



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 8 May 2008.

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# DÁIL ÉIREANN

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*Déardaoin, 8 Bealtaine 2008.*  
*Thursday, 8 May 2008.*

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

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*Paidir.*  
*Prayer.*

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## **Appointment of Members of Government and Ministers of State.**

**The Taoiseach:** I wish to announce, for the information of the Dáil:

(1) that, having informed the President that Dáil Éireann had approved my nomination of Deputies to be members of the Government, the President, on 7 May 2008, appointed them accordingly;

(2) that, on the same date, I nominated Deputy Mary Coughlan to be the Tánaiste and assigned the Department of Enterprise, Trade and Employment to her;

(3) that, on the same date, I assigned the Departments of State to the other members of Government as follows: the Department of Finance, Deputy Brian Lenihan; the Department of Health and Children, Deputy Mary Harney; the Department of Transport, Deputy Noel Dempsey; the Department of Justice, Equality and Law Reform, Deputy Dermot Ahern; the Department of Foreign Affairs, Deputy Micheál Martin; the Department of Arts, Sport and Tourism, Deputy Martin Cullen; the Department Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív; the Department of Social and Family Affairs, Deputy Mary Hanafin; the Department of Defence, Deputy Willie O'Dea; the Department of the Environment, Heritage and Local Government, Deputy John Gormley; the Department of Communications, Energy and Natural Resources, Deputy Eamon Ryan; the Department of Agriculture, Fisheries and Food, Deputy Brendan Smith; and the Department of Education and Science, Deputy Batt O'Keeffe;

(4) that, on 7 May 2008, the President appointed Mr. Paul Gallagher SC, as Attorney General;

(5) that, on the same date, the Government appointed Deputy Pat Carey to be Minister of State at the Department of the Taoiseach, with special responsibility as Government Chief Whip, and at the Department of Defence;

(6) that, on 7 May 2008, the Government appointed Deputy Barry Andrews to be Minister of State at the Department of Health and Children with special responsibility for children and youth affairs; Deputy Trevor Sargent to be Minister of State at the Department of Agriculture, Fisheries and Food, with special responsibility for food and horticulture; and Deputy Dick Roche to be Minister of State at the Department of Foreign Affairs, with special responsibility for European affairs.

**Deputy Enda Kenny:** Could I just ask a question, through the Leas-Cheann Comhairle?

**An Leas-Cheann Comhairle:** Strictly speaking, there are no questions or comments.

**Deputy Bernard J. Durkan:** Strictly speaking.

*(Interruptions.)*

**An Leas-Cheann Comhairle:** Having said that, I am sure Deputy Kenny has something to ask that is in order.

**Deputy Enda Kenny:** I understand the Taoiseach is attending the economic conference in Northern Ireland. I was going to comment to the effect that it would have been desperate if the President had not accepted any of the nominations he put forward. Will the Taoiseach say whether the House is to be graced with his presence on Thursday mornings? We should like to see a change given that the House has a new Taoiseach, a new system and a new Leader.

**The Taoiseach:** The old arrangement worked exceedingly well.

**An Leas-Cheann Comhairle:** I can advise Deputy Kenny that this is a matter which is in the hands of the House. Under the Standing Order, in fact, the Taoiseach is not allowed to take the Order of Business on a Thursday.

*(Interruptions.)*

**Deputy Eamon Gilmore:** Will the Taoiseach say when he intends to announce the appointment of the remainder of the Ministers of State?

**An Leas-Cheann Comhairle:** Again, it is strictly not in order right now, but——

**Deputy Noel J. Coonan:** He might tell us.

**An Leas-Cheann Comhairle:** I shall allow the Taoiseach to make a brief comment, if he wishes.

**The Taoiseach:** Next week.

### **Requests to move Adjournment of Dáil under Standing Order 32.**

**An Leas-Cheann Comhairle:** Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 32.

**Deputy Denis Naughten:** I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of urgent national and regional importance, namely, in the light of the disclosure earlier this week that Elan Corporation is planning to transfer its new biological processing plant, with 500 potential jobs, from Athlone to Dublin, there is an urgent need for the Taoiseach and the Tánaiste to directly intervene to secure the jobs at the Athlone site, not only to support the local economy — and this flagship regional employer — but to protect the long-term industrial policy of consecutive Governments, and the national and spatial strategy by bringing foreign direct investment to the regions.

**Deputy Seymour Crawford:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national and local importance, namely, the urgent need to discuss the serious crisis in the HSE as regards subvention payments, where clients or patients have been asked to pay the increased charges being imposed by nurse notes, some of them since 1 January 2008.

In one situation, a person aged 100 may have to return home where there is no individual to care for him, apart from his son. In another case, a couple with Alzheimer's disease were assessed for their further increase of €300 per week, while the HSE had been allocated €110 million towards the fair deal project, which was never implemented.

**Deputy Dan Neville:** I wish to move the adjournment of Dáil Éireann under Standing Order 32 to table the following motion of urgent national importance, namely, the need for the Minister for Health and Children to initiate discussions to end the dispute between the HSE, the PNA and SIPTU, which has serious implications for psychiatric hospital inpatients and community psychiatric services, and in particular, the consideration that the Army and Garda will perform nursing duties for the most vulnerable of patients.

**Deputy Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 32 to address the following matter of national importance requiring urgent consideration, namely, the need for the Minister for Health and Children to intervene immediately in the escalating dispute between the HSE and psychiatric nurses, and to provide a fair scheme of compensation for nurses injured in the course of their work, to guarantee proper levels of staffing in the psychiatric services and to ensure that no further services are curtailed or patients adversely affected as a result of the dispute.

**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. 10, motion re proposed approval for council framework decision on the organisation and content of the exchange of information extracted from criminal records between member states; and No. 3, Defamation Bill 2006 [*Seanad*] — Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that No. 10 shall be decided without debate and shall be taken before Private Members' business. Private Members' business shall be No. 33, motion re management companies (housing developments).

**An Leas-Cheann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 10, motion re proposed approval for council framework decision on the organisation and content of the exchange of information extracted from criminal records between member states, without debate, agreed? Agreed.

**Deputy Enda Kenny:** The previous Minister for Justice, Equality and Law Reform, now the Minister for Finance — good luck to him — received the Morris tribunal report on 24 April. It was published yesterday, which was statutorily the last day to do so. Was there a reason that it was not published before the statutory deadline was about to be reached? In view of the importance of this element of the Morris tribunal now being available and given that the Tánaiste is a Member from the county involved, can I take it we will have an opportunity to discuss this report in the House? Will she give consent to the new Whip to approve that debate? It is a matter of very serious import for the conduct of the Garda, for those involved and for ordinary citizens. I hope the Tánaiste will give consent to an early discussion in the House on this first element of the Morris tribunal.

The National Property Services Regulatory Authority was established in 2005 and was allocated a budget of €700,000 in 2007 and €930,000 in 2008. However, it cannot operate as legis-

[Deputy Enda Kenny.]

lation to give it power has not been brought before the House. When is it proposed to introduce the legislation giving statutory effect to the National Property Services Regulatory Authority?

What is the Tánaiste's view in respect of the siting of the Central Mental Hospital at Thornton Hall? Evidence is now very clear that this is the wrong thing to do. Is there a change of Government policy in this regard?

Now that we have a reformed or recycled Government, as somebody said yesterday, what is the position on the reintroduction of the long-term residential care services Bill? This was to be rammed through before Christmas by the Minister for Health and Children, who is not present. We were given consistent responses from the previous Taoiseach that this was on its way very shortly. However, there now appears to be some constitutional difficulties with it. It is a matter of very considerable import to thousands of people, as the Tánaiste well knows. Can I take it that we will have an accurate report as to when it will be introduced in the House?

**An Leas-Cheann Comhairle:** Three matters are in order.

**The Tánaiste:** As Deputy Kenny is aware, the Morris tribunal is a matter of utmost gravity. It deserves due consideration. There was a statutory framework within which the former Minister for Justice, Equality and Law Reform worked as he indicated publicly today. It was a very short timeframe. On the basis of that short timeframe, the Garda Commissioner wished to prepare his response. It was on that basis that it was statute-bound and published yesterday. We are not averse to the Deputy's request for a debate on the matter and I am sure it can be raised with the Whips in due course when time allows for that discussion.

**Deputy Enda Kenny:** It should happen quickly rather than in due course, which could be years.

**The Tánaiste:** That all depends on what time we finish here today and then we can order our business.

On the other matters, we hope to have both Bills available this session. We are aware of the health Bill on long-term care which is very important. It is the Minister's anxiety that this is introduced as quickly as possible this session.

**Deputy Enda Kenny:** The previous Taoiseach used to say that the session continued until the commencement of the next Dáil session. Can I take it that the long-stay residential institutions Bill will be dealt with here before the House rises at the end of June?

**The Tánaiste:** Yes, it will be before the summer recess.

**Deputy Enda Kenny:** Does that mean before 3 July?

**The Tánaiste:** We will also need to decide the recess.

**Deputy Enda Kenny:** I understand the date for the rising of the House is 3 July.

**Deputy Eamon Gilmore:** I also wish to raise the issue of the Morris tribunal report. Publication of that report yesterday on the day when the Government was being formed was an act of political cynicism. It reminded me of the press officer in the UK who circulated a memorandum on 11 September 2001 suggesting to Ministers if they had any bad news to release, it would be a good day to do so. I heard the explanation of the Minister for Finance this morning. While I accept yesterday was the final day, there was nothing to prevent the publication of that report earlier than yesterday. The publication at lunchtime on the day the Government was

being formed was clearly a well news-managed event. It does not behove any new practices on the part of the Government.

I ask about the arrangements for a debate on it. This is a report with very serious conclusions. I ask the Tánaiste whether that debate will take place next week. I understand a Whips' meeting is to take place immediately after the Order of Business, so I presume the Government has already decided the business the House will deal with next week. Will the debate on the Morris tribunal report take place next week?

As I am on the subject of news management, I did not want to raise this matter in this forum yesterday because it was a feel-good day around here. However, I want to protest very strongly at the disrespect the Government showed for this House yesterday. The Taoiseach was asked to extend the time for the debate on the formation of Government merely by an hour. In a very arrogant way he refused to do so. It was clear what was going on.

**A Deputy:** Democracy.

**Deputy Eamon Gilmore:** It was clear that the timing of events yesterday was meant to coincide with main news bulletins. That is very admirable news management and I congratulate the people who organised it.

**An Leas-Cheann Comhairle:** I am afraid that matter is not in order on the Order of Business.

**Deputy Noel Dempsey:** There is no legislation promised.

**Deputy Eamon Gilmore:** A Leas-Cheann Comhairle, I am trying to save some time in the future. If that practice continues into the future, then the Members of this House, including the members of the Government, will be going through those lobbies considerably more often than they might expect.

**Deputy Michael Ahern:** Emmet will be back again.

**The Tánaiste:** On the issue of the Morris tribunal, I believe all in this House agree this is a matter of grave concern. Once they receive a report people must be afforded an opportunity to analyse it and revert to it. It was on this basis that the former Minister for Justice, Equality and Law Reform indicated publicly the Garda Commissioner wished that opportunity to be afforded to him. Two further reports are imminent. To be helpful, it might be best to discuss all of them in their entirety.

**Deputy Joan Burton:** About Christmas Eve.

**The Tánaiste:** Both these reports are being made available in a matter of weeks. If the Deputies opposite do not wish to agree, that will be a matter for consideration with the Whips. It would give a wrong signal that anyone on this side of the House or indeed anyone within the House would not take on board the severity and outcomes of this report. These are now public documents that are laid before the Oireachtas. I have the same regard as all of us for the Houses of the Oireachtas and the publication in no way marries the way in which this matter has been dealt with. It is statute bound. It is publicly available. As I have indicated, we will be forthcoming in organising a debate to discuss it. To be prudent in the better use of time and time management, it may be better to afford the opportunity for the other two reports to be discussed. However, that will be a matter for the Whips to determine.

On the final item, I listened to what the Deputy said. Luckily, as a woman of compassion, I do not take threats.

**Deputy Eamon Gilmore:** I was not threatening. I was promising.

**The Tánaiste:** The Taoiseach and I, along with all members of the Government, have the highest regard for this House and the discussions that take place. The Taoiseach indicated yesterday afternoon, when it came to the timing of the debate, that it was to be between 6 p.m. and 8.15 p.m. and that was to be the order of the House. He indicated that the 15 minutes lost was provided, giving due regard to the Members of the House who wish to discuss the matter.

**Deputy Richard Bruton:** Says who?

**An Leas-Cheann Comhairle:** Many Deputies have indicated a desire to contribute and I am anxious to facilitate everyone if I can. Did Deputy Gilmore wish to add a brief supplementary question?

**Deputy Eamon Gilmore:** I wish to reassure the Tánaiste that I do not make threats. However, I promise that if what happened yesterday is repeated there will be consequences.

**A Deputy:** We will not be electing another Taoiseach soon.

**Deputy Eamon Gilmore:** What information does the Tánaiste have on when the other Morris reports will be published? She clearly expects that they will be published in a matter of weeks.

**The Tánaiste:** I am advised that it will be a matter of a number of weeks and we will communicate with Deputy Gilmore personally on the issue.

**Deputy Ciarán Lynch:** With reference to the Nuclear Test Ban Bill, it has come to my attention that there is no explanatory memorandum. As the House is aware, the purpose of an explanatory memorandum is to inform of a Bill's rationale and what it is intended to achieve. Given there is no explanatory memorandum for the Nuclear Test Ban Bill, is the House indicating that we will take the Joe Jacob approach of putting our heads between our legs? Will we get an explanatory memorandum for the Bill?

**The Tánaiste:** We will check that out and the Minister may facilitate the Deputy with a one-to-one, if necessary.

**Deputy Bernard J. Durkan:** Do not go there.

**Deputy Pat Rabbitte:** I wish to raise a matter of justice legislation and, in doing so, I wish to congratulate the former Minister for Justice, Equality and Law Reform on his elevation to the position of Minister for Finance and thank him for his courtesy in the past 11 months.

On 29 November I published a Garda Síochána (Powers of Surveillance) Bill that would permit evidence gathered by surveillance in certain circumstances to be admissible against crime bosses. The Minister opposed the Bill at the time and said "it would alert the criminals". However, on the radio this morning I heard him claim it as one of his great achievements.

**Deputy Finian McGrath:** Another exclusive for RTE.

**Deputy Pat Rabbitte:** He told the Garda Representative Association that he would publish such a Bill. Given his closeness to the Tánaiste, I wonder if the Tánaiste can tell me when we will see it.

**The Tánaiste:** To be honest, it is not on any list but the former Minister for Justice, Equality and Law Reform did indicate that he was taking on board the issues Deputy Rabbitte raised. There are complex issues and legislation is forthcoming.

**Deputy Pat Rabbitte:** With respect, the Minister announced outside the House that he would bring forward a Garda Síochána (Powers of Surveillance) Bill. It is not a question of what I told him; I published the Bill and it is there to be seen.

**Deputy Billy Kelleher:** It was not a bad idea.

**Deputy Pat Rabbitte:** I am glad the Deputy stayed where he is. When will the Bill be published?

**The Tánaiste:** The heads of the Bill are being prepared at the moment.

**Deputy Aengus Ó Snodaigh:** I wish to speak on the same matter, a covert surveillance Bill.

**Deputy Dermot Ahern:** The Deputy wishes to speak of covert surveillance. That is a good one.

**Deputy Fergus O'Dowd:** Can Deputy Ó Snodaigh give some advice?

**Deputy Aengus Ó Snodaigh:** This Bill seeks to place the existing practice by the security forces on a statutory basis in line with the European Convention on Human Rights, ECHR. I did not know we had security forces. Will the Bill take account of the Morris report?

**An Leas-Cheann Comhairle:** It is not appropriate to raise the contents of the Bill.

**Deputy Aengus Ó Snodaigh:** Until now it was intended for court purposes, not to regularise the——

**The Tánaiste:** The heads of the Bill are being prepared at the moment. The Bill is forthcoming and the Deputies will have ample time to put forward their views and discuss it in due course.

**An Leas-Cheann Comhairle:** I call on Deputy Joanna Tuffy. I beg Deputy Durkan's pardon and will return to him shortly.

**Deputy Joanna Tuffy:** I congratulate the Tánaiste on her appointment and it is good to see a woman in the post.

Senior Government spokespersons have been quoted in newspapers recently as saying the fair deal Bill relating to long-term residential care services is looking less and less likely. It is time the Government was up front about this because it keeps missing deadlines. It is clear to me, as a solicitor who worked in property, that there is a problem. A clause in the Constitution says the State cannot pass a law to abolish people's rights to leave or inherit property and I see difficulties in this regard.

**An Leas-Cheann Comhairle:** I think, in general terms, the question relates to the timing of the Bill. I understand it will be during this session.

**Deputy Joanna Tuffy:** If the Bill is unconstitutional and will not proceed the Government should be up front about it.

On another piece of legislation, a report this Sunday on the designated land (housing development) Bill suggested the Government will pass a law allowing it to acquire land for critical public projects at below market value. Is this just kite-flying to keep the Green Party's publicity machine going? Will this go ahead because the Government has not used compulsory purchase orders, CPOs?

**The Tánaiste:** I indicated to Deputy Kenny that the first piece of legislation will be discussed during this session and we are anxious to bring it forward as quickly as possible. The designated land (housing development) Bill will be dealt with this year.

**Deputy Bernard J. Durkan:** Like everyone else, I extend my good wishes to the Tánaiste and the newly appointed Ministers and wish them well in the future.

On promised legislation, I wish to raise an issue that has, no doubt, already been brought to the Tánaiste's attention, the ongoing dispute with pharmacists. Can she take the initiative and intervene with a view to bringing meaningful negotiations to a head?

**An Leas-Cheann Comhairle:** That is not in order, as the Deputy knows.

**Deputy Bernard J. Durkan:** Alternatively, will she withdraw or bring before the House the proposed pharmacy (No. 2) Bill.

The extradition Bill has been hanging around, like a great deal of other legislation from the Department of Justice, Equality and Law Reform, for some time. It has been promised and threatened but nothing has happened. As the Minister sitting beside the Tánaiste is more familiar with this area, can I ask whether it is intended to place any importance on the issues referred to in the Bill and bring it before the House as a matter of urgency?

**The Tánaiste:** Unfortunately, I am not in a position to say when those pieces of legislation will be debated in the House.

**Deputy Bernard J. Durkan:** That is unfortunate.

**Deputy Seymour Crawford:** I congratulate my fellow Ulster person on her appointment and my colleague from Cavan-Monaghan on his. It is good to see two Ulster people in important places.

The first issue, the health (long-term residential care services) Bill, has already been raised but I wish to emphasise it because there is a crisis in this regard.

**An Leas-Cheann Comhairle:** Questions on that have been answered twice. Has the Deputy another piece of legislation that is relevant?

**Deputy Seymour Crawford:** In light of the statement made by the Taoiseach yesterday on county hospitals, when will the eligibility for health and personal social services Bill be introduced? This will let us know the services people are entitled to.

Will there be an opportunity to discuss the mental health (amendment) Bill here, in light of the crisis in mental health services that is dragging on and the current level of suicide?

**The Tánaiste:** Both pieces of legislation will be available next year.

**Deputy Caoimhghín Ó Caoláin:** I wish the Tánaiste well on her first full day in office.

A serious situation is developing between the Health Service Executive, HSE, and the psychiatric services. What steps will the Government take in this regard and will the Minister come before the House to address the issue? Care services are now being withdrawn and patients are being directly affected. Regarding specific legislation, what can be done to bring forward the nurses and midwives Bill? I ask that the Tánaiste also address the earlier part of my question.

My final point is relevant in the context of a new Taoiseach and Tánaiste and a shuffled Cabinet and should get the attention of the Minister for Transport, Deputy Noel Dempsey. I

11 o'clock

tabled a series of nine parliamentary questions to the Minister for Transport, Deputy Dempsey. Four of these have been refused on the basis that they concern the Road Safety Authority. However unsatisfactory it has proved when the Minister for Health and Children kicks into touch a parliamentary question to the HSE's parliamentary affairs division and the long delay that ensues, there is no such——

**An Leas-Cheann Comhairle:** Sorry, a Theacta, this does not arise on the Order of Business.

**Deputy Noel Dempsey:** I will be on Question Time later this afternoon. The Deputy can ask me then.

**Deputy Caoimhghín Ó Caoláin:** May I suggest in good faith and in a spirit of co-operation that parliamentary questions that are——

**An Leas-Cheann Comhairle:** The Tánaiste on the legislation in question.

**Deputy Caoimhghín Ó Caoláin:** If I could finish the damn question for one moment. It is bad enough the Leas-Cheann Comhairle's office dumping these parliamentary questions back at Members. I am asking a simple question. Can a facilitation be put in place so a parliamentary question can be channelled directly to the Road Safety Authority and we can have some practical co-operation in the House?

**Deputy Noel Dempsey:** I will send the Deputy the address and he can write to the Road Safety Authority directly.

**An Leas-Cheann Comhairle:** Deputy Ó Caoláin, this is not Question Time. If there are issues about parliamentary questions, you may raise them with the Ceann Comhairle's office.

**Deputy Caoimhghín Ó Caoláin:** It is all about the ordering of business and all we have is disorder. It is a waste of time.

**Deputy Thomas P. Broughan:** In support of Deputy Ó Caoláin——

**An Leas-Cheann Comhairle:** We cannot have a debate on what is and is not in order.

**Deputy Thomas P. Broughan:** Like the Deputy, I have a sheaf of questions for the National Roads Authority .

**An Leas-Cheann Comhairle:** That might be worthy but we cannot have a debate on the issue on the Order of Business.

**Deputy Thomas P. Broughan:** The reality is that the Minister for Transport is not reporting on behalf of the National Roads Authority to the House. That is a serious gap in the work of this House. The Ceann Comhairle——

**An Leas-Cheann Comhairle:** That is a matter of legislation.

**Deputy Thomas P. Broughan:** No, it is your business, a Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** The Chair does not interpret law. It complies with Standing Orders.

**Deputy Thomas P. Broughan:** The Ceann Comhairle undertook to reform the system so that the Minister for Transport would be able to report on all aspects of transport policy to the

[Deputy Thomas P. Broughan.]

House. I commiserate with the Minister, Deputy Noel Dempsey, having to remain in the Department of Transport.

**Deputy Noel Dempsey:** The only commiseration is I still have to face Deputy Broughan.

**Deputy Thomas P. Broughan:** Reporting on policy is what happens in every other parliament. Deputy Ó Caoláin has a valid point. It is your responsibility, a Leas-Cheann Comhairle, to move this forward.

**Deputy Bernard J. Durkan:** On a point of order——

**An Leas-Cheann Comhairle:** Deputy, the Chair is responding to the last issue. The House established the National Roads Authority .

**Deputy Emmet Stagg:** Quangoism.

**An Leas-Cheann Comhairle:** The House set the legal framework within which it operates. It is in the hands of the House to change the law. In the interim——

**Deputy Bernard J. Durkan:** On a point of order——

**An Leas-Cheann Comhairle:** Will the Deputy please allow the Chair to speak? In the interim, the Chair, as well as every Member, is bound by the law. Deputy Durkan, do you have a genuine point of order?

**Deputy Bernard J. Durkan:** I support Deputies Ó Caoláin and Broughan on this issue. There is increasing evidence in the past six weeks of the——

**An Leas-Cheann Comhairle:** That is not a point of order. I call Deputy Michael D. Higgins.

**Deputy Bernard J. Durkan:** ——refusal of Ministers to answer parliamentary questions on the basis that they concern matters which are not their responsibility.

**An Leas-Cheann Comhairle:** I call Deputy Higgins.

**Deputy Bernard J. Durkan:** On a point of order——

**An Leas-Cheann Comhairle:** Will the Deputy please take his seat? You have made the point that you are concerned about the way parliamentary questions are answered. That is not a point of order.

**Deputy Bernard J. Durkan:** If there has been a change in the House's procedure, then it is a point of order. Previous speakers have set out what is happening. We as Members of Parliament object strongly to that trend.

**Deputies:** Hear, hear.

**An Leas-Cheann Comhairle:** It is in the hands of the House to change Standing Orders or the law.

**Deputy Emmet Stagg:** How can we when the Government has a majority?

**Deputy Bernard J. Durkan:** It is not about changing the law at all.

**Deputy Caoimhghín Ó Caoláin:** A response is due to this Deputy.

**An Leas-Cheann Comhairle:** I call on the Tánaiste to respond to Deputy Ó Caoláin's question on legislation.

**The Tánaiste:** The nurses and midwives Bill will be available in 2009. The other issue is not in order but the Labour Relations Commission has been most anxious to facilitate discussions.

**Deputy Michael D. Higgins:** I wish the former Minister for Foreign Affairs, Deputy Dermot Ahern, every good wish in his new appointment and welcome the new Minister.

Will the Government make time available next week to discuss the refusal by the Burmese authorities to allow UN planes and other international aid agencies entry into Burma to address the huge catastrophe that has happened there? I do not suggest we have a set of statements because every Member is in agreement on the tragedy that has occurred. We should seek to have an all-party agreed motion on the significance of the refusal of the Burmese authorities to allow access to international aid agencies and the breach of international law this involves. Will the Tánaiste provide a substantial time slot to address these issues?

The Government facilitated, and to some extent legitimised, the Burmese junta by allowing it access to ASEAN. It is important we acknowledge that was a mistake.

**Deputy Billy Timmins:** I wish the former Minister well in his new appointment and wish the new Minister well.

The Tánaiste will be aware her new boss had a hand in discussions with the Burmese junta when Ireland held the EU Presidency. Will the Taoiseach use the contacts he has to ensure the Irish aid agencies trying to get into Burma get visa waivers?

**An Leas-Cheann Comhairle:** Is there to be a debate on this important issue, Tánaiste?

**The Tánaiste:** The Government is concerned about the issue. I am sure after a discussion with the Whips a motion can be agreed upon and debated.

**Deputy Joan Burton:** I congratulate the Tánaiste on her new appointment.

Last night, the new Cabinet met for the first time in Áras an Uachtaráin. Was a decision made to permanently defer the outrageous pay increases which the former Cabinet agreed to award itself?

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

**Deputy Joan Burton:** It is a Government policy. When will we hear about the decision on the pay awards? Is the Government hanging on to the increases which, in the Taoiseach's case of €38,000, is more than what the average industrial worker earns?

