Health and Children if her Department audits the level of private practice in all specialties in public hospitals; and if it is done on a consultant basis. [14226/08]

Minister for Health and Children (Deputy Mary Harney): The provision of private care in public acute hospitals is a long standing feature of the Irish healthcare system. Over 2,500 beds in public hospitals are designated as private and semi-private. A ratio of 80:20 public/private applies on average across the entire acute system. The percentage of beds designated as private varies between individual hospitals; for example, there is a higher ratio of private beds in maternity and paediatric hospitals and a lower ratio in other hospitals.

I am concerned that there are instances where the ratio of private work has far exceeded the stated bed designation. This is a matter which is central to this Government's reform programme, in particular in relation to a new hospital consultants' contract. The day to day management and monitoring of the public/private mix in acute hospitals is a matter for the Health Service Executive.

Question No. 227 answered with Question No. 215.

National Treatment Purchase Fund.

228. **Deputy Bernard Allen** asked the Minister for Health and Children if she audits the National Treatment Purchase Fund referrals; and, if so, if she proposes to publish the outcomes of the patients it refers. [14228/08]

Minister for Health and Children (Deputy Mary Harney): I am satisfied that adequate audit mechanisms exist in relation to the National Treatment Purchase Fund (NTPF). Since its establishment, a pattern of regular meetings with my officials together with contacts, on an almost daily basis, have been the norm. The NTPF is required to present me with an annual report of its activities. This it has done every year. The report includes an account of its performance against the service plan which is agreed annually with my Department. As a matter of course, the operation of the NTPF is audited annually by the Comptroller and Auditor General and the results are published. Other reports on the various aspects of NTPF activity such as the Out-Patient initiative and the Patient Treatment Register are reported on and published at regular intervals throughout the year. The PTR report in particular, includes an amount of statistical analytical information. The NTPF also makes detailed information available on its two websites — NTPF.ie and PTR.ie.

Vaccination Programme.

229. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on recent comments made in a publication (details supplied) that shortages of the BCG vaccine since October 2007 have left many children at risk of tuberculosis; and if she will direct the Health Service Executive to review the national TB services as a matter of urgency. [14229/08]

Minister for Health and Children (Deputy Mary Harney): I understand from the Health Service Executive (HSE) that, owing to regulatory difficulties experienced by the manufacturer of the BCG vaccine, there was a shortage of the vaccine from late 2007. This was a Europe-wide problem as the manufacturer in question is the only company which supplies the vaccine to the European Market. Unfortunately, it is not possible to stockpile the vaccine as it has a very short shelf life. These difficulties have now been resolved and new stocks of licensed vaccine are now available.

I understand from the HSE that clinics have now resumed and that parents of any baby who has not received BCG vaccine will be contacted by their Local Health Office with an appointment to receive the vaccine. Current strategy in relation to the prevention and treatment of Tuberculosis is guided by the recommendations of the “Report of the Working Group on Tuberculosis” (1996). It covers a wide range of issues including epidemiology, surveillance, screening, preventative therapy, clinical management and laboratory diagnosis. A review of Tuberculosis Services has been instigated by the HSE and is ongoing.

Infectious Diseases.

230. **Deputy Bernard Allen** asked the Minister for Health and Children the number of cases of tuberculosis reported here from 2002 to 2007 inclusive and to date in 2008. [14230/08]

Minister for Health and Children (Deputy Mary Harney): The Health Protection Surveillance Centre (HPSC) monitors rates of TB in Ireland on an on-going basis. According to data pro-

[Deputy Mary Harney.]

vided by the HPSC, TB notifications in Ireland between 2002 and 2007 were as shown in the following table.

Year	Number of cases
2002	408
2003	407
2004	432
2005	450
2006 (Provisional)	458
2007(Provisional)	474

Information in respect of 2008 to date, is not available as yet.

General Medical Services Scheme.

231. **Deputy Bernard Allen** asked the Minister for Health and Children if she is planning to deregulate general practitioner GMS lists before the end of 2008; and the rationale behind those plans. [14231/08]

Minister for Health and Children (Deputy Mary Harney): Under the Health Act, 2004, the Health Service Executive (HSE) has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for arrangements to ensure appropriate service delivery for General Medical Services (GMS) Scheme (medical card and GP visit card) patients.

Services under the GMS Scheme are provided by general practitioners (GPs) holding contracts with the HSE. The terms of these contracts were agreed on foot of negotiations with the Irish Medical Organisation (IMO). Under the terms agreed, contracts are made available where the HSE decides, after consultation with the IMO, that there is a need for a service having regard to a range of factors, including whether the needs of the population in the area are met by the services already available. The agreement also provides that the number of persons on a GP's patient panel may not exceed 2,000, save in exceptional circumstances. Not all GPs hold GMS contracts, as they may not qualify or wish to provide services under the Scheme. The arrangements for the provision of publicly funded GP services, including those provided under the GMS Scheme, are under review. I regard the existing arrangements in relation to access by GPs to public contracts as unnecessarily restrictive and it is my wish that new contractual arrangements for the provision of publicly-funded GP services should ensure that HSE contracts are open to all suitably qualified and equipped doctors.

Medical Cards.

232. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be issued on medical grounds to a person (details supplied) in County Kilkenny. [14249/08]

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.

Hospital Services.

233. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to the dentist in Baltinglass Hospital who was attending on two days per week but which has been reduced to one day a week; if two days a week will be reinstated as a matter of urgency in view of the large area using this service; and if she will make a statement on the matter. [14250/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

234. **Deputy Bernard Allen** asked the Minister for Health and Children the discussions that have taken place with the Irish Medical Organisation with regard to future initiatives on nurses prescribing. [14256/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act, 2004. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

235. **Deputy Edward O'Keefe** asked the Minister for Health and Children if she will assist in having a nursing home subvention application prioritised for a person (details supplied) in County Cork. [14257/08]

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 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.

Medical Aids and Appliances.

236. **Deputy Edward O'Keefe** asked the Minister for Health and Children if she will arrange

[Deputy Edward O’Keeffe.]

to have a motorised wheelchair provided to a person (details supplied) in County Cork.
[14259/08]

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 services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

237. **Deputy Seymour Crawford** asked the Minister for Health and Children if the Health Service Executive is taking the same action towards senior management salaries as they are doing towards subvention for the elderly that is freezing the allowance to 2007 costs; if she condones the HSE’s failure to support the most vulnerable people; and if she will make a statement on the matter. [14260/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): The Nursing Home Subvention Scheme was introduced in 1993 to assist with the cost of private nursing home fees. A subvention may be paid where a person has been assessed as needing nursing home care by the Health Service Executive and where the person has satisfied a means test. Since the 1st January 2007 there are no longer three separate rates for subvention. Persons who apply may receive any amount up to a maximum of €300 per week.

An enhanced subvention contribution, which is an additional discretionary contribution, may be paid by the HSE in addition to basic subvention. These discretionary contributions are subject to the limit of the resources available for the scheme.

There is no set amount of enhanced subvention contribution. The amount payable in each individual case will vary depending on the following criteria: the assessed means of the applicant; the cost of care in the individual case compared to the level of fees in the locality; the amount of basic subvention payable; the amount of resources available for the scheme; the need for the HSE to ensure that the available resources are distributed in a way that supports applicants as evenly as possible across the country. Guidelines on the operation of the nursing home subvention scheme are available on the HSE website at www.hse.ie

The choice of private nursing home is a matter for the applicant and/or their representatives. The HSE pays the approved subvention to the nursing home of the applicants’ choice and the payment of the balance of the nursing home fee is a matter between the applicant and the nursing home under the contract of care agreed between these parties.

As the Deputy is aware funding for health services has been provided as part of the Executive’s overall vote for health and personal social services in 2008. The allocation of resources is a matter for the Executive in accordance with the overall priorities for particular services as set out in its Service Plan.

With regard to the payment of salaries within the HSE, under Section 22 of the Health Act 2004, the Executive determines the terms and conditions, including remuneration and allowances, of its employees, with the Minister’s approval which is given with the consent of the Minister for Finance.

The rates of remuneration to the senior management posts within the Health Sector recently underwent a rigorous, independent evaluation by the Review Body on Higher Remuneration

in the Public Sector, whose report (Report No. 42) was published by the Government on 25 October 2007. Pay increases, will be implemented in relation to the relevant Health Sector grades, in line with the recommendations of the Review Body.

Hospital Services.

238. **Deputy Seymour Crawford** asked the Minister for Health and Children the number of hours per week the theatre in Monaghan General Hospital is in use; if she is satisfied that the theatre which cost so much and which is in such perfect repair should be under utilised while the Health Service Executive and the Government pay large sums of money to private hospitals in Mullingar and Galway to treat County Monaghan patients; and if she will make a statement on the matter. [14261/08]

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.

Proposed Legislation.

239. **Deputy Bernard Allen** asked the Minister for Health and Children when the remaining sections of the Public Health Tobacco Act 2002 will be implemented and specifically legislation covering in store advertising. [14264/08]

Minister for Health and Children (Deputy Mary Harney): I will be making an announcement shortly in relation to the commencement date.

Services for People with Disabilities.

240. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children the reason a child (details supplied) in County Kildare, one of three autistic children enrolled in the same school at the same time has yet to receive speech and language therapy; her views on whether it is acceptable that this child is failing to receive a service in view of their address; her further views on whether the creation of the Health Service Executive was intended to end such anomalies; and if she will make a statement on the matter. [14269/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75m in both 2006 and 2007. This funding included monies to provide new and enhanced services for people with disabilities, to implement Part 2 of the Disability Act 2005, which came into effect on June 1st 2007 for the under 5s and also for the continuation of the implementation of the transfer of persons with intellectual disability from psychiatric hospitals and other inappropriate placements.

The Government is also honouring its promise in relation to the Multi-Annual Investment Programme for people with disabilities, with a further €50m investment which was announced in the 2008 Budget. The Deputy's specific question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary

[Deputy Jimmy Devins.]

Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

241. **Deputy John Deasy** asked the Minister for Health and Children the capital and other funding available to Montessori schools from her Department; the way such funding is allocated and distributed; and if she will make a statement on the matter. [14274/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme 2006-2010 (NCIP), which will invest €575 million over 5 years, with €358 million of this in capital grant aid for child care services.

The NCIP came into effect from in January 2006, and aims to provide a proactive response to the development of quality child care supports and services, which are grounded in an understanding of local needs. It is building on the success of the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and incorporates among its key objectives: increasing the supply and improving the quality of early childhood care and education services. Services eligible for support include those providing care for babies, full-day care, part-time, sessional playschool, Montessori and other pre-school places, school age child care including “wrap around” child care places, and childminding. Special consideration is given to supporting services which provide a range of these services.

Eligibility for capital grant funding under the NCIP is assessed under a number of criteria; chiefly the nature and extent of the need locally for the service proposed, the applicant’s capacity to deliver the project proposed and value for money. To comply with the criteria, services, including playschool, Montessori and other pre-school services, are expected to operate for minimum periods per day. All proposals are expected to demonstrate how they will increase the supply of quality child care and community-based projects are expected to demonstrate a focus on disadvantage. The maximum capital grants available under the scheme for the building or expansion of child care facilities are €1.2 million per facility for community-based not for profit providers and €100,000 per facility for private providers (subject to a maximum of 75% of the total cost) and a maximum of €500,000 for multiple services in different catchment areas. In addition, a small grant scheme is available for Parent and Toddler Groups.

Applicants for capital funding under the NCIP first apply through their local City or County Childcare Committee (CCC), whose role it is to identify gaps in child care provision in their respective areas and to assist applicants to develop proposals to fill identified local needs. Capital funding under the NCIP is subject to the rules governing capital expenditure and the multi-annual investment framework, which are conditions of the sanction given by the Department of Finance each year for capital expenditure. To accord with these rules, the amount of capital available for allocation under the NCIP on the basis of portfolios submitted by CCCs in 2008, is expected to be in the region of €120 million. Each CCC has been allocated a portion of this figure, as an indicative budget for this year, which was calculated with reference to a number of factors, including the level of capital grant aid approved in the respective areas to date, the amount of capital grant aid remaining to be allocated under the NCIP and the child populations in the areas covered by the Committee in question. Where this resulted in a figure below €1.5 million, the figure was increased to this amount. In terms of projects being developed by each Committee, they are expected to prioritise these in the context of the funding available to their area.

Hospitals Building Programme.

242. **Deputy John Deasy** asked the Minister for Health and Children if the Health Service Executive has requested capital funding for the construction of a specialist cancer unit at Waterford Regional Hospital; when such funding will be made available; and if she will make a statement on the matter. [14275/08]

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 question raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to have a reply issued directly to the Deputy in relation to the matter raised.

243. **Deputy John Deasy** asked the Minister for Health and Children if the Health Service Executive has requested capital funding for an extension to the accident and emergency unit at Waterford Regional Hospital; when such funding will be made available; and if she will make a statement on the matter. [14276/08]

Minister for Health and Children (Deputy Mary Harney): The Government's sustained high level of investment in healthcare has enabled the completion and commissioning of numerous new facilities in both the acute and the non-acute sectors. This year, overall capital funding of approximately €594m has been provided to the Health Service Executive.

In drawing up its Capital Plan the Health Service Executive is required to prioritise the capital infrastructure projects to be progressed within its overall capital funding allocation under the National Development Plan 2007-2013, taking account of the NDP targets for division of capital investment between the Acute and Primary, Community & Continuing Care pillars. The HSE has submitted a draft Capital Plan to my Department for consideration and approval in the normal way which sets out the HSE's proposed short and longer term priorities and commitments. Consultation on this draft Capital Plan is ongoing between the HSE, the Department of Finance and my Department. The HSE has undertaken to provide additional clarification on its proposed capital developments and is currently engaged in this process.

Health Services.

244. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if the primary care centre promised for Letterkenny will be purpose built on its own site, or if the Health Service Executive will enter a leasing arrangement with a local developer; if the latter is the case what the lease will entail; and the amount it will cost to the HSE per year. [14290/08]

Minister for Health and Children (Deputy Mary Harney): The provision of the appropriate infrastructure to facilitate the delivery of primary care services is the responsibility of the Health Service Executive. In December 2007 the HSE sought expressions of interest from the private sector for the provision of the Primary Care Team infrastructure, with the HSE proposing to enter into fixed term leases with such providers. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters raised by the Deputy investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

245. **Deputy Christy O'Sullivan** asked the Minister for Health and Children the position as

[Deputy Christy O’Sullivan.]

regards bed availability for those people awaiting procedures in Cork University Hospital.
[14306/08]

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.

Palliative Care Services.

246. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if the terms of reference of Professor Tom Keane include the provision of palliative care across the country; and if she will make a statement on the matter. [14403/08]

Minister for Health and Children (Deputy Mary Harney): The ‘Strategy for Cancer Control, 2006’ makes recommendations in relation to organisation, governance, quality assurance and accreditation across the continuum of cancer care from prevention and health promotion through to treatment services, palliative care and research. Prof Tom Keane was appointed on an interim basis for two years to lead and manage the HSE National Cancer Control Programme. Prof Keane’s role is to establish the Programme and set out its priorities. This includes the establishment of four managed cancer control networks. Through these networks the integration of palliative care with other aspects of the programme will be ensured. Under the Programme for Government, the Government has committed to removing the regional disparities in the provision and funding of palliative care, and to ensuring that the needs of all those who require palliative care are met.

The HSE is continuing to work on implementing the Report of the National Advisory Committee on Palliative Care (2001) and is now developing a five year implementation framework, in consultation with the Irish Association for Palliative Care, the Irish Hospice Foundation and the Irish Cancer Society. Work is ongoing on the development of this plan and good progress has been made to-date. Since 2006 additional funding totalling €21m was provided by the Government. This allowed for enhanced service provision covering for example, multi-disciplinary teams; specialist palliative care beds; home care; day care; acute palliative care services, etc. Particular emphasis is being placed by the HSE on addressing parts of the country where services need most improvement.

Services for People with Disabilities.

247. **Deputy Alan Shatter** asked the Minister for Health and Children when the Health Service Executive will publish its formal guidance document on residential facilities for adults with a disability; when quality and safety measures will be included in contractual arrangements between the HSE and agencies that provide a disability service; and if she will make a statement on the matter. [14412/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The Deputy’s specific question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

248. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the number of outpatients and accident and emergency attendees for each acute hospital in the north east for each year since 2000 to date in 2008; the county of origin of each such patient; and if she will make a statement on the matter. [14417/08]

Minister for Health and Children (Deputy Mary Harney): The number of outpatients and accident and emergency attendances for the years 2000 to 2005, for each hospital in the Health Service Executive North East is set out in the attached table. My Department does not routinely hold data relating to the county of origin of patients. Figures for 2006 and subsequent years have been collected by the HSE. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this additional information collated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

249. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if she will make a statement on the proposed new regional hospital for the Dublin north east Health Service Executive area. [14418/08]

250. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if her Department received advanced draft copies, or advanced notice of the recent report into the proposed new regional hospital for the Dublin north east area; and if she will make a statement on the matter. [14419/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 249 and 250 together.

No decision has been taken by the Government or by the Health Service Executive on the location of a new Regional Hospital in the North East. The HSE has recently received the report of a consultancy firm, which it commissioned to carry out an independent study on a possible location for the new Regional Hospital. The study took account of various criteria including demographics, access, planning and development considerations and interdependencies. I have received a briefing from the HSE and the consultants who prepared the report on the key findings of the study. I understand that the report was considered by the Board of the HSE at its meeting last week and that the contents were noted.

Hospital Services.

251. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if her attention has been drawn to the fact that there is an eight year waiting list for the dermatology outpatients clinic in the Mid-West Regional Hospital with 2,300 people on the list and that the list is closed to new patients except those with very serious conditions; the action she will take to address this issue; and if she will make a statement on the matter. [14421/08]

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.

252. **Deputy Jan O’Sullivan** asked the Minister for Health and Children the action being taken to reduce the ENT waiting lists in the south east; when full clinical facilities will be provided in order that the recently appointed locum consultant can perform their functions; and if she will make a statement on the matter. [14422/08]

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.

Nursing Homes Repayment Scheme.

253. **Deputy Michael Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo received payment under the health repayment scheme. [14424/08]

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.

Health Services.

254. **Deputy Brendan Howlin** asked the Minister for Health and Children the measures being taken to ensure that the youth homelessness strategy is being implemented in County Wexford; and if she will make a statement on the matter. [14426/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): The Deputy’s question relates to the management and delivery of health and social services which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Office has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Community Pharmacy Services.

255. **Deputy Michael Creed** asked the Minister for Health and Children the contingency plans in place by her Department and the Health Service Executive to deal with the probability that pharmacists will withdraw from the community drug scheme; and if she will make a statement on the matter. [14472/08]

Minister for Health and Children (Deputy Mary Harney): I have been informed by the HSE that it has, to date, received notification from 360 community pharmacy contractors indicating their intention to either cease providing services from 1st May 2008, or otherwise reserving their right to do so. Community pharmacy contractors are required under the terms of their contract to give three months notice of their intention to withdraw. The HSE has written to each of the 360 contractors, seeking formal confirmation of their intentions and pointing out that 3 months notice of cessation of service is required. At this point in time, only two contractors have actually given formal notification of termination in accordance with the requirements in the contract.

The HSE has developed a national contingency planning framework which will inform and provide direction to local operational management for the development of local area — specific

contingency plans. As service provision, geographical and demographic circumstances will vary from area to area, each local health area is developing its own area — specific contingency plan within the context of the overall national framework. I believe that threats of withdrawal from the community pharmacy contract are unjustified and are not in anyone's interest. There is no need to bring patients into a dispute between the pharmacists and the HSE. There can be no grounds for causing upset or anxiety about the supply of prescriptions to patients.

Health Services.

256. **Deputy Charles Flanagan** asked the Minister for Health and Children if her attention has been drawn to the fact that the Health Service Executive operated drug treatment clinic at Portlaoise, County Laois is not fully operational despite the significant problem with heroin abuse in particular in the area; and if she will make a statement on the matter. [14473/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Care of the Elderly.

257. **Deputy Mary Upton** asked the Minister for Health and Children the number of respite beds that have been or are about to be closed throughout the country arising from budget constraints; the number of patients who will be affected by these cuts; her plans to reopen this service; and if she will make a statement on the matter. [14476/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): Arising from Budget 2008, a full year package of €22m has been allocated for new services in the area of older people. This therefore gives a total of over €422m for new services for older people over the last three years. These measures have been designed to both enhance existing services that the Government had already put in place, and also to widen the range of services available to older people.

In this context, over €16m has been provided in the last three years for new Day/Respite Care services. The recent Budget will allow an additional 1,245 clients nationally to avail of new Respite places and brings the total projected Day Care provision by the Health Service Executive to around 21,300 places by the end of this year.

The HSE have committed through its National Service Plan 2008 to deliver services within its Vote provided by the Oireachtas. It will manage the provision of respite care beds within this context and also recognising the priority the Government and the Executive have given to services for older people.

There is no doubt that demand can at times exceed service resources and that this problem can manifest itself in particular at local level. It is a matter for the Executive to manage service delivery, both nationally and locally, within its budget and in line with overall health policy priorities. 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 HSE to arrange to have the matter investigated in detail and to have a reply issued directly to the Deputy.

Health Services.

258. **Deputy Leo Varadkar** asked the Minister for Health and Children if she is satisfied with

[Deputy Leo Varadkar.]

the fact that ophthalmology and dental services are not available to asylum seekers until they receive a medical card; and if she will make a statement on the matter. [14493/08]

Minister for Health and Children (Deputy Mary Harney): The arrangements in place regarding eligibility for public health services are not subject to residency and means criteria as asylum seekers may avail of public health services on the same basis as medical card holders, while awaiting a decision on their application to remain in the State. Asylum seekers are given medical cards for the period during which their application for refugee status is being considered. If refugee status is subsequently granted, then they are regarded as ordinarily resident and come under the usual rules for entitlement to health services.

Medical Cards.

259. **Deputy Leo Varadkar** asked the Minister for Health and Children the stage at which an asylum seeker becomes eligible for a medical card; and if she will make a statement on the matter. [14503/08]

Minister for Health and Children (Deputy Mary Harney): The healthcare of asylum seekers is provided by the Health Service Executive in the context of general arrangements governing eligibility for public health services. The arrangements in place are not subject to residency and means criteria and such persons may avail of public health services on the same basis as medical card holders, while awaiting a decision on an application to remain in this country. Asylum seekers are given medical cards for the period during which their application for refugee status is being considered. If refugee status is granted, then they are regarded as ordinarily resident and come under the usual rules for entitlement to health services.

260. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 20 was refused a medical card; and if their application will be re-examined to allow a medical card to be issued. [14506/08]

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.

Cosmetic Surgery Clinics.

261. **Deputy John Perry** asked the Minister for Health and Children the plans in place to introduce legislation governing the regulation of private plastic surgery clinics here; the regulations that exist currently for persons who operate this profession here; the ISO standard

requirements for cosmetic surgery facilities; and if she will make a statement on the matter. [14509/08]

262. **Deputy John Perry** asked the Minister for Health and Children the plans in place to ensure patient welfare and safety with respect to new entrants into the private cosmetic surgery industry; and if she will make a statement on the matter. [14510/08]

263. **Deputy John Perry** asked the Minister for Health and Children the role the Health Information and Quality Authority will play in the assessment and regulation of private cosmetic surgery clinics; and if she will make a statement on the matter. [14511/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 261 to 263, inclusive, together.

Under the Medical Practitioners Act 1978, the Medical Council is charged with responsibility for the registration of medical practitioners and the regulation of their activities. The Medical Practitioners Act 2007 provides for a clear compulsory requirement for registration of all medical practitioners, changes to the Fitness to Practise process and the introduction of a mandatory scheme for the maintenance of professional competence. These and other new provisions of the Act will afford greater protection to the public. There is, however, currently no regulatory framework governing the operation of private cosmetic surgery clinics beyond the registration and regulation of the medical practitioners concerned.

A core function of the Health Information and Quality Authority (HIQA) is to set standards on safety and quality of health services and to monitor enforcement of those standards in an open and transparent way. The Health Act 2007 currently gives HIQA strong powers in this area in relation to services provided by the Health Service Executive (HSE) and bodies funded by the HSE to provide services on their behalf. The process by which such a regulatory regime is introduced first in the public sector is a feature of similar developments in other jurisdictions. The extension of this type of monitoring and control to the private sector would involve further legislation of a complex nature.

However, the Commission on Patient Safety and Quality Assurance was established last year to develop proposals for a health service wide system of governance based on corporate accountability for the quality and safety of all health services. One of its terms of reference is to specifically examine and make recommendations in relation to a statutory system of licensing for public and private health care providers and services. I understand that the Irish Association of Plastic Surgeons made a submission to the Commission. The Commission is due to report by July this year.

Medicinal Products.

264. **Deputy Ciarán Lynch** asked the Minister for Health and Children the present legislation and licensing system governing the importation, processing retailing and distribution of St John's Wort; if licences have been granted for same; and if so, to what companies and when; and if she will make a statement on the matter. [14520/08]

Minister for Health and Children (Deputy Mary Harney): St. John's Wort for oral use is subject to prescription control under the Medicinal Products (Prescription and Control of Supply) Regulations. There is an exemption for the topical formulation which permits such products to be sold in pharmacies without a prescription. The Irish Medicines Board (IMB) has received no licence applications for St John's Wort and there are no products authorized by the IMB.

Irish Medicines Board.

265. **Deputy Ciarán Lynch** asked the Minister for Health and Children the terms of reference for the Irish Medicines Board; the way members are appointed; the persons who are the appointed members and when they were appointed; if there is a fixed period of service; if there is a payment or expense granted to board members; the way the board is funded; the extent of this funding; and if she will make a statement on the matter. [14521/08]

Minister for Health and Children (Deputy Mary Harney): The Members of the Irish Medicines Board are appointed by myself for a fixed period of five years, which may be renewed. I have sent details of members and their appointment dates to the Deputy. The functions of the Board are set out in the Irish Medicines Board Act 1995, as amended. Board members may be paid travelling and subsistence expenses in accordance with Department of Finance rules. The Chair of the Board receives a payment as sanctioned by that Department. The Board is funded partly by my Department, partly through the payment of fees in relation to the grant or renewal of licences and partly through the charging of fees in consideration of the performance by it of its functions. My Department provided funding of €4,924,000 for 2007.

Accident and Emergency Services.

266. **Deputy Deirdre Clune** asked the Minister for Health and Children if her attention has been drawn to the fact that a new accident and emergency unit at the Mercy Hospital, Cork is not operational; when she expects it will be operational; and if she will make a statement on the matter. [14527/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy will be aware that the Health Act 2004 provided for the Health Service Executive (HSE) to have the responsibility to manage and deliver, or arrange to have delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at the Mercy University Hospital, Cork.

Improving the delivery of Accident and Emergency services continues to be a top priority for the Government and the Health Service Executive. There are three Accident and Emergency Departments in Cork City. These are located at Cork University Hospital, the Mercy University Hospital, and the South Infirmity Victoria University Hospital. These units are cross-covered by a team of Consultants in Emergency Medicine.

Funding of €4.7m for the provision of a new Accident and Emergency Department at the Mercy University Hospital was included in the HSE's Capital Plan 2006-2010. Building work on the new Accident and Emergency Department was completed on schedule in January 2007. The work of equipping and commissioning the new facility was completed at the end of October 2007.

The HSE has informed my Department that there are currently 46 staff assigned to the existing A&E Department at an annual cost of approximately €2.5m. The staff complement includes the equivalent of 18 full time nurses, 1 full time Consultant in Emergency Medicine, 2 Registrars and 7 Senior House Officers. The working of the existing Department is underpinned by close working relationships with physiotherapists, a social worker, an occupational therapist, radiographer, pharmacist, psychiatry and other support services, including chaplains, security and housekeeping staff.

The original approval for the project included an additional revenue allocation of €0.40m. I understand that in January 2007, the Mercy University Hospital submitted an application to the HSE's National Hospitals Office for an additional 24.5 full time staff for the new unit, at a

cost of almost €1.5m. This would represent a very substantial increase in staffing over the current complement.

In December 2007, in an effort to advance the issue, both sides agreed to an evaluation of the staffing requirement for the new facility. I understand that this process will be concluded shortly. On Monday 14th April the Mercy University Hospital indicated that it proposed to bring the new Accident and Emergency Department in the Hospital into operation on a limited basis, beginning in June 2008. The HSE and Mercy University Hospital are engaged in on-going discussions regarding the opening of the A&E Department and related issues.

Departmental Funding.

267. **Deputy Joe Carey** asked the Minister for Health and Children the amount of funding given by her Department or the Health Service Executive for the years 2004, 2005, 2006 and 2007 to an institute (details supplied); and if she will make a statement on the matter.

[14539/08]

Minister for Health and Children (Deputy Mary Harney): The National Breast Cancer Research Institute (NBCRI) is a voluntary based charity located at the Clinical Science Institute, University College Hospital Galway. Funding for cancer research is provided by my Department to the Health Research Board (HRB). The statutory functions of the HRB are to promote, conduct, fund and commission medical, epidemiological and health services research in Ireland. The HRB has advised my Department that funding of over €2.6m has been provided to the National University of Ireland Galway (Department of Surgery) and University College Hospital Galway from 2004 to 2007. A significant proportion of this funding relates to breast cancer research and clinical trials for breast cancer.

HRB records of research grants do not include a specific grant to the NBCRI. However, a number of individuals associated with the NBCRI are in receipt of grants. The HRB has also informed my Department that the new Clinical Research Facility, which will be built as an annex to the existing University College Hospital Galway, will provide significant research benefits, including cancer research. The new facility will support a much greater volume of clinical studies in cancer, going well beyond the clinical trials already well established and bringing patient centred research to a new level. The funding associated with the new facility is €20m which is being funded by the HRB and the Health Service Executive. It is anticipated that the facility will be completed next year.

Community Pharmacy Services.

268. **Deputy Michael Creed** asked the Minister for Health and Children if her Department has considered the impact on rural pharmacies of the 8% cut in payment to pharmacists under the community drug schemes; her views on whether small rural pharmacies do not get 8% discounts from their wholesaler and the way she can guarantee continuity of supply to patients of their medicines under the community drug schemes in areas which may be left without a local community pharmacist arising from the changes imposed by the Health Service Executive and supported by her Department; and if she will make a statement on the matter. [14548/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) have been reviewing the pharmaceutical supply chain, with a view to seeking value for money in the State's drugs bill, in order to better fund existing and innovative therapies without compromising patient safety or continuity of supply. Following the completion of a consultation process, and informed by the independent economic analysis carried out by Indecon Economic Consultants, new reimbursement arrangements for wholesale supply were announced by the

[Deputy Mary Harney.]

HSE on 17th September 2007. The report by Indecon was published by the HSE on 13 November 2007. All aspects of the Indecon report were considered by the HSE in making its determination.

The existing wholesale mark-up in the range of 15% to 17.6% is neither reasonable nor sustainable. The Government supports the HSE's decision to pay an 8% mark-up from 1 March, and 7% from 1 January 2009 which will be applied by reducing the reimbursement price paid to community pharmacy contractors from those dates. In response to demands from community pharmacists to address the alleged impact of the new wholesale pricing arrangements, 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.

Both the HSE as the contracting body and the IPU as the representative organisation for community pharmacists, along with other stakeholders, will be entitled to make submissions to the Independent Body.

Based on its consideration of submissions received and its own independent evaluation, the body will recommend an appropriate dispensing fee that would, in its view, represent a fair and reasonable price to be paid for the pharmaceutical service currently being provided by community pharmacists to the HSE under the GMS and community drug schemes. If approved by Government, it will be backdated to the date from which any individual community pharmacist may choose to avail of the HSE's offer. Accordingly, each pharmacist will have three options: to avail of the interim contract as outlined by the HSE letter of 2 January 2008 immediately; to accept the interim contract upon the report of the Independent Body; or to stay with the existing retail fee structure until the agreement of a substantive new contract.

I believe that threats of withdrawal from the community pharmacy contract are unjustified and are not in anyone's interest. There is no need to bring patients into a dispute between the pharmacists and the HSE. There can be no grounds for causing upset or anxiety about the supply of prescriptions to patients.

Hospitals Building Programme.

269. **Deputy Brian Hayes** asked the Minister for Health and Children the latest costing associated with the proposed new national paediatric hospital; the proposed costing for the four satellite units; and if funding for this entire infrastructural package for paediatric services in Dublin and for a new national service can now be drawn down; and if she will make a statement on the matter. [14557/08]

Minister for Health and Children (Deputy Mary Harney): The National Paediatric Hospital Development Board has responsibility for planning, designing, building, furnishing and equipping the new national paediatric hospital. The Health Service Executive is working closely with the Development Board in progressing the project. My Department has asked the HSE to have a reply issued directly to the Deputy on the specific issues raised.

Health Service Inquiry.

270. **Deputy David Stanton** asked the Minister for Health and Children when she expects the Health Service Executive inquiry which is being held into the circumstances surrounding

the death of a person (details supplied) in County Cork on June 2006 to be finalised; when the report will be published; and if she will make a statement on the matter. [14564/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

271. **Deputy Jan O’Sullivan** asked the Minister for Health and Children the progress made in providing extra kidney dialysis facilities for the mid-west region; if planning permission has been procured for the proposed new unit; the estimated timeframe for when it will be operational; and if she will make a statement on the matter. [14584/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Palliative Care Services.

272. **Deputy Andrew Doyle** asked the Minister for Health and Children the action being taken to ensure that a palliative care service exists in County Wicklow. [14586/08]

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.

Consultancy Contracts.

273. **Deputy Andrew Doyle** asked the Minister for Health and Children the budget for consultancy services with a firm (details supplied) on integration of the health services; the brief given to the consultants; and when the report is due. [14587/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has commissioned the firm of management consultants referred to by the Deputy to undertake a review of the Executive’s management structures and delivery systems. I understand that the review is still ongoing.

The cost for the consultancy service and the brief given to the consultants is a matter for the Health Service Executive and I have forwarded your question to the Executive for direct reply.

Health Services.

274. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will arrange to have respite care approved in respect of a child (details supplied) in County Cork; and if her attention has been drawn to the fact that the Health Service Executive has refused the application despite the fact that the person is deserving and a single parent. [14593/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75m in both 2006 and 2007. This funding included monies to provide new and enhanced services for people with disabilities, to implement Part 2 of the Disability Act 2005, which came into effect on June 1st 2007 for the under 5’s and also for the continuation of the implementation of the transfer of persons with intellectual disability from psychiatric hospitals and other inappropriate placements.

The Government is also honouring its promise in relation to the Multi-Annual Investment Programme for people with disabilities, with a further €50m investment which was announced in the 2008 Budget.

The Deputy’s specific question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Accommodation.

275. **Deputy Dan Neville** asked the Minister for Health and Children the number of inpatient psychiatric hospital beds in each year from 2000 to date in 2008. [14607/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): The number of in-patient psychiatric hospital beds for the years 2000 to 2006 is set out in the following table. The figures for 2007 and to date in 2008 are not yet available.

Year	No of Beds
2000	4,747
2001	4,947
2002	4,554
2003	4,334
2004	4,121
2005	3,975
2006	3,897

Source: 2000-2003, Health Research Board, Activities of Irish Psychiatric Services Reports 2000-2003.

Source: 2004-2006, Mental Health Commission Annual Reports 2004-2006.

In addition, there are over 3,000 residents living in community residential facilities.

Mental Health Services.

276. **Deputy Dan Neville** asked the Minister for Health and Children if she will extend the remit of the Health Information and Quality Authority which was established under the Health Act 2007 to cater for the mental health services. [14602/08]

Minister for Health and Children (Deputy Mary Harney): The Mental Health Commission is an independent statutory body established under the Mental Health Act 2001. The role of the Commission is to promote high standards in the delivery of mental health services and ensure the interests of those involuntarily admitted to Approved Centres are protected. The Inspectorate of Mental Health Services is an integral part of the Commission. I am satisfied that the Commission is the proper competent authority to oversee our mental health services.

Health Services.

277. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Wicklow; if the person will be seen as a matter of urgency; and if she will make a statement on the matter. [14578/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

278. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if a child care facility that has closed down can be held to account for lapses of care while it was operational; and if she will make a statement on the matter. [14579/08]

279. **Deputy Jan O'Sullivan** asked the Minister for Health and Children her views on strengthening regulations on child care to oblige a certificate of registration to be visibly displayed on the premises; and if she will make a statement on the matter. [14580/08]

280. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if the regulations governing child care providers allow for action to be taken against a provider who does not register despite minding a number of children that should oblige them to be registered; and if she will make a statement on the matter. [14581/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): I propose to take Questions Nos. 278 to 280, inclusive, together.

Under the Health Acts, the Health Service Executive (HSE) has statutory responsibility for the implementation of the Child Care (Pre-School Services) (No.2) Regulations 2006.

Where lapses of care have occurred while a pre-school service was operational but the service has subsequently closed, the response of the various regulatory and enforcement authorities will be determined by the nature of the lapse. For example in circumstances where a criminal matter is under investigation, it will be a matter for an Garda Síochána to determine. Where a breach of the Child Care (Pre-School Services) (No 2) Regulations has occurred or been reported, it will be followed up on by the HSE Pre-School Inspectorate, depending upon the nature of the breach, if proceedings have already been initiated in the District Court.

Under Part VII of the Child Care Act 1991, which governs supervision of Pre School Services, the HSE has no powers of closure. In practice, therefore following an inspection of a child-care facility where there is grave and immediate danger to the health, safety and welfare of pre-school children, the service can be requested by the HSE to voluntarily close. This voluntary closure may be followed by legal action where deemed appropriate, in which case a fine

[Deputy Brendan Smith.]

of up to €1,000 on each proven offence may be imposed on the service provider. The presiding Judge may also, under Article 57 (2) of the Child Care Act, by order prohibit a service from operating for a period specified on the order. If the lapse concerns a child protection matter, it will be followed up on by the HSE child protection services.

The Child Care (Pre-School Services) (No 2) Regulations, which were last updated in 2006 require that a person proposing to carry on a pre-school service gives notice in writing to the HSE at least 28 days before the commencement of the service. There is no requirement under the regulations to display this notification. A Child Care (Pre-School Services) Regulations Committee has been established by my Office to oversee their implementation and review where considered necessary or appropriate. The Committee will consider changes to the current Regulations in this context.

In instances where notification is not given to the HSE and the Executive becomes aware that a service is in operation, it is normal practice for the Pre-School Inspectorate to contact the service and request it to notify. Failure to do so would constitute a breach of the Regulations and the service provider may be prosecuted for operating a non-notified service.

Health Services.

281. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if there is legislation currently in place governing laser eye treatment in public and private facilities; if not, her views on such legislation; and if she will make a statement on the matter. [14582/08]

Minister for Health and Children (Deputy Mary Harney): At present there is no legislation in Ireland governing laser eye treatment. However, the involvement of medical practitioners in this practice is subject to the provisions of the Medical Practitioners Act and the Medical Council's guidelines.

Cancer Screening Programme.

282. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if the cytology laboratories which will carry out testing for the roll-out of cervical cancer screening are all outside of Ireland; if laboratories here that are in the process of achieving accreditation will be included in the tendering process, subject to achieving accreditation, in order to protect competence, skills and jobs in this field here; and if she will make a statement on the matter. [14583/08]

Minister for Health and Children (Deputy Mary Harney): The roll out of a national cervical screening programme is the most efficient population approach to preventing and controlling cervical cancer. The National Cancer Screening Service (NCSS) is planning to roll out such a programme on a national basis around the middle of this year. Women aged 25 to 44 years old will be screened every 3 years; women aged 45 to 60 will be screened every 5 years. The service will be available free of charge to eligible women everywhere in the country. Approximately 230,000 women will be screened annually, assuming an 80% take up by eligible women. All elements of the programme — call/recall, smear taking, laboratories, colposcopy and treatment services will be quality assured, organised and managed to deliver a single integrated national service.

Additional revenue funding of €5.0m was allocated to the NCSS in 2007 for the roll-out of the programme and an additional €15.0m has been allocated in 2008. An additional 30 posts have been approved to facilitate integration and roll-out of the programme.

The Deputy's specific questions in relation to cytology laboratories are the responsibility of the National Cancer Screening Service. Accordingly, my Department has requested the Chief

Executive Officer of the Service to respond directly to the Deputy in relation to the matters raised.

Hospital Waiting Lists.

283. **Deputy Dinny McGinley** asked the Minister for Health and Children when a person (details supplied) in County Donegal who is on a waiting list for a triple bypass and heart valve replacement will again be called to hospital. [14613/08]

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.

Nursing Homes Repayment Scheme.

284. **Deputy John Perry** asked the Minister for Health and Children if she will intercede with Health Service Executive officials to ensure that long-term stay patient repayments are made as soon as possible on behalf of a person (details supplied) in County Sligo; and if she will make a statement on the matter. [14629/08]

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.

Health Service Staff.

285. **Deputy John Deasy** asked the Minister for Health and Children if her attention has been drawn to the fact that there has been a vacancy for a schools orthodontist in Dungarvan, County Waterford since January 2008 and that this situation is causing great concern to parents of pupils requiring orthodontic treatment; if she will convey this concern to the Health Service Executive; and if she will make a statement on the matter. [14631/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

EU Directives.

286. **Deputy John Deasy** asked the Minister for Health and Children the way the food supplement Directive, 2002/46/EC, will be implemented; if she will prevent the sale of vitamins and supplements at dosages above the recommended daily allowance; her views on whether the RDA levels are guidelines only; and whether dosages above the RDA levels constitute a danger to a persons health; and if she will make a statement on the matter. [14632/08]

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher): The Food Supplements Directive, 2002/46/EC, has been transposed into Irish law

[Deputy Pat The Cope Gallagher.]

by Statutory Instrument No. 506 of 2007. That legislation is implemented by the Health Service Executive, under a Service Contract Agreement with the Food Safety Authority of Ireland (FSAI). This ensures that consumers in Ireland are protected by the harmonised EU rules on the sale of food supplements, in particular the labelling of food supplements and chemical form of vitamins and minerals they contain. Work is ongoing at European level on the development of a methodology under which maximum safe levels for vitamins and minerals in food supplements will be set.

I am advised by the FSAI that in general, healthy people obtain adequate levels of nutrients by eating a variety of foods in moderation rather than by taking added nutrients from supplements or in fortified foods. With the exception of vitamin A, it is almost impossible to over-consume vitamins and minerals from natural food sources. However, excessive intake of vitamins and minerals from supplements and fortified food sources can be a cause for concern if consumed in large quantities over a long period.

Examples of known adverse effects associated with over-consumption of some commonly taken vitamins and/or minerals include:

- reduction in iron absorption as a result of ingesting calcium;
- increase in the risk of cardiovascular disease and cancer as a result of excessive iron intake;
- significant risk to unborn children of complications arising from vitamin A toxicity, where the mother ingests large doses of pre-formed vitamin A;
- over-consumption of folic acid leading to masking of vitamin B12 deficiency-related anaemia in older people; and
- a possibility of interactions between dietary supplements and prescription drugs and among several dietary supplements taken at the same time.

The FSAI has advised that the setting of recommended daily allowance (RDA) levels for vitamins and minerals based on the most recently available scientific evidence mean those international RDA levels represent optimal intake levels for up to 98% of the population. In addition to ensuring nutritional adequacy (and thereby preventing deficiency) such optimal levels are designed to protect against the development of chronic disease. While work on the further development of EU-wide standard RDA levels is awaited such international RDA levels can provide guidance for the setting of safe maximum levels for vitamins and minerals that are added to foods or available in supplements in the EU.

Hospital Waiting Lists.

287. **Deputy John Cregan** asked the Minister for Health and Children her plans to improve the present situation governing orthodontic treatment waiting lists in St. Camillus' Hospital, Limerick, in view of the fact that a person (details supplied) in County Limerick has been on the waiting list since 2004 and has not received treatment; and if she will make a statement on the matter. [14634/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my

Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

288. **Deputy James Bannon** asked the Minister for Health and Children if non-Irish national nurses working in public hospitals are paid on the official pay scale agreed by her Department for all nursing staff; and if she will make a statement on the matter. [14657/08]

Minister for Health and Children (Deputy Mary Harney): All nursing staff, both Irish and non-Irish national, working in public hospitals and employed by the Public Health Service are paid in accordance with the official salary scales. Where nurses are, however, working under contract for private nursing employment agencies the rate of remuneration would be a matter between those nurses and the agencies involved. However, I understand that the pay scales applied by the agencies would in many instances closely adhere to the official rates.

Community Pharmacy Services.

289. **Deputy James Bannon** asked the Minister for Health and Children the reason the right of pharmacists to representation by their union, the Irish Pharmacy Union is not recognised; the reason the Health Service Executive has, without negotiation, imposed a new payment structure on pharmacists, ignoring in the main Indecon advice which was commissioned by the HSE; the reason there is a lack of analysis by the HSE of the effects of such a payment structure on the delivery of pharmacy services throughout the country; and if she will make a statement on the matter. [14667/08]

Minister for Health and Children (Deputy Mary Harney): I would point out that the Government and the Health Service Executive (HSE) recognise the Irish Pharmaceutical Union (IPU) as the representative body for its members.

I have previously outlined in detail to the House the legal provisions under Competition Law which prevent the HSE from negotiating with the IPU on fees, prices or margins for their members. When it became clear that the HSE could not negotiate with pharmacists or wholesalers on fees or margins, a transparent consultation process, including independent economic analysis by Indecon Economic Consultants, was carried out to inform the final determination of the new reimbursement pricing arrangements for drugs and medicines under the medical card and community drugs schemes. These new arrangements were announced by the HSE on 17th September 2007. The report by Indecon was published by the HSE on 13 November 2007. All aspects of the Indecon report were considered by the HSE in making its determination.

A process of dialogue was established under Mr. Bill Shipsey SC to address concerns expressed by the IPU, on behalf of community pharmacists. At a meeting between the HSE and the IPU under Mr Shipsey SC on 5 December 2007, a proposal was outlined to the IPU to (i) address their immediate concerns regarding the alleged impact of the proposed revised wholesaler arrangements on GMS-dependent pharmacies and (ii) to provide a basis upon which discussions on a new substantive contract could commence. The IPU was not prepared to accept this proposal from the HSE and, accordingly, no further discussions have taken place under Mr Shipsey's aegis since then.

In response to demands from community pharmacists to address the alleged impact of the new wholesale pricing arrangements, 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.

[Deputy Mary Harney.]

I have also established an Independent Body to assess an interim, fair community pharmacy dispensing fee to be paid for the medical card and 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.

Based on its consideration of submissions received and its own independent evaluation, the Body will recommend an appropriate dispensing fee that would, in its view, represent a fair and reasonable price to be paid for the pharmaceutical service currently being provided by community pharmacists to the HSE. If approved by Government, it will be backdated to the date from which any individual community pharmacist may choose to avail of the HSE's offer.

Accordingly, each community pharmacist will have three options: to avail of the interim contract as recently offered by the HSE; to accept the interim contract upon the report of the Independent Body; or to stay with the existing retail fee structure until the agreement of a substantive new contract.

I believe this provides all concerned with a reasonable way to make the transition to a fair and transparent method of payment for present services and, I hope, greatly developed pharmacy services in the near future.

Hospital Staff.

290. **Deputy James Bannon** asked the Minister for Health and Children the reason graduate nurses are unlikely to be offered pre-registration nursing experience in 2008 in the approximate four month period between qualification and registration, which will force many of them to take work in non-medical menial jobs to survive; the reason posts are not being filled despite staff shortages; and if she will make a statement on the matter. [14669/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act, 2004. It is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Infectious Diseases.

291. **Deputy Pat Breen** asked the Minister for Health and Children if she will meet a delegation of the four Houses of the Oireachtas Members from County Clare to discuss the recent findings of the Health Service Executive review of the increased presence of clostridium difficile at Ennis General Hospital and the urgent requirement to implement the recommendations of the report including funding for the construction of additional storage and cleaning facilities for both medical wards at the hospital and the funding for the hospital development project; and if she will make a statement on the matter. [14693/08]

Minister for Health and Children (Deputy Mary Harney): I consider the findings of this review into an outbreak of Clostridium difficile (*C. difficile*) at the Midwestern Regional Hospital, Ennis to be a serious matter and I would like to express my sympathy to any patient and/or family who has been affected by the outbreak. I would like to assure the Deputy that tackling all Health Care Associated Infections (HCAIs), including *C. difficile* continues to be

a priority for the Government and for the Health Service Executive (HSE). Arrangements have been made to meet with Oireachtas Members from Clare on this issue.

In March 2008, I instructed the HSE to make *C. difficile* a notifiable disease. From May 4th, all cases of *C. difficile* and the associated disease, Clostridium Difficile Associated Diarrhoea (CDAD) will have to be notified to the relevant Department of Public Health. All new cases of CDAD will be entered onto the national Computerised Infectious Disease Reporting system so that incidences can be monitored and managed appropriately where they occur.

While accepting that not all HCAs are preventable, I am satisfied that this outbreak has been dealt with and significant steps are being taken to reduce the rates of HCAs generally and to treat them promptly when they occur. I have been informed by the HSE that most of the recommendations in the Ennis report have already been implemented and the HSE will continue to monitor their implementation so as to ensure that the incidence of HCAs is reduced to the absolute minimum and, particularly, that significant outbreaks such as this do not occur again.

In drawing up its Capital Plan the Health Service Executive is required to prioritise the capital infrastructure projects to be progressed within its overall capital funding allocation under the National Development Plan 2007-2013, taking account of the NDP targets for division of capital investment between the Acute and Primary, Community & Continuing Care pillars. The HSE has submitted a draft Capital Plan to my Department for consideration and approval in the normal way which sets out the HSE's proposed short and longer term priorities and commitments. Consultation on this draft Capital Plan is ongoing between the HSE, the Department of Finance and my Department. The HSE has undertaken to provide additional clarification on its proposed capital developments and is currently engaged in this process.

Ambulance Service.

292. **Deputy Pat Breen** asked the Minister for Health and Children the position regarding the provision of an ambulance base at Shannon, County Clare; and if she will make a statement on the matter. [14694/08]

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.

Nursing Home Subventions.

293. **Deputy Jim O'Keeffe** asked the Minister for Health and Children the basis for payment of the different levels of nursing home subvention; the different rates of payment; when it is expected that the legislation providing for the new system will be circulated; and the proposals in this regard. [14697/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): The Nursing Home Subvention Scheme was introduced in 1993. The aim of this scheme is to provide financial assistance to older people towards the cost of maintenance in a private nursing home. As of January 2007, there are no longer three separate rates for subvention. Persons who apply may receive any amount up to a maximum of €300 per week. Additional funding of €55 million was provided for this purpose in Budget 2007. A subvention may be paid where a person has

[Deputy Máire Hocht.]

been assessed as needing nursing home care by the Health Service Executive and where the person has satisfied a means test.

In addition to the increased rate of basic subvention, additional funding of €30 million was made available in 2007 for enhanced subvention. This is a supplementary subvention, which may be paid by the HSE, to a person in or entering private long-term care. The amount of enhanced subvention paid is at the discretion of the HSE and varies according to the cost of care and the circumstances of the applicant.

The Bill providing for the Fair Deal scheme is being finalised by the Office of the Attorney General at present. My colleague, the Minister for Health and Children, intends to publish the Bill as soon as possible following finalisation by the Attorney General and Government approval, and to bring the legislation through the Houses of the Oireachtas thereafter.

Under the Fair Deal, individuals will apply to the HSE for an assessment of care needs. There will be a common assessment process throughout the country and the assessment will be carried out by a multi-disciplinary team of healthcare professionals. The assessment will be flexible and will recognise that some people may require more assessment by a wider range of health care professionals than others.

Individuals who are assessed as needing long-term residential care, can apply to the HSE for financial support. The new scheme will ensure that the State continues to fund the largest part of care costs overall. Furthermore, a person's family will not have to contribute towards the cost of their care.

Individuals who require long-term residential care will contribute a maximum of 80% of their net assessable income whether for public or private nursing home care. In calculating an individual's net assessable income, it is proposed that account can be taken of specified items of expenditure.

Depending on the amount of a person's assessable income, there may also be a contribution of up to 5% of a person's assets. The State will meet the balance of cost thereafter in public or private nursing homes. An individual can choose any approved nursing home subject to a) its ability to meet their care needs and b) availability.

The payment of the portion of the contribution relating to assets can be paid at the time when care is received, or may be deferred until the settlement of the individual's estate if they so wish. If an individual opts to defer this portion of the contribution, the Revenue Commissioners will collect it upon settlement of their estate.

Where the contribution is based on the principal private residence, it will be capped at a maximum of 15%, or 7.5% in the case of one spouse going into long-term residential care while the other remains in the home. This means that after three years in care, an individual will not be liable for any further deferred contribution based on the principal residence.

Where a spouse or certain dependants are living in the principal residence, the contribution may be further deferred until after the death of that spouse or dependant, or until such time as a person previously qualifying as a dependant ceases to qualify as such.

Homeless Persons.

294. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the fact that voluntary homeless groups believe there to be over a thousand children homeless in the Dublin area alone; the breakdown of the exact figures of homeless children on a local authority area basis; and her plans to address the issue of child homelessness as the new revised Government strategy will only address adult homelessness. [14495/08]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): I assume the Deputy is referring to those young people who have been identified as being homeless on an individual basis and not within their family unit. The most recent figures collated by the Health Service Executive indicate that in 2005 approximately 378 (This figure is a national figure but does not include figure from the south western area in Dublin region) children nationally were identified as being homeless. In relation to the breakdown of these figures on a HSE regional basis, I have requested the HSE to forward the latest available of this information directly to the Deputy.

The Government has shown significant commitment to tackling youth homelessness. It has done this by targeting significant resources at the youth homeless service in the context of the development of the broader child welfare services. In 2001 the Youth Homelessness Strategy was launched. The Strategy provides a strategic framework for youth homelessness to be tackled on a national basis. The goal of the Strategy is “to reduce and if possible eliminate youth homelessness through preventative strategies and where child becomes homeless to ensure that he/she benefits from a comprehensive range of services aimed at reintegrating him/her into his/her community as quickly as possible.” In 2005, my office, the Office of the Minister for Children (OMC) requested that the HSE undertake a review of their action plan, to ascertain the extent of its implementation. My Office is continuing to work with the HSE with a view to identifying youth homeless service needs and in determining future policy in this area. My Office has also been liaising with the Department of the Environment, Heritage and Local Government in the context of the review of their existing homeless strategy and the development of a new adult homeless strategy.

Marine Qualifications.

295. **Deputy Joe McHugh** asked the Minister for Transport the estimate of the number of deck hands, engineers, mates and qualified skippers who have qualifications in their respective fields; and if he will make a statement on the matter. [14692/08]

Minister for Transport (Deputy Noel Dempsey): The Department does not maintain records of the numbers of seafarers who are employed at any one time onboard Irish Registered vessels.

I am informed by the Marine Survey Office that a “snapshot” of the numbers of seafarers employed on Irish Registered vessels was taken during September 2007 in connection with a study being undertaken by the European Commission. The statistics in the following table relate to passenger and cargo vessels that were in service on a year round basis at that time.

Type of Vessel	Total Number of Officers Employed	Total Number of Ratings Employed
Cargo Ships	157	156
Passenger Ships of Class B	8	16
Passenger Ships of Class IIA	12	15

In addition to the numbers of seafarers accounted for above there are approximately 70 seasonal passenger vessels in operation throughout the summer period only. These vessels would each typically employ up to four seafarers.

The Department maintains a database to record all Certificates of Competency and Certificates of Equivalent Competency that have been issued to officers in accordance with the Standards of Training, Certification and Watchkeeping (STCW) Convention 1978 as amended in 1995. A total of 2572 certificates have been issued under these arrangements since September 2001.

[Deputy Noel Dempsey.]

In comparison, the records for the number of Fishing Vessel Certificates of Competency issued since 2001 indicate that 365 of these types of certificate have been issued to officers in the Irish fishing vessel fleet, which numbers approximately 1800 vessels.

Road Network.

296. **Deputy Damien English** asked the Minister for Transport the average cost to the State per kilometre of road resurfacing works on regional routes for each of the years 2004, 2005, 2006 and 2007; and if he will make a statement on the matter. [14821/08]

297. **Deputy Damien English** asked the Minister for Transport the average cost to the State per kilometre of road resurfacing works on county routes for each of the years 2004, 2005, 2006 and 2007; and if he will make a statement on the matter. [14822/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 296 and 297 together.

Information available in my Department on the cost per kilometre of road resurfacing works on regional and local roads is in respect of the State funded road restoration programme. Resurfacing works funded under that programme fall into two categories, i.e. road pavement improvements and surface dressing.

The average cost per kilometre for resurfacing works under those two categories for each of the years 2004 to 2007 is set out in the following table.

Year	Average Cost per km of Surface Dressing	Average Cost per km of Restoration Improvement
	€	€
2004	10,178	44,701
2005	14,619	56,899
2006	16,616	66,465
2007	18,689	65,472

State Airports.

298. **Deputy Joe Carey** asked the Minister for Transport if aircraft companies are licensed to carry hazardous material using Shannon Airport; the procedures and facilities in place to deal with same; and if he will make a statement on the matter. [14846/08]

Minister for Transport (Deputy Noel Dempsey): The carriage of munitions of war, weapons into or through Irish airspace or into Irish airports is prohibited under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders 1973 and 1989, unless an exemption has been issued by the Minister for Transport.

All applications under the above Orders by civilian aircraft are submitted to the Irish Aviation Authority (IAA) by my Department for their observations in respect of hazardous or dangerous goods or materials. The IAA ensures that all such requests are compliant with current safety regulations for the safe transport including packing of these goods by air as approved by International Civil Aviation Organisation (ICAO).

In considering whether to grant an exemption my Department also consults with the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs.

Limited quantities of dangerous goods may be carried into and through Irish airspace without special exemption under the provision of Annex 18 to the Chicago Convention and provided that they meet the limitations of the ICAO “Technical Instructions for the Safe Transport of Dangerous Goods by Air”.

Foreign military aircraft may only land in or overfly Irish territory with the permission of the Minister for Foreign Affairs.

Taxi Regulations.

299. **Deputy Finian McGrath** asked the Minister for Transport if he will respond to a query from a person (details supplied) in Dublin 5 on taxi licences. [14863/08]

Minister for Transport (Deputy Noel Dempsey): Decisions regarding the location and operation of taxi ranks on public roads are primarily matters for consideration by the relevant local authority. Under section 84 of the Road Traffic Act 1961, as amended, a local authority is empowered to make by-laws in respect of any specified area in its functional area appointing the places at which taxis may stand for hire. The making of such by-laws is a reserved function of a local authority.

Insofar as the management and control of the operation of the taxi rank at Dublin Airport is concerned, this is a matter for the Dublin Airport Authority.

With regard to taxi numbers, the October 2000 High Court judgement which led to taxi liberalisation created the legal position that limitation of taxi licences in the interests of existing licence holders could not be sustained. Regulations made in November 2000 responded to the new legal situation established by reference to the decision of the High Court. Subsequently, the Taxi Regulation Act 2003, which provides the legislative basis for the licensing and operation of small public service vehicles generally, does not provide a basis for the application of quantitative controls on the issue of licences for any such vehicles.

The Commission for Taxi Regulation is now the independent public body responsible for the development and maintenance of the regulatory framework for the control and operation, including licensing, of taxis, hackneys, limousines and their drivers. However, the Commission does not have any remit or statutory power under the Taxi Regulation Act 2003 in relation to the control of the number of licences issued. The Commission is, however, progressing policy and supporting regulation in relation to such aspects within its statutory control as vehicle standards and driver skills and knowledge. This will contribute to enhancing the overall standards that a small public service vehicle operator must meet to obtain either a small public service vehicle driver or vehicle licence.

State Airports.

300. **Deputy Deirdre Clune** asked the Minister for Transport the way the establishment of an independent airport authority at Cork Airport under the State Airport Acts 2004 will affect the employment rights of persons currently working at the airport; and if he will make a statement on the matter. [14892/08]

Minister for Transport (Deputy Noel Dempsey): The recent decision of the Cork Airport Authority (CAA) to accept the recommendations put forward by Peter Cassells with regard to the separation of the CAA from the DAA will allow the airports to proceed with the next steps for separation. A process of engagement will now commence with all the relevant parties on implementation and the technical and legal issues involved will be progressed by the airport authorities and my Department.

[Deputy Noel Dempsey.]

It is my intention to proceed without delay to effect the full separation of the three State airports as set out in the State Airports Act 2004. This process will involve the preparation of revised business plans taking account of the Cassells' recommendations. In due course the business plans would be submitted to the Minister for Finance and myself for approval.

Also as part of this process, there will be a need to engage in necessary consultation with stakeholders. In this regard the Minister recognises that there is an understanding with ICTU concerning the framework for consultation with trade unions on the airport business plans.

I wish to reassure all concerned that the legal commitments enshrined in the State Airports Act concerning the protection of terms and conditions of employment of State Airport employees, as well as the requirements for consultation on future collective bargaining structures, will be honoured in full.

Marine Accidents.

301. **Deputy Eamon Scanlon** asked the Minister for Transport when an investigation will be completed into a boating accident (details supplied); and if he will make a statement on the matter. [13938/08]

Minister for Transport (Deputy Noel Dempsey): I wish to express my sympathy to the relatives affected by this tragedy. I understand that the Marine Casualty Investigation Board (MCIB) is carrying out an investigation into the sinking of the "MFV Strath Marie".

The MCIB, in the exercise of its functions, is independent from me as Minister for Transport. Therefore, the Deputy should contact the MCIB directly (www.mcib.ie) in relation to the investigation of this tragedy.

Public Transport.

302. **Deputy Thomas P. Broughan** asked the Minister for Transport the number of buses currently in operation in the Dublin Bus fleet; and if he will make a statement on the matter. [13883/08]

Minister for Transport (Deputy Noel Dempsey): I am informed by Dublin Bus that it currently has, on average, approximately 1,180 buses in its fleet.

Road Traffic Accidents.

303. **Deputy Fergus O'Dowd** asked the Minister for Transport the contact he has had with CIE in relation to the causes of the Wellington Quay bus crash of 2004; if he is in possession of a report into the causes of the crash; if not, when he expects to acquire such a report; and if he will make a statement on the matter. [13928/08]

304. **Deputy Fergus O'Dowd** asked the Minister for Transport the reason in view of his role in ensuring safe public transport he has not published any report into the causes of the Wellington Quay bus crash of 2004; the assurances he can give to the travelling public that the causes of that crash have been addressed; and if he will make a statement on the matter. [13929/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 303 and 304 together.

The day to day operation of bus services is a matter for the bus companies concerned and the investigation of road traffic accidents and the prosecution of court cases arising therefrom,

including in relation any breaches of the Road Traffic Acts, is a matter for the Garda Síochána. I understand that Dublin Bus has co-operated fully with the Gardaí in this regard.

I have not received any internal Dublin Bus report into the accident referred to.

Taxi Regulations.

305. **Deputy Paul Kehoe** asked the Minister for Transport the options available when a taxi operator is not satisfied with a decision made by the taxi regulator; and if he will make a statement on the matter. [13941/08]

Minister for Transport (Deputy Noel Dempsey): Under the public service vehicle regulations, where the Commission for Taxi Regulation refuses to grant or renew a taxi, wheelchair accessible taxi, hackney or limousine licence, the applicant may appeal the decision to the District Court.

Similarly, where the Garda Commissioner or authorised officer refuses to grant a licence to drive a small public service vehicle or revokes a licence, the applicant/licence holder may appeal the decision to the District Court having jurisdiction where the person ordinarily resides.

In both circumstances, on hearing the appeal the Justice may either confirm the refusal or suspension or revocation or direct the relevant licensing authority to grant or renew the licence in question or remove the suspension or revocation. Notice of the Court decision is given to the relevant licensing authority who must comply with the decision. These provisions are set out in the Taxi Regulations Act 2003.

Departmental Advertising.

306. **Deputy Fergus O'Dowd** asked the Minister for Transport the cost of media advertising on Transport 21 to date; and if he will make a statement on the matter. [13943/08]

Minister for Transport (Deputy Noel Dempsey): Transport 21 represents the largest capital investment commitment ever made by Government to the development of transport infrastructure in this country. It comprises a programme of projects that will greatly improve our national roads and public transport systems over the ten year period to 2015, involving a total investment of €34 billion.

I consider it essential that the general public and all interested parties are made aware of the investments proposed in Transport 21 and are kept up-to-date on the progress being made. Recent market research, undertaken on behalf of my Department, has shown that awareness levels of Transport 21 among the general public is low.

Therefore, as part of a wider information and communications strategy, my Department is undertaking a media advertising campaign, which aims to raise public awareness of Transport 21. To date, the campaign has involved television, press and outdoor advertising. The total cost to date is €580,921, which includes media costs and design and advertising fees.

Noise Pollution.

307. **Deputy Paul Gogarty** asked the Minister for Transport if he will clarify whether powers vested under Section 77 of the Roads Act 1993 are within his remit, or remain within the remit of the Minister for the Environment, Heritage and Local Government. [14010/08]

Minister for Transport (Deputy Noel Dempsey): The issue of environmental noise, including that generated by road traffic, is dealt with under Statutory Instrument (S.I.) No. 140 of 2006: Environmental Noise Regulations 2006. The S.I. was signed into effect by the Minister for the

[Deputy Noel Dempsey.]

Environment, Heritage and Local Government on 29th March 2006. These Regulations have superseded the provisions of Section 77 of the Roads Act, 1993.

Consultancy Contracts.

308. **Deputy Olivia Mitchell** asked the Minister for Transport the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14112/08]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is being compiled and will be forwarded to her as soon as possible.

Public Transport.

309. **Deputy Jack Wall** asked the Minister for Transport the number of wheelchair accessible buses run by Bus Éireann that are attached to routes that service County Kildare; the number of proposed new buses to deal with such routes; and if he will make a statement on the matter. [14223/08]

Minister for Transport (Deputy Noel Dempsey): The deployment of buses is a matter for Bus Éireann but I am informed by the company that it is their intention to have wheelchair accessible vehicles on all commuter routes within Co. Kildare by the end of next year, amounting to approximately 35 vehicles.

The approach being taken to the provision of wheelchair accessible coaches is outlined in 'Transport Access for All', my Department's Sectoral Plan under the Disability Act 2005, a copy of which is in the Oireachtas Library.

State Airports.

310. **Deputy Paul Gogarty** asked the Minister for Transport when he will make a decision on the independence of the Shannon Airport Authority under the State Airports Act 2004; his views on the business plan lodged by the SAA; if the SAA will be viable if granted its independence; and if he will make a statement on the matter. [14234/08]

Minister for Transport (Deputy Noel Dempsey): The State Airports Act, 2004 provides the framework for the establishment of Shannon, Cork and Dublin as independent airports. Under the Act, both the Minister for Finance and I will have to be satisfied as to the state of operational and financial readiness of the three airports before any vesting of assets can take place.

The recent decision of the Cork Airport Authority to accept the recommendations put forward by Peter Cassells with regard to the separation of the CAA from the DAA will allow the airports to proceed with the next steps for separation of Cork and Shannon airports from the DAA. A process of engagement will now commence with all the relevant parties on implementation and the technical and legal issues involved will be progressed by the airport authorities and my Department.

It is my intention therefore to proceed without delay to effect the full separation of the three State airports as set out in the State Airports Act 2004. This process will involve the preparation

of revised business plans taking account of the Cassells' recommendations. In due course the business plans would be submitted to the Minister for Finance and myself for approval.

311. **Deputy Paul Gogarty** asked the Minister for Transport the position in respect of negotiations on providing a US customs and border protection post at Shannon Airport; if he expects an agreement to be made in 2008 with the US authorities; and if he will make a statement on the matter. [14235/08]

Minister for Transport (Deputy Noel Dempsey): U.S. proposals for the provision of pre-clearance facilities at Dublin and Shannon Airports were submitted to my Department in late December 2007.

Formal negotiations on the proposals commenced with the U.S. authorities on 29 January last and additional documentation has been received from the U.S. side. Further discussions with the U.S. authorities are envisaged in the coming months. Given that the matter is still under negotiation it is too early to say when an agreement can be concluded.

Consultancy Contracts.

312. **Deputy Damien English** asked the Minister for Transport the cost to his Department of the original branding for Transport 21; the name of the consultants engaged by his Department for same; and if he will make a statement on the matter. [14252/08]

Minister for Transport (Deputy Noel Dempsey): The original Transport 21 logo was provided at no cost to the Department.

313. **Deputy Damien English** asked the Minister for Transport the cost to his Department of the recent re-branding for Transport 21; the name of the consultants engaged by his Department for same; and if he will make a statement on the matter. [14253/08]

Minister for Transport (Deputy Noel Dempsey): Following a procurement process held in January 2007, my Department engaged Design Bridge to design a new corporate image and implementation guidelines for Transport 21. The total amount paid to date by my Department to Design Bridge in respect of the new corporate image, is €70,463.35.

Taxi Regulations.

314. **Deputy Ciarán Lynch** asked the Minister for Transport if he will undertake an evaluation of the implementation of the Taxi Regulation Act 2003; if he will consider the present level of service, the entry requirements for taxi operators, the qualifying requirements for the public service vehicle licence and limiting the numbers of full-time or part-time drivers entering the business; and if he will make a statement on the matter. [14263/08]

Minister for Transport (Deputy Noel Dempsey): The Commission for Taxi Regulation was established under the Taxi Regulation Act 2003 and is the independent public body responsible for the development and maintenance of the regulatory framework for the control and operation of small public service vehicles, taxis, hackneys and limousines, and their drivers. Many of the issues raised in the question relate to the day-to-day responsibilities and actions of the Commission for Taxi Regulation in accordance with its principal function and objectives under the 2003 Act. Under the Act, the Commission has specific regulatory powers in relation to a range of issues including issues of quality and level of service, and entry requirements for licence applicants generally. I also understand from the Commission that it proposes to undertake an economic review of the small public service vehicle industry later in 2008.

[Deputy Noel Dempsey.]

Insofar as limits on the numbers of licence applicants are concerned, the October 2000 High Court judgement which led to taxi liberalisation created the legal position that limitation of taxi licences in the interests of existing licence holders could not be sustained. Regulations made in November 2000 responded to the new legal situation established by reference to the decision of the High Court. Subsequently, the Taxi Regulation Act 2003, which provides the legislative basis for the licensing and operation of small public service vehicles generally, does not provide a basis for the application of quantitative controls on the issue of licences for any such vehicles.

Rail Network.

315. **Deputy Andrew Doyle** asked the Minister for Transport if he will ensure that all manually operated railway crossings are appropriately signed, particularly for people of reduced ability in hearing, sight or mobility, and visible under adverse weather conditions. [14588/08]

Minister for Transport (Deputy Noel Dempsey): The issue referred to by the Deputy is an operational matter for Iarnród Eireann. Under the provisions of the Railway Safety Act 2005, the safety of the mainline railway network, including level crossings, is a matter for Iarnród Eireann in accordance with its Safety Case as accepted by the Railway Safety Commission under Section 46 of the Act.

Cycling Facilities.

316. **Deputy Olivia Mitchell** asked the Minister for Transport if he will publish the draft national cycling policy; the action envisaged on foot of its recommendations; and if he will make a statement on the matter. [14635/08]

Minister for Transport (Deputy Noel Dempsey): My Department is currently undertaking the development of a Sustainable Travel and Transport Action Plan (STTAP), the public consultation process for which is currently under way. An element of STTAP is likely to require significant modal shift from the private car to walking, cycling and public transport and, in parallel with the preparation of STTAP, the Department commissioned research to help in the development of a National Cycle Policy.

My Department has recently received the outputs of the research, including a suggested National Cycling Policy. However, as there is a close inter-relationship between the development of a National Cycling Policy and delivery of STTAP, detailed policy consideration must be undertaken of the research output to ensure that it will ultimately be a good fit with STTAP.

In the light of the foregoing, and pending completion of the policy consideration mentioned above, it is considered that it would be premature to make available documentation relating to the deliberative process in relation to the National Cycle Policy. The research information presented in seven volumes is, however, available in my Department for inspection.

Military Neutrality.

317. **Deputy Jimmy Deenihan** asked the Minister for Foreign Affairs the protections that will exist for Irish neutrality within the Lisbon reform treaty and the associated constitutional amendment; and if he will make a statement on the matter. [13869/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The provisions of the Reform Treaty in the security and defence area are fully consistent with Ireland's traditional policy of military neutrality. In particular, the existing safeguard that the European Union's policy in this area

“shall not prejudice the specific character of the security and defence policy of certain Member States” is maintained, along with the requirement for unanimity in relation to all significant decisions in this area, including the launching of any crisis management mission.

Any deployment of contingents of the Defence Forces overseas will continue to be for sovereign decision of this State, and shall be subject to the requirements of the “triple lock” of Government decision, Dáil approval and UN authorisation.

The twenty-sixth amendment to the Constitution, approved by the people as part of the referendum on ratification of the Nice Treaty in October 2002, prohibits the State from entering into a common defence established under the Treaties. The proposed Constitutional amendment permitting ratification of the Reform Treaty clearly reaffirms this provision.

Overseas Development Aid.

318. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if, apart from funding earmarked for Cuban Government agencies, UN agencies or Trócaire, his attention has been drawn to the planned funding of Cuban or Cuba-orientated non-governmental organisations by the Exchequer under the Irish Aid programme or otherwise; and if he discussed or is scheduled to discuss, the funding of such groups with his European Union colleagues. [14852/08]

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): The Irish Aid Programme has a clear focus on reducing poverty in some of the poorest countries of the world, including funding through Non-governmental Organisations (NGOs) and other agencies for development programmes and projects. Funding has been channelled to alleviate poverty in Cuba through the UN and Trócaire. There are currently no additional funding requests for Cuba.

Although the EU 1996 Common Position on Cuba does allow for certain assistance to Cuba through NGOs or on humanitarian grounds in order to facilitate peaceful change in Cuba, I am not aware of any current plans for such EU funding nor of any plans among Member States to discuss such funding.

Passport Applications.

319. **Deputy James Bannon** asked the Minister for Foreign Affairs the reason the recently issued passport of a person (details supplied) in Dublin 18, has the place of birth specified as Israel, when previous passports held by the person referred to Jerusalem, which was in fact the place of birth; the way such a change, which carries potentially negative connotations for travel, should have been imposed on an Irish citizen, who by an accident of birth was born, in what at the time came under the British Mandate for Palestine, but if born in Dublin would have such on the passport, rather than Ireland; and if he will make a statement on the matter. [13836/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): Previous passports were issued to the person in question with place of birth recorded as Jerusalem. A new Automated Passport System was put in place in 2005. The system reads place of birth as entered on the passport application form and compares it against a list of countries. When the system was being put in place no provision, inadvertently, was made in the list of locations for Jerusalem.

The person in question wrote directly to my Department about this issue and has received a reply expressing appreciation for her correspondence and stating that we fully agree that her place of birth should be recorded as Jerusalem, and that a replacement passport — obviously on a gratis basis — will be issued to her.

Diplomatic Relations.

320. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if he will list those members of the United Nations with whom Ireland does not have diplomatic relations; if he has discouraged any of those countries from establishing diplomatic relations on a resident basis; if he has discouraged any of those countries from establishing diplomatic relations on a non-resident basis; and if he will make a statement on the matter. [13848/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): There are 192 members of the United Nations. Of these, Ireland does not have diplomatic relations with the following 25 countries:

- Benin
- Bhutan
- Cape Verde
- Central African Republic
- Comoros
- Dominican Republic
- Equatorial Guinea
- Gabon
- Grenada
- Guinea
- Haiti
- Madagascar
- Mali
- Marshall Islands
- Mauritania
- Saint Kitts & Nevis
- Saint Vincent & the Grenadines
- Sao Tome & Principe
- Solomon Islands
- Somalia
- Suriname
- Swaziland
- Togo
- Tonga
- Turkmenistan

My Department is currently processing requests from three of the above countries to establish diplomatic relations with Ireland for the first time. The question of my discouraging any of these 25 countries from establishing diplomatic relations on a residential or non-residential

basis does not arise. Indeed, the normal practice is for the Government to accede to requests to establish diplomatic relations and to accredit an Ambassador on either a resident or non-resident basis, irrespective of whether an Irish Ambassador is accredited to the particular country concerned.

As the Deputy is aware, in the case of Burma, the Government has made it clear to the Burmese authorities that no steps will be taken to accredit their Ambassador in London on a non-residential basis, until a number of developments in that country have taken place, in particular the release of Aung San Suu Kyi.

Consular Services.

321. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support a case (details supplied). [13878/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): My Department has been providing extensive consular support since first being made aware of the case referred to by the Deputy. On 5th April, our Embassy in Berne was contacted by the CEO of the company of the three persons detained in Basel and immediate consular assistance was offered. The Chargé d’Affaires of the Embassy made immediate contact with the Public Prosecutor and the three people were subsequently released.

The Chargé d’Affaires also travelled to Basel to meet with the people concerned and arranged a meeting with the Basel Public Prosecutors office at which the representative of that office explained the background to the case. The Prosecutor’s office also informed them that the case against them was now closed. I understand that the Prosecutor’s office indicated that an internal investigation would be carried out into the circumstances of the case.

I have instructed our Ambassador to contact the relevant Swiss authorities to express our serious concern about the circumstances in which these individuals were detained. I can assure the Deputy that our Embassy will continue to engage in active and ongoing dialogue with the relevant Swiss authorities in relation to this case.

Arts Funding.

322. **Deputy Olivia Mitchell** asked the Minister for Foreign Affairs if he has provided public moneys, capital or current, to an organisation (details supplied) in any of the years 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [13912/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): As part of the cultural and heritage aspect of the Government’s Support for Emigrant Services programme, administered by my Department’s Irish Abroad Unit, Comhaltas Ceoltóirí Éireann has been in receipt of grant funding for specific projects abroad in the period in question. The funding provided is detailed in the following table.

Year	Amount	Region
	€	
2005	79,791	Britain
2006	108,366	Britain
	1,194	Australia
2007	193,051	Britain
2008	No funding has been granted to date.	

[Deputy Dermot Ahern.]

With the exception of a single grant of €1,194, awarded to Comhaltas Ceoltóirí Éireann Melbourne in 2006, this funding was directed to support the work of the organisation's branches in Britain.

Northern Ireland Issues.

323. **Deputy Martin Mansergh** asked the Minister for Foreign Affairs the present legal status of the Good Friday Agreement and its relationship to the St. Andrews Agreement. [13979/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The St Andrews Agreement underpins the provisions of the Good Friday Agreement.

The Good Friday Agreement is the collective name given to the British Irish Agreement and Multi-Party Agreement of 10 April 1998. The British Irish Agreement is an international agreement, by which the two Governments undertook to support and, where appropriate, to implement the annexed Multi-Party Agreement. It entered into force on 2 December 1999.

The agreement reached at St Andrews followed discussions between the Governments and the parties on the means to achieve restoration of a power sharing Executive in Northern Ireland and the full and effective operation of the political institutions envisaged by the Multi-Party Agreement.

As with the Multi-Party Agreement, the agreement reached at St Andrews was subsequently annexed to an international agreement between the Governments. The Governments, by means of that international agreement, undertook to support and, where appropriate, to implement the institutional measures agreed at St Andrews. That international agreement entered into force on 9 May 2007, following restoration of the Northern Ireland Assembly and Executive.

Consultancy Contracts.

324. **Deputy Olivia Mitchell** asked the Minister for Foreign Affairs the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14107/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Department of Foreign Affairs is responsible for two Votes — Vote 28 (Foreign Affairs) and Vote 29 (International Cooperation). The following tables set out the names of consultants (both firms and individuals) used by the Department in 2007 and the amounts paid by the Department in each case. The table also indicates the consultants who provided services only, those who produced reports, and whether the reports were published. It should be noted that some consultancies commenced in 2007 may not finalise reports until 2008.

With regard to the rates and fees charged by consultants, I should point out that these services are procured by way of advertised competitive tendering and the market determines the rates in each case. In accordance with the Department of Finance Guidelines on the Engagement of Consultants and Other External Support by the Civil Service, it is the Department's standard practice to require the submission of fixed price lump sum tenders for all consultancy projects. With regard to bodies under the auspices of my Department, the Irish

Aid Advisory Board and the Hunger Task Force commissioned consultancies in 2007 and the relevant details are included in the table for Vote 29.

I am very conscious of the need to achieve value for money on consultancy expenditure. The Department commissions consultancies only where specialised knowledge and/or skills are not available within the Department and, particularly in the case of Irish Aid (Ireland's official development assistance programme), where an independent evaluation of programmes and projects is required. Given the overall scale of the Irish Aid Programme, this level of monitoring, review and evaluation is both prudent and proportionate.

Vote 28 (Foreign Affairs) The information requested by the Deputy for Vote 28 is set out in the following table.

Consultant	Service Provided	Payments made in 2007	Prepare Report/ Perform Services	Report Published
Bianconi Research Limited (trading as RITS)	Technical advice on the maintenance and development of the Department's ICT security infrastructure.	€ 151,250	Perform services	Not Applicable
Synet Ltd., Cornwell Management Consultants Ireland Limited	ICT Security Review Development of technical specifications and tender documents for the support and maintenance contract for the Automated Passport System.	28,133 19,965	Prepare report. Perform services	Internal report, not published. Not Applicable
Goodbody Economic Consultants	Value for Money and Policy Review of the Support for Irish Emigrant Groups Programmes	25,894	Prepare Report	The report was published on 31 July 2007 and provided to the Oireachtas library and Foreign Affairs Committee.
Annesley Resource Partnership	Quality Assurance Assessment of the Value for Money and Policy Review of the Support for Irish Emigrants Groups Programmes	3,751	Prepare report	Not published. The quality assurance report was provided to the Department of Finance.
BCT Communications Limited	Evaluation of the capacity building programmes provided by the Institute of Public Administration in 2006 to the Bulgarian Institute of Public Administration and the Romanian National Institute of Administration.	20,469	Prepare Report	Internal report, not published.
Version 1 Software Limited	Software Programming for Secure Document Repository	1,481	Perform services	Not Applicable
(i) Mr. Eugene Downes (to 28 May 2007)	Cultural Events Coordination and Advisory Services for State and Official Visits	9,883	Perform Services	Not Applicable
(ii) Long Road Productions Ltd. (from 18 September 2007)	Taxation advice provided to the Irish Embassy, London.	14,520 3,835	Perform Services	Not Applicable Not Applicable
Mr. Peter Brown	Assist with a review of the mandate and structures of the Ireland-United Nations Association (IUNA)	3,993.60	Perform Services	Not Applicable

Vote 29 (International Cooperation) The information requested by the Deputy for Vote 29 is set out in the following table.

Consultant	Service Provided	Amounts Paid in 2007	Prepare Report/Perform Services	Report Published
Achilles Procurement Services Ltd. Aidan Pender	Provision of procurement expertise To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	€ 86,656 11,375	Perform Services Perform Services	Not Applicable Not Applicable
Aine Costigan Aisling Swaine Andre Barsony	Technical Support on HIV/AIDs Technical Advice on Gender Equality To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid .	27,453 112,797 10,523	Perform Services Perform Services Perform Services	Not Applicable Not Applicable Not Applicable
Ann Nolan Ann Pesic	Provision of Technical Support on HIV/AIDS Independent Consultant for the Partnership Programme for Europe and Central Asia Funding Committee	104,023 2,294	Perform Services Perform Services	Not Applicable Not Applicable
Anne Conroy	Monitoring of Irish Aid Recovery Programme, Malawi	20,328	Perform Services	Not Applicable
Anne Holmes Annesley Resource Partnership John Shields	Technical Support Tsunami Quality Review of Irish Aid Report re. Tsunami Independent Consultant for the Partnership Programme for Europe and Central Asia Funding Committee	69,579 2,723 6,579	Perform Services Prepare Report Perform Services	Not Applicable Internal report, not published. Not Applicable
Annesley Resource Partnership	Review of the Irish Aid Fellowship Training Programme	34,388	Prepare Report	Internal report, not published.
Aodh O'Connor	Technical Consultants to the Civil Society Section Funding Schemes	9,800	Prepare Report	Internal report, not published.
Aodh O'Connor	Civil Society Fund and Micro Projects Fund	7,974	Perform Services	Not Applicable

Consultant	Service Provided	Amounts Paid in 2007	Prepare Report/Perform Services	Report Published
Arthur Fell	To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	€ 21,086	Perform Services	Not Applicable
Ross Golden Bannon Barnaby Willets-King	Hunger Task Force- Media Consultant Technical Consultant supporting the work of the Emergency & Recovery Section of Irish Aid	5,082 21,326	Perform Services Perform Services	Not Applicable Not Applicable
Ben Siddle	Provision of Technical Support for Emergency and Recovery Section, Rapid Response Initiative	41,393	Perform Services	Not Applicable
Bernard McLoughlin	To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	7,800	Perform Services	Not Applicable
Bernard Wood	To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	27,137	Perform Services	Not Applicable
Bernadette Crawford	External Member of Fellowships Selection Committee Meetings	3,712	Perform Services	Not Applicable
Bernadette Crawford	Final Monitoring of the NGO HIV/AIDS Partnership Scheme (HAPS)	5,384	Perform Services	Not Applicable
Brid McGrath	Assistant Public Information Officer	31,196	Perform Services	Not Applicable
Cathal Higgins	Support to the Zambia/Ireland Teacher Education Initiative	33,895	Perform Services	Not Applicable
Cathal Higgins	Provision of Technical Support for Education for All	28,615	Perform Services	Not Applicable
Kate Butcher	Technical Consultant for the Multi-Annual Programme Scheme	4,369	Perform Services	Not Applicable
Catherine Gaynor	Mainstreaming; Building Strategy and Practice within Irish Aid	20,110	Perform Services	Not Applicable
Catherine Gaynor	Technical Consultant for the Multi-Annual Programme Scheme	20,429	Perform Services	Not Applicable

Consultant	Service Provided	Amounts Paid in 2007	Prepare Report/Perform Services	Report Published
Catherine Gaynor Daire Higgins	Provision of Technical Support for Education for All Irish Aid Centre Public Relations and Outreach Consultant	€ 32,658 24,750	Perform Services Perform Services	Not Applicable Not Applicable
Dalberg Global Development Ad. Dalberg Global Development Ad.	Evaluation of Learning and Training Programme for Development Workers (Dtalk) Mapping of Irish Aid Approval Processes	26,245 55,358	Prepare Report Perform Services and prepare internal report.	Internal report, not published. Internal report, not published.
Daniel Rowan Debbie Thomas	Temporary Communications Specialist Production of publication material for communication about Irish Aid's health programming	43,774 10,000	Perform Services Perform Services and prepare materials for publication.	Not Applicable Materials published.
Deirdre Farrell	Member of the Development Education Grants Committee	5,000	Perform Services	Not Applicable
Diarmuid McClean	Provision of Technical Support on Health and HIV/AIDS in area of R&D for new drugs, vaccines and microbicides	148,450	Perform Services	Not Applicable
Diarmuid O'Donovan	Technical Consultant to the Board of the European Malaria Vaccine Initiative	5,101	Perform Services	Not Applicable
Eamonn O'Reilly	Facilitation of Irish Aid funded internship Programmes (General Level)	6,750	Perform Services	Not Applicable
Ecorys Research and Consulting	Evaluation of the Mozambique Country Programmes 2001-2006	93,191	Prepare Report	Report published February, 2008.
Eleanor O'Gorman Farrell Grant Sparks	Consultant to Conflict Resolution Unit Provision of Consultancy Services for Irish Aid Management Review	65,285 92,767	Perform Services. Prepare Report	Not Applicable. Report not finalised.
Geraldine McDonald Helen Newman Helen O'Neill	Civil Society Fund and Micro Projects Fund Development Education Strategy To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	16,586 18,150 12,350	Perform Services Perform Services Perform Services	Not Applicable Not Applicable Not Applicable
Hunter McGill	Participation in the Projects Appraisal and Evaluation Group (PAEG) Meetings	10,888	Perform Services	Not Applicable
Imelda Torres Lopez	Programme Consultant in Central America	3,049	Perform Services	Not Applicable

Consultant	Service Provided	Amounts Paid in 2007	Prepare Report/Perform Services	Report Published
Institute of Public Administration Intrac	Quality Assessment of Mozambique CSP Evaluation Public Expenditure Review of the Irish Governments Support to Tsunami affected countries	€ 2,904 31,181	Prepare Report Prepare Report	Internal report, not published. Report published
Intrac	Review of the Irish Missionary Resource Service (IMRS)	66,105	Prepare Report	Internal Report not published.
James H. Polhemus, PhD	Consultancy on Good Governance	58,430	Perform Services	Not Applicable.
Jim Sheehan	Civil Society Fund and Micro Projects Fund	12,233	Perform Services	Not Applicable
Jane Salvage	Support to the AMAR Health Rehabilitation Project for the Marsh Arabs of Southern Iraq	12,135	Prepare Report	Internal report, not published.
Jerry O'Dwyer	Support to Irish Aid on the Global Fund to fight AIDS, TB & Malaria	40,690	Perform Services	Not applicable.
Jill Nesbitt	Irish Aid Centre Content Consultant	10,000	Perform Services	Not applicable
Jim Kinsella	Irish Aid Seminar- Presentation on OECD/DAC agriculture Task Team	300	Perform Services	Not Applicable.
Jim Kinsella	To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	3,264	Perform Services	Carry out work; no report
Joanne Manchester	Provision of Technical Support on HIV/AIDS	2,751	Perform Services	Carry out work; no report
John Grindle	External Evaluator for Development Cooperation Ireland Project Proposals for the Balkans and CISs	8,500	Prepare report	Internal report, not published.
John Grindle	Support to Review of the Staffing Needs of the Diplomatic Missions in Programme Countries, Sierra Leone and South Africa	15,426	Prepare Report	Internal report, not published.
John Telford	Technical Consultant supporting the work of the Emergency & Recovery Section of Irish Aid	10,176	Perform Services	Not Applicable
John O'Regan	Provision of Audit Management Support to the Evaluation and Audit Unit	78,035	Perform Services	Not Applicable
Kate Dyer	Support to the revision of Irish Aids Country Strategy Planning (CSP) Guidelines and Procedures	29,371	Perform Services	Not Applicable
Kevin Moore	Support for Private Sector Development	105,086	Perform Services	Not Applicable
KPMG	Value for Money Review of the Passport Service	35,406	Prepare Report	Report due for publication in third Quarter, 2008.

Consultant	Service Provided	Amounts Paid in 2007	Prepare Report/Perform Services	Report Published
Luis Enrique Bran Reyes	Interim Programme Consultant for the Central America Programme	€ 33,064	Perform Services	Not Applicable
Maeve Martin	Evaluation of the Development and Intercultural Education (DICE) Project	15,000	Perform services and prepare internal report.	Internal report, not published
Margaret Fitzgerald	Provision of Technical Support on Health and HIV/AIDS, October to December 2006	31,807	Perform Services	Not Applicable
Margaret Fitzgerald	To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	9055	Perform Service	Not Applicable
Mags Gaynor	Provision of Technical Support for Emergency and Recovery Section: Rapid Response Initiative	14,058	Perform Services	Not Applicable
Mags Gaynor	Civil Society Fund and Micro Projects Fund	7,939	Perform Services	Not Applicable
Mags Gaynor	Support Irish Aid in the Areas of Vulnerability and Infrastructure	44,828	Perform Services	Not Applicable
Margo O'Sullivan	Review of Primary Teacher Education (PTE) Curriculum	145	Perform Services	Not Applicable
Marie Smith	Civil Society Fund and Micro Projects Fund	11,081	Perform Services	Not Applicable
Mary Immaculate College	Provision of Technical Support for Education for All	4,868	Perform Services	Not Applicable
Mary Jennings	Mainstreaming Building Strategy and Practice within Irish Aid	3,020	Perform services and prepare report.	Internal report, not published.
Mary Jennings	Technical Consultant for the Multi-Annual Programme Scheme	31,433	Perform Services	Not Applicable
Mary McCann	Interim Programme Consultant for the Central America Programme	45,330	Perform Services	Not Applicable
Mary McKeown	Technical Consultant for the Multi-Annual Programme Scheme	4,727	Perform Services	Not Applicable
Mary McKeown	To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	5,227	Perform Services	Not Applicable
Mary McKeown	Civil Society Fund and Micro Projects Fund	25,129	Perform Services	Not Applicable

Consultant	Service Provided	Amounts Paid in 2007	Prepare Report/Perform Services	Report Published
Maura Leen	Irish Aid Representative on the Appraisal Panel for the Programme of Strategic Cooperation between Irish Aid and Higher Education and Research Institutes	€ 4,750	Perform Services	Not Applicable
Maura Leen	To inform and advise the work of the Project Appraisal and Evaluation Group (PAEG), providing independent and objective advice and external examination and appraisal of projects and programmes, as part of the overall approval mechanisms in Irish Aid.	5,371	Perform Services	Not Applicable
Michael Scott	Participation at Mekong Private Sector Development Facility Planning and Review Meeting, and Vietnam Business Forum, December 2006	6,357	Perform Services	Not Applicable
Morina O'Neill	Irish Aid Centre Content Consultant	5,000	Perform Services	Not Applicable
Morina O'Neill	Civil Society Fund and Micro Projects Fund	6,708	Perform Services	Not Applicable
	Technical Consultants to the Civil Society Section Funding Schemes	1,500	Perform Services	Not Applicable
Dr. Nick Chisholm	Consultancy Support to the Irish Aid Hunger Task Force	22,268	Perform Services	Not Applicable
Owen McCarthy	Dissemination of an Irish Aid Teaching Resource entitled "Our World, Our Future"	9,065	Perform Services	Not Applicable
Oxford Policy Management	Strategic review of Irish Aid engagement with the United Nations funds and programmes	61,316	Prepare Report	Internal report, not published.
Oxford Policy Management	Consultancy support to Irish Aid Hunger Task Force	5,283	Perform Services	Not Applicable
Pat McMullan	On-going Support to Ireland Aid Funding of the Consultative Group on International Agricultural Research (CGIAR)	24,783	Perform Services	Not Applicable
Patrick D Murphy	Provision of Technical Support for Education for All	8,774	Perform Services	Not Applicable
Philip Regan	Facilitation of Irish Aid funded Internship Programmes (Senior Level)	11,875	Perform Services	Not Applicable
Reginald Terrence Allsop	Support to the Zambia/Ireland Teacher Education Initiative	21,960	Performs services and prepare report.	Internal report, not published.
Roberto ED. Martinez	Contract No: 10 — Maintenance of DCI Spanish Language website in Central America & Promotion of the Website	2,186	Perform Services	Not Applicable

Consultant	Service Provided	Amounts Paid in 2007	Prepare Report/Perform Services	Report Published
Richard Townsend	Report on staffing needs of missions in Irish Aid Programme Countries	€ 8,556	Prepare report	Internal report, not published.
Richard Townsend	Irish Aid Representative on the Appraisal Panel for the Programme of Strategic Cooperation between Irish Aid and Higher Education and Research Institutes	2,811	Perform Services	Not Applicable
Karen Rothwell	Facilitation of DCI funded UNV internship programme	45,590	Perform Services	Carry out work; no report
Karen Rothwell	Facilitation of Irish Aid funded Internship Programmes (Senior Level)	29,887	Perform Services	Carry out work; no report
Karen Rothwell	Piloting of Organisational Assessment Guidelines	24,421	Prepare Report.	Internal report, not published.
Rowan Oberman	Irish Aid Centre Groups' Programme Consultant	5,250	Perform Services	Carry out work; no report
Ruairi Brugha	Provision of Technical Support on Health and HIV/AIDS	8,450	Perform Services	Carry out work; no report
Sean Drysdale	Provision of Public Health Specialist Support	84,294	Perform Services	Carry out work; no report
Siobhan Mullally	Independent/External Mid-term Evaluation of the Justice System Programme in Timor Leste	5,197	Perform Services and prepare report	Internal report, not published.
Steve Packer	Evaluation of the Irish Aid World Bank Education Trust Fund	23,001	Prepare Report	Report is due for publication in June 2008.
Tara Shine	Provision of Technical Support on Environmentally Sustainable Development	79,347	Perform Services	Not Applicable
Tara Shine	Civil Society Fund and Micro Projects Fund	5,072	Perform Services	Not Applicable
Tom Crowley	Civil Society Fund and Micro Projects Fund	16,889	Perform Services	Not Applicable
Una Murray	Civil Society Fund and Micro Projects Fund	9,413	Perform Services	Not Applicable
Una Murray	Completing and handing over work on mainstreaming gender through business plans and facilitating action planning on gender based violence with joint consortium gender based violence	3,721	Perform Services	Not Applicable
University of Glasgow	MAPS II.: Technical Consultants to the Civil Society Section Funding Schemes	5,748	Perform Services	Not Applicable
Grosso & Maldonado	Legal Advice regarding the establishment and operation of the Rapid Response Initiative	2080	Perform Services	Not Applicable
James Saunderson	Rapid Response Initiative — Manager of Standby Register	520	Perform Services	Not Applicable

Vote 29 (International Cooperation) Continued Irish Aid Advisory Board

Consultant	Service Provided	Amounts Paid in 2007	Perform Services/Prepare Report	Report Published
Theta Eta Advisors Limited	Preparation of a report entitled: Best Practice in the Governance of Aid Programmes	€6,050	Prepare Report	Internal report — not published
Oxford Policy Management	Research study entitled: “Measuring Impact: The Global and Irish Aid Programme Context”	€42,258	Prepare Report	Report Published
Mr Tony Killick	(i) Preparation of a report entitled: “Selectivity in Action: Choosing Irish Aid’s Tenth Programme Country” (ii) Editorial Work on Research Findings Volume 1 Governance Trade and Aid Effectiveness.	€25,410	Prepare Report	Finalised; internal report — not for publication.
Achilles Procurement Services Limited	Public Procurement Advice on establishment of Framework Agreements for Research	€1,270	Perform Services	Not Applicable
North South Institute	Provision of external reader services to ABIA research programme	€2,542	Perform Services	Not Applicable
Overseas Development Institute	Research study entitled: “Good Governance, Aid Modalities & Poverty reduction”	€141,284	Prepare Report	Published

Overseas Development Aid.

325. **Deputy Bernard Allen** asked the Minister for Foreign Affairs if pension protection is to be offered to encourage volunteers for overseas aid development programmes. [14189/08]

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): While responsibility for pension protection rests with the Department of Social and Family Affairs, pension protection for overseas development volunteers, and the protection of the interests of overseas development workers generally, are matters of concern to me. Officials of my Department have discussed these matters with the Department of Social and Family Affairs.

The present position is that social welfare legislation includes provisions for social protection for overseas development workers. These involve a Volunteer Development Worker credit scheme and contributions to the Public Service Pension Scheme. To help raise awareness of the importance of pension protection, this Department also provides support to Comhlámh, the Irish Association of Development Workers. An allocation of €60,000 has been made this year to Comhlámh towards awareness raising and to carry out administrative duties in relation to these services.

EU Treaties.

326. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the measures in the Lisbon treaty that will affect Ireland's ability to maintain the corporate tax rate and general tax rates here; and if he will make a statement on the matter. [14409/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Reform Treaty preserves the existing Treaty arrangements whereby taxation matters must be decided by unanimous vote. Therefore, there is no change in the existing position. Ireland's ability to decide on corporate and income tax rates remains a matter for the Irish authorities alone.

Olympic Games.

327. **Deputy Billy Timmins** asked the Minister for Foreign Affairs if an invitation has been issued to the Government to attend the opening or closing ceremony of the Olympic Games in August 2008; if so, if they will not attend; and if he will make a statement on the matter. [14411/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Government has been invited by the Olympic Council of Ireland to be represented at the opening or closing ceremonies of Beijing Olympic Games. At this stage no decisions have been taken regarding Government attendance at the Games.

In relation to the issue of Tibet, and more general concerns about human rights and fundamental freedoms in China, I continue to believe that the most effective way to convey our views and concerns, and those of the Irish people, to the Chinese authorities is through frank dialogue with them. The Government will continue to raise its concerns regarding Tibet and human rights issues more generally through such dialogue, as will the EU.

Human Rights Issues.

328. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if he has contacted a political party in order to seek its help with a group to encourage the release of a person (details supplied); and if he will make a statement on the matter. [14491/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Government remains very seriously concerned about the large number of hostages being held by FARC. Recent reports

[Deputy Dermot Ahern.]

about the poor health of French-Colombian hostage Ingrid Betancourt are particularly worrying.

An all-party Seanad Éireann motion in December 2007 strongly supported the ongoing efforts to seek the release of Ingrid Betancourt. This motion was subsequently debated in the Seanad on 10 April 2008, when Minister of State Michael Ahern T.D. spoke on behalf of the Government. All parties to the debate expressed their extreme concern for the failing health of Ms. Betancourt and condemned the appalling conditions of her continued detention.

Ireland, together with our EU partners, welcomes recent initiatives to pursue negotiations with the FARC in order to secure the release of the hostages and bring an end to the internal armed conflict. Current proposals include the establishment of a demilitarised zone, with international observers, from which hostages could be safely released. The Catholic Church in Colombia has been requested to act as a mediator between the Government and the FARC in pursuing this proposal. Colombia has also endorsed a facilitation role by France, Spain and Switzerland, which has the full support of Ireland. French Foreign Minister Bernard Kouchner is due to travel to Colombia soon to discuss the situation after an international medical mission to Colombia to treat Ingrid Betancourt was denied access by the FARC. I very much hope that these initiatives will be successful.

I would also hope that all those with influence on FARC will use it to respond positively.

We will continue to monitor the situation in Colombia through our Embassy in Mexico City, which is accredited to Colombia, as well as in cooperation with our EU partners with resident diplomatic missions in that country.

EU Council.

329. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs when Ireland last used a veto at the European Council or at the Council of the European Union; and if he will make a statement on the matter. [14492/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The EU operates in a manner which encourages and facilitates the search for agreement between the Member States. While the Treaties provide that the principal method of reaching Council decisions is by Qualified Majority Voting (QMV), recourse to voting is very rare because agreement is normally achieved through negotiation and the search for compromise. However, for issues of particular national importance, such as, defence and taxation, the Treaties require unanimous agreement of all Member States. The European Council itself also operates by the consensus procedure.

Within the Union, whenever a Member State takes a very strong view against a draft proposal, it is normally amended to facilitate agreement and in cases where unanimity applies a Member State can prevent the proposal from proceeding.

Our consistent national approach at EU level is to articulate our concerns, seek support from partners and the EU institutions for them, and to advance our national interests through the process of negotiation. This approach has paid dividends over the years. Indeed, it is necessary to go as far back as the mid-1980s to find an occasion when the Government had cause to block a proposal at the European Council before a satisfactory outcome was achieved.

Diplomatic Relations.

330. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the diplomatic relations Ireland has with Burma; when these were established; if there are none, if Ireland ever had diplomatic relations with Burma; the way these were established; when they ceased; and if he will make a statement on the matter. [14716/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): In the context of our EU Presidency, diplomatic relations with Burma were established on 10 February 2004 through the issue of a Joint Communiqué in the names of the two Governments. However, due to the deterioration in the political situation which followed shortly afterwards, including the arrest of Aung San Suu Kyi, it was decided not to proceed with an exchange of non-resident Ambassadors. The Government subsequently made it clear to the Burmese authorities that diplomatic relations will not be advanced, including and in particular the accreditation of Ambassadors, until a number of developments in that country have taken place, in particular the release of Aung San Suu Kyi.

331. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the diplomatic relations Ireland has with China; when these were established; if there are none, if Ireland ever had diplomatic relations with China; the way these were established; when they ceased; and if he will make a statement on the matter. [14717/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): Ireland established diplomatic relations with the People's Republic of China on 22 June 1979 through a Joint Communiqué signed by the Permanent Representatives of Ireland and China to the United Nations in New York. Resident Ambassadors were duly accredited in 1980.

332. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the diplomatic relations Ireland has with Sudan; when these were established; if there are none, if Ireland ever had diplomatic relations with Sudan; the way these were established; when they ceased; and if he will make a statement on the matter. [14718/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): Ireland established diplomatic relations with Sudan in March 1984. The accreditations are on a non-resident basis.

The Irish Ambassador in Cairo is accredited to Khartoum and the Sudanese Ambassador in London is accredited to Dublin. Ireland also has an Honorary Consul in Khartoum who took up appointment in December 2005. There have been some informal reports recently that Sudan intends opening an Embassy in Ireland, as part of an expansion of its diplomatic network, but no formal communication to this effect has been received from the Sudanese authorities.

Irish Aid had operated a bilateral development programme in Sudan, with a small Programme Office in Khartoum, which began in 1975. However, this programme was formally concluded in 1998.

333. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the diplomatic relations Ireland has with Colombia; when these were established; if there are none, if Ireland ever had diplomatic relations with Colombia; the way these were established; when they ceased; and if he will make a statement on the matter. [14719/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): Ireland established diplomatic relations with Colombia through the exchange of notes on 10 November 1999. Since that date, the Ambassador of Ireland resident in Mexico City has been accredited to Colombia on a non-resident basis, while the Ambassador of Colombia in London has been accredited to Ireland. Ireland is also represented by an Honorary Consul in Bogotá.

Economic Statistics.

334. **Deputy Damien English** asked the Minister for Enterprise, Trade and Employment if he will provide data showing the contribution to gross domestic product of the small and medium enterprises sector to the Irish economy for 2007; the percentage of the total this accounts for 2007; and if he will make a statement on the matter. [14819/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): In compiling GDP, the Central Statistics Office (CSO) has advised that a distinction is not made in the calculations between enterprises of various sizes. Consequently, it is not possible to provide the contribution of SMEs to GDP.

However, the following data collated by the CSO from various CSO Surveys relating to 2005 — the latest year for which statistics are available — provide some insight into the importance of small and medium enterprises to the Irish economy.