Last night, a late announcement from the Department of Education and Science was sneaked out by the Government as the previous Minister left office. Scoil Oisín in the Phoenix Park which only attracted an enrolment of nine children——

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

**Deputy Brian Hayes:** It is in order.

**Deputy Joan Burton:** Yes, it is. Against all the advice to the former Minister for Education and Science, Deputy Hanafin, she persisted in recognising the school. There was a U-turn when ministerial appointments were made. Legislation was promised in this area. She refused to recognise the Educate Together school in Carpenterstown which had an enrolment of 60 children.

**An Leas-Cheann Comhairle:** Tánaiste, is legislation promised in this area?

**The Tánaiste:** No.

**Deputy Joan Burton:** The new Minister for Finance, Deputy Brian Lenihan, can shake his head all he likes.

**An Leas-Cheann Comhairle:** Thank you, Deputy, but I am trying to facilitate a number of other Deputies.

**Deputy Joan Burton:** Where is the legislation dealing with the creation of primary schools in new areas?

**An Leas-Cheann Comhairle:** There is no promised legislation in this area.

**Deputy Brian Hayes:** Yes, there is.

**Deputy Joan Burton:** Will the Government recognise the wishes of parents for primary schooling for their children in an Educate Together format?

**An Leas-Cheann Comhairle:** Will Deputy Burton allow the Tánaiste to respond?

**Deputy Joan Burton:** It is important. The decision was sneaked in last night.

**Deputy Brian Hayes:** On the same matter, Deputy Burton has raised a crucial point. The Government promised three new schools under the patronage of County Dublin VEC but it is now two new schools. It relates to promised legislation.

**An Leas-Cheann Comhairle:** I am delighted to hear that.

**Deputy Brian Hayes:** It relates to the education patronage Bill. It is yet to be published and will not be enacted before the summer. What will be the legal standing of the two schools that will open their gates on 1 September when the Bill has yet to be introduced to the House?

**An Leas-Cheann Comhairle:** The legal standing of the schools is not in order on the Order of Business.

**The Tánaiste:** The education patronage Bill——

**Deputy Joan Burton:** What is also an issue——

**An Leas-Cheann Comhairle:** Deputy Burton, please allow the Tánaiste to answer the question.

**Deputy Joan Burton:** It has to do with the recognition of an Educate Together school with 60 children.

**An Leas-Cheann Comhairle:** Deputy Burton, you cannot put a question and then not allow the Tánaiste to answer it.

**Deputy Joan Burton:** It also has to do with parents being allowed to send their children to the school they wish.

**An Leas-Cheann Comhairle:** Deputy, allow the Tánaiste to answer the question that was put.

**The Tánaiste:** Preparatory work on the heads of the education patronage Bill is proceeding. On the other issues raised, the Minister for Education and Science can deal with the matters if they are raised through parliamentary questions or on the Adjournment.

**Deputy Richard Bruton:** We do not share the Tánaiste's confidence.

**Deputy Brian Hayes:** The legislation will not be published before September.

**Deputy Enda Kenny:** The Tánaiste has not responded to parliamentary questions in a long time.

**The Tánaiste:** I was not bad at answering them.

*(Interruptions).*

**Deputy Jan O'Sullivan:** I congratulate the Tánaiste. Speaking as a female Deputy, to see her walking behind the Taoiseach yesterday was the only cheerful aspect from the point of view of this side of the House. Unfortunately, I am not in the same position as others in that I cannot congratulate a new Minister in the Department I shadow. We are stuck with "Blame everyone but me" Mary in the Department of Health and Children.

**Deputy Martin Cullen:** The Deputy should stop. Her comment was not nice and was uncalled for.

**Deputy Jan O'Sullivan:** I am sorry, but that is how it is.

**Deputy Martin Cullen:** The Deputy is out of order.

**Deputy Enda Kenny:** The Minister, Deputy Cullen, stands by the Minister, Deputy Harney.

**Deputy Jan O'Sullivan:** In the context of severe cutbacks——

**An Leas-Cheann Comhairle:** Is there a question relevant to the Order of Business?

**Deputy Jan O'Sullivan:** Yes, it is in the context of a €95 million overrun in the HSE's budget for this year and inevitable cuts across the board. Will the Tánaiste stand over the cuts or will a Supplementary Estimate be introduced by the Minister for Health and Children? It must be one or the other.

**An Leas-Cheann Comhairle:** No legislation is promised. The matter is not in order.

**Deputy Jan O'Sullivan:** In real terms, the budget has reverted to the position of the late 1980s. Is the Tánaiste standing over the cutbacks?

**An Leas-Cheann Comhairle:** The Deputy should allow Deputy Sheehan to put his question.

**The Tánaiste:** No legislation has been promised.

**Deputy Noel Dempsey:** Deputy Sheehan will definitely be in order.

**Deputy P. J. Sheehan:** As the Tánaiste has discarded her wellington boots in the Department of Agriculture, Fisheries and Food——

**Deputy Noel Dempsey:** Her designer wellington boots.

**Deputy P. J. Sheehan:** —and put on her new boardroom shoes in the Department of Enterprise, Trade and Employment, when will the company law consolidation and reform Bill be introduced?

**Deputy Michael D. Higgins:** That is all they are discussing in Cork.

**The Tánaiste:** I thank Deputy Sheehan for his kind remarks. I have moved from designer wellingtons, but I will loan them to him if he is stuck for a pair. The Bill is substantial and we are not in a position to indicate when it will be before the House.

**Deputy Michael Creed:** I wish to be associated with the words of congratulation to the Tánaiste. She leaves the Department of Agriculture, Fisheries and Food and the agricultural community at a time of concern due to the Mandelson proposals in respect of the World Trade Organisation talks. When she met Commissioner Mandelson in her previous capacity recently, did she convey the Government's willingness to invoke the veto to defend a vital national interest?

**Deputies:** Hear, hear.

**Deputy Michael Creed:** The Cawley report is the Government's blueprint for revitalising the fisheries sector. In the context of the Commission's rejection of the operational programme for fisheries, where does the report stand?

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

**Deputy Michael Creed:** It is relevant.

**An Leas-Cheann Comhairle:** I am sure it is important.

**Deputy Michael Creed:** The operational programme for fisheries has been rejected by the European Commission. There are three Departments involved, including the Department of the Environment, Heritage and Local Government, and the issue arises due to Ireland's failure to implement relevant EU legislation.

**An Leas-Cheann Comhairle:** That matter seems suitable for a parliamentary question.

**Deputy Michael Creed:** Will the Tánaiste convene a meeting of the three Departments involved? This also has implications for rural development.

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

**Deputy Michael Creed:** Will she ensure that the programme is finalised as quickly as possible so that investment in the sector, as envisaged in the Cawley report, can proceed?

**An Leas-Cheann Comhairle:** It is suitable for a parliamentary question.

**Deputy Michael Creed:** Will the Tánaiste respond to the question on the WTO talks and her meeting with Commissioner Mandelson?

**An Leas-Cheann Comhairle:** It is not in order.

**Deputy Michael Creed:** In the Tánaiste's previous incarnation, she spoke often about a balanced deal.

**An Leas-Cheann Comhairle:** I am trying to accommodate a number of Deputies who have indicated.

**Deputy Michael Creed:** Now that the Tánaiste is the trade Minister, perhaps she will give the House more information about her definition of a balanced deal.

**Deputy Brian Hayes:** Hear, hear.

**Deputy Charles Flanagan:** Obviously, she has taken off the wellingtons.

**Deputy Olivia Mitchell:** And put on the steel-capped boots.

**Deputy Tom Sheahan:** While I congratulate the Tánaiste on her elevation, her passion for fashion in recent days will cost the women of the country a fortune.

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

**Deputy Tom Sheahan:** Regarding the merchant shipping miscellaneous provisions Bill——

**Deputy Bernard J. Durkan:** It was a good opener.

**An Leas-Cheann Comhairle:** Yes. I had hoped that we would get there.

**Deputy Tom Sheahan:** ——which proposes to provide enabling powers for maritime safety, I urge the Tánaiste to use her good offices to have a word in the Minister for Transport's ear to maintain services and jobs in her and my corners of the country, namely, at the Malin Head and Valentia Island Coast Guard stations.

**Deputies:** Hear, hear.

**The Tánaiste:** Legislation is promised for later this year.

**Deputy Richard Bruton:** While I congratulate the Tánaiste and the Minister for Finance, Deputy Brian Lenihan, I particularly congratulate the Chief Whip, Deputy Pat Carey, a northsider who has been elevated. For a while, we believed that we would be wiped out, but it is good to see that——

**Deputy Olivia Mitchell:** No, that was the southsiders.

**Deputy Richard Bruton:** Poor old Dublin is on the rack. While I will not ask anything relating to the Department of Finance on the Minister's first day, I will ask a question about the road traffic Bill. This week, I was appalled to read that 33,000 speeding drivers got off scot free because they claimed that they did not receive notices. There is a question of responsibility because legislation passed by the House is not being enforced properly.

**An Leas-Cheann Comhairle:** Does the Deputy have a question?

**Deputy Richard Bruton:** The road traffic Bill has been promised and Deputy Broughan and others have commented on a lack of accountability in the House. Who will take responsibility for the fact that enforcement——

**An Leas-Cheann Comhairle:** That is a parliamentary question for the Minister for Transport.

**Deputy Richard Bruton:** ——in respect of speeding, one of the key killers on our roads, is collapsing? A promised Bill will add further to the legislative burden whereas the current

[Deputy Richard Bruton.]

legislation is not being enforced. There is an issue of responsibility and the Cabinet should be accountable.

**Deputies:** Hear, hear.

**The Tánaiste:** The road traffic Bill will be available at the end of the year.

**Deputy Michael Creed:** What will be done about the 33,000 speeding fines?

**The Tánaiste:** They will be addressed once the Bill is enacted.

**Deputy Joe McHugh:** I want to be associated with the warm words of congratulations to my county colleague, the Tánaiste, whom I wish well. It is a testament to her ability to represent County Donegal, which I hope continues, and the tradition within the Coughlan family. I hope to see bonfires in Mount Charles tonight.

**The Tánaiste:** If the Deputy goes home that way, he will be in the wrong constituency.

**Deputy Joe McHugh:** I look forward to her referring to Milford, Inishowen and Letterkenny when making large job announcements.

**An Leas-Cheann Comhairle:** I am sure the Deputy will be in order any minute now.

**Deputy Joe McHugh:** Will the Tánaiste exert pressure on the new Minister for Foreign Affairs relating to next week's Champions League final?

**An Leas-Cheann Comhairle:** It is not in order.

**Deputy Joe McHugh:** There is a waiver on visas for British supporters. I do not know whether there are many Chelsea supporters in Ireland, but there are many Manchester United supporters.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Joe McHugh:** Will the Tánaiste discuss with the Minister for Foreign Affairs the question of a waiver for Irish supporters?

**Deputies:** Hear, hear.

**An Leas-Cheann Comhairle:** It would be an excellent parliamentary question, but it is not in order on the Order of Business.

**Deputy Joe McHugh:** It would not be answered in time for next Wednesday's final.

**An Leas-Cheann Comhairle:** The Deputy can communicate directly with the Minister.

**The Tánaiste:** As a Liverpool supporter, I will not be in attendance.

**Deputy Joe McHugh:** I am a Liverpool supporter speaking on behalf of Manchester United supporters.

**Deputy Charles Flanagan:** If the former Taoiseach was still in charge, he would be in attendance.

**Deputy Dinny McGinley:** Ba mhaith liom comhghairdeas ó chroí a dhéanamh le mo chomhghleacaí ón dáilcheantar, an Tánaiste, ar a ceapachán. Is onóir mhór di agus do Dhún na nGall go bhfuil post chomh sinsearach sin insan contae againn. Guím gach rath uirthi. Anois, an féidir leis insint dúinn cén uair a bheidh Bille Údarás na Gaeltachta á phlé sa Dáil?

**The Tánaiste:** An féidir libh fanacht ar feadh bomaite?

**Deputy Michael D. Higgins:** Beidh sí ann le píosa fada.

**The Tánaiste:** Gabhaim buíochas le mo chomhghleacaithe as ucht an méid a bhí le rá acu agus as chomh cairdíúil agus atá siad. Is pribhléid mór dom í go bhfuil mé ag obair le comhghleacaithe mar an Teachta McGinley agus an Teachta McHugh. Bhí an Teachta McHugh ag iarraidh rud éigin uaim ach níl a fhios agam faoi sin ach bhí an Teachta McGinley lán dáiríre. Níl a fhios againn ag an am seo cén uair a bheidh an Bille sin réidh, ach beidh mé ag caint leis an fhoras fá dtaobh de.

### European Council Decisions: Motion.

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** I move:

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on the organisation and content of the exchange of information extracted from criminal records between member states,

a copy of which proposed measure was laid before Dáil Éireann on 11 February 2008.

Question put and agreed to.

### Message from Seanad.

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Twenty-eighth Amendment of the Constitution Bill 2008 without amendment.

### Private Members' Business.

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### Management Companies (Housing Developments): Motion.

**Deputy Phil Hogan:** I move:

That Dáil Éireann:

notes—

- that more than 500,000 people live in apartment and mixed developments, there are approximately 303,000 apartments in Ireland, including the 60,000 built since 2005, with approximately 4,600 management companies operating in Ireland today;
- that multi-unit, apartment and mixed developments will continue to increase as we move towards higher urban densities and more environmentally sustainable living;

[Deputy Phil Hogan.]

- the widespread information deficit experienced by current and prospective homeowners relating to their rights and responsibilities with regard to management companies, management agents and management fees;
- the lack of urgency and confusion displayed by Government on when the legislation to regulate the provision of property management services will be introduced and also the failure to introduce practical measures to tackle major problems in the organisation and operation of management companies;
- that many homeowners suffer from a range of management company related problems such as a lack of transparency in the setting and spending of service charges, no “sinking funds” or properly accounted “sinking funds”, and developers refusing to cede control of management companies to the rightful owners;

calls on the Government:

- to immediately move to introduce legislation to put the National Property Services Regulatory Authority (NPSRA) on a statutory footing and include in legislation provisions to allow the NPSRA to regulate management companies;
- to amend company law to allow a name change from “management company” to “owner’s company” as soon as the control of the management company is transferred from the developer to the owners;
- to amend company law to require developers to transfer control of a completed development to the owners within a short time after the development has been deemed completed and also to make provisions to restrict voting rights to one vote per unit;
- to require that developers set initial service charges in a fair and transparent manner, either by floor area, unit type or as recommended by an independent quantity surveyor with the documented use of service charges to be made available to all applicable owners and to prohibit the charging of management fees by developers to pay for any cost other than the maintenance of the common areas;
- to make the provision of “sinking funds” mandatory;
- to amend the Planning and Development Act to require that where an Owners Company is established as a consequence of a new development, the extent of the area then will be taken in charge by the council shall be delineated clearly on a site layout drawing, complete with accompanying descriptions, that will form part of the planning application documentation.

I propose to share time with Deputies Terence Flanagan and Mitchell.

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

**Deputy Phil Hogan:** I thank the Leas-Cheann Comhairle for giving Fine Gael the opportunity of raising on Private Members’ time an important issue which is concentrating the minds of many of the 500,000 people who live in apartments and mixed developments in urban areas. There are approximately 303,000 apartments in Ireland, including the 60,000 built since 2005, along with 4,600 management companies. The motion sets out the problem as well as the

actions the Government can take to resolve it. I shall describe the background to the issues, while my colleagues will make proposals in regard to the required remedies.

Home owners are experiencing a significant information deficit in regard to their rights and responsibilities, particular in the area of management companies and agents and the varying management fees levied on individuals. On various occasions during the past several years, Deputies have asked the Government its proposals for finding solutions to these issues. Every Deputy has been contacted by home owners regarding the types of charges levied, the responsibilities of management companies and the abuse by some companies of the manner by which they are established under company law and the fees they charge. The information we are putting before the House is not new because the problems associated with management companies and apartment living have long been identified. Organisations such as the National Consumer Agency, the Office of the Director of Corporate Enforcement, Dublin City Council and the Law Reform Commission have produced reports and made recommendations on improving the present situation.

In 2006 the National Consumer Agency published a report on the property management sector entitled *Management Fees and Service Charges Levied on Owners of Property in Multi-Unit Dwellings*, which examined the sector and made 25 key recommendations on regulation of the industry and protective measures for consumers relating to transfer of control, service charges and sinking funds. The report also recommended the establishment of a professional body and qualifications for those working in the industry. The agency also produced a helpful booklet, *Property Management Companies and You*, which set out in clear terms the manner in which money was being extorted in the absence of proper accounts. There is extensive evidence to suggest that management companies are extorting money through false pretences.

In December 2006 the Office of the Director of Corporate Enforcement commenced a public consultation process on the governance of property management companies, with a particular focus on apartment developments. The office is currently assessing the responses to its consultation with a view to producing recommendations in the near future.

Dublin City Council has produced two comprehensive reports on apartment living and the problems associated with management companies. The first report examined the strengths and weakness of the existing system, while the second investigated survey charges, design and owners' attitudes in 193 private apartment schemes in Dublin city.

The Law Reform Commission has also been examining this issue for the past year and is due to report on it in at the end of May. I look forward to seeing the recommendations it makes because the issue is pertinent to the Department of Justice, Equality and Law Reform as well as the Department of the Environment, Heritage and Local Government. I welcome the new Minister for Justice, Equality and Law Reform to the House and congratulate him on his appointment. The issue gives rise to cross-departmental concerns in the areas of property rights, legal standing of property and, from the perspective of the Department of Enterprise, Trade and Employment, company law in respect of ownership and the type of companies established to manage complexes. I do not wish to minimise the difficulties involved. If the problem was an easy one to solve, the Law Reform Commission would not have to get involved.

In the case of multi-unit developments and gated estates, many complexes include both internal and external common areas accessible to all occupiers. These typically include lobbies, halls, stairwells, lifts, corridors and roofs. Owners collectively share common areas and, as part of a management company, enter into legal arrangements that create certain rights and obligations. The need for a management company arose in the first instance to manage all common areas and services in a complex not belonging to or being the responsibility of an individual. Abuse occurs at present where owners of management companies retain ownership

[Deputy Phil Hogan.]

of a certain number of apartments and do not pass responsibility for management of the complex to all apartment owners as a single corporate entity, which would allow the latter to run their own affairs at a reasonable price rather than having figures picked out of the air in the absence of proper accounts and timelines on the establishment of structures.

Members and owners of management companies were supposed to make the key decisions on whether to manage the complex themselves or appoint a professional management agent. Most auctioneer firms in Dublin would consider becoming management or letting agents. I declare an interest in that I pay management fees for a property I inhabit in Dublin when I conduct my parliamentary business. It is difficult to know where exactly the money goes and how it is calculated. The accounts may look very fine at the end of the year but the devil is in the detail for many of these companies.

People from various parts of the country have written to Deputies about this problem. Increasing numbers of people live in mixed apartment units and townhouses. Dwelling patterns in Ireland have become denser, particularly in the centre of urban areas, and people have various options for living as close as possible to their places of work. That is a welcome development but they should not be penalised by the unregulated developments currently taking place. Of the total number of dwellings built in 2005, apartments comprised 53% in Dublin city and county, 25% in Limerick city, 22% in each of counties Kildare and Wicklow and 18% in each of counties Louth, Galway and Cork. These substantial proportions indicate the size of the problem we face. It is expected that the 2006 census will reveal that the current estimate of 303,000 apartments has increased to 500,000. A further 50,000 to 100,000 people who live in traditional townhouse developments are also subject to management charges.

The regulations and primary legislation needed to deal with these issues are lacking but Fine Gael is offering the Government an opportunity to consider with urgency the remedies needed. For the past several years questions have been raised on the matter in this House and commitments have been made in regard to legislation. The former Taoiseach spoke a number of times on the Order of Business about the difficulties of addressing the issues involved. Nevertheless I ask that the Minister for Justice, Equality and Law Reform understand that once the Law Reform Commission report comes to his Department, we should not see it put to one side and not dealt with. It is a massive consumer issue which we feel strongly about.

The new Government has made reform a key priority. There is no more urgent matter in the housing area than the reform of the management company and agency area. An authority was set up on an interim basis in 2005 to bring about some kind of reform in this sector, which indicates that the issue affects many constituents. It cannot be properly brought into focus or effect until such time as we have primary legislation on the Statute Book.

The people who are most affected by these issues are young families and professionals purchasing their first home, as well as many newly-arrived workers. They are facing possible negative equity and the last thing they want is to pay management company fees at a time when mortgage rates have increased nine or ten times in the past couple of years. Every penny counts at this stage for many people, and they wish to know the service charge they have to pay is being spent properly or if it is being spent at all. They wish to receive in a more transparent way the type of information they are entitled to as consumers.

The problem is not exclusive to large urban areas, although it is a major issue there. It is concentrated in such areas and many people living in high-density dwellings feel nobody is looking out for them or their rights. This Government has an obligation to do so but has not indicated, in terms of primary legislation, any urgency on the matter in recent years.

We have had much investment and tax breaks introduced in these major urban areas over the years for property developers. They have achieved higher densities than would normally be expected in the centre of urban areas. That has been laid down through national regulation in the Department of the Environment, Heritage and Local Government. There is no point in allowing developers to get the benefits of tax breaks and management agents and companies to extort money from consumers and people living in those complexes without regulating the type of policy which would be appropriate to a very important consumer issue.

Many apartment blocks have been built around the country without linkage to transport arteries, green spaces, facilities for families or energy efficiency. The lack of planning for properly organised management structures in these developments is a policy failure.

Potential solutions to this will be dealt with by my colleagues, Deputies Terence Flanagan and Mitchell. I ask that under the planning and development Acts, companies Acts and frameworks which can be set up by the Minister for Justice, Equality and Law Reform of the day, amendments be brought forward to treat this matter seriously. A cross-departmental solution is required, as I indicated earlier, and this side of the House will facilitate the Minister in bringing forward proposals at the earliest possible opportunity in order to ensure people understand before buying an apartment or townhouse or entering high-density living that there is transparency in the way their costs are levied. They should understand people are not allowed to get away with the type of unregulated approach to modern urban living in a way that has been the case in so many apartment complexes.

**Deputy Terence Flanagan:** I take this opportunity to congratulate the Minister, Deputy Dermot Ahern, on his move to the Department of Justice, Equality and Law Reform and wish him well in his new role. I welcome the opportunity to speak on the Fine Gael Private Members' motion before the House this morning and thank my colleague, Deputy Phil Hogan, for helping to bring this motion before the House.

The Fine Gael motion calls on the Government as a matter of urgency to put the office of the regulator — the national property services regulatory authority — on a statutory footing and give it proper powers and adequate resources to regulate both management companies and management agents. We want to see the annual service charge set in a fair and transparent manner, and the provision of a sinking fund to take care of the long-term maintenance issues should be made mandatory for every management company.

Company law should be amended to allow a name change from management company to owners' company as soon as the control of the management company is transferred from the developer to the owners. We are also calling on the Government to have developers transfer more quickly control of a completed development to the owners.

The reason we must bring this motion before the Dáil is simply the inaction of this Government on this issue. In 2002, the programme for Government put together by Fianna Fáil and the Progressive Democrats stated the Government would consider the introduction of legislation to regulate the establishment and operation of property management companies. Yet six years later this legislation has not been introduced and we are still talking about it.

The Government introduced a draft Bill in 2006 and also established the National Property Services Regulatory Authority to regulate management companies in July 2006. A director and staff were appointed then on a non-statutory basis and a budget of €700,000 has been allocated to this office in 2007, with €930,000 in 2008. No legislation has come before this House to regulate management companies. What we currently have is yet another quango where a director and staff have been appointed with a substantial budget but the office has no statutory powers to regulate the industry.

[Deputy Terence Flanagan.]

Today, problems continue with management companies because of the Government's slow-footed approach. Apartment owners remain unprotected as they have been neglected by this Government. Approximately 500,000 people live in apartments and mixed-unit developments. They are mainly young people, paying service charges on average of €1,500 per annum to approximately 4,600 management companies. This figure has increased almost threefold in the last six years alone. Multi-unit apartments and mixed developments are a feature of modern living and will continue to increase as we move towards higher urban densities and more environmentally sustainable living.

Property management companies in Ireland must be regulated, which is the basis of the motion before the House. We understand their necessity, as they exist to maintain common areas, as Deputy Hogan noted, such as halls, stairs, lifts and gardens, as well as areas which are accessible to everyone living in the building. They own the freehold of the common areas, which apartment owners are not always aware of. Apartment owners have a leasehold on the apartment they purchase.

In new developments the general practice is that a management company is incorporated by the developer or his solicitor before any units are sold. The vast majority of the management companies deal with apartment blocks, although it is also possible for them to be set up in housing estates. The management company collects a service charge from all owners in the complex and is responsible for providing a sinking fund to cover repairs and long-term expenditure. Management companies may manage the operation of the development themselves or employ a management agent to undertake responsibilities.

Over the past number of years it has become apparent there are many problems in this area with management companies which must be dealt with. In my own constituency of Dublin North-East, apartment owners are contacting my office on a daily basis highlighting the problems they have with management companies. As a result of the huge volume of phone calls and correspondence relating to this matter, it was necessary for me to hold a public meeting recently on the issue. At this meeting, owners of apartments voiced their strong concerns about the fact that the Government has not regulated the sector. They also highlighted that it is a free-for-all with some management companies and management agents ripping off their owners.

Some of the problems associated with management companies include confusion among the public regarding the terms "management company" and "management agent". There is an information deficit among homebuyers as to their rights and responsibilities. Many people feel they were ill-advised by their solicitor or estate agent about management companies and agents when they signed their contract for their new apartment.

There is a lack of transparency with some management companies which do not hold annual general meetings. Some of the ones that hold such meetings do not inform all their members about the meeting. There is a failure of some management companies to provide the members of their management company with financial information. For example, this might relate to the income and expenditure accounts relating to the performance of the company.

There is no transparency on service charges and the calculation of the charge. Management agents charge different rates. Some of these rates are good, while others are extremely bad. There is no value for money and there is a difference in the level of rates. The rate one pays depends on where one's home is located.

Service charges in Dublin ranged between €400 and €4,000 per annum. They are normally set at a low level initially as a method of enticing prospective buyers and higher charges are normally imposed in subsequent years, with no come-back for the homeowner. Service charges have been used to rectify snagging problems with developments, which is wrong. Some manage-

ment companies have not established sinking funds and this will cause difficulties for apartment complexes in the future.