These figures show the Gross Value Added (GVA) by enterprises classified by the NACE sector in which they are engaged and by the size of the enterprises in terms of the number of persons engaged in them. It should be noted that the health, education and financial services sectors are not covered by the figures set out in the Table below.

Gross Value Added (GVA) by enterprises classified by NACE sector

NACE sector	Persons engaged size class	GVA €000s in 2005
G (Wholesale and Retail trade, repair of motor vehicles etc.)	0 to 49	7,269,646
	50 to 249	3,885,741
	Over 250	3,589,950
	Total	14,745,337
H (Hotels and Restaurants and Bars)	0 to 49	1,844,952
	50 to 249	1,006,932
	Over 250	337,620
	Total	3,189,504
I (Transport, Storage and communication)	0 to 49	3,571,055
	50 to 249	1,624,357
	Over 250	5,182,277
	Total	10,377,689
K (Real estate, renting and business activity)	0 to 49	8,579,997
	50 to 249	4,727,575
	Over 250	2,631,567
	Total	15,939,139
O (Other community and personal services)	0 to 49	790,683
	50 to 249	498,142
	Over 250	330,441
	Total	1,619,266
Industry (Manufacturing, Mining and Electricity, gas and Water)	0 to 49	2,620,784
	50 to 249	8,274,984
	Over 250	27,861,806
	Total	38,757,574
Construction	0 to 19	Not available
	20 to 49	1,511,192
	50 to 249	2,722,316
	Over 250	1,594,402
		5,827,910
Total above sectors		90,456,419

The total value added shown above for each sector is taken from the relevant business survey and is not fully compatible with the aggregate contribution to GDP. The GVA for the total economy in 2005 was €142,468 million. The figures in the above Table, equate to 63.5% of the GVA for the total economy in 2005.

Job Losses.

335. **Deputy Michael Creed** asked the Minister for Enterprise, Trade and Employment the level of job losses anticipated by his Department arising from the World Trade Organisation talks; and if he will make a statement on the matter. [14549/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Doha Development Agenda Round of talks in the World Trade Organization was launched in 2001. There is now reason to believe that it could reach a breakthrough within the next two to three months (although by no means certain), but the content of any final agreement is still far from clear. As a result, it is not possible to accurately anticipate the broad national consequences for employment.

Although the negotiations are still too undeveloped to allow for any useful employment predictions, it is possible to draw some conclusions from the direction the negotiations are taking. It is very likely that an agreement will benefit sectors of the economy that have gained from increasing trade liberalisation over the last few decades and that have more recently contributed to the positive economic transformation of the country.

Departmental Schemes.

336. **Deputy Michael Ring** asked the Minister for Enterprise, Trade and Employment if, in view of the existence of the export guarantee scheme as it applied to beef exporters here for some time, he will outline the period when the scheme was in operation; the amount paid under this scheme for each year that it was in operation; the names of the five recipients of the largest amounts of money per annum while the scheme was in operation; if there was subsequently any repayment of any of that money to the Exchequer by the recipient companies or individuals; and if he will make a statement on the matter. [13957/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): A State Export Credit Scheme was established under the 1953 Insurance Act, which provided export credit insurance to exporters, to cover against the risk of non-payment for their goods by buyers abroad and to encourage the export of Irish goods and services. The Scheme covered a wide range of risks up to 1991, when the Government decided to phase out State involvement in the provision of certain types of cover. In 1998, following a review of its operation, the then Tánaiste, Mary Harney TD announced that the State was withdrawing from all aspects of this scheme. Since its inception, the scheme insured exports valued at almost £6 billion.

In the years immediately preceding the wind-down, exports to Iraq featured very prominently in the cover supplied. Beef exports were a dominant, but not exclusive, sector given cover. Following the first Gulf war (Kuwait invasion) there was significant defaulting of payment for goods supplied and considerable payments were made on foot of the insurance policies held.

It should be appreciated that the Scheme was operated like any other insurance arrangement, i.e. the exporter paid a premium, calculated by reference to the risk being undertaken and then the State underwrote a policy. If the exporter failed to secure payment for their goods or services, then the policy paid out the agreed sum to the exporter. No further payment was due from the exporter. This debt then became the property of the insurer, i.e. this Department.

[Deputy Micheál Martin.]

Under the terms of the policy, efforts could subsequently be made by the Department, with the assistance of the exporter in certain circumstances, to secure payment of the debt.

In recent years the Iraqi authorities have offered limited payments on foot of these defaulted debts and the Department has been successfully pursuing recoveries on these debts, previously considered unrecoverable. To date a total recoupment of some €6.3 million has been achieved, the most significant recent recovery was €1.75 million in October 2007. It is anticipated that further progress in debt recovery under this Scheme will continue to be recorded.

An End of Year Account for Export Credit transactions is prepared by the Department each year which is finalised by the Comptroller & Auditor General. Copies of this Export Guarantee Account are laid before the Oireachtas.

The net deficit on the scheme is currently in the region of €27m, a figure which is reducing, as further recoveries are made. For confidentiality reasons, it has not been the practice to give details of settlements made to policy holders on foot of export credit insurance policies.

The following table sets out the amount paid out in claims from 1987 (details for the years prior to that date are not readily available).

Year	Amount IR£
1987	10,346,556
1988	4,142,812
1989	2,908,706
1990	11,126,749
1991	9,034,735
1992	12,469,644
1993	1,080,230
1994	697,467
1995	943,874
1996-2001	0
2002 (€ to IR£)	157,512
2003-date	0
Total	IR£52,908,285 (€67,179,664)

Departmental Lands.

337. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Employment if the Industrial Development Authority has obtained a purchaser for lands within their remit (details supplied), if not, if the IDA will continue to lease the lands to a local voluntary body in County Kildare; and if he will make a statement on the matter. [13954/08]

338. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Employment if the decisions have been made regarding the sale of the Industrial Development Authority lands (details supplied) in County Kildare; if not, if the IDA will consider the leasing of the stated lands to a voluntary body; and if he will make a statement on the matter. [13956/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I propose to take Questions Nos. 337 and 338 together.

The management of IDA Ireland's industrial property portfolio is a day-to-day operational matter for the Agency, as part of the statutory responsibility assigned to it by the Oireachtas and it is not a matter in which the Minister of the day has any involvement.

However, IDA Ireland informs me that the Agency holds c. 2.27 hectares of lands at Monasterevin, Co. Kildare. IDA was leasing a portion of these lands (c. 0.62 hectares) to the Monasterevin GAA Club. IDA duly informed the Monasterevin GAA club in November 2007 that they would be ceasing the leasing arrangement with the Club from January 2008. IDA also informs me that the Agency holds c. 1.5 hectares of lands at Castledermot, Co. Kildare.

In line with IDA strategy, the land holdings in both of these locations are currently under review to determine the most appropriate future development options and opportunities for their use. It is expected that this review will be concluded over the coming months. Consideration of any lease arrangements can only be conducted in light of, and subsequent to, this review.

IDA Ireland Strategy for County Kildare is to progress the development of a knowledge economy in order that the County can compete both nationally and internationally for foreign direct investment. The Agency seeks to encourage increased cooperation between foreign direct investment companies and the third level institutions in the County e.g. University College Maynooth. The Agency also seeks to work with the existing client base in the County and to expand their activities. IDA also works with Local Authorities and relevant infrastructure providers to influence the delivery of appropriate infrastructure to the County.

Health and Safety Regulations.

339. **Deputy Emmet Stagg** asked the Minister for Enterprise, Trade and Employment the reason workers must be examined every three years for the FÁS skills card and health and safety card. [13981/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): This question refers to two separate cards, the FÁS Construction Skills Certification Scheme Skills card and the FÁS Safe Pass card, neither of which is renewable on a three-year basis.

The FÁS Construction Skills Certification Scheme (CSCS) skills card is renewable every five years. The CSCS card is used mainly by workers in the areas of plant operation, scaffolding and roofing. Once an operative has gained a CSCS skills card in the relevant category the card must be renewed at five-yearly intervals, either by a one-day training and assessment course or by a completed and signed logbook of a standard acceptable to FÁS.

The FÁS Safe Pass card is renewable every four years. The Safe Pass card is issued after a one-day training course and successful assessment. The four-year renewal is granted following completion of a Safe Pass Training Awareness programme.

The terms and conditions of the Safe Pass programme specify that participants repeat the programme every four years. This condition is endorsed by the construction unions, employer bodies, the Health & Safety Authority and the Department of the Environment, Heritage and Local Government. It is the collective view of the Social Partners that, given the nature of the work involved and the number of fatal and non-fatal accidents in the industry, this is a necessary awareness programme to provide a safer working environment.

Similar factors apply to the FÁS CSCS skills card.

Work Permits.

340. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if he

[Deputy Leo Varadkar.]

will assist a person (details supplied) in Dublin 15, in obtaining a work permit; and if he will make a statement on the matter. [13990/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department informs me that they have no record of a work permit being applied for in this case.

However, if the above named is resident in the State on the basis of being a spouse of an employment permit holder then he may be eligible to seek employment and apply for a permit under the Spousal/Dependant Permit Scheme. This Scheme was introduced to give greater ease of access to employment for spouses who have been admitted to the State under Family Reunification by:

- Not requiring the employer in question to advertise the job with FÁS/EURES in advance of making a work permit application,
- Accepting applications for jobs in categories that would otherwise be ineligible for work permits, and
- Exempting the application from the work permit fee.

Full details of the Scheme are available on my Department's website at www.entemp.ie.

341. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if there is provision under the work permit system for specialised butchers for religious purposes as distinct from general butchers; and if he will make a statement on the matter. [14016/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): It is current Government policy to issue new employment permits for highly skilled highly paid positions or for non-EEA nationals already legally resident in the State on valid employment permits.

Applications in respect of specialized butchers, like all other applications, are considered on a case-by-case basis in line with current policy.

FÁS Training Programmes.

342. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the difficulties in accrediting trainers for construction skills certification scheme courses; and if he will make a statement on the matter. [14020/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The FÁS/Enterprise Ireland National Registrar of Trainers (NRT) was established in 2004. The role of the NRT is to operate as an independent approval mechanism for the inclusion of trainers and training organisations on the National Register.

I understand that the Registrar for the National Register of Trainers is not aware of any difficulties in accrediting trainers for the Construction Skills Certification Scheme.

343. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the factors which may result in those construction skills certification scheme courses due to come into force on 1 May 2008 being delayed; and if he will make a statement on the matter. [14021/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I understand that FÁS has developed a series of training/assessment programmes to comply with Construction Skills Certificate Scheme legislative requirements.

FÁS is working closely with the relevant industry and regulatory bodies to minimise possible delays which may occur in relation to three specific courses.

Consultancy Contracts.

344. **Deputy Olivia Mitchell** asked the Minister for Enterprise, Trade and Employment the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14104/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The information relating to work carried out for my Department during 2007, and for which my Department was the lead Department, is set out in the following tabular statement.

In relation to consultancies engaged by the Agencies, this is a day-to-day operational matter for the Agencies concerned and one in which I have no function.

Name of Consultants	Individual or Firm	Amount Earned	Basis of Calculation***	Was Consultant engaged to prepare a report or carry out work?	Is report published? Y/N (if no provide explanation)	Comment (if any)
HELM Corporation Ltd.	Firm	€8,145.76 (incl. VAT and ancillary charges)	Based on fixed daily rate as per contract	Carry outwork — to provide advice and support on the optimisation of the ORACLE Financial Management system in the Department	Not applicable	
Mazars	Firm	€10,482.23 (incl VAT)	Price agreed by contractAverage daily rate @ €645	Audit services	N/A	
Kilroys Solicitors	Firm	Nil	€375 per hour	Work	No — occasional legal advice provided	Although work was carried out by the solicitors in 2007, the work was not invoiced in that year
Corporate Risk Strategies Ltd (CRS)	Firm	€24,200.00 incl. VAT	The Department issued a Request for Tender for the appointment of a Competent Person in the Health and Safety area to advise the Department on the full implications of implementing the Safety, Health and Welfare at Work Act 2005, on the premises of the Department on the basis of a budget of approximately €20,000 plus VAT which was the amount deemed appropriate by the Department for the amount of work involved.	The Consultants were engaged to prepare a Health and Safety report on each of the Department's buildings together with the appropriate Safety Statements.	No — reports are for internal use within the Department.	
ESRI	Public Service body	€84,231.97incl. VAT	Third and final payment in line with agreed payment schedule	Consultants engaged to carry out work and prepare a report	Yes	2 payments made in 2006
Tom Walsh	Individual	€81,493.20incl. VAT	Per contract — linked to Assistant Secretary salary scale	To carry out work	Work not yet complete	
Arup Consulting Engineers	Firm	First payment of € 24,051.69 incl. VAT made in 2007	First tranche of 3 payments in line with agreed payment schedule	Consultants engaged to carry out work and prepare a report	Work not yet complete	Remaining 2 payments to be made in 2008
Indecon Economic Consultants	Firm	€30,000.00	1/3 payment of cost of Consultancy Study	To prepare a report.	No. The report contributed to the Government policy formulation process.	

Name of Consultants	Individual or Firm	Amount Earned	Basis of Calculation***	Was Consultant engaged to prepare a report or carry out work?	Is report published? Y/N (if no provide explanation)	Comment (if any)
Indecon Consultants	Firm	€111,244.00 inclusive of VAT	60% of payment due under fixed amount contract awarded by tender process.	Prepare a Report — Value for Money Review of Science Foundation Ireland	No — Report is still being finalised. Report is scheduled to be published in Q2 2008.	30% of contract price was paid at beginning of project, and 30% on production of a draft report. The remaining 40% will be paid on project completion
The Media Group	Firm	€135,000.00 inclusive of VAT	Calculation based on costed proposals for the roll out and management of a National promotion and media campaign	To carry out work	N/A	Consultants engaged to devise, implement & manage a national promotion & advertising campaign across a range of media for the ICT Audits Programme for Small Business in Ireland
Noel J. Travers BL	Individual	€9,377.50	70 hrs @ €125 per hr. + 21% VAT	Drafted a legal instrument.	N/A	Amount earned included a discount
RITS*	Firm	€118,928.00	Fixed Price Contract for €100,775. Balance paid according to agreed daily rates.	To prepare a series of reports.	No — Reports were for internal use only as they deal with sensitive Information Security matters.	
Version 1*	Firm	€7,187.00**	Fixed Price Contract	To prepare a report.	No — Report was for internal use only as it was a review of internal business operational processes.	
Indecon Economic Consultants	Firm	€30,000.00	1/3 payment of cost of Consultancy Study	To prepare a report.	No. The report contributed to the Government policy formulation process.	
Work Research Co-operative Social & Economic Consultants	Firm	€79896.30 = total cost of the research study. (€26,632.10 was paid in Nov. 2007)	5 person months of work + costs	To prepare a report	No — preparation of the report is ongoing.	
Goodbody Economic Consultants	Firm	€47,190.00 = total cost of the review. (€23,595 was paid in Nov. 2007)	39.5 days + costs	To prepare a report	No — Draft final report of review is currently being considered	
Farrell Grant Sparks	Firm	€55,100.00 (excl VAT)	A number of individuals were involved and the average daily rate for them was €1,125.	Both	Yes	The work commenced in 2006 and the report was published in December 2007
MRPA Kinman Communications	Firm	€5,280.00 (excl VAT)	A number of individuals were involved and the average hourly rate for them was €181.	PR for launch of Human Capital Investment OP and ESF 50th Anniversary	No	The work was carried out and completed in December 2007

Name of Consultants	Individual or Firm	Amount Earned	Basis of Calculation***	Was Consultant engaged to prepare a report or carry out work?	Is report published? Y/N (if no provide explanation)	Comment (if any)
Indecon Economic Consultants Work Research Cooperative (WRC)	Firm Firm	€5,086.60 — paid in January 2007 Final 6 months of original contract 2001-7 costing €243,801.00 €225,467.00 extension of contract for 6 months July-December 2007. Total = €469,268.00	Labour + costs Amount for which contract was awarded based upon adaily rate (220 + 220) 440 number of days and direct costs, such as foreign/local travel and subsistence, external web support, events organization etc. 25% of total payment; 75% received in 2006; total made up of 14 days work at €800 per day plus €788 expenses = €11,988	To prepare a report Carry out work by providing Technical Support for the Department on the co-funded ESF EQUAL Community Initiative.	Yes. N/A	The Department is reimbursed 50% of these costs by the European Commission.
Tom Ferris	Individual	€2,997.00	3.5 days work at €2,000 per day plus €143.05 expenses and €1,500.04 VAT	To carry out six case studies investigating the administrative burdens arising due to regulation and to prepare a report	No — The report itself is not published but it is summarised in the Business Regulation Forum Report, which was published in April 2007	
Dan Flinter	Individual	€8,643.09		To facilitate two business workshops, examining the burdens of regulation on business	No — A report on the results of the workshops was prepared and presented to the High Level Group (HLG) on Business Regulation. This informed the Work Programme of the HLG and will be reported on as part of the HLG's report to the Minister in July this year.	
Nathan Reilly Keating and Associates	Individual Firm	€7,052.63 €32,670.00	Hourly Per contract following Tender	Carry out work Carry out work (Communications Strategy for ODCE)	N/A N/A	
Millward Brown IMS	Firm	€44,789.66	Per contract following Tender	Carry out work (Market Research for ODCE)	N/A	
Cyril O'Neill	Firm	€13,272.88	See comment across	Carry out work (Legal Costs Assessment for ODCE)	N/A	Legal Costs Accountants charge on the basis of a sliding scale of percentages of the Professional Solicitor's (only) portion of the bill. In complex cases an hourly charge may be made.

Name of Consultants	Individual or Firm	Amount Earned	Basis of Calculation***	Was Consultant engaged to prepare a report or carry out work?	Is report published? Y/N (if no provide explanation)	Comment (if any)
Connolly Lowe	Firm	€2,588.18	See comment across	Carry out work (Legal Costs Assessment for ODCE)	N/A	Legal Costs Accountants charge on the basis of a sliding scale of percentages of the Professional Solicitor's (only) portion of the bill. In complex cases an hourly charge may be made.
Price WaterhouseCoopers	Firm	€121,052.65	Agreed in advance on the basis of the complexity of the assignment	Carry out work (Forensic Accounting Assignment for ODCE)	No — Report for the use of ODCE only in relation to its casework	
Carr Communications	Firm	€45,372.00		Carry out work	N/A	
Arekibo	Firm	€60,121.88		Carry out work	N/A	
Millward Browne	Firm	€27,061.65		Carry out work	N/A	
Grant Thornton	Firm	€57,520.98		Carry out work	N/A	
DNM Technology	Firm	€4,840.00		Carry out work	N/A	
Enterprise Registry Solutions	Firm	€1,177,088.01		Carry out work	N/A	
O' Mara, Geraghty, Mc Courtl	Firm	€35,086.00	€8,470 per month, plus incidentals	Provision of legal services	N/A	
Q4 ¹	Firm	€18,150.00	€9,075 per month	Public relations services	N/A	Ongoing
AMAS ¹	Firm	€26,916.00	Daily rate ranging from €508 to €1,143 depending on seniority of consultants and time involved.	Website maintenance & development	N/A	Ongoing
Parallel Internet Ltd ¹	Firm	€12,826.00	Agreed lump sum	Web development	N/A	Nearing completion
Owens DDB ¹	Firm	€128,566.00	Daily rate ranging from €395 to €702, depending on seniority of consultants and time involved. The amount incurred also includes the cost of publishing the advertisements in various media. e.g. Press and TV	Advice on advertising and placing of same in various media	N/A	Ongoing
DKM Economic Consultants	Firm	€1,210.00	Agreed lump sum	Research on multi-unit developments	Yes	Completed
RPS Consultants	Firm	€9,575.00	Agreed lump sum	Research on energy policy	No, but it is available on request	Completed

Note

¹The data is in respect of expenditure paid by the Office of the Director of Consumer Affairs and the Interim National Consumer Agency during the period 1 January to 30 April 2007. The amounts are inclusive of VAT.

*All figures include VAT

**This figure, which was paid in 2007, is 30% of the agreed contract — the balance (€16,771) was paid in 2008

***In certain cases details relating to hourly rate and daily rate are not submitted due to their commercial sensitivity

Work Permits.

345. **Deputy Willie Penrose** asked the Minister for Enterprise, Trade and Employment if his Department put in place the operation of work in Ireland programmes; if all issues in relation thereto have been finalised in order to enable working holiday visas for applicants to the work in Ireland programme via USIT to be operated; and if he will make a statement on the matter. [14178/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Government recognises the value of international work and travel programmes for students. They contribute to the development of lasting links with other countries and provide valuable experience for students themselves. The operation of Work In Ireland programmes is overseen by the Department of Foreign Affairs. That Department, in cooperation with my Department and the Department of Justice, Equality and Law Reform, has been in consultation with USIT in relation to implementing new procedures for the operation of its Work In Ireland programmes to ensure the continuation of these programmes, as appropriate, in a way that benefits young Irish people and young people from those other countries to which these arrangements apply. Finalized new procedures were issued to USIT on 17 December by the Department of Foreign Affairs, which liaises with USIT regarding the operation of the programmes. I understand from that Department that applications to USIT for Summer 2008 travel and work programmes have recently begun and that no procedural difficulties have been indicated.

346. **Deputy Michael Noonan** asked the Minister for Enterprise, Trade and Employment when a work permit will be issued to the employer's of a person (details supplied); and if he will make a statement on the matter. [14244/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department informs me that this application was returned to the employer for completion on the 31/10/2007 and to-date they have no record of the completed application being returned to the Section.

Job Creation.

347. **Deputy Charlie O'Connor** asked the Minister for Enterprise, Trade and Employment the number of new jobs created in the Tallaght, Dublin 24 area with the aid of State support for the years 2002 to 2007. [14542/08]

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 2002 to 2007 inclusive. Full time permanent employment in enterprise agency supported firms in Co. Dublin stood at 55,922 permanent jobs at end 2007.

In addition, during the period from 2002 to 2007, South Dublin County Enterprise Board, which includes the Tallaght area, assisted in the creation of a net total of 108 jobs.

Full-time Jobs Created	2002	2003	2004	2005	2006	2007	Total Jobs Created '02 to '07
Dublin	8,926	7,870	9,421	9,929	10,670	9,106	55,922

348. **Deputy Charlie O'Connor** asked the Minister for Enterprise, Trade and Employment if he will press the State agencies in respect of the job creation needs of Tallaght, Dublin 24 bearing in mind recent announcements of job losses (details supplied); if his attention has been drawn to the particular needs of Tallaght in this regard; and if he will make a statement on the matter. [14543/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I am aware of the significance of the job losses for Tallaght and every effort is being made to create new employment opportunities in the area. The Industrial Development agencies under the aegis of my Department are adopting a coordinated approach in dealing with the situation and in making the companies aware of the supports available to assist their workforces.

At present, IDA Ireland is working with its existing client base to help them to further develop their businesses as well as providing world-class property solutions with supporting infrastructure. The development of the Grangecastle Business Park, combined with the development of the City West Business Park, will ensure that Tallaght and the surrounding area is an attractive location for investment. The Microsoft Corporation has selected Grangecastle for its new data centre and Wyeth Biopharma has announced that it is investing in the creation of dedicated Research and Development and process development facilities.

Current Enterprise Ireland activity focuses on the retention and creation of new jobs in indigenous enterprises and on the creation of new jobs through supporting entrepreneurs who are setting up high potential start-up companies. The agency supports the provision of incubation space for start up companies and works towards enhancing the innovation capability of its client companies. The M50 Enterprise Platform Programme is underway in the Institute of Technology in Tallaght, in conjunction with Blanchardstown Institute of Technology and Dublin City University. This is a one-year rapid incubation programme designed for entrepreneurs who wish to start their own business. The agency works closely with the Tallaght Institute of Technology in encouraging the commercialisation of research and has approved financial support of over €2.6m to the Institute for the development and management of a Campus based Incubation Centre. The agency has also approved support for a Centre of Excellence at the Institute in Microsensors for Clinical Analysis.

I can assure you that the Industrial Development agencies, together with the South Dublin County Enterprise Board and other interested parties, will continue to promote and market Tallaght in order to bring about further job creation in the area.

Job Losses.

349. **Deputy Charlie O'Connor** asked the Minister for Enterprise, Trade and Employment if he will have his officials contact a business (details supplied) in Dublin 24 where proposed job losses were announced in April 2008; if he will confirm that every assistance will be given to the workers; and if he will make a statement on the matter. [14544/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I have had enquiries made into the matter and am not aware that job losses are envisaged by the business referred to by the Deputy. I would be grateful therefore if the Deputy could provide me with any additional information available to him.

Employment Rights.

350. **Deputy Tony Gregory** asked the Minister for Enterprise, Trade and Employment if he

[Deputy Tony Gregory.]

will introduce regulations to ensure that employers are compelled to attend hearings of rights commissioners rather than invited to do so; and if he will make a statement on the matter. [14590/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Rights commissioners operate as a service of the Labour Relations Commission and are independent in their functions. Rights commissioners investigate disputes, grievances and claims that individuals or small groups of workers referred under legislation in the fields of employment rights and industrial relations. Rights commissioners issue the findings of their investigations in the form of either decisions or non-binding recommendations, depending on the legislation under which a case is referred.

Under the majority of cases heard under employment rights legislation, the decision of the rights commissioner can be enforced through the Circuit Court, so it is in the interest of the employer to attend the rights commissioner hearing. If an employer does not attend a hearing of a case before a rights commissioner, the commissioner will make a recommendation based on the evidence of the complainant(s).

In line with the voluntarist nature of industrial relations, the recommendation of a rights commissioner in a case heard under the Industrial Relations Acts is not enforceable. If an employer does not attend a hearing of a case before a rights commissioner, the commissioner will make a recommendation based on the evidence of the complainant(s). If an employer objects to the hearing of a case by a rights commissioner under the these Acts, the worker is entitled to refer the case to the Labour Court under section 20(1) of the Industrial Relations Act 1969.

I am satisfied that the current arrangements are appropriate having regard to the issues dealt with by rights commissioners and I have no plans to amend these procedures.

Bullying in the Workplace.

351. **Deputy Tony Gregory** asked the Minister for Enterprise, Trade and Employment if he will introduce regulations to ensure that victims of serious workplace bullying have recourse to the courts; and if he will make a statement on the matter. [14591/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Every employer has a duty under the Safety, Health and Welfare at Work Act 2005, to ensure, so far as is reasonably practicable, the safety, health and welfare of their employees and to manage and conduct work activities in such a way so as to prevent, as far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of their employees at risk.

The 2005 Act also applies to employees in relation to their duties not to engage in improper conduct or behaviour likely to endanger their own safety, health and welfare at work or that of any other person.

In April 2007, a revised Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work was published. The Code, which became effective on 1 May 2007, provides practical guidance for employers and employees on identifying and preventing bullying at work arising from their duties under the 2005 Act.

A significant element of the Code places an emphasis on the resolution of incidents of bullying using an informal process and professional mediation services. The Code reflects the legal

requirement that employers carry out a risk assessment, and where bullying is identified as a hazard, they ensure that it is included in the safety statement.

Where a case of bullying arises and if internal processes fail, the Code states that an appeal should be referred to the Rights Commissioner Service of the Labour Relations Commission under the Industrial Relations Acts. If the recommendation of the Rights Commissioner is not acceptable, an appeal may be made to the Labour Court.

There is nothing preventing any party from pursuing a case through the Law Courts if they so wish. In light of this and having regard to the procedures in place, no regulations along the lines suggested are considered necessary.

Community Employment Schemes.

352. **Deputy John Cregan** asked the Minister for Enterprise, Trade and Employment when changes will be made to the present guidelines governing community employment schemes to ensure that participants who are aged 55 years and older, who have a disability, are granted further extensions on the schemes; and if he will make a statement on the matter. [14594/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons (including those with a disability) with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine and to assist them to enhance and develop both their technical and personal skills.

In November 2004, to cater for older workers in particular, I revised the 3 year CE participation limit to allow those of 55 years of age and over to avail of a 6-year period on CE. Subsequently, the participation limit for persons eligible for CE based on a Social Welfare disability linked payment (including those under 55 years) was increased by 1 year. These measures were introduced in recognition of the fact that older participants and participants with a disability may find it more difficult to progress into the open labour market.

The aim of CE still remains as an active labour market programme with the emphasis on progression into employment. The programme is managed within this context, with consideration to the availability of resources and the needs of participants and the community. However, it should be remembered that, in so far as participants remain on CE, they are precluding someone else from benefiting from the programme. FÁS makes every effort to ensure that differing levels of demand between neighbouring schemes are equalised. FÁS also operates the programme flexibly as far as possible to ensure the continuation of community projects.

In conclusion then, I would say that this Government will continue to support the positive role of CE in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. In this regard, we are keeping the operation of the Scheme under constant review.

Unemployment Levels.

353. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Employment if the rapid increase in unemployment in County Waterford in the past year has been drawn to his attention and the fact that the live register numbers in Waterford have increased by almost 34% between March 2007 and March 2008 and by 13.5% between February and March 2008

[Deputy John Deasy.]

alone; the actions he plans to take to remedy this situation; and if he will make a statement on the matter. [14633/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The increase in the live register figures in the year to March 2008 in County Waterford is consistent with the level of increase in the live register in the South-East region as a whole.

The Department of Social and Family Affairs maintains the Live Register. The total number of people recorded on the live register for March, 2008 is 197,992. The Live Register is not designed to measure unemployment. It includes part-time, seasonal and casual workers entitled to unemployment benefits.

Unemployment is measured by the Quarterly National Household Survey, collated and published by the Central Statistics Office. The most recent Quarterly National Household Survey, Quarter 4, 2008 indicates that employment increased nationally by 66,800 or 3.2% in the year. Employment increased in the South-East region by 7,900 or 3.6% in the year.

The increase in the live register figures, while unwelcome, must be seen in the context of the major increase in employment over the last number of years, with the anticipated period of adjustment now being experienced. The predictions for the medium term are for continued employment growth, albeit at a slower pace than that experienced to date.

The most recent FÁS/ESRI Employment and Vacancies Survey for February 2008 shows that the percentage of firms reporting vacancies across all sectors is 10%, indicating that there are employment opportunities.

FÁS provides an integrated support service for anyone made redundant. This involves information sessions, skills analysis, training/retraining courses and job placement. In the delivery of these services, FÁS liaises with other relevant agencies such as Enterprise Ireland, IDA Ireland, the City/County Enterprise Boards and the Department of Social and Family Affairs. IDA Ireland is actively engaged with its existing client base in County Waterford to encourage their transition to higher value activities and to promote further investment in Ireland. The Agency is concentrating its efforts on the gateway city of Waterford and the hub town of Dungarvan and is involved in the development of world class property solutions in both locations to meet the needs of new and existing clients.

Also, IDA Ireland works closely with third level educational institutes in the region so that the skill sets necessary to attract high-value employment to the county are being developed.

Employment Rights.

354. **Deputy James Bannon** asked the Minister for Enterprise, Trade and Employment if his Department has an official checking system in place to ensure that non-Irish national nurses working in public hospitals are paid according to the official pay-scale agreed by the Department of Health and Children for all nursing staff; and if he will make a statement on the matter. [14663/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): This is a matter in the instance for the Department of Health and Children and/or the Health Service Executive.

The National Employment Rights Authority (NERA) is responsible for the enforcement of the minimum rates of pay provided under the National Minimum Wage Act 2000 and the rates provided for under the Employment Regulation Orders and Registered Employment Agreements. While nurses would be covered by the National Minimum Wage Legislation, their

rates of pay exceed the National Minimum Wage. Accordingly NERA does not have any practical role in the enforcement of Department of Health and Children pay scales for nursing staff.

Job Creation.

355. **Deputy James Bannon** asked the Minister for Enterprise, Trade and Employment his views on whether the announcement by himself of 140 new jobs for Longford on 9 April 2008 represents a solution to the rapidly rising employment levels in the county, in view of the loss of 162 jobs over the past three weeks, which in effect represents a loss of 22 jobs rather than a gain; and if he will make a statement on the matter. [14668/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): State support for enterprise and job creation is channelled through the industrial development agencies. While I may give general policy directives to the agencies, I am precluded under the Acts from giving directives regarding individual undertakings, or from giving preference to one area over others.

The recent job losses in Longford are regretted. However, some level of job losses is inevitable in an open economy such as ours as companies adjust to changing market conditions and different sectors expand and contract.

The enterprise development agencies and FAS have a range of strategies, programmes and financial incentives in place to promote economic development, sustainable employment and skills development throughout the Midlands region. IDA Ireland, Enterprise Ireland, Longford County Enterprise Board and FAS are represented on Longford County Development Board and these agencies work with local representatives and stakeholders in delivering their mandates.

IDA Ireland's strategy for County Longford and the Midlands Region is to progress the development of a knowledge economy; in order that the region can compete both nationally and internationally for foreign direct investment. At present there are 8 IDA supported companies in Longford employing approximately 905 people. Investment like that at Abbott is very significant for Longford. IDA are working with existing clients in the County to identify new areas of opportunity and to expand their presence. The Agency also provides modern property solutions with supporting infrastructure for prospective new investors.

Employment in Enterprise Ireland client companies in Longford has been resilient. Over the past year there has been a 3.2% growth in employment in these companies, which is encouraging. Over the past 10 years employment in Enterprise Ireland clients has grown by 11 % in the County. Recent developments include the announcement of a €30m new investment in C&D Foods and a partnership with Irish Food Processors that is expected to open up new markets for the company. HT Moulding were supported by Enterprise Ireland as a high potential start-up company and now operate out of a new 20,000 sq ft purpose built factory in Longford.

I am confident that the commitment by the agencies, in collaboration with local educational institutes and utility providers, together with the roll out of commitments under the NDP will bring sustainable investment and jobs to the County.

Science and Technology Groups.

356. **Deputy David Stanton** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 115 of 10 April 2008, the amount of money made available by Science Foundation Ireland for the SFI Young Women in Engineering Scholarship each year for the past three years respectively; and if he will make a statement on the matter. [14715/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Science Foundation Ireland/DELL Scholarship — Young Women in Engineering aims to attract and encourage more high-achieving young women into third-level education in engineering disciplines. The Scholarship is supported by DELL which supplies all the scholars with laptop computers. The scheme was introduced in academic year 2006 / 2007 so to date awards were made in 2006 / 2007 and 2007 / 2008. The awards have generally been made for €8,000 per person spread over a designated four-year degree course, i.e. €2,000 per person per year. Awards have been made to ten young women in 2006 and to a further ten young women in 2007. The total amount awarded to date is €158,000. A further round of awards will take place for academic year 2008 / 2009.

Sports Funding.

357. **Deputy Charlie O'Connor** asked the Minister for Arts, Sport and Tourism if he plans to provide additional funding to the Community Games organisation which has announced plans to move the Health Service Executive Community Games National Finals from Mosney to Athlone; and if he will make a statement on the matter. [14919/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. It is open to any sporting organisation with a suitable project to apply to my Department for funding under the Sports Capital Programme.

The Irish Sports Council is the statutorily established body with responsibility for the provision of funding to National Governing Bodies of Sport and National Association towards programme activities.

The 2008 programme was advertised on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for online applications.

All applications received before the deadline, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

I am delighted that the Community Games National Finals have found a new home in Athlone. My Department, through allocations under previous rounds of the Sports Capital Programme, has allocated significant funding to the sports facilities where the games will be held.

As the Deputy will be aware, current funding is a matter for the Irish Sports Council.

Arts Funding.

358. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism if his meeting with a group (details supplied) has been arranged; when same will take place; and if he will make a statement on the matter. [13882/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): As outlined in my recent letter to the Deputy, funding for touring is provided by the Arts Council. Under the Arts Act 2003, however, the Arts Council is statutorily independent and I have no role to play in its individual funding decisions.

359. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if he has provided public moneys, capital or current, to an organisation (details supplied) in any of the years 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [13904/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): My Department has provided capital funding to the organisation referred to by the Deputy in each of the years referred to.

In 2004, the organisation launched a five year Capital Development Programme with the aim of developing eight regional Development Resource centres around the country, in order to enhance and develop its existing network of activities. Having considered the request for funding, my Department has awarded grant aid totalling €17.005m in all to the organisation towards the development of projects over the period of the five year Capital Development Programme.

Over €12.5m of this amount has been paid to date as follows:

Year	€
2005	500,000
2006	3,300,000
2007	7,100,000
2008	1,626,040
Total	12,526,040

Consultancy Contracts.

360. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14099/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): The Information requested by the Deputy is set out in the following table.

Consultant	Description	Report	Cost
O’Herlihy Communications	PR Consultants for the Department (January – September)	Not applicable	€37,800-€4,200 monthly rate
CHL Consulting	Report on the progress of the implementation of the Business Plan for 2006 and 2007 for the James Joyce Centre and to recommend on future of the centre	Completed. Not publicly available. Part of the process of consideration of on going support to the Centre.	€17,000 flat rate fee
Indecon International Economic Consultants	To analyse and evaluate the potential economic benefits to Ireland in the sporting, business and tourism areas from the London 2012 Olympic and Paralympic games	Completed. Not publicly available yet.	€114,000 flat rate fee
Holohan Leisure	To carry out an analysis of the sports facility provision in Ireland to assist the Department in developing a sports facilities strategy.	Not yet completed.	€113,740 flat rate fee
Systems Dynamics Solutions Ltd Raymund Burke Consulting	To set up database to record results of swimming pool usage survey. Independent evaluation of the Local Authority Swimming Pool Programme. Value For Money & Policy Review Report.	Not applicable VFM Report to be published shortly.	€6,776 flat rate fee €3,354 flat rate fee
O4	PR and Communications for Culture Ireland (Nov-Dec)	Not applicable	€12,100-€6,050 monthly rate
Charlie Pike The Pacello Group (Europe) Ltd.	Culture Ireland — Website maintenance Oct 07-Feb 08	Not applicable	€2,000 flat rate fee
Sean Cromien	Review of the Governance and Operation of the Heritage Fund	Completed. Not publicly available. Part of the process of consideration of development of Heritage Fund.	€8,000 per diem rate €800

Sports Capital Programme.

361. **Deputy Paul Connaughton** asked the Minister for Arts, Sport and Tourism the position regarding an application for funding under the sports capital programme by a group (details supplied) in County Galway; and if he will make a statement on the matter. [14284/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the sports capital programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country.

Applications for funding under the 2008 programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for online applications. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Sports Funding.

362. **Deputy Michael Ring** asked the Minister for Arts, Sport and Tourism further to a previous parliamentary question (details supplied), the documentation that is outstanding in view of the fact that the club in question have submitted all the documentation which was requested. [14423/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country.

With respect to this provisional allocation made to the club in question in 2006, the position remains that the Chief State Solicitor's Office has yet to be furnished with the requested undertaking by the club's solicitors. The CSSO has been in contact with the club's representatives on this matter, and has advised them that the undertaking that was supplied requires to be amended.

The position with regard to the club's 2007 provisional allocation also remains unchanged, insofar as the club has yet to reply to the letter of provisional allocation issued to the club contact on 24th April 2007.

It will not be possible to progress any further with either of these allocations until all relevant documentation is received.

Sports Capital Programme.

363. **Deputy Michael Creed** asked the Minister for Arts, Sport and Tourism if he will confirm receipt of an application under the sports capital grants from an organisation (details supplied) in County Cork; if in view of the excellent work being done by this sporting organisation and the lack of other facilities in the immediate vicinity he will look favourably on this application; and when his Department expects to be in a position to make these grant allocations. [14547/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2008

[Deputy Séamus Brennan.]

programme was advertised on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for online applications.

All applications received before the deadline, including the one in question, will be evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

364. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism if he will approve an equipment grant for a centre (details supplied) in County Roscommon under the 2008 sports capital programme; and if he will make a statement on the matter. [14569/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2008 programme was advertised on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for online applications.

All applications received before the deadline, including the one in question, will be evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Social Welfare Benefits.

365. **Deputy John Cregan** asked the Minister for Social and Family Affairs the reason the Health Service Executive has withdrawn a heating and footwear allowance from a person (details supplied) in County Limerick despite the fact that they are in receipt of an invalidity pension and their spouse is receiving carers allowance; and if he will make a statement on the matter. [14814/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): Under the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the HSE, an exceptional needs payment (ENP) may be made to help meet an essential, once-off cost which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment. Each application is determined by the Executive based on the particular circumstances of the case.

The Mid-Western Area of the Executive has advised that the person concerned is in receipt of a monthly heating supplement which has not been withdrawn. Additionally the person concerned is in receipt of a monthly diet supplement. He was refused an ENP for footwear in November 2007, as it was deemed that evidence of an exceptional need had not been displayed. The Executive has stated that he was notified of the decision and advised of their right to appeal the decision to the Executive's Appeals Office.

366. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the number of households nationally, and in Dublin 15, in receipt of a rent supplement payment; the cost to the Exchequer of the rent supplement scheme nationally and in Dublin 15, for the years 2006, 2007 and to date in 2008; and the number of recipients of rent supplements nationally, and in Dublin 15, in the categories of single adults, couples with no children, lone parents, households with one child, households with two children, households with three or more children and households where all members of the household are non-Irish nationals. [14837/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the community welfare division of the Health Service Executive.

A table follows showing the number of rent supplement recipients and expenditure for 2006, 2007 and 2008. Data on expenditure on rent supplement in the Dublin 15 area is not available.

A table also shows the number of non Irish recipients of rent supplement in 2008, nationally and in the Dublin 15 area. It is not possible to say that all members of a rent supplement recipient's household are either Irish or non Irish.

A breakdown of the number of recipients on rent supplement by household composition is not available.

Number of Recipients of Rent Supplement

	Dublin 15	Nationally**
2006	2,762	59,861
2007	2,594	59,726
2008*	2,583	61,361

*11 April 2008

**Includes Dublin 15 figures.

Expenditure on Rent Supplement

Year	€000
2006	388,339
2007*	391,465
2008**	95,163

*Provisional.

**End March 2008.

Number of Recipients of Rent Supplement — Irish/non Irish

	Dublin 15				Nationally			
	Irish	Non Irish	Other*	Total	Irish	Non Irish	Other*	Total
2008**	754	1,676	153	2,583	37,911	18,928	4,522	61,361

367. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the grant aid or financial assistance available to a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [14931/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The person concerned is not currently in receipt of a social welfare payment. In any event, as she already holds a primary degree and a Masters qualification which is level nine in the National Framework of Qualifications, that is, at post graduate level, she would not satisfy the qualifying conditions for inclusion under the back to education allowance scheme.

Departmental Expenditure.

368. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the expenditure

[Deputy Róisín Shortall.]

reviews completed by his Department in the past 10 years; and if he will provide details of those currently being conducted. [14936/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): In June 2006, the Government decided to introduce Value for Money and Policy Reviews (VFMPR), replacing the previous Expenditure Review Initiative and strengthening the institutional arrangements underpinning the process. The Initiative is part of a framework introduced to secure improved value for money from public expenditure. Over the last ten years, the Department has completed 23 reviews under both the expenditure review and VFMPR initiatives, as set out below:

1. Miscellaneous Grants to Men's and Women's Groups;
2. Family and Community Services Resource Centre Programme;
3. National Fuel and Smokeless Fuel Schemes;
4. Carer's Allowance;
5. Actuarial Review and National Pensions Policy Initiative;
6. Credited Contributions;
7. Disincentive Effects of Secondary Benefits;
8. Back to Work Allowance Scheme;
9. Report of the Working Group Examining the Treatment of Married, Cohabiting and One Parent Families under the Tax and Social Welfare Codes;
10. Free Schemes;
11. Qualifying Conditions for the Old Age (Contributory) and Retirement Pensions — Phase 1;
12. One Parent Family Payment;
13. An Evaluation of the Back to Work Allowance and Area Allowance Enterprise Scheme (Indecon);
14. Urban and Gaeltacht School Meals Schemes;
15. Payments to Orphans;
16. Illness and Disability Payment Schemes;
17. Back to School Clothing and Footwear Allowance Scheme;
18. Supplementary Welfare Allowance — Phase 1;
19. Back to Education Allowance;
20. Income Supports for Lone Parents and Parents on Low Income;
21. Medical Certification, Reporting, Review and Assessment for Illness, Disability and Carers' Schemes
22. Supplementary Welfare Allowance — Phase 2;
23. Application of the Unemployment Benefit and Assistance Schemes Conditions to Workers who are not employed on a full-time basis.

There are three other VFM reviews currently being conducted. These are reviews of payments to Carers, the Department's Information Services, and Disability Allowance. Two policy reviews were also included under the current round of reviews — the Green Paper on Pensions was completed in October 2007, while a review of the Combat Poverty Agency is ongoing.

Social Welfare Benefits.

369. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the basis on which the community welfare officer came to the conclusion that an exceptional needs payment is not warranted at this time as per his reply to Parliamentary Question No 565 of 2 April 2008 in view of the fact the person in question had to borrow to meet arrears and the meeting with the money advice and budgeting service did not deal with the arrears and that they must repay their borrowings; and if he will make a statement on the matter. [14993/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): Under the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the HSE, an exceptional needs payment (ENP) may be made to help meet an essential, once-off cost which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment. Each application is determined by the Executive based on the particular circumstances of the case.

The Health Service Executive has advised that the person concerned is in receipt of a rent supplement (in addition to a one parent family payment, and a reduced rate illness benefit payment) at the maximum rates payable appropriate to her circumstances.

The Community Welfare Officer (CWO) has confirmed that the payment of an ENP is not warranted in this particular case as the arrears of rent arose, not due to a reduction in social welfare payments to the person concerned, but as a result of non payment of rent which is not regarded as an exceptional need.

The Executive have further advised that the person concerned, on the advice of the (CWO), contacted the local Money Advice and Budgeting Service (MABS), which provides assistance to people who are over-indebted and need help and advice in coping with their debt problems. The CWO has been in contact with the person concerned a number of times before and also since the rent arrears arose and he has in each instance outlined the level of social welfare payments due to her in addition to outlining the breakdown of each specific welfare payment.

The person concerned was previously informed of her right to appeal the decision to the designated appeals officer of the Executive and it is still open to the person concerned to appeal the decision should she wish to do so.

370. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a matter has been finalised for a person (details supplied) in County Mayo as it has been ongoing for quite some time; and if so, the outcome of same. [13933/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): A Social Welfare Inspector is currently examining further details received on 11 April 2008, regarding the earnings of the person concerned. A decision on his jobseeker's allowance claim will be made as soon as possible and he will be notified of the outcome.

371. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the recommended or targeted time for the processing of child benefit applications; and if he will make a statement on the matter. [14022/08]

372. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the number of applications for child benefit which were submitted to his Department over twelve months ago or more and are still awaiting a decision; and the nationality of the applicants. [14023/08]

373. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the number of applications for child benefit that are currently waiting on a decision by his Department. [14024/08]

374. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the average processing time by his Department for child benefit claims. [14025/08]

375. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the number of staff currently working in the child benefit section of his Department; his plans to increase this number; and if he will make a statement on the matter. [14026/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): I propose to take Questions Nos. 371 to 375, inclusive, together.

Child benefit section received over 90,000 new applications in 2007 for some 113,000 children of which some 65,000 were for children born in Ireland. The target time for processing of Irish-born child benefit applications is 90% of claims within two weeks of receipt.

Claims for Irish-born children are processed in an automated or semi-automated manner — using data received electronically from the General Registrars Office. As a result, this target is regularly met for Irish-born children. Childcare Supplement is paid automatically when Child Benefit is awarded and some 65,000 Irish-born children were paid in this manner in 2007.

Approximately 13,000 claims that were received before April 2007 are at various stages of processing. Almost all these claims relate to foreign nationals and are to be decided under EU regulations. Approximately 80% of the claims are from Polish nationals and the balance is comprised largely of persons from the other accession states.

In total, some 30,000 claims are on hand to be finalised. Of these, approximately 20,000 relate to claims for non-resident children under EU regulations. The balance relate mainly to non-Irish nationals, resident in Ireland with their families. These customers must satisfy the habitual residency test to qualify for payment. This involves the completion of an enquiry form, and checks regarding the customer's employment, the family's residency status and other circumstances. These checks can take some time to complete. Of the 30,000 claims on hand, some 50% have been partly processed and are awaiting further information from either the customer or the authorities in the claimant's home country to allow them to be finalised.

There are currently 96 permanent and 10 temporary staff working in the child benefit section. The temporary staff have been employed since September 2007 specifically to deal with arrears of claims from non-Irish nationals. A review of processes in the section has recently been concluded and further additional resources are being assigned, bringing the staffing level including both permanent and temporary staff to 115.

The increase in staff numbers, coupled with the use of extensive overtime and the implementation of a number of other process improvements, will result in an improvement in processing time and a reduction in the numbers of claims on hand during 2008.

Pension Provisions.

376. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the position regarding the qualification of a person (details supplied) in County Kildare for a combined

Irish/UK pension on foot of their late spouses Irish/UK contributions; and if he will make a statement on the matter. [14086/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The person concerned is in receipt of maximum rate Widow's (Contributory) Pension of €203.30 plus € 21.90 fuel allowance, per week. As her spouse had worked in England, the relevant information was referred to the Department of Social Security in Newcastle upon Tyne (DHSS) to assess her eligibility for a widow's pension. It is a matter for that Department to advise the person concerned of her entitlement. Reminders have issued to the DHSS in this case.

Social Welfare Benefits.

377. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if rent supplement allowance will be increased in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14087/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the community welfare division of the Health Service Executive (HSE).

Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. The maximum rent limits are set out in regulations. However, the HSE may, in respect of sub-divisions of its functional area and depending on local circumstances, set rent limits below the maximum limits provided for in the regulations.

The regulations provide that the maximum amount of rent in respect of which a supplement is payable in respect of a person with two children living in Kildare, is €1,200 a month. However, the HSE has determined that the appropriate rent limit, for a family of this size and in the area where the person in question reside, to be €1,050 a month.

The HSE has been informed that the rent payable by the person in question has increased by 26% from €950 to €1200 a month. The Executive considers the increased rent to be in excess of its local rent limit for a person of her family composition and size. The HSE has provided the person concerned with a three month period from 28 February 2008 to either secure alternative accommodation at a rent within the local limit or to re-negotiate the level of rent increase with the landlord in question.

Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes.

Social Welfare Appeals.

378. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when a one parent family allowance appeal will be heard in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14088/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): I am advised by the Social Welfare Appeals Office that the status of this appeal remains unchanged from the position as outlined in my reply to the Deputy on 8th April 2008 to PQ 284.

The Social Welfare Appeals Office is an office of my Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Pension Provisions.

379. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if, in view of the weakening currency, in particular the sterling and the US dollar and the number of recipients of pensions from the UK and USA, a more realistic figure will be taken when assessing those pensions as means or if his Department will amend their currency conversion formula for assessing means on a more regular basis to reflect the actual means received by people; and if he will make a statement on the matter. [14096/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): My Department is aware of the appreciation in the exchange rate of the Euro against both Sterling and the US Dollar. In relation to Sterling my Department uses the conversion mechanism provided for under Article 107 of Council Regulation (EEC) No. 574/72 on Social Security for Migrant Workers when assessing means deriving from payments received from EU Member States (including U.K.) which do not form part of the EMU currencies. The exchange rates for converting Sterling and other non-EMU currencies are published quarterly in the Official Journal of the European Union.

Under this mechanism the Sterling conversion rate used when assessing new claims for means testing purposes is derived from the average of the daily exchange rates in the first month of a quarter. This rate is then used in all conversions during the course of the succeeding quarter. Alternatively the conversion rate applicable to the next succeeding quarter is used if it is more beneficial to the customer. When reviewing customers who are in receipt of British pensions the exchange rate used to convert Sterling is the rate applicable to the second quarter (i.e. the quarter in which the British pension increase occurred) or the third quarter if that is more beneficial. A similar conversion mechanism is used in determining the exchange rate for converting the US Dollar to the Euro. In this case the Dollar conversion rate used in the means testing of new claims is the average of the daily exchange rates in the three months of the previous quarter.

When reviewing customers who are in receipt of US Pensions the exchange rate used to convert the dollar is the rate applicable to the first quarter (i.e. the quarter in which US pensions increase) or the second quarter if that is more beneficial.

Currently there are approximately 8,900 customers of the State Pension (Non Contributory) scheme who are also in receipt of a British Retirement Pension with a further 600 customers in receipt of a US Pension. My Department does not generally review these pensioners specifically because of movements in the exchange rate. However it is open to any pensioner who believes they may be entitled to an increase in the rate of their State Pension (Non Contributory) payment to seek to have their means reviewed.

It should be noted that changes to the value of a British or US pension due to currency fluctuation may well be offset by annual increases to the rate of those pensions that have yet to be included in the assessment and consequently the customer's State Pension (Non Contributory) payment may be unchanged or even reduced as a result of a review. In this regard the Department is aware that the British Retirement Pension (including graduated pension rates) has been increased by 3.9% effective from the 7th April 2008.

380. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if he will reconsider the means assessment of a person (details supplied) in County Mayo in view of the current value of Sterling. [14097/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): A Widower's Non Contributory Pension is a means tested payment payable to a widow or widower whose income falls

below a certain limit and who does not satisfy the contribution conditions for Widowers Contributory Payment.

This customer applied for Widows Non Contributory Pension on the 15th of December 2007. Following an assessment of her means she was awarded a reduced rate Widows Non Contributory Pension of €20.30 per week from the 4th January 2008.

A Deciding Officer has now reviewed the customer's means based on the sterling exchange rate applicable to the second quarter of 2008 and has determined that she is entitled to a higher rate of pension of €27.8 0 per week from 11th April 2008. The person has been informed in writing of the revised decision.

If the person is dissatisfied with the revised decision she has the right to appeal to the Social Welfare Appeals Office.

381. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs his policy on the screening of submissions to his Department as part of the public consultation for the Green Paper on Pensions; and if he will make a statement on the matter. [14197/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Green Paper on Pensions was published on the 17th October 2007, beginning a period of consultation on our pensions system. This consultation process will continue until the end of May 2008 and work will then begin on developing a framework for future pensions policy.

To date, over 130 written submissions have been received by my Department and can be viewed on the dedicated website — www.pensionsgreenpaper.ie. In addition, my Department hosted six regional seminars around the country to gather people's views on the key issues of concern to them. A comprehensive report will be drawn up on the consultation process and the views expressed through the written submissions and the seminars.

Correspondence received by the Department, labelled by the authors as Green Paper submissions, but which, for example, are queries about personal circumstances, are not categorised as submissions but are dealt with by my Department through its usual channels. In addition, items of personal correspondence are not deemed to be a submission. Finally, names of persons or organisations are usually removed from people's submissions in order to maintain anonymity.

I am confident that the consultation process has been an open and inclusive one and that all those who wished to make their views on pensions known have had the opportunity to do so.

Social Welfare Benefits.

382. **Deputy Jack Wall** asked the Minister for Social and Family Affairs his plans to amend the fuel allowance scheme to ensure that it covers twelve month periods rather than a section of the year as at present; and if he will make a statement on the matter. [14224/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The national fuel allowance scheme assists householders on long-term social welfare or health service executive (HSE) payments with meeting the cost of their heating needs during the winter season. The allowance represents a contribution towards a person's normal heating expenses. It is not intended to meet those costs in full.

Improvements to the fuel allowance in recent years include an easing of the means test, extending the duration of the fuel season and an increase in the rates of payment. Budget 2006 provided for an increase in the rate of fuel allowance of €5.00 from €9.00 to €14.00 (€17.90 in designated smokeless areas) and Budget 2007 increased the rate of fuel allowance by €4 from

[Deputy Martin Cullen.]

€14 to €18 (€21.90 in designated smokeless areas). The cumulative effect of these two Budgets has seen a doubling of the fuel allowance in this period. The income threshold for eligibility to fuel allowance was also increased by €49 from €51 to €100 above the state pension (contributory) rate.

In Budget 2008 I have extended the duration of the payment to 30 weeks in total. This increase in the duration of the fuel season bring the estimated expenditure this year to €173.1m for some 298,000 households that will benefit under the scheme. Fuel allowances are incorporated in the recipient's weekly social welfare payment. Budget resources are concentrated on providing significant real increases over and above inflation each year in all primary social welfare pension, benefit and assistance rates. This is a more costly approach than increasing fuel allowances as the increase is paid for the full year and not just for the 30 weeks of the winter heating season. Income maintenance measures for social welfare recipients are significant with rates of payments increased in the context of each budget strategy. Social welfare rates have increased at a significantly greater rate than price inflation in recent years, which has assisted social welfare households to achieve some increase in their quality of life and in their ability to meet the cost of items such as fuel. Any other changes in relation to fuel allowances would have significant cost implications and would have to be considered in a budgetary context and in the light of the resources available for improvements in social welfare generally.

383. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if rent allowance will be approved in the case of persons (details supplied) in County Carlow in view of the urgent need and the medical circumstances of the case. [14236/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Health Service Executive has advised that it has awarded rent supplement in respect of the persons concerned for the period October 2007 to March 2008 and that all due payments have been made.

The Executive has further advised that the persons concerned have now been provided accommodation under the rental accommodation scheme.

Social Welfare Code.

384. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs the proposals he has to extend entitlement to child benefit to second and third level students who are over 18 years of age; and if he will make a statement on the matter. [14304/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): Child benefit is a universal payment, paid in respect of children up to the age of 16 years. It continues to be paid in respect of children up to age 19 who are in full-time education, or who have a physical or mental disability.

The policy of the Government over the past number of years has been to substantially increase the amount spent on child benefit for all families. Commitment to this policy is reflected in the significant resources invested in the scheme since 2001, increasing monthly payments to €166.00 for each of the first two children and €203.00 for the third and subsequent children from April 2008.

According to the latest figures collected by the Central Statistics Office, there is an estimated 93,500 students aged 19 to 22 years. Extending child benefit to this category would entail substantial cost, estimated to be in the region of some €195 million annually.

In recognition of the need to target limited available resources at persons on low incomes with children in full-time education, a number of provisions have been introduced, including the extension of entitlement to an increase for qualified child to age 22 where the parent of a full-time student (including third level) is in receipt of either a long-term social welfare payment, or a short-term social welfare payment for six months or more (short-term schemes include such payments as jobseekers benefit and allowance, illness benefit and supplementary welfare allowance).

In addition, in-work cash payments are provided to low-paid employees with families through the family income supplement scheme. Under this scheme, a qualified child is any child under the age of 18 or aged 18 to 22 if in full-time education. This supplement is paid where a family's weekly income is below a specified income limit for the family size, and is calculated at 60% of the difference between the net family income (gross pay less tax, PRSI, health contribution, superannuation) and the relevant income limit.

Social Welfare Benefits.

385. **Deputy Deirdre Clune** asked the Minister for Social and Family Affairs if he will reconsider the level of supplementary welfare allowance payable to persons seeking assistance with rent payments in the Cork area as rents have increased in the area and the level of payment at present does not meet the needs of many tenants; and if he will make a statement on the matter. [14416/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): Rent supplement, which is administered on my behalf by the Health Service Executive (HSE) as part of the supplementary welfare allowance scheme, is subject to a limit on the amount of rent that an applicant may incur. Rent limits are set at levels that enable different eligible household types to secure and retain basic suitable rented accommodation, having regard to the different rental market conditions that prevail in various parts of the State. The objective is to ensure that rent supplement is not paid in respect of overly expensive accommodation having regard to the size of the household.

Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes, including people in low wage employment. In January 2007 a review was completed of the maximum levels of rent which a person may incur and still be eligible to receive rent supplement. The purpose of the review was to inform the process of setting new limits, applicable from January 2007 until 30 June 2008. The review included consultation with the HSE, the Department of Environment, Heritage and Local Government, Central Statistics Office, the Private Residential Tenancies Board and voluntary agencies working in this area. This process ensures that the new rent limits reflect realistic market conditions throughout the country. Arising from the review, rent limits were adjusted upwards, from January 2007, for a number of household types in 14 counties, including Cork.

Notwithstanding existing limits, the HSE may exceed these rent limits in certain circumstances e.g. where there is special housing need related to exceptional circumstances. The discretionary power ensures that individuals with particular needs can be accommodated within the scheme and specifically protects against homelessness

I have arranged to have the current rent limits reviewed this year with a view to implementing any revision found to be necessary, from 1 July 2008. As in 2007, a consultative approach is being used to conduct this review.

Social Welfare Appeals.

386. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal was received in his Department for a person (details supplied) in County Mayo; the reason it is taking an inordinate amount of time for the person to be called for an appeal; and when the person can expect to be called. [14425/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Social Welfare appeals system procedures are designed to ensure that every appellant gets full and fair consideration.

I am advised by the Social Welfare Appeals Office that an appeal from the person concerned was received in that office on 20 August 2007. In accordance with the statutory requirements the relevant Departmental papers and the comments of the Social Welfare Services Office on the matters raised in the appeal were sought. Issues raised by the person concerned in the grounds of appeal required further investigation by the Department. These investigations have now been completed and the case has been referred to an Appeals Officer who proposes to hold an oral hearing on 29/4/08. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office is an office of my Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

387. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason an application for supplementary welfare allowance for a person (details supplied) in County Kildare was refused; and if he will make a statement on the matter. [14477/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Health Service Executive has stated that the matter is currently under review with the Executive's Appeals Office and has advised that the person concerned will be informed of the outcome of its decision in due course.

388. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the time limit within which an appeal must be determined by the Appeals Office; the time limit within which an oral appeal must be held if such an appeal is deemed necessary; and if he will make a statement on the matter. [14723/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The social welfare appeals system is quasi-judicial and the procedures involved are designed to ensure that every appellant gets full and satisfactory consideration. Accordingly, there is no time limit within which an appeal must be determined by that Office or within which an oral hearing must be heard.

During 2007 the average time taken to process all appeals (i.e. those decided summarily and by way of oral hearing) was 22 weeks. However, if allowance was made for the 25% most protracted cases, the average time fell to 14.4 weeks.

Oral hearings are granted at the discretion of the Appeals Officer usually in circumstances where there is a conflict in evidence presented by the parties to the appeal or where an oral hearing is requested by the appellant in order to present his or her case. Given the logistics involved in organising oral hearings, the average length of time is increased by 8 weeks where an oral hearing is involved. The processing time for appeals covers all phases of the appeal process including the submission by my Department of its comments on the grounds for the appeal, further examination by my Department's Medical Assessors in certain sickness related cases and the holding of oral hearings which are currently afforded in two out of three cases

determined by Appeals Officers. Issues may also arise during the course of an appeal which require further investigation.

Improving processing times of all aspects of the appeals process is a major objective of the Social Welfare Appeals Office. However, it is necessary at all times to ensure that progress in this regard is achieved in a manner which is not in conflict with the demands of natural justice and the requirement that every appeal be fully investigated and examined on all its merits.

Pension Provisions.

389. **Deputy Damien English** asked the Minister for Social and Family Affairs if a person (details supplied) in County Meath is entitled to a contributory pension; if not, the options available for this person to pursue with his Department to meet their pension needs; and if he will make a statement on the matter. [14803/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): In order to qualify for a State Pension (Contributory) at the minimum rate payable, a yearly average of at least 10 contributions is needed.

The person concerned has a yearly average of 8 contributions which is insufficient for a minimum payment of a State Pension (Contributory).

As she worked for some time in the United States, the insurance records of both countries can be combined to examine possible entitlement to a pro-rata pension. However, this yields a combined yearly average of 9 contributions which is also insufficient to qualify.

An option for her would be to apply for a State Pension (Non Contributory), which is a means-tested payment. Alternatively, if the person is wholly supported and maintained by her spouse, the spouse may apply for an Increase for a Qualified Adult on his pension payment. This increase is subject to a means-test. If awarded, the increase would be paid directly to the person concerned.

If applications are received for both options, and entitlement to each exists, the person concerned will be placed on whichever is the most financially advantageous arrangement.

Community Development.

390. **Deputy Brendan Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs if there is a scheme of funding under his Department's auspices which could be accessed in respect of the provision by a charitable organisation of holiday accommodation and a range of community type services for disadvantaged people; and if he will make a statement on the matter. [14686/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware my Department does not operate a specific scheme or programme to enable charitable organisations to provide holiday accommodation for disadvantaged children.

My Department does, however, operate a number of schemes and programmes supportive of communities, including disadvantaged communities.

Against this background some funding may be available for an element of the project that the Deputy refers to. Details of all the programmes and schemes operated by my Department can be accessed on the Department's website at www.pobail.ie. I should point out that each of the schemes and programmes are governed by rules and eligibility criteria that applicants must meet in order to receive funding.

Decentralisation Programme.

391. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding relocating his Department to a location (details supplied) in County Mayo; and the time-scale involved for the relocation. [14880/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Negotiations for the purchase of a site by the Office of Public Works for the Department's headquarters at the location referred to by the Deputy are at an advanced stage. It is estimated that the new headquarters will be ready by end-2010.

In the meantime, 90 of the 140 staff of my Department originally due to relocate to Co Mayo have transferred to an interim location in Tubbercurry, Co Sligo. It is planned to increase the number at the interim location to just over 100 from mid- May 2008.

Departmental Funding.

392. **Deputy Olivia Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs if he has provided public moneys, capital or current, to an organisation (details supplied) in any of the years 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [13906/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The following sums were paid by my Department to the organisation concerned in respect of current expenditure:

Year	€
2005	590,000
2006	1,470,000
2007	1,580,000
2008 (to date)	784,190

The increased funding since 2006 has been in respect of a development programme being advanced by the organisation on a regional basis.

No capital funding has been paid by my Department to the organisation over the period in question.

Community Development.

393. **Deputy Bernard Allen** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make a statement on his recent decision not to continue funding support agencies after 31 April 2008 with particular reference to the loss of the south and mid-west region of the support agency which they have been working with for the past four years. [13967/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I would like to refer the Deputies to my previous response to Questions numbered 20, 27 and 41 of 3rd April 2008.

Consultancy Contracts.

394. **Deputy Olivia Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount

earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14101/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): My Department has made available on its website details regarding consultancies (excepting those of minor value, i.e., less than €5,000 excluding VAT) relating to the period since its establishment in June 2002 up to the end of January 2008.

The relevant link, which will take the Deputy directly to these details, including the information sought by her, in relation to expenditure by my Department is: www.pobail.ie/en/CorporateSupportServices/Finance/Consultancies.

For the Deputy's convenience, I have also arranged for a copy of the material in question to be sent directly to her at her Oireachtas e-mail address.

As it has not been possible within the time available to collate the details sought by the Deputy in relation to the preparation and publication of reports, I am arranging to have the relevant information in that regard forwarded to the Deputy as soon as possible.

The Deputy will appreciate that the appointment of consultants by bodies reporting to, or under the aegis of, my Department is a day-to-day operational matter for the chief executive officers of those organisations. Accordingly, I am forwarding the Question to the organisations in question and am asking the chief executive officers to provide any relevant information directly to the Deputy.

Scéimeanna Feabhsúcháin.

395. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil iarratas faighte ag a Roinn ar dheontas do thionscnamh (sonraí tugtha), cén uair a fuarthas an t-iarratas, méid an deontais atá á lorg agus cén uair a bheidh cinneadh á dhéanamh. [14273/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Fuair mo Roinnse iarratas críochnúil sa chás seo i mí Aibreán 2007 agus, tar éis athphlé leis na hiarratasóirí, cheadaigh mé deontas de €639,000 ar 4 Aibreán 2008 faoi na Scéimeanna Feabhsúcháin sa Ghaeltacht (€532,500) agus CLÁR (€106,500). Tá an deontas sin bunaithe ar chostas iomlán de €798,837 (€722,510 don obair thógála agus €76,327 do tháillí proifisiúnta).

Bhí moill neamhghnách ag baint leis an iarratas seo toisc go raibh ar Oifig na Roinne i nDún na nGall fanacht ar cheapachán Innealtóra agus toisc go raibh riaráistí oibre i gceist mar thoradh ar seo.

396. D'fhiafraigh **Deputy Eamon Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén staid ag a bhfuil an t-iarratas ar dheontas chun céim a dó d'Ionad Naomh Pádraig, Dobhar, an Bun Beag, Contae Dhún na nGall, a chríochnú. [14277/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Ar 4 Aibreán 2008 cheadaigh mé deontas de €639,000 faoi na Scéimeanna Feabhsúcháin sa Ghaeltacht (€532,500) agus CLÁR (€106,500) don togra atá luaite ag an Teachta.

Community Development.

397. **Deputy Enda Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if

[Deputy Enda Kenny.]

there are plans to expand the RAPID programme to include new areas; if there has been consideration that other areas should be included in the RAPID programme due to disadvantage; and if he will make a statement on the matter. [14296/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The RAPID Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within the 46 designated RAPID areas.

The Government has given a commitment to continue to prioritise investment in the existing RAPID areas and no area currently included in the Programme will lose its eligibility for priority treatment. My attention at present is focused on an analysis of recent Census data with a view to ensuring that the boundaries of existing RAPID areas are appropriate. A key concern will be to ensure that the effectiveness of the RAPID Programme is not diluted and that Government action continued to prioritise and target communities with the greatest needs.

WTO Negotiations.

398. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if her Department has conducted an analysis of the impact of the proposals at the World Trade Organisation on the economy here and in particular for the agriculture sector and persons employed in agribusiness; the estimated job losses by her Department both at primary producer and agribusiness level; the consequences for tax revenue; and if she will make a statement on the matter. [14536/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): My Department carries out analysis on an ongoing basis of the various negotiating proposals which emerge in these negotiations. This analysis covers a large number of different scenarios and their impacts on the different agricultural sectors. In particular, the analysis evaluates the levels of import protection for individual products under the various different tariff cut scenarios that have been proposed up to now in the negotiations. It provides a basis for assessing the impact of such cuts and the relative benefits of seeking sensitive product status to mitigate their effects.

I am not convinced that it would be appropriate at this stage for me to publicly release the analysis undertaken by my officials to advise me in these negotiations. I believe this is a reasonable and prudent approach given the critical point we are at. I do not want to undermine in any way my negotiating position and I do not believe that the Deputy would wish to undermine Ireland's position in these negotiations. I have already indicated that I, or my officials, are available to brief the opposition on some key issues in relation to impact analysis on a confidential basis.

Similar estimations have been made by various representative bodies and shared with the Department. These assessments are also used to evaluate the various negotiating proposals which emerge from the discussions and to develop the Irish negotiating position in these negotiations.

A number of other bodies and research institutes, in Ireland and elsewhere, have also carried out economic studies. Some of these analyses attempt a broader, overall assessment of possible outcomes of the negotiations. Inevitably these studies are based on a wide range of assumptions about issues that are yet to be decided in the negotiations. My Department also considers and uses these studies to inform our negotiating strategy.

In particular I would point to the FAPRI Ireland WTO Analysis of Impacts on Irish and EU Agriculture study of March 2006 and the 2003 Forfas WTO Negotiating Objectives for Irish Enterprise Report. It is my understanding that the FAPRI analysis is currently being updated.

The EU Commission has also recently presented its own latest analysis of possible impacts of the most recent proposals from the chairman of the WTO Agriculture Committee. This analysis is currently the subject of on-going discussions between Member States and the Commission.

I should also point out that I have established a WTO Consultative Committee where stakeholders and my Department regularly discuss developments in the negotiations, and their analysis of them, in some detail. The analysis and assessment emerging from these meetings contributes helpfully to the negotiating position adopted by the Government.

Coastal Protection.

399. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food if a coastal erosion programme is operational; the funding available in 2008 for the programme; and if allocations have been approved for County Donegal. [14614/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): In February 2008 my Department invited proposals from Local Authorities for inclusion in the 2008 Coastal Protection Programme. The applications are currently under consideration by my Department's Engineering Division and the Coastal Protection Programme for 2008 is expected to be announced shortly.

Funding applications received from Donegal County Council will be given due consideration based on overall national priorities and Exchequer allocation.

The overall budget for Coastal Protection for 2008 is €3.037 million.

Foreshore Licences.

400. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if his Department will engage with a company (details supplied) in County Cork to assist in the process of obtaining a licence to harvest seaweed; and if he will expedite a pro-active approach from his Department. [13844/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Activities on the foreshore such as harvesting of seaweed require a foreshore licence from my Department. The individual referred to was issued with an application form for such a licence initially by post and subsequently by e-mail when the individual informed my Department that he had not received the form posted to him.

On receipt of the completed application, my Department will be in a position to assess the proposal in conjunction with our technical and scientific advisors. My Department will be glad to meet the applicant to discuss the proposal at that stage if necessary.

I should point out however that, to date, while my Department has licensed the harvesting of seaweed by hand, the mechanical harvesting of seaweed has not been licensed. This is due to ongoing concerns regarding the potentially serious adverse impact of such activity on marine species and the general coastal environment.

Grant Payments.

401. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Carlow is entitled to entitlements under the national reserve for the years 2000, 2001 and 2002; and if she will make a statement on the matter. [13839/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named was not farming during the 2000-2002 reference period and therefore no Single Payment entitlements were established for him. He commenced farming in 2003. There is a special category in the Single Payment Scheme National Reserve catering for farmers who commenced farming after 31 December 2002. Applicants must satisfy certain criteria including income and farming qualifications. The person named applied under the New Entrant category of the 2005 and 2007 National Reserve.

Under the 2005 National Reserve, only farmers who had inherited or purchased land were eligible for consideration for an allocation and as the person named only had leased land he did not qualify.

However, the 2007 National Reserve included new entrants to farming who had been leasing land for a minimum of three years as they were deemed to have a commitment to farming. There was still a requirement to meet certain other criteria including farming qualifications and income.

While the person named has leased land for a minimum of three years, there is however outstanding information with regard to income and it is not possible to fully process his application. My Department has written to the person named regarding the outstanding information and when the required documentation is received his application will be finalised. The person named will be notified directly of the outcome of his 2007 National Reserve application.

402. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if a farmer does not have bank account and does not want to open an account, the way they will receive their payments from her Department. [13863/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): A new requirement to make all payments under EU funded or co-funded schemes directly into bank accounts must be implemented in accordance with EU Council Regulation (EC) No 1290/2005 which lays down the rules on the financing and management of the Common Agricultural Policy for the period 2007 to 2013. The detailed implementing rules as set out in EU Commission Regulation (EC) 885/2006, require that all EU paying agencies must adopt procedures to ensure that payments are made only to bank accounts with effect from the 2009 financial year which begins on 16 October next. As the designated paying agency for EU funds, my Department is obliged to adhere to these arrangements. At present, farmers can choose to have their payments made by cheque or electronic funds transfer directly into their bank account and this situation will continue during the 2008 EU financial year which ends on 15 October.

My Department notified the new requirement to farmers on a number of occasions over the past year or so and a large number of farmers have already 'signed up' for electronic funds transfer. Farmers who have not yet done so still have several months in which to open a bank account and to notify my Department of the details. However, I will be urging all farmers to make the necessary arrangements as soon as possible.

My officials have briefed the banks on the new requirement. I also met recently with An Post which intends to facilitate the electronic transfer of funds through a system of post bank accounts in the near future. I understand that a number of Credit Unions are also in a position to handle direct payment to customer accounts and that this number will increase over time. I will continue to explore all possible options to minimise disruption to payments and farmers may, of course, contact my Department with any concerns that they may have.

Greenhouse Gas Emissions.

403. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the posi-

tion regarding the estimated carbon offsets to be reflected in the National Climate Change Strategy 2008 to 2012 from State or EU funded afforestation schemes; and if she will make a statement on the matter. [13887/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Under the National Climate Change Strategy, and in accordance with the EU's commitment under the Kyoto protocol, sequestration from forestry is accounted for as a credit against Ireland's national greenhouse gas emissions. It has a significant contribution to make to meeting our national target, and planting under State and EU funded afforestation schemes since 1990 is expected to contribute an annual average of 2.08 million tonnes of sequestration over the 2008–2012 Kyoto period.

Fisheries Protection.

404. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if her Department is examining the possibility of providing for administrative sanctions against those who are found to be in breach of the Sea Fisheries and Maritime Jurisdiction Act 2006; the reason administrative sanctions were not provided for in the legislation; her views on the establishment of a committee to address the issue of administrative sanctions; and if she will make a statement on the matter. [13889/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Sea Fisheries and Maritime Jurisdiction Act, 2006 was enacted on the 4th of April 2006 and provides for dissuasive and effective penalties for infringements of fisheries law as required under the Common Fisheries Policy. During the passage of the Bill through the Houses of the Oireachtas, the principles and practicability of administrative sanctions were widely discussed.

On foot of the recent Court of Auditors Report on Fisheries control the Commission is proposing wide-ranging proposals to reform and update the EU Fisheries Control framework and it is likely that the issue of harmonised sanctions will be considered in that light. In the interim I have asked my Department to review the operation of sanctions under the Sea-Fisheries and Maritime Jurisdiction Act, 2006 in light of experience since its enactment.

Fishing Industry Development.

405. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if Ireland has applied for Axis four funding under the European Fisheries Fund; if not, the reason for same; if Ireland will be applying for Axis four funding; if her attention has been drawn to the fact that the closing date for applications is in about six weeks time; and if she will make a statement on the matter. [13890/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Ireland was allocated EU funding of €42 million for the 2007-2013 European Fisheries Fund. To maximise the benefits of this funding it is being specifically targeted at a small number of Co-Financed measures under the pillars of AXES 1, 2 and 3, most notably the fleet decommissioning scheme which I launched in February.

However, as outlined in the National Strategic Plan for the Fisheries Sector (2007-2013), Non-Co Financed (i.e. State aided) measures under Axis 4 are planned for. These predominantly socio-economic sustainability measures will be implemented by BIM with the assistance of local development networks such as Leader.

Seafood Sector.

406. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the value, in monetary terms, of foreign fish imported into Ireland in each of the past five years; the value, in monetary terms, of all fish exported from this country in each of the past five years; and if she will make a statement on the matter. [13891/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The following table provides details of trade figures for fish for the years 2003-2007.

Year	2003	2004	2005	2006	2007
	€	€	€	€	€
Exports	381,051,700	388,193,970	355,815,480	359,803,820	360,105,270
Imports	95,441,360	104,557,260	132,169,160	151,086,430	178,056,650

The potential for sales growth and import substitution is most effectively addressed through enhancing the national production and meeting the needs of the market. The report of the Seafood Strategy Review Group *Steering a New Course* (The Cawley Report) sets down a vision for a sustainable profitable and self-reliant industry that will maximise its long-term contribution to coastal communities. The strategy clearly recognises that the long term vision for the seafood sector must revolve around developing a strong and positive identity for Irish seafood on the domestic market and in key international export markets. This identity will assist in positioning Irish seafood products at the upper end of the industry's targeted market.

To do this we must work aggressively to ensure that Irish seafood is recognised for: excellence in term of product quality; providing a superior eating experience — due to product freshness facilitated by the frequency of landings; a range of positive environmental traits; and a customer service approach second to none.

The strategy recognises that the industry's approach to the market and its performance within the market place is well below that which exists in other sectors of the Irish food industry. It considers that this gap in performance represents the "industry opportunity". The recommendations of the Strategy across all fronts, marketing, processing, aquaculture and the fleet combined, offers the blue print for change in the industry which I believe will maximise the value of seafood delivering a sustainable, profitable and self-reliant industry.

Fish Quota.

407. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food her views on whether the allocation of quota to fishermen on a monthly basis is a fair system; if there is a more flexible quota management system that addresses the well known concerns of the industry; if she has plans to carry out a review of the way the State allocates quota to fishermen; and if she will make a statement on the matter. [13892/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The national implementation of the annual EU Total Allowable Catch (TAC) and Quota Regulation is the responsibility of my Department. In Ireland, representatives from my Department, the Sea-Fisheries Protection Authority and Industry meet once a month to agree the quotas for white-fish and deep-sea species for the following month. All current quota management arrangements fishery regimes are the result of this partnership approach.

In January 2007 the report of the Seafood Industry Strategy Review Group, under the Chairmanship of Noel Cawley, was published. This report “Steering a New Course” made two recommendations specifically related to quota management involving:

- Implement a new, devolved, Fisheries Management Regime
- Establish a legal entity to oversee quota management.

Industry representatives have been mandated to bring forward proposals for quota management in line with the recommendations of the Seafood Strategy for my consideration. I understand that the industry representatives are developing a new model in this regard. I await proposals which I hope will take account of the situation and needs of all the industry.

Marine Fuel Costs.

408. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food her views establishing a task force to examine measures to address the crippling cost of fuel for fishermen; if her attention has been drawn to the other EU countries that are providing assistance to their fishermen with regard to the cost of fuel; and if she will make a statement on the matter.
[13893/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The escalation of fuel costs, as a result of global economic and political conditions, remains a matter of concern for all sectors of industry. It is important to note that the fishing industry in Ireland already receives favourable treatment in the form of a full rebate on excise and VAT on marine fuel, if the enterprise concerned is registered for VAT. Fuel subsidies, in terms of operating aid for fishing vessels, are not permitted under EU State Aid rules and any such measures introduced by EU Member States would be in breach of EU law and subject to Infringement proceedings in the European Court of Justice.

It is understood that previous measures taken by France in relation to support to offset the difficulties faced by its industry arising from high fuel prices are the subject of infringement proceedings in the European Court. Within the EU State Aid rules and the funding available to each, it is a matter for each Member State to put in place measures to support and develop the fishing industry. I understand that the main measures now being put in place by France include a tax on fishery products at the market place to fund the development and restructuring plan for the fishing sector.

I believe that the most critical element in addressing the impact of high fuel prices is to make the fleet more profitable. The Cawley Report, “Steering a New Course”, a strategy for a restructured, sustainable and profitable Irish seafood industry (2007 — 2013), has set down a range of measures to deliver a more profitable fleet and I do not consider that a further examination of the issue is required. I am now focussing on delivering the Cawley Strategy.

The planned reduction in the size of the fishing fleet, through a decommissioning scheme which I launched in February, will increase the profitability of the vessels that continue to fish because they will be permitted to land higher quantities of quota stocks. Funding under the NDP will also focus on increasing returns to fishermen through maximising the value of seafood at every stage from the sea to the table.

I also consider that considerable research activity is required in order to identify the most fuel efficient equipment and practices and I will be pushing strongly for this area to be prioritised under the EU’s Seventh Framework Programme for Research (2007-2013). At present, Bord Iascaigh Mhara is making grant aid available to improve fuel efficiency on board fishing

[Deputy Mary Coughlan.]

vessels. I will keep this scheme under review to ensure that it covers best practice in the context of available research in the area.

Seafood Industry.

409. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the measures being taken to promote awareness of Irish seafood to the public and the benefits of eating fish; the amount spent in the each of the past five years in promoting sales of Irish seafood; her views on whether enough is being done to promote Irish seafood; and if she will make a statement on the matter. [13894/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Irish seafood is in high demand; it is a healthy low fat, nutritious food source, which is in increasing demand both here and elsewhere in the EU and other markets. BIM promotes seafood on both the Irish market and core EU markets (France, UK, Spain, Germany and Italy). On the home market BIM promotes at both consumer and trade levels, whereas in the EU markets BIM concentrate on trade marketing. Other markets outside EU are dealt with on a case-by-case cost benefit basis.

BIM has a number of key initiatives to promote seafood on the domestic market including a Health Information Programme where BIM has developed a range of information material outlining the health benefits of fish consumption. The information has been presented as part of a life-style package (i.e. include fish as part of a healthy diet) and this approach has paid dividends given the 18% uplift in the value of retail seafood sales over the past year. It is planned to continue to raise consumer awareness of the health benefits of fish consumption. BIM's drives seafood sales through promoting improved quality of product and service in both retail and food service sectors, which it does through the Seafood Circle Programme

The expenditure on promotion on the domestic market is set out in the following table.

2003	2004	2005	2006	2007
€210,000	€190,000	€200,000	€220,000	€290,000

EU Markets

BIM has been actively increasing the visibility of seafood in key European markets through:

- Strategic development of business to business relations between exporters and key buyers (processors, wholesalers, distributors).
- Raising awareness at trade level by participating in European & national tradeshow.
- Raising awareness at consumer level, through the production of specific seafood promotional material distributed to over 2500 stores across Europe.
- Media visits: BIM has brought major European trade journalists to production regions in order to raise awareness of Ireland's commitment to quality.
- Market research to detect European consumer trends, optimal distribution channels and pricing strategies.
- Quality schemes: BIM supports and assists the development of quality schemes in order to maintain the highest possible market position.

BIM European offices Expenditure is set out in the following table.

2003	2004	2005	2006	2007	2008 (forecast)
€220,000	€320,000	€280,000	€550,000	€480,000	€450,000

It is important to note that Article 40 (2) of Council Regulation (EC) 1198/2006 which refers to the development of new markets and promotional campaigns states that “The operations may not be aimed at commercial brands or make reference to specific countries or geographical areas”. This prohibits promotional activity on “Irish Seafood” specifically.

Fishing Industry Development.

410. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if the Government has plans to implement a decommissioning scheme for fishing vessels under 18 metres in length as per the Cawley Report; and if she will make a statement on the matter. [13895/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Steering a New Course, the Strategy for a Restructured, Sustainable and Profitable Irish Seafood Industry 2007-13 (The Cawley Report) recommended a restructured fishing fleet, consistent with the sustainable exploitation of available resources and economic requirements of vessel owners and the shore-based industries dependent on it.

The Cawley report prioritised in the first instance a continuation of the previous decommissioning scheme targeting the whitefish fleet to ensure a basis for both stock recovery and long term viability. This scheme was launched by me in February this year. The report also noted that a specific economic or social impact analyses should be carried out in relation to vessels under 18 metres to determine the eligibility, urgency, scope and cost of carrying out a targeted decommissioning scheme for such vessels. Such an analysis has not yet been carried out. It is important that consideration of the necessity for any future decommissioning of vessels under 18 metres, takes account of the overall strategy to achieve a balance between available resources and the fishing fleet.

Registration of Title.

411. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food if her Department or the Land Commission or any other agency of her Department have ever had, or now have, any interest, or now possess the title in whole, or part, in land (details supplied) in County Cork; and if she will make a statement on the matter. [13919/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Documents of the former Land Commission available in the Records Branch of my Department, record that this plot of land, which is subject to grazing rights, remained in the possession of the landlord when the estate was divided among the tenants in the late 1890's.

Grant Payments.

412. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food if she will review a decision for income supplement for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [13986/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The entitlement of the person named to payment under the Income Supplement Scheme has been reviewed

[Deputy Mary Coughlan.]

already by my Department. He has been advised that the movement of three animals into his restricted herd renders him ineligible for payment under the scheme from the date on which animals were moved into the holding. However, he has also been advised that he may apply to the Agricultural Appeals Office for a further review of this decision.

Milk Quota.

413. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food if the application of a person (details supplied) in County Cork for extra milk quota under the hardship scheme has been considered by her Department; if so, the amount of extra quota that is to be allocated to the applicant; and if she will make a statement on the matter. [14032/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Allocations of milk quota from the National Reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The Tribunal examines and makes recommendations on applications for additional quota from individual producers. The named person submitted an application to the Tribunal seeking an allocation of additional quota under the Hardship category. This application was examined on 2nd April 2008 and an allocation of 5,000 litres of additional milk quota was made from the National Reserve. The named person and his Co-op have been notified in this regard.

Consultancy Contracts.

414. **Deputy Olivia Mitchell** asked the Minister for Agriculture, Fisheries and Food the consultants who carried out work for her Department or for any body under the auspices of her Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if, in the case of a report being prepared, the report has been published; if not, when the report will be published; and if she will make a statement on the matter. [14098/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Details of the consultants who carried out work for my Department in 2007 is set out in tabular format in the following table. With regard to State Bodies under the aegis of my Department, the use of consultants by these Bodies is a matter for the Bodies themselves and the Deputy can seek to obtain that information directly from each Body.

Consultant	Company Or Individual	Payment in 2007	Basis of calculation	Purpose — report or work carried out
UCD Forestry Department	Company	€3,200	NFI manual — 36 hrs × €50 NFI proceedings — 15hrs × €50 NFI results — 13 hrs × €50	National Forest Inventory Published
Dr Gerhardt Gallagher	Individual	€3,085.50	€300 plus vat per day × 8.5 days	National Forest Inventory — Published
Institute of Forest Ecosystem (IFER)	Company	€66,699	Agreed contract price	National Forest Inventory — Published
Brendan Riordan — Research Economist	Individual	€3,000	Agreed contract price for completed report on the agri-food sectors contribution to net flow of funds	The Report will be published shortly.
Achilles Procurement Services	Company	€2,240	Daily Rate €1,120 × 2 days	Report on specialized procurement advice — Report for internal use only
Open Interface Ltd	Company	€8,470	€8,470 — Fixed price tender	Produce an accessibility report on Dept's web and online services — Internal use only
Vantage Resources	Company	€20,421	€523 daily rate	Business analysis for Forestry Online applications — Internal use only
Resources Global Consultancy	Company	€9,196	€1,078 — daily rate	IFORIS computer system — post implementation review- Internal use only
Griffith Associates	Individual	€3,011.77	€85 per hour	EN45011 — Accreditation of Organic Certification Bodies — Work Completed
Levercliff Associates	Company	€68,392	€1,000 per day	UK Organic Market and Sector Research — Work Completed
Cullinane Doherty	Company	€20,636.62	€750 per day	Italian Organic Market and Sector Research — Work Completed
Farrell Grant Sparks	Company	Nil to date	Flat Rate Contract €108,900	Review of the organizational structure of the Department — Due for completion September 2008
Indecon International Consultants	Company	€154,670	Agreed Discount Public Sector Daily Rate	Advice on litigation on Sugar Reform implementation — Internal use only
John Malone consultant	Individual	€22,718	€875 per day	Report on the Implementation of the Sheep Strategy Group — Report published April 2007
Poseidon Aquatic Resource Management Ltd	Company	€172,350	Open Tender — Fixed price contract	Review of Fisheries Control regime — Presented to Minister — June 2007
Dr Mary McMahon	Individual	€103,739	Service provided ongoing basis to Department	Evaluation of Departments Avian Flu Contingency arrangements — ongoing
Mazars	Company	€58,147	Rate per grade of person per day	To assist and provide IT audit expertise to Internal Audit Unit

Consultant	Company Or Individual	Payment in 2007	Basis of calculation	Purpose — report or work carried out
John Malone Consulting Ltd	Individual	Nil to date		Forestry Report completed and presented to Minister March 2008
<i>Consultants engaged during 2007 in relation to Marine Engineering Projects</i>				
Mott MacDonald Consulting Engineers	Company	€251,647	Scale of fees IEI conditions of engagement for consulting engineers	Work carried out — information for internal use
RPS Consulting Engineers	Company	€387,111	Tendered Fixed Price contract	Work Carried out — information for internal use
JE Jacobs Consulting Engineers	Company	€173,409	Tendered fixed price contract	Work carried out — Information for internal use
Aquatric Services United Ltd	Company	€4,702	Tendered fixed price contract	Work carried out — Information for internal use
Compass Informatics Ltd	Company	€47,510	Tendered fixed price contract	Work carried out — Information for internal use
Marine Modeling Centre NUIG	Company	€44,600	Tendered fixed price contract	Work carried out — Information for internal use
Philip Lee Solicitors	Company	€6,050	Payment on basis of tendered quote	Work carried out — Information for internal use
Blom Aerofilms	Company	€151,436	Tendered fixed price contract	Work carried out — Information for internal use
ERA Maptec	Company	€7,411	Tendered contract	Work carried out — Information for internal use
Reecon Development Service	Company	€12,102	Tendered contract	Work carried out — information for internal use
Royal Haskoning	Company	€44,242	Tendered contract	Work carried out — information for internal use
RPS Consulting Engineers	Company	€33,370	Tendered contract	Work carried out — Information for internal use
Mott MacDonald Petit Ltd	Company	€804,673	Tendered contract	Work carried out
Ryan Hanley — Consulting Engineer	Company	€65,430	Tendered contract	Work carried out — Information for internal use
Raymond Burke & McIver Consulting	Company	€23,602	Contract Price	Preparation of a report due in 2008
Poseidon Aquatic Resources	Company	€14,805	Contract Price	Report Published
Configure Ltd	Company	€19,965	Contract Price	Report Published
Briggs Environmental Service	Company	€13,835	Contract Price	Report Published

Grant Payments.

415. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if the single farm payment case of a person (details supplied) in County Kerry will be investigated. [14130/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named farmed jointly with his wife until 2001 when his wife joined the Early Retirement Scheme. At this point the lands owned by his wife along with some entitlements were transferred to their son by means of inheritance. The remaining entitlements in the wife's name were intended to transfer to the person named but this process was not completed. The forms required for this process have now issued to the person named and his wife for completion. On receipt of the completed forms, the case will be processed without delay and any outstanding payments will be made as quickly as possible.

416. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food the position regarding the case of a person (details supplied) in County Tipperary who has applied under the afforestation and premium schemes; and when payment will issue. [14204/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As I indicated in reply to a similar question on 30th January 2008, my Department has advised the owner that remedial work is required at each of these sites. When the required improvements have been completed satisfactorily, forestry payments will resume.

417. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when written approval will be issued to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [14270/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person concerned has made two applications for grant-aid under the Farm Improvement Scheme. Approval issued in regard to the first application on 8 January 2008. The second application will be processed as soon as possible.

418. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when payment will issue under REP scheme four to a person (details supplied) in County Galway; and if she will make a statement on the matter. [14283/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named applied for REPS 4 in March 2008. Farmers who submitted valid applications in March will start their REPS 4 contracts on 1 April 2008. They will receive 75% of a payment in respect of nine months when all administrative checks for REPS and the 2008 Single Payment Scheme are completed. The remaining 25% payment will go out when the last of the year's REPS on-farm inspections has taken place.

Fur Farming.

419. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food if she has plans to regulate or ban fur farming here; and if she will make a statement on the matter. [14490/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Under the Musk Rats Act, 1933 (Application to Mink) Order 1965, the keeping of mink is prohibited except under licence, obtained from my Department. Licences are issued under this legislation only if the applicant, following an inspection, is found to be compliant with a number of key conditions. Licensed fur farms are also inspected to assess compliance with the Council of Europe recommendations concerning fur animals and Council Directive 98/58/EC concerning the protection of animals kept for farming purposes. These inspections have, to date, found that the licensed fur farms have been operating in compliance with current legislation.

The slaughtering of fur animals is governed by national legislation, namely the European Communities (Welfare of Farmed Animals) Regulations 2008. My Department will continue to monitor the operation of licensed fur farms to assess their compliance with all current legislation.

Given that the licensed fur farms operating in this country meet current national and EU requirements there is no reason why what is, after all, a legitimate farming activity, which is permitted in the greater majority of EU Member States, should be banned. There is no legislation specifically governing the licensing of fox farms in Ireland.

Farm Waste Management.

420. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when a decision will be made on the application by a person (details supplied) in County Kerry for farm waste management; and if she will make a statement on the matter. [14518/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person concerned is an applicant under the Farm Waste Management Scheme. His application for payment is currently being examined and a decision will be made in regard to the application as soon as possible.

Installation Aid Scheme.

421. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if she will clarify the entitlement of persons on long-term leases to participate in the installation aid scheme; and if she will make a statement on the matter. [14545/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Under the Installation Aid Scheme applicable to farmers set-up in farming for the first time on or before 31 December 2006, applicants must be set-up on lands on the basis of a lease for at least five years running from the date of set-up. The required term of the lease was extended to seven years under the Young Farmers' Installation Scheme which applies to farmers set-up in farming for the first time on or after 1 January 2007. In order to be eligible for a grant, applicants must, of course, also fulfil the other requirements of the Schemes concerned.

Grant Payments.

422. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if she will reconsider the circumstances in a REP scheme appeal where the family of the late applicant (details supplied) who complied with the terms and conditions of the scheme as entered into by the deceased applicant are being obliged to repay moneys to her Department; and if in view of the fact that the land-holdings will shortly be re-entered into the REP scheme by a family member and the compliance with the work schedule outlined in the plan, she will waive her Department's request for a refund. [14546/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): This case has been appealed to the Agriculture Appeals Office, which is statutorily independent of my Department, and I await the outcome.

423. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a decision will be made on the review of an application by a person (details supplied) in County Roscommon; the reason for the delay; and if she will make a statement on the matter. [14526/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Independent Single Payments Appeals Committee completed their review of this case on 1st April 2008 and disallowed the Appeal. A letter outlining the decision of the Committee has issued to the person named.

424. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Monaghan is entitled to the single farm payment. [14605/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): An application under the 2007 Single Payment Scheme / Disadvantaged Areas Scheme was received from the person named on 26 April 2007. Payment in full under the Single Payment Scheme issued to the person named in two instalments, the first on 16 October 2007 and the second on 3 December 2007. The refund of the deduction in respect of Modulation issued on 11 March 2008. The full payment due to the person named under the Disadvantaged Areas Scheme issued on 20 September 2007. All payments issued to the person via Electronic Funds Transfer.

Coastal Erosion.

425. **Deputy Joe Behan** asked the Minister for Agriculture, Fisheries and Food if her attention has been drawn to the worsening coastal erosion crisis at the Murrough in Wicklow Town; the emergency plans she has to deal with this erosion blackspot; if she has been alerted to this serious environmental problem by the local authorities in Wicklow; the outcome of discussions that have taken place on this issue, especially in terms of allocating emergency funding to deal with this crisis; the involvement her Department has had in dealing with the ongoing erosion problem at the Murrough over the past ten years; and if she will make a statement on the matter. [14678/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The position with regard to Coastal Erosion at the Murrough in Wicklow town has been the subject of ongoing contact between Wicklow County Council and my Department. Contact prior to September 2007 was with the Department of Communications, Marine and Natural Resources who then had responsibility for Coastal Protection matters.

It should be noted that responsibility for Coastal Protection lies with the property owner in the first instance, whether that be an individual or a Local Authority. My Department does, however, provide funding to various Local Authorities each year under the Coastal Protection Programme subject to Exchequer allocation and overall national priorities.

Funding applications were received from Wicklow County Council in 2001 and 2002 but in each case Murrough was identified as third in their order of priority. Regrettably their application in respect of Murrough was unsuccessful due to the constraints of available funding and overall national priorities.

[Deputy Mary Coughlan.]

A funding proposal for a study was submitted by Wicklow County Council in respect of Murrrough in 2006 and in that year the Coastal Protection Programme provided funding of €41,250 towards the cost of the Murrrough Coastal Protection Study which was carried out by RPS Consulting Engineers. This study was published in November 2007.

In February 2008 my Department invited proposals from Local Authorities for inclusion in the 2008 Coastal Protection Programme. An application was received from Wicklow County Council which included applications for funding at four locations, including the above location. The application for the above project is for funding of €3 million to cover the cost of two offshore breakwaters, as recommended by the RPS Consulting Engineers study. It should be noted this project was listed as the fourth priority of Wicklow County Council and that no application for emergency funding has been received.

All applications, including the Wicklow County Council application, are currently under consideration by my Department's Engineering Division. It is hoped to announce the Coastal Protection Programme for 2008 by early May. All applications will be given due consideration based on overall national priorities and Exchequer allocation.

Home Tuition.

426. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the provision of home tuition in July 2008 for children attending a special needs school (details supplied) in County Cork. [14812/08]

432. **Deputy Deirdre Clune** asked the Minister for Education and Science if she will ensure that 20 hours July provision of home tuition per week is made available to all children; and if she will make a statement on the matter. [14874/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 426 and 432 together.

The July Education Programme is available to all special schools and mainstream primary schools with special classes catering for children with autism who choose to extend their education services through the month of July. My Department also provides for a July Programme for pupils with a severe/profound general learning disability. Where school based provision is not feasible, home based provision may be grant aided.

My Department encourages all eligible schools to participate in this initiative in the interest of the children in question. There has been a steady increase in the number of schools offering the programme since it was introduced in 2001 when relevant schools were circulated with details.

My Department's qualification preference is for a fully qualified teacher. Where parents cannot recruit a fully qualified teacher, then certain alternative qualifications are acceptable including particular montessori qualifications and details in this regard are published on my Department's web site.

Schools Building Projects.

427. **Deputy Joe Costello** asked the Minister for Education and Science the reason a school (details supplied) in Dublin 7 is waiting for a permanent building since 1996; the length of time they will have to wait; the reason they have received no communication from her Department

in 2008; if they will be in a permanent building by 2020; and if she will make a statement on the matter. [14843/08]

Minister for Education and Science (Deputy Mary Hanafin): The Department is exploring as an option the provision of a new building on the existing school site. The further progression of the acquisition of the site and the associated building project will be considered in the context of the Department's multi-annual School Building and Modernisation Programme. It is not possible at this stage to indicate when a new school building will be available.

428. **Deputy Tom Hayes** asked the Minister for Education and Science when a decision will issue in the case of a person (details supplied) in County Tipperary. [14848/08]

Minister for Education and Science (Deputy Mary Hanafin): An application for funding for roof works in respect of the school referred to by the Deputy has been received in my Department. This project is being assessed and the school authorities will be informed of the outcome as soon as possible.

Departmental Correspondence.

429. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science her views on correspondence regarding a school (details supplied) in County Kildare; and if she will make a statement on the matter. [14857/08]

Minister for Education and Science (Deputy Mary Hanafin): The correspondence referred to by the Deputy was received in the Developing Areas Unit of my Department on 10th April last. A response will issue to Chairperson of the School Board of Management shortly and I will arrange for a copy to be forwarded to the Deputy.

Schools Building Projects.

430. **Deputy Brendan Howlin** asked the Minister for Education and Science if her attention has been drawn to the situation in relation to a school (details supplied) in County Wexford; her views on the accommodation and class size difficulties in this school; the status of this school's application for new premises; and if she will make a statement on the matter. [14868/08]

438. **Deputy Paul Kehoe** asked the Minister for Education and Science the status of the application for funding for construction of a new school (details supplied) in County Wexford; when a decision will be made; and if she will make a statement on the matter. [14926/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 430 and 438 together.

The commencement and progression 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.

Home Tuition.

431. **Deputy Deirdre Clune** asked the Minister for Education and Science if she will ensure that qualified special needs assistants will be accepted as providers of home tuition; and if she will make a statement on the matter. [14873/08]

Minister for Education and Science (Deputy Mary Hanafin): The Home Tuition scheme provides funding to parents to provide education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement.

The Deputy will appreciate, that as home tuition takes place outside of the normal school framework, there is need to ensure that tuition providers are appropriately qualified to give education to the children concerned. The usual requirement is a fully qualified teacher. However, other qualifications are acceptable depending on the individual needs of the child. A list of relevant qualifications may be sourced on my Department's website on www.education.ie. It is in the interests of children to expect that home tutors funded under this scheme are appropriately qualified tuition providers.

Question No. 432 answered with Question No. 426.

School Services Staff.

433. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of special needs assistants appointed to primary schools, broken down by county, for the years 2002 to 2007; and if she will make a statement on the matter. [14899/08]

Minister for Education and Science (Deputy Mary Hanafin): The total numbers of whole-time equivalent Special Needs Assistants in primary schools for each school-year (June) are as follows:

- 2002/03 — 4,800
- 2003/04 — 5,018
- 2004/05 — 5,730
- 2005/06 — 6,506
- 2006/07 — 7,410
- 2007/08 (April) — 8,253

A break-down of these numbers on a county basis is only available for the current school-year. I will arrange to have these details forwarded directly to the Deputy.

Schools Recognition.

434. **Deputy Michael McGrath** asked the Minister for Education and Science if she has received an application for recognition of a new school (details supplied); and the way the application will be administered by her Department. [14906/08]

Minister for Education and Science (Deputy Mary Hanafin): Officials from my Department are currently in receipt of correspondence in relation to the matter that the Deputy raises. The correspondence will be considered in the context of the overall provision of post-primary school places in the area to which the deputy refers over the coming years.

In general, new or additional second level all Irish schools can be established in either of two ways — either under the Department's normal planning processes or by way of an application by a sponsor/Patron.

With regard to the former, it is the function of School Planning and Building Unit to assess the educational infrastructural needs of an area at both primary and post primary level and to plan, in that context, for the establishment of new schools/ gaelcholáistí where this is deemed necessary.

The process of assessing the need for new or additional facilities entails consideration of all relevant factors, including enrolment and demographic trends, housing developments and the capacity of existing schools to meet the demand for places. Apart from this, it is open to a prospective sponsor to apply for the establishment of a new post primary school/ gaelcholáiste. In this event, among the criteria used to assess an application are:

- That the needs of students likely to attend the school cannot reasonably be met by existing schools
- The Patron is registered with the Department
- The proposed enrolment is sufficient to ensue that the school will be viable in the long term
- The enrolment will be sufficient to ensure that the school can operate a broad and balanced curriculum- The availability of suitable accommodation for the school.
- That the Patron will comply with the rules and regulations governing post primary schools and all relevant Sections of the Education Act, 1998.

The Department is happy to support the establishment of new Gaelcholáistí where a need is demonstrated, bearing in mind optimal school size and other provision.

Schools Building Projects.

435. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding planned refurbishment work and a new building for a school (details supplied) in County Cork. [14907/08]

Minister for Education and Science (Deputy Mary Hanafin): An extension and refurbishment project for the school referred to by the Deputy is in the early stages of architectural planning at an agreed projected enrolment of 500 pupils. Following on from a recent meeting with the school authorities, my Department have confirmed acceptance of the Trustees' offer for the sale of a portion of the site with the remainder of the site being gifted by the Trustees. When the site acquisitions issues have been completed, the proposed building project for the school will be considered in the context of the Department's Multi-Annual School Building and Modernisation Programme.

Site Acquisitions.

436. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the acquisition of a site for a new primary school (details supplied) in County Cork. [14908/08]

Minister for Education and Science (Deputy Mary Hanafin): I wish to advise the Deputy that a suitable site has been identified for the school in question. The site comprises of three plots of land with three separate vendors. My Department are continuing to progress any outstanding issues in consultation with the CSSO. When the site acquisition is complete, a

[Deputy Mary Hanafin.]

building project for the school will be considered in the context of my Department's School Building and Modernisation Programme.

Schools Recognition.