There is a lack of information regarding the importance of service charges. The law is that people cannot sell their apartments until all outstanding service charges are paid. This is not explained to those who wish to purchase apartments. There is a lack of information for homeowners and, as a result, these individuals blame their management agents for the problems affecting their complexes and do not pay the service charges. Ultimately, this has a knock-on effect on the owners of apartments because the value of their investments deteriorate.

In many instances, the control of management companies is not handed over to owners until the last unit has been sold. Some developers remain on as directors for many years. This prevents owners from electing the directors of their choice. In theory, a developer is supposed to leave the development when all units are sold and hand over charge of the management company. However, this is not happening in practice. In addition, complaints boards, to which residents can voice their grievances about their management companies or agents, are not being established.

Many management agents have no experience of the requirements under company law requirements and they operate in an industry that is unregulated. Some management companies fail to complete annual returns and this may result in their being struck off the companies register and apartment owners being unable to sell their properties.

I recently received an e-mail from a constituent regarding some of the problems she has encountered at the apartment complex in which she lives. It states:

I moved into my apartment in December. Unfortunately, from the moment I moved in, myself and the other residents have been faced with on-going problems. The complex itself is still under construction so there have been many teething problems for example, flooded carpark, lifts not working, lights not working and even a sewage leak. I appreciate that these types of problems are to be expected (with the exception of the sewage leak), as the complex is brand new. However, my main worry is the access to the complex. We can access the complex through the underground carpark or by using the pedestrian walkway. The pedestrian walkway is a long wooden manbuilt tunnel, which I feel is very unsafe — particularly at night. I would never use the walkway at night on my own . . . it's dark, very long and you have no idea who could be waiting for you at either end. The walkway is also very secluded. I really feel that this walkway is very dangerous — in the day time and especially at night. The other option is to go through the underground carpark.

At the moment, if I do go out in the evenings, I have to stay in my parents or friends houses as I simply can't access my home in a safe way. Taxis can only drop residents off at a side road leading up to the complex. Then residents can either access the carpark using their swipe card and walk across the deserted (and flooded) carpark or worse, risk the pedestrian walkway. As I'm sure you can imagine, neither of these options appeal me. I'm too scared to try either.

My friends came to visit recently and used the pedestrian walkway, which leads to the gates of the complex. When they reached the end of the walkway, they found two young men there and they were drinking. This is exactly my point — this area is completely hidden from the main road. Anybody could be waiting for you and you literally have nowhere to go. Unless you turn back and run the length of the walkway.

I have contacted the builders about this and have asked them what plans they have once the complex is complete but my request for information has been left unanswered. My family,

[Deputy Terence Flanagan.]

friends and even taxi drivers are in utter shock when they see how we have to access our homes.

There is security on complex but I never see any security guards at night. In fact two cars were stolen from our carpark recently. I also saw three teenagers climbing over the complex wall (they used ladders the builder had left out, so it was very easy for them) and they walked straight to the stairs that leads to the carpark.

The builders are obviously unconcerned about the obvious dangers in the complex.

This is just one example of the problems people are experiencing with their management companies on a daily basis.

Another constituent contacted me by e-mail and outlined the issues in respect of which no one is willing to provide them with assistance. All this person wants is answers but unfortunately these have not been forthcoming from the builder, the management company or the management agent. The e-mail to which I refer states:

I purchased my apartment off the plans in Oct 2006 and finally got my keys in Dec 07, but to be honest I really didn't know what I was buying.

I am very happy with my property however the development itself is in an awful state. Myself and a number of neighbours have been in constant contact with our management company over issues we are having but we have been passed back and forth between the management company and builders each other claiming the other is responsible for dealing with our queries.

There is also NO visitor parking in or around the development.

Our underground car park has also been flooded since we moved in December, every time there is the slightest drop of rain we are flooded, although I think the builders are trying to rectify this. But if you [had] seen the state of the place you would be shocked.

My other major grievance is that the external walls of our apartments these have been left unfinished. When I snagged my property I brought up the state of the external wall and I was told like my neighbours that these would be finished at a later date as there was still building going on around us and this work would be completed when development is finished . . . I have mentioned this to our management company who have now informed me that this is not the case that they think our apartments will be left this way.

I have tried to contact the builders to ask them but have had no luck. When we [saw] the show apartments the external walls had either nice red brick or [were] painted a cream colour while our apartments have [a] rough grey concrete finish. Its really horrible and basically just looks unfinished. If we bought our property based on the show apartments surely our homes should be completed to the same standard.

At the minute we have paid expensive management fees of €1,500 but no one seems to want to help us.

This is one further example of the problems with which a regulator might deal. We are seeking that such a regulator be appointed.

It should be acknowledged that much work has been completed in this area by the Law Reform Commission, which has commissioned reports on the need for the regulation of man-

agement companies and agents. Dublin City Council must be commended on taking the lead in this area by producing two reports, namely, Successful Apartment Living, parts 1 and 2. The city council also established an apartment owners forum to discuss the problems people living in apartment complexes experience on a daily basis.

The Director of Corporate Enforcement also produced a report entitled The Governance of Apartment Owners' Management Companies. He is responsible for taking action against directors who do not take their responsibilities seriously and is to be commended on the good work he is doing. In addition to the reports to which I have referred, the National Consumer Agency published a report on the property management sector in 2006.

I welcome the Government amendment to the motion, which commits it to publishing the property services regulatory authority Bill. The latter will provide for the establishment of a licensing system for regulating property management agents. The Government amendment indicates that this long-awaited legislation will be published during the current session. However, actions speak louder than words and we hope that the legislation will be forthcoming.

The Government must get real in respect of this issue. It must appoint a regulator and give him or her statutory powers and adequate resources. Young homeowners are struggling to make their mortgage repayments and are becoming increasingly aware of their outgoings. On average, these people are obliged to pay service charges of €1,500 per annum. That is a bridge too far, particularly because the money is going to an industry that is unregulated.

I hope the Minister will take on board the points I have made. I also hope he will appoint a regulator and provide him or her with statutory powers.

**Deputy Olivia Mitchell:** I appreciate the opportunity to speak on the motion. I checked my records this morning and saw I had first raised this issue in April 2005. In November of that year, Fine Gael had a Private Members' motion suggesting reforms and regulatory control of property management companies along the lines of Deputy Hogan's proposal. However, here we are in 2008 and nothing has happened despite the promises made on many occasions since that time. Meanwhile, the building boom has come and gone.

In urban Ireland, certainly in my constituency, that boom has consisted almost entirely of apartment building rather than the building of conventional houses. In my constituency, the ratio is 8:1. Any legislation we now pass is too late to help the many new home owners over those years. This drift is causing problems not just for those buying apartments, but for the rest of us who live in urban Ireland. It is now the dominant home form, certainly in Dublin, and if there are problems, this will impact on all of us.

It has been heartbreaking to see the difficulties, the lack of information and sometimes the downright robbery young starter home buyers have been subjected to. Equally worrying is the future impact on the environment if this area is not regulated. Given the value that we place on home ownership in Ireland and the high incidence of home ownership, which is probably the highest in the world, it is inexplicable that we have made absolutely no move to protect the owners of this significant part of the housing stock. We can assume it will continue to be a significant part of the housing stock because urban land will become scarcer and it is inevitable that we will build in a more compact form.

As my colleague said, there are now approximately one third of a million apartments in Ireland. That is not bad in itself. It is good that it gives young people an opportunity to get into the property market, gives older people an opportunity to downsize and facilitates worker mobility. All of these factors are positive but unless we, as legislators, regulate the sector and ensure that owners are protected, what is the biggest investment in their lives for many young people will eventually become an unsaleable asset.

[Deputy Olivia Mitchell.]

For every urban public representative, the same story is coming from apartment owners — lack of information, lack of transparency, poor planning, lack of control of their own management companies, of which they do not seem to realise they are members, and, in some cases, downright abuse by developers of unsuspecting new, young home purchasers. Not to put a tooth in it, developers write contracts to suit developers. They then collect management fees from the hapless purchasers and in some cases use them to finish apartment blocks which others will buy.

The crucial point developers are allowed to control the management companies until all of the blocks are completed and until it suits them to move out. Meanwhile, they collect fees from the individual owners but do not themselves pay fees for the residences that remain in their ownership. The hapless purchaser signs the contract. I have seen cases where the fees are then used to clean the windows of the next apartment block, to prettify the development so the developer can sell more houses or even to finish off the development, which the developer is required to do in any case under the planning permission.

Why do owners sign up to these contracts, which are so clearly not in their interest and put them in such an unfavourable and powerless position? One of the reasons is the egregious practice of builders offering to pay the fees of the solicitor of the purchaser. Obviously, the builders do a deal with the solicitors to do a job lot of conveyancing. The young buyer, not realising the implications of this, thinks it is great and signs up for it but the solicitor is not going to look after the interests of the buyer in the way he or she would if the buyer was paying. It is human nature and is inevitable that he who pays the piper calls the tune. They will not upset their paymasters.

I was horrified by the lack of basic advice being given by solicitors to new home owners in some cases. They would not even advise them of basic issues such as to examine their development plan or consider what is perhaps planned for next door. Many young purchasers get a big shock when they eventually find out what is to be built next door.

Reform of this area, along the lines of the Fine Gael motion, must involve mandatory use of standard contracts such as those that now apply in the rental sector. Full information must be made available to purchasers about what they own, what they own in common with other buyers, what their duties and responsibilities are as shareholders, the need for a sinking fund and the reality of escalating annual service charges. As legislators, we have a responsibility to those young purchasers to empower them and to ensure they control and manage their own affairs, and have the information do this to protect their joint investment.

We must also regulate the property management companies which are springing up. This is a great new area for people with absolutely no training who can set themselves up as property managers. It requires no training or registration, yet they control huge amounts of owners' money. It is outrageous that there is no control in this area. While I do not want to suggest all builders or developers are involved, nevertheless, there is a widespread practice whereby the builder sets up a property management company. He does not pay into it but all the other home owners do and the money is effectively at the disposal of the builder, through his son or some other indirect mechanism through which he controls the property management company. The unfortunate owners cannot sack the property management company because the builder has maintained control of it.

Nonetheless, the one point I want to stress above all is the danger of people not paying management company fees. It should be brought home to people that management fees are inevitable where there are common areas to be maintained and where the exterior of a building is the joint responsibility of the owners. If the fees are not paid, there can be no maintenance.

The exterior becomes shabby and values fall. People cannot sell and when they move out, renters move in. The owner has even less interest and fewer fees are paid, and the spiral of degradation is almost inevitable. This will affect the environment of all and is the biggest threat to the value of apartment owners who fail or refuse to pay. It also places a huge burden on those who do pay. It is in everybody's interest that everybody pays and understands when they sign up that they will have to pay in perpetuity. Lack of maintenance and the absence of a sinking fund to cater for large-scale external repairs will produce a spiral of degradation. Run-down or shabby apartment blocks are not in anybody's interest.

Regulatory reform must include a well-publicised certainty that unpaid fees will be recouped by the management company when the apartment is being sold. This is not understood by people who decide it is a mug's game and that they will not bother paying management fees. As a long-term solution there should be a lien on the property and owners should know this. In the short term, there should also be a mandatory "name and shame" option involving mandatory notification to all complex owners of those who fail to pay their management charge. This would help to ensure compliance.

Abuse of controlling positions in management companies by some developers has already led to a resentment and a negative attitude to paying management fees by many apartment owners. This will become a real problem where developers are no longer selling their apartments but are maintaining ownership of them and renting them out. Given that the housing market has weakened and with many developers retaining ownership, it is imperative that they cannot use their extra voting power in the management company to disadvantage individual owners and, crucially, that they are obliged to pay the management fee for every apartment that they retain. Otherwise, the buyer loses, which seems to be the norm in this relationship, which is unfair to young purchasers.

It is essential that we have regulatory reform along the lines suggested in this motion. I ask the Minister to take the motion seriously. It is a vital issue in urban Ireland because this is becoming the way people live. If apartment blocks do not succeed, God help us all because it will destroy urban Ireland.

**Acting Chairman (Deputy Charlie O'Connor):** I call the Minister, Deputy Dermot Ahern. I congratulate him on his appointment and wish him well.

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I move amendment No. 1:

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

- recognises the growth of the number of people living in apartments and mixed developments in recent years;
- acknowledges that multi-unit apartments and mixed developments will continue to be a feature of residential provision in Ireland;
- notes the information needs of current and prospective homeowners relating to their rights and responsibilities with regard to management companies, management agents and management fees;
- welcomes the Law Reform Commission's Consultation Paper on Multi-Unit Developments which was prepared and published under the Commission's Second Programme for Law Reform 2000–2007;

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- welcomes the Government’s decision to establish a high-level interdepartmental group with the objective of assisting in the development of a coherent and comprehensive response to problems arising in relation to multi-unit developments and the Cabinet sub-committee to which it reports;
- looks forward to publication in the very near future of the Law Reform Commission’s Report on Multi-Unit Developments which will, following an extensive consultation process, contain definitive recommendations for reform of the law relating to the structure and governance of property management companies;
- welcomes the Government’s commitment to publish the Property Services Regulatory Authority Bill which will, *inter alia*, provide for the establishment of a licensing system for property management agents, during the current Dáil session;
- welcomes the Government’s decision, pending enactment of this legislation, to establish an implementation group and to appoint a chief executive designate in order to undertake preparatory work relating to establishment of the Property Services Regulatory Authority and implementation of the future licensing system;
- draws attention to the Government’s policy statement ‘Delivering Homes Sustaining Communities’ which emphasises the need to improve the quality of the built form as well as the focus on building sustainable communities;
- welcomes publication of ‘Best Practice Housing Guidelines’ which provide a practical and valuable tool for local authorities, housing associations and private sector clients when formulating the design requirements for housing;
- welcomes publication of ‘Design Standards for New Apartments’ which are designed to promote sustainable urban housing by ensuring that the overall design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes, including families with children, over the medium to long term; and
- draws attention to new policy guidance to local authorities concerning responsibility for the maintenance of common shared facilities in residential estates, in particular public roads and footpaths, public lighting, public water supply and sewerage, public open spaces and unallocated surface parking areas, as well as the completion of estates and the taking in charge process.

I thank the Acting Chairman and the Members opposite for their remarks and I look forward to working with them in the spirit of co-operation.

Having read the file pertaining to this matter late last night and this morning, I do not believe this is an issue on which the House should divide. We are all of the very strong view that action needs to be taken in this area as quickly as possible. I have great sympathy with the content of the Fine Gael motion and believe it has a lot in common with the Government amendment. I suggest that, at the end of this debate, we might adopt a reasonable approach. One aspect of the Government’s approach is that it believes the Fine Gael motion is a little too prescriptive given that the issue is much wider than it suggests.

It is important to put the Government’s position on record. Recent years have indeed witnessed very rapid and significant growth in the numbers of people living in multi-unit developments. While apartment living is a common feature in many other countries, it is a relatively recent phenomenon here. Some of the difficulties now being experienced by owners of units

in multi-unit developments stem from the fact that the current legal framework is ill-suited in many ways to deal with the problems arising in regard to this form of residential accommodation.

I assure the House that the Government is determined to deal with the problems arising in this area urgently and in a very thorough and comprehensive manner. Action is already under way in several areas and necessary legislation is in the course of being drafted. The Law Reform Commission has indicated it will publish, within the next few weeks, its report on multi-unit developments. This report, which follows extensive consultation, 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 be dependent on the form the recommendations take.

A high-level interdepartmental committee, under the chairmanship of my Department and comprising representatives of relevant Departments and offices, has already met on a regular basis to review the issues that were raised in the Law Reform Commission's consultation paper. The committee will be examining the commission's final report and a key task of the committee will be to identify the legislative and other actions to be taken and determine a timescale for their implementation. The committee is reporting to a Cabinet committee whose membership comprises the Attorney General and the Ministers for Justice, Equality and Law Reform; Environment, Heritage and Local Government; and Enterprise and Trade and Employment.

The Government is already committed to publishing the Property Services Regulatory Authority Bill in this session to regulate property service providers, including property management agents. The Bill will contain extensive provisions to protect the interests of home owners.

The main functions of the new authority will be to operate a comprehensive licensing system covering all providers of property services, including property management agents; to set and enforce standards for the grant of licences, for example, educational and training standards and levels of professional indemnity insurance, in addition to standards to be observed in the provision of property services by licensees; to establish and administer a system of investigation and adjudication of complaints relating to the provision of property services; to promote increased consumer protection and public awareness of property services in general and the cost to consumers, risks and benefits associated with the provision of those services; and to establish, maintain and administer the compensation fund.

The legislation will provide that all property management agents providing services for property management companies will be required to be licensed by the authority before providing such services. Both the company and the staff providing such management services will require a licence to operate. It will be an offence to provide a property management service without such a licence.

The Bill will provide that an application for a licence must be accompanied by references as to the applicant's character and competence as the authority may require; certification by a suitably qualified person that proper financial and control systems are in place for the protection of clients' money; evidence of the availability to the applicant of the required level of professional indemnity insurance; and the prescribed fee.

The authority will refuse to grant a licence if it is satisfied that an applicant is not a fit and proper person to provide a property service, is under 18 years of age, has been adjudicated bankrupt, does not comply with any requirements of the Act or detailed regulations under it, has not furnished the authority with written evidence of there being available to the applicant the prescribed minimum level of professional indemnity insurance, or has not paid the prescribed fee or the prescribed contribution to the compensation fund. Similar provisions will

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apply to companies and partnerships. Licensees will be required to renew their licences on an annual basis and the authority will keep a register of licensees.

In order to ensure compliance with the legislation, the authority will be empowered to investigate, on the basis of a complaint or on its own initiative, both persons licensed to provide property services and those who may be engaged in providing such services without a licence. In order effectively to discharge this function, the authority will have extensive powers of investigation including powers to enter premises, to require the provision of information and documents and to require persons to attend before it. If satisfied that the licensee has been guilty of misconduct or of a contravention of the Act or regulations made under it, the authority will be empowered to revoke the licence or suspend it for a specified period or to issue a reprimand, warning, caution or advice.

In the case of an investigation into the provision of a property service by a person who does not possess an appropriate licence, the authority may seek an injunction from the High Court requiring the person to cease the activities that the authority reasonably believes to be in contravention of the legislation. A person who is aggrieved by a decision of the authority will be able to lodge an appeal with the property services appeal board that is to be established under the legislation.

Further protections provided for in the Bill include a requirement to provide clients with a letter of engagement setting out details of the service to be provided, costs etc.; strict provisions relating to the keeping of client accounts; and the establishment and maintenance by the authority of the compensation fund, to which licensees will be required to make an annual contribution. The purpose of the fund will be to compensate clients in respect of losses arising from dishonesty on the part of licensees.

The protections of clients of property services providers will also, subject to appropriate modifications, apply in respect of property services provided in the State by persons from other member states.

Pending enactment of the proposed legislation, an implementation group has already been established to assist and advise on practical matters relating to the establishment of the new authority and to prepare for a new licensing system. The implementation group has recently published a code of practice for auctioneers and estate agents. This code identifies the key principles and values that should guide day-to-day practice of the industry and sets minimum standards of professional conduct to be expected of service providers. It also incorporates a complaints system which enables complaints concerning non-compliance with the code to be investigated.

The code has been sent to all licensed auctioneers and estate agents and they have been requested to sign up to it on a voluntary basis. I am informed that, to date, approximately 60% of licensed auctioneers and estate agents have signed up to the code. In addition to those who have already signed up, a number have indicated they are amending their current administrative procedures to enable them to comply fully with the code, at which stage they will agree to be bound by it.

The implementation group is currently drawing up a code of practice for management agents that it hopes to be in a position to launch in the near future. The group has compiled and published a public register of licensed auctioneers and estate agents. This register, which may be viewed on the authority's website, comprises a list of the auctioneers and estate agents licensed by the Revenue Commissioners under the Auctioneers and House Agents Acts 1947 to 1973. It also indicates those licensees who have voluntarily agreed to be bound by the code of practice.

In the area of consumer awareness, the implementation group has been working on a consumer information package to promote consumer awareness of the process involved in property transactions, and the nature and levels of service provided by property services providers. It is hoped this information package will be published shortly.

Another area being addressed by the implementation group is the development of a complaints handling and licensing database. The complaints handling database will facilitate the handling of complaints in accordance with the enforcement provisions of the code of practice. While the authority will have no licensing function prior to the commencement of the legislation, it is important that it be in place well in advance of the authority being established on a statutory basis so as to ensure a smooth transition to the new licensing regime.

The great value of the Law Reform Commission's consultation paper has been the overview it provides and the detailed consideration it gives to the problems associated with ownership of apartments and their service and management as a complex of various interests. The consultation paper stresses the cross-cutting nature of the issues arising in this regard and the need for the Government to address them in a comprehensive and joined-up manner. This already has been acknowledged by Members opposite. Clearly this will require action across a number of important policy areas, including the planning and development code, company law, consumer protection law and the development of regulatory structures.

For this reason, to coincide with publication of the consultation paper, the Government established a high level interdepartmental committee to assist in the development of a coherent and comprehensive Government programme of action on this matter. A key task of this committee will be to ensure that legislative and other actions are taken in response to the commission's reform recommendations and to determine a timescale for their implementation.

Action continues to be taken by Departments and State agencies since publication of the Law Reform Commission's consultation paper. The Department of the Environment, Heritage and Local Government has produced policy and guidance documents in the planning and housing areas with particular reference to sustainability aspects. These initiatives specifically target multi-unit living, while others address the broader issues of sustainability, well designed quality housing, as well as proper social, community and transport networks which, while relevant to all housing forms, also have particular relevance to apartment living. These initiatives address many of the draft recommendations set out in the Law Reform Commission's consultation paper.

Members will be aware that an aspect of multi-unit developments that has come in for much comment in recent years has been the taking in charge of estates by local authorities. Section 180 of the Planning and Development Act 2000 places a legal obligation on planning authorities to take in charge residential developments, finished or unfinished, where certain conditions have been met.

A new policy guidance regarding the issue of responsibility for the maintenance of common shared facilities in residential estates including small open spaces, car parking and playgrounds, as well as the issue of the completion of estates and the taking in charge process, was issued by way of a departmental circular to all planning authorities in February 2008. The new guidance document is based on the outcome of the deliberations of a working group established by that Department in August 2006. The group comprised representatives of the Department, local authorities, architects, planners, the Irish Home Builders Association, IHBA, and the National Consumer Agency, NCA, and its task was to consider issues pertaining to taking in charge and property management companies. This policy advice is based on the outcome of the deliberations of that group. All planning authorities are now required to develop or update,

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as appropriate, their policy on taking in charge by the end of June 2008 on the basis of the framework and the wider housing and planning policy guidance.

The core principles underpinning the framework for taking in charge, which must be reflected in each local authority policy on this matter, are — a statement of the facilities that will be taken in charge and the maintenance services that will be provided; the issue of taking in charge must be addressed at the pre-planning stage with the approved design facilitating the taking in charge of core facilities; the planning authority's construction and design standards for residential areas will be set out; developers will be required, through the development management process or permission, to complete residential developments to a standard that is in compliance with the planning permission granted; planning authorities must take all necessary measures in this regard in particular through securing adequate bonds, inspection of construction and enforcement action when necessary; and the procedures for taking in charge will begin promptly on foot of a request by the majority of the residents in the development or by the developer, as appropriate.

Protocols, including timeframes, must be set out by planning authorities to respond to requests for taking in charge. In the case of core facilities in existing residential developments that were approved by the planning authority on the basis they would remain private and be maintained by a management company, these must be taken in charge if the majority of residents request it. The guidance document makes it clear that planning authorities must not attach the establishment of property management companies as a condition of planning in respect of traditional housing estates, save in very exceptional circumstances, such as to maintain a specific facility in that estate which is for residents' use only, such as a private playground, or in the case of holiday homes. In addition, planning authorities should only attach planning conditions requiring management arrangements regarding certain shared facilities in the newer type of mixed residential development in limited circumstances. In respect of older estates, priority must continue to be placed on resolving those estates that have been left unfinished or not taken in charge for the longest period.

As for the monitoring and review of the process, a planning authority's policy on taking in charge is to be made available to the public and published on its website and should continue to be reported on to the elected members on a regular basis and at least once annually. As part of the overall review and update of the local government service indicators, a new indicator in respect of taking in charge is being introduced from 2008 onwards. This will provide benchmark data in 2009 for monitoring the taking in charge process and, in particular, the priority being accorded by individual authorities to the taking in charge of unfinished or legacy estates. This information will allow the Department to review the ongoing work of planning authorities in this regard and will help determine whether additional policy advice on this matter is required.

The Government acknowledges that the owners of units in multi-unit developments need to get clear information on their rights and responsibilities as members of property management companies. Improved awareness of their rights and an understanding of the corresponding duties and responsibilities of developers and builders will encourage apartment owners to assert their rights as company members, become involved in the management of their company and combat abuses and sharp practices.

There have been developments in another area since the publication of the Law Reform Commission's consultation paper. The National Consumer Agency has published a report entitled, *Management Fees and Service Charges Levied on Owners of Property in Multi-Unit Dwellings*. The report examined the sector and made some recommendations on the regulation of the sector, service charges and sinking funds, management companies and management

agents. Following the publication of this report, the NCA established a stakeholders' forum to examine the possibility of developing non-legislative voluntary processes, which would be of benefit to consumers. A number of outputs from the forum are expected.

The NCA has been working with the Irish Home Builders Association to agree a code of practice in respect of multi-unit developments. Its scope relates to the construction, completion, marketing and sale and purchase of such units and, in particular, to the management and maintenance of common areas and facilities, as well as to the provision of common services. This includes issues such as the calculation of service charges, transfer of the management company from the developer to the owners, agreements with management agents etc. As the NCA does not have a legislative or regulatory function in this regard, the code will operate on a voluntary basis. The NCA will, however, monitor the code of practice and revisit it as appropriate over time. I understand that a preliminary version of the code was approved by IHBA members in March 2008. A final version is before the IHBA at present and a definitive decision on its content and implementation is expected early this month.

The NCA, through the work of the multi-unit developments stakeholder forum, has developed a checklist of proposed standard headings to be considered for inclusion in written contracts between management companies and property management agents. This document has been approved by the forum and will form one of the outputs when the work of the forum is published this month.