437. **Deputy Michael McGrath** asked the Minister for Education and Science if her Department will sanction a new school (details supplied) in County Cork to commence in September 2008. [14909/08]

Minister for Education and Science (Deputy Mary Hanafin): In the context of establishment of schools, the New Schools Advisory Committee (NSAC) assesses all applications for new school recognition. The NSAC is an independent advisory group established to process applications for the recognition of new primary schools and to make recommendations to the Minister for Education and Science. I am presently considering the Committee's report and recommendations and expect to be in a position to make an announcement on the outcome of all applications towards the end of April.

Question No. 438 answered with Question No. 430.

School Staffing.

439. **Deputy John O'Mahony** asked the Minister for Education and Science the number of primary schools in County Mayo which have 30 or more children in classes; and if she will make a statement on the matter. [13858/08]

Minister for Education and Science (Deputy Mary Hanafin): Class size data for the school year 2007/2008 are currently being processed and are not yet available.

Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups. The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Posts allocated on the basis of this staffing schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now in the region of 6,000 more primary teachers than there were in 2002. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children. I would like to point out that the Government has made provision for approximately 1,200 extra primary and post-primary teachers to be appointed in the next school

year. The Programme for Government contains a commitment to provide 4,000 additional primary teachers between 2007 and 2012. With the extra teachers already put in place this year and those provided for in the Budget, we are ahead of target with about 2,000 extra primary teachers to be delivered within just two years.

As I have said on many occasions in the past, high quality teachers are by far the most important ingredient in our education system. Over the lifetime of the Government, we are committed to providing more primary school teachers specifically to reduce class sizes. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

Schools Building Projects.

440. **Deputy Olwyn Enright** asked the Minister for Education and Science when a report submitted to the planning section of her Department for a post primary school (details supplied) in County Offaly will be completed; and if she will make a statement on the matter. [13859/08]

Minister for Education and Science (Deputy Mary Hanafin): Schedules of Accommodation for the school to which the Deputy refers have been forwarded in the last few days to County Offaly VEC for the school authorities acceptance. Progression of the building project will be considered in the context of the multi-annual School Building and Modernisation programme.

Special Educational Needs.

441. **Deputy Brian Hayes** asked the Minister for Education and Science the support services available to second level students with autism, specifically with regard to speech and language therapy; and if she will make a statement on the matter. [13864/08]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware that my Department's policy is to support the inclusive education of students with special educational needs across the schools system. In this context, a range of supports are provided to second level schools to enable them cater for pupils with special educational needs, including the needs of pupils with autism. The supports available include additional teaching support, special needs assistant support, school transport and grants for the purchase of teaching materials and specialised equipment.

My Department's policy supports the provision of a range of choices for parents of children of a post-primary age with autism. The National Council for Special Education co-ordinates the placement of these children either in main stream post-primary schools with additional support as required, in a special class in a post-primary school or in a special school. While some children with autism can thrive in a mainstream class, special classes have been specifically designed to meet the needs of those who require more intensive support.

As the Deputy is aware enormous progress has been made over the past number of years in relation to increasing the number of teachers who are specifically dedicated to providing education for children with special educational needs. At second level, approximately 1,990 whole time equivalent additional teachers are in place to support pupils with special educational needs. In addition, there are 561 whole time equivalent learning support teachers and approximately 1,700 whole time equivalent special needs assistants (SNAs) in our second level schools.

Comprehensive guidance has recently been provided to schools on best practice for inclusion of students with special educational needs. The guideline document "Inclusion of Students with Special Educational Needs: Post-Primary Guidelines" was published by my Department's

[Deputy Mary Hanafin.]

Inspectorate in June 2007 and is a significant step to further support second level schools in the inclusion of students with special educational needs. The guidelines advocate a whole-school approach to effectively meet the educational needs of students with special educational needs. Practical advice is provided to schools on the organisation and co-ordination of resources so as to maximise the support to each individual student.

The Deputy may also wish to note that the availability of continuing professional development for personnel working with children with special educational needs has been greatly expanded through a range of post-graduate professional training programmes and the ongoing development of the Special Education Support Service (SESS) to support schools staff locally.

The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers, for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs. SNAs are sanctioned specifically to assist in the care of pupils and students with disabilities in an educational context. The SENOs operate within the policy outlined in my Department's circular for allocating such support. Additional special classes for children with autism will be sanctioned by the National Council for Special Education as required. School Authorities typically liaise directly with SENOs in relation to their needs for such classes.

As the Deputy will be aware, the provision of therapy services, including speech therapy for people with disabilities, is a matter for the Health Services Executive (HSE) and funding is provided to the HSE for such purposes.

Schools Building Projects.

442. **Deputy Áine Brady** asked the Minister for Education and Science the position in relation to the proposed extension to a school (details supplied) in County Kildare; when the school is expected to get approval from her Department to proceed with the extension; and if she will make a statement on the matter. [13872/08]

Minister for Education and Science (Deputy Mary Hanafin): The commencement and progression 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.

443. **Deputy Olivia Mitchell** asked the Minister for Education and Science when permission will be granted for a school (details supplied) in Dublin 16 to apply for planning permission in view of the fact that stage three of the process was given permission in November 2007 and that the temporary accommodation for 500 pupils can no longer be appropriately maintained; and if she will make a statement on the matter. [13922/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is currently at an early 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.

444. **Deputy Olwyn Enright** asked the Minister for Education and Science when she issued a directive that all queries in relation to the school buildings projects must be answered directly through her office rather than the school building unit; and if she will make a statement on the matter. [13949/08]

Minister for Education and Science (Deputy Mary Hanafin): It has been the practice, and remains the practice, that when an elected representative makes an inquiry with the Department, they are directed to the Correspondence Unit attached to the Minister's office in the Department, which specifically deals with such queries. There has been no change in this practice.

Recently, there has been a re-organisation of the Planning and Building Unit of the Department, with the newly established developing Areas Unit set up to progress school building projects in rapidly developing areas. This is the only change that has taken place in recent times.

Institutes of Technology.

445. **Deputy Bernard Allen** asked the Minister for Education and Science the position regarding the application made by the governing body of Cork Institute of Technology for designation as a university in accordance with Section 9 of the Universities Act 1997. [13968/08]

Minister for Education and Science (Deputy Mary Hanafin): To date applications have been received to invoke Section 9 of the Universities Act, 1997 from Cork Institute of Technology, Dublin Institute of Technology and Waterford Institute of Technology. Any such application requires a detailed examination in the context not only of the detailed statutory process to which they are subject but also of their wider implications for higher education policy generally.

These applications raise significant issues regarding Government policy towards higher education, in particular the existing roles of the Universities and Institutes of Technology which have distinctive missions from each other, provide different levels and types of academic programmes, fulfil different roles in the community and have separate academic and governance structures.

The Government wants to build on our strengths and to provide an environment where all our higher education institutions can develop in a way that best serves the country as a whole and the regions where they are based. These issues must be central to consideration of the appropriate next steps in relation to all applications, which I have been examining in conjunction with my Government colleagues.

While Dr Port's recent report is specifically on the Waterford application, it also provides a useful analysis of the wider context in which any application for designation as a university must be considered. The report provides an overview of the complex issues involved and will contribute to an informed debate, nationally and regionally on the issue and help inform final consideration of the matter.

The options presented in the Port Report are being examined carefully by officials of my Department and the Higher Education Authority with a view to developing specific proposals on the appropriate next steps in the context of wider considerations.

School Services Staff.

446. **Deputy Tony Gregory** asked the Minister for Education and Science her views on the IMPACT campaign on behalf of school secretaries to achieve basic standards in pay and conditions of employment; and if she will make a statement on the matter. [13969/08]

Minister for Education and Science (Deputy Mary Hanafin): In general the arrangements for supporting secretarial and caretaking services in schools mirror those for providing support funding to the schools concerned. Primary and secondary schools are funded through capitation

[Deputy Mary Hanafin.]

grants and likewise secretarial and caretaking services are funded by grants that are related to the number of pupils in the school.

It is the case that a small number of primary and post-primary schools continue to have caretaker and secretary posts funded under a scheme that was put in place in 1978 but which is being phased out as it has been superseded by the grant scheme that I have mentioned. The original 1978 scheme covered a relatively small number of primary and secondary schools and the decision to phase it out was part of a policy decision to spread the support more widely and ultimately cover all primary and secondary schools with funding for such services.

The funding approach adopted for caretaking and secretarial provision in second level schools in the VEC and Community and Comprehensive sectors schools is in line with the funding mechanisms that apply generally in those schools. The amount of funding given to primary and secondary schools is not directly linked to any particular pay rates and furthermore schools have discretion how to apply this funding across their support service needs. My Department does not have any direct role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities. However, Boards of Management of individual schools are expected to comply with employment legislation and are advised accordingly in guidance from my Department.

In the context of discussions on the Social Partnership Agreement Towards 2016 an Informal Forum was established in the public sector to explore a number of staffing-related issues arising in companies/bodies operating in the voluntary/community sector that are largely funded from public funds.

As part of that informal process my Department has facilitated a number of meetings between the managerial bodies of schools employing secretaries and caretakers and the IMPACT and SIPTU trade unions representing the grades concerned. The most recent meeting took place on 11th March 2008 at which my officials undertook to continue to facilitate those discussions. In addition representatives of the management bodies of schools agreed to meet separately with the trade unions concerned on issues of concern to their members.

School Accommodation.

447. **Deputy Seymour Crawford** asked the Minister for Education and Science the position regarding the application for devolved funding by a school (details supplied) in County Monaghan to replace the existing building, which is totally overcrowded and in a very dangerous situation regarding the health and safety of children, parents and teachers; if funding will be available in 2008; and if she will make a statement on the matter. [13972/08]

Minister for Education and Science (Deputy Mary Hanafin): An application was submitted to the Department under the Small Schools Scheme 2007 by the school referred to by the Deputy. Due to the volume of applications received in my Department it was not possible to allocate funding to all proposed projects and the school referred to was not successful.

The main emphasis of the School Building and Modernisation programme this year is on the delivery of larger scale projects providing sufficient school places particularly in rapidly developing areas as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

Schools Building Projects.

448. **Deputy Brian Hayes** asked the Minister for Education and Science the expenditure

spent in 2006 and 2007 on the primary school building programme with a break down of the expenditure on the different schemes within the building programme; and if she will make a statement on the matter. [13977/08]

Minister for Education and Science (Deputy Mary Hanafin): The total money spent on the Primary School Building Programme in 2006 was €244.898m.

Primary Capital Spend 2006

- Major Projects: New Buildings, Extensions and Refurbishment — €107.020m
- Summer Works — €35.660m
- Minor Works Grant — €27.6m
- PE Equipment Grant — €6.5 m
- Small Schools Scheme — €28.891m
- Permanent Accommodation Scheme — €14.333m
- Contingency — €8.330m
- Site Purchase — €10.787m
- Remediation Programmes — €0.11m
- Other (including Furniture, Young Offenders, CLÁR etc) — €5.542m

The total money spent on the Primary School Building Programme in 2007 was €398.555m. No funds were left over from the original budget and indeed an additional €92.555m was spent in excess of the original provision for the year. The spend of €398.555m is inclusive of an adjustment amounting to €27.1m that was conducted in the course of the year relating to 2006 payments to OPW for remediation works (€20m) and site purchases (€7.1m). The adjustment is reflected fully in the expenditure figures for both remediation works and site purchases below.

Primary Capital Spend 2007

- Major Projects: New Buildings, Extensions and Refurbishment — €145.363m
- Summer Works — €55.591m
- Minor Works Grant — €27.593m
- Small Schools Scheme/Initiative — €43.445m
- Permanent Accommodation Scheme — €19.133m
- Contingency — €18.195m
- Site Purchase — €35.218m
- Remediation Programmes — €34.430m
- Other (including Furniture, Young Offenders, CLÁR etc) — €19.587m

School Curriculum.

449. **Deputy Brian Hayes** asked the Minister for Education and Science the reason a book (details supplied) was not regarded as a suitable book to be distributed by her Department to

[Deputy Brian Hayes.]

schools throughout the country, following a commitment on her behalf that she would consider different books for such a distribution; and if she will make a statement on the matter.

[13978/08]

Minister for Education and Science (Deputy Mary Hanafin): On occasion the teacher support services operated by my Department collaborate with outside organisations on initiatives which make available quality and relevant resources which enhance teaching and learning. In this way the Judging Dev publication was distributed by my Department following a recommendation from the History In-Service Team (HIST) and the Department's History Inspectorate.

I understand the HIST team considered the distribution of the publication referred to and decided not to pursue this issue further as the revised Leaving Certificate History syllabus places an emphasis on the use of primary materials for history. Unfortunately, this material is not made available independently of the main text within the book making it unsuitable for use by students at Junior Certificate level, or at Leaving Certificate, Ordinary level.

Home Tuition.

450. **Deputy Brian Hayes** asked the Minister for Education and Science if, in view of her very positive response to Parliamentary Question No. 413 of 11 March 2008 on the issue of her Department underpaying the home tuition grant to parents of children taught by qualified teachers at the ELI schools in Dublin, Wicklow and Galway, she will confirm that her Department's special education section staff are still requesting a signature of the teachers concerned before a full repayment to the parents in such cases; if, in view of the near impossibility of obtaining the signatures of the teachers in question, some of whom may well be out of the jurisdiction, she will instruct her staff to take a sensible and fair approach to this issue; and if she will make a statement on the matter. [13982/08]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware that the home tuition scheme provides funding to parents to provide education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement.

Home tuition grants are paid to the parents, who in turn make payment to the home tuition provider. Following the introduction of an increased rate of pay to suitably qualified home tuition providers, arrears payments are due to some tuition providers. It is envisaged that the process employed in making the original home tuition payments will be used in calculating the arrears. Before arrears payments are made, my Department needs to be satisfied that there is acknowledgement between the tuition provider and the parents that arrears payments are due.

School Accommodation.

451. **Deputy Róisín Shortall** asked the Minister for Education and Science if she will provide a progress report on the negotiations between her Department and the authorities of a school (details supplied) in Dublin 11; and if she will provide an assurance to another school in Dublin 11 that there will be adequate accommodation available for them in September 2008.

[13999/08]

Minister for Education and Science (Deputy Mary Hanafin): I wish to assure the Deputy that negotiations between my Department and the school authority in question are ongoing and my Department has agreed in principle to purchase the school building from the school

authority. The acquisition of the school building will be considered in the context of my Departments Multi-Annual School Building and Modernisation Programme.

Special Educational Needs.

452. **Deputy Bobby Aylward** asked the Minister for Education and Science further to Parliamentary Question No. 230 of 12 March 2008, the reason the commitment given that the local special education needs officer would contact the parents of a child (details supplied) in County Kilkenny seeking increased resource hours before the school re-opens after the Easter holidays has not been honoured; and if she will make a statement on the matter. [14012/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs.

My officials have been in contact with the NCSE and have been advised that the NCSE are liaising directly with the Deputy's office regarding the pupil in question.

School Transport.

453. **Deputy Ruairí Quinn** asked the Minister for Education and Science the reason a person (details supplied) in County Dublin, has been refused school transport; if she will give permission for the student to be allowed access to the same school transport as their sisters; and if she will make a statement on the matter. [14018/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department will request further information from the Transport Liaison Officer for County Dublin regarding the background to the matter referred to by the Deputy in the details supplied. The case will be examined on receipt of the report.

Schools Building Projects.

454. **Deputy Joan Burton** asked the Minister for Education and Science if her attention has been drawn to the concerns of the board of management of a school (details supplied) in Dublin 15, that the proposed refurbishment and extension programme for the school has been delayed and that the school had expected contractors to be on site some time ago but that her Department has indicated that such extensions are being delayed in the context of commitments to building new schools; when it is proposed to proceed with the funding for the refurbishment and extension programme of the school; and if she will make a statement on the matter. [14033/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is currently at an early 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.

Institutes of Technology.

455. **Deputy Deirdre Clune** asked the Minister for Education and Science if she is in receipt of an application from Cork Institute of Technology to acquire university status; her views on this application; and if she will make a statement on the matter. [14037/08]

Minister for Education and Science (Deputy Mary Hanafin): To date applications have been received to invoke Section 9 of the Universities Act, 1997 from Cork Institute of Technology, Dublin Institute of Technology and Waterford Institute of Technology. Any such application requires a detailed examination in the context not only of the detailed statutory process to which they are subject but also of their wider implications for higher education policy generally.

These applications raise significant issues regarding Government policy towards higher education, in particular the existing roles of the Universities and Institutes of Technology which have distinctive missions from each other, provide different levels and types of academic programmes, fulfil different roles in the community and have separate academic and governance structures.

The Government wants to build on our strengths and to provide an environment where all our higher education institutions can develop in a way that best serves the country as a whole and the regions where they are based. These issues must be central to consideration of the appropriate next steps in relation to all applications, which I have been examining in conjunction with my Government colleagues.

While Dr Port's recent report is specifically on the Waterford application, it also provides a useful analysis of the wider context in which any application for designation as a university must be considered. The report provides an overview of the complex issues involved and will contribute to an informed debate, nationally and regionally on the issue and help inform final consideration of the matter.

The options presented in the Port Report are being examined carefully by officials of my Department and the Higher Education Authority with a view to developing specific proposals on the appropriate next steps in the context of wider considerations.

Educational Disadvantage.

456. **Deputy Jan O'Sullivan** asked the Minister for Education and Science if proposals made to the Limerick Northside Regeneration Agency in relation to a school (details supplied) have been considered by her Department; if she will make funding available in 2008 to implement these proposals which include measures relating to absenteeism, special needs support, library facilities, book rental, retention of teachers and school completion programme; and if she will make a statement on the matter. [14058/08]

Minister for Education and Science (Deputy Mary Hanafin): Following publication of the education elements of the Vision Statements of the Limerick Southside and Northside Regeneration Agencies, launched in January of this year, my Department's Mid-Western Regional Office has recently received proposals in relation to the needs of schools in the regeneration areas, including that cited by the Deputy. These proposals are being considered by my Department.

In considering the needs of an individual school, my Department must take into account, not only the level and impact of existing provision in that school, but also the Department's wider strategic commitment to all schools within the DEIS programme of education measures to assist schools in socially disadvantaged areas.

The school in question will benefit from inclusion in the Dormant Account Educational Disadvantage Programme funding package announced recently which will enable over 20 DEIS schools in Limerick to stay open after school hours, at weekends and during school holidays to

facilitate access by children and the wider community to school amenities and to a variety of relevant activities.

457. **Deputy Jan O’Sullivan** asked the Minister for Education and Science if and when her Department will allocate specific funding to finance projects for support of vulnerable children put forward by schools in the regeneration areas of Limerick City; and if she will make a statement on the matter. [14060/08]

Minister for Education and Science (Deputy Mary Hanafin): Following publication of the education elements of the Vision Statements of the Limerick Southside and Northside Regeneration Agencies, launched in January of this year, my Department’s Mid-Western Regional Office has recently received proposals in relation to the needs of schools in the regeneration areas. These proposals are being considered by my Department.

In considering the needs of individual schools, my Department must take into account, not only the level and impact of existing provision to those schools, but also its wider strategic commitment to all schools within the DEIS programme. In that context, as part of the Dormant Account Educational Disadvantage Programme funding announced recently, my Department has committed to enabling over 20 DEIS schools in Limerick to stay open after school hours, at weekends and during school holidays to facilitate access by children and the wider community to school amenities and to a variety of relevant activities.

Schools Building Projects.

458. **Deputy Michael Ring** asked the Minister for Education and Science when she will give the final approval for a building project at a school (details supplied) in County Mayo to proceed. [14061/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is currently at an early stage of architectural planning. The progression of all large scale building projects, 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.

School Transport.

459. **Deputy Michael Ring** asked the Minister for Education and Science if she will approve the alteration of a school bus route to facilitate children (details supplied) in County Mayo. [14063/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The Transport Liaison Officer for County Mayo has advised that the pupils referred to by the Deputy, in the details supplied, are ineligible for school transport as they reside less than 4.8 kilometres from their post primary centre.

Ineligible pupils may avail of concessionary fare paying transport on an existing service, provided there are spare seats available on the bus and no additional cost is incurred.

Consultancy Contracts.

460. **Deputy Olivia Mitchell** asked the Minister for Education and Science the consultants who carried out work for her Department or for any body under the auspices of her Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a

[Deputy Olivia Mitchell.]

report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if she will make a statement on the matter. [14103/08]

Minister for Education and Science (Deputy Mary Hanafin): The information requested by the Deputy in relation to consultants engaged by my Department is being compiled and will be forwarded as soon as possible. Details of consultants engaged by agencies under the remit of my Department are a matter for the individual agencies concerned.

Bodies under the Aegis of the Department

- Advisory Council for English Language Schools
- An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta
- Centre for Early Childhood Development and Education
- Commission on School Accommodation Needs
- Dublin Institute for Advanced Studies
- Education Finance Board
- Further Education & Training Awards Council
- Grangegorman Development Agency
- Higher Education and Training Awards Council
- Higher Education Authority
- Integrated Ireland Language and Training Ltd.
- International Education Board — Ireland
- Irish Research Council for Science, Engineering and Technology
- Irish Research Council for the Humanities and Social Sciences
- Léargas — The Exchange Bureau
- National Centre for Technology in Education
- National Centre Guidance in Education
- National Council for Curriculum and Assessment
- National Council for Special Education
- National Education Welfare Board
- National Qualifications Authority of Ireland
- Residential Institution Redress Board
- Royal Irish Academy of Music
- Royal Irish Academy
- State Examinations Commission

- The President's Award — Gaisce
- The Teaching Council

Higher Education Grants.

461. **Deputy Willie Penrose** asked the Minister for Education and Science the reason a disability grant for a person (details supplied) in County Westmeath has not been awarded to date; if she will take steps to ensure that same is awarded without further delay; and if she will make a statement on the matter. [14177/08]

Minister for Education and Science (Deputy Mary Hanafin): The National Access Office of the Higher Education Authority administers the Fund for Students with Disabilities on behalf of my Department. All institutions, prior to the beginning of the academic year, are notified of the application deadlines which apply at different times during the academic year.

In relation to the student referred to by the Deputy, the application to the Fund was received after the initial deadline of 19 October 2007. In line with existing practice, the applications submitted subsequent to the deadline were assessed after the applications submitted on time were assessed. The National Access Office received in excess of 500 additional late applications subsequent to the October deadline. I understand that the application in respect of the student referred to was assessed in line with procedural guidelines and that a decision was notified to the institution involved on 03 April 2008. It is the role of the institution to notify the student of the outcome of an application.

Schools Building Projects.

462. **Deputy Richard Bruton** asked the Minister for Education and Science the building projects she is releasing to proceed to construction. [14182/08]

Minister for Education and Science (Deputy Mary Hanafin): On the 1st February last, I announced the first phase of projects that will commence construction during 2008. My announcement included details of the 18 large scale building projects approved for construction and a further 30 primary school projects in rapidly developing areas. Details of the projects approved can be viewed under the Press Release section of my Department's website at www.education.ie.

It is intended that these projects will commence construction during 2008. It is my intention to make a further announcement at a later date in respect of other projects and to provide an update on progress for the new schools planned for September 2008 delivery in developing areas. The main emphasis in 2008 is on providing sufficient school places in rapidly developing areas as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

463. **Deputy Tony Gregory** asked the Minister for Education and Science the reason a school (details supplied) is no further nearer a permanent building now than it was in 1996; the length of time her Department estimates that the children and staff of this school will continue to be housed in what they describe as third world conditions; the reason for the ongoing vagueness of her replies to Dáil Questions on this matter; when she estimates finality will be reached on this issue and a permanent school building will be built and opened; and if she will make a statement on the matter. [14184/08]

Minister for Education and Science (Deputy Mary Hanafin): The Department is exploring as an option the provision of a new building on the existing school site. The further progression of the acquisition of the site and the associated building project will be considered in the context of the Department's multi-annual School Building and Modernisation Programme. It is not possible at this stage to indicate when a new school building will be available.

Schools Amalgamation.

464. **Deputy Tom Sheahan** asked the Minister for Education and Science when the parents, teachers and pupils of schools (details supplied) can expect amalgamation in a new school in Kenmare to take place; when funding will be made available; and if she will make a statement on the matter. [14206/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is currently at an early stage of the architectural planning process. The commencement and progression of all large scale building projects from initial design stage through to construction phase, including this project, is considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

Schools Building Projects.

465. **Deputy Deirdre Clune** asked the Minister for Education and Science if she has appointed a design team to a school (details supplied) in County Cork. [14207/08]

Minister for Education and Science (Deputy Mary Hanafin): The process of appointing a design team is at an advanced stage. The commencement and progression of all large scale building projects from initial design stage through to construction phase, including this project, is considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

466. **Deputy Paul Gogarty** asked the Minister for Education and Science the reason a school (details supplied) in Dublin 20 was not included in the latest list of building projects announced by her Department; if she will include this school on the next list of building projects to be funded, in view of the urgency of their circumstances; when such an announcement of funding for further building projects can be expected; and if she will make a statement on the matter. [14225/08]

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.

467. **Deputy Bernard Allen** asked the Minister for Education and Science if she will make a statement on the position regarding a school (details supplied) in County Cork. [14251/08]

Minister for Education and Science (Deputy Mary Hanafin): The commencement and progression 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.

Special Educational Needs.

468. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science if her Department will examine the needs of a child (details supplied) in County Kildare with autism, who has yet to receive approval for home tuition; and if she will make a statement on the matter. [14268/08]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware that the home tuition scheme provides funding to parents to provide education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement. My officials have no record of receiving an application for home tuition for the child in question.

School Staffing.

469. **Deputy Finian McGrath** asked the Minister for Education and Science if she will support a case in relation to a school (details supplied) in Dublin 13. [14281/08]

Minister for Education and Science (Deputy Mary Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Data submitted to my Department by the Board of Management of the school referred to by the Deputy, indicates that the enrolment in the school on 30th September 2006 was 233 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on my Department's website at www.education.ie, the mainstream staffing in the school for the 2007/08 school year is a Principal and 9 mainstream class teachers.

According to data submitted to my Department by the Board of Management of the school, the enrolment in the school on 30th September 2007 was 231 pupils. In accordance with the staffing schedule (Circular 0010/2008), which is available on my Department's website at www.education.ie and a hard copy of which is in the process of issue to all primary schools, the mainstream staffing in the school for the 2008/09 school year will be a Principal and 8 mainstream class teachers.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

An independent appeal board is now in place to decide on any appeals on mainstream staffing in primary schools. Details of the appeal procedure are outlined in the staffing schedule and also in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on my Department's website. It is proposed that the first meeting of the Appeal Board will be held in May, 2008. Further meetings will be held in June and October, 2008. The closing dates for receipt of appeals are 9 May, 20 June and 10 October, 2008 respectively. The Appeal Board operates independently of the Department and its decision is final.

Special Educational Needs.

470. **Deputy Frank Feighan** asked the Minister for Education and Science if she will ensure

[Deputy Frank Feighan.]

that a person (details supplied) in County Roscommon will have their special needs assistant hours reinstated with immediate effect. [14286/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs.

My officials have been in contact with the NCSE and have been advised that the pupil referred to by the Deputy continues to have access to a full time shared special needs assistant. In addition, I am informed that the pupil is in receipt of 4 individual resource teaching hours and has continual use of a soundfield system in the classroom.

School Transport.

471. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the reason no public school bus service is provided to the pupils of a school (details supplied) in County Monaghan; if she will take the steps necessary to ensure that children attending this school are serviced with this in the future; and if she will make a statement on the matter. [14289/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of the Primary School Transport Scheme, pupils are eligible for transport if they reside 3.2 kilometres or more from and are attending their nearest national school. Bus Éireann, which operates the school transport scheme on behalf of my Department, has advised that there are insufficient numbers of eligible pupils to warrant the establishment of a service in accordance with the terms of the scheme. The position may be re-examined should more eligible pupils offer for transport.

Schools Building Projects.

472. **Deputy Ulick Burke** asked the Minister for Education and Science if the promised extension and refurbishment works for a school (details supplied) in County Galway has been included in the list of schools cleared to go to tender announced at Easter 2008; and if she will make a statement on the matter. [14295/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is currently at advance stages of the 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.

Third Level Education.

473. **Deputy P. J. Sheehan** asked the Minister for Education and Science if a person (details supplied) in Dublin 24 will qualify for a place in Trinity College as a disadvantaged student. [14515/08]

Minister for Education and Science (Deputy Mary Hanafin): The position is that the universities are run as autonomous institutions. They are also academically independent and my Department does not have any function in the day to day operational affairs of such colleges. My Department has made enquiries in this regard and have been informed that the student in

question should address her query to the Trinity Access Programme, Goldsmith Hall, Trinity College, Dublin 2.

Schools Building Projects.

474. **Deputy Billy Timmins** asked the Minister for Education and Science the position in relation to a school (details supplied) in County Wicklow; and if she will make a statement on the matter. [14516/08]

Minister for Education and Science (Deputy Mary Hanafin): A site visit was carried out recently at the school referred to by the Deputy. A technical report on this visit is currently being compiled. The commencement and progression of all large scale building projects from initial design stage through to construction phase, including this project, will be considered on an ongoing basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

School Accommodation.

475. **Deputy Charles Flanagan** asked the Minister for Education and Science the situation regarding a school (details supplied) in County Laois which has been awaiting a classroom extension for three years; and if she will make a statement on the matter. [14550/08]

Minister for Education and Science (Deputy Mary Hanafin): As part of the expansion of the Permanent Accommodation Scheme, a grant of €120,000 was sanctioned in March 2006 to enable the management authority of the school in question to provide an additional classroom.

The initiative allows Boards of Management to address their accommodation and building priorities with a guaranteed amount of funding and gives them control of the building project.

Additional grant was sanctioned in December 2006 to cover unavoidable extra costs associated with the project.

A further appeal for extra funding was submitted by the school, however, this appeal has been refused.

Schools Building Projects.

476. **Deputy Charles Flanagan** asked the Minister for Education and Science the status of an application for a new school (details supplied) in County Laois. [14551/08]

Minister for Education and Science (Deputy Mary Hanafin): The School Planning and Building Section of my Department is in receipt of an application for major capital funding from the school referred to by the Deputy. The first task is to appoint a design team to initiate the architectural design process and I wish to advise that the Board of Management is at an advanced stage in this regard.

Delivery of all building projects, including the school in question, will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

Site Acquisitions.

477. **Deputy Charles Flanagan** asked the Minister for Education and Science when a site will be selected by her Department for a new school (details supplied) in County Laois; and if she will make a statement on the matter. [14552/08]

Minister for Education and Science (Deputy Mary Hanafin): The amalgamation of the two schools in question has been agreed. When the site issue has been resolved the question of the provision of a school building to facilitate the amalgamation will be considered in the context of my Department's School Building and Modernisation Programme.

Schools Refurbishment.

478. **Deputy Charles Flanagan** asked the Minister for Education and Science if the small school grant will be available to schools in the academic year 2008/2009; and if she will make a statement on the matter. [14553/08]

Minister for Education and Science (Deputy Mary Hanafin): The devolved Small Schools and Permanent Accommodation schemes were introduced in 2003. The purpose of the Schemes was to devolve funding to individual school authorities to undertake smaller scale building works such as refurbishment of existing buildings/provision of small extensions with guaranteed funding. Under the terms of the Schemes, school authorities were empowered to manage these works with guidance from and minimal interaction with the Department.

Since the introduction of the Schemes, over 730 projects have been approved for funding. With so many smaller projects having been completed over the past few years, I decided to focus on delivering as many large projects as possible in 2008 particularly to ensure that sufficient school places will be available in rapidly developing areas as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country. The provision of a Small Schools Scheme in 2009 will be considered in the context of my Department's multi-annual School Building and Modernisation Programme for 2009 and subsequent years.

Schools Building Projects.

479. **Deputy Charles Flanagan** asked the Minister for Education and Science when her Department will give final approval to a school building project (details supplied) in County Laois; and if she will make a statement on the matter. [14554/08]

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.

Site Acquisitions.

480. **Deputy Brian Hayes** asked the Minister for Education and Science the position regarding her Department's efforts to secure a new site for a school (details supplied) in County Dublin; and if she will make a statement on the matter. [14556/08]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm that the Property Management Section of the Office of Public Works (OPW) was asked to source a site for the school to which the Deputy refers. A number of sites have been identified and these are still under consideration in my Department.

Cóiríocht Scoile.

481. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Oideachais agus Eolaíochta cén uair

a dhéanfar cinneadh maidir le hiarratas Ghaelscoil Inse Chór ar sheomra ranga nua a fháil ar cíós. [14562/08]

Minister for Education and Science (Deputy Mary Hanafin): Is mian liom a dhearbhú go bhfuarthas iarratas ó údaráis na Gaelscoile Inse Chór le haghaidh seomra ranga sa bhreis a chur ar fáil.

Tá sé glactha ag mo Roinn go bhféadfaí gnáthsheomra ranga a chur ar cíós. Rinneadh litir a eisiúint le déanaí chuig na húdaráis scoile.

Psychological Service.

482. **Deputy Lucinda Creighton** asked the Minister for Education and Science if her attention has been drawn to the difficulties faced by Polish educational psychologists in obtaining employment here; and the action being taken to facilitate them in view of both the need for qualified psychologists here and the high number of children of Polish origin in the education system. [14571/08]

483. **Deputy Lucinda Creighton** asked the Minister for Education and Science the practical experience required of Polish psychologists in order for their professional qualifications to be recognised here; and if she will make a statement on the matter. [14572/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 482 and 483 together.

As the Deputy will be aware all primary and post-primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved and paid for by NEPS.

In common with many other psychological services and best international practice, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment.

I can assure the Deputy that this service is available to all students, irrespective of their language skills or ethnicity and that interpretation services are provided, where required, for those students undergoing assessment.

The Deputy may be aware that the Health and Social Care Professionals Council was established in 2007 by my colleague the Minister for Health and Children, Mary Harney TD under the Health and Social Care Professionals Act 2005. The purpose of the Council is to provide for the statutory registration of 12 health professions including psychology. Its main focus at present is to put in place structures for registration, education and fitness to practise and I understand that a significant amount of work has been undertaken in the past year to prepare for registration. When fully operational, all psychologists will have to be registered with the Council in order to practise.

In the meantime, Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, applies to all EEA nationals wishing to practice a regulated profession in an EU Member State other than that in which they obtained their professional qualifications, on either a self-employed or employed basis. Its

[Deputy Mary Hanafin.]

intention is to make it easier for qualified professionals, including psychologists, to practice their professions in European countries other than their own but due safeguards are provided in the assessment of the qualification for public health and safety and consumer protection.

The Department of Education and Science has overall responsibility for the Directive and the Department of Health and Children is the competent authority, acting on the advice of the Psychological Society of Ireland, in the case of the profession of psychology.

The Directive provides for an assessment of the qualifications of an applicant against those required to practise in the host member state, if the activities covered by the profession in the home member state and the host member state are comparable; if deficits in the qualifications are identified, subsequent post-qualification professional experience of the applicant must also be considered. If the need for compensation measures are identified, the host Member State must offer an applicant the choice of completing an adaptation period or taking an aptitude test.

In Ireland, non-Irish qualifications are assessed for their equivalence to the Irish qualifications required to work in the public health sector in Ireland.

I am advised by the Department of Health and Children that in 2007/8 it has processed only one application from a Polish national seeking professional recognition of qualifications in Educational Psychology and this application was successful.

I can inform the Deputy in relation to a recruitment competition for employment as an Educational Psychologist with my Department's NEPS service, held recently by the State Appointments Commission, that the following entry requirements were specified:

- (1) A recognised 1st or 2nd class honours degree in psychology or a qualification acceptable to the Commissioners as equivalent (eligibility for graduate membership of the PSI or BPS will be acceptable); and
- (2) A recognised post-graduate qualification in educational psychology conferred prior to February 2008.

or

A related post-graduate qualification and at least 3 years supervised post-graduate professional experience as a psychologist working with children and young people, preferably in an education setting (time spent on studying the relevant post-graduate qualification may be included within the 3 years) or

Consideration may be given by the Board to a recognised teaching qualification and at least 3 years teaching or related experience in the primary sector or in a relevant specialised role in the post-primary sector.

Furthermore under the SCPA scheme referred to above Psychologists on the panel are private practitioners who have satisfied NEPS:

- (1) that they are graduate members of an appropriate professional body (e.g. the Psychological Society of Ireland or the British Psychological Society
- (2) that they are Registered or Chartered psychologists or, if not, that they have at least one year's supervised experience of administering psychological tests to children.

School Services Staff.

484. **Deputy Finian McGrath** asked the Minister for Education and Science if she will support an issue (details supplied). [14574/08]

Minister for Education and Science (Deputy Mary Hanafin): In general the arrangements for supporting secretarial and caretaking services in schools mirror those for providing support funding to the schools concerned. Primary and secondary schools are funded through capitation grants and likewise secretarial and caretaking services are funded by grants that are related to the number of pupils in the school.

It is the case that a small number of primary and post-primary schools continue to have caretaker and secretary posts funded under a scheme that was put in place in 1978 but which is being phased out as it has been superseded by the grant scheme that I have mentioned. The original 1978 scheme covered a relatively small number of primary and secondary schools and the decision to phase it out was part of a policy decision to spread the support more widely and ultimately cover all primary and secondary schools with funding for such services.

The funding approach adopted for caretaking and secretarial provision in second level schools in the VEC and Community and Comprehensive sectors schools is inline with the funding mechanisms that apply generally in those schools.

The amount of funding given to primary and secondary schools is not directly linked to any particular pay rates and furthermore schools have discretion how to apply this funding across their support service needs. My Department does not have any direct role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities. However, Boards of Management of individual schools are expected to comply with employment legislation and are advised accordingly in guidance from my Department.

In the context of discussions on the Social Partnership Agreement Towards 2016 an Informal Forum was established in the public sector to explore a number of staffing-related issues arising in companies/bodies operating in the voluntary/community sector that are largely funded from public funds.

As part of that informal process my Department has facilitated a number of meetings between the managerial bodies of schools employing secretaries and caretakers and the IMPACT and SIPTU trade unions representing the grades concerned. The most recent meeting took place on 11th March 2008 at which my officials undertook to continue to facilitate those discussions. In addition representatives of the management bodies of schools agreed to meet separately with the trade unions concerned on issues of concern to their members.

Site Acquisitions.

485. **Deputy Andrew Doyle** asked the Minister for Education and Science the timescale for the provision of a permanent site for Wicklow gaelscoil; and if she will explain the suitability of site when it has just been vacated by a school. [14589/08]

Minister for Education and Science (Deputy Mary Hanafin): I understand that the Deputy is referring to Gaeilscoil Cill Mhantáin. The Deputy will be aware that the school in question is currently located in temporary accommodation on a site in Rathnew. The acquisition of a site for the school will be considered in the context of the School's Building and Modernisation Programme.

School Transport.

486. **Deputy Pat Breen** asked the Minister for Education and Science the reason persons (details supplied) in County Clare have not been facilitated; and if she will make a statement on the matter. [14606/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of the Primary School Transport Scheme, children are eligible for free transport, subject to certain conditions, to their nearest national school.

Pupils not attending their nearest national school may avail of fare-paying transport to another school, provided:

- (a) the written agreement of the board of management of the nearest school is secured;
- (b) there are spare seats available on the bus; and
- (c) no extra cost is incurred by extending or re-routing an existing service.

The family referred to by the Deputy should liaise with their local Bus Éireann office regarding the availability of spare seats on any existing bus service to the school in which the children are enrolled.

Schools Building Projects.

487. **Deputy Dan Neville** asked the Minister for Education and Science the position regarding the provision of a new primary school at Kilfinane, County Limerick. [14601/08]

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.

School Staffing.

488. **Deputy Brian Hayes** asked the Minister for Education and Science if the number of special needs teaching posts and resources provided through the general allocation model are determined on the basis of 2005 pupil enrolment figures; and if she will make a statement on the matter. [14609/08]

Minister for Education and Science (Deputy Mary Hanafin): The allocation of teaching resources under the General Allocation Model is based on current enrolments for schools with developing school status. The enrolment base for the allocation of teaching resources for other schools has remained unchanged since the General Allocation Model was introduced in 2005.

Special needs resources have been increased significantly in recent years and there are currently almost 6,000 learning support and resource teachers in our primary schools.

When the General Allocation Model was first introduced it was intended that it would be reviewed after three years of operation. This review is currently underway. My Department has recently written to the education partners seeking their views in relation to the operation of the General Allocation Model.

The General Allocation Model has a number of benefits associated with it, among which are that it facilitates early intervention as the resource is in place when the child enrolls and it puts resources in place on a more systematic basis, thereby giving schools more certainty about their resource levels. It is also the case that it reduces the need for individual applications and supporting psychological assessments and allows flexibility to school management in the deployment of resources.

Schools Building Projects.

489. **Deputy P. J. Sheehan** asked the Minister for Education and Science, further to Parliamentary Question No. 90 of 9 April, 2008, the original application date; the stages this project has completed and the dates these stages were completed; the further stages this school building project will have to complete before the school is built and ready for use by the school children; the average timescale in years for a project of this scale from original application to completion that it is taking her Department to process; and if she will make a statement on the matter. [14610/08]

Minister for Education and Science (Deputy Mary Hanafin): An application for an extension was received in respect of the school referred to by the Deputy in February 2000. Schedules of accommodation were originally drawn up in 2001 and revised in 2006 to accommodate 550 pupils and agreed with the management in June 2006.

The commencement and progression 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 this Department's Multi-Annual School Building and Modernisation Programme.

Water Conservation.

490. **Deputy Brian Hayes** asked the Minister for Education and Science the plans in place to introduce grant aid for water harvesting in schools; and if she will make a statement on the matter. [14615/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department is anxious to enable schools to conserve water and keep their bills as low as possible. An information package is currently being prepared for schools on the most appropriate measures to minimise excess consumption of water and to reduce wastage where it exists. As part of this exercise, technical guidance and specifications for the most common problems that are likely to arise in this area will be provided.

Rainwater harvesting systems have real potential to reduce schools future water bills in conjunction with other technologies. The demand for water in schools must be minimised firstly through push type spray taps, low flushing toilets, urinal controls, repairing leaks, etc, then the potential for rainwater harvesting can be maximised by reducing the amount of mains water used to flush toilets. (Typically this would be about two thirds of the water used in a school).

In that context my Department has selected Stamullen National School, Co Meath where a new 16 classroom GRD school is under construction to trial a rainwater harvesting system and are reviewing the suitability of other potential locations currently at early construction stage for such systems. While fitting the systems in new schools during construction is relatively straight forward, retrofitting them in existing schools is much more difficult and very expensive because of the various dedicated pipe work systems and the amount of builders work and making good that would be required in each instance.

In November 2007 the Minister for Environment, Heritage and Local Government, Mr. John Gormley TD, through Dublin City Council, launched a "Conserve Water in Schools" campaign which involved giving all schools in Dublin City a present of a water butt to collect rain water for use in school gardens and free "hippo bags" to put in toilet cisterns that will automatically reduce the amount of water used with each flush. A "Conserve Water in Schools Resource Pack" was launched which shows children how they can get involved in conserving water and put a stop to water wastage in their schools. The school pack shows children how to audit the

[Deputy Mary Hanafin.]

amount of water used in their school and how to devise a plan of action to reduce water usage and to stop wastage. Action sheets in the pack encourage pupils to keep up their good water conservation habits and show them how to monitor and evaluate their own school's Plan of Action on an ongoing basis. All schools everywhere can get involved by downloading the schools' pack from the council's website, www.dublincity.ie.

Pupil-Teacher Ratio.

491. **Deputy James Bannon** asked the Minister for Education and Science the number of classes of 30 or more children under the age of nine years in primary schools in Longford and Westmeath; and if she will make a statement on the matter. [14670/08]

Minister for Education and Science (Deputy Mary Hanafin): Class size data for the school year 2007/2008 are currently being processed and are not yet available. Class size data by pupil age is not available.

Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups. The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Posts allocated on the basis of this staffing schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now in the region of 6,000 more primary teachers than there were in 2002. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children.

I would like to point out that the Government has made provision for approximately 1,200 extra primary and post-primary teachers to be appointed in the next school year.

The Programme for Government contains a commitment to provide 4,000 additional primary teachers between 2007 and 2012. With the extra teachers already put in place this year and those provided for in the Budget, we are ahead of target with about 2,000 extra primary teachers to be delivered within just two years.

As I have said on many occasions in the past, high quality teachers are by far the most important ingredient in our education system.

Over the lifetime of the Government, we are committed to providing more primary school teachers specifically to reduce class sizes. We will also continue our focus on measures to

improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

Schools Refurbishment.

492. **Deputy James Bannon** asked the Minister for Education and Science the number of schools, primary and secondary, awaiting refurbishment works; and if she will make a statement on the matter. [14671/08]

Minister for Education and Science (Deputy Mary Hanafin): There are 477 major building projects, primary and post-primary, listed on my Department's school Building and Modernisation Programme. These projects are at various stages of the architectural planning process from the setting up of Design Teams right through to construction. This does not include smaller projects such as those approved under the devolved schemes.

Schools Building Projects.

493. **Deputy Alan Shatter** asked the Minister for Education and Science the reason the boards of management of a school (details supplied) in Dublin 16 have been instructed by her Department not to proceed to apply for planning permission for the construction of the essential new primary school facilities following on from her Department in November 2007 giving what is known as stage three technical approval; the reason no further communication since that date has been made to the boards of management concerning funding for the school; if her attention has been drawn to the fact that the 16 prefabricated buildings that accommodate up to 500 pupils are disimproving rapidly and can no longer be properly maintained; and if sanction will be given to apply for planning permission to enable the school project to progress. [14684/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers is currently at an early 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.

EU Treaties.

494. **Deputy Jimmy Deenihan** asked the Minister for Defence if, in view of the forthcoming constitutional referendum on the Lisbon reform treaty, the treaty will require that Ireland increase its military spending; and if he will make a statement on the matter. [13866/08]

496. **Deputy Jimmy Deenihan** asked the Minister for Defence the way permanent structured co-operation will function under the Lisbon reform treaty; the way its existence will affect Ireland; and if he will make a statement on the matter. [13868/08]

Minister for Defence (Deputy Willie O'Dea): I propose to take Questions Nos. 494 and 496 together.

The Lisbon Reform Treaty makes some amendments to existing provisions on European 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. There is no provision in the Treaty which will commit Ireland to increase defence expenditure, acquire capabilities or participate in missions. 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

[Deputy Willie O’Dea.]

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.

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.

There is a provision in the Lisbon Reform Treaty for permanent structured co-operation among those Member States “whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions”. Structured co-operation involves a range of commitments to developing military capabilities and to more intense co-operation in such areas as training, equipment and logistics.

Participation in structured co-operation is on an opt-in basis. There is no obligation on any country to take part in permanent structured co-operation.

European Defence Agency.

495. **Deputy Jimmy Deenihan** asked the Minister for Defence the nature and role of the European Defence Agency when Ireland joined, in view of the forthcoming Constitutional referendum on the Lisbon Reform Treaty; the changes in Ireland’s role in the agency that would result from the passage of the treaty; and if he will make a statement on the matter.

[13867/08]

Minister for Defence (Deputy Willie O’Dea): The European Defence Agency (EDA) was established under a Joint Action of the Council of Ministers on 12 July, 2004, “to support the Member States and the Council in their effort to improve European defence capabilities in the field of crisis management and to sustain European Security and Defence Policy as it stands now and develops in the future.” Among the Agency’s aims is to support Member States in the area of capability development, to overcome deficiencies and to support greater efficiencies in the European defence equipment market.

The Agency is ascribed four functions, relating to:

- Defence capabilities development;
- Armaments cooperation;
- The European defence, technological and industrial base and defence equipment market;
- Research & Technology

The Agency is an important forum by which the EU can seek to improve competitiveness and efficiency in the defence equipment sector which has, heretofore, suffered from fragmentation and duplication. While Ireland is not a major consumer of defence equipment, I believe that we should encourage developments which improve market efficiencies or which may yield economies of scale for equipment procurement for the Defence Forces.

To this end, on 6 July, 2004, the Government agreed that Ireland would participate in the framework of the Agency. Participation in the framework of the Agency does not impose any specific obligations or commitments on Ireland other than a contribution to the budget of the Agency. Participation in individual projects of the Agency is a matter for national decision on

a case-by-case basis. National contributions to the budget are calculated on the basis of the GNI (Gross National Income) scale.

The Reform Treaty, in Articles 1.49(c) and 1.50, confirms the principal functions of the European Defence Agency, in line with the provisions of the Joint Action cited above. It also notes that the Agency “shall be open to all Member States wishing to be part of it.”

The EDA affords EU Member States the opportunity of keeping track on capability developments and addressing shortfalls in a more comprehensive and systematic manner.

The EDA is intended to assist EU Member States in developing the necessary defence capabilities to support the Union’s foreign and security policy objectives, including responding to crisis situations such as the current humanitarian emergency in Eastern Chad, where an EU mission led by General Pat Nash of the Defence Forces is underway.

Question No. 496 answered with Question No. 494.

Consultancy Contracts.

497. **Deputy Olivia Mitchell** asked the Minister for Defence the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14102/08]

Minister for Defence (Deputy Willie O’Dea): The information requested by the Deputy is outlined in the table below:

Year	Name	Purpose	Cost
			€
2007	McCann Fitzgerald, Solicitors,	To provide legal drafting, research and advice services in relation to the drafting of new Rules of Procedure and Court Martial Rules following the enactment of the Defence (Amendment) Act, 2007.	44,500
2007	Carr Communications	Conducted media Training to members of the Defence Forces	5,200
2007	Murray Consultants	Public Information & Awareness Campaign on Emergency Planning — contract provides for development of the emergency planning website, drafting, publication and distribution of handbook on emergency planning & media advertisement campaign associated with the launch of the handbook. The Contract was awarded following an EU-wide tender process. The handbook is being distributed to all households in the country at present	253,000
2007	Smith & Kennedy Architects	Refurbishment and Alterations to ‘A’ Block	Ranging from 20k to 140k
2007	Keogh McConnell Spence	Refurbishment and Alterations to ‘A’ Block	Ranging from 20k to 140k
2007	Delap & Waller	Refurbishment and Alterations to ‘A’ Block	Ranging from 20k to 140k
2007	CODA Architects Ltd T/A Cloonan, O’Donnell Architects	Refurbishment and Alterations to Block A & B	Ranging from 20k to 140k

[Deputy Willie O’Dea.]

Year	Name	Purpose	Cost
			€
2007	Kerrigan, Sheanon & Newman	Refurbishment and Alterations to Block A & B	Ranging from 20k to 140k
2007	Building Design Partnership	Refurbishment and Alterations to Block A & B	Ranging from 20k to 140k
2007	Wilson Architecture,	New Accommodation Billets	Ranging from 20k to 140k
2007	J O D A Engineering Consultants — Structural Engineer	New Accommodation Billets	Ranging from 20k to 140k
2007	Nolan Ryan,	New Accommodation Billets	Ranging from 20k to 140k
2007	J O D A Engineering Consultants — Services Engineer	New Accommodation Billets	Ranging from 20k to 140k
2007	Deady Gahan, Architects	Refurbishment of Block ‘C, Brigade HQ	Ranging from 20k to 140k
2007	Henley Kavanagh McGowan	Refurbishment of Block ‘C, Brigade HQ	Ranging from 20k to 140k
2007	Matt O’Mahoney & Associates Ltd	Refurbishment of Block ‘C, Brigade HQ	Ranging from 20k to 140k
2007	McCarthy O’Hora,	Refurbishment of Block 4, Plunkett Barracks,	Ranging from 20k to 140k
2007	Brendan Merry & Partners	Refurbishment of Block 4, Plunkett Barracks,	Ranging from 20k to 140k
2007	Varming Consulting Engineers	Refurbishment of Block 4, Plunkett Barracks,	Ranging from 20k to 140k
2007	Creen Sally	Refurbishment of C House Cathal Brugha	Ranging from 20k to 140k
2007	Desmond Mcrevey	Refurbishment of C House Cathal Brugha	Ranging from 20k to 140k
2007	Delap & Waller	Refurbishment of C House Cathal Brugha	Ranging from 20k to 140k
2007	SMT Consultants Ltd.	Risk Assessments in Dublin and Galway Offices for Health & Safety purposes	7,090
2007	Saville Holsworth SHL	Psychometric Testing	55,000
2007	Goldsmith Fitzgerald Partnership, now known as Pathway	Interview and Group Assessment Training	7,200
2007	Entograph Ltd.	To carry out a study to review and evaluate options for bracken control in the Glen of Imaal and identify a plan for its control. When the Report is received it will be readily available from the Department.	30,129

It should be noted that the Department has never included the under-mentioned project as a “Consultancy”:

- Engagement of Oracle EMEA Ltd in respect of implementation services for the installation of new financial and management information systems for the Department and the Defence Forces.

The cost of the work being carried out is based on tender price for contract. In relation to the value of contracts for refurbishment work being carried out, these are very recent appointments and in all cases are at the early stages of the projects. Such information would be commercially sensitive and it would be inappropriate to issue the value of individual contracts while the work is ongoing. However, I can say that they range in value from €20k to €140k. The Consultants outlined above are all working on behalf of ‘firms’.

Schengen Convention.

498. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if there

are proposals for Ireland to reconsider its position on joining the Schengen Convention; and if he will make a statement on the matter. [14853/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Ireland has successfully applied to participate in certain provisions of the Schengen Convention. However, Ireland has decided not to apply to participate in the Schengen arrangements to the extent that they deal with the abolition of border controls. This decision has been taken to maintain the common travel area with the United Kingdom which is a priority for Ireland. The measures which will enable Ireland to meet its Schengen requirements are currently being put in place.

Residency Permits.

499. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he will take steps to deal with an application for permission to remain in the State by a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [14804/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to inform the Deputy that my Department is currently considering a request for permission to remain in the State from the person concerned. A decision in respect of this request will issue shortly.

Citizenship Applications.

500. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he will take steps to have an application for citizenship by a person (details supplied) in County Westmeath proceed without further delay; and if he will make a statement on the matter. [14808/08]

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 will take place in the near future. The applicant will be informed at that time when his application will be further examined or, of any shortfall in his residency.

Asylum Support Services.

501. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No.175 of 10 April 2008, the plans he has to extend the deadline for the asylum seeker supports small grant scheme; the alternative funding options in place and available for organisations seeking to integrate and support asylum seekers into the community; and if he will make a statement on the matter. [14833/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As stated in Parliamentary Question No. 175 of 10 April 2008, 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.

[Deputy Brian Lenihan.]

I can confirm that the closing date for the current small grants scheme was 29 February 2008. 55 applications for funding were received which are currently being assessed. The organisations involved will be notified in due course. There are no plans to extend the deadline for this scheme and no other formal funding scheme is available through the Reception and Integration Agency.

Crime Prevention.

502. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if a safety and security plan will be put in place at a location (details supplied) in Dublin 9. [14866/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the location referred to is in Clontarf Garda sub-district and is patrolled by foot and mobile patrols from that Garda station. I am further informed that local Garda management is aware of anti-social behaviour in the area concerned.

Additional Garda patrols, including patrols by the District Detective and Drug Units, the Community Policing Unit and the Mountain Bike Units, supplemented as required by the Divisional Crime Task Force and Traffic Corps personnel, have been directed to pay particular attention to this area, with a view to ensuring a visible Garda presence.

Current policing policy in the area is predicated on the prevention of crime, including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

Asylum Applications.

503. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the status of an application by a person (details supplied) in County Roscommon for leave to remain; if he will expedite the case; and if he will make a statement on the matter. [14869/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 30 January 2002 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 25 February 2003, 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.

Garda Investigations.

504. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will advise on the case of a person (details supplied). [14882/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In the time available it has not been possible for the Garda authorities to supply the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Offensive Weapons.

505. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform his views on whether it is appropriate to introduce new legislation such as the random power to stop and search and new restriction on the sale of potential weapons in view of the growth in the possession of knives and other dangerous pointed weapons; and if he will make a statement on the matter. [14888/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As I have previously indicated, I asked the Garda Commissioner to review the law in relation in knives and other offensive weapons. I have recently received a report from him which is being examined. I will announce any proposals I may have when this examination is completed.

Visa Applications.

506. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform if it is possible for a non-EU national to marry an Irish national here while in the country on a holiday visa of three months duration; and if not, if he will offer the relevant advice as the best course of action to persons (details supplied). [14894/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): While there is no specific arrangement which would facilitate a visa-required person to enter the state for the purpose of marriage, nor any specific provision in immigration law which would prevent a non-EU national marrying an Irish citizen while present in the State, every visa application is examined on its individual merits. Visa applicants are expected to provide comprehensive and correct information on the purpose of their journey to Ireland and to abide by the conditions of their visa when in the State. It is a general policy that a short-stay visa is for a maximum of 90 days, that it cannot be converted into a longer term permission to remain in the State and that the visa holder should leave the State on or before the date of expiry of their visa.

Comprehensive information on making a visa application is available on the website of the Irish Naturalisation and Immigration Service at www.inis.gov.ie.

Procedures to be followed in advance of marriage are a matter for the Registrar of Civil Marriages in the district in which the intended marriage is to take place, or for the authorities of the religious denomination involved in the case of a marriage by way of a religious ceremony.

Decentralisation Programme.

507. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform the position regarding the decentralisation of the Irish Prison Service to Longford; if the post of coordinator of education in prisons continues to exist; the person with responsibility for this post; if it is the intention to create a new post arising from the decentralisation process; and if he will make a statement on the matter. [14897/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Headquarters of the Irish Prison Service has now successfully decentralised to its new location in Longford and is one of the first Offices to do so under the current decentralisation scheme.

[Deputy Brian Lenihan.]

I can confirm that the post of Coordinator of Education remains part of the IPS HQ staffing complement and is regarded as a key position in the roll-out of education and learning strategies for the prison population.

The current holder of the post does not intend to decentralise to Longford but will remain in his post until a replacement is recruited. Advertisements for the position were placed by the Public Appointments Service, with a closing date of 7 March, 2008. It is expected that the interview process will commence shortly and that a successful candidate will take up the post before the end of the summer. The current Coordinator of Education has been offered an alternative, Dublin based position in the Irish Prison Service.

Visa Applications.

508. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for a re-entry visa by a person (details supplied). [14905/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): My department has no record of a current re-entry visa in respect of the person in question.

Garda Deployment.

509. **Deputy Charlie O'Connor** asked the Minister for Justice, Equality and Law Reform if he will provide additional resources to Tallaght Garda station to allow for an effective response to problems identified at a meeting (details supplied) in Dublin 24 which was attended by local Gardaí; if he will provide assurances to the community that action will be taken on the issues raised; and if he will make a statement on the matter. [14921/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As the Deputy will appreciate, policing operations and the deployment of Garda resources are matters for the Garda Commissioner. I have outlined the position in relation to Garda personnel attached to Tallaght Garda station in response to a separate question today from the Deputy (No. 610 refers).

I am advised by the Garda authorities that the meeting referred to by the Deputy was attended by members of the Garda Community Policing Unit. I am further advised that plans have been put in place to increase patrols in the areas involved and steps are being taken to address the policing issues raised at the meeting.

There are a total of five Garda Youth Diversion Projects in place in the Tallaght area one of which was recently established in the area referred to by the Deputy. These projects are coordinated by the Tallaght Youth Service. Local Gardaí also participate in the Community Development Initiative and in the RAPID initiatives and a Juvenile Liaison Officer has been specifically allocated to the area.

I have been assured that local Garda management constantly monitors criminal activity and crime levels within the area and the allocation of personnel to the relevant District and Division is kept under regular review to ensure an appropriate level of policing exists. Liaison with Estate Management, Neighbourhood Watch, Residents Associations, Community Groups and local Neighbourhood Gardaí will continue to be maintained in order to effectively address the issues identified.

510. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on whether Garda shift arrangements should be reviewed and altered to ensure that

an adequate number of Gardaí are deployed between the hours of 10pm and 3am in urban areas here, and in Limerick particularly; and if he will raise the matter with the Garda Commissioner. [14924/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have asked the Garda Inspectorate to examine the allocation of Garda resources generally and report on how the allocation can be improved. The terms of reference for the Inspectorate's study include:

- an examination of the current resource allocation system for members of An Garda Síochána, including rostering and overtime, to see how well resources are made available to match demand for services and other operational requirements;
- an examination of the current system of managing the availability of resources within An Garda Síochána for front line operational duties;
- an analysis of the demand for policing services (emergency and non-emergency) and its distribution over time (through the day, week, and year). The geographical spread of such demand and the differing requirements in urban and rural locations should be examined;
- an examination of potential alternative resource allocation systems to see whether there can be improvements in the match between availability of resources and the workload;
- an examination of the consequences for resource allocation of issues such as special leave, term time working and medically restricted duties.

The Inspectorate has recently commenced its work in this area and, as with all studies carried out by the Garda Inspectorate, the Garda Commissioner will be fully consulted in the course of the work. I look forward to receiving the report of the Garda Inspectorate which will be laid before the Houses of the Oireachtas.

As the Deputy is aware, following the Fitzgerald report into the need to address social disadvantage in parts of Limerick City, the Garda Commissioner has allocated significant additional policing resources to the affected areas.

National Drugs Strategy.

511. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will make the necessary arrangements and secure funding for the dial to stop during drug dealing confidential non-Garda phonenumber, which was successfully piloted in Blanchardstown, to be rolled out in Limerick without delay. [14925/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am pleased to advise the Deputy that following the success of this local initiative in Blanchardstown, the National Drugs Strategy Team is currently finalising proposals to begin a national roll out of this programme this year in conjunction with the fourteen local and ten regional drug task forces.

The roll out of this initiative in Limerick will be considered in this context by the National Drugs Strategy Team in consultation with the Mid Western Regional Drugs Task Force.

Citizenship Applications.

512. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform when an application for a certificate of naturalisation by a person (details supplied) in County Westmeath will be finally determined; and if he will make a statement on the matter. [14929/08]

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 October 2005.

On examination of the application it was determined that the person in question did not satisfy the residency requirement as set out in the Irish Nationality and Citizenship Act 1956, as amended. A letter informing him of this was issued, via his solicitor, on 18 October 2005. It is open for the person concerned to lodge a new application if and when he is in a position to meet the statutory requirements applicable at that time.

Asylum Applications.

513. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he or his Department have received the documentation resubmitted on 14 March 2008; and if he will make a statement on the matter. [14962/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my previous answers to Question No. 1044 of 26 September 2007, Question No. 1203 of 30 January 2008, and Question No. 209 of 21 February 2008. I am informed by the Immigration Division of my Department that the person in question is the subject of a Family Reunification application which was refused in July 2006.

Original documentation was requested in September 2007 and the person in question has recently submitted documentation to the Family Reunification section. The documentation is currently being considered and the person in question will be contacted in due course.

Residency Permits.

514. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of persons (details supplied) in County Meath; and if he will make a statement on the matter. [14963/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The first named person concerned arrived in the State on 24 April 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), he was informed, by letter dated 3 February 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 submitting written 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 these representations 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 arrived in the State on 19 February 2002 and applied for asylum on 5 March 2002. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner, and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), she was informed, by letter dated 11 November 2004, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working

days, of leaving the State voluntarily, of consenting to the making of a deportation order or of submitting written representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations have been received on behalf of the person concerned and these representations 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.

Citizenship Applications.

515. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if his Department will provide a copy of a letter dated 5 April 2007 referred to in the reply to Parliamentary Question No. 246 of 3 April 2008; and if he will make a statement on the matter. [14964/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to inform the Deputy that a copy of the letter in question was re-issued to the person concerned on 15th April, 2008.

Residency Permits.

516. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the case of an application for family reunification in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [14965/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the person in question was issued with a decision on his Family Reunification application in January 2003. The person in question has requested a review of his decision and the case is currently being re-examined and the person in question will be contacted in due course.

517. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will arrange the issue of a green card to enable a person (details supplied) in Dublin 7 obtain employment; and if he will make a statement on the matter. [14966/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to replies given to Parliamentary Questions No. 237 of Thursday, 06 March 2008, No. 241 of Thursday, 31 January 2008, No. 193 of Thursday 8 November 2007, No. 956 of Wednesday 26 September 2007, No. 139 of Thursday 28 September 2006, No. 70 of Thursday 15 June 2006 and No. 248 of Thursday 16 February 2006.

The person concerned arrived in the State on 26 February 2003 and applied for asylum. The 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 15 February 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 submitting written representations to the Minister setting out the reasons why he should be allowed to remain in the State. Representations were received on behalf of the person concerned.

[Deputy Brian Lenihan.]

Following consideration of the case of the person concerned under Section 3 of the Immigration Act 1999 (as amended) and under Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement, as an exceptional measure and subject to certain conditions, the person concerned was granted temporary permission to remain in the State for three years until 04 March 2011. The person concerned was duly notified of this decision by letter dated 05 March 2008. With regard to the Deputy's question concerning the issue of a registration card, this is a matter for the person concerned and the Garda National Immigration Bureau.

518. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he or his Department will re-issue the correspondence requesting further documentation referred to in his reply to Parliamentary Question No. 966 of 26 September 2007 (details supplied); and if he will make a statement on the matter. [14967/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my previous reply to Parliamentary Question No. 966 put down for answer on 26th September 2007.

I am informed by the Immigration Division of my Department that the person in question was granted permission to remain in the State in September 2000 following a Family Reunification application. I understand that the person's permission to remain expired on 12 January 2004. The Immigration Division wrote to the person concerned requesting documentation on 25 September 2007 and this letter has been reissued to the new address for the person in question supplied by the Deputy.

This matter will be further examined on receipt of the requested documentation.

519. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of persons (details supplied) in County Dublin; and if he will make a statement on the matter. [14968/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 1206 of Wednesday, 30 January 2008.

The first named person arrived in the State on 16 January, 2003 and applied for asylum. The 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 31 August 2004, 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.

An application for a certificate of naturalisation from the spouse of the person referred to in the Deputy's question was received in the Citizenship section of my Department in August 2007. On examination of the application it was determined that the person concerned did not satisfy the residency requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. A letter informing her of this was issued on 28 January 2008. It is open to the person in question to lodge a new application when she is in a position to meet the statutory requirements applicable at that time. With regards to the two children of the persons concerned one of them is an Irish citizen. My Department has no record of a second child.

520. **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 Waterford; and if he will make a statement on the matter. [14969/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 18 November 2005 and claimed asylum. The person concerned gave birth to her son on 27 December 2005 and her son was added to her asylum claim. Their application was refused following consideration of their case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

The person concerned was informed by letter dated 20 November, 2006, that the Minister proposed to make Deportation Orders in respect of them and afforded them 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 Deportation Orders or to submit, within 15 days, written representations to the Minister setting out the reasons why they should be allowed to remain temporarily in the State i.e why they should not be deported.

An application for Subsidiary Protection on behalf of the person concerned was received in my Department on 19 February 2007. On 25 September 2007 the person concerned was notified that the Minister had determined that she was not a person eligible for Subsidiary Protection under the European Communities (Eligibility for Protection) Regulations, 2006 S.I. No. 518 of 2006 ('the Regulations') and he would now proceed to consider whether a deportation order should be made in respect of her and her son.

Their case was examined under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996, as amended, on the Prohibition of Refoulement. Consideration was given to representations submitted on their behalf for permission to remain in the State. On 26 February 2008 I refused permission to remain in the State and instead signed Deportation Orders in respect of them. Notice of these Orders were served by registered post requiring the person concerned and her son to present themselves at the Garda National Immigration Bureau (GNIB), 13-14 Burgh Quay, Dublin 2 on 27 March 2008 in order to make travel arrangements for their removal from the State. The person concerned presented as requested and was given a new presentation date of 1 April 2008. The person concerned failed to present as requested on this date and is classified as evading her deportation.

The effect of the Deportation Orders is that the person concerned and her son must leave the State and remain thereafter out of the State. The enforcement of the Deportation Orders remains an operational matter for the Bureau.

521. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if extended residency will be considered in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [14970/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned applied on 1st April 2005 for 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 refused on 18th October, 2006 as the applicant did not meet the criteria of the scheme. On 9th April, 2008 the person concerned was invited to submit updated representations to my Department under Section 3 of the Immigration Act, 1999 and any representations received will be considered in due course.

522. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if extended residency can or will be granted in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [14971/08]

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.

523. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if his Department's attention has been drawn to the fact that the family reunification order of his Department is seeking confirmation that a person (details supplied) in County Dublin entered the State as a programme refugee in view of the fact that they have stamp four status up to 18 February 2009; and if he will make a statement on the matter. [14972/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my previous answers to Parliamentary Questions No 1025 of 26 September 2007, No.1196 of 30 January 2008, and No. 211 of 7 February 2008. I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in March 2006.

This application is under consideration by my Department and the applicant was contacted by the Family Reunification section of my Department on 3rd April 2008 and to date a response has not been received by that section.

524. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if temporary residency can be granted in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [14973/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 29 October 2006 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), she was informed, by letter dated 31 August 2007, 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. In addition, she was 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 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.

525. **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 24; and if he will make a statement on the matter. [14974/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 981 of Wednesday 26 September 2007 and the written Reply to that Question. The person concerned arrived in the State on 17 April 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 21 October 2004, 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.

526. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in Dublin 8 will be offered extended residency in view of the fact that they have resided here for six years, has entered into commitments and may be subjected to threats and intimidation if returned to their homeland; and if he will make a statement on the matter. [14975/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 4 April 2002 and claimed asylum. His application was refused by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

The person concerned was informed by letter dated 31 December, 2003 that the Minister proposed to make a Deportation Order in respect of him and afforded him three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999, as amended, namely to leave the State voluntarily, to consent to the making of a Deportation Order or to submit, within 15 days, written representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State i.e why she should not be deported.

On 28 June 2004 my predecessor refused the person in question permission to remain in State and instead signed a Deportation Order in respect of him. Notice of the order was served by registered post and he presented himself to the Garda National Immigration Bureau (GNIB), 13-14 Burgh Quay, Dublin 2 on Thursday 27 January 2005 as requested. He has continued to meet the presentation requirements of the GNIB and is due to present at GNIB, 13-14 Burgh Quay on 13 May 2008.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order remains an operational matter for the Bureau.

527. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current, expected or intended residency status in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [14976/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The first person concerned has an ongoing asylum application and 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.

The second person concerned was granted permission to remain in the State until 13th July, 2009 under the revised arrangements for parents of children born in Ireland prior to 1st January, 2005, commonly referred to as the IBC/05 scheme.

528. **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 8 who has provided proof of parentage of an Irish born child; and if he will make a statement on the matter. [14977/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question No. 214 of 6th March, 2008. The position remains unchanged.

529. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when a Garda National Immigration Bureau card will be renewed in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [14978/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have sought a report on the matter from the relevant officials in the Irish Naturalisation and Immigration Service (INIS). When I have received this report, I will then write to the Deputy directly.

530. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in respect of residency in the case of persons (details supplied) in County Meath; and if he will make a statement on the matter. [14979/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State, together with her child, on 16 January 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 12 September 2005, that the Minister proposed to make deportation orders in respect of her and her child. 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 and her child should be allowed to remain temporarily in the State. In addition, by letter dated 20 February 2008, the person concerned was notified of her entitlement to apply, within a defined time period, 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 did not submit an application for Subsidiary Protection in the State by the due date.

Representations have been submitted on behalf of the person concerned and these representations 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.

Asylum Applications.

531. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform his views on the granting of extended leave to remain in the State for a person (details supplied) in County Monaghan having particular regard to humanitarian and medical grounds; and if he will make a statement on the matter. [14980/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Questions No. 202 of Thursday, 10 April 2008 and No. 225 of Thursday, 3 April 2008 and the written Replies to those Questions.

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.

Refugee Status.

532. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in Dublin 8 will receive their Garda National Immigration Bureau card; and if he will make a statement on the matter. [14981/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I would refer the Deputy to the reply given to his Dáil Question Number 211 of Thursday 10 April 2008. The status of the person concerned remains the same as set out in that reply.

The person concerned failed to present as requested with the Garda National Immigration Bureau, 13-14 Burgh Quay, Dublin 2 on 20 January 2005 and is classed as an evader. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter outside the State. The enforcement of the Deportation Order remains an operational matter for the Garda National Immigration Bureau.

533. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for refugee status in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [14982/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Office of the Refugee Applications Commissioner, (ORAC), determined on 17 November, 2006, in accordance with the terms of the Dublin II Regulation, Council Regulation (EC) No. 343/2003, that Germany is responsible for examining the asylum application of the person concerned. The Dublin II Regulation 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 requested to present to the Garda National Immigration Bureau, (GNIB), on Wednesday 29 November, 2006, at 14.30hrs to make arrangements for his transfer to Germany where he had previously made an asylum application. He failed to present as requested and is now recorded as having evaded his transfer. The person remains illegally present in the state and should present himself to GNIB or the Gardai without further delay.

Visa Applications.

534. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to a stamp four visa in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [14983/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question No 209 of 10th April, 2008. The position remains unchanged.

Residency Permits.

535. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to residency status in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [14984/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 8 October 2004 and applied for asylum on 8 December 2004. 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 31 January 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. Representations have been submitted 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.

536. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [14985/08]

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.

537. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to a residency application in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [14986/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 18 April 2002 and applied for asylum on 9 May 2002. 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 19 May 2004, 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.

538. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to a residency application in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [14987/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Questions No. 188 of Thursday, 10 April 2008, 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

[Deputy Brian Lenihan.]

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.

Asylum Applications.

539. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for asylum in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [14988/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Office of the Refugee Applications Commissioner, (ORAC), determined on 2 January, 2007, in accordance with the terms of the Dublin II Regulation, Council Regulation (EC) No. 343/2003, that the United Kingdom is responsible for examining the asylum application of the person concerned. The Dublin II Regulation 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 requested to present to the Garda National Immigration Bureau, (GNIB), on Thursday 18 January, 2007, at 14.30hrs to make arrangements for his transfer to the United Kingdom where he had previously made an asylum application. He failed to present as requested and is now recorded as having evaded his transfer. He is currently illegally present in this State and is liable to be arrested and detained without further notice. He should make himself known to Garda National Immigration Bureau or the Gardaí without further delay so that arrangements can be made for his transfer to the United Kingdom.

Residency Permits.

540. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to residency status in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [14989/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 8 October 2004 and applied for asylum on 8 December 2004. 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 31 January 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. 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.

Asylum Applications.

541. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an asylum seeker application in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [14990/08]

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.

Asylum Support Services.

542. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform his plans to review the asylum direct provision system; and if he will make a statement on the matter. [14217/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers through the policy of direct provision. Direct provision is the means by which the State discharges its obligations to provide for the basic requirements of asylum seekers. For the most part, this represents a cashless system with the State assuming responsibility for providing suitable accommodation and certain other services on a full board basis.

Direct provision was introduced on 10 April, 2000 and brought Ireland into line with best practice in other EU Member States, including the United Kingdom. It is widely accepted that a harmonised approach to the provision of accommodation and ancillary services for asylum seekers is by far the best approach and I believe the system of direct provision represents a fair and effective means of meeting the needs of this group.

At end March 2008, the RIA's accommodation portfolio comprised 63 accommodation units across 22 counties accommodating 6,800 persons representing 96 different nationalities. The Deputy might wish to note that the RIA has accommodated just under 49,000 asylum seekers since 2000.

All accommodation costs, together with the costs of meals, heat, light, laundry and maintenance are paid directly by the State. Asylum seekers in direct provision accommodation also receive an allowance which has been assessed to take into account any benefit and privilege, including full board and lodging, provided through direct provision arrangements.

In addition to full board accommodation, the RIA provides a number of ancillary services to asylum seekers in direct provision accommodation. All asylum seekers are offered free medical screening on arrival in the State. The State provides access to health services for asylum seekers on the same basis as for Irish citizens. Asylum seekers in direct provision accommodation will generally qualify for a medical card whereby they are eligible to receive a wide range of health services free-of-charge including GP services and prescribed medicines. Other HSE-provided supports include Public Health Nurse and Community Welfare Supports as well as a dedicated asylum seeker psychological service.

Asylum seeker children are entitled to access free Primary and Post-Primary education on the same basis as an Irish citizen. In addition, English language supports are made available to adult asylum seekers; in some cases facilities are provided on-site in RIA accommodation

[Deputy Brian Lenihan.]

centres for such classes. At a number of centres, the RIA has provided facilities for on-site preschool services which, in addition to engaging children, allow parents to pursue other activities such as English language supports.

In communities where direct provision accommodation centres are located, the RIA and the management of such centres seek to engage with local service providers and assist local support groups in their interaction with the asylum seekers resident at those centres. Funding to assist local support groups is made available through the ‘Asylum Seeker Supports Small Grant Scheme’.

In relation to the standard of accommodation provided in direct provision, the deputy may wish to note that all accommodation providers are required under contract to ensure that accommodation centres comply and operate in accordance with all statutory requirements of local authorities and state agencies in relation to bedroom capacity, food, food-hygiene, water supply, fire safety and general safety.

In addition, all operators are required to offer menus which reflect the reasonable ethnic dietary customs of asylum seekers. There are 96 nationalities with hugely divergent food and ethnic needs accommodated by the Agency at present and in all the large centres, 56-day menu cycles are in place. Other centres, depending on their size, operate 28-day and 14-day menu cycles. In addition, particular emphasis is placed on meeting, to the greatest extent possible, specific needs of asylum seekers. For example, special arrangements are made to cater for the needs of Muslims observing Ramadan.

The Agency engages independent external assessors to conduct comprehensive inspections of all centres on at least an annual basis. These inspections are always unannounced and the inspectors look at all aspects of the accommodation centres in relation to the proprietors’ obligations under the contract. These inspections cover such areas as reception, staff cover, menus, facilities being provided, maintenance of the property and fire and safety issues. In addition, the Agency has an internal Inspections Unit which conducts inspections of each of the properties used to accommodate asylum seekers at least on a twice yearly basis. Further unannounced visits are made to accommodation centres throughout the State on a regular basis by senior management to ensure that standards are being maintained. Staff from the Agency hold information clinics on a regular basis in accommodation centres which afford asylum seekers an opportunity to comment on accommodation and operating standards and to discuss other general issues.

Any diminution in standards which comes to the attention of the RIA is immediately followed up and proprietors are instructed to make any changes and improvements deemed necessary. Follow-up inspections are also arranged as appropriate. In cases where standards stipulated in the contract have not been met and the proprietor has not made sufficient efforts to remedy the situation, the contract may be terminated.

I would strongly contend that the treatment of asylum seekers in this country is, at a minimum, on a par with the best on offer in this context anywhere in the EU. I would further contend that the direct provision system delivers a high standard of service, a consistent standard of service and value for money to the taxpayer through coordinated service delivery to asylum seekers. I do not believe that any alternative model would deliver the same level and consistency of service to asylum seekers. While the operation of direct provision is being constantly monitored, and is kept under continuous review in my Department, I have no intention of seeking a change in direct provision policy at this time.

Legislative Programme.

543. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when the rule against perpetuities will be repealed; and if he will make a statement on the matter. [13842/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position is that section 16 of the Land and Conveyancing Law Reform Bill 2006, which is currently awaiting Committee Stage in the Select Committee on Justice, Equality, Defence and Women's Rights, provides for repeal of the rule against perpetuities.

Road Traffic Offences.

544. **Deputy Seán Barrett** asked the Minister for Justice, Equality and Law Reform if he will supply this Deputy with the information sought in Parliamentary Question No. 527 of 12 February 2008 relating to the numbers randomly breath-tested on roads here in 2007; the number and percentage of those who were taken to Garda stations for blood or urine testing; the number and percentage of those who were found to be over the blood-alcohol limit; and if he will make a statement on the matter. [13862/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the information requested by the Deputy is currently being researched. I will contact the Deputy again as soon as the information is to hand.

Deportation Orders.

545. **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) in Dublin 24; the stage their application is at; and if he will look favourably on this application. [13875/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 9 October 2005 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 10 July 2007, 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.

Criminal Prosecutions.

546. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will respond to a query (details supplied). [13879/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the property referred to by the Deputy is currently sub-divided into a number of self-contained units and is located within the Garda sub-district of Clontarf. I am further advised by the Garda authorities that due to intelligence held at the District Drug Unit which indicated that the resident of one of the units was suspected of involvement in the sale and supply of drugs, a surveillance operation was mounted which resulted in a search of the premises on April 3, 2008 during which substances believed to be heroin and cocaine were seized. One person was arrested in relation to this seizure and is currently before the Courts for offences contrary to the Misuse of Drugs Acts, 1977/84. It is also understood that the person in question has since been evicted from this property.

Crime Levels.

547. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the headline offences, classified by headline offence group, which led to convictions by Garda district, for the year 2000 for the Dublin metropolitan region. [13880/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): In the time available it has not been possible for the Garda authorities to supply the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

548. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the headline offences, recorded and detected, classified by headline offence groups for the years 2006 and 2007 for the Dublin metropolitan region. [13881/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics since the third quarter of 2006. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Investigations.

549. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform if she will direct that every assistance possible, and all necessary information, is supplied to a person (details supplied). [13921/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have requested a Garda report in relation to this matter, and I will contact the Deputy again when the report is to hand.

Question No. 550 answered with Question No. 28.

Crime Levels.

551. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which knives or sharp implements were used in respect of each year from 1998 to date in 2008; the number of such cases in which prosecutions for murder were initiated; the number of such cases where convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [13925/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the following table shows the numbers of murders recorded which involved the use of a knife or sharp instrument, proceedings commenced and convictions for the years 2000 to 2007 and in 2008 up to 8 April. Figures provided for 2008 are provisional, operational and liable to change. Figures for murder offences by weapon type, other than a firearm, prior to 2000 are not readily available and would require a disproportionate expenditure of Garda time and resources to collate.

The detection rate for murder by its nature increases over time as Garda investigations progress. It is expected that the number of convictions obtained in respect of specific years will increase as Garda investigations are concluded and the number of proceedings commenced are finalised by the courts. This applies particularly to murders committed in the most recent years. In addition, directions may be received from the Law Officers to charge persons arrested in connection with such incidents with offences other than murder. Furthermore such persons charged and brought before the courts may be convicted of offences other than murder.

As the Deputy will appreciate, I have no role in the investigation or prosecution of cases. This is a long standing principle of our system of justice. The role of the Gardaí is to investigate alleged offences, to gather whatever evidence may be available and to submit a report to the Director of Public Prosecutions. The question of whether or not a particular person should be prosecuted and for what criminal offence is the responsibility of the DPP. The Director, who is independent in the performance of his functions, makes his decision on the basis of the Garda findings viewed against the background of common and/or statute law. The courts similarly are independent, subject only to the Constitution and the law, in the exercise of their judicial functions.

The numbers of murders recorded in which a knife or sharp instrument was used, proceedings commenced and convictions for the years 2000 to 2007 and in 2008 up to 8 April

Year	Recorded	Proceedings commenced	Convictions
2008* (up to 8 April)	4	3	0
2007	36	24	1
2006	23	15	5
2005	18	13	8
2004	11	9	9
2003	8	6	6
2002	24	19	17
2001	20	16	12
2000	9	7	7

*Figures are provisional, operational and liable to change.

Garda Investigations.

552. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform if he

[Deputy Fergus O'Dowd.]

will release details of the Garda investigation into the Wellington Quay bus crash of 2004, specifically what the Garda concluded as to the cause of the accident; and if he will make a statement on the matter. [13930/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that the incident which occurred on Wellington Quay in 2004 involving a double decker bus and which resulted in fatal injuries to five persons and serious injuries to others, was the subject of a criminal investigation by members of An Garda Síochána. I am further informed that an investigation file was submitted to the Law Officers and in September, 2004 directions were received to prosecute the bus driver for offences contrary to the Road Traffic Acts, 1961 — 2007, including dangerous driving causing death. The case was before the Courts in 2007 and the driver was found not guilty of these offences. As the Deputy will appreciate, I have no role in the investigation or prosecution of cases and the courts are independent — subject only to the Constitution and the law — in the exercise of their judicial functions.

Visa Applications.

553. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the position regarding the case of persons (details supplied) who have requested an extension on their visas to allow them to remain here longer due to family circumstances. [13931/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Immigration Division of my Department has recently been in contact with the persons referred to by the Deputy in relation to this case.

Residency Permits.

554. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform when a decision will issue in the case of a person (details supplied) in County Tipperary who has applied for residency here. [13950/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for residence in the State on the basis of marriage to an Irish national was received from the person in question in August 2007. Applications of this kind, in fairness to all other such applicants, are dealt with in strict chronological order and are currently processed within a twelve month period. It should be noted that marriage to an Irish national does not confer an automatic right of residence in the State.

Question No. 555 answered with Question No. 15.

Garda Stations.

556. **Deputy Martin Mansergh** asked the Minister for Justice, Equality and Law Reform the Garda stations in south Tipperary which are manned on a 24 hour basis. [13980/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that the Garda Stations in South Tipperary that are manned on a 24 Hour basis are Cahir, Tipperary Town and Clonmel Garda Stations. The opening hours of the other Garda Stations in South Tipperary are dependent on manpower availability on a daily basis. An increase in the opening hours of these Stations would necessitate the employment of

additional Garda personnel on indoor administrative duties who may be more effectively employed on outdoor policing duties.

Residency Permits.

557. **Deputy Beverley Flynn** asked the Minister for Justice, Equality and Law Reform when a decision will be made on a long-term residency application by a person (details supplied) in County Mayo. [13985/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As outlined in my reply to Parliamentary Question No. 532 on the 12th February 2008, persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants. Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received in October 2006. 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.

Citizenship Applications.

558. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the stage an application for naturalisation is at for a person (details supplied) in Dublin 11. [14006/08]

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 November 2004. Processing of the application has commenced and the file will be submitted to me for a decision in the coming months.

The Deputy will appreciate that each application received is subject to various enquiries and depending on the complexity of the case in question, these can take time to complete. I am advised by my officials that the application referred to by the Deputy should be sent to me for decision shortly.

Garda Investigations.

559. **Deputy Paul Gogarty** asked the Minister for Justice, Equality and Law Reform if situations exist whereby top-level Garda informers are made immune from prosecution or investigation in respect of matters involving third parties, such as incidences of alleged rape; and if he will make a statement on the matter. [14011/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can assure the Deputy that situations of the kind outlined in his question do not arise. I am informed by the Garda authorities that policy and practices have been introduced to reflect best international practice in the management and use of covert human intelligence sources by members of the

[Deputy Brian Lenihan.]

Garda Síochána. Although it would not be in the public interest to detail the policy and practices, I can confirm that persons who meet specific criteria contained in the Garda Síochána's code of practice are assessed and, where considered appropriate, are managed by appropriately trained Garda personnel.

All persons, including those who provide information to the Garda Síochána, are amenable to criminal investigation. Where an offence is disclosed, the matter is fully investigated and a Garda investigation file is submitted to the Director of Public Prosecutions (DPP), as appropriate. It is the responsibility of the DPP to determine whether criminal prosecution is initiated against any person in respect of a serious offence such as alleged rape, and the DPP performs this function in a statutorily independent manner.

Residency Permits.

560. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the status of a person (details supplied) in Dublin 12; and if he will make a statement on the matter. [14017/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned applied, on 10th February, 2005 for 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 refused on 20th December 2005 as the applicant did not meet the criteria of the scheme. The person concerned has been invited to submit updated representations to my Department under Section 3 of the Immigration Act, 1999 and any representations received will be considered in due course.

Criminal Offences.

561. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform the reason the Garda does not prosecute offenders who continue to develop under an Act (details supplied); if they are precluded from doing so; if so, the action he will take to rectify the situation; and if he will make a statement on the matter. [14027/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Act referred to by the Deputy creates a number of criminal offences which are punishable by fine and or imprisonment. The penalties for these offences are set out in section 156 of the Act. I am informed that while members of An Garda Síochána have a common law duty to enforce the law, they have no expressed powers under the Act in question. Section 157 of the Act expressly bestows the power to prosecute offences under the Act on the Planning Authority.

Asylum Applications.

562. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question Nos. 408 to 410, inclusive, of 8 April 2008, the number of family members of these refugees who were subsequently allowed to join them in the State through family reunification procedures. [14041/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that it is not possible to provide the statistical information requested as it would require an inordinate amount of research and staff time to do so and this cannot be justified in current circumstances where there are other significant demands on the resources in the Family Reunification area.

Visa Applications.

563. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when a multi-entry visa will be arranged for a person (details supplied); and if he will make a statement on the matter. [14085/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): It is not the general practice of the Visa Office to issue multiple journey visas unless a compliant travel history to Ireland in the recent past has been shown. In that context, a Visa Officer would normally expect to be satisfied that the conditions of at least two previous visas had been observed. Two single journey visas have been approved for the person concerned recently. There is, however, no record of a current application.

564. **Deputy Niall Collins** asked the Minister for Justice, Equality and Law Reform the position of a visa application for persons (details supplied). [14091/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): There is no record of current applications for visas in my Department in respect of the persons referred to. The people concerned should make applications to the Irish Embassy in Ankara, Turkey. Comprehensive details of the types of visa, the procedures and the documents required are available on the website of the Irish Naturalisation and Immigration Service — www.inis.gov.ie.

Questions relating to work permits are a matter for the Work Regulations Division of the Department of Enterprise, Trade and Employment. A reply to the Deputy's representations on this matter will be issued in the near future.

Consultancy Contracts.

565. **Deputy Olivia Mitchell** asked the Minister for Justice, Equality and Law Reform the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14109/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have set out the information requested by the Deputy in relation to the expenditure from my Department's Vote on consultancy during 2007 in the following table. The Deputy should note that the bodies associated with the Department but with their own Vote, specifically An Garda Síochána, the Irish Prison Service, the Courts Service and the Property Registration Authority, have been requested to reply to the Deputy directly.

Insofar as the hourly rates charged in each instance are concerned, in light of the large number and wide variety of projects in question, it is not feasible to assemble such details without the application of a disproportionate amount of staff resources.

Name of Consultancy	Description	Expenditure in 2007	Report Published Yes/No	Date Report Published
Accenture	Consultancy Service for GNIB Information System	€ 60,197.00	No	N/A
Barret Mahony Consulting Engineers Ltd	Construction project management role, Irish Youth Justice Service	84,764.00	No	N/A
Barret Mahony Consulting Engineers Ltd	Assessment of building suitability for refurbishment, Irish Youth Justice Service	4,235.00	No	N/A
Brendan Sheils	Capital appraisal, cost/ benefit analysis and business case for redevelopment of children detention schools	45,980.00	No	N/A
Brendan Sheils	Value for Money & Policy reviews (Garda)	14,923.00	No	N/A
Deirdre Phelan	Advice & Contribution to School Syllabus in respect of Data Protection Issues	2,025.42	Yes	November 2007
Executive Security	Consultancy on Operational Protocols, Training and Security for Garda Síochána Ombudsman Commission (GSOC)	30,436.00	No	N/A
Executive Security	Consultancy Services for Private Security Authority	37,805.00	No	N/A
Fitzpatrick Associates	Research to guide core funding for organisations in field of integration	28,798.00	This research has been completed and the report is to be considered by the task force on integration which is being set up by the Minister for Integration	No publication date available at present
IBM Ireland Ltd	Project Management for setup of internal database for Private Security Authority (PSA)	45,873.00	No	N/A
Institute of Public Administration	Study on Traveller Interagency Work	20,181.92	No	Work ongoing in 2008
Joe Boyle	Review of Recruitment in GSOC	1,704.00	No	N/A
John Burrows	Assessment of Disability Grant Funding Scheme Applications	5,352.97	No	N/A
Margaret O'Driscoll	Advice in relation to Garda Síochána Act 2005	3,932.00	No	N/A
McCormack Horner Ltd	Preparatory drawings and a draft specification to assess feasibility for the fitting out of dental surgery at Oberstown	2,420.00	No	N/A
Mentoring Connection	Consultancy Services regarding Change Management Conferences for INIS	18,513.00	No	N/A
Miller-White Associates	Local Mediation/Facilitation Interventions	6,089.00	No	N/A
Ralaheen Ltd	Promotion of Gender mainstreaming in Ireland for NDP Gender Equality Unit in 2007	35,100.00	No	Publication is under consideration

Name of Consultancy	Description	Expenditure in 2007	Report Published Yes/No	Date Report Published
Ralaheen Ltd	Evaluation on Traveller Internship Programme in the Civil Service	€ 15,609.00	Yes	24 October, 2007
OCS Consultancy	Review of Anti-Racist Workplace Week	24,516.00	No	N/A
Orbit Consultancy	National Audit of the work of the Probation Service	27,000.00	No	N/A
Orbit Consultancy	Probation Service Investigation	3,670.00	No	N/A
Orbit Consultancy	Preparation of an initial report which formed part of the Value for Money and Policy Review of Projects funded by the Probation Service	2,223.00	No	Report referred to in the VFM and Policy Review which will be published shortly
Paula Fitzsimons	Consultancy Service — Going for Growth Project (Enterpriseurship),NDP Gender Equality	60,500.00	No	N/A
Hibernian Consulting	Provision of Technical Support for Lone Parents Initiative, NDP Gender Equality	33,000	No	N/A
Petrus Consulting	Value For Money and Policy Review of the Probation Service	47,642.00	No	Report nearing completion and will be published shortly
Price Waterhouse Coopers	Advisory Services for Inspectorate of Prisons and Places of Detention	1,651.00	No	N/A
Price Waterhouse Coopers	Evaluation of tenders and assistance in contract negotiation and service level agreement for Reception and Integration Agency	28,852.00	Yes	5 January, 2007
Price Waterhouse Coopers	Project Development and Management Setup of Internal Database for PSA	102,275.00	No	N/A
Q4 Public Relations	National Action Plan on Racism	130,773.90	No	N/A
Siobhan Lynam Research & Consultancy	Study on Gender Proofing of policies and programmes of the Traveller community under the aegis of the Equality Proofing Working Group	23,232.00	No	Internal use
Professor Ingvar Kopp	Review of Forensic Science Laboratory Resource Needs	30,513.02	Yes	January, 2008
Sweeney Consulting	Professional advice on new and emerging media (Irish Film Censor's Office)	321.26	No	N/A
Escat Limited	Security Consultant, GSOC	81,438.20	No	N/A
Techskills Resources Ltd	Project Management for GSOC	62,799.00	No	N/A
IBI Group	Procurement Support Services (Road Safety Cameras)	81,000.00	No	N/A
Prospectus Consultants	Monitor, evaluate and report on the implementation of PMDS in the Department of Justice, Equality & Law Reform	25,088.72	Yes	2008

Name of Consultancy	Description	Expenditure in 2007	Report Published Yes/No	Date Report Published
Wright Consulting	Development of HR Strategy and redevelopment of PMDS system, National Disability Authority (NDA)	€ 33,031.95	No	N/A
Clarion Consulting	Development of Project Management System and organisational training on same, NDA	41,917.00	No	N/A
Colgan & Associates	Facilitation Services, NDA	1,452.00	No	N/A
Insight Consultants	PR Services, NDA	49,613.54	No	N/A
Carmel Corrigan	To support the development and implementation of equality proofing and Integrated proofing, Equality Authority	10,617.75	No	N/A
Tracey O'Brien	To support the development and implementation of equality proofing and Integrated proofing, Equality Authority	1,625.00	No	N/A
Work Research Co-operative	European Year project review of Roles and Aspirations of Organisation representing groups experiencing inequality, Equality Authority	12,070.00	No	N/A
Hibernian Consulting	Review of European Year of Equal Opportunities for All, Equality Authority	8,326.00	No	Pending
Corporate Community	Technical assistance to the National Framework Committee for Equal Opportunities at the level of the Enterprise, Equality Authority	50,000.00	No	N/A
Goodbody Economic Consulting	Research on approaches by statutory bodies in other jurisdictions to provision of information on rights, Equality Authority	12,070.00	No	N/A
Debbie Ging	Research on images of women in advertising, Equality Authority	7,714.00	No	Expected 2008
NUI Maynooth	Equality Assessment of admission policies in second level schools, Equality Authority	8,000.00	No	N/A
Helm	Internal Review of Governance in the Equality Authority	4,749.00	No	N/A
School of Education studies DCU	Research on Homophobic Bullying in schools, Equality Authority	15,000.00	No	N/A
ESRI	Ongoing Research Programme on Equality and Discrimination, Equality Authority	120,400.00	No	Expected 2008
TCD Gender Studies Unit	Stereotyping in Children's Advertising, Equality Authority	7,714.00	Yes	2007

Residency Permits.

566. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Kerry can expect to receive their stamp four status. [14131/08]

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 31 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.

567. **Deputy Tom Sheahan** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Kerry can expect to receive stamp four status. [14132/08]

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 12th June 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. The person in question also made an application for Business Permission in the State which was refused in August 2007. There is currently an appeal pending in relation to this refusal and a decision should issue shortly.

Human Rights Issues.

568. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 176 of 4 March 2008, the further progress that has been made with regard to ratification of the UN Convention on the Rights of Persons with Disabilities; if he expects the convention to be ratified by Ireland in 2008; and if he will make a statement on the matter. [14164/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have nothing further to add to the details of my reply to Question No. 176 of 4 March 2008 other than to indicate that the programme of work that has been developed so as to meet the legislative and administrative obligations under the Convention is being actively addressed by the relevant Departments, including my own Department, and that the intention of the Government is to have the Convention ratified as quickly as possible consistent with implementation of the various legislative and administrative measures.

Closed Circuit Television Systems.

569. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the support his Department will provide to introduce closed circuit television cameras on the public roads around University College Cork; and if he will make a statement on the matter. [14169/08]

570. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the support his Department will provide to introduce closed circuit television cameras on the public roads around Cork Institute of Technology; and if he will make a statement on the matter. [14170/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 569 and 570 together.

CCTV systems have become an important and effective tool to support policing and community safety and they also act as a useful deterrent to crime and public disorder. Garda CCTV schemes are planned and implemented on the basis of the Garda Commissioner's identified operational needs. Garda CCTV systems are operational in 11 towns and cities around the country, including Cork, and a major programme of expansion involving the implementation of CCTV systems in a further 14 locations is underway. I am advised by the Garda Authorities that the expansion of the Garda CCTV scheme in Cork city is under consideration in the context of overall policing requirements there.

Garda Vetting Services.

571. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position of a Garda clearance certificate application for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14198/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that a vetting application form in respect of the person in question was received by the Garda Central Vetting Unit on 10 March, 2008, and that the corresponding response was approved for issuance on 10 April, 2008.

Citizenship Applications.

572. **Deputy Seán Barrett** asked the Minister for Justice, Equality and Law Reform the reason for the delays in processing Irish citizenship applications which can run to upwards of three years; if the process of notifying applicants, if their applications meet the statutory conditions can be expedited; if additional staff will be recruited to reduce the current backlog of applications; and if he will make a statement on the matter. [14203/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The existing processing time for applications for certificates of naturalisation is approximately thirty months and this is primarily due to the significant increase in the volume of applications received in the last number of years. The procedures employed to assess an applicant for naturalisation are as set out in summary form below.

Upon receipt, an initial examination of each application is carried out to determine if the statutory application is completed fully. Incomplete application forms are returned to the applicant for amendment. Valid applications are then examined to determine if the applicant meets the statutory residency criteria set out in the Irish Nationality and Citizenship Act. Passports and other documentation are examined in detail and enquiries with the Garda National Immi-

gration Bureau may also be necessary. Since this procedure was introduced on 1 April 2005, over 3,500 applicants who applied since that date have been found to be ineligible. All such applicants are informed of any shortfall in their residency, within a matter of weeks from the date the application is received, and will be able to reapply when they have the required residency.

Further processing takes place at a later stage and involves assessing an applicant's financial status in respect of their ability to support themselves in the State. Enquiries with the Revenue Commissioners and the Department of Social and Family Affairs may be necessary in this regard. At the same time enquiries are also made with the Garda Síochána to clarify if the applicant can be deemed to be of good character. Depending on the complexity of any given case, these processes can take a lengthy time to complete. Once all enquiries are completed, the file is referred to me for a decision.

The Deputy will appreciate that the granting of Irish citizenship through naturalisation is an honour and applications must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is given only to persons who satisfy the necessary qualifying criteria. The above procedures have been developed and refined over a number of years and I am satisfied that they are necessary to maintain the integrity of the naturalisation process. Consequently, having regard to the resources available, which are kept under constant review, there is a limit to the reduction in the processing time that can be achieved. I have, however, recently allocated additional resources to the Citizenship section of my Department as well as instructed my officials to undertake a review of the various processes in order that these might be streamlined further where possible.

Forensic Medical Examiner Service.

573. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the recent findings that the lack of a forensic medical examiner service here is failing victims of serious crime, detainees and doctors (details supplied). [14255/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Garda Síochána has of course arrangements in place for the supply of necessary medical services. These arrangements are being reviewed by a working group, representative of An Garda Síochána, my Department, the Department of Health and Children and the Forensic Science Laboratory, to see how these services might be enhanced in line with best international practice. I look forward to receiving the views of the Garda Commissioner following finalisation of the working group's report.

Liquor Licensing Laws.

574. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform if he will make a statement on reports that a considerable number of licensed premises and nightclubs in County Donegal are operating without valid liquor licences since 2006. [14278/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): A licence granted under the Licensing Acts 1833 to 2004 permits the licensee to sell intoxicating liquor in specified premises in accordance with the terms of the licence. It is an offence under licensing law to sell intoxicating liquor in premises which are not licensed for that purpose.

I am informed by the Garda authorities that local Gardaí commenced an investigation into the operation of relevant premises in County Donegal last January. Off-licence, restaurant and nightclub owners, whose licences had expired, were visited and advised to put their affairs in order. An Garda Síochána is working closely with Revenue Commissioners, and is inspecting

[Deputy Brian Lenihan.]

all premises in respect of which the licence has expired. As part of the on-going investigation one unlicensed premises was inspected on 29 March, 2008, and stocks of intoxicating liquor were seized by Gardaí.

Residency Permits.

575. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the status of appeal for a person (details supplied) in County Sligo. [14279/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the Family Reunification applications from the person in question were refused on 26 October 2006 and a letter outlining the reasons for the refusals issued on the same date. Following a request from the person in question the file was re-examined in the Immigration Division. This re-examination revealed a problem with some of the documents submitted and the person in question was informed of the position on 8 November 2007. The person in question will be contacted when the re-examination of her file has been completed.

Asylum Applications.

576. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the guidelines used in his Department in deciding on applications for asylum where there is a well-founded fear that female genital mutilation will be performed on female family members if they are returned to their home country; and if he will make a statement on the matter. [14420/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Deputy might wish to note that, in accordance with the provisions of the Refugee Act, 1996 (as amended), two statutory independent refugee status determination bodies, namely the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, were established with effect from 20 November 2000 to examine, at first instance and, where appropriate, on appeal, applications for asylum in the State. 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, or appellant, should, or should not, be declared to be a refugee, as defined in Section 2 of the Refugee Act, 1996 (as amended). I, as Minister, ultimately decide whether to grant or refuse refugee status, based on the recommendations of the aforementioned statutory bodies and in accordance with Section 17 of the same Act.

In assessing each individual asylum application or appeal, the bodies referred to must, in accordance with their statutory remit, have regard for the specific claims made by the applicant/appellant, including claims involving female genital mutilation, as measured against objective, reputable, up to date information relating to the applicant's/appellant's country of origin and, where doubts exist, the benefit of the doubt is applied in favour of the applicant/appellant.

The Deputy might wish to note also that where an asylum application is refused at both first instance and appeal stages, the unsuccessful applicant is then afforded the opportunity to apply, separately, to the Minister for Justice, Equality and Law Reform for Subsidiary Protection in the State, in accordance with the provisions of 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 do not meet the criteria for recognition as a refugee but who nonetheless claim a risk of serious harm in their country of

origin if repatriated there. Each application for Subsidiary Protection in the State is considered on the basis of its individual merits, having regard for the claims made by the applicant and measured against objective, reputable up to date information relating to the applicant's country of origin.

In addition to the above, each unsuccessful asylum applicant is afforded the opportunity to apply to the Minister for Justice, Equality and Law Reform for temporary leave to remain in the State, in accordance with the provisions of Section 3 of the Immigration Act, 1999 (as amended). As part of the application process for temporary leave to remain in the State, an applicant is invited, within a defined timeframe, to submit written representations to the Minister in support of such an application and any representations submitted by or on behalf of an applicant are fully considered before the case file of that applicant is submitted to me for decision. The Deputy might wish to note that every such application is considered under the eleven separate headings set out in Section 3 (6) of the Immigration Act, 1999 (as amended). For the Deputy's information, those headings are as follows:

- (a) the age of the person,
- (b) the duration of residence in the State of the person,
- (c) the family and domestic circumstances of the person,
- (d) the nature of the person's connection with the State, if any,
- (e) the employment (including self-employment) record of the person,
- (f) the employment (including self-employment) prospects of the person,
- (g) the character and conduct of the person both within and (where relevant and ascertainable) outside the State (including any criminal convictions),
- (h) humanitarian considerations,
- (i) any representations duly made by or on behalf of the person,
- (j) the common good and
- (k) considerations of national security and public policy.

The Deputy might note that each case is considered individually and regardless of whether or not written representations are submitted by or on behalf of the applicant. Following a detailed examination of each individual case, including a consideration having regard to Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, a recommendation is made as to whether a Deportation Order should be issued or temporary leave to remain in the State granted. Refoulement essentially relates to the safety of returning a failed applicant to their country of origin. Where a Deportation Order is issued, the enforcement of that Order is an operational matter for the Garda National Immigration Bureau.

Overall, the State has a very fair and comprehensive mechanism in place for the consideration of asylum applications and, where appropriate, applications for Subsidiary Protection and ultimately applications for temporary leave to remain in the State. As a result, I am satisfied that all applications for asylum made by persons alleging that female genital mutilation will be carried out on themselves or on a family member are comprehensively examined before a decision is taken as to whether or not a grant of refugee status should be made.