The NCA also has been working on the development of education and training material to assist consumers to better understand multi-unit development living from both a legal and practical perspective. In particular, the NCA has furthered the development of an e-learning initiative for prospective apartment purchasers. The initiative will involve training and information on all aspects of the owner-occupiers role in property management companies, building on information previously provided in the NCA booklet, *Property Management Companies and You*. The NCA is working closely with Dublin City Council, which will be co-funding and piloting the e-learning initiative in early 2008 with its affordable housing purchasers.

The Office of the Director of Corporate Enforcement, ODCE, has published a draft guidance document on apartment owners' management companies. The intention of the document is to support directors and members in the effective running of their management company's affairs and in protecting the valuable assets which comprise most apartment developments. The document seeks to explain the separate roles of the management company, that is, as the owner of a complex's common areas and as the party responsible for its upkeep, and the management agent, who is contracted by the management company to provide the required building maintenance, insurance, security and other services.

Reference is made to the three phases of a management company life cycle, namely, the developer-only, developer and members and members-only phases. Following a period of consultation, it is expected the completed guidance document will be published this year. In 2007, the Government published a policy statement, *Delivering Homes, Sustaining Communities*, which emphasised the need to improve the quality of the built form and placed a focus on building sustainable communities. In the same year, the Department of the Environment, Heritage and Local Government published best practice housing guidelines to provide a practical and valuable tool for local authorities, housing associations and private sector clients when formulating the design requirements for housing. Last year, the Department published development plan guidelines which were designed to improve the quality and consistency of local authority development plans, strengthen their strategic content and improve the building of consensus in the preparation, implementation and review of such plans. Development manage-

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ment guidelines which address the processing of planning applications from pre-application consultation to the enforcement of planning decisions were also published.

The design standards for new apartments were issued in September 2007. The primary aim of the standards is to promote sustainable urban housing by ensuring that the overall design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes, including families with children, over the medium to long term. Recommended minimum standards are set for, *inter alia*, floor areas, storage spaces, sizes of balconies and patios and room dimensions. The new draft planning guidelines on sustainable residential development in urban areas, which were published in February 2008, will act as a blueprint for future sustainable development of Irish cities, towns and villages. The guidelines, which are accompanied by a best practice urban design manual, focus on more suitable and better accommodation for families, higher quality urban design, high standards of environmental quality and energy efficiency and a focus on locations that capitalise on future transport plans. It is hoped that they will deliver more sustainable communities.

The Department of the Environment, Heritage and Local Government is making progress with the developing areas initiative with the aim of seamlessly delivering infrastructure and services in coherent manner. The initial focus of the initiative is on quickly growing areas within the national spatial strategy's gateways and hubs. The Department is working in consultation with local authorities to identify and resolve the blockages in respect of infrastructure and service delivery in each of the strategic locations.

The Government has approved the drafting of a companies consolidation and reform Bill along the lines of the general scheme prepared by the Company Law Review Group. The philosophy underpinning the proposals in the general scheme is to simplify company law for the benefit of all stakeholders in company law, including shareholders, members, small privately owned companies, business operators and company law practitioners. The Bill will enhance the competitiveness of the economy by streamlining and simplifying the companies code. Company law provides a choice of models by which companies in general, including property management companies, can be incorporated. This choice is not made by the purchasers of units in the development, but by the developer at an early stage of the development process. Property management companies own the freehold of the common areas and the freehold reversion in each unit acquired under a long lease by an individual owner. They have the responsibilities of landlords in enforcing covenants in the leases. They must manage the complex on an ongoing basis, usually by means of a contract with a separate property management agent.

The general scheme of the proposed Bill contains a number of provisions with the express intention of facilitating the use of the company structure by multi-unit developments. It is proposed that the membership limit of 99 which will ordinarily apply to the most common company type — the private company limited by shares — will not apply in the case of a residential management company. Membership of a residential management company will be deemed to transfer from the vendor to the purchaser upon the sale of the underlying property to which the membership relates.

It is important that proposals to change company law to refer specifically to property management companies reflect the voluntary nature of the role of the director in property management companies. Such proposals should also reflect the fact that owners of units in a multi-unit development who comprise the company, and from whose ranks directors are necessarily drawn, may have little or no experience of running a company or complying with the formal requirements of company law. This has to be taken into account also in developing any new company models for such entities and devising future reporting arrangements. The current strike-off provisions, which are designed to penalise commercial trading companies that do not

comply with company law requirements, and which may lead to a company's dissolution and the vesting of its assets in the Minister for Finance, are ill-suited to the operation of property management companies. Having said that, I feel that if the strike-off provisions are discontinued for property management companies, they will need to be replaced with more suitable provisions. This is one of the aspects which needs to be addressed further in the ongoing company law reform process.

I acknowledge that there is a widespread lack of understanding about the calculation and payment of management fees and service charges. Owners of apartments need to be made aware of the purpose of such payments and their responsibilities with regard to the payment of such fees. They should be aware that the maintenance of the common areas and the fabric of the buildings helps to underpin the value of their property. The work of the National Consumer Agency's stakeholder forum on multi-unit developments in respect of education and training resources for prospective purchasers in multi-unit developments should prove particularly beneficial in this regard. The outputs of the stakeholder forum will include sample lists of the costs and services typically covered by a service charge or a sinking fund. This indicative list should help consumers to understand what is the responsibility of the management company and what falls within the remit of individual unit owners.

I am conscious that there appears to be a lack of knowledge among owners of units within multi-unit developments about sinking funds. Pending the final recommendations of the Law Reform Commission, I am leaning towards the view that there is an absolute need to make the establishment and maintenance of sinking funds by property management companies mandatory. Owners need to be aware that non-payment of service fees and the absence of a sinking fund will, over time, reduce the value of their property and investment.

As I said at the outset, the issue of multi-unit developments is a complex one. Those who have read the Law Reform Commission's consultation paper will acknowledge that this is a statement of fact rather than opinion. Issues pertaining to such developments relate to many aspects of legislation, including the planning and development code, company law and consumer protection. The complexity of these problems highlights the requirement for the Government to address them in a comprehensive and joined-up manner. This is the approach which the Government has adopted and will follow. It is not true to say, as was implied in the original motion, that the Government is complacent about this issue. I do not want the House to divide on this matter. The Government is not complacent.

I have outlined in detail the substantial amount of work that has been done in this regard by various Departments and State agencies. Further work will be taken on foot of the Law Reform Commission's recommendations. The commission has made progress with its final deliberations on the basis of intensive consultation and examination of the issues. The Government has never attempted to pre-empt that important process and I would like to think Fine Gael would not like us to do so. We will build on the actions the commission has already taken. We will take on board, as far as possible, the imminent recommendations of the Law Reform Commission. The Government will also take into account the views expressed by Deputies in the House today. While I commend the Government amendment to the House, I do not believe we should divide on it.

**Deputy Ciarán Lynch:** I wish to share time with Deputies Stagg, Burton, Upton, Tuffy and Ó Snodaigh.

**Acting Chairman:** Is that agreed? Agreed.

**Deputy Ciarán Lynch:** I congratulate the Minister, Deputy Dermot Ahern, on his appointment as Minister for Justice, Equality and Law Reform. I thank Deputy Hogan and his Fine Gael colleagues for bringing this motion before the House.

I would like to remind the House of what the former Taoiseach, Deputy Bertie Ahern, said in response to the then Labour Party leader, Deputy Rabbitte, on 14 June 2006:

The only way in which Government can control this situation and set guidelines is to examine the legislative process if local authorities cannot take control of the situation. I do not understand why local authorities give planning permission that permits management companies in residential housing areas. Why should it be a condition of planning permission that a management company looks after 30 or 40 houses? I do not see why that should be a condition of planning permission. Management companies were never regarded as desirable or essential for residential housing estates. Management companies in housing estates represent an unnecessary cost unless residents wish that they are established, and that is a decision to be made when people are living in their houses rather than beforehand.

That was almost two years ago. There is a management company crisis in this country. As the Fine Gael motion clearly states, with almost half a million people living in over 300,000 apartments, there has been a long-standing issue of neglect of this matter by the Government. What is the purpose of management companies and who should be their chief beneficiaries? Management companies are clearly not needed for housing estates and while they do serve a function for apartment owners, the absence of legislation has led to the creation of a rogue's charter with residents being ripped off and finding themselves subject to management company charges indefinitely.

At present, we have a service industry that is totally unregulated and charging almost €1,000 per year for a house and up to €2,000 per year for an apartment. We should have an end to management companies in private housing estates and a strictly regulated situation for apartments. To date, there has been a total dereliction of duty by Government on this matter and a clear absence of legislation.

The current cosy arrangement allows both the Government and local authorities to wash their hands of their responsibilities while at the same time placing wads of cash in the hands of management companies from households that are already overstretched by mortgage and child care payments. Such costs are set to continue indefinitely into the future.

We hear much about local government reform. If one thing needs to be reformed in this area, however, it is the notion that county and city managers can wash their hands of responsibility for the people who live in their local authority areas by using this clause to introduce rates by the back door. Local authorities should not be allowed to renege on such responsibilities.

For some time, Labour has been proposing a policy directive under section 9 of the Planning and Development Act 2000 requiring planning authorities to insist that all new housing developments are designed, constructed and completed to taking-in-charge standards. Such a policy directive would also require local authorities to issue new planning guidelines for management companies specifying the limited circumstances where such companies may be permitted in the case of apartments. In respect of such permission, services should be set down, including, where possible, all roads, public open spaces, public lighting and water and sewerage services, which should be completed prior to the taking-in-charge standards.

The Minister indicated earlier that he may support such a move, which is welcome. Up to now, however, the Government has been inactive on the issue. It has an appalling record in this regard. As other speakers have said, the Labour Party introduced a Private Members' motion on this matter in November 2005. The previous Taoiseach referred to it in 2006.

We have an issue of governance whereby people are paying fees without getting a service. The Minister may make worthy statements but there is a lack of action. We need to hear something by which we can measure the action the Government proposes to take.

**Deputy Emmet Stagg:** A similar motion on the regulation and control of management companies was tabled by the Labour Party in November 2005. It was debated and defeated by the Fianna Fáil-Progressive Democrats Government. The Government's 2005 amendment, which was passed, was almost identical to the one tabled today. At that time, we had the full support of the Green Party. Now, however, the leader of that party, having been assumed body and soul into the Fianna Fáil Party and its ethos on the building industry, is shamelessly supporting a carbon copy of the amendment he opposed so strongly before he joined Fianna Fáil in all but name.

Since that Labour Party motion was debated some two and a half years ago, no promised legislation, instructions or guidelines have seen the light of day. Government Ministers have been sitting on their hands regarding this issue because Fianna Fáil, the Progressive Democrats and the Greens, who accept everything, do not want to upset their friends in the building industry. They never upset their paymasters who have made a fat killing on the backs of young families to whom they sold houses at inflated prices. Their greed knows no bounds and the magic management companies provided the icing on the cake for them.

However, the rot did not start in 2005 at the time of the Labour Party's motion, but with the Fianna Fáil-Progressive Democrats Planning and Development Act 2000. That legislation enabled county managers to impose a planning condition that a management company be established and that it be registered as a lien on the title of each property. That literally gave developers a blank cheque that they drew down from the accounts of young families struggling with already massive mortgage repayments. Management companies sprang up like mushrooms not just for apartment blocks or mixed housing estates, but also for standard housing. They did so without regulation or control. They became a new milch cow for already fat cat developers. Without regulation or control, they could force householders to pick up the tab for services that were clearly the developer's legal responsibility.

In my constituency, some 4,000 housing units are now covered by management companies. They are paid on average €1,200 per year, effectively to the developer. The vast majority of these, some 3,200, are standard houses with absolutely no need for a management company. The only benefit they gain from this developer's bonanza is that the grass is cut, but they are also picking up the tab for the ongoing liability of the developer for water, sewerage, roads, paths, lights and open space. In my constituency alone, I calculate that homeowners and tenants are paying some €4.6 million per year into the already well-lined pockets of developers. These families live in houses in Kill, Celbridge, Leixlip, Maynooth, Sallins, Kilcock and Straffan.

The Labour Party demands that action be taken to end this rip off of young families. Where management systems are required in apartment blocks, they should be controlled by legally binding regulations. They should also be organised on a co-operative basis. In all cases affecting standard houses, these rip-off companies should be abolished and clear title restored to the home owners concerned.

**Deputy Joan Burton:** Like my colleagues, I welcome the Fine Gael Private Members' motion, which is similar to a previous motion on this issue tabled by the Labour Party. There is a political issue at the core of the Government's refusal to legislate for management companies. Thousands of young home owners and a smaller number of older home owners who downsize to apartment complexes face frustrations by being charged — certainly in Dublin West — an average of €2,000 to €3,000 per year for very poor services.

[Deputy Joan Burton.]

The political issue arises from the fact that Fianna Fáil is in hock to vested interests in the building industry, including developers. Those vested interests constitute a permanent stain on the character of the Government, which was previously led by Deputy Bertie Ahern. The refreshed Government, formed by the new Taoiseach, Deputy Cowen, seems unwilling to address the matter.

I wish the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, well in his new portfolio. As I am sure he is aware, in the Drogheda area of his own constituency, many thousands of people are caught up in this management company trap. In my own constituency — in Castleknock, Mulhuddart, Clonsilla and Blanchardstown — management companies have spread like a rash among new developments. This is the case both in apartment blocks, where management companies are essential to manage common areas, but also in ordinary housing developments where people are essentially being charged up to €600 per year to have a small lawn and three shrubs at the front of their house cut by a developer. Many people living in large developments do not object if the location is kept clean and tidy and they receive value for money from such services. The residents may be busy commuters. From the places Deputy Emmet Stagg and I represent, it is often a commute of an hour and a half to work in Dublin. For good services, therefore, people might be prepared to pay fees. However, many young couples who have just got started on the housing ladder are being fleeced by the management companies and management agents. There is no proper invoicing and no indication of what services are being paid for by the management company. In some cases, the local authority is also providing some of the services for free, such as public lighting, yet residents are paying on the double.

The Government apparently established an interdepartmental committee on this issue but nothing has emerged from it. I am glad that the Minister for the Environment, Heritage and Local Government, Deputy Gormley, has arrived in the Chamber. The Green Party has many good objectives in Government, which I share, but if that party is unwilling to address the vested interests that have Fianna Fáil tied hand in glove to developers and builders, who have made tens of millions in speculation on the backs of young people buying into management companies, it is difficult to understand why it is in Government other than to enjoy the vicarious pleasure of holding office. The previous Taoiseach told me no fewer than five times in this House that he considered it scandalous that young people were being ripped off in this way by management companies. However, that was all talk. There is now a new Taoiseach and the Minister, Deputy Gormley, is restored to his old Department but there has not even been a mouse-like roar from the parties indicating that they will take action.

**Deputy Mary Upton:** I welcome the opportunity to speak in this debate. Indeed, I am one of the Deputies mentioned by my colleagues who spoke on this issue in 2005. The situation has not moved forward by even a centimetre in the meantime. Deputy Burton is correct that the people who are suffering as a result of the failure to provide adequate legislation in this area are young people.

I wish to focus on apartment blocks. My constituency of Dublin South-Central is awash with apartments, from Park West through Drimnagh, Crumlin and Walkinstown and into Cork Street and the inner city. All one sees in the constituency are patches of land for which planning permission is being sought or high rise apartments. To confuse matters further, there are new proposals for maximising the city's potential from Dublin City Council which envisage further high rise blocks. We might need more development but the proposals mean more high rise apartments, more management agents and companies and more ripping off of the unfortunate owners of those apartments. There is a great deal of fudge and lack of clarity surrounding the

issue of management agents and management companies. The owner of an apartment is often at a complete loss as to who has responsibility for what.

One issue that will become important, and Deputy Ciarán Lynch has mentioned it on a number of occasions, is where local government will allow tenants to purchase their flats. In due course the issue of overall management will have to be addressed. Who will address the issue in that case? Who has responsibility? What management agency and management company will be in place? Will there be more of the same, whereby the fat cats that were mentioned earlier will avail of the system?

When I last spoke in the House on this issue, I put forward a number of proposals that could be addressed and that could bring clarity to the situation. I proposed, for example, that a condition be imposed on developers to complete the apartment complex satisfactorily within a specified period. That condition exists when a development consists of two or more houses so why should it not apply to apartments as well? I also proposed that as soon as an apartment development is completed satisfactorily, ownership of the common parts must be handed over immediately to a management company. A number of speakers have mentioned the problem of those areas staying, in effect, under the control of the developer, effectively disenfranchising the owners of the apartments.

Developers should not be allowed to maintain prolonged control of apartment complex management companies. In Britain, where there is a longer history of the management of apartments, there is a relatively straightforward simple solution in place. It is a solution that could be put in place here.

**Deputy Joanna Tuffy:** I will briefly outline the situation of one of my constituents, who is a member of a management company and lives in an apartment. It is indicative of the problem faced by many other people when there is no legislation in place to regulate this area and they cannot go the National Property Services Regulatory Authority to advise it or mediate the issue on their behalf.

My constituent has lived in a small apartment in west Dublin for over two years and has been sent numerous bills by the managing agent. It appears that after two years the constituent owes approximately €6,500. He has raised numerous problems with the service being provided by the managing agent. The lifts were out of order for six months, carpets that were ripped were not repaired, broken light fittings have not been fixed and rubbish such as refrigerators dumped in the stairwells has not been removed. He took photographs to show me and to bring to court. The state of the common areas was appalling.

He was eventually summonsed to go to court by the management company. He initially brought a solicitor with him to court, at a cost of €600. However, the legal team for the management company did not turn up and the case was struck out. He was then summonsed again for the same amount. On that occasion he tried to defend himself. He brought the photographs and listed the services that had not been provided but, unfortunately, the judge found against him. He intends to appeal the case. He subsequently received another summons for almost €5,000. If there is another judgment against him, he will owe approximately €7,000 and will possibly have to pay legal costs as well.

My constituent is trying to defend himself as best as he can but he does not have the ability to do so. He did not have the ability to persuade the judge. I practised as a solicitor and I knew when I looked at the photographs and material he showed me that he had not received the service for which he is being charged. That should have been taken into account in the court decision. The problem is that he is not experienced and he is up against the big legal team of the management company or management agent — they are more or less the same. He is

[Deputy Joanna Tuffy.]

unable to defend himself. I believe many people will not even try to defend themselves and will have judgments registered against them. Some people will pay the charges even though they are being charged unfair amounts and are not receiving the services. Those who do not pay will have judgments and judgment mortgages registered against them for amounts of approximately €7,000.

Many of the people concerned bought so-called affordable housing units, which turned out to be apartments or houses in managed complexes. They are not well off and can barely pay their mortgages, let alone the exorbitant management fees. They cannot afford legal costs and have nowhere to turn. They approach their local representatives but we cannot help them either because the situation is a mess. I have been in contact with the National Property Services Regulatory Authority and I suggested to another constituent that he write to the authority to see if it could help him, but the authority replied that it could not because there is no legal basis for it to deal with people who are members of management companies.

We do not need large complicated reports; there are plenty of them. The Minister need only copy the Private Residential Tenancies Board legislation and substitute the National Property Services Regulatory Authority for the board. This will give the authority the legal standing to meet with clients and mediate on their behalf. The Minister can put other legislation in place afterwards. It is not a complicated matter. If there was a means whereby people could negotiate and mediate, they would at least not get fleeced and there might be a possibility of compromise, with reasonable management fees and a better service.

**Deputy Aengus Ó Snodaigh:** I welcome the Private Members' motion put forward by Fine Gael. I wish to comment on the Government's proposed amendment to the motion. This is an area which requires legislation. We should be critical of developers, speculators and the private management companies that are ripping off people living in apartment blocks. None of that is reflected in the amendment. I urge Deputies to vote in favour of the Sinn Féin amendment.

The amendment includes much of what the Fine Gael motion contained and adds to it. Good housing is one of the most important elements of a healthy society. It is crucial to have proper regulated housing and in particular regulated management companies. Such regulation should be part of a robust tenant protection regime. We have long advocated the introduction of this legislation, which would provide that. Irish republicans have always believed the ability to rent one's home under fair conditions, with fixity of tenure or outright ownership to be a social good and part of the birthright of Irish people. From the just demands of the 19th century Land League and the 20th century civil rights movement, housing rights have been the touchstone of our struggle for generations, and will remain so into the 21st century. Combating the scourge of management companies is an extension of this struggle.

We recognise it is necessary to have management bodies in blocks of flats and apartments. However, Sinn Féin is opposed to the involvement of private for-profit management companies in the maintenance of roads and common open space, which in traditional housing estates have normally been the responsibility of local government. Such services should be paid for through direct progressive taxation. The main problem with private management companies is that they impose a form of double taxation through the imposition of fees and therefore are a stealth tax. It is fundamentally inequitable that some residents pay for a service, while their neighbours receive it free of charge. For-profit management companies should not be allowed to extort thousands of euro from people in housing estates towards the upkeep of an area and the provision of essential services when these should be the responsibility of local authorities. All public areas should be in the care of local authorities and never outsourced to private management.

At present, although they are subject to company law, such private estate management companies are unregulated and company law does not adequately serve to prevent the unethical practices they are engaged in. Many specific problems are associated with their proliferation in the Twenty-six Counties, in particular the virtual entire lack of accountability to the residents who pay for their services, as well as the fact that the fees charged are often exorbitant and subject to enormous increases. I have heard of increases of up to 300% in a single year, without any corresponding improvement in service, which is nothing short of a licence to print money. This cannot be allowed to continue, tenants should be able to participate directly in the running of not-for-profit management companies, co-operatives or whatever — there are many models to follow. Local authority funding should be provided to foster community engagement projects in the running and co-operation of estate management. The current situation leaves no room for tenant participation, when management or landlords control the voting procedures. It is disgracefully unfair that a company can increase its fees and ensure grave hardship for those who have to pay them. Furthermore, it is disgracefully unfair when a management company can charge exorbitant fees and not even provide the services for which tenants are paying. We saw an example in Tyrellstown, Dublin 15, when tenants were left for years without a suitable water tower as the service was being run by a private management company. To add insult to injury, while the supply was inadequately managed, the water became contaminated with e.coli.

A form of management company is unavoidable for some apartment blocks, but in the event, such companies should be run on a not-for-profit basis and cover only structural insurance, internal communal areas and walled gardens. The Government must implement legislation to ensure that these fees are not then foisted upon the tenant when the development is incomplete. He or she should not have to shoulder the construction costs for the developers, as has been the case in some instances. It is imperative that legislation is introduced to regulate such companies as company law is clearly not enough. They are unregulated entities to which tenants are forced to buy into since they have no other legal option. In the Bructailt estate, in Nenagh, County Tipperary, residents who had no part of the management company, were faced with solicitors' letters when they tried to take action to extract themselves from their present situation. In Castlecurragh, Blanchardstown, in 2006 a management company was established by Fingal County Council in which both of its directors were employees of the company. This company then proceeded to charge a legal fee of €25 per household for the sole purpose of prosecuting local residents. This came about after one resident had successfully won a case against the management company. As the company wished to appeal the decision to a higher court, it proceeded to charge the legal costs to the residents. That is a disgrace and meant the residents were effectively paying the company to sue themselves. This is a farcical scenario, but just one of many such examples. The onus is on the Government to urgently introduce legislation that will combat all such unjust situations, not just some. Builders and developers regularly fail to complete the work on housing developments — mainly footpaths, road surfacing, road markings, drainage, landscaping, builders' rubble and waste disposal. There are quite a number of other examples of where such companies and developers have neglected to complete the work, as they should have. The money given in service and management charges is often unaccounted for — this is the biggest disgrace — in terms of how it is spent. Tenants frequently ask questions such as whether the gates were fixed, why the lift was inoperable for months on end, if the wall was painted the rubble collected. Many residents ask such questions but do not get the answers from the management companies. Costs need to be more transparent so that the already cash-strapped home owner knows that he or she is not being ripped off. That is a reasonable demand for anybody to make.

Housing policy in Ireland has, for a very long time, been fundamentally inequitable and unbalanced in a number of respects, and that needs to change. This is one of the ways in

[Deputy Aengus Ó Snodaigh.]

which that change can be brought about. The number of elements contained in the Sinn Féin amendment improve on the Fine Gael motion, and I welcome that. There has been an over-emphasis on the financial gains to be made from housing at the expense of social housing, which is central to the well-being of the nation. The private property speculator, the developer and the rental sectors are being enormously subsidised by the State at taxpayers' expense. More people are being driven into the hands of management companies and the people behind them, many of whom are developers who see this as another way to extract more money from those trying to buy their own homes. The decrease in social and affordable housing is pushing people into the private rental sector where they lack security of tenure, or is forcing them to dangerously overmortgage, or into crowded accommodation with their extended families. They are then forced to pay astronomical fees to private management companies which sometimes do not even provide the basic services. The big business management companies, private property speculators and developers once again line their pockets at taxpayers' expense. The legislation is long overdue and must contain all the elements I have included in the amendment I have proposed to the Government's amendment.

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The Government is determined to ensure that the public concerns relating to multi-unit developments and property management companies are urgently addressed. This issue is broad and touches on a wide range of legislative and policy areas and legal documentation, leases and other legal agreements between buyers, sellers and management companies, as well as consumer protection and company law issues. A targeted study and consultation process has been undertaken by the Law Reform Commission in relation to multi-unit developments and is nearing completion. An interdepartmental committee chaired by the Department of Justice, Equality and Law Reform was established after the publication of the initial Law Reform Commission consultation paper and includes representation from my Department. This committee will help to identify the legislative and administrative actions to be taken in response to the recommendations for legislative reforms. I understand that the Minister for Justice, Equality and Law Reform, with input from relevant Departments, will progress whatever legislation may be necessary in response to the Law Reform Commission report.

My Department does not have a central role in the management and maintenance of private apartment schemes or other private accommodation, or the operation or governance of property management companies in private developments. Our role in this area mainly arises in terms of planning and sustainable housing and a number of significant initiatives are already under way in these areas, providing an overall framework within which the creation of sustainable communities can be achieved. While these documents are generally relevant to housing in all forms, the underlying theme of sustainability, well designed quality housing, proper social community and transport networks are even more pertinent to modern apartment living.

A new policy statement of housing policy, *Delivering Homes, Sustaining Communities*, was launched in February 2007. The policy statement strongly endorses the vision of better quality housing in sustainable communities, as set out in *Towards 2016*. The statement sets out a vision to guide the transformation of the Irish housing sector over the next ten years by delivering more and better quality housing responses and by doing this in a more strategic way. It sets out a range of actions geared at building sustainable communities and responding to housing need in a way that improves choice and encourages individual responsibility within communities. There is a clear emphasis on a services approach, one which tailors supports to households taking account of their position in the lifecycle, effectively delivering housing programmes to get better outcomes for the households supported and better value for money for the taxpayer.

The emphasis following publication has been on implementation of the reform agenda set out in the statement. This has involved consultation with stakeholders, developing the detail of schemes and progressing the drafting of legislation to reflect the social housing reform agenda set out in the policy statement.

In March 2007, my Department launched new design guidelines on housing delivery entitled Quality Housing for Sustainable Communities. This was followed in September 2007 by new design standards for apartments, which aim to promote good living environments which can support successful apartment living, particularly in terms of better internal space standards, including storage space. These documents form part of a suite of guidance documents which my Department is developing to promote quality in housing and neighbourhoods. I welcome this focus on sustainable communities that meets the diverse needs of existing and future residences that are sensitive to the environment and contribute to a high quality of life. This is particularly timely and relevant in the context of multi-unit developments where issues of interdependence and the complexities of high density living arise in a more pronounced way.

In February, I published for public consultation new draft planning guidelines on sustainable residential development in urban areas which update and expand the 1999 residential density guidelines. The public consultation period on the draft guidelines closed earlier this week and the comments and submissions received will now be fully considered with a view to finalising the guidelines later this year. The new guidelines are accompanied by a best practice urban design manual. The proposals involve setting high standards in terms of space and facilities, which will help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and the availability of supporting services and infrastructure, particularly transport services.

Intrinsically linked to the strategic planning of sustainable communities is the co-ordinated delivery of the necessary infrastructure and services in those strategic locations currently under development pressure. New developments need to be more than just the provision of houses. It is essential that schools, community facilities, employment, transport and amenities are integrated with the housing development process in a timely, cost-effective and sustainable manner. Key infrastructure such as roads, water and wastewater services should anticipate rather than follow the delivery of new housing.

A Minister of State in my Department, Deputy Batt O’Keeffe, was mandated to take responsibility for driving this developing areas initiative. A dedicated unit has been established in my Department to work with the local authorities and delivery agencies in resolving block-ages and providing a coherent approach to servicing and releasing these lands for development. I congratulate Deputy Batt O’Keeffe on his elevation to higher office as Minister for Education and Science.

Last December, as a further step in improving quality in housing, I introduced building regulations for new dwellings, including new multi-unit developments. The regulations, which meet in full the 2007 commitment in the programme for Government in this area, are intended to achieve a 40% reduction in energy consumption and a 40% reduction in related CO2 emissions from 1 July next. These new measures were the start of a whole new dynamic which I intend to bring to bear on the energy efficiency of our dwellings over time. My proposals are as follows. I will review the building regulations again in 2010 with a view to a 60% improvement over the 2005 standards for new dwellings. As a natural evolution of this process and as stated in the recently published Statement of Strategy 2008-2010 of my Department, my aim is to achieve zero carbon emissions associated with the development of dwellings and buildings in general at the earliest date practicable. As part of this process, I will invite local authorities, building on the experiences of the House of Tomorrow initiative, to submit proposals for a

[Deputy John Gormley.]

number of targeted and focused demonstration projects within their housing programmes, aiming towards zero carbon housing and based on criteria to be issued by my Department. I will work closely with the Minister for Communications, Energy and Natural Resources in the roll-out of the building energy rating system for all dwellings and in developing strategies for the retrofitting of existing dwellings. In my direct area of responsibility, I intend to reinforce a strong energy efficiency component in ongoing programmes of refurbishment and upgrading works of local authorities.

The energy area is also directly connected to the issue of the management of multi-unit development as greater efficiencies are available both in capital and operational terms when energy services are managed on a shared or collective basis. Group heating systems can be matched with combined heat and power and with renewable energy to bring about major energy savings in energy costs for residents and greenhouse gas emissions. The recommendations being developed by the interdepartmental committee I referred to earlier will take account of the need to ensure that the legal framework for management of multi-unit developments facilitates and encourages energy efficiency and renewable energy.

I wish to refer to the matter of responsibility for shared facilities in residential estates, including high density estates comprising a mix of houses and apartments. In February last my Department issued policy guidance to planning authorities asking them to adopt or update policies on the taking in charge of estates, which will include the following essential elements. Certain core facilities, namely, public roads and footpaths, public lighting, public water supply and sewerage, public open spaces and unallocated surface parking areas will generally be taken in charge and then maintained by the planning authority. The issue of taking in charge must be addressed at the pre-planning stage and the developer must identify clearly on the planning drawings the areas that will be taken in charge. Developers will be required, through the development management process permission, to complete residential developments to a standard that is in compliance with the planning permission granted. Planning authorities must take all necessary measures in this regard, in particular through securing adequate bonds, inspection of construction and enforcement action when necessary. The procedures for taking in charge must begin promptly on foot of a request by the majority of the residents in the development or by the developer, as appropriate. Protocols, including timeframes, must be set out by planning authorities to respond to requests for taking in charge.

Where there are core facilities in existing residential developments which were approved by the planning authority on the basis that they would remain private and be maintained by a management company, these must be taken in charge if the majority of residents request it. Planning authorities must not include management companies as a condition of planning in respect of traditional housing estates, save in very exceptional circumstances. Planning authorities should only attach planning conditions requiring management arrangements in high density estates in limited circumstances. Such cases would include requiring management to maintain the exterior and shared internal areas of multi-unit structures, as has traditionally been the case. Also, management arrangements might be considered necessary to maintain certain shared external facilities that will not be taken in charge, for example, highly landscaped open spaces or allocated car-parking. As these facilities have effectively replaced what were the owners' private gardens in the traditional housing estate, it is considered reasonable that the residents should maintain them.

Implementation of this policy will, effectively, mean that residents in high-density estates that include multi-unit structures will be on the same footing as residents in traditional housing estates regarding the facilities that will be taken in charge by the planning authority.

These guidelines and strategies make a valuable and relevant contribution to the creation of sustainable communities, where people can and want to live and work. I will ensure that my Department will continue to deliver on its remit in this area.

**Deputy Charlie O'Connor:** I welcome the opportunity to make a brief contribution to this important debate. I welcome the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, and wish him well in the new Government. I am glad to note the Minister's interest in this subject. I spoke to him a couple of weeks ago on it and I sensed his particular interest. As other colleagues have said, he knows this is an issue that affects us all across the political scene.

I also wish the new Government well and congratulate the Taoiseach, Deputy Brian Cowen. I make particular reference to Deputies Tom Kitt and Séamus Brennan because they share a constituency boundary with me and previously represented parts of Dublin South-West that I represent along with Deputies Brian Hayes, Pat Rabbitte and Conor Lenihan. I pay tribute to both Deputies and wish them well. I will continue, along with other colleagues, to represent their former constituents in what is now Dublin South-West.

I applaud the appointment of Deputy Dermot Ahern as Minister for Justice, Equality and Law Reform and I wish him well. I listened carefully from the Chair to his speech this morning and was impressed by his grasp of the issue, as were my colleagues in the House, including, I think, those on the Fine Gael side. It is important that this is an issue for all of us, not just those on the Opposition benches. I represent Dublin South-West and this is an issue throughout my constituency.

In recent years Dublin South-West, particularly the Tallaght region, has changed as far as units of accommodation are concerned. There are far more apartments now than there were five or six years ago throughout Tallaght, in Firhouse, Templeogue and Greenhills and this has presented particular challenges. Even politicians cannot get access anymore. If Deputy Hayes has cracked how to gain entry to apartments he might share the information with me. I will be happy to co-operate.

**Deputy Brian Hayes:** I will take that information with me to the grave.

**Deputy Charlie O'Connor:** This is an issue but of greater gravity are the challenges facing those living in apartment blocks. We in Tallaght have received much contact from Marlfield, Deerpark and around the Belgard Square area. We recently objected to more apartments being built in Tallaght and South Dublin County Council's planning application for the old Esso site in Tallaght village. Like other colleagues, I am disappointed there are to be more apartments in Tallaght village because this presents a particular challenge for my community.

I am not copying Deputy Terence Flanagan but I wish to refer to a cutting from the *Tallaght Echo*, which I read every week. There is a great picture of Deputy Hayes in it this week, in case anyone would like to see it. The Deputy is getting good publicity. "Residents refuse to pay hiked management fees", screamed a headline last week. This illustrates that this an issue throughout all constituencies, as my colleagues have said.

A group of residents in an apartment block in Tallaght are refusing to pay management fees because of what they see as an unacceptable increase in last year's bill. The *Echo* spoke to several residents from the Loftus Hall apartment block in Belgard Square who say they cannot afford to pay the management fees, which, they claim, have gone up by over €1,000.

This highlights the issue that is being presented to us all and I hope Ministers, particularly the Minister for Justice, Equality and Law Reform, will understand the need for proper, effective

[Deputy Charlie O'Connor.]

legislation this regard as this is something we would all support. We must put out a positive message that what is happening is not right.

**Deputy Chris Andrews:** I take this opportunity to congratulate Deputy Dermot Ahern on his appointment — he will make a fine Minister for Justice, Equality and Law Reform. I also congratulate the former Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, on his new role as I feel he will make an exceptional Minister for Finance. My constituency colleague, Deputy John Gormley, retains his role as Minister for the Environment, Heritage and Local Government and I wish him well in the new Government.

**Deputy Charlie O'Connor:** Hear, hear.

**Deputy Chris Andrews:** The new Government is working hard and constructively on delivering the programme for Government.

Not far from here, around Grand Canal Dock in Dublin's docklands area, there are many apartments and the area has been transformed. This has been a good thing and it has transformed people's lives because it has brought about much needed accommodation and housing stock. There are difficulties associated with living in apartment blocks and they are particularly isolated, in many ways. They can be separate communities from the wider community, which can lead to tension. As a public representative, I believe these challenges are not healthy for either political bodies or apartment communities. This is something we will have to deal with and the Government will address it.

There is clearly a problem. I spoke to a resident in the docklands area who pays over €2,000 in management charges every year; there are 120 apartments in his block which means a significant amount of money is involved. Management agents are making big money from all of this and in the case I refer to almost a quarter of a million euro to manage a block of apartments seems excessive. Many agents have neither bonds nor security and there is clearly a problem because often the agent is appointed by the developer and acts on his or her behalf, rather than on behalf of the residents. When a developer finishes the last apartment, he or she can high tail it away, leaving the place unfinished. It can be particularly difficult to get them to come back to complete the job.

Residents are suffering, something needs to be done and the Government is addressing this issue. The legislative programme published in early April indicates that the issue of multi-dwelling buildings is being prioritised. The publication of legislation that will establish the National Property Services Regulatory Authority, NPSRA, in this Dáil session is a good thing. There is no doubt that this issue will be dealt with as it is a matter of urgency. As Deputy O'Connor suggested, people face severe financial difficulties as a result of management agents charging huge amounts of money. The NPSRA already has a website that is very informative, helpful and consumer-friendly.

It is ironic that Fine Gael is calling for a statutory footing for the NPSRA when it has already been agreed that this will happen in this Dáil session and when that party has already expressed concerns at the number of quangos. Does Fine Gael favour fewer regulatory bodies or more of them? In my view, the success of the Private Residential Tenancies Board and the need for the NPSRA shows that certain agencies can be effective in dealing with management charges. This will make a substantial difference.

**Deputy Thomas Byrne:** It is no coincidence Members present represent mainly urban constituencies. Management companies are a problem for new urban areas. I live in a housing estate which comprises more houses than apartments but has a management company. It

charges €200 a year to essentially cut the grass and insure common areas. To many this might sound like good value but it is a housing estate where there are no insurance issues and the apartments are treated separately. There is a serious issue in several apartment developments in my constituency and Drogheda where management fees are very high.

The difficulty for many residents is when they attend their management company's AGM they have little power and cannot get information on tendering processes or how, say, an insurance quote was obtained. Answers are very often oblique. I have also noted many AGMs are held deliberately at times that do not suit residents. For example, in one estate with many young couples an AGM was held on Valentine's night. In other cases management agents do not want to be hassled to give information on fees. The proposed property services regulator will play a large role in property management charges, which will be a welcome development.

Residents have responsibilities themselves. I have attended several management companies AGMs and noted attendance was poor. While there are injustices in the system, residents have a duty to get involved as much as possible.

The strike-off provisions in company law are presenting difficulties for people buying apartments. I know of one individual who was about to close a deal when he found out the management company for the apartment had been struck off, making it difficult to complete the transaction. All solicitors acting for purchasers should research management companies on the Companies Registration Office website before contracts are signed.

We do not want a system of privatised taxation which is what management companies are. Where I live, we pay to have the greens cut while in a nearby estate they are cut by the county council. Insurance is not a matter for residents but for the council. I accept different estates have different rules, not always depending on when they were built. Newer housing estates have been exempted from the condition for management companies.

Residents must know the duties and responsibilities of their management company. Constituents often contact me about not being able to get through to their management company on, say, moving an abandoned car. In many cases I cannot tell them if it is their management company's responsibility.

The title deeds on apartments are very complicated and contain extraordinary rules as to what residents can do in their apartments. Most times they are designed for the overall betterment of an estate. However, some rules serve no purpose and are not known by residents. Often a management company will enforce them to residents' annoyance.

**Deputy Michael Kennedy:** The Dublin North constituency has a large number of apartment block developments. It is essential that in existing developments roads, lights, public open spaces, etc. come under the immediate control of local authorities. The main problem with management companies is that people feel they are paying charges for services that fall under the remit of local authorities.

There must be a clear delineation of the rights and duties of management companies, developers and local authorities. Often areas are part completed and handed over to a management company. In one estate I know, confusion exists over which body has responsibility for a playground. It was a condition of the planning permission for the developer. However, is it still his responsibility or that of the management company or the local authority?

I welcome the Government's commitment to publish the property services regulatory authority Bill. The sooner proper licensing of management agents is introduced, the better. Like in any other profession, proper standards are needed and the cowboys that exist in property services need to be routed out.

[Deputy Michael Kennedy.]

I hope the interdepartmental group on property services will complete its report at an early date, allowing the House to consider its recommendations when dealing with legislation on management companies. The sooner a chief executive officer designate of the proposed property services regulatory authority is appointed, the better. It will allow us to give clear direction to developers and management companies in the future.

There is an onus on solicitors to point out to potential apartment purchasers the rules and regulations of management companies. Often people are not aware they have signed into a management company and its responsibilities. This must be set out clearly in the proposed legislation.

I also suggest that a separate client bank account for management companies be provided for, similar to those used in other professions. While I am not suggesting management companies are doing anything improper with the fees charged, no one knows where the fees go. The legislation must provide that the money is locked into a client account. This is a cross-party issue with no need for point-scoring.

Trying to compile a proper electoral register in apartment blocks is impossible. Many residents are foreign nationals who may not want to be on the electoral register. Apart from the difficulty of politicians trying to canvass apartments——

**Deputy Tom Hayes:** Does the Deputy want the keys?

**Deputy Michael Kennedy:** Deputy Brian Hayes claimed he has the secret. He might pass it over to this side of the House.

**Deputy Brian Hayes:** I will give it to Deputy Kennedy but not to Deputy O'Connor.

**Deputy Michael Kennedy:** In my experience it is difficult for politicians to access apartment blocks to canvass.

**Deputy Alan Shatter:** I wish to share time with Deputies Brian Hayes, Catherine Byrne, Tom Hayes, O'Donnell and Varadkar.

**Acting Chairman (Deputy Johnny Brady):** Is that agreed? Agreed.

**Deputy Alan Shatter:** That the Government has enacted no legislation in this regard is extraordinary. For 15 years, large apartment blocks have been built in cities. They spread throughout Dublin city and county. Limerick, Galway and Cork have experienced this phenomenon, as have other cities and towns to a lesser extent. They have one factor in common, namely, management companies meant to take care of apartment blocks and to deal with services. The manner in which this matter has been dealt is disgraceful.

Too frequently and for too long, management companies have been controlled by apartment developers. They view the companies not as providing a service to those to whom apartments have been sold, but as a means to rip them off. They fail to provide essential services and when management companies controlled by developers get around to holding annual general meetings, they try to hold them at times and locations that render attendance impossible for 95% or 100% of apartment owners. The management company of an apartment block called Parkview in Stepaside in my constituency decided to hold its AGM at 7 p.m. on a weekday in a hotel in the city centre, knowing full well that it would be impossible for working residents to attend. I do not know how many appeared, but I would be surprised if it was more than six.

That there has been no legislation to date is scandalous. I have listened to other speakers' comments. Every Deputy has been the recipient of complaints from people who found themselves helpless when confronted by management companies. Agents appointed by developers to run management companies become the developers' playthings. If the developer is involved in a variety of developments, the agent knows he or she will get further fees from running management companies if he or she does what the developer wants. If the developer does not like what the agent is doing, the agent will be sacked.

With the exception of those controlled by apartment purchasers, management companies comprise the new feudal landlords of the 21st century and regard themselves as lording it over those who have had the misfortune to purchase apartments without an understanding of how the companies operate. This past week saw the extraordinary event of a developer advertising new apartments for sale and, to ensure visitors purchased new apartments rather than second-hand apartments, arranging through a management company for notices advertising apartments for resale to be taken down. The company regarded itself as free to remove the "for sale" signs. According to the lease terms, the permission of the management company was necessary to erect signs. On the basis that no one was aware of this requirement, the company sent in a crane and men climbed up it to remove the "for sale" notices. It is a disgrace.

The other matter of concern for which management companies and local authorities bear significant responsibility is that of visitor parking. I wish to sound a note of caution to anyone intending to buy an apartment anywhere. The first question should not be about what parking is available to owners, the answer to which will probably be a single parking space. Rather, the first question should be about visitor parking. A development of more than 650 apartments in my constituency has only 24 visitor parking spaces. Local authorities should be conditioning apartment developments to provide sufficient parking to facilitate visiting families and friends. Some are not doing so on an ideological basis of which the Minister for Communications, Energy and Natural Resources might approve, namely, to encourage the use of public transport over private transport. It is a fantastic theory, but it does not work with a lousy public transport system, which might not even exist in some of the areas in question. Before we adopt an ideological theory in which people will be forced Soviet-style to use public transport, we need a public transport system that will take people to where they want to go. For example, if one lives in Dundrum, Stillorgan or Rathfarnham, one may not have regular access to a bus service to visit friends or relatives in Stepside. The Dublin local authorities — I single out the authority with which I am familiar, Dún Laoghaire-Rathdown County Council — have much to answer for in allowing large apartment developments without requiring that parking spaces be put in place.

There is an arrogance on the part of developers who do not tell purchasers about available visitor parking and pretend it will be adequate. When people buy apartments, they tend to consider the general road infrastructure in the vicinity and presume the availability of a reasonable amount of visitor parking. The developer does not inform them that, once all the apartments have been sold, double yellow lines will be painted along the road sections not specifically set aside for parking spaces. This was done by a developer in the Stepside area. A passing garda who did not know better gave everyone parked on the double yellow lines tickets. It took my intervention to discover that the local authority and Garda had not sanctioned the lines — it was a unilateral act on behalf of the developer or management company — and to communicate with the Garda, not just to cancel tickets, but to refund those who had paid. It is not good enough that people find themselves living in these circumstances.

Having watched the debate on television in my office and read the Ministers' scripts, I am not happy. The Government has made a series of promises to the effect that it may legislate after the Law Reform Commission publishes its final report. I know what happens to those

[Deputy Alan Shatter.]

reports. Approximately 50 LRC reports are gathering dust in various departmental offices. If the drafting of the required legislation has not commenced, the likelihood of the LRC report producing legislation this year or next year is between zero and minus 1,000. Will the Government explain why no Bills have been drafted and published despite the original consultation paper? The matter might be complex, but it is not rocket science. The lives of tens of thousands of people are being diminished. They paid too much for poorly constructed apartments and local authorities failed to ensure proper conditions were imposed in terms of noise pollution and visitor parking. The least the Government could do is to provide protection against cowboy management companies controlled by developers diminishing further the value and enjoyment people get from their properties.

**Deputy Brian Hayes:** In the past five years, I have held five public meetings on this issue in my constituency. Most of the ordinary people who attended asked the most pertinent question, namely, why is it that their Government, this Dáil and the people they elected to do their bidding have not devised a legislative scheme to place a framework around this legal and political mess. I could not answer the question because the Government does not know what it is doing.

It has no plan to deal with this issue. There is no road map to a solution even though the issue first arose on the political agenda about six years ago.

Complaints are often made about the appalling situation that pertains to ground rent. People living in parts of my constituency are supposed to pay an annual rent to absentee landlords who have titles of ownership dating back several hundred years, although many refuse. Management companies are the modern equivalent of ground rent. Shame on the Government for allowing this issue to develop under our noses over the past ten years without any political or legal response.

Why do local authorities make it a condition of every application for residential developments that a management company is put in place? They are continually withdrawing essential basic services from householders. This problem particularly affects my constituency, where 10% of all households have to pay substantial sums of money to management companies in the complete absence of a legislative framework. It is a scam from start to finish. Often, the only way young couples can get a mortgage is over a 30-year term. Many are faced with negative equity and now they discover they have no control over this new tax levied on them by an unaccountable management company.

Some colleagues have suggested that a way to resolve this is by giving more power to residents to attend meetings and take responsibility. At a recent public meeting which I organised in an estate in Ballycullen in my constituency, the success of one resident in reducing charges for the year by taking control of the local management company was discussed, but everyone else at the meeting came to the conclusion that they did not want to undergo the hardships involved. These were working people, with better things to do with their lives than organise management companies or take responsibility for the maintenance of estates. Those who believe a huge body of ordinary people want to take control of these matters should be warned that a lot of work is involved in rooting out bad companies and replacing them with agents. Therefore, I caution people about suggesting that the political support exists for such a change.

Much of the responsibility lies with local authorities. Councillors should demand to know why new applications carry conditions of subservience to management companies. The issue has to be addressed through legislation. The Government's response has been pathetic and the new framework announced by the Minister for the Environment, Heritage and Local Government, Deputy Gormley, gives little confidence to the people who are left in this situation.

Action was needed five years ago and even if new legislation is put in place quickly, it may not have a retrospective effect on existing housing stock.

**Deputy Catherine Byrne:** I support this Fine Gael motion because it highlights the unacceptable situation whereby many people living in apartments and housing developments are burdened with spiralling management fees and receive little in return. The lack of accountability among property management companies and agents needs to be urgently addressed, particularly in light of the current economic climate.

In my constituency of Dublin South-Central, apartment complexes have become part of the skyline in recent years. These apartments have afforded many young people the opportunity to get their feet on the property ladder. The affordable housing scheme has also enabled young people to purchase apartments in the city which they might otherwise not have been able to afford. At present, 8,500 people are on Dublin City Council's affordable housing list. However, the council has suspended this list because demand exceeds supply and people who have managed to buy under the scheme are faced with rapidly increasing management fees. In that context, I would like to know what is affordable about this scheme.

In many cases, management companies are controlled by developers and residents have little or no say, despite the fact that the overall aim of such companies is that property owners run them. This area is filled with confusion and there is a real need for clarity, especially in regard to issues such as maintenance, upkeep and waste management. Although management fees often start at approximately €1,000, they vary widely and can increase from year to year. I recently met a young couple who bought into an affordable housing scheme but are now being billed €3,000 for this year's management fees without any justification for the increase. Residents of apartment complexes feel they are being held to ransom because they are legally obliged to pay management fees even though there is no obligation on management agents to account for the money they collect. In some cases, residents have come together to agree affordable increases with management agents and have even reduced their fees, which represents a step in the right direction.

I recently met a young man who had been awarded a service contract in an apartment complex, but unfortunately he has had to pull out of the contract after waiting three years for payment. This is another example of the lack of accountability in this area.

The absence of legislation to properly regulate management companies only makes matters worse. The Government established the National Property Services Regulatory Authority in 2005, a director was appointed in 2006 and staff of the authority occupy offices in Navan. It was allocated a budget of €700,000 for 2007 and €930,000 for 2008 but the director and staff are sitting idle because the legislation which will give it the power to operate has not yet been brought before the Dail. It is time to enact this legislation to give people an opportunity to have their say in where they live and what they do.

Sinking funds are needed to address issues as they arise. In one such issue in my area, young people who had just moved into an apartment complex had to pay €2,500 for repairs after a series of break-ins. Residents have described serious deficiencies in personal security provisions such as CCTV, poor security at entrance points and even a lack of adequate fire escapes.

Reforms are urgently needed and I call on the Government to regulate management companies without further delay. Apartment owners have been left at the mercy of management agencies for too long.

**Deputy Tom Hayes:** I commend Deputy Hogan on moving this Private Members' motion. Legislation is urgently needed on the issue of management companies. While the problems are particularly serious in Dublin, they have also affected bigger towns throughout the country in

[Deputy Tom Hayes.]

recent years. In many villages, expanding housing estates give rise to management committee issues. A debate is needed in this House on legislation that will adequately alleviate the problems experienced by owners when they purchase apartments and houses. Some of these are first-time buyers and some are in rented accommodation. These people need the protection of legislation, which must be put in place.

Management committees or personnel are put in place who know nothing about the particular area of which they are in charge. I know of one instance in my constituency where there are very expensive payments to the committee but people are not getting work done simply because the people in charge have no local knowledge. That is a most important factor. It should be laid down in legislation that people in these positions should have local knowledge of the whole community. I urge the Government to wake up to the fact that there is a real problem out there for people. There is a concern and fear in this regard because people have commitments, including financial commitments. We must debate the matter. The local authority should be listened to and members of the local authority should make it accountable. That is another significant factor. We need debate followed by legislation. It is a real fear and the Government has hidden from the issue while doing nothing. This Private Members' motion may do nothing but ensure we pass relevant legislation in the near future, and I hope that happens.

**Deputy Kieran O'Donnell:** I support this Private Members' motion brought before the House by Deputies Phil Hogan and Terence Flanagan. This issue is nothing new and has been going on for the past ten or 15 years. My colleagues have dealt with the position on the ground. I recommend that a few practical measures be put in place. The type of structured company which needs to be put in place is a company limited by guarantee without having a share capital. Many management companies are being established as companies with share capital. A simple structure would be a company limited by guarantee without share capital, which would ensure an equal vote.