Organised Crime.

577. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the efforts being made to target the suppliers of arms, including heavy-calibre weapons, to criminal gangs; the number of prosecutions arising therefrom; and if he will make a statement on the matter. [14430/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): One of the strategic actions to achieve the goals set out in the Garda Commissioner's Policy Plan for 2008 is the continuation and intensification of intelligence-led operations against groups and individuals engaged in the supply of arms (including heavy calibre weapons) to criminal gangs.

I am informed by the Garda authorities that all available intelligence is fully analysed and used in the strategic deployment of both local and specialised operational Garda units in targeting the procurement of weaponry by and for criminal gangs. Organised criminal gangs operating in this jurisdiction are targeted on an ongoing basis and profiles regarding the personnel of such groups are continually updated. Their members, operating methods, criminal interests and financial assets are likewise proactively targeted and intelligence-led operations, primarily undertaken by specialist units of An Garda Síochána, including the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit and the Criminal Assets Bureau, are regularly undertaken.

Measures to deal with serious crime include Operation Anvil. As part of this operation, intelligence-led operations have been used to target specific individuals. Operation Anvil commenced in May 2005 in the Dublin Metropolitan Region and was extended countrywide in 2006. The primary focus of Operation Anvil is the disruption of serious and organised criminal activity. In this regard Operation Anvil consists not only of intelligence-led targeted operations but also an increased overt and visible Garda presence. The most recent figures available to me, up to 2 March, 2008, show the significant impact which Operation Anvil has been having since its inception. In the Dublin Metropolitan Region there have been 857 firearms seized, and a further 634 firearms have been seized outside the Dublin Metropolitan Region.

A wide range of provisions to combat gun crime were introduced in the Criminal Justice Act, 2006. With effect from 1 November 2006 mandatory minimum sentences of between five and ten years came into effect for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of a firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking a vehicle and use or production of a firearm to resist arrest.

Anti-Social Behaviour.

578. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take to combat anti-social behaviour in County Kildare; and if he will make a statement on the matter. [14431/08]

580. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the steps that will be taken to combat anti-social behaviour in each town throughout County Kildare having particular regard to the increased population and demands on Garda resources; and if he will make a statement on the matter. [14433/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 578 and 580 together.

I am informed by the Garda authorities that Operation Encounter, which commenced in February, 2002, targets public disorder and anti-social behaviour by specifically targeting offences contrary to the Criminal Justice (Public Order) Act 1994 and the Intoxicating Liquor Act 1988, which includes provisions on the sale to and consumption of alcohol by underage persons. Local Garda management within the Carlow/Kildare Division have identified areas subject to such behaviour and have directed additional foot and mobile patrols during such times when such offences are more likely to occur.

I am further informed that the personnel strength of the Carlow/Kildare Division was 402 on 29 February, 2008, compared with 333 on 28 February, 2006. This represents an increase of 21%. As a result, the number of uniformed members have been increased in all areas in County Kildare in recent years. An unprecedented increase in the strength of the Garda Síochána is continuing in line with the commitment in the Programme for Government, with an intake of approximately 1,100 recruits per annum. In addition, there is a significant expansion under way in the number of civilian staff being made available to the Commissioner.

One of the priorities which I set out for An Garda Síochána in 2008 was to increase the level of high-visibility patrols. The Gardaí have found that one of the most effective ways of doing this is the Garda Mountain Bike Unit. This was introduced on a pilot basis in 2001 and since that time the Unit has expanded nationwide. During 2007 and early 2008 bicycle patrols have been introduced in the towns of Kildare, Newbridge, Maynooth, Celbridge and Naas. Uniformed Gardaí utilise official pedal cycles to patrol estates, green areas and other areas where groups congregate. The bicycle patrols coupled with foot patrols are ensuring that any problem behaviour which occurs in public areas is detected and dealt with in accordance with the law in an efficient and effective manner. Additional Gardaí have also been allocated to neighbourhood policing projects. There are currently four community Gardaí in Naas. By-laws concerning the consumption and control of alcohol by laws are currently in existence in respect of most towns in County Kildare. These by laws are a major deterrent to anti-social behaviour and drinking in public places.

There are 100 Garda Youth Diversion Projects throughout the country. Garda Youth Diversion Projects are a crime prevention initiative which adopt a multi-agency partnership approach to tackling crime and anti-social behaviour at community level. The Government has pledged to ensure there are a total of 168 projects in operation by the end of the current Programme for Government, 2007-2013. There are currently two projects operating in Kildare, one in Celbridge and one in the Curragh.

The Garda Síochána Act 2005 provides for the establishment of a joint policing committee in each local authority administrative area. The purpose of these committees is to provide a forum where members of a local authority and senior Garda officers, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area. There are currently 29 Committees in operation in a pilot phase, including one in Athy, Co. Kildare, to gain experience before rolling the committees out to all local authority areas in the State. In general the outcome to date has been positive and the committees are meeting definite local needs. Guidelines are currently being drafted which will enable roll-out of the committees to take place, and I intend that this will occur at an early date.

The 2008 Garda Annual Policing Plan, which I have approved and laid before the Houses of the Oireachtas, sets out the Commissioner's proposals to realign the boundaries of Garda Divisions to make them more coterminous with local authority boundaries. These proposals include the establishment of a Garda Division in Kildare. The planned changes will bring about greater efficiencies and effectiveness in facilitating the establishment and functioning of joint

[Deputy Brian Lenihan.]

policing committees. A detailed programme of work is currently being developed by An Garda Síochána to implement these planned changes for various Garda Divisions. This programme of work will also examine the geographical areas of district and sub-district stations arising from the regional and divisional boundary realignments set out in the plan and will set out a timetable for the establishment of the new divisions.

Garda Stations.

579. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when it is expected that the reconfiguration of the Garda district and divisions within County Kildare are likely to become synonymous with the county boundaries; and if he will make a statement on the matter. [14432/08]

581. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which it is intended to increase the Garda strength at all stations throughout County Kildare having particular regard to the need to combat increased crime levels; and if he will make a statement on the matter. [14434/08]

583. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of Garda stations throughout County Kildare currently open on a 24 hour basis; his proposals to increase the number of such stations; and if he will make a statement on the matter. [14436/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 579, 581 and 583 together.

I am informed by the Garda Commissioner that as of 31 March 2008, the latest date for which figures are readily available, the personnel strength of the Carlow/Kildare Garda Division was 408. The Deputy will 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. It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. In that regard, the needs of Garda Stations throughout County Kildare will be fully considered by the Commissioner within the overall context of the needs of Garda Stations and Divisions throughout the country.

The opening hours for each station in the Carlow/Kildare Garda Division were outlined in a reply to Parliamentary Question No. 530 of 4 March, and the position remains unchanged. An increase in the opening hours of any Garda Station would necessitate the deployment of additional Garda personnel on indoor administrative duties who may be more effectively employed on outdoor policing duties.

I recently approved the 2008 Garda Annual Policing Plan and laid it before the Houses of the Oireachtas. It sets out the Commissioner's proposals to realign the boundaries of Garda Divisions around the country to make them coterminous with local authority boundaries. Included in this is a plan to establish a new Garda Division in Kildare. The planned changes will bring about greater efficiencies and effectiveness in facilitating the establishment and functioning of Joint Policing Committees. A detailed programme of work is currently being developed by An Garda Síochána to implement these planned changes for various Garda Divisions. This programme of work will also examine the geographical areas of district and sub-district stations arising from the regional and divisional boundary realignments set out in the plan and will set out a timetable for the establishment of the new divisions.

Question No. 580 answered with Question No. 578.

Question No. 581 answered with Question No. 579.

582. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when it is expected that the new Garda station at Leixlip, County Kildare, will become fully operational; the expected Garda strength at the station; and if he will make a statement on the matter. [14435/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Office for Public Works that the Garda Station in Leixlip, Co. Kildare is on target for completion in Autumn 2008.

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 needs of the Garda Station referred to by the Deputy will be fully considered by him within the overall context of the needs of Garda Divisions throughout the country.

Question No. 583 answered with Question No. 579.

Witness Intimidation.

584. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action taken to prevent witness intimidation; and if he will make a statement on the matter. [14437/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The intimidation of witnesses is already an offence pursuant to Section 41 of the Criminal Justice Act 1999. Section 41 specifies the offence as harming, threatening or menacing or in any other way intimidating or putting in fear another person who is assisting in the investigation of an offence by the Garda Síochána, with the intention of causing the investigation or course of justice to be obstructed, perverted or interfered with. The offence is punishable upon indictment by a fine or a term of imprisonment of up to ten years.

Statutory provisions are also in place to ensure the admissibility of witness statements in circumstances where a witness seeks to resile from a statement already provided to the Garda Síochána in the course of an investigation. Section 16 of the Criminal Justice Act 2006 specifies that a statement relevant to court proceedings may be admitted as evidence even if the witness, although available for cross-examination, refuses to give evidence or denies making a statement. It is a matter for the court of trial to decide if such a statement is to be admitted as evidence.

Moreover, since 1997, the Garda Síochána has operated a Witness Security Programme in response to attempts by criminal and other groups to prevent the normal functioning of the criminal justice system, including threats of violence and systematic intimidation of witnesses. Legislation was not required to establish this Programme, but its operation is supported by complementary legislative provisions in Section 40 of the Criminal Justice Act 1999. Section 40 makes it an offence for any person, without lawful authority, to try to identify the whereabouts or any new identity of a witness who has been relocated under the Programme. The offence is punishable upon indictment by a fine or a term of imprisonment of up to five years.

The Garda Síochána rigorously enforces the provisions relating to witness intimidation and protection contained in the Criminal Justice Act 1999. In particular, where the possibility of intimidation of witnesses may be an issue, the case is closely monitored throughout the investigation, up to and including any criminal proceedings. Where a threat to or intimidation of a

[Deputy Brian Lenihan.]

witness or a potential witness arises during the course of criminal proceedings, the matter may be addressed through the trial judge, who has the discretion to revoke bail or place other sanctions on the accused/suspect. Any such incident would also be the subject of a thorough investigation by the Garda Síochána, with a view to seeking directions from the Director of Public Prosecutions.

Prisoner Releases.

585. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prisoners released prior to serving their full sentence in each of the past five years; and if he will make a statement on the matter. [14438/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I presume the Deputy is referring to instances of temporary release pursuant to Section 2 of the Criminal Justice Act, 1960 as amended by the Criminal Justice (Temporary Release of Prisoners) Act, 2003. Periods of temporary release may be granted during a prisoner's sentence for health or other humanitarian grounds (e.g. a funeral), to assess a person's ability to reintegrate into society or to prepare a prisoner for release. The overriding issue in considering any application for temporary release of a prisoner is the safety of the public. In addition, all releases are subject to conditions. Any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Gardaí.

A prisoner may receive multiple instances of temporary release while serving his or her sentence and most prisoners will receive a short period of temporary release at the end of their sentence to facilitate their reintegration into society. The compilation of statistics in the form requested by the Deputy would require a disproportionate and inordinate amount of staff time and expense to prepare and could not be justified in the current circumstances where there are other significant demands on resources.

Criminal Assets Bureau.

586. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the value of property currently under investigation by the Criminal Assets Bureau; the number of such cases stalled; and if he will make a statement on the matter. [14439/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Authorities that the Criminal Assets Bureau, pursuant to its statutory remit, proactively targets the assets of persons suspected to derive directly or indirectly from criminal conduct. To help achieve this objective, the Bureau works closely with all other law enforcement agencies including Revenue Customs, other Garda National Units and the local Gardaí in each Garda Division.

Under the statutory remit of the Bureau there are over two hundred cases under active investigation, ranging from cases involving initial preliminary investigation to cases under full investigation and cases currently before the Courts. The assets subject to investigation include houses, lands, vehicles, jewellery and cash.

Up to the end of 2006 the Criminal Assets Bureau froze assets under the Proceeds of Crime Act to the value of €126m approximately. The Bureau also succeeded in collecting in excess of €108m under the provisions of relevant revenue legislation. In addition to this the Bureau has also collected in excess of €1.1m under its Social Welfare remit.

Crime Statistics.

587. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of crimes committed by prisoners on bail in each of the past five years; the number of such incidents deemed to be serious crimes; and if he will make a statement on the matter. [14455/08]

588. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of incidents whereby prisoners on bail for serious crime, including gun crime, have committed further offences in the past 12 months; and if he will make a statement on the matter. [14456/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 587 and 588 together.

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.

Prisoner Numbers.

589. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prisoners currently in the various prisons here; and if he will make a statement on the matter. [14457/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Director General of the Irish Prison Service that the figures for 10 April 2008, as requested by the Deputy, are as follows:

Prison	Number in Custody
Arbour Hill	146
Castlerea Prison	241
Cloverhill Prison	441
Cork Prison	269
Dóchas	108
Limerick Prison	300
Loughan House	120
Midlands Prison	466
Mountjoy Prison	583
Portlaoise	107
Shelton Abbey	67
St Patrick's Institution	203
Training Unit	94
Wheatfield	377

Garda Strength.

590. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the strength of the Garda Force as at 1 June 2007, 1 December 2007 and at present; and if he will make a statement on the matter. [14458/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Garda statistics are compiled at the end of each month and the attested personnel strength of An Garda Síochána as requested by the Deputy is set out hereunder.

	Number
31 May 2007	13,140
30 November 2007	13,780
31 March 2008	13,900

These figures do not include the more than one thousand Garda recruits who are in training at any one time.

As the Deputy is aware, an unprecedented increase in the strength of the Garda Síochána is continuing in line with the commitment in the Programme for Government, with an intake of approximately 1,100 recruits per annum. In addition, there is a significant expansion under way in the number of civilian staff being made available to the Commissioner.

Question No. 591 answered with Question No. 73.

Extradition of Criminals.

592. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of Irish crime bosses currently living overseas and conducting their operations from there; the efforts being made to extradite and bring to justice such persons; and if he will make a statement on the matter. [14460/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Authorities that An Garda Síochána maintains liaison with other law enforcement agencies throughout Europe, and elsewhere, exchanging information and intelligence on Irish criminals living abroad. This ongoing liaison has led to a number of successful joint operations, targeting attempted importations of drugs and firearms, resulting in a number of significant arrests here and in other Jurisdictions. Where intelligence, supported by evidence, is available law enforcement agencies in other Jurisdictions put operations in place, as appropriate, to prevent and detect such criminality.

Where information exists that a person who is wanted in relation to a particular crime in this jurisdiction is living abroad and where the particular legal requirements apply, extradition is sought or an application is made for a European Arrest Warrant. Where there is justification and a legal basis, those suspected of involvement in criminal activity are arrested, detained and questioned in relation to specific crime. A member of An Garda Síochána must, at all times, have reasonable grounds to believe that an individual has been involved in criminal activity before they can arrest and question any person in relation to criminality.

There are currently 62 active requests for surrender in accordance with the European Arrest Warrant Act 2003 as amended. Since the coming into operation of the European Arrest Warrant Act 2003 as amended 67 persons have been surrendered on foot of outgoing European Arrest Warrants. There are 4 ongoing outgoing requests under Part II of the Extradition Act

1965 as amended and 8 outstanding extradition requests to the United Kingdom under Part III of the Extradition Act 1965 as amended. Part III of the Extradition Act as amended has been repealed and there are no Part III requests to the United Kingdom since 2003.

Ireland is a party to various International Conventions which provide for assistance in criminal matters between jurisdictions. An Garda Síochána send and receive requests for assistance via the Central Authority for Mutual Assistance at the Department of Justice, Equality and Law Reform. Requests for Assistance may also be dealt with on the basis of reciprocity where certain jurisdictions may not be a party to specific conventions.

Garda Communications.

593. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he is satisfied that each Garda station and member of the Force throughout the country has adequate access to modern telecommunications in order to combat the crime wave; and if he will make a statement on the matter. [14461/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am assured by the Garda authorities that existing Garda telecommunications infrastructures are utilised to meet the operational and organisational needs of the Garda Síochána.

A number of initiatives are currently underway in An Garda Síochána in this area. As I indicated in my response to Questions Nos. 21 and 43 today, the contract for the provision a new National Digital Radio Service for the Garda Síochána and the other emergency services is expected to be signed by the Department of Finance very shortly. The Garda authorities are putting in place detailed plans for the roll-out of the service when it becomes available.

The Garda authorities are constantly looking at opportunities to employ new telecommunications opportunities to assist in achieving their operational and administrative goals. To support the Garda Síochána in this regard, a total of €99.422 million has been allocated within the 2008 Garda Budget for Information and Communications Technology projects alone, representing an increase of over 48% on the same figure last year.

Organised Crime.

594. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if it is intended to increase Garda resources in line with the growth in organised crime, with particular reference to the need to put the criminals out of business; and if he will make a statement on the matter. [14462/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The 2008 Garda Budget has been increased by over 11.6% on last year's allocation to over €1.6bn. This enables the Garda Commissioner to deliver on the range of services and priorities as set out in the 2008 Annual Policing Plan. One of the main priorities I have set for the Garda Síochána is to target gun crime, organised crime and drug trafficking through a range of measures including the use of the Garda specialist units and targeted operations such as operation Anvil.

I am advised by the Garda authorities that organised criminal gangs are targeted on an ongoing basis and profiles regarding the personnel of such groups are continually updated. Their members, operating methods, criminal interests and financial assets are likewise proactively targeted and intelligence-led operations are undertaken, primarily by specialist units of the Garda Síochána including the recently established Garda Organised Crime Unit.

595. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of criminal gangs alleged to be operating here at the present time; if their activities are being adequately monitored; and if he will make a statement on the matter. [14463/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Authorities that there are two categories of organised crime groups operating in this jurisdiction. The first category consists of individuals / groups that are well established and tightly structured, involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and criminal activities which are mainly confined to Ireland. Of its nature, the number of active groups fluctuates. In addition details in relation to such groups is disseminated on a regular basis to Europol.

Organised criminal gangs operating in this jurisdiction are targeted on an ongoing basis and profiles regarding the personnel of such groups are continually updated. Their members, operating methods, criminal interests and financial assets are likewise proactively targeted and intelligence-led operations, primarily undertaken by specialist units of An Garda Síochána, under the remit of Assistant Commissioner, National Support Services, including the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit and the Criminal Assets Bureau, are regularly undertaken, targeting those suspected of being involved in Organised Crime.

Where there is justification and a legal basis, those suspected of involvement in criminal activity are arrested, detained and questioned in relation to specific crime. A member of An Garda Síochána must, at all times, have reasonable grounds to believe that an individual has been involved in criminal activity before they can arrest and question any person in relation to criminality.

Specific measures have been put in place to deal with the problems of serious crime. These include Operation Anvil and other intelligence-led operations which have been used to target specific individuals. Operation Anvil commenced in May 2005 in the Dublin Metropolitan Region and was extended countrywide in 2006. The primary focus of Operation Anvil is the disruption of serious and organised criminal activity. The Garda Commissioner has publicly reaffirmed his absolute commitment to the objectives of Operation Anvil and an allocation of €20 million has been ring-fenced from the Garda Budget 2008 to ensure ongoing activities of Anvil. This operation is augmented by other initiatives, both locally and nationally, and will continue to be undertaken by all units and sections of An Garda Síochána.

The Criminal Assets Bureau is being actively utilised to identify and target funds accumulated by criminals, in order to seize such assets and to deprive them of the profits of their criminal activity. A dedicated unit within the Garda National Drugs Unit has been established to liaise with the Criminal Assets Bureau to particularly target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity.

An Garda Síochána maintains liaison with other law enforcement agencies throughout Europe, and elsewhere, exchanging information and intelligence on Irish criminals living abroad. This ongoing liaison has led to a number of successful joint operations, targeting attempted importations of drugs and firearms, resulting in a number of significant arrests here and in other Jurisdictions. Where intelligence, supported by evidence, is available, law enforcement agencies in other Jurisdictions put operations in place, as appropriate, to prevent and detect such criminality. Where information exists that a person who is wanted in relation to a particular crime in this jurisdiction is living abroad and where the particular legal requirements apply extradition is sought or an application is made for a European Arrest Warrant.

Ireland is a party to various International Conventions which provide for assistance in criminal matters between jurisdictions. An Garda Síochána send and receive requests for assistance via the Central Authority for Mutual Assistance at the Department of Justice, Equality and Law Reform. An Garda Síochána will continue to use intelligence-led operations against selected targets to combat the criminal activities of illegal groups.

596. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if protective custody has been considered as a means of bringing gang wars to an end; and if he will make a statement on the matter. [14464/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The issue referred to by the Deputy would raise profound legal and constitutional issues and I have no proposals in that regard.

597. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when it is expected to introduce measures to combat existing gang wars and prevent further such activity; and if he will make a statement on the matter. [14465/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Authorities that the Organised Crime Unit was established on a temporary basis in November 2005 to pro-actively target organised criminal gangs. Since then the Organised Crime Unit has pro-actively targeted criminal gangs engaged in diverse types of criminality. The main forms of criminality being committed by these gangs include armed robberies, hi-jacking of valuable loads and commodities, warehouse robberies/burglaries, ‘tiger’ kidnappings, cash-in-transit robberies, bank robberies involving firearms and the importation of large quantities of controlled drugs.

Through focused, intelligence-led operations success has been achieved and the activities of many of the organised crime groups have been disrupted. A number of persons suspected of involvement in this type of criminality have been apprehended on serious charges, with many before the courts facing lengthy sentences.

In January of this year the Garda Commissioner announced the establishment of this unit on permanent basis. At present an evaluation of the unit structure and its remit is being undertaken. The Organised Crime Unit will take on the primary role of targeting organised criminal gangs in conjunction with the assistance of other national units. The Unit’s functions will be as follows:

- to identify organised crime groups that operate within the State through increased profiling, intelligence gathering, overt and covert surveillance and threat assessments;
- to develop intelligence on highly organised and professional groups of criminals involved in serious crime and whose operations transcend district/divisional and regional boundaries;
- to develop intelligence and information supplied by confidential sources on major targeted criminals; and
- to liaise with the other specialist Garda Units in developing intelligence and information from all sources in relation to serious and organised criminal groups.

Part 7 of the Criminal Justice Act, 2006 provides for offences relating to organised crime in creating new offences targeting the activities of those involved in criminal organisations and those who may commit offences for the benefit of criminal organisations. Section 72 deals with

[Deputy Brian Lenihan.]

organised crime, providing that a person who knowingly participates in or contributes to any activity of a criminal organisation for the purpose of enhancing the ability of the criminal organisation to commit a serious offence, whether in or outside the State, is guilty of an offence. Section 73 deals with the commission of an offence for a criminal organisation. A person who commits an offence for the benefit of, at the direction of or in association with a criminal organisation, is guilty of an offence and is liable on conviction to a fine or up to 10 years imprisonment. Section 16 of the Criminal Justice Act, 2006 provides the circumstances in which certain statements can be admitted in criminal proceedings. A person refusing to give evidence by virtue of the fact that they have been intimidated may have their statement admitted in evidence.

Other measures have been put in place to deal with serious crime, including Operation Anvil. Operation Anvil commenced in May 2005 in the Dublin Metropolitan Region and was extended countrywide in 2006. The primary focus of this operation is the disruption of serious and organised criminal activity. In this regard Operation Anvil consists of intelligence-led targeted operations on the one hand, and an increased overt visible Garda presence on the other. The Garda Commissioner has publicly re-affirmed his absolute commitment to the objectives of Operation Anvil, which is but one tool used by members of An Garda Síochána in endeavouring to combat crime, and an allocation of €20 million has been ring-fenced from the Garda Budget 2008 to ensure ongoing activities of Operation Anvil. The multi-agency approach has been and will continue to be used where all of the National Units from National Support Services are used to combat serious crime in a coordinated fashion.

The Emergency Response Unit has also been deployed in areas where there is a propensity for criminals to use firearms. In the recent murder and shootings in Limerick in particular, the National Bureau of Criminal Investigation has deployed a full team to assist and augment local District Units in the investigation of these and other crimes in that area. An Garda Síochána will continue to use intelligence-led operations against selected targets to combat the criminal activities of these groups.

Visa Applications.

598. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when a GNIB card will be renewed and a provision for work permit in the case of a person (details supplied) in County Clare; and if he will make a statement on the matter. [14478/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Immigration Division of my Department has informed me that they have no record of a request for a replacement GNIB card from the individual referred to in the Deputy's question.

The person concerned can call to the offices of the Garda National Immigration Bureau at 13/14 Burgh Quay Dublin 2 if he wishes to make an application for a renewal of his GNIB card.

599. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a stamp four visa will be arranged for a person (details supplied) in County Clare; and if he will make a statement on the matter. [14479/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer to my reply to Parliamentary Question No. 211 of 14 February 2008. The Immigration Division of my Department has received an application from the person referred to by the Deputy. As soon as a decision is made on the case the person concerned will be notified.

Citizenship Applications.

600. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which an application for naturalisation has been progressed in the case of persons (details supplied) in Dublin 24; and if he will make a statement on the matter. [14480/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question No. 360 on 17 October 2007. The position remains as stated.

Residency Permits.

601. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status or expected residency status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14481/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer to my reply to Parliamentary Question No. 446 of 6 November 2007. The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

Dependants of the aforementioned who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants. Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received in July 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.

602. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to extended residency status in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [14482/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to replies given to Parliamentary Questions No. 467 of Tuesday 26 February 2008, No. 247 of Thursday 31 January 2008, No. 232 of Thursday 28 June 2007, No. 142 of Thursday 28 September 2006 and No. 63 of Thursday 15 June 2006.

The person concerned arrived in the State on 9 May 2005 and applied for asylum on 11 May 2005. 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 12 June 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 submitting written 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.

[Deputy Brian Lenihan.]

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 was notified by letter dated 31 January 2008 that he could, if he so wished, submit an application for Subsidiary Protection in the State within the following 15 working days. 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.

Asylum Applications.

603. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application under refugee or asylum in the case of a person (details supplied) in County Clare; and if he will make a statement on the matter. [14483/08]

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.

604. **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 7; and if he will make a statement on the matter. [14484/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The first person concerned has permission to remain in the State which is due to expire on the 17th April, 2008 and is therefore advised to attend the Garda National Immigration Bureau, 13/14 Burgh Quay, Dublin 2, in order to have that permission extended.

The second person concerned has no legal status. Consequently, he will shortly be invited to submit fresh representations, for consideration under Section 3 of the Immigration Act, 1999, as to why he should be given temporary permission to remain in the State rather than return to his country of origin. The person will be informed of the outcome of this consideration in due course.

605. **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 22; and if he will make a statement on the matter. [14485/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to my previous answer to Parliamentary Question No. 257 of 5 July 2007.

I am informed by the Immigration Division of my Department that Family Reunification applications from the person in question were refused on 26 June 2007 and a letter outlining the reasons for the refusals issued on the same date. There is no provision under Section 18 of the Refugee Act 1996 to appeal the decision of an application for Family Reunification.

606. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the case of a person (details supplied). [14504/08]

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.

Question No. 607 answered with Question No. 14.

Question No. 608 answered with Question No. 83.

Departmental Agencies.

609. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the areas and functions where responsibility has been devolved from him to a State or statutory agency; the agencies involved; the arrangements in each agency to respond on a priority basis to enquiries from Members of Dáil Éireann; and if he will make a statement on the matter. [14538/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As I set out in my reply to the Deputy in Question No. 204 of 6 March, 2008, since my appointment as Minister for Justice, Equality and Law Reform no areas or functions have been devolved by me to a State or statutory agency.

For the Deputy's assistance, I can advise him that the principal agencies and related bodies under the aegis of my Department are identified on my Department's organisation chart, which can be viewed on my Department's website (www.justice.ie), which also includes links to those bodies' own websites where applicable. Insofar as responding to enquiries from Members of Dáil Éireann is concerned, while this would be a day to day operational matter for the bodies in question, the general principles of quality customer care, including timeliness and courtesy, would apply in respect of such correspondence.

Garda Deployment.

610. **Deputy Charlie O'Connor** asked the Minister for Justice, Equality and Law Reform if he will again stress to the Garda Commissioner the need for additional Gardaí to be assigned to Tallaght Garda Station, Dublin 24; if his attention has been drawn to the fact that Tallaght is the third largest population centre here and has particular needs in that regard; and if he will make a statement on the matter. [14541/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Garda Commissioner that the personnel strength of Tallaght Garda Station as at 31 March 2008, the latest date for which figures are readily available, was 179. The Deputy will 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.

[Deputy Brian Lenihan.]

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. In doing this he takes into account all relevant factors, including of course population but also including other factors such as crime rates and trends as well as operational priorities. The situation will be kept under review and when additional personnel next become available the allocation of Gardaí to Tallaght Garda Station will be fully considered by the Commissioner within the overall context of the needs of Garda stations throughout the country.

Residency Permits.

611. **Deputy Beverley Flynn** asked the Minister for Justice, Equality and Law Reform when a decision will be made on a long term residency application by a person (details supplied) in County Mayo. [14555/08]

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 4 September 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.

612. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he will reconsider the case of a person (details supplied); his views on allowing them to remain here at least until they take their examinations; and if he will make a statement on the matter. [14595/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question No. 178 of Thursday, 10 April 2008 and the written Reply to that Question.

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 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 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.

The person concerned has no current legal basis for being in the State. It is therefore not possible to accommodate the request being made by the Deputy. Additionally, in relation to the possibility of the person concerned repatriating voluntarily to her country of origin at a future date, the Deputy might wish to note that the person concerned was already afforded the opportunity to leave the State voluntarily, as outlined earlier, and chose not to do so. Furthermore, the person concerned has sought the revocation of her deportation order for reasons not related to her current course of study. In any event, the person concerned will be made aware of the outcome of her application under Section 3(11) of the Immigration Act 1999 (as amended) as soon as a decision has been made on that application.

Proposed Legislation.

613. **Deputy Seán Barrett** asked the Minister for Justice, Equality and Law Reform if he will give careful consideration to the firearms issues related to the running of the shooting phase of the youth B competition in the upcoming European modern pentathlon competition to be staged here from 2 to 7 July 2008; if this will be taken into consideration in the completion of the new firearms legislation; and if he will make a statement on the matter. [14600/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I can inform the Deputy that I have written to the Office of the Attorney General seeking advice in the matter.

Legal Aid Service.

614. **Deputy John Cregan** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Limerick can not qualify for free legal aid; and if he will make a statement on the matter. [14603/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Under the terms of the Civil Legal Aid Act, 1995, the Legal Aid Board has sole responsibility for deciding if an applicant is eligible for its services, in accordance with the provision of the Act and Regulations made thereunder, and I can have no involvement in individual cases.

However, I am informed by the Legal Aid Board that, as with all applicants for legal aid whose applications are refused, the applicant to whom you refer would have received written confirmation from the Board of the decision to refuse the application and the grounds on which this decision was based. The letter would have advised of the applicant's right of review and/or appeal of the decision to refuse.

Greenhouse Gas Emissions.

615. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local

[Deputy Michael Creed.]

Government the way the carbon trading system operates as a balance sheet item for certain businesses; his views on extending its application to the agriculture sector which is the largest single contributor of greenhouse gasses; and if he will make a statement on the matter.

[14900/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question Nos. 591 and 592 on 12 February 2008.

The European Commission has proposed a directive for revision to the current EU Emissions Trading System (ETS), which includes changes to the scope of the EU ETS, but is not proposing the inclusion of the agriculture sector as part of this new directive. Prior to its proposal, the Commission undertook a review of the ETS, including an extensive consultation process with key national, economic and environmental stakeholders. The EU ETS focuses, like all successful applications of cap-and-trade systems elsewhere have done, mainly on large stationary sources and only on carbon dioxide emitters. The question of whether new sectors and gases can be included would depend on whether certain criteria can be met, particularly requirements concerning the monitoring, reporting and verification of emissions. Practical difficulties are likely in these regards in relation to emissions from animal herds and individual farms.

Housing Grants.

616. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government if there is financial assistance or grants available for elderly residents who wish to replace septic tanks which are of long-standing; and if he will make a statement on the matter. [14807/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Programme for Government includes a commitment to introduce a support scheme for replacing and upgrading septic tanks older than 15 years with newer systems. I am currently considering the terms, conditions and other arrangements that may be appropriate to taking forward this commitment.

Social and Affordable Housing.

617. **Deputy Chris Andrews** asked the Minister for the Environment, Heritage and Local Government if, with the downturn in the price of property, there will be a corresponding decrease in the cost of affordable housing; and if he will make a statement on the matter. [14816/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): Affordable housing is currently made available at substantially below the market price for comparable housing. Direct subsidies by my Department to local authorities, the provision of land by the State and local authorities at below market value, and the capacity, through Part V of the Planning and Development Acts 2000 to 2006, to acquire land at “existing use” value all contribute to making dwellings affordable for those who, under normal circumstances, could not afford to buy their own homes.

The impact on the affordable housing schemes of changes in the overall housing market is liable to vary depending on factors such as location and delivery mechanism involved. However, it is my intention to ensure that, insofar as better value is available, this will be fully reflected in the delivery of affordable housing.

Local Authority Funding.

618. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government the plans he or his Department has to make local authority development charges and rates for business more transparent; and if he will make a statement on the matter. [14817/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Prior to the enactment of the Planning and Development Act 2000, planning authorities could require payment of a development contribution, as a condition of a planning permission, on a discretionary basis. From 2004, in order to introduce transparency and openness to the system, each planning authority was required to adopt a development contribution scheme stating the basis for determining the contributions to be paid in respect of public infrastructure and facilities in its area and indicating the contribution to be paid for different types of infrastructure.

In May 2007 my Department published a report arising from the deliberations of an Inter-Departmental Committee on Development Contribution Schemes. This report was also accompanied by a guidance circular to all planning authorities which focused on a number of key issues identified by the Committee. Authorities were reminded of the need for extensive consultation with stakeholders in drawing up and administering schemes, the importance of openness and accountability, and the importance of achieving a balance between an appropriate level of development contribution charges and the need to attract future investment into their areas.

The guidance also requires that all draft development contribution schemes be submitted to County Development Boards for observations, in addition to the normal public consultation process. This direct consultation with the County Development Boards, which bring together a wide range of State agencies and social partners, will help ensure that schemes are even more robustly scrutinised and value added before final adoption by the elected members.

In relation to commercial rates the adoption of a budget and an annual rate on valuation, which is applied to the valuation of property to determine rates liability, is a matter for local authorities each year. The adoption of a local authority budget is a key function of local authority members which is carried out democratically and transparently following extensive consultation.

Flood Relief.

619. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if the National Parks and Wildlife Service have approved an application by the Office of Public Works for consent to address flood risk at Clonlara; the reason for the delay; and if he will make a statement on the matter. [14831/08]

620. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if the National Parks and Wildlife Service have approved an application by the Office of Public Works for the removal of silt from the Shannon Cut; the reason for the delay; and if he will make a statement on the matter. [14832/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 619 and 620 together.

The area downstream of Clonlara, including the Shannon Cut, is part of the Lower River Shannon candidate Special Area of Conservation. This area of river is of high ecological value

[Deputy John Gormley.]

with valuable salmon and lamprey habitat and alluvial woodland of a type classed as a priority for conservation under the 1992 Habitats Directive.

Both the Directive, and Irish transposing legislation, require a full ecological assessment to be carried out before any works, which risk damaging protected habitat, may proceed. As the works proposed in this case could result in the cutting of mature trees and the excavation of over 9,000 cubic metres of sand and silt, an appropriate assessment was required.

An OPW-commissioned assessment in 2007 did not fully address the effects of the proposed development on this priority habitat. I understand that a more detailed assessment is now being carried out and the time-frame for completion of this work is a matter for the OPW.

Water and Sewerage Schemes.

621. **Deputy Michael D’Arcy** asked the Minister for the Environment, Heritage and Local Government the expected time schedule for his Department to commission the extension to Gorey waste water treatment plant; and if he will make a statement on the matter. [14841/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Gorey Sewerage Scheme is included in my Department’s Water Services Investment Programme 2007 — 2009 as a scheme to start construction this year at an estimated cost of €13.8 million. My Department is examining Wexford County Council’s contract documents for the expansion of the existing wastewater treatment plant and for the upgrade of the town’s collection system. Both sets of contract documents are being dealt with as quickly as possible.

Planning Issues.

622. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the extent to which planning guidelines and regulations allow a planning officer, when considering a planning application, factor in the previous history of an applicant in respect of non-compliance with enforcement orders and a reliance on retention permissions; and his views on updating regulations to strengthen the hand of local authorities in this regard or to be more prescriptive in terms of when and the circumstances under which permission may be granted to an applicant with a poor planning history. [14842/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Part VIII of the Planning and Development Act 2000 sets out the existing statutory provisions for enforcement action by planning authorities in cases of breaches of the planning code. The 2000 Act also made a number of significant improvements to the enforcement provisions for persons who make complaints, in particular that all well-founded complaints must be investigated by the planning authority and that complainants must be told of the progress of their complaint. The 2000 Act also contains special provisions relating to certain issues that were difficult to address through the normal enforcement process, including applications by persons that have repeatedly breached previous planning permissions. These provisions were further strengthened under the Planning and Development (Strategic Infrastructure) Act 2006. The Act contained an important amendment to section 35 of the Planning and Development 2000 Act, reversing the burden of proof where planning authorities decide to refuse to grant planning permission. Where previously the planning authority could only invoke this power with the consent of the High Court, they may now refuse permission on the basis of past non-compliance, leaving it up to the prospective developer to apply to the High Court to have such a decision overturned.

The above provisions set out a strong legal framework for planning authorities to take enforcement action where necessary. While I have no specific proposals for review, I will continue to keep the operation of Part VIII under scrutiny to ensure its effective operation.

Water Charges.

623. **Deputy Joe Behan** asked the Minister for the Environment, Heritage and Local Government if there is an exemption clause within the EU Water Framework Directive which allows the status quo regarding water charges to be invoked once the Government makes an application to that effect to the European Commission by the end of 2008; if he will pursue these exemptions on behalf of schools, hospitals, farms and care centres; and if he will make a statement on the matter. [14845/08]

667. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will support a matter (details supplied). [14596/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 623 and 667 together.

There is no exemption from water charges available in Article 9.4 or elsewhere of the EU Water Framework Directive for schools, hospitals, farms or care centres. This has been repeatedly confirmed by the European Commission. The only exemption available to Ireland, and availed of, is contained in Article 9.4 and relates to dwelling houses using water for ordinary household purposes.

Archaeological Sites.

624. **Deputy Shane McEntee** asked the Minister for the Environment, Heritage and Local Government if he is considering proposals for future land use planning and development in the area of the world heritage site at Newgrange, Knowth and Dowth, County Meath; and if he will make a statement on the matter. [14855/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Land use and planning functions in the area are primarily a matter for Meath County Council. I can confirm, however, that my Department will be reviewing the current management plan for the world heritage site of Brú na Bóinne later this year with the aim of ensuring that the highest levels of protection and presentation continue to be applied to this group of archaeological monuments which are of world renown and significance.

Local Authority Housing.

625. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if the Social Housing (Miscellaneous Provisions) Bill, will be published this term; if the complex legal issues referred to in Parliamentary Question No. 1404 of 30 January 2008 have been resolved in relation to the tenant purchasing of local authority flats; when local authorities will be provided with the legislative framework that will enable them to proceed with the sale of flats under the tenant purchase scheme; and if he will make a statement on the matter. [14861/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): Work is continuing on addressing legal issues relating to the sale of local authority apartments to tenants in the context of drafting the Social Housing (Miscellaneous Provisions) Bill, which is scheduled to be published by the end of the current parliamentary session.

626. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government the position in relation to a project (details supplied) in County Limerick; and if he will make a statement on the matter. [14890/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): An application for funding under the Capital Assistance Scheme has been received from Limerick City Council in respect of 15 units of accommodation, costing an estimated €3.6m. My Department sought clarification from the Council on a number of issues relating to the project and a reply is awaited. When this is to hand, the application will be further considered and the Council will be notified of the outcome as soon as possible.

Social and Affordable Housing.

627. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government if he plans to facilitate persons who purchased houses under the affordable housing scheme to re-mortgage their property. [14904/08]

645. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government the reason the claw back on affordable housing kicks in if people go to re-mortgage their affordable home; and if they are not selling their affordable home, will he change the claw back rules in relation to this. [14241/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): I propose to take Questions Nos. 627 and 645 together.

Current practice requires that if a private lender agrees to provide re-mortgage finance in respect of a house purchased under the Government’s affordable housing schemes, it would be on the basis that their mortgage charge would rank below the clawback charge where such a charge exists. This is consistent with the time sensitive nature of property charges under which the priority of charges is determined by the sequence in which they were placed on the property. The private financial institutions have indicated an unwillingness to advance re-mortgage finance on this basis.

Legislative provision to facilitate arrangements under which a local authority could agree to its clawback charge ranking in second place behind a new or topped-up mortgage charge, thereby facilitating persons in affordable housing wishing to re-mortgage with a private lender, is being considered in the context of the Housing (Miscellaneous Provisions) Bill which is currently being drafted. I expect that this Bill will be published by the end of the current parliamentary session.

Special Areas of Conservation.

628. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government when he will commence the review of turf cutting on bogs designated prior to 2002 in line with an agreement with farmers representatives; if bogs designated from 2002 on, are eligible to cut turf until at least 2015; if there is a different restriction on turf cutting on bogs designated as NHAs and special areas of conservation and for such bogs prior to and post 2002; if he will extend the derogation on turf cutting to 2015 for bogs designated prior to 2002; the bogs and locations which fall into each category; and if he will make a statement on the matter. [14933/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Ireland is required to protect habitats of European importance under the Habitats Directive

1992, which was transposed into Irish law by the European Communities (Natural Habitats) Regulations 1997, and the Wildlife (Amendment) Act, 2000. In accordance with the Directive, Ireland has nominated certain raised and blanket bogs, which are priority natural habitats under the Directive, as candidate Special Areas of Conservation (cSACs). In addition, Ireland has also designated other raised and blanket bogs as natural heritage areas (NHAs) under the 2000 Wildlife Act. All raised and blanket bog cSACs and NHAs are listed in the following tables.

Originally, all peat extraction was proposed to be ended on designated bogs. However, a derogation period of up to 10 year was allowed from 1999, in respect of domestic turf cutting from 32 raised bogs designated before 1999. This derogation expires at the end of 2008. A similar 10 year derogation period currently applies to any bog cSACs or Natural Heritage Areas (NHAs) designated after 1999.

A recent review of the state of our bogs confirmed that continuing damage was occurring, with losses of the remaining raised bog at a rate of 2%-4% per annum. In the light of this scientific evidence, it would not be appropriate to extend the 10-year derogation for bogs designated prior to 2002.

My Department operates a generous compensation scheme for persons who agree to stop turf cutting in designated raised bogs. This covers both cSACs and Natural Heritage Areas (NHAs).

SAC 1999 – Raised Bog

No#	Year	Site Code	Site Name	County	Hectares of SAC	% of Raised Bog Habitat	Hectares of Raised Bog Habitat
1	1997	000006	Killyconny Bog (Cloghbally)	Cavan/Meath	191.22	46%	87.96
2	1997	000231	Barroughter Bog	Galway	174.02	53%	92.23
3	1997	000248	Cloonmoylan Bog	Galway	554.42	71%	393.64
4	1997	000285	Kilsallagh Bog	Galway	279.73	68%	190.22
5	1997	000296	Lisnageeragh Bog And Ballinstack Turlough	Galway	455.49	62%	282.40
6	1997	000301	Lough Lurgeen Bog/Glenamaddy Turlough	Galway	1,162.11	51%	592.68
7	1997	000326	Shankill West Bog	Galway	136.39	52%	70.92
8	1997	000382	Sheheree (Ardagh) Bog	Kerry	17.07	38%	6.49
9	1997	000391	Ballynafagh Bog	Kildare	156.46	43%	67.28
10	1997	000440	Lough Ree	Ros/Ld/Wm	14,371.24	3%	431.14
11	1997	000457	Derrynabrock Bog	Mayo/Roscommon	Subsumed Into Sac 2298		
12	1997	000497	Flughany Bog	Mayo/Sligo	231.09	47%	108.61
13	1997	000547	Tawnaghbeg Bog	Mayo	Subsumed Into Sac 2298		
14	1997	000566	All Saints Bog And Esker	Offaly	369.68	52%	192.23
15	1997	000572	Clara Bog	Offaly	836.54	44%	368.08
16	1997	000575	Ferbane Bog	Offaly	153.08	76%	116.34
17	1997	000580	Mongan Bog	Offaly	207.83	61%	126.78
18	1997	000581	Moyclare Bog	Offaly	129.86	62%	80.51
19	1997	000582	Raheenmore Bog	Offaly	210.01	65%	136.51
20	1997	000585	Sharavogue Bog	Offaly	223.43	61%	136.29
21	1997	000592	Bellanagare Bog	Roscommon	1,207.59	61%	736.63
22	1997	000597	Carrowbehy/Caher Bog	Roscommon	343.83	54%	185.67
23	1997	000600	Cloonchambers Bog	Roscommon	348.20	45%	156.69
24	1997	000604	Derrinea Bog	Roscommon	86.18	70%	60.33
25	1997	000614	Cloonshanville Bog	Roscommon	225.76	84%	189.64
26	1997	000641	Ballyduff/Clonfinane Bog	Tipperary	269.56	69%	186.00
27	1997	000647	Kilcarren-Firville Bog	Tipperary	676.67	55%	372.17

[Deputy John Gormley.]

SAC 1999 – Raised Bog

No#	Year	Site Code	Site Name	County	Hectares of SAC	% of Raised Bog Habitat	Hectares of Raised Bog Habitat
28	1997	000679	Garriskil Bog	Westmeath	324.81	52%	168.90
29	1997	001242	Carrownagappul Bog	Galway	487.53	65%	316.89
30	1997	001818	Lough Forbes Complex	Longford/Ros	1,337.08	21%	280.79
31	1997	002110	Corliskea/Trien/Cloonfelliv Bog	Galway/Ros	725.21	61%	442.38
32	1999	000297	Lough Corrib	Galway/Mayo	25,253.37	2%	505.07
			1999 Raised Bog Sac	Sub-Total	51,145.46	13.85%	7,081.45

Sac 2002 – Raised Bog

33	2002	000595	Callow Bog	Roscommon	617.91	26%	160.66
34	2002	002298	River Moy	Mayo/Ros/Sligo	15,415.62	4%	616.62
35	2002	002331	Mouds Bog	Kildare	591.20	49%	289.69
36	2002	002332	Coolrain Bog	Laois	145.95	42%	61.30
37	2002	002333	Knockacoller Bog	Laois	130.39	39%	50.85
38	2002	002336	Carn Park Bog	Westmeath	247.89	63%	156.17
39	2002	002337	Crosswood Bog	Westmeath	206.61	51%	105.37
40	2002	002338	Drumalough Bog	Roscommon	278.89	52%	145.02
41	2002	002339	Ballynamona Bog And Corkip Lough	Roscommon	244.77	18%	44.06
42	2002	002340	Moneybeg And Clareisland Bogs	Meath/Westmeath	364.32	39%	142.08
43	2002	002341	Ardagullion Bog	Longford	117.33	48%	56.32
44	2002	002342	Mount Hevey Bog	Meath/Westmeath	483.78	41%	198.35
45	2002	002343	Tullaheer Lough And Bog	Clare	469.18	4%	18.77
46	2002	002346	Brown Bog	Longford	76.68	66%	50.61
47	2002	002347	Camderry Bog	Galway	280.72	70%	196.50
48	2002	002348	Clooneen Bog	Longford	215.03	39%	83.86
49	2002	002349	Corbo Bog	Roscommon	206.76	58%	119.92
50	2002	002350	Curraghlehanagh Bog	Galway	278.22	55%	153.02
51	2002	002351	Moanveanlagh Bog	Kerry	214.72	61%	130.98
52	2002	002352	Monivea Bog	Galway	286.68	51%	146.21
53	2002	002353	Redwood Bog	Tipperary	555.03	32%	177.61
54	2002	002354	Tullaghanrock Bog	Roscommon	103.92	65%	67.55
55	2002	002356	Ardgraique Bog	Galway	183.54	43%	78.92
			2002 Raised Bog Sac	Sub-Totals	21,715.14	14.97%	3,250.45
			Total Sac Raised Bog Area		72,860.60	14.18%	10,331.89

Sac 1999 – Blanket Bog

No#	Year	Sac	Site Name	County	Hectares Of Sac	% Of Blanket Bog Habitat	Hectares Of Blanket Bog Habitat
1	1997	000584	Cuilcagh - Anierin Uplands	Cavan	9,739.70	58%	5,649.03
2	1997	001912	Glendree Bog	Clare	340.06	70%	238.04
3	1997	002126	Pollagoona Bog	Clare	28.49	100%	28.49
4	1997	000308	Loughatorick South Bog	Clare / Galway	888.34	73%	648.49
5	1997	001873	Derryclogher (Knockboy) Bog	Cork	1,712.95	13%	222.68
6	1997	001879	Glanmore Bog	Cork	1,148.27	9%	103.34
7	1997	001890	Mullaghanish Bog	Cork	70.04	95%	66.54
8	1997	000140	Fawnboy Bog/Lough Nacung	Donegal	1,105.40	38%	420.05
9	1997	000165	Lough Nillan Bog (Carrickatlieve)	Donegal	4,157.79	63%	2,619.41

Sac 1999 – Blanket Bog

No#	Year	Sac	Site Name	County	Hectares Of Sac	% Of Blanket Bog Habitat	Hectares Of Blanket Bog Habitat
10	1997	000168	Magheradrumman Bog	Donegal	997.70	56%	558.71
11	1997	000172	Meenaguse/Ardbane Bog	Donegal	668.52	55%	367.69
12	1997	000173	Meentygrannagh Bog	Donegal	530.02	80%	424.02
13	1997	000189	Slieve League	Donegal	3,925.95	14%	549.63
14	1997	000190	Slieve Tooley/Tormore Island/Loughros Beg Bay	Donegal	9,435.49	35%	3,302.42
15	1997	000197	West Of Ardara/Maas Road	Donegal	6,739.04	13%	876.08
16	1997	001107	Coolvoy Bog	Donegal	306.68	83%	254.54
17	1997	001125	Dunrath Loughs/Pettigo Plateau	Donegal	1,976.42	53%	1,047.50
18	1997	001992	Tamur Bog	Donegal	1,277.92	48%	613.40
19	1997	002047	Cloghernagore Bog And Glenveagh National Park	Donegal	33,461.11	57%	19,072.83
20	1997	002164	Lough Golagh And Breesy Hill	Donegal	799.17	48%	383.60
21	1999	000142	Gannivegil Bog	Donegal	2,153.65	54%	1,162.97
22	1997	000324	Rosroe Bog	Galway	262.03	58%	151.98
23	1997	001913	Sonnagh Bog	Galway	464.91	73%	339.38
24	1997	002008	Maumturk Mountains	Galway	13,493.44	10%	1,349.34
25	1997	002031	The Twelve Bens/Garraun Complex	Galway	16,109.84	44%	7,088.33
26	1997	002034	Connemara Bog Complex	Galway	48,997.95	66%	32,338.65
27	1997	000093	Caha Mountains	Kerry	6,859.08	13%	891.68
28	1997	000365	Killarney National Park, Macgillicuddy's Reeks And Caragh River Catchment	Kerry	76,606.41	4%	3,064.26
29	1997	000375	Mount Brandon	Kerry	14,355.30	16%	2,296.85
30	1997	001881	Maulagowna Bog	Kerry	426.07	43%	183.21
31	1997	000412	Slieve Bloom Mountains	Laois/Offaly	4,879.19	67%	3,269.06
32	1997	001403	Arroo Mountain	Leitrim	3,967.88	18%	714.22
33	1997	000646	Galtee Mountains	Limerick / Tipp	6,421.78	13%	834.83
34	1997	000476	Carrowmore Lake Complex	Mayo	3,648.34	61%	2,225.49
35	1997	000500	Glenamoy Bog Complex	Mayo	12,901.80	59%	7,612.06
36	1997	000522	Lough Gall Bog	Mayo	362.74	72%	261.17
37	1997	000534	Owenduff/Nepin Complex	Mayo	27,063.61	50%	13,531.81
38	1997	000542	Slieve Fyagh Bog	Mayo	2,391.87	93%	2,224.44
39	1997	000633	Lough Hoe Bog	Mayo	3,215.41	38%	1,221.86
40	1997	001922	Bellacorick Bog Complex	Mayo	9,223.02	66%	6,087.19
41	1997	001932	Mweelrea/Sheeffry/Erriff Complex	Mayo	20,991.24	55%	11,545.18
42	1997	000634	Lough Nabrickkeagh Bog	Sligo	271.93	88%	239.30
43	1997	002006	Ox Mountains Bogs	Sligo	10,570.30	59%	6,236.48
44	1997	001197	Keeper Hill	Tipperary	413.71	32%	132.39
45	1997	002122	Wicklow Mountains	Wicklow	32,945.71	25%	8,236.43
				Sub-Totals	398,306.27	37.83%	150,685.04

Sac 2000 – Blanket Bog

46	2000	000129	Croaghonagh Bog	Donegal	248.98	80%	199.18
				Sub-Totals	248.98	80.00%	199.18

Sac 2003 – Blanket Bog

50	2003	002312	Slieve Bernagh Bog	Clare	1,974.82	7%	138.24
48	2003	002036	Ballyhoura Mountains	Cork	747.03	20%	149.41
49	2003	002301	River Finn	Donegal	5,501.79	16%	880.29
47	2003	002032	Boleybrack Mountain	Leitrim	4,268.76	30%	1,280.63
				Sub-Totals	12,492.40	19.60%	2,448.56
				Totals	809,602.90	18.94%	153,332.78

[Deputy John Gormley.]