It is absolutely critical for legislation to be brought before the House to put in place structures that would ensure a smooth transition to owners of the apartment blocks within a short period after the development is completed. The current process will probably be a feature in future whereby some developments take a long time to complete and it could be a number of years before responsibility is handed over to the owners of the apartments.

There must be a clear undertaking from developers that they will explain to people who own apartments their duties when they take over management of the company. A few practical measures should also be put in place. For example, the annual general meeting should be set for a specific date and management meetings should be held at regular intervals so people within developments are aware of the funding involved and how much it costs. In addition, service charges should be explained so people know exactly what they are getting into.

Sinking funds are nothing new but they have never been enforced. The purpose of a sinking fund is to ensure provision is made for the upkeep of communal areas. In many cases, the option was not taken up and the areas run into disrepair. This must be explained.

The key element is proper legislation, which should be brought forward. I heard the Minister, Deputy Dermot Ahern, speaking earlier about changing the rules in terms of filing returns with the Companies Office. This should be considered carefully as currently lay people are taking over the running of management companies. They spend their time chasing down the developer to take over the running of the company. The requirements with regard to the Companies Office are not explained, and when they find themselves as directors, they are not able to

meet their deadlines. I welcome the measure outlined by the Minister but the system must operate practically.

We need legislation as a matter of urgency and it must be debated. A key element is for people to be made aware by developers of exactly the type of apartment being bought and their duties. A series of practical measures should be introduced to let owners know what they are paying for. If people were aware of the work being done based on the contribution to management companies, the majority would agree with it. Currently, nobody is being held accountable.

**Deputy Leo Varadkar:** I support the motion and compliment Deputies Phil Hogan and Terence Flanagan on bringing it forward. I also thank my colleagues for allowing me to eat into their time. This is a very important issue, much more so than most of the political establishment believes. It affects 500,000 people, both homeowners and landlords. Some 4,000 units in my constituency of Dublin West are controlled by management companies and probably inhabited by approximately 12,000 people. Another 3,000 such units are planned.

I am affected by this in that I am a member of a management company and I pay a management fee. Thankfully, I am in a position where the owners control the management company, although it was not easy to take it over. I am happy to pay the fee — approximately €1,200 per year — for the service I get but that is only because I am a member of the group which controls it and decides what the money is spent on. If we want more, we pay more and if want less, we pay less.

We all accept there must be management companies in apartment buildings, although the concept is not confined to them. For houses and mixed developments the idea is more complicated. I heard the comments of Deputy Ciarán Lynch of the Labour Party, which I almost entirely agreed with, except for the proposal that management companies be banned from housing estates. I do not agree with that as some people want management companies in housing developments.

There are two examples in my constituency, Hollystown and Summerton, which the Minister will be familiar with and which are controlled by management companies. The people there very much want to have their landscaped lawns, gates and so on, and they should be allowed to have them. This is not a communist country and people should not be prohibited from having a management company should they so wish. That is not the case for the vast majority of people who are subject to management companies.

There are a few major problems and it is important we address them. It is not the case that most management companies are controlled by owners. In my constituency, for example, Menolly Homes, and Mr. Seamus Ross in particular, are developers well known to the party opposite. It writes into its memorandum and articles of association that the developer has 1,000 votes, with others having one vote per apartment. Another developer well known to the party opposite writes into the——

**Deputy Brian Lenihan:** Is there an insinuation in the Deputy's statement?

**Deputy Leo Varadkar:** I will get to that. The developer writes into the provisions that there cannot be an annual general meeting until all units are sold, and then holds on to one unit. As another example, the developers Kimpton Vale, which gave a €2,500 political donation to a Member opposite, aside from knocking down a listed building in another constituency, has——

**Deputy Brian Lenihan:** Is the Deputy suggesting that was an improper payment?

**Deputy Leo Varadkar:** I am not, I am suggesting it is declared but there is an improper relationship between the party opposite and some of these development interests. With that particular donation——

**Deputy Brian Lenihan:** In that regard, what exactly is the Deputy alleging?

**Deputy Leo Varadkar:** The Minister should ask his colleague to return the donation.

**Deputy Brian Lenihan:** I am not aware of who he is.

**Deputy Leo Varadkar:** It was published in *The Irish Times*.

**Deputy Brian Lenihan:** I am not aware of who he is.

**Deputy Leo Varadkar:** It is wrong of the Minister's colleague to accept a €2,500 donation from a company like Kimpton Vale. It is absolutely wrong. If the Minister had any decency, he would ask his colleague to return the donation.

**Deputy Brian Lenihan:** I suggest the Deputy raise it with the appropriate Member.

**Deputy Leo Varadkar:** I will. To move on, there is an issue of the areas taken in charge. There are cases in some instances where maintenance of parts of a development which will be taken in charge is paid for by the management company in the meantime. With another well known development company, even though the management company is up and running, the title of the common areas has not been transferred to the management company. In effect, the management company is looking after land it does not own and people are paying for that.

I am very disappointed with what I have heard from the Government to date. Everything I heard today from the Minister, Deputy Dermot Ahern, I heard before by way of parliamentary questions from the Minister opposite or in previous debates. We saw the report of the Office of Corporate Enforcement, as well a report from the National Consumer Agency and an interim report from the Law Reform Commission. This has been ongoing for six years and I do not have confidence that the Government takes the issue seriously or will introduce legislation.

I guarantee the parties opposite, including the Green Party and Fianna Fáil, that this will be a significant campaign issue in the run-up to the local elections. If legislation is not in place and implemented by then, the parties will pay for it.

**Minister for Finance (Deputy Brian Lenihan):** The Government is well aware of this extremely serious problem, which affects many individuals who live in multi-unit developments or the more traditional mixed developments to which Deputy Varadkar referred. The Government is very concerned about this matter.

I welcome the tabling of this motion by Fine Gael because this debate has placed a focus on an issue that was of great concern to me during my time at the Department of Justice, Equality and Law Reform. The original motion outlines various specific issues, all of which are dealt with in the consultation paper published by the Law Reform Commission. It was envisaged at the time of the publication of this paper that a final report, in which detailed proposals for the Government in respect of this matter would be contained, would be prepared by the Law Reform Commission. I am sorry that this report has not yet been received. I understand that it will be forthcoming in a number of weeks.

The Government decided to establish a high level Cabinet sub-committee, the membership of which comprises the relevant Ministers with responsibility in this area, to commence work on this subject prior to the publication of the Law Reform Commission's final report. The Law

2 o'clock

Society put forward an extremely detailed submission to the Law Reform Commission in recent weeks and the latter has delayed its final consideration of this matter pending its examination of the views of the former.

Anyone who examines this area will discover that it is an extremely difficult one in respect of which to legislate. The core difficulty is that the purchasers of these units, regardless of whether they are located in multi-unit, single or mixed developments, entered into binding contractual commitments in respect of the management of their estates. These people are, therefore, locked into arrangements as a matter of private law. It is always difficult to legislate in such circumstances.

Many of the abuses in this area have been outlined by previous speakers. I do not intend to add to the record save to say that I have witnessed and have experience of many of those abuses.

One of the major difficulties in this area is that when a purchaser is put in possession of property, he or she is not placed in an immediate position to exercise his or her rights in respect of their management company. The effective control of these properties rests with the developers long after it should be passed on to the purchasers. The Law Reform Commission intends to bring forward proposals in respect of this matter.

One of the reasons an interministerial committee is required to investigate this matter is that the changes relate not just to property law, but also to company law. In such circumstances, interlocking legislation will be required to deal with the company and property law implications attaching to these developments.

In the context of company law, a specific type of company will be required in respect of the developments to which we are referring. We cannot continue to operate the traditional bells-and-whistles company law model with regard to this type of arrangement. A specific type of company will, therefore, have to be devised.

I look forward to the publication of the final report of the Law Reform Commission because it will provide a template upon which the Government can take urgent action in respect of this matter. There is no doubt that such action is required. We will, however, encounter difficulties regarding those purchasers who have locked themselves into binding legal arrangements. We are not merely discussing a practice that can be varied; we are referring to legal rights and entitlements that have been arrived at by the vendors and purchasers of properties.

As Deputy Varadkar quite fairly acknowledged, there are instances where management is desirable and not just in the context of multi-unit developments. There are some purchasers who want gated developments and who are themselves happy to provide services. If they are so minded, I have no objection to their doing so and the State should facilitate their wishes. There are, however, many people who have experienced difficulties with management companies. In that context, we must consider the issue of corporate compliance and the level of such compliance to date.

The legislation relating to property management agents, which is with the Parliamentary Counsel, is overdue. I decided to proceed in any event with the establishment of the interim board. I accept the fact that it does not have legal powers but it is better that it is commencing its work now rather than being obliged to wait until after the establishment of the authority. The classic model is that the House establishes an authority and then implements it a few years later. At least the regulatory authority for property services is starting to operate in Navan. In time, legislative provision will be made that will allow it to make more effective decisions.

**Deputy Pádraic McCormack:** I wish to share time with Deputies Clune and Hogan.

[Deputy Pádraic McCormack.]

The problem relating to management companies is ongoing. I raised it with various Ministers in the past three years and matters have not moved on in that time. I tabled a parliamentary question to the former Minister for the Environment, Heritage and Local Government, Deputy Roche, on Tuesday, 27 June 2006 and I received a reply which stated: “In late 2005 I requested that a survey be carried out of planning authorities regarding their policy on attaching planning conditions relating to management companies.” The then Minister indicated that he received replies from 90% of local authorities. I made further inquiries a year later and discovered that, much to my embarrassment, the Department had not received replies from Galway City Council and Galway County Council.

Members on all sides have referred to the difficulties experienced in respect of management companies running apartment complexes. In Galway, many such companies have been appointed to run conventional housing developments. For example, I am aware of a development of four detached houses in a particular area of Galway and another of 38 houses at Clybaun Court, Knocknacarra — 34 of which are semi-detached and four of which are detached — in respect of which the city council stipulated that management companies would have to be established. Despite the fact that some of the residents of the latter estate obtained more favourable quotes in respect of maintaining grass verges or whatever it is management companies do, it was not possible to replace the management company that had been set up. Some of the directors of that company are employees or have connections to the construction company that built the estate. Everything is nicely tied up and it does not seem possible for the residents to extricate themselves from this arrangement.

I also raised this matter on the Adjournment on a previous occasion and the Minister stated: “On 25 January 2006, my Department issued circular letter PD 1/06 reminding local authorities of their obligations under section 180 of the Planning and Development Act 2000 regarding taking in charge of estates.” However, nothing has been done in the interim. Commitments were made in respect of this matter in the programme for Government agreed in 2002. Again, however, action has not been taken.

I welcome the fact that the Ministers for Justice, Equality and Law Reform, the Environment, Heritage and Local Government and Finance have contributed to this debate. Fine Gael is honoured that three such prominent Ministers have come before the House to address the motion. I cannot recall a previous occasion on which three of the most senior Ministers in Cabinet addressed a Fine Gael Private Members’ motion. Perhaps an advance of sorts, under which greater responsibility will be placed on Ministers, is being made at the behest of the new Taoiseach. Usually a Minister of State or someone who has no connection to the relevant Department is sent to the House to deal with matters of this nature.

**An Leas-Cheann Comhairle:** Ministers of State are in scarce supply at present.

**Deputy Brian Lenihan:** There is a shortage of them.

**Deputy Pádraic McCormack:** Management companies set up by developers are charging apartment owners anything from €450 to €2,000 per year in fees. The Minister for Finance stated that such owners have entered into binding legal arrangements. I am aware of instances where management fees were imposed in apartment complexes and where now, three to five years later, such fees are also being imposed in respect of car parking facilities. I do not know how it is possible to charge tenants who purchased car parking spaces €70 to €90 in management fees. These people were not told that such fees would be imposed when they originally purchased their apartments.

I am delighted the Minister is taking this matter seriously, particularly in light of the upcoming local elections. From previous experience, however, I am sceptical that the legislation necessary to deal with this matter will be introduced. I could not discover from Galway City Council, despite making four or five phone calls between 9 a.m. and 1 p.m. today, whether it is continuing to impose planning conditions which stipulate that management companies must be established in respect of conventional housing estates. I suspect, however, that the practice is continuing.

**Deputy Deirdre Clune:** I thank Deputy Phil Hogan and Deputy Terence Flanagan for putting down this motion, which concerns a very relevant and real issue in terms of how people in modern Ireland are living. I notice the new Taoiseach referred yesterday to young people and how he wants to make politics relevant to them. If the Taoiseach could ensure that the items outlined in the motion were implemented, this would certainly make politics relevant to young people.

It is estimated that 500,000 people live in apartments or mixed complexes, whether of duplexes or townhouses. Many of them face difficulties in the areas in which they live. In many cases they purchased during the property boom, with units being bought off the plans as they queued up to put down a deposit. They never really thought of the consequences regarding the management of the open spaces, lifts, car parks and gates within the complex. For many residents, the situation has become a living nightmare. They have seen the appearance of their homes and neighbourhoods deteriorate. Nobody is in charge and people who have contributed to management fees or service charges do not feel they are getting fair representation. Some people opt out of a payments scheme and do not pay so the burden falls on others. The situation is a complete mess and a nightmare for these people. It is important for all of us living in urban areas to ensure that complexes are well looked after and maintained. They could be a blot on the landscape for us all.

Anyone who has served on a local authority, as I have, will know of the changes to density guidelines that were issued through the Department of the Environment, Heritage and Local Government, particularly for urban areas, which have seen a huge increase in apartment-type complexes and apartment living for individuals. When transport links were established, such as the Luas in Dublin, there was a proliferation of high density accommodation near those links. In Cork, the Cork to Midleton railway line is under construction and will attract high density living due to the proximity of the transport link.

If we want to ensure this type of high density living works for people, we need to introduce legislation and structures which will ensure that residents who buy into these complexes have assurances they will be managed and that the management structures will work. The National Property Services Regulatory Authority was established in 2005 but, three years later, it still has not been put on a statutory footing. The minimum we need at this stage is that it would be given the powers to do what is necessary.

Many of us have constituents who contact us about the frustrations they are experiencing in their areas. Management companies are not finishing off estates or complexes, or are holding onto one final unit in the hope that they will then be able to expand into an adjoining field. In such cases, the management structures can fall apart because of a loophole or because the last piece of the jigsaw has not been put in place.

The problems have been highlighted not only in the House, but by the National Consumer Agency, the Director of Corporate Enforcement, Dublin City Council and the Law Reform Commission. People are screaming out for support and a legislative process to which they can turn. I appeal to the Minister and the Government to adopt the policies proposed in this motion and give those young people an opportunity to live in comfort. More importantly for all of us,

[Deputy Deirdre Clune.]

as we are developing urban landscapes, we must ensure it is done properly. This is about the future of our cities.

**Deputy Phil Hogan:** I thank the speakers who took part in the debate. Many Deputies gave their constituency experiences with regard to how major an issue this is, particularly in large urban centres. As some speakers noted, it is a growing phenomenon throughout the country, particularly with recent large-scale urban developments in the commuter belt and further afield.

I thank the Labour Party for supporting the Bill. I cannot support the Sinn Féin amendment because I have no confidence in the local authority system to deal with this issue at present. My experience is that local authorities have great difficulty taking estates in charge, in spite of the legislation. They do not want to take them in charge because it will cost them money. While that is not an excuse for local authorities not doing their business properly under the Act, it is the reality and the way things work in the local government system. People should be entitled to organise their own affairs and take responsibility for their own complex, but to do so in a way that is properly regulated and underpinned by a base of primary legislation.

I acknowledge what the Minister for Finance, Deputy Brian Lenihan, has said in this regard. I also congratulate him on his appointment.

**Deputy Brian Lenihan:** I thank the Deputy.

**Deputy Phil Hogan:** I acknowledge that there is a legal quagmire but we need to resolve this issue. Cross-departmental requirements that are in place are well understood but what is frustrating people, and what motivated Fine Gael to put down the motion, is that it has taken so long to try to resolve the issue. It was in the 2002 programme for Government. Things work slowly in this country at times but I hope they would not work that slowly for all things. Six years is long enough. It is the frustration at the lack of action that motivated this motion.

I acknowledge that the Government has done its best to try to come to some kind of universal view in its amendment. Nevertheless, regrettably, we feel we must divide the House on what is an important issue for many people because we want to create more urgency about the situation.

A couple of Law Reform Commission reports considered the issues. I hope the information from the commission, which the Minister made available to us, will not provide another excuse for dragging matters out and that the commission will come up with recommendations and publish them at the end of May, which was the indicative date given to us. While that date might be optimistic, we would like to see the legislation published, certainly before the summer. If the Government could tell the House the legislation will be published before the summer recess, it would be a move in the right direction but I feel it is not such a position considering what the Minister, Deputy Brian Lenihan, had to say today.

In some cases people have suffered a degree of extortion from irresponsible developments and management companies that were established on a willy-nilly basis, without being underpinned by law. This is part of the reason many of our constituents contact us about this problem. We have waited long enough. The genesis of the issue was an allowance in the Planning and Development Acts that management companies were to be established without the basis of law, including company law.

Many people are left in a legal limbo. When they engaged in such an important financial transaction, they should have been properly advised by their legal advisers and mortgage providers about the cumbersome nature of dealing with these issues. The National Consumer Agency has a booklet about their obligations which should be made available to every pur-

chaser by the legal profession or mortgage provider. In many instances they need to have their eyes opened to some of the difficulties that may emerge in the context of organising a management company.

I thank all speakers for their contributions to this important debate. I hope it will give a sense of urgency to the Government to move more quickly than it has in the six years to date. Accordingly, I put the motion to the House.

Amendment put.

The Dáil divided: Tá, 73; Níl, 58.

Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Behan, Joe.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gogarty, Paul.  
 Gormley, John.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.

Kenneally, Brendan.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McEllistram, Thomas.  
 McGrath, Finian.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Hanlon, Rory.  
 O'Keefe, Batt.  
 O'Keefe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 Woods, Michael.

Níl

Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 Byrne, Catherine.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Creed, Michael.  
 Creighton, Lucinda.

D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.

Níl—*continued*

Kehoe, Paul.	O'Sullivan, Jan.
Kenny, Enda.	Penrose, Willie.
Lynch, Ciarán.	Perry, John.
McCormack, Pádraic.	Quinn, Ruairí.
McEntee, Shane.	Reilly, James.
McHugh, Joe.	Ring, Michael.
Mitchell, Olivia.	Shatter, Alan.
Naughten, Denis.	Sheahan, Tom.
Neville, Dan.	Sheehan, P. J.
Noonan, Michael.	Stagg, Emmet.
Ó Caoláin, Caoimhghín.	Stanton, David.
Ó Snodaigh, Aengus.	Timmins, Billy.
O'Donnell, Kieran.	Tuffy, Joanna.
O'Dowd, Fergus.	Upton, Mary.
O'Mahony, John.	Varadkar, Leo.
O'Shea, Brian.	Wall, Jack.

Tellers: Tá, Deputies Pat Carey and John Curran; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared carried.

Motion, as amended, put and declared carried.

### **Defamation Bill 2006 [*Seanad*]: Second Stage.**

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I move: “That the Bill be now read a Second Time.”

I am pleased to have this opportunity to introduce the Defamation Bill 2006 to the House. This Bill comprehensively reforms the law on defamation and replaces the current legislation, which dates back to 1961. It provides a modern framework and gives statutory expression to developments in the jurisprudence of the Irish courts and elsewhere, including the European Court of Human Rights. While the road to reform has been slow and has taken a number of turns, the deliberative process and consultations have been intensive and productive.

A review of the legislation on defamation was conducted as far back as the early 1990s, which culminated in the publication of a final report by the Law Reform Commission in December 1991. The report contained more than 50 detailed proposals for reform in this area of the law. In 1996, the report of the Commission on the Newspaper Industry also made recommendations for changes in the law. In December 2001, the then Government approved the drafting of a Bill. Following on from that, the agreed programme for the Government formed in 2002 contained a commitment to legislation in this area. In September 2002, the then Minister for Justice, Equality and Law Reform, Michael McDowell, established a legal advisory group on defamation to report on the implications of this commitment.

Subsequent to the publication of the legal advisory group's report in June 2003, my Department conducted an intensive public consultation process on the report. This included a major conference in December 2003 that facilitated an exchange of views with a wide cross-section of interested parties. Extensive consultations were held with the Irish Press Industry Steering Committee, which brought together representatives of national and regional newspapers, as well as UK newspapers with Irish editions and periodical publishers.

The Bill that is before the House is largely the text that was presented to the Seanad in July 2006 by the then Minister, Michael McDowell. I took a close interest in the comments of Senators during the extensive debate on the Bill in the other House. I would welcome the same close scrutiny of this important and ground-breaking legislation by Members of the Dáil so we

can get the balance right. In 2007, my predecessor undertook a short and focused process of consultation on the Defamation Bill and the Privacy Bill, which was published by the last Administration. The Government has decided to pursue the Defamation Bill at this time. I hasten to add that the Privacy Bill remains on the Seanad Order Paper, having been approved by the Cabinet.

I commend the recent decision of the Press Council of Ireland and the Office of the Press Ombudsman, which vindicated the right to privacy of a member of this House. The decision will be welcomed by all sides in the Oireachtas and beyond. The good start that has been made by the Press Council augurs well for the future. I welcome the fact the newspaper in question published the decision in a position of prominence, similar to the position in which the offending article was printed. Such an approach is required under the legislation before the House. I am pleased that this requirement has been observed by the newspaper concerned in this instance.

The current defamation legislation falls short in a number of ways. It is unhelpful to all concerned that an apology, which is often all that is required, cannot be made to an aggrieved person without it being taken as an admission of liability. Unlike in other civil actions, no lodgment can be made in court against a defamation action without admission of liability. It is clear that an insufficient range of remedies, other than damages, is available to an aggrieved person. It is unsatisfactory that there is an absence of clarity on the role of the court in giving directions about the level of awards, that plaintiffs do not have to swear affidavits about the nature of their complaints and that applicants are not compelled to take the stand for cross-examination. That defamation actions can be taken up to six years after the publication of the alleged libel has understandably been the subject of much complaint by media organisations. On the other hand, aggrieved people had no real practical alternatives to court proceedings, such as a complaints system based on a code of standards operated by the press, until the recent formation of the Press Council.

Existing legislation lags behind the requirements of the European Convention on Human Rights. It is not in line with developments in the jurisprudence in other jurisdictions on the appropriate balance between freedom of expression and protection of one's good name. The new provisions in the Bill will give plaintiffs a better sense of their rights under the law. New forms of remedy will be available to those interested in obtaining speedy redress when they have been defamed. The new legislation will provide greater clarity for publishers, help responsible publishers to avoid making defamatory statements and provide guidance about the limits of the various defences which are open to them.

The Bill supports the concept of an independent Press Council, which can be afforded statutory recognition by both Houses of the Oireachtas on foot of a motion by the Minister for Justice, Equality and Law Reform, as long as it meets certain criteria set out in Schedule 2 to the Bill. A code of practice to which print media organisations can subscribe and adhere is a critical element of the independent regulation of the press. We now have such a code. It should not fall to me as Minister, or to the Government, to dictate the exact detail of a code of practice. However, Schedule 2 provides some guidance about the basic standards expected in such a code, in the public interest. The Press Council has made it clear that the code will be organic and will evolve as circumstances require.

I am concerned that some publications have yet to subscribe to the Press Council of Ireland. While I realise these are early days, I urge all media organisations and publications to attain membership of the council, for their own benefit as well as that of complainants. I encourage the early publication by the council of details of its membership to ensure full transparency. One of the primary benefits of a statutorily recognised press council, as provided for in this

[Deputy Dermot Ahern.]

legislation, is that qualified privilege attaches to its reports and decisions, or those of a subsidiary body such as the Office of the Press Ombudsman which has been established by the council. Subscription to the Press Council and adherence to its code of practice by a publication will strengthen its entitlement to avail of the new statutory defence of reasonable publication on a matter of public interest in any court action. To avail of that defence, publications which choose not to join the Press Council, for whatever reason, will be required to have in place an equivalent fairness regime or to operate an equivalent and publicised code of standards.

The Bill puts on a statutory basis a new defence of fair and reasonable publication on a matter of public interest. I hasten to add that the defence is subject to certain conditions. It is designed to be used by newspapers which decided to publish certain material to facilitate public discussion, on the basis of there being a benefit and an interest in such discussion taking place. This new defence takes cognisance of jurisprudence at European Court of Human Rights level. In particular, it is based on certain decisions of Irish and UK courts. The genesis of the defence first arose in these islands in the decision made by the UK court of appeal in 2001 in the case of *Reynolds v. The Sunday Times*. In September 2006, the court refined and clarified its nature and purpose in the case of *Jameel and others v. The Wall Street Journal Europe*. The court overturned an award against that paper and allowed its defence of reasonable publication on a matter of public interest.

The UK court of appeal ruled in the *Jameel* case that the defence of reasonable publication is in a new jurisprudential category. It is not the same as a defence of privilege. A number of conditions have to be fulfilled before a responsible publication can plead reasonable publication. In the introduction to its judgment, the court noted that there is a balance between the development of this new defence and the strengthening of the law on privacy. The thrust of the *Jameel* case was accepted by Mr. Justice Charleton in his consideration of the 2007 case of *Leech v. Independent Newspapers (Ireland) Limited*.

This new defence is designed to facilitate responsible journalism. It is not a charter to engage in casual defamation or character assassination. It is not a licence for sloppy or vindictive practice by journalists or editors. It will be for the courts to decide what credence to give to an editor or a journalist who tries to cloak himself or herself in such a defence without proper regard for its purpose. Given that this is a significant change in our law, I will welcome the views of Deputies on the details of the defence. I will examine the matter further with the Attorney General in advance of Committee Stage.

The Bill makes special provision in relation to the issue of damages. It makes it clear that a judge in a High Court defamation action will give directions to the jury in relation to damages. It sets out a wide range of factors to which the court will have regard in awarding damages. It provides that the Supreme Court, on appeal, may substitute its own level of damages for that awarded by the High Court. These provisions have been developed against a background of recent case law in our courts. I suggest that they offer clarity and some certainty on policy in this area.

I wish to highlight some of the other main provisions of the Bill. Section 5 provides that the present torts of libel and slander will cease to be so described and will instead be collectively described as the “tort of defamation”. Section 7 provides that the plaintiffs and defendants in a defamation action will be required to submit a sworn affidavit verifying assertions and allegations and to make themselves available for cross-examination. That is not necessarily the case at the moment, which is a strange aspect of our law. It is now being provided that a person must swear that he or she has been defamed and make himself or herself available for cross-examination, as a condition of bringing an action. I believe that is a reasonable position. It will be an offence for a person to make a statement in an affidavit which is false or misleading in

any material respect, or that he or she knows to be false or misleading. This mirrors the approach taken in the Civil Liability and Courts Act 2004.

Another aspect of the Bill, contained in section 22, is that an offer of apology will not be construed as an admission of liability. The current legal situation effectively precludes this and impedes the giving of a speedy apology which, in some cases at least, might result in a decision not to proceed with court action. With regard to apologies, the Bill provides, following amendment in the other House, that in situations where an apology is being made and published by a defendant, the apology will be given the same or similar prominence as was given to the original statement.

The Bill includes other useful provisions which I will outline. Under section 27, the defendant in defamation proceedings may in future lodge in court a sum of money without admission of liability. This mirrors the present position with regard to other civil actions where damages are sought.

Provision is made for new remedies which a court may grant in lieu of, or in addition to, damages. These remedies will, in the normal course, be predicated upon a plaintiff having requested a timely and conspicuous retraction of the defamatory matter in circumstances where the defendant has failed to accede to that request.

Under section 26, a declaratory order, for which a plaintiff may apply in lieu of damages, is intended to offer a speedy means of redress where the only issue is the wish of a plaintiff to have an acknowledgement that the matter in question was defamatory of him or her.

A correction order is envisaged, under section 28, as an additional remedy to declaratory judgments, as it allows the possibility of damages which may direct the terms of any correction that a court orders to be made in favour of a plaintiff.

A range of factors intended to guide the court in making an award of general damages is specified in section 29. Juries are being retained for High Court proceedings, but the trial judge shall give directions to a jury on the matter of damages. Aggravated and punitive damages are maintained under section 30, but are limited to specific instances.

The defences available in defamation proceedings are rationalised and clarified in sections 14 to 25, inclusive. A list of occasions where absolute privilege arises is provided in section 15. The defence of qualified privilege is given a statutory basis for the first time under section 16. It will attach to the reports and decisions of the Press Council recognised under section 41.

As I mentioned, under section 24, the defence of fair and reasonable publication on a matter of public interest is created in statute form for the first time in Ireland. The exact provisions concerning the recognition of an independent Press Council are set out in section 41.

The conditions with regard to the making of an offer of amends are updated in sections 20 and 21, along with the consequences for acceptance or non-acceptance of the offer.

Under section 25, the common law position with regard to the liability of distributors for defamatory material is being given a statutory basis known as “the defence of innocent publication”. The defence develops in a more comprehensive way the common law defence of innocent publication, which has traditionally been available to distributors, in particular for those such as Internet service providers, in recognition of the speed with which modern technology works.

Under section 11, bodies corporate may sue for defamation irrespective of whether financial loss had occurred.

Under section 35, a limitation period of one year will apply to the bringing of defamation proceedings unless, where the interests of justice so require, a court directs otherwise and may allow a period of two years for exceptional cases.

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A special jurisdiction limit of €50,000 for defamation actions in the Circuit Court is provided for in section 38. The current Circuit Court limit for damages claims is €38,092.

I am giving further consideration to Part 5 of the Bill, which provides for the abolition of the common law offences of criminal libel, seditious libel and obscene libel. It is my intention to bring forward amendments on Committee Stage to deal with the offences created in Article 40.6.1.i of the Constitution relating to the publishing of blasphemous, seditious or indecent matter. Sanctions for these offences, which include both fines and imprisonment, are contained in Part 2 of the Defamation Act 1961 and in other enactments.

If we repeal in full the provisions of the 1961 Act in reforming our defamation laws, we would be at risk of creating a lacuna, unless we make some provision in regard to the constitutional offences. Ensuring there is no lacuna created is therefore a significant consideration. My predecessor had been in consultation with the Attorney General as to how best to proceed in dealing with the issues and I intend to bring that consultation to fruition.

The Bill does not provide for defamation of the dead. The technical, legal difficulties of so providing were examined closely by the Law Reform Commission and others. This was also an issue which arose during the consultation period and during the course of the lengthy Seanad debate. Section 36 does, however, provide that on the death of a person, a cause of action for defamation vested in him or her immediately before death, should survive for the benefit of their estate. Similarly, it also provides that a cause of action in defamation subsisting against a person should survive their death and lie against their estate.

There are two important Schedules as part of the Bill. Schedule 1 provides a list of statements having qualified privilege. The list includes determinations or statements by the Press Council or Ombudsman. Schedule 2 provides for the minimum requirements concerning a body seeking recognition as the Press Council for the purposes of the Act. The Minister will have to satisfy himself or herself that these criteria are being met prior to making an order declaring the applicant organisation to be the Press Council for the purposes of the Act. Once recognition is granted, there can be only one such body. An order of recognition granted to the Press Council may be amended or revoked, should the Minister form the opinion that the council no longer meets the minimum requirements set out in Schedule 2. However, in that event, before the moving of any order to this effect, the Press Council must be afforded the opportunity to address the issues of concern. The Schedule also prescribes minimum conditions for the appointment of a Press Ombudsman who will investigate, hear and determine complaints made to the Press Council concerning the conduct of its members and the complaints procedure. The Schedule also prescribes the code of standards to be adhered to, as well as the rules and practices to be complied with by members of the Press Council.

This Bill will bring about a significant modernisation of the law on defamation. It seeks to respect the necessary balance between the equally important but sometimes competing rights of freedom of expression and of respect for one's good name and reputation. I would welcome the contributions of all sides of the House on this matter. I will be willing to consider any reasonable amendments that may be suggested by all sides of the House. The Bill represents a significant change in our defamation laws. As such, the House should take some time to consider it, particularly in view of the fact that it has undergone a robust examination of various aspects by Members of the Upper House.

I commend the Bill to the House.

**Deputy Charles Flanagan:** I wish to acknowledge the recent appointment of the Minister, Deputy Dermot Ahern, to the Department of Justice, Equality and Law Reform. I wish him

every success in his new portfolio. I also pay tribute to his predecessor, Deputy Brian Lenihan, and thank him for his personal courtesy to me as Opposition spokesman. I recognise the previous Minister's work in the Department, albeit over a short period. It is a long time since the new Minister and I were Government and Opposition Whips, respectively. Since then, the Minister has dealt with a number of important issues in various Departments. I wish him well in his new role. Fine Gael will offer him co-operation on matters which should be prioritised in the areas of justice, security, law reform and equality. It is a large Department and perhaps nobody knows better than the Opposition spokesman the wide range of briefs concerned, which can be both time consuming and taxing.

As a fresh face in the Department, perhaps the Minister could consider, along with his Government colleagues, restoring or building on the civil and criminal justice arms of the Department. In the 1990s, the civil arm was separated into the equality and law reform portfolio, while the criminal arm deals with matters of domestic security. The Department has a wide brief with major responsibilities. I consider that the experiment in the 1990s worked reasonably well, albeit that a small Department was being serviced at the time under the direction of the former Minister, Mervyn Taylor. That concept might be revisited, especially in view of what other jurisdictions have done in separating the various sections of their departments of justice. I look forward to debating the issues of concern and the challenges that lie ahead in the Department, and I wish the Minister well.

Fine Gael supports this Bill. For some time we have been calling for appropriate changes and amendments to be made to defamation law. We acknowledge the important role of the media as the Fourth Estate in a democracy. It is important that a country has a vibrant and free media as free speech is an important fundamental pillar of democracy. What we must always try to do is strike a balance between the right of an individual to his or her good name and the right to report in a free and unfettered manner. It is a long time since 1961 so it is important to revisit the legislation and modernise the laws dealing with slander, libel and the various defences to them. A considerable body of case law has built up in this area and it is necessary to codify that law in one legislative measure, particularly with regard to the defences to an action. That legislation is now before the House.

A number of recent cases, particularly cases involving a late former Member of this House and a widely read Sunday newspaper, showed up deficiencies in the current legislation. Often, all that is required is an apology and, in some cases, only a simple apology but that cannot be done under the current legislation because it is connected to an admission of liability. That will change under this Bill. Similarly, unlike in the case of other civil actions, no lodgement can be made in court against a defamation action without it including an admission of liability. That has given rise to an adversarial stand-off between parties, with no resolution taking place until a court hearing, which might not occur until a number of years after the initial publication.

It is also important that the range of remedies would expand and develop beyond mere damages. I welcome the proposals regarding rectification, clarification, declaratory orders and the other remedies excluding monetary compensation. There is also a need for clarity in respect of the role of the court in giving directions on the level of awards. This area has been something of a lottery in that it has not been possible to measure the damages in any consistent way. That has given rise to confusion and uncertainty, so the giving of directions on the level of awards is welcome. Similarly, at present the applicant or plaintiff or aggrieved party does not have the opportunity to submit sworn affidavits to corroborate their complaint. That will change, which is welcome. Perhaps the reading of such affidavits could give rise to earlier settlements than might otherwise be the case, as it will be possible to see from the affidavits the points of concern that remain at issue. Furthermore, the plaintiff or applicant will be in a position to

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take the stand for cross-examination, which they cannot be compelled to do under current legislation.

The issue of time is important. The Press Council and the Press Ombudsman have spoken of the need for a swift response. This is most important. Currently, defamation actions in the High Court, where most defamation cases are taken, take up to six years to be heard. That is unacceptable when time is of the essence. There is a direct and clear link between the publication of the offending item and the hurt, grievance and damage caused. To allow a time lapse of four to six years in resolving the issue is in nobody's interest and certainly not in the interest of the applicant or aggrieved party.

Currently, there is no provision in the law for a defence of reasonable publication, which is a weakness. I am delighted with the range of defences outlined in reasonably clear terms in section 14 of this Bill. I noted the Minister's comments on the defence of reasonable publication and I look forward to dealing with that in detail on Committee Stage. The Bill seeks to address many of the current deficiencies in the law with varying degrees of success. There was a considerable amount of debate on the Bill in the Seanad before its reading on Second Stage today.

The new complaints procedure is welcome. I assume that anybody can make a complaint and that it is not necessary to have an immediate, first party interest in the matter. I presume it is open to any member of the community at any time to make a complaint on a matter about which they feel aggrieved and that it is not necessary for that person to have an interest in or have been mentioned in the publication. Indeed, the Press Ombudsman said on his appointment that the remedy he envisages would be free, fair and quick. These elements are of great importance. I welcome the defences set out in Part 3.

There was a long period of public debate before the introduction of this Bill. That was welcome even if the legislation was delayed in that time. The Law Reform Commission report was published in December 1991. It contained 59 detailed proposals for reform. A draft defamation Bill was commissioned by the National Newspapers of Ireland in 1994, while a Private Members' Bill was introduced by the former Deputy, Michael McDowell, in the mid-1990s. In 1996, there were further recommendations for reform from the Commission on the Newspaper Industry. The Government approved the draft Bill in December 2001 and in the following year the then Minister, former Deputy Michael McDowell, established an advisory group on defamation. The 2002 programme for Government contained a commitment that the Government would, in the context of a statutory press council and improved privacy laws, move to implement reforms of the libel law designed to bring it into line with that of other states. The former Minister, former Deputy Michael McDowell, said in the Seanad that the Bill delivers on the commitment in that programme. However, that was six years ago.

In 2003, on foot of the recommendations of the advisory group, the former Minister initiated public consultation, including a major conference in December 2003, and three years later, in 2006, the Irish press industry steering committee published its proposals for an independent press council, press ombudsman and a code of practice or standards, much of which is incorporated in this legislation. It has taken this Bill some time to reach the Dáil. It lapsed with the dissolution of the 29th Dáil and was reintroduced in the 30th Dáil on Committee Stage. That decision caused some disquiet and annoyance to newly elected Senators who were most anxious to make their contribution to the Bill on Second Stage because they, quite rightly, took the view this was important legislation. I hope that in the course of this debate, whether on Second Stage or Committee Stage, every Deputy will have an opportunity of airing his or her views and dealing with this matter in a comprehensive way.

I am delighted the Bill has eventually made its way to the floor of the Dáil, and welcome the opportunity to make a contribution. The media has long called for legislation in this area to ensure clarity and provide alternatives to court proceedings by way of remedy. While the Government was engaged in the public consultation process, and the draft Bills were being processed into what is before us, the media industry proceeded to take action and established and agreed to fund the offices of the Press Ombudsman and the Press Council. The willingness by the media to step into the breach created by a certain inaction on the part of Government is commendable and shows a commitment to fairness and fair play. This willingness to engage is a source of great importance. Dr. John Horgan, the recently appointed Press Ombudsman, served in this House for many years and is doing a commendable job in his current post. I wish him well, as I am sure every Member of the House does. Without wishing to comment on individual cases, it is important to note the recent decision by the Press Ombudsman's office as regards a complaint made by a Member of this House was upheld by the Press Council. That was widely welcomed not only by politicians, but also by media people and journalists. That is indicative of a good, positive start to that highly onerous and important position and office. Dr. Horgan has noted that the job of the Press Council and Press Ombudsman will remain as a work in progress for some time. That is helpful, because it reflects his experience as a journalist, and as someone who was frequently written about in his earlier career as a practising politician. It is interesting that the council has a lay majority. That is important, and the code of practice prepared by a press industry committee appears to be based on very sound principles. However, it refers to the print media only, and it is important there should be some parallel for the broadcasting sector.

There are ten fundamental principles attached to the code of practice, all of which are soundly based: truth and accuracy, distinguishing fact and comment, fairness and honesty, respect for rights, privacy, protection of sources, fairness and accuracy in court reporting, prevention of incitement to hatred, protection of children and the willingness to publish the decision of the Press Ombudsman, if requested to so do. These principles are very good and I also welcome the element of flexibility adopted by the Press Council which allows the code of practice to be routinely reviewed, amended and added to if necessary. An appropriate committee of this House should have the opportunity from time to time of officially participating in that debate and playing its part in these reviews, if necessary. The code of practice forms the basis for decision making by the Press Ombudsman and the Press Council. I must acknowledge the huge amount of work that went into the formulation of the code, which appears to incorporate best practice not only from Great Britain, but also Australia, Germany and the United States *inter alia*. The principles are founded on best international practice. It is open to any member of the public to complain about any article in an Irish newspaper, magazine or periodical which he or she believes is in breach of the code. Perhaps there may be some outstanding work to be done in publicising the code's existence. Many people are not yet familiar, I believe, with the Office of the Press Ombudsman, his identity or indeed the Press Council, and an information campaign should be undertaken to inform the public in this regard so that a higher level of activity may be generated and the public can be offered the element of redress that is of such absolute importance. As Dr. Horgan said, the object of the exercise is to provide remedies that are quick, free and fair.

There may, however, be a stumbling block in so far as the current subscription to the Press Council's code of practice is voluntary. When introducing this Bill in its previous incarnation, the then Minister for Justice, Equality and Law Reform, Michael McDowell, stated that non-members of the Press Council would be required to have an equivalent and published code of standards to benefit from the Bill's provisions in respect of "reasonable publication".

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The Minister made reference to a number of publications that have not yet signed up, and I wonder whether he might provide information as regards what percentage of publications have chosen to date to remain outside the Press Council mandate. Have most joined up or are many still waiting to participate? Have alternative codes been established by non-members of the Press Council? It is important to have one code acceptable to all rather than a variety of different codes and guidelines.

Again, as regards the Press Council, in 2003 the legal advisory group reporting to former Deputy McDowell recommended its creation. He chose to ignore the recommendation at the time and seemed less than certain as regards whether this decision was right. However, as the Bill provides, the Minister may change his or her mind in future, and put the Press Council on a statutory footing. I should like to hear the views of the new Minister as to whether that option will be exercised and the council placed on a statutory footing. I am confident, however, that it will carry out its role in a fair and expedient manner under the stewardship of its current chairman, the eminent Professor Thomas Mitchell, who brings great experience and expertise to that position. If one wanted a chairman who was truly independent, one must agree he was a great choice, and I wish him well.

It is important that the council should be guaranteed its funding and the Government has a role in ensuring it is properly resourced. The question of the source of funding might be a different matter, but it is important that it is properly resourced. There is the question of the sanctions that are available to the council, an area we may return to at a later stage.

As regards the current Bill and the matter of damages, I welcome these provisions. The media has long made a fair point that the absence of clarity in this regard is somewhat unfair. There are no guidelines, directions or consistency and a proper balance is struck in allowing the judge to give directions to a jury as regards damages. Indeed, the definition and clarity as regards what factors should be taken into account in this context are important. I note special dispensation is being given to the Circuit Court to allow for an increased level of damages from the current level of approximately €38,000 to €50,000. In the broader civil law area, the Minister should consider increasing the ceiling level of the Circuit Court jurisdiction to accord with what is intended in the Bill to allow for a claim not exceeding a sum of €50,000 having regard to inflationary matters related to the consumer price index, etc. In recent times people have taken defamation actions in the Circuit Court for no other reason than the speed with which matters can either be settled or brought to a head. There is a difficulty. It is reasonable comment that one cannot justifiably put a ceiling on one's reputation.

Much has been written about the insistence of some members of the Cabinet that a Privacy Bill be introduced in tandem with this Bill, when this matter was discussed in another arena in public. The new Minister for Justice, Equality and Law Reform, who is before us, is on record as saying that he was one of those who favoured the introduction of both Bills, while his immediate predecessor, now Minister for Finance, Deputy Brian Lenihan, said he would rather ascertain how the Press Council carried out its work and affairs before deciding on whether to proceed with the Privacy Bill. The Minister has acknowledged the birth of the Privacy Bill which is currently parked in the Seanad — a term used by his predecessor. The Minister has said it is in the Seanad. When concluding Second Stage, I ask the Minister to outline whether he shares the views of his predecessor or is he still of the view, as were many of his Fianna Fáil ministerial colleagues, that the Privacy Bill is both necessary and desirable. It appeared clear that the hand of the former Minister, Mr. Michael McDowell, was forced by his majority Fianna Fáil colleagues. While I am not sure about the benefits or otherwise of the Privacy Bill, it is important that the matter of its limbo status be clarified before we reach the concluding Stages of this Bill.

I accept that the Press Council of Ireland has only been in a position to take complaints since 1 January and just over four months is not sufficient time for a full and fair assessment. I am anxious to hear the views of the new Minister in this regard. While we are not debating the Privacy Bill, suffice it to say that the restrictive nature of the Bill in its current form would give rise to concern for my party. I share the views of the former Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, that we should give the new measures a chance before considering whether there is a need to proceed with the privacy legislation. After all, we have the Press Council of Ireland and the Press Ombudsman. If we have faith in the Bill before us it is probably reasonable to give it a chance before proceeding with further legislation. I do not believe the matter can remain uncertain or in limbo for too long.

A number of amendments were made in the Seanad. From reviewing the Seanad debate it is clear that much work on the Bill took place in that House and some important amendments were not only discussed but also agreed. One of the more interesting amendments accepted requires that the apology by the media should be given the same or similar prominence to the original offensive article. I believe that measure will be universally accepted as being fair and efficient towards addressing the complaints of people feeling aggrieved or defamed. It was totally unsatisfactory to have an offending article on page 1 and a referred apology some weeks later that might be hidden in the corner of the sports' pages. That is of fundamental importance and I welcome the acceptance by the Minister of amendments in that regard.

The Minister mentioned the abolition of the criminal, obscene and seditious libel. I note the provisions in the Bill to abolish these common law offences and to make defamation purely a civil matter, which has been broadly welcomed. Welcome was given for the prohibition of jailing journalists. The abolition of the criminal libel will probably ensure that this would be the case. The Minister said he would refer aspects of Part 5 to the Attorney General. I hope this matter can be clarified in advance of Committee Stage because there are issues of importance, including the constitutional issues mentioned by the Minister. I ask the Minister to keep the House informed of his intentions in that regard. We should have a considerable time between the completion of Second Stage and the introduction of Government amendments, particularly those relating to Part 5.

I very much welcome the provisions in the Bill allowing a cause of action in defamation cases to survive the death of the parties involved. This is a most difficult and sensitive issue that has been a source of serious concern to families of people who have themselves suffered because matters were not sufficiently clarified, brought to a head or dealt with before the death of a party who had a grievance or complaint. There are aspects of this that we should refer to on Committee Stage, as I am sure we will.

I welcome the Bill and I again welcome the Minister on his first day in the Department. The Bill is overdue. Notwithstanding the delay, there has been a high degree of public debate of the important issues involved. I look forward to further examination of the provisions of this legislation on Committee Stage.

**Deputy Joanna Tuffy:** On my own behalf I congratulate the Minister on his appointment. I am not my party's spokesperson on justice; I am standing in for Deputy Rabbitte. In a general sense I welcome the legislation. As it does not come under my brief, I would not be as familiar as the spokespersons would be. I briefly spoke on it when it was debated in the Seanad. At the time it was pretty well held up by a very long drawn-out debate between the then Minister, Mr. Michael McDowell, and Senator Norris. At the time I wondered whether it would ever come to this House. Anyway it is good to see it here. It is good to get the legislation on the Statute Book to bring some clarity to the area of defamation. In that sense, the Labour Party has always been positive about this legislation. Former Senator Kathleen O'Meara spoke at

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length on the legislation, as has Senator Alex White. In general they would have supported the legislation.

Obviously, the Labour Party supports the freedom of expression of the press, which is very important for a democratic society. At the same time, we need to balance that need with responsible coverage by the press which should show respect for the dignity of the person. Coverage should be respectful of people because their reputation is very important. It is only right that if a person's reputation is unfairly tarnished, he or she should have recourse to have the coverage concerned addressed. In many areas, particularly regarding defamation, the best way to have a grievance addressed is not in an adversarial way but through negotiation and mediation. I welcome the new position of Press Ombudsman.

Debate adjourned.

## **Ceisteanna — Questions**

### **Priority Questions.**

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#### **Road Safety.**

1. **Deputy Fergus O'Dowd** asked the Minister for Transport when he expects to lower the legal blood-alcohol level for drivers, as has been recommended; and if he will make a statement on the matter. [18001/08]

**Minister for Transport (Deputy Noel Dempsey):** The Road Safety Strategy 2007-2012, approved by the Government in October 2007, identifies the need to legislate for and introduce a reduction in the legal blood-alcohol content, BAC, for drivers but does not specify what that level should be. In determining what the BAC limit should be reduced to the advice of the Road Safety Authority, RSA, was sought. The RSA's recommendations have been received and the Government, in noting the contents of the authority's report at last week's Cabinet meeting, agreed that the RSA's report be published and taken into account in preparing new road traffic legislation this year.

The issue of lowering the BAC limits will now move into the work underway to prepare for the text of a Road Traffic Bill, which also includes the issue of appropriate penalties for drink driving and other road traffic offences. I hope to bring the heads of the Bill to the Government later this summer.

**Acting Chairman (Deputy Charlie O'Connor):** I wish the Minister well as he resumes his duties.

**Deputy Fergus O'Dowd:** Will the Acting Chairman welcome us also?

**Acting Chairman:** Indeed I do.

**Deputy Fergus O'Dowd:** Does the Minister accept the recommendations and will they be implemented in full? This applies particularly to the reduction of the blood-alcohol content limit to 20 milligrams for drivers of buses, taxis and commercial vehicles as this is very important. Does the Minister, like me, receive representations from the vintners' federation and associations around Ireland? Everybody accepts that the blood-alcohol content limit must

be reduced, as is recommended in the report, but does the Minister feel we should reduce vehicle registration tax, VRT, to make it attractive to publicans to provide transport for customers to and from the pub? I understand the Road Safety Authority would not be against providing special training for such drivers. Another view is that a special public service vehicle, PSV, licence could be issued to such publicans to help get people home, particularly in rural areas. This is an issue that has been brought to my attention and could be dealt with while simultaneously reducing the blood-alcohol content limit to the recommended level.

**Deputy Noel Dempsey:** The Government has accepted the road safety strategy and this means the blood-alcohol content limit will be reduced. I brought the report to Cabinet last week to inform the Government of the recommendations and to allow me to publish it as I received it from the RSA. The Government has made no decision on whether it will accept the recommendations on the blood-alcohol content limits. I was instructed to draft a Bill and bring it forward. Discussion is to take place in the context of a Bill where not only will the suggested reduction in the blood-alcohol limit be brought forward but also penalties for breaches of the limit.

Suggestions made by vintners and others on VRT reductions are matters for the Minister for Finance in the context of a budget. The question of special PSV licences has not been brought to my attention but we are trying to create safer roads so any special arrangements that are to be made should be consistent with our general attitude towards safety. We aim to ensure that people of good repute and character get PSV licences. There are many issues in this area, like those mentioned, that should be discussed. I have no doubt that over the coming months, particularly in the context of the Bill and this report, there will be further discussions before a final decision is made.

**Deputy Fergus O'Dowd:** Perhaps I did not hear the Minister clearly. Did he say the recommendations on reductions have not been accepted?

**Deputy Noel Dempsey:** No decision has been made on the recommendations, other than to publish the report and for me to draft legislation on the basis of it. A decision will then be made by the Government on the basis of the completed legislation.

**Deputy Fergus O'Dowd:** The key point is that the Government has not agreed to accept the recommended reduction in the blood-alcohol content limit. Is that the current position?

**Deputy Noel Dempsey:** The Government has neither accepted nor rejected the recommendations.

**Deputy Fergus O'Dowd:** Basically the Minister is waffling on this issue, as usual.

**Deputy Noel Dempsey:** I am just answering the Deputy's question.

**Deputy Fergus O'Dowd:** The Minister answered my question and waffled away. The fact is——

**Deputy Noel Dempsey:** I will not give the Deputy the opportunity to twist this. The recommendations have been noted by the Government.

**Deputy Fergus O'Dowd:** The Government has not accepted the recommendations. I am entitled to speak. The Government is not biting the bullet on this issue. We in Fine Gael accept that the Road Safety Authority's recommended reduction in the blood-alcohol content limit

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must be implemented. The Minister is on record as saying he would accept the recommendation but now he says the Government has neither accepted nor rejected it.