Raised Bog Nha

County	Site Code	Site Name
Cavan	000985	Lough Kinale And Derragh Lough Nha
Clare	000337	Doon Lough Nha
Clare	000993	Ayle Lower Bog Nha
Clare	001020	Loughanilloon Bog Nha
Clare	002307	Cloonloun More Bog Nha
Galway	000220	Lough Namucka Bog Nha
Galway	000221	Moorfield Bog/Farm Cottage Nha
Galway	000229	Ballygar Bog Nha
Galway	000235	Bracklagh Bog Nha
Galway	000245	Clooncullaun Bog Nha
Galway	000247	Slieve Bog Nha
Galway	000249	Cloonoolish Bog Nha
Galway	000254	Crit Island West Nha
Galway	000267	Funshin Bog Nha
Galway	000280	Castle Ffrench West Bog Nha
Galway	000281	Keeloges Bog Nha
Galway	000283	Kilmore Bog Nha
Galway	000284	Kilnaborris Bog Nha
Galway	000292	Leaha Bog Nha
Galway	000307	Lough Tee Bog Nha
Galway	000310	Meneen Bog Nha
Galway	000321	Raford River Bog Nha
Galway	001227	Aughrim Bog Nha
Galway	001240	Capira/Derrew Bog Nha
Galway	001244	Castle Ffrench East Bog Nha
Galway	001254	Derrinlough Bog Nha
Galway	001255	Derrynagran Bog And Esker Nha
Galway	001264	Eskerboy Bog Nha
Galway	001280	Killaclogher Bog Nha
Galway	001283	Killure Bog Nha
Galway	001303	Moorfield Bog Nha
Galway	002344	Annaghbeg Bog Nha
Galway/Ros	000222	Suck River Callows Nha
Kerry	000333	Anna More Bog Nha
Kerry	001352	Bunnaruddee Bog Nha
Kildare	001388	Carbury Bog Nha
Kildare	001393	Hodgestown Bog Nha
Laois	002357	Clonreher Bog Nha
Laois/Tipperary	000652	Monaincha Bog/ Ballaghmore
Leitrim	000691	Rinn River Nha
Leitrim	001405	Cashel Bog (Leitrim) Nha
Leitrim/Longford	000422	Aghnamona Bog Nha
Leitrim	001420	Corracramph Bog Nha
Leitrim	001423	Cloonageeher Bog Nha
Leitrim/Longford	000694	Wooddown Bog Nha

County	Site Code	Site Name
Longford	001448	Forthill Bog Nha
Longford	001450	Mount Jessop Bog Nha
Meath	001324	Jamestown Bog Nha
Meath	001580	Girley Bog Nha
Meath	001582	Molerick Bog Nha
Offaly	000570	Black Castle Bog Nha
Offaly	000921	Screggan Bog Nha
Offaly	002033	Daingean Bog Nha
Offaly	002355	Hawkswood Bog Nha
Offaly/Tipp	000564	River Little Brosna Callows Nha
Offaly/Tipp	000890	Cangort Bog Nha
Offaly/Wmeath	000565	Clonydonnin Bog Nha
Roscommon	000591	Bella Bridge Bog Nha
Roscommon	000603	Cornaveagh Bog Nha
Roscommon	000605	Derrycanan Bog Nha
Roscommon	001623	Carrickynaghtan Bog Nha
Roscommon	001652	Tullaghan Bog (Roscommon) Nha
Roscommon	002072	Lisnarrigh Bog Nha
Tipperary	000640	Arragh More Bog Nha
Tipperary	000642	Ballymacegan Bog Nha
Tipperary	000648	Killeen Bog Nha
Tipperary	000937	Schoaboy Bog Nha
Tipperary	001684	Lorrha Bog Nha
Tipperary	001853	Nore Valley Bogs Nha
Westmeath	000674	Ballynagrenia And Ballinderry
Westmeath	000677	Cloncrow Bog (New Forest) Nha
Westmeath	000684	Lough Derravaragh Nha
Westmeath	001725	Nure Bog Nha
Westmeath	001812	Lough Garr Nha
Westmeath	002323	Milltownpass Bog Nha

Nha Blanket Bog

County	Site Code	Site Name
Cavan	000009	Slieve Rushen Bog Nha
Clare	002367	Lough Naminna Bog Nha
Clare	002377	Lough Atorick District Bogs Nha
Clare	002397	Slievecallan Mountain Bog Nha
Clare	002400	Cragnashingaun Bogs Nha
Clare	002401	Gortacullin Bog Nha
Clare	002402	Woodcock Hill Bog Nha
Clare	002421	Lough Acrow Bogs Nha
Clare	002439	Oysterman's Marsh Nha
Clare	002442	Maghera Mountain Bogs Nha
Cork	002105	Derreenatra Bog Nha
Cork	002371	Trafrask Bog Nha
Cork	002386	Conigar Bog Nha

[Deputy John Gormley.]

County	Site Code	Site Name
Cork	002416	Pulleen Harbour Bog Nha
Cork	002417	Leahill Bog Nha
Cork	002447	Boggeragh Mountains Nha
Cork, Kerry	001059	Hungry Hill Bog Nha
Cork, Kerry	002449	Mount Eagle Bogs Nha
Donegal	000122	Cashelnavean Bog Nha
Donegal	001108	Corveen Bog Nha
Donegal	001127	Illies Hill Bog Nha
Donegal	001159	Lough Fad Bog Nha
Donegal	001878	Crocknamurrin Mountain Bog Nha
Donegal	002322	Slieve Snaght Bogs Nha
Donegal	002375	Barnesmore Bog Nha
Donegal	002405	Camowen River Bog Nha
Donegal	002406	Umrycam Bog Nha
Donegal	002437	Meenagarranroe Bog Nha
Donegal	002452	Lough Hill Bog Nha
Donegal	002453	Meenmore West Bog Nha
Galway	001229	Slieve Aughty Bog Nha
Galway	001241	Carna Heath And Bog Nha
Galway	002364	Moycullen Bogs Nha
Galway	002374	Cloon And Laghtanabba Bog Nha
Galway	002379	Derryoover Bog Nha
Galway	002431	Oughterard District Bog Nha
Galway	002436	Tooreen Bog Nha
Kerry	000366	Knockroe Bog Nha
Kerry	000383	Slaheny River Bog Nha
Kerry	001882	Sillahertane Bog Nha
Kerry	001948	Doughill Bog Nha
Kerry	002448	Knockatarriv/Knockariddera Bogs Nha
Kilkenny	002382	Coan Bogs Nha
Leitrim	002384	Dough/Thur Mountains Nha
Leitrim	002430	Aghavogil Bog Nha
Leitrim, Ros	002321	Corry Mountain Bog Nha
Leitrim, Sligo	002435	Crockauns/Keelogyboy Bogs Nha
Limerick	002186	Grageen Fen And Bog Nha
Limerick	002361	Moyreen Bog Nha
Limerick	002399	Carrigkerry Bogs Nha
Limerick	002454	Lough Gay Bog Nha
Mayo	000548	Tawnymackan Bog Nha
Mayo	001473	Bangor Erris Bog Nha
Mayo	001548	Pollatomish Bog Nha
Mayo	001566	Tristia Bog Nha
Mayo	001567	Tullaghan Bay And Bog Nha
Mayo	001570	Ummerantarry Bog Nha
Mayo	002381	Doogort East Bog Nha
Mayo	002383	Croaghmoyle Mountain Nha
Mayo	002391	Inagh Bog Nha

County	Site Code	Site Name
Mayo	002403	Sraheens Bog Nha
Mayo	002419	Glenturk More Bog Nha
Mayo	002420	Cunnagher More Bog Nha
Mayo	002432	Forrew Bog Nha
Mayo	002446	Ederglen Bog Nha
Mayo	002455	Lough Greney Bog Nha
Monaghan	001603	Eshbrack Bog Nha
Roscommon	000617	Kilronan Mountain Bog Nha
Sligo	001902	Slieveward Bog Nha
Sligo	002415	Carrane Hill Bog Nha
Tipperary	002385	Mauherslieve Bog Nha
Tipperary	002388	Slievenamon Bog Nha
Tipperary	002450	Bleanbeg Bog Nha

Wildlife Conservation.

629. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government if there are regulations governing the control and culling of cormorants to protect fish stocks; and if he will make a statement on the matter. [13998/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The cormorant, like all wild birds, is a protected species under the Wildlife Acts and the EU Birds Directive. In 2002 the estimated population in the State was 4,550 pairs. As a protected species it cannot be controlled or culled except under licence from my Department. Section 42 of the Wildlife Act, 1976 allows the scaring, capturing or killing of cormorants in instances where serious damage is being caused to other fauna and/or a fishery. Applications are considered on an individual basis and my Department takes into account a number of factors in considering such applications.

For example, licence applications to control cormorant damage during the annual smolt migration of salmon and sea trout are assessed individually, entail a site visit by my Department and, based on the assessment, a licence may be issued. Licences to control cormorants at breeding colonies or communal night roosts are refused. Control should always be at the site of alleged damage rather than the nearest breeding colony or night roost. Blanket licences to control cormorant damage over large areas are also refused. However, licences for serious damage control at specific sites (e.g. point of release of reared fish) are considered for a specific time period and geographical area.

Cormorant damage to hatcheries, fish farms, freshwater and marine rearing cages can often be prevented by exclusion netting/wires or pond design and my Department requests that all possible precautions to prevent serious damage be implemented prior to consideration of a control licence.

All licences issued by my Department stipulate the mode of control, the geographical area covered and the time period for which the licence is valid. An annual return of the number of cormorants shot or wounded is required to be forwarded to my Department.

Waste Management.

630. **Deputy Shane McEntee** asked the Minister for the Environment, Heritage and Local

[Deputy Shane McEntee.]

Government his policy in relation to incineration; and if he will make a statement on the matter. [13835/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The Programme for Government contains a range of commitments in respect of waste management policy centred on the Government's continued support for the internationally recognised waste hierarchy which places major emphasis on the prevention, reuse and recycling of waste while minimising reliance on landfill and other disposal options. This commitment to the waste hierarchy has added significance in the context of the requirements of the EU Landfill Directive to divert waste from landfill. Meeting this obligation will entail doubling the existing level of diversion from landfill by 2010 and further increases in diversion in subsequent years.

The Programme contains major commitments in relation to national waste policy, including, in particular, an emphasis on moving away from a high reliance on incineration. In this regard it is intended that there will be an increased commitment to the use of alternative technologies, including mechanical and biological treatment. This is a process which will be assisted by the major review of waste policy, also provided for in the Programme, which is now being initiated.

Registration of Architects.

631. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he will review the Building Control Act 2007 to remove anomalies regarding membership of the Royal Institute of the Architects of Ireland; and if he will make a statement on the matter. [13843/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Section 13 of the Building Control Act 2007 provides that the registration body for the registration of architects shall be the Royal Institute of the Architects of Ireland.

Section 14 of the Act sets out the eligibility criteria for registration in the statutory register of architects. A person who is a fellow or member of the registration body is included as being eligible for registration. However, with regard to other persons who are eligible for registration under the various categories cited, such as those with academic qualifications or a person who has been assessed as eligible for registration by the Technical Assessment Board in accordance with the practical experience assessment procedures, Section 14 (4) of the Act provides that "membership of the registration body is not a prerequisite for registration in the register or continuance of registration but all registered professionals are eligible for membership of the registration body and the same fee shall be charged for registration in the register whether or not the particular person is a member of the registration body".

In the circumstances, I do not consider it necessary to review the Act.

Social and Affordable Housing.

632. **Deputy Noel Grealish** asked the Minister for the Environment, Heritage and Local Government if instructions have been sent from his Department to Galway City Council to build houses on the green space in an area (details supplied) in County Galway; and if he will make a statement on the matter. [13850/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): The normal practice is for housing authorities to submit project applications, including site location details, to my Department for funding under the Social Housing

Investment Programme. My Department has not received any proposals regarding the specified location.

Water Pollution.

633. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if he will amend the law to make it a requirement for people who are planning to discharge treated effluent into waterways and so on, to erect a sign in addition to putting public notice in the press; and if he will make a statement on the matter. [13884/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Where an application for a licence for a discharge of effluent to waters is incorporated in an Integrated Pollution Prevention and Control (IPPC) licence application to the Environmental Protection Agency, the relevant regulations require a site notice as well as a newspaper notice.

I have at present no proposals to amend the regulations regarding the licensing by local authorities of discharges to waters under the Local Government (Water Pollution) Acts but the position in this regard will be kept under review in the context of the development of River Basin Management Plans and other measures being brought forward for implementation of the Water Framework Directive.

Greenhouse Gas Emissions.

634. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government the position regarding the estimated carbon offsets to be reflected in the National Climate Change Strategy 2008 to 2012 from State or EU funded afforestation schemes; and if he will make a statement on the matter. [13888/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Current estimates indicate that the average annual sequestration effect of forest areas established as a result of grant aid under the State/EU funded afforestation schemes since 1990 will be 2.074 million tonnes during the Kyoto Protocol period 2008-2012. This represents a significant increase on the estimate for 2006 due to growth of young forests planted in recent years.

Fire Stations.

635. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to plans to equip the fire service with defibrillators; if funding will be provided; and if he will make a statement on the matter. [13946/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): The provision of equipment such as defibrillators for use by fire service personnel is a matter for the individual fire authorities and the Department has no direct role in this matter unless capital funding is sought for the purchase of such equipment.

I am aware that nearly all fire authorities have invested in training their fire fighters to Emergency First Responder level. Some authorities have, in addition, brought some of the first responders to cardiac first responder level, which means they are trained to use Automatic External Defibrillators. These authorities carry defibrillators on the fire appliances for the protection of their own staff and for use to assist the public at the scene of an incident at which the fire service is in attendance.

Planning Issues.

636. **Deputy Seymour Crawford** asked the Minister for the Environment, Heritage and Local

[Deputy Seymour Crawford.]

Government further to a previous parliamentary question, if he has received the preliminary reports from Monaghan County Council; and if not, if his Department is in touch with the local authority regarding this urgent issue; and if he will make a statement on the matter. [13973/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department has yet to receive Monaghan County Council's Preliminary Report for the scheme. I understand that the Council is preparing an Environmental Impact Statement in respect of the Castleblayney proposal.

Water and Sewerage Schemes.

637. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of an upgraded sewerage scheme at Dromcollogher, County Limerick; and if Limerick County Council has submitted its preliminary report for the scheme. [13988/08]

643. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the position regarding the status of the proposed sewerage treatment plants (details supplied) in County Limerick; the date the applications for funding for these schemes were originally submitted by Limerick County Council; when his Department will grant approval and funding for these projects; the scheduled commencement dates for the works; and if he will make a statement on the matter. [14186/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 637 and 643 together.

Drumcollogher and Pallasgreen, along with Hospital and Bruff, are being advanced as part of a grouped sewerage scheme that has been approved for funding under my Department's Water Services Investment Programme 2007-2009 to begin construction in 2009. Athea, Askeaton, Foynes and Glin Sewerage Schemes are part of a separate grouped scheme that is also approved for funding under the Programme, with a 2009 construction start. My Department is awaiting submission of Limerick County Council's Preliminary Reports in both cases.

I refer to the reply to Question No. 982 of 2 April 2008, in relation to the Kilmallock Sewerage Scheme.

Planning Issues.

638. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government further to correspondence forwarded on by this Deputy to his office (details supplied), if he has power to intervene under Section 77 of the Roads Act, 1993; if so, if and when he will take appropriate action in view of the fact that the quality of life and safety of residents is being compromised due to inadequate noise and safety barriers erected as a result of inaccurate modelling information; and if he will make a statement on the matter. [14009/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I have no function under the Roads Act 1993. Within the functional area of a local authority, noise mapping and action planning in relation to any road to which the provisions of the Environmental Noise Regulations 2006 (S.I. No. 140 of 2006) apply are matters for the local authority concerned.

Archaeological Sites.

639. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local

Government further to Parliamentary Question Nos 1147 and 1148 of 26 September 2007, the progress to date in relation to same; and if he will make a statement on the matter. [14036/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The conservation study of the Rathcroghan archaeological complex, Co. Roscommon was published in Autumn 2007 and can be viewed on my Department's website, *www.environ.ie*.

Since the publication of the conservation study, my Department has been in contact with Roscommon County Council to progress the relevant recommendations in the study in the context of the review of the Roscommon County Development Plan which will cover the period 2008 — 2014 : the plan is expected to be adopted in July 2008. The draft plan incorporates a significant number of detailed planning policies for the Rathcroghan archaeological complex and its setting which will support the implementation of the Department's conservation study.

In addition, my Department is currently considering measures to improve the presentation of, and public access to, the national monuments at Rathcroghan including the purchase of additional lands at Rathcroghan by the State.

Local Authority Funding.

640. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of funding by his Department to a local authority for the purchase of nine houses for their housing stock (details supplied) in County Kildare; and if he will make a statement on the matter. [14092/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): The local authority has since submitted further information in support of their application for funding. My Department is currently awaiting a Valuer's Report on the project. On submission of the report, my Department will be in a position to make a decision on the provision of funding.

Consultancy Contracts.

641. **Deputy Olivia Mitchell** asked the Minister for the Environment, Heritage and Local Government the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14105/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department does not compile or hold data in relation to consultants engaged by agencies under its aegis.

The information requested in relation to consultants engaged by my Department in 2007 is set out in the following table.

Consultant	Firm / Individual	Purpose of Consultancy	Payments in 2007	Basis for calculation of cost	Report / Publication Date (If Applicable)
QTS Group	Firm	Provide safety statements for six NPWS regions	€14,520	€2,420 per safety statement	Not Applicable
QTS Group	Firm	Custom House annual risk assessment & safety statement review	€1,452	€1,452 per safety statement review	Not Applicable
QTS Group	Firm	Provide risk assessment advice on NPWS Midland sites	€2,904	€968 per day (3 days on site)	Not Applicable
Baseline Creative	Firm	Fees in relation to the Department Identity (logo)	€13,916	Agreed Fee	Not Applicable
Tom Considine	Individual	Report on outcome of Contract 4.2 Limerick Main Drainage	€29,415	Fixed Price Contract	Yes — 29/01/2008
Institute of Public Administration	N/A	Quality review of Rural Water Programme Report	€3,630	Fixed Price Contract	Yes — 30/03/2007
Oracle Corporation	Firm	Troubleshoot and provide support on problems that arose on the Oracle Financials application and new software development	€75,267	Daily rates of €1,100 and €1,275 and hourly rates of €114.50	Not Applicable
Deloitte	Firm	ICT Strategy 2008-2010	€0	Contract milestones	Not Applicable.
ESRI (Economic & Social Research Institute)	Firm	Survey of repairs & maintenance	€24,200	Fixed annual cost based on agreed contract price	Yes — report produced quarterly
DKM Economic Consultants	Firm	Construction research reports	€95,760	Fixed annual cost based on agreed contract price	Yes — Review of the Construction Industry 2006 and Outlook 2007-2009 (September 2007)
AEA Technology Plc	Firm	Consultancy contract for analysis of the national emissions of pollutants	€36,240	Fixed Price Contract	Construction Industry Indicators Issues January, April, August and November
Consortium comprises: Cawley NEA/TBWA, RPS Group, Mary Murphy Associates, OMD Ireland	Firm	Development and delivery of a communications and public awareness campaign in Ireland focusing on climate change.		Monthly Consultancy Fees — Cawley NEA (€65,447) OMD (€10,743) Mary Murphy Associates (€32,160) RPS (€52,877) VAT €33,857.67)	Not applicable

Consultant	Firm / Individual	Purpose of Consultancy	Payments in 2007	Basis for calculation of cost	Report / Publication Date (If Applicable)
Enviro Centre	Firm	Sustainable development indicators research	€5,445	Agreed Fee	Yes, on Comhar website
Dr Peter Doran	Individual	Fees for paper on sustainable consumption and production and associated expenses.	€6,107	Agreed Fee	Yes, on Comhar website
University College Dublin	N/A	Peter Clinch and Susana Ferreira "Understanding and measuring quality of life" contribution to Comhar SDC 2006 Annual Conference.	€3,800	Agreed fee	Yes, on Comhar website
Financial Dynamics	Firm	Public relations fees for Comhar 2006	€13,904	€1,500 per month	Not Applicable
The Marine Institute	Firm	Briefing paper for Comhar SDC Annual Conference (2006)	€3,000	Agreed fee	Yes, on Comhar website
DHR Communications Ltd	Firm	Public relations services for Comhar SDC in 2007	€12,269	€120 per hour	Not Applicable
Eco — Unesco	N/A	COMHAR ESD Research Project in 2007	€10,187	Agreed fee	Yes, on Comhar website
Byrne O'Cléirigh	Firm	Briefing paper for Comhar SDC Annual Conference (2007)	€6,050	Agreed fee paid January 2008	Yes, on Comhar website
Enviro Centre	Firm	Briefing paper for Comhar SDC Conference (2007)	€4,000	Agreed fee paid January 2008	Yes, on Comhar website
Muiris McCarthaigh, Institute of Public Administration	Individual	Briefing paper on governance and sustainability for Comhar SDC Conference (2007)	€9,680	Agreed fee paid in January 2008	Yes on Comhar Website
Tobin Consulting Engineers	Firm	Management of National Litter Pollution Monitoring System	€104,398	Based on an agreed fixed price contract to monitor litter levels in Local Authorities across the country. Fees Paid Quarterly.	Yes, report published annually in June.
Local Government Computer Services Board	Firm	Litter GIS training and support charges 2007	€4,740	IT Support Service. Cost calculated on basis of work carried out at the request of Local Authorities	Not Applicable
Octo Ltd.	Firm	Develop and run and emergency planning exercise	€43,449	Fixed Price Contract	Not Applicable
Miriam Lee	Individual	Language Translation	€1,377	Agreed professional fees	Not Applicable

Consultant	Firm / Individual	Purpose of Consultancy	Payments in 2007	Basis for calculation of cost	Report / Publication Date (If Applicable)
UCD Energy Research Group	Firm	Energy Efficiency Regs for New Dwellings & Options for Improvements	€108,779	Public tender process	Sep-07
Gaunt Francis Archts.	Firm	To advise Minister on energy conservation	€4,160	Agreed professional fees	Not Applicable
Building Research Establishment, UK and Bill Robinson, Irish Consultant	Firm	Develop an Irish standard for timber frame construction	€33,883	Fixed Price Contract	Not Applicable
Kavanagh Mansfield	Firm	Eurocode 2 Study — Design of Concrete Structures	€36,754	Fixed Price Contract	Not Applicable
Lee McCullough	Firm	Eurocode 6 Study — Design of Masonry Structures	€16,251	Fixed Price Contract	Not Applicable
Mary Higgins	Individual	Examination & modification of draft revised homeless strategy	€4,978	€1,028 per day	Yes, strategy expected, Summer 2008
William Fry solicitors	Firm	Reviewing and re-drafting forms of contracts for Rental Accommodation Scheme for use by local authorities	€13,311	€480 per hour	Not Applicable
Indecon International Economic Consultants	Firm	Economic and social review of proposed revised terms of the tenant purchase scheme	€85,180	Fixed Price Contract	Yes, published September 2007
Operational Command Training Organisation	Firm	Preparation & facilitation of risk assessment training	€3,981	Fixed Price Contract	Not Applicable
Brindley Advertising	Firm	Register of Electors awareness campaign	€20,570	Fixed Price contract(media costs excluded)	Not Applicable
DTZ Sherry Fitzgerald	Firm	DTZ Sherry Fitzgerald (phase 1) — conclusion of local lease arrangements	€35,090	Fixed Price contract	Yes, report under consideration in the Department
Indecon International Economic Consultants	Firm	Review of County/City Development Board strategies and proposals for strengthening and developing the Boards	€31,057	Cost per day €1,069 (ex VAT)	Report to be published April 2008
RITS	Firm	Security Audit	€8,500	Agreed Fee	Not Applicable

Consultant	Firm / Individual	Purpose of Consultancy	Payments in 2007	Basis for calculation of cost	Report / Publication Date (If Applicable)
Bernard Feeney — Goodbody Economic Consultants	Firm	Preparation of draft terms of reference for a study of guidelines for river basin management plans	€3,933	€1,300 per day	Not Applicable
Mazars	Firm	Financial review of Muckross House trustee arrangements-	€28,647	Tender: price accepted was €23675 plus VAT @ 21% on fixed price contract basis	Not Applicable
Environmental Protection Agency	N/A	Contribution to Regulatory Impact Analysis — Surface Water Regulations	€50,000	Department's contribution to cost	Not Applicable
Owen Boyle	Individual	Seven Grouped Villages Sewerage Schemes (Waterford) Process Audit	€9,443	Per diem rate €509.76	Not Applicable
Gus Cummins	Individual	Mullingar Sewerage Scheme — Process Audit	€5,261	Per diem rate €651.08	Not Applicable
John Murphy	Individual	Final account reports	€16,425	Per diem rate €600	Not Applicable
Goodbody Economic Consultants	Firm	Review of Living over the Shop Tax Incentive Scheme	€32,186	Fixed Price Contract	Draft Report under consideration
Oxford Archaeology Ltd.	Firm	Preparation of Conservation Study for Rathcroghan Archaeological Complex, Co. Roscommon	€25,619	8 project team members in different disciplines. Pay rates range between €170-€825 per day and expenses	Published 2007. Available on DoEHLG website
ACS Ltd.	Firm	Supplementary Research Project — Woodstown 6	€115,629	Open tender process Staged milestone costs across four disciplines. Per diem rates not available	Report received and currently under consideration with view to publication Q2 2008

Wildlife Conservation.

642. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government if he will extend areas of conservation in County Limerick to protect the habitat of the hen harrier bird; and if any proposed extension, or existing provisions will have consequences for the cutting of turf for domestic purposes in the district electoral divisions (details supplied) in County Limerick; and if he will make a statement on the matter. [14185/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Proposals to designate Special Protection Areas (SPAs) for the purpose of protecting the hen harrier were published in November 2007. The published boundaries were derived from national and local surveys carried out between 1998 and 2005 and represent the most important areas for the protection of the hen harrier.

In order to meet the requirements of the European Commission regarding the finalisation of SPA boundaries, it is not possible to make amendments to these SPAs, other than through the assessment of landowner appeals received within the statutory deadline (3 months from date of publication). At present, my Department is considering some 98 appeals for inclusion in the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA and the Slievefelim to Silvermines Mountains SPA in Co. Limerick. Arising from these appeals, these sites may be extended in some areas.

The designation of SPAs for protection of hen harriers does not in itself affect turf cutting rights. The position regarding such rights in all areas was set out in the reply to Question Nos. 942, 959, 961, 962 and 963 on 2 April.

Question No. 643 taken with Question No. 637.

Local Authority Housing.

644. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government the housing capital allocation for 2008 to Galway City Council; if the council has been notified of the capital allocation; and if he will make a statement on the matter. [14210/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): My Department recently met with all local authorities to discuss allocations for social housing for the 2008 — 2010 period and I anticipate being in a position to issue capital allocations for 2008 shortly.

Question No. 645 answered with Question No. 627.

Rights of Way.

646. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if a register of public rights of way exists; if so, the way such a register can be accessed; and if he will make a statement on the matter. [14254/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Particulars of rights of way created under section 206 and 207 of the Planning and Development Act 2000 are required to be entered into each planning authority's planning register. The Act requires the planning register to be kept at the offices of the planning authority and to be available for inspection during office hours this requirement is restated in my Department's

Development Management Guidelines for Planning Authorities, published in June 2007, which are available on the Department's website www.environ.ie.

Local Authority Correspondence.

647. **Deputy Seán Barrett** asked the Minister for the Environment, Heritage and Local Government the steps he will take to ensure that Members of the Oireachtas receive replies within a maximum two to three week period to representations on behalf of constituents to Dún Laoghaire Rathdown County Council; and if he will make a statement on the matter. [14282/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Local Government Act 2001 (Section 237A) Regulations 2003, provide, inter alia, for the supply of specified documentation to Oireachtas members by local authorities such as the local authority budget, draft development plan etc. Under the Regulations, local authorities are required in addition, to put in place arrangements to ensure that systems, procedures and timeframes equivalent to those used by them in relation to correspondence from local authority members apply also in respect of Oireachtas members.

I am concerned to ensure that local authorities should at all times provide a proper level of service for Oireachtas members and facilitate them in carrying out their work on behalf of their communities.

A review of the operation of these arrangements is currently being conducted to ensure their effective implementation. Arising from this, I will, if necessary, issue supplementary guidance to local authorities. In the meantime, and as part of the review, my Department has written recently to each County/City Manager specifically reminding them of the requirements of the Regulations in this regard.

Special Areas of Conservation.

648. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government if the Cloonelt Bog and Cloonsuck Bog in the Cloonbonniffe area in north County Roscommon is included in the Special Area of Conservation and national heritage area of bogland. [14287/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Cloonelt and Cloonsuck Bogs in north County Roscommon are not designated, or proposed, as Natural Heritage Areas, nor have they been included on the list of 423 sites transmitted to the EU in December 2007 as Special Areas of Conservation. The designated status of any land may be checked on the website www.npws.ie.

649. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government the position regarding the sale of bogland in the Special Area of Conservation area in County Roscommon on behalf of a person (details supplied) in County Roscommon, which is ongoing for a long period. [14288/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Chief State Solicitor's Office have confirmed that they have investigated the title in the above case and have written to the vendor's solicitor with a number of standard pre-contract queries. It is hoped that the matter can be finalised shortly.

Housing Aid for the Elderly.

650. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government if there is a scheme for the insulation of homes; if there is a scheme to help the elderly replace windows in private homes; and if he will make a statement on the matter. [14297/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): My Department operates a number of targeted options to assist vulnerable groups, such as lower income households and older persons, to secure necessary improvement works to their homes. These include the local authority house improvement loan scheme, a Housing Adaptation Grant for People with a Disability, a Mobility Aids Housing Grant Scheme and a Scheme of Housing Aid for Older People.

The Housing Aid for Older People Scheme provides targeted support to improve conditions in the existing housing of older people. The type of works which are grant aided under the Scheme include structural repairs or improvements, re-wiring, the provision of water, sanitary services, heating, repairs to or replacement of windows, provision of central heating and associated insulation works.

In addition, older people living in local authority accommodation can benefit from the central heating programme introduced by my Department in July 2004. The programme assists local authorities in providing central heating facilities in their rented dwellings and, where necessary, in implementing measures to improve energy efficiency.

Through the Remedial Works Scheme, and funding for regeneration and redevelopment projects, my Department also financially assists local authorities in upgrading, renovating and re-developing their housing stock. Works under the Remedial Works Scheme must comply with Building Regulations and where an extensive programme of refurbishment is carried out, measures are taken to improve thermal insulation accordingly.

Sustainable Energy Ireland, under the auspices of the Department of Communications, Energy and Natural Resources, operates a Low Income Housing Programme, set up to help establish and implement a national plan of action to address the problem of fuel poverty. Core delivery is through the Warmer Homes Scheme, which aims at improving the energy efficiency and comfort conditions of homes occupied by low-income households, and at establishing the systems and growing the capacity to install measures including attic insulation, draught proofing, lagging jackets, energy efficient lighting, cavity wall insulation and to provide energy advice.

Water and Sewerage Schemes.

651. **Deputy Christy O’Sullivan** asked the Minister for the Environment, Heritage and Local Government if there is a request for funding presently with his Department for a sewerage scheme in Drinagh, County Cork. [14305/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): A sewerage scheme to serve Drinagh was ranked twenty first on the list of water and sewerage schemes submitted by Cork County Council in response to my Department’s request to local authorities in 2006 to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of these assessments. The priority lists were taken into account in preparing the Water Services Investment Programme 2007-2009 which I published in September 2007 and which is available in the Oireachtas Library. Given the level of competing demand for available funding and the priorities identified by the elected members

of Cork County Council, I regret that it was not possible to include the Drinagh scheme in the current Programme.

Strategic Drainage Study.

652. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the position regarding the Greater Dublin Strategic Drainage Study; if he plans to take steps to have this study reviewed; and if he will make a statement on the matter. [14404/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that a Strategic Environmental Assessment (SEA) is being carried out by Fingal County Council in relation to the Greater Dublin Strategic Drainage Study and that the results of the public consultation process in relation to the Environmental Report element of the SEA are under consideration by the Council. It would not be appropriate for me to comment on the process in the meantime, or to anticipate the likely outcome.

Control of Dogs Act.

653. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government his plans to introduce new measures under the Control of Dogs Act 1986; and if he will make a statement on the matter. [14410/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Regulations to implement the majority recommendations of the Working Group to Review the Management of Dog Breeding Establishments are currently being finalised in my Department and I expect to be in a position to publish them shortly.

Voluntary Housing Schemes.

654. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government when finance will be transmitted from his Department to Limerick County Council in respect of a voluntary housing scheme (details supplied) in County Limerick. [14512/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): A Grant of €2,248,446 was approved for this project in 2003, of which some €2,136,064 has been paid to Limerick County Council. An application for additional funding was received from the Council on 1 February 2008. This is being examined and the Council will be advised of the outcome as soon as possible.

Waste Management.

655. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government the number of incinerators that will be required to deal with municipal waste; the locations of these incinerators; the support his Department will provide towards the building and operating of these incinerators; and if he will make a statement on the matter. [14513/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department has no role in determining the number or location of municipal waste incinerators, or in funding the construction or operation of such facilities. Such decisions are taken by local authorities, in the context of the regional waste management plans for which they have statutory responsibility, and by commercial enterprises, in relation to private sector facilities, and are subject to the statutory planning and waste licence approval processes.

[Deputy John Gormley.]

I also refer to the reply to Question No. 630 on today's order paper in relation to the review and future direction of national waste policy.

Sport and Recreational Development.

656. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the meetings he or his officials have had or are proposing to have with the Department of Arts, Sport and Tourism to discuss a common and agreed platform of guidelines in relation to the development of recreational and sporting facilities that will match the commitment contained in the Programme for Government to implement a major programme to promote rural recreation and sport; and if he will make a statement on the matter. [12471/08]

657. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government if the €150 million community development fund promised in the Programme for Government has been established; the amount paid out to date from the fund; and if he will make a statement on the matter. [12480/08]

658. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the progress made with regard to the community development plan promised in the Programme for Government; if the €150 million community development fund promised in the Programme for Government has been established; the amount paid out to date from the fund; the amount projected to be paid out during 2008; and if he will make a statement on the matter. [12631/08]

659. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the progress made with regard to the community development plan promised in the Programme for Government; and if he will make a statement on the matter. [12479/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 656 to 659, inclusive, together.

The Programme for Government provides for a Community Development Plan, underpinned by a Fund of €150m, to be established over a five year period. The Plan will deal with the provision of community facilities such as playgrounds, community centres, local markets, recycling, sports and recreational facilities and will be implemented in a way which maximises impact on local communities and complements existing relevant programmes.

As a first step, and in keeping with the recommendation in the Task Force Report on Active Citizenship, an audit of community, sports and arts facilities at local level is being undertaken during 2008 by each county and city council, under the auspices of the relevant County/City Development Board. My Department has recently issued guidelines in relation to the audit to county and city councils. These guidelines were developed over a number of meetings in consultation with the Department of Arts, Sport and Tourism, the Department of the Taoiseach and local authorities. A Steering Group representative of these bodies, as well as the Department of Community, Rural and Gaeltacht Affairs, will oversee the audits. Once the audits have been completed and any necessary analysis of the results has been carried out, the Plan will be developed.

Strategy on Homelessness.

660. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the agencies his Department is working with to develop services and implement

the Government Strategy to end homelessness by 2010; and if he will make a statement on the matter. [12121/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The Homeless Agency, established in 2001 as part of the Government’s Integrated Strategy on Homelessness, is a partnership structure, bringing together the voluntary and statutory agencies involved in planning, funding and delivering services to people who are homeless. The Agency is responsible for the overall management and co-ordination of homeless services in the Dublin area and for the implementation of agreed action plans.

Outside of Dublin local homeless fora have been established at city and county level, with representatives of the local authorities, the Health Service Executive and the voluntary sector. These have prepared 3 year action plans to provide a coherent response to homelessness, detailing how accommodation, health, settlement and welfare services will be provided. Local Homeless Action Plans are in place in all areas.

The Cross Department Team on Homelessness, led by my Department, is steering the development of the new Government strategy to address adult homelessness. It has received input from the National Homeless Consultative Committee which includes representatives of both voluntary and statutory bodies dealing with homelessness. I expect to publish the new Strategy next month.

Environmental Policy.

661. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if all incandescent bulbs will be banned from January 2009, as announced by him as part of his Carbon Report in 2007; and if this will mean that no incandescent bulbs of any wattage can be purchased in shops here from January 2009; and if he will make a statement on the matter. [14540/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Questions Nos. 1314, 1331 and 1345 of 30 January 2008 in which I stated that, in formulating proposals for a minimum energy efficiency standard for lighting, it will be necessary to have regard to a range of factors, including the availability of alternative lamp technologies in the market to meet consumer requirements. The position is unchanged.

Waste Tyre Regulations.

662. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his views in respect of the implementation of the waste tyre regulations; if his attention has been drawn to the concerns of the independent tyre wholesalers regarding these measures; and if he will intervene to address those concerns. [14559/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Information on tyre flows and the management of waste tyres has long been regarded as inadequate. In order to tackle this deficit and put in place a proper regulatory framework, I made the Waste Management (Tyres and Waste Tyres) Regulations 2007. These Regulations impose obligations on persons who supply tyres to the Irish market, whether as producers (e.g. manufacturers, importers including wholesalers, traders and retailers who source tyres outside the State), suppliers (e.g. wholesalers, traders and retailers who source tyres exclusively within the State) and on the collectors of waste tyres.

The Regulations were introduced following protracted negotiations with economic stakeholders, including wholesalers, under the auspices of the Irish Tyre Industry Association (ITIA)

[Deputy John Gormley.]

and included discussions with other stakeholders including farming organisations. The Regulations were published in draft in March 2007 for public consultation. This resulted in the development of a Producer Responsibility Initiative (PRI). The Regulations facilitate the comparison of quantities of waste tyres arising with the amounts placed on the market and tracking the movement of waste tyres from the time they are discarded until they are either reused or processed for recycling.

As is the normal practice with PRIs, these Regulations place a number of obligations on economic stakeholders who have the option of either self complying or participating in an approved industry compliance scheme which takes on the administrative burden associated with self compliance.

I am aware that some economic stakeholders have concerns with the implementation of the Regulations. This is normal in the early stages of any PRI and my Department is, available to meet economic stakeholders who have such concerns. Nevertheless, all economic stakeholders are expected to comply with the Regulations and I have advised the tyre industry that enforcement, which is the function of local authorities, will be applied rigorously.

Water and Sewerage Schemes.

663. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government when the first comprehensive preliminary report and the original first costings were received by his Department for the sewerage schemes in Glenties, Dungloe, Gweedore, and Burtonport, County Donegal. [14570/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested is set out in the following Table:

Sewerage Scheme	Date of Receipt of Original Preliminary Report	Original Estimated Cost
		€
Glenties	November 2006	3,075,000
Dungloe	November 2006	4,603,000
Gweedore	September 2000	12,791,000
Burtonport	April 2002	3,690,000

Local Authority Staff.

664. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the reason his Department is preventing Fingal County Council from employing additional housing maintenance inspectors to address the long waiting list of applicants with disabilities who are seeking to have adaptations done to their houses in this council area; and if he will make a statement on the matter. [14522/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O'Keeffe): The allocation within local authorities of available staffing resources for the carrying out of specific functions is a matter for the City or County Manager concerned under Section 159 of the Local Government Act 2001.

While this is therefore a matter in which I have no direct function, my Department is currently reviewing the overall employment position in the local government sector, in consultation as appropriate with the Department of Finance, having regard to the need to deliver

front line services and achieve value for money within the parameters of Government policy on public service employment generally.

Electoral Boundary Review.

665. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government when is it intended to publish the report of the local electoral boundary review being carried out by the commission he set up early in 2008; and if he will make a statement on the matter. [14523/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): On 8 January 2008, I announced that I had established two boundary committees to review local electoral areas. The committees are required to report as soon as possible and, in any event, not later than 20 June 2008. The committees' website is www.electoralareacommittees.ie.

Water and Sewerage Schemes.

666. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government when Longford County Council will be allowed to proceed to the contract document stage to enable them to provide a much needed sewerage scheme (details supplied) in County Longford, as the sewerage scheme is totally inadequate to cater for the population of the area; if he will take steps to have same expedited; and if he will make a statement on the matter. [14563/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Kenagh and Legan Sewerage Scheme was ranked fourth on the list of water and sewerage schemes submitted by Longford County Council in response to my Department's request to local authorities in 2006 to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of these assessments. The priority lists were taken into account in preparing the Water Services Investment Programme 2007-2009 which I published in September 2007 and which is available in the Oireachtas Library. Given the level of competing demand for available funding and the priorities identified by the elected members of Longford County Council, I regret that it was not possible to include the Kenagh and Legan Scheme in the current Programme.

Question No. 667 answered with Question No. 623.

Housing Aid for the Elderly.

668. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the grant available to people over the age of 65 years for the provision of pumped cavity insulation to make their home more energy efficient; if this is covered under the housing aid for older people scheme; and if he will make a statement on the matter. [14608/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Máire Hackett): The Housing Aid for Older People Scheme, which is administered by local authorities, provides targeted support to improve conditions in the existing housing of older people. The types of works which may be grant aided under the Scheme are varied and may include the provision of insulation works. Under the Scheme, it is a matter for the local authority concerned to determine the types of works which are reasonably necessary for the proper accommodation of individual applicants.

In addition, older people living in local authority housing may benefit from the central heating programme introduced by my Department in July 2004. The programme assists local auth-

[Deputy Máire Hctor.]

orities in providing central heating facilities in their rented dwellings and, where necessary, in implementing measures to ensure the energy efficiency of the dwelling.

Through the Remedial Works Scheme and funding for regeneration and redevelopment projects, my Department also financially assists local authorities in upgrading, renovating and re-developing their housing stock. Works under the Remedial Works Scheme must comply with Building Regulations and where an extensive programme of refurbishment is carried out, measures are taken to improve thermal insulation accordingly.

Sustainable Energy Ireland, under the auspices of the Department of Communications, Energy and Natural Resources, operates a Low Income Housing Programme, set up to help establish and implement a national plan of action to address the problem of fuel poverty. Core delivery is through the Warmer Homes Scheme, which aims at improving the energy efficiency and comfort conditions of homes occupied by low-income households, and at establishing the systems and growing the capacity in Ireland to install measures including attic insulation, draught proofing, lagging jackets, energy efficient lighting, and cavity wall insulation, and to provide energy advice.

Toghcháin Údarás na Gaeltachta.

669. **D'fhiafraigh Deputy Aengus Ó Snodaigh** den Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil an bhfuil sé i gceist amach anseo toghcháin Údarás na Gaeltachta a chur ar an lá céanna le toghcháin chomhairlíáitiúla eile agus toghcháin an Aontais Eorpaigh agus an féidir ráiteas a dhéanamh ar an gceist seo. [14524/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Cé nach bhfuil aon chinneadh foirmiúil tógtha faoin ábhar seo, bhéinn ag súil, ar an dul chéanna le h-ócáidí eile, go mbeadh vótaíocht do Pharlaimint na hEorpa agus do na toghcháin áitiúla ar siúl ar an lá chéanna i 2009. Is faoin Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta atá sé cinneadh a ghlacadh i leith toghcháin Údarás na Gaeltachta.

Housing Grants.

670. **Deputy Niall Collins** asked the Minister for Communications, Energy and Natural Resources if grant aid is available to convert solid fuel heating to an oil fired system; and if he will make a statement on the matter. [14867/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Greener Homes Scheme, which is administered by Sustainable Energy Ireland (SEI) on behalf of my Department, provides support to homeowners to invest in a range of domestic renewable energy heat technologies including solar panels, biomass boilers and stoves and heat pumps. There is no grant aid available for the conversion of solid fuel heating to an oil fired system as this would be against the ethos of the Greener Homes Scheme.

River Weirs.

671. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources if he will clarify plans for the proposed lowering of the weir in Fermoy, County Cork; if a timetable has been established for the work; and if he will make a statement on the matter. [14875/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In July 2006, the Minister of State at the Department of Communications, Marine and Natural

Resources issued a direction under the Fisheries (Consolidation) Act 1959 to Fermoy Town Council, the owners of the weir, to carry out alterations to the Fermoy weir to allow for the free passage of fish while mitigating the impact on rowing activities.

This direction issued in the interests of conserving and protecting the wild salmon resource and in order to avoid the initiation of infringement proceedings by the EU Commission under the Habitats Directive.

An engineering report commissioned by the Department recognised that complete removal of the Fermoy weir would have a significant impact on rowing activities in the area. In recognition of these constraints, the report recommended that a section of the weir upstream from the Fermoy bridge be lowered and that a rock ramp fish pass be installed in the lowered weir to enable the free passage of all migratory species.

Departmental Funding.

672. **Deputy Paul Kehoe** asked the Minister for Communications, Energy and Natural Resources if there will be funding available to Sustainable Energy Ireland to continue to provide support to community based organisations who are currently running the warmer homes scheme; when groups will receive confirmation of the amount of funding they will receive; and if he will make a statement on the matter. [14939/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have provided funding of €2.5 million to the Warmer Homes Scheme in 2008. There are 17 active community based organisations currently involved in the Warmer Homes Scheme of which 16 have current fund agreements in place for 2008. All current fund agreements are for periods up to 12 months and most will be seeking renewal of agreements in late summer.

The estimated number of low income households to be assisted in 2008 is 4,000. My Department is keeping the 2008 funding for Warmer Homes under review in consultation with Sustainable Energy Ireland, in light of expenditure trends and level of demand.

Salmon Fishing Licences.

673. **Deputy Michael Ring** asked the Minister for Communications, Energy and Natural Resources the number of licences for the fishing of salmon by draft net which issued relevant to County Mayo in the years 2005, 2006, 2007 and to date in 2008; the names and addresses of the holders of said licences for 2005, 2006, 2007 and to date in 2008; the names of the several fisheries or other areas in County Mayo, in respect of which licences for the fishing of salmon by draft net issued for the years 2005, 2006, 2007 and to date in 2008; the names and address of the several fisheries or other areas in County Mayo, in respect of which licences for the fishing of salmon by draft net traditionally issued affected by closure orders prohibiting or restricting the fishing of salmon by draft net or otherwise consequent upon the recent conservation measure introduced by the Government; and the criteria in respect of areas in County Mayo affected by closure orders prohibiting draft net fishing for salmon, applied to determining the making of said closure orders. [13846/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My function in the matter of allocating salmon fishing licences is, under the Control of Fishing for Salmon Order, limited to authorising the issue of commercial fishing licences by regional fisheries boards, setting out the criteria under which those licences may be issued and prescribing the maximum number of commercial licences which may be issued by regional boards.

[Deputy Eamon Ryan.]

The maximum number of draft net licences which may be issued for the years 2005 to 2008 in the fishery districts in County Mayo are as follows:

Fishing District	2005/2006	2007	2008
Ballina	3	0	0
Bangor*	28	25	26
Ballinakill	17	17	17

*includes 25 draft (special tidal waters) licences.

The issue of licences is a day-to-day operational matter for each of the regional fisheries boards. The names and addresses of holders of licences (or the several fisheries) are held by the relevant regional fisheries board and are subject to the Data Protection Act.

Details of the rivers open for the harvest of salmon in the fishery districts in County Mayo in 2008 are identified in the Wild Salmon and Sea Trout Tagging Scheme Regulations 2008, S.I. No. 98 of 2008. The rivers so identified reflect the recommendations of the Standing Scientific Committee of the National Salmon Commission and the fisheries managers and are based on appropriate scientific assessment. In each case that assessment confirms that the rivers meet their conservation limit and that an identifiable surplus has been specified that can be harvested in compliance with the constraints of the Habitats Directive.

Alternative Energy Projects.

674. **Deputy Rory O'Hanlon** asked the Minister for Communications, Energy and Natural Resources the position regarding payments or credits to private individuals who supply electricity produced from windmills to the national grid; and if he will make a statement on the matter. [13953/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am firmly committed to the development of micro-generation in line with the Programme for Government and the Energy Policy White Paper to encourage the development of micro-scale suitable for use in the domestic context.

The vast majority of electricity meters currently installed in domestic houses cannot operate in reverse and are therefore incapable of crediting customers for electricity exported to the electricity network. Currently my Department is working closely with the Commission for Energy Regulation, Sustainable Energy Ireland (SEI), ESB Networks, ESB Customer Supply and the independent suppliers to roll out the smart-metering programme which, among other benefits, will be capable of measuring both electricity imported and consumed by consumers and electricity exported to the grid.

In November last year the CER issued new regulations which now facilitate the connection of micro-generation projects to the electricity grid. Yesterday at the Energy Show in the RDS, I launched a €2m SEI support programme for micro-generation which will see SEI initiate around 50 field trials of different micro-generation technologies this Summer as well as carrying out a number of technical and economic analyses in the sector.

Consultancy Contracts.

675. **Deputy Olivia Mitchell** asked the Minister for Communications, Energy and Natural Resources the consultants who carried out work for his Department or for any body under the auspices of his Department during 2007; if each consultant was an individual or a firm; the

amount earned by each consultant in 2007; the basis of the calculation of same; the rate per hour, day, week, month or other period payable in each case; if in each case the consultant was engaged to prepare a report or to carry out work; if in the case of a report being prepared the report has been published; if not, when the report will be published; and if he will make a statement on the matter. [14100/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In the time available, it has not been possible to identify and assemble the information requested in respect of my Department. Consultancies undertaken by bodies under the aegis of my Department are a matter for the bodies in question and I have no responsibility for such consultancies.

My Department is compiling the data sought by the Deputy in respect of the Department and I shall forward it to her as soon as possible.

Telecommunications Services.

676. **Deputy Dinny McGinley** asked the Minister for Communications, Energy and Natural Resources the position regarding the provision of broadband to an area (details supplied) in County Donegal; and if he will make a statement on the matter. [14187/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of broadband services is, in the first instance, a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg.

The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services by competing private sector service providers.

The widespread provision of broadband services continues to be a priority for the Government. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme (GBS) and investment in Metropolitan Area Networks (MANs). Although broadband is now widely available in Ireland there are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband services. These areas are being addressed by the National Broadband Scheme (NBS), which will provide broadband services to areas that are currently unserved, including any unserved areas in County Donegal, and will ensure that all reasonable requests for broadband are met.

The first phase of the NBS procurement process (Pre-Qualification Questionnaire (PQQ)) is now complete, and four candidates pre-qualified to enter the next phase of the procurement process. Following the withdrawal of the IFA/Motorola Consortium as a candidate, the remaining three candidates have now commenced “Competitive Dialogue” with my Department and are developing their proposed solutions to meet my Department’s requirements for the delivery of broadband to the unserved areas of the country. It is anticipated that a preferred bidder will be selected and appointed in July 2008, with rollout to commence as soon as possible thereafter.

Postal Codes.

677. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources the stage that has been reached in the introduction of postal codes; if these codes will be alpha-numeric or numeric; and if he will make a statement on the matter. [14573/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The National Postcode Project Board (NPPB) presented its recommendation as to the most appro-

[Deputy Eamon Ryan.]

priate postcode system for Ireland, the costs and benefits arising from its introduction along with a detailed implementation, promotion and maintenance plan. The proposal of the NPPB was to proceed with an alpha-numeric postal sector postcode model.

A proposal concerning the introduction of postcodes went to Government in May 2007 and Government decided that, prior to the introduction of postcodes, further analysis to quantify the wider economic and societal benefits should be carried out. My Department is currently carrying out this analysis, in order to establish the wider costs and benefits. This work will be completed shortly, on consideration of this analysis it would be my intention to revert to Government on the issue.

Alternative Energy Projects.

678. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources if he is familiar with the Stein gasification process; and his views on whether he believes whether it might be a viable means of creating energy from waste. [14681/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Stein gasification process is one technology option available to developers in the waste to energy sector.

The Stein gasification process would appear to be capable of harnessing energy from waste on a large scale. However any such programme must be compliant with the national waste management requirements including compliance with the waste management hierarchy in the first instance. Depending on the precise proposal a plant harnessing waste may require a license from the EPA and compliance with the requirements of the Waste Incineration Directive (2000/76/EC), which deals also with exhaust gas clean-up requirements.

The use of any particular waste-to-energy process is a commercial decision for individual companies in the first instance.