In the context of reducing penalties, there is legislation that allows the Minister to have reduced penalties for people with lower than 100 milligrams in blood-alcohol content but above 80 milligrams. The Minister has refused to introduce such a reduced penalty with a fixed fine and a ban of three months from driving, without the need for a court appearance. He is not facing the issue and is bound to pressure groups. He is not doing his job and is not making roads safer.

**Deputy Noel Dempsey:** The Deputy seeks a softer penalty regime for people with a blood-alcohol content of between 80 milligrams and 100 milligrams, despite the fact——

**Deputy Fergus O'Dowd:** This is in the Minister's legislation. It is a penalty that he included.

**Deputy Noel Dempsey:** I know it is in the legislation but I did not bring it in.

**Deputy Fergus O'Dowd:** The Minister voted for it.

**Deputy Noel Dempsey:** That section of the Bill has not commenced.

**Deputy Fergus O'Dowd:** It was passed by the Oireachtas.

**Deputy Noel Dempsey:** The Deputy sought a fair chance to speak. It has not commenced because I do not believe that it is the best way to proceed at the moment. It could give a signal that we are going soft on drink driving involving people with a blood-alcohol content of between 80 milligrams and 100 milligrams. The Deputy's proposal that we introduce this measure would convey the impression that we are going soft and I do not want to do that.

**Deputy Fergus O'Dowd:** On a point of order, the Government of which the Minister was a member passed the legislation.

**Deputy Noel Dempsey:** It has not commenced.

**Deputy Fergus O'Dowd:** The Minister has refused to commence it but the former Taoiseach is on record as saying he wants reduced penalties. This is a reduced penalty the Minister could introduce but he has not done so.

**Deputy Noel Dempsey:** Talk about waffling. Does the Deputy want reduced penalties or increased penalties?

### **Traffic Management.**

2. **Deputy Thomas P. Broughan** asked the Minister for Transport the preparations being undertaken by his Department in terms of managing traffic and potential major disruption to citizens and businesses in Dublin due to the prospective big dig in Dublin city for metro north, the Dublin interconnector and Luas extensions; his views on the appointment of one individual with responsibility across the relevant agencies and bodies to manage and minimise the potential disruption to the city or if he will discharge this function; if the new Dublin Transport Authority will be the lead body in managing this project; if there has been a detailed risk assessment of the project ; if it will be completed by Easter 2016; and if he will make a statement on the matter. [17361/08]

**Deputy Noel Dempsey:** A number of major infrastructure projects, planned under Transport 21 for the period to 2015, will have a major impact on Dublin city centre. These include metro north, the rail interconnector and the cross-city and Lucan Luas lines. There will also be other major construction activity during the same period, including the renewal of water and electricity services and a number of large private developments.

To facilitate the implementation of these Transport 21 projects, the Dublin city manager has set up and is chairing a Dublin Transport 21 implementation group consisting of the chief executives of the principal implementing agencies and representatives of my Department, the Garda Síochána, Dublin Chamber of Commerce and the Dublin City Business Association. Among the functions of that group is the preparation of a traffic management plan for the city centre during the construction of the Transport 21 projects. This plan will make provision for alternative traffic routes and for improved public transport priority measures while taking account of the concerns of various interests, in particular the business community. All agencies participating in the formulation of the plan are aware of the importance of maintaining access to the centre of Dublin and of retaining its competitive edge.

In support of the initiative by Dublin City Council, I recently convened a meeting on 6 March of the principal implementing agencies, An Garda Síochána and business representatives, to reassure maximum information was interchanged between the stakeholders. The meeting was also to identify the principal concerns of the business community and consider how best to support the necessary traffic planning for the construction phase. This will be the first in a regular series of meetings to review progress.

The steps outlined constitute an effective approach to the traffic management issues likely to arise from the major investment projects in Dublin city centre. I am also satisfied that Dublin City Council should continue to lead on the development and implementation of this plan, pending the establishment of the Dublin transport authority on a statutory basis. In particular, I welcome the personal commitment of the Dublin city manager to this important work.

The Dublin Transport Authority Bill 2008 is on Committee Stage in the Seanad. Section 64 proposes to give the Dublin transport authority specific statutory responsibility for preparing a strategic traffic management plan for the greater Dublin area which will set out the measures to be taken by the authority to optimise the movements of persons, goods and vehicles. In particular it will set out action to be taken to minimise the impact of construction work for transport infrastructure and other utilities. The Bill also proposes to give the authority wide funding and directive powers with surface transport in the greater Dublin area which will enable it to ensure effective action is taken in this area.

**Deputy Thomas P. Broughan:** Is the Minister saying the Dublin City Manager, Mr. John Tierney, will be responsible for this mega-project, the largest construction project in Dublin city centre since the rebuilding after the 1916 Rising? Has the Minister completed a detailed risk assessment of the big dig? Has he received a cost benefit analysis on its impact on city centre business?

Last week the distinguished journalist, Mr. Frank McDonald pointed out the proposed central metro station will destroy St. Stephen's Green. Even after the four years of construction and 8,000 truckloads of soil are removed, a quarter of the green will be covered with escape shafts for the station. What will be the impact of the proposed metro stations at the O'Connell monument and at the Parnell monument on O'Connell Street? Will it be a case of tens of thousands of trucks moving soil up and down O'Connell Street and the quays? Many of those who are interested in being involved in this construction project have taken it for granted that the monuments — Dan O'Connell and his angels and Parnell, our lost leader — will have to

[Deputy Thomas P. Broughan.]

be moved for several years. I would not mind if the Spire goes and we do not see it again. O'Connell Street and all its adjoining streets will be a major construction site for five years.

This is a monumental task and the largest one ever overseen by the Minister for Transport. When Minister for the Environment and Local Government he oversaw the Limerick city drainage project which lost the State €90 million. This only concerns the metro. When the interconnector is constructed there will be additional construction work at Christchurch and Pearse Station.

I welcome the Minister's reappointment yesterday.

**Deputy Fergus O'Dowd:** He should have been fired.

**Deputy Thomas P. Broughan:** However, is he capable of managing the largest infrastructure project in Dublin's history? Dubs, like myself, know and are told very little about the project. The Minister has spent millions of euro on a stupid advertising campaign for Transport 21. Dublin city will be torn apart by transport development and yet the Minister does not tell us how it will happen.

**Deputy Noel Dempsey:** I inform the public and I get attacked by the Deputy. I have an Opposition spokesperson who is meant to know all Transport 21 and is supposed to mark me in the House and yet he knows nothing about it. I do not know how he is winning. Deputy Broughan should come over to the Department of Transport and we will give him a thorough briefing on it.

**Deputy Thomas P. Broughan:** I know more about the big dig than the Minister.

**Deputy Noel Dempsey:** My mother says you cannot make an omelette without breaking some eggs. I have never said anything other than there will be disruption in Dublin city for the massive changes and improvements to the public transport network. It does not matter how well it is managed, there will be restrictions and disruption. I will not be directing traffic or such other. There are agencies available to do this. My job is to provide the funds, the strategic direction and ensure value for money.

Concerning the article by the journalist referred to by Deputy Broughan, he used a sketch that is out of date. There will be some alterations to St. Stephen's Green. The construction of the other stations will cause some disruption. The object of the construction of two new bridges over the River Liffey is to minimise disruption. It is not helpful to talk about devastation in Dublin city centre.

**Deputy Thomas P. Broughan:** We are worried considering the Minister's track record.

**Deputy Noel Dempsey:** The information campaign will highlight that Dublin city centre will be open for business while construction takes place.

**Deputy Fergus O'Dowd:** Another €3 million wasted.

**Deputy Noel Dempsey:** Disruption will be kept to a minimum but cannot be eliminated.

**Deputy Thomas P. Broughan:** Last Monday, Deputy Fahey did a PR runner, probably hoping to be in the Cabinet, on traffic management. When will the Minister announce a detailed traffic management plan for the big dig?

**Deputy Fergus O'Dowd:** Deputy Fahey was even using the royal "we".

**Deputy Noel Dempsey:** Dublin City Council will have a traffic management plan available before the end of the year. Work is ongoing on the plan and I have had briefings on it.

### **Public Transport.**

3. **Deputy Fergus O'Dowd** asked the Minister for Transport the reforms he has planned for public bus transport in the greater Dublin area; and if he will make a statement on the matter. [18002/08]

**Deputy Noel Dempsey:** The programme for Government contains a commitment to expedite the establishment of a Dublin transport authority, which will have the necessary powers to ensure the delivery of the integrated public transport system envisioned under Transport 21. The Dublin Transport Authority Bill is on Committee Stage in the Seanad. The Bill sets out the mechanisms for the award of contracts for subvention in line with the new regime introduced under the new EU regulation on public service obligations in the transport sector, which will become mandatory from next year.

The programme for Government also includes a commitment to improving bus services under Transport 21 by reforming the bus licensing provisions of the Road Transport Act 1932, to facilitate the optimum provision of services by providing a level playing field for all market participants, both public and private.

Proposals for a new bus licensing regime will follow in subsequent legislative proposals to be contained in a public transport regulation Bill. It is too early to be precise on the detail of the proposals except to confirm that the new Bill will deal with the replacement of the Road Transport Act 1932 and the provisions of the Transport Act 1958 relating to the provision of bus services by the State bus companies. The new bus licensing regime will be designed in a manner consistent with the new EU regulation. It is envisaged that the new licensing structure will apply in respect of all commercial bus services, including those provided by Dublin Bus and Bus Éireann, and that the power to grant licences in the greater Dublin area will be given to the Dublin transport authority. The new Bill will encompass provisions relating to the subvented bus market outside the greater Dublin area that are consistent with the EU PSO regulation.

While it is not possible at this time to indicate precisely when the legislative proposals on regulatory reform of the bus market will be published, applications for new bus licences and notifications from State bus operators will continue to be processed under the provisions of the Road Transport Act 1932, as amended, and the notification system with reference to the Transport Act 1958, as appropriate.

**Deputy Fergus O'Dowd:** The Minister is a prisoner of Bus Éireann and the unions. This was highlighted by his refusal to accept an amendment to the Dublin Transport Authority Bill moved by Senator Donohoe in the Seanad to introduce competition in the bus market. A supposed core policy of the Progressive Democrats is to increase competition in the bus market, but its Members voted against the amendment. Half an hour ago, the Minister failed to do his job, namely, to deliver on the promises to introduce competition made by his predecessors, the current Minister for Arts, Sport and Tourism, Deputy Cullen, and Deputy Brennan.

“Competition” is not just a word. It means new choices and routes for new communities, but the Minister has refused them. This situation will contain until he reforms the Act. While he stated that he does not know when he will reform it, he will never do so despite this golden opportunity to do it. Will he reconsider his opinions on Fine Gael's amendment to introduce competition in Dublin and amend the DTA Bill immediately?

**Deputy Noel Dempsey:** The Deputy is incorrect in so far as introducing competition, new choices and new routes are concerned. The private sector can apply at any stage for a licence——

**Deputy Fergus O'Dowd:** If the operators can get a licence.

**Deputy Noel Dempsey:** ——to operate on any new route. Licences are being processed weekly. The Deputy's mistake is in respect of non-commercial subvented services. The commercial sector will not become involved in them because its members want to make a profit.

**Deputy Fergus O'Dowd:** That is not true.

**Deputy Noel Dempsey:** It is not true to state that we are not introducing competition. The DTA Bill will leave the 1932 and 1958 Acts in place so that anyone, including Dublin Bus and Bus Éireann, can operate a commercial route in this city.

I accept a point made by the Deputy, one that I have also made, that is, the 1932 Act must be reformed, amended and streamlined. My priority is to pass the DTA Bill through the House with the co-operation of all Deputies, immediately after which I intend to reform the 1932 Act. Subsequently, we will have a good public transport system and good competition on commercial routes.

**Deputy Fergus O'Dowd:** The Minister is a prisoner of the unions and Bus Éireann. Everyone entitled to compete for a route should be entitled to the PSO. That the PSO is a subsidy does not mean that private enterprises would not be prepared to accept it or a lesser subsidy than Bus Éireann's.

However, it is not just a question of Bus Éireann and the unions, which is the Minister's point. Rather, it is a matter of consumers, new choices and new communities. There are no new options. Is it not the case that the Minister could amend the DTA Bill to do away with the licensing process? Morton's Circle Line is lauded as one of the city's best bus service providers, but it is breaking the law because it does not have a licence. The Minister stated that it should not break the law, but should it cease operating? A better alternative would be for the Minister to table amendments to the Bill to allow further competition.

**Deputy Noel Dempsey:** Irrespective of how out of date a law is, I do not, and no Deputy should, condone any breach of it.

**Deputy Fergus O'Dowd:** The Minister should change the law.

**Deputy Noel Dempsey:** That is what we will do in respect of——

**Deputy Fergus O'Dowd:** The Government will not do it.

**Acting Chairman:** The Minister should be allowed to complete his contribution.

**Deputy Fergus O'Dowd:** The Government will never do it.

**Deputy Noel Dempsey:** If the Deputy does not want to listen to my answer, there is no point in me speaking.

#### **Marine Accidents.**

4. **Deputy Fergus O'Dowd** asked the Minister for Transport if the recommendations of the Marine Casualty Investigation Board into the grounding and flooding of an Emerald Star

cruiser on Lough Derg on 1 July 2006 have been acted on; if a marine notice has been issued; and if he will make a statement on the matter. [18003/08]

**Deputy Noel Dempsey:** Recently, my Department received the report of the Marine Casualty Investigation Board, MCIB, referred to by the Deputy. The report relates to an incident on the Shannon system involving a recreational cruiser. The MCIB report makes a number of recommendations in respect of boat rental companies and inland waterways, including the review of the navigation buoyage system. In the overall context of delivering improved maritime safety, these recommendations will be considered by my Department in consultation with, as appropriate, Waterways Ireland, which has responsibility for navigable inland waterways in the North and the South, including the Shannon. The matter of issuing a marine notice will form part of this review.

**Deputy Fergus O'Dowd:** This incident occurred in July 2006. A recommendation stems from the fact that Emerald Star did not do as it was legally obliged to, namely, to report the incident to the relevant authorities. The Minister stated that the maritime safety directive will issue, but why has it not already issued? The MCIB has called for it and has also recommended that Emerald Star review its procedures. I am thankful that no one died in the incident, but Emerald Star did not ask the boat's crew to disembark and inspect the boat fully as it should have done. Subsequently, the boat took on water.

A number of boat rental companies provide mobile telephones to the hundreds, if not thousands, of people who rent pleasure cruisers weekly. What is the Minister's opinion on VHF equipment, the usage of which on the boats in question has been recommended because it is safer and more effective and efficient than using mobile telephones?

**Deputy Noel Dempsey:** While I do not want to go into too much detail concerning the incident in question, the MCIB report recommended that all boat rental companies should report every incident to the relevant authorities and that the Department should issue a marine notice to that effect. Other recommendations related to Emerald Star specifically and called for it to review its procedures in such circumstances. Pursuant to a recommendation for Waterways Ireland and the Coast Guard to establish a buoyage system, a meeting has been arranged. All of the report's recommendations, including that in respect of VHF radio equipment, are the subject of ongoing discussions with the relevant authorities. The Coast Guard and maritime administration intend to arrange a meeting with Waterways Ireland to discuss the recommendations. Waterways Ireland has indicated that it is open to reviewing the buoyage system on the Shannon.

Issuing the marine notice is under consideration by the Coast Guard and maritime administration, which was involved in promoting a safety awareness campaign as part of the ongoing safety programme prior to the recommendations. Among other elements, this involves a series of radio and on-line safety awareness advertisements and publicity campaigns. In recent years, a number of measures focusing on life jackets, enforcing licensing requirements, increased safety awareness and so on have been introduced. On 24 May 2006, a code of practice for the safe operation of recreational craft was launched. There has been an amount of activity as regards this sector and, while all of the recommendations have not yet been implemented, they will be considered and discussed.

**Deputy Fergus O'Dowd:** I welcome the progress. The buoys on the Shannon are red and black, whereas the equivalent colours internationally are red and green. The latter are also the colours used in the North. It is much easier to notice red and green than red and black. Will that be a fundamental part of the rethinking? It would be much safer and, according to the

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board, a black barrel may not have been noticed by the foreigners driving this vessel. We will not have safety until we adhere to the international standards.

**Deputy Noel Dempsey:** I will bring the Deputy's concerns to the attention of the board.

**Acting Chairman:** I am glad we dealt with that question without incident.

### **Road Safety.**

5. **Deputy Shane McEntee** asked the Minister for Transport his views on whether all aspects of the road safety strategy will be completed within the timeframe; if he has been asked for additional resources to complete the strategy; and if he will make a statement on the matter. [18004/08]

**Deputy Noel Dempsey:** The Road Safety Strategy 2007-2012 outlines 126 actions and focuses on delivery and outcomes with built-in targets and accountability. The measures contained in the strategy are based on international best practice and have the endorsement and commitment of all of the stakeholders involved. One of the actions in the strategy is for the RSA to report to me in the second quarter of each year on the implementation of the 126 actions in the strategy, all of which identify the agency responsible for implementation and the target implementation dates.

I expect to receive the first report during the second quarter of this year and will bring it to the Cabinet sub-committee, which I chair, because it is important that the implementation of the strategy is co-ordinated at the highest level. The RSA has already confirmed to me that all actions in the strategy identified for completion in 2007 have been completed in full and I expect the authority to notify me of any specific actions that have not been implemented within the deadlines.

Work has begun on other actions in the strategy which have a longer timeframe for completion, such as the introduction of the lower blood-alcohol level for drivers. The resources for implementation of the strategy are matters for the individual agencies involved. As regards my area of responsibility, I have arranged to provide additional resources for both the Road Safety Authority and the Medical Bureau of Road Safety.

**Deputy Shane McEntee:** I thank the Acting Chairman for allowing me to speak.

**Acting Chairman:** The Deputy is very welcome.

**Deputy Shane McEntee:** I hope all is well in Tallaght.

I congratulate the Minister on staying where he is. It is nice to have a Minister from my county and I suppose that one of the main reasons he remained in his position was to open the M3. I hope he invites us all to that, unlike the Battle of the Boyne commemoration, in respect of which all our councillors were left sitting at home.

I will specifically address road safety. Last month was only the third in the past 100 months in which the number of deaths were kept below 20. One has to congratulate everybody responsible for that, whether it be the Garda, the Road Safety Authority or the Minister. In the past 100 months, deaths have been kept below 25 in only 20 months. We should encourage people to listen to road safety advice. Some people might not agree but I thought the Garda Síochána was out in force last weekend. I was stopped three or four times, which is welcome in terms of raising awareness.

Certain people may not want us to discuss blood-alcohol levels but our young people do not want us to drink and drive, nor will they do so themselves. We cannot afford to be weak on this issue. There are many reasons for the decline of rural life so we should not simply listen to those who oppose drink driving limits. The time has come to consider removing VRT on vehicles used to supply social activities for young and old, such as visits to the rural pub. While visiting Áras an Uachtaráin yesterday, I spoke to Dublin people who avail of these transport opportunities. More evident than the price of drink in some pubs or the reduction in blood-alcohol limits, the destruction of rural life stems from people buying drink and drugs for little or nothing and then being killed on the roads.

**Acting Chairman:** The Deputy has one minute remaining so he might ask a question.

**Deputy Shane McEntee:** Perhaps the Acting Chairman will grant me a further 30 seconds.

**Acting Chairman:** If I do so, the Minister will have no time to reply.

**Deputy Shane McEntee:** For €60, three people can get drunk, and take drugs and then they drive cars. Last week, the former Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, spoke about introducing measures to curb the boy racers who are putting people at risk in the middle of the night. Will the Minister for Transport consider three measures to add to the RSA's strategy, namely, giving the Garda full authority to pursue those who abuse the rules of the road, removing VRT in respect of publicans and people who provide services for social inclusion and funding on a national basis the position of county road safety officer? Our county has appointed a road safety officer but no funds have been made available. We cannot merely create these positions as a public relations exercise.

**Deputy Noel Dempsey:** I join the Deputy in congratulating all the stakeholders involved in the road safety strategy, including the Garda, the Road Safety Authority, officials of my Department and the many drivers who pay heed to the messages we are putting out. It was gratifying to see the number of road deaths reduced below 20 during this month and last month, after a less than great start to the year. There were 15 more deaths in the first two months of this year than during the same period last year. I thank the Deputy for raising the issue.

As I noted previously, VRT is a matter for the Minister for Finance but I will bring it to his attention. Rural transport schemes have been introduced in some areas and, while they may not be specifically intended to bring people home from the pub after closing hours, they provide flexible services. County Meath has a number of flexi-buses which provide useful services.

In regard to the increasing prevalence of drink and drugs, I agree with the Deputy that young people are more responsible than our generation. The issue will continue to be targeted.

I am aware that boy racers can be a significant nuisance and a danger in parts of the country. When I visited Australia recently, I met officials from that country's police and road transport authorities. Victoria introduced so-called "hoon" laws, named after the colloquial term in Australia for boy racers. I do not know if we would be able to impose the penalties imposed there, which range from a fine and confiscation of the car for 24 hours, regardless of who owns the car, on first offence, to confiscation for a period of three months on a second offence to permanent confiscation on a third offence.

**Deputy Shane McEntee:** We would support the Minister on that.

**Deputy Noel Dempsey:** A proposal was being discussed — I am unsure how seriously — to confiscate and crush the car before the eyes of the offender in the event of a fourth offence. I do not think we need to go to that extreme, but the problem needs to be addressed.

**Acting Chairman:** I remind Members the rules of the House provide that progress at Question Time should be by way of supplementary question rather than statement or debate. We must abide by this.

### Other Questions.

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#### State Airports.

6. **Deputy James Reilly** asked the Minister for Transport if he has been consulted on the recent proposal of the Dublin Airport Authority in its recently announced expansion plans; and if he will make a statement on the matter. [17532/08]

46. **Deputy Liz McManus** asked the Minister for Transport if he has been kept fully informed by the Dublin Airport Authority and if he has reviewed plans by the DAA to develop a new €4 billion business park, Dublin Airport City; if he has had contact with the Department of Finance in terms of investment in this project being made partly through the National Pensions Reserve Fund; the indicative completion date for Dublin Airport City; and if he will make a statement on the matter. [17323/08]

**Deputy Noel Dempsey:** I propose to take Questions Nos. 6 and 46 together.

I have been briefed by the Dublin Airport Authority, DAA, on the Dublin Airport City business park project, which was launched by the DAA on 25 April 2008. As explained by the DAA at the launch of the project, a source of funding for the project has yet to be agreed. I understand phase I of the development may be completed by 2015 with the full project being realised by around 2033. I welcome a project that has the potential to take advantage of a substantial land bank at the airport and which would generate substantial benefits for the economy.

As to the National Pensions Reserve Fund, this was established in 2001 with the objective of meeting as much as possible of the cost to the Exchequer of social welfare pensions and public service pensions to be paid from 2025 until at least 2055. The fund is controlled and managed by the National Pensions Reserve Fund Commission. The commission has discretionary authority to determine the fund's investment strategy in accordance with the fund's statutory investment policy of securing the optimal total financial return, provided the level of risk to the moneys held or invested is acceptable to the commission. It is independent in its decisions in that regard.

Infrastructure forms part of the fund's strategic asset allocation and the commission is keen to invest in Ireland as part of its overall infrastructure programme. As I have stated, the independence of the commission in making those decisions is enshrined in law.

**Deputy Fergus O'Dowd:** I welcome the proposals but does the Minister not believe the airport authority has enough to do? As it indicates in its mission statement, it is an airport management company whose principal activities include airport management operation and domestic and international development. Does the Minister believe it should stick to that role?

While welcoming and supporting the proposals, perhaps Enterprise Ireland, Fingal County Council or others should deal with this issue. Does the Minister agree it is time for the authority to address the issues of congestion and capacity at Dublin Airport?

I welcome the fine new places to be built. I received a phone call yesterday from a pensioner who had to remove his shoes going through security. As there was no chair available, he found

it extremely difficult to take his shoes off. These are simple issues the authority could be addressing and is not. The big plans are very welcome and I support them but somebody else should be dealing with them.

**Deputy Thomas P. Broughan:** I welcome the proposal. We have had, to some extent, informal development around the airport region and it is interesting to attempt to structure this through the DAA. Was this proposal part of the business plan put to the Minister by the Dublin Airport Authority with regard to plans for the three airports?

The Minister mentioned the National Pensions Reserve Fund but has he had any discussions with the new Taoiseach and former Minister for Finance, or with the new Minister for Finance, on the possibility of funding through this area? Will the Minister be particularly concerned about airport charges? My colleague has mentioned concerns people have with regard to parking and the massive escalation of charges. Is there not a suspicion in many airport users and passengers that they will, in effect, end up paying the DAA the seed capital for this massive project?

The Minister mentioned the indicative completion date for phase I but what is the timeframe for the whole project?

**Deputy Noel Dempsey:** The first phase is proposed for completion in 2015, with the overall aim to have the project completed by 2033 at the latest. On the basis of what I have been told, I have no concern that airport charges would be bumped up to pay for this. This is quite a separate project and would be managed as such. Funding for the project will be independent of all the capital investment projects they have at the moment. That is one issue I would insist upon and it is important there is no cross-subsidisation. Perhaps the Deputy was speaking more about a cross-charge in voicing a fear that airport passengers would be paying for this.

I have had no discussions at all with the former Minister for Finance, the current Taoiseach, on how we might use the pension funds because, as I indicated in my reply, that is a matter for the National Pensions Reserve Fund itself. It does not discuss the matter with us or take direction. It is independent and the law was always specifically provided that it would operate that way precisely because interference was not wanted in case of investment decisions being made on a political rather than financial basis. I support that.

With regard to Deputy O'Dowd's points, I absolutely agree the DAA should, as an airport authority, concentrate on its job, do it very well and look after its customers. In fairness, with increased numbers causing difficult circumstances currently, and particularly over the last number of years before pier D opened, it has done a reasonable job. I have stated this directly to its representatives and in this House. However, there is no doubt it has been difficult for customers.

I agree with the Deputy and one issue I would be particularly focused on is ensuring the DAA does not take its eye off the ball.

**Deputy Fergus O'Dowd:** Absolutely.

**Deputy Noel Dempsey:** It must consider very carefully what is happening but do the job it is meant to. It has a €2 billion development in terminal 2, the runway etc., and that is to improve the airport for all its customers, both passengers and airlines. It must concentrate on that project.

The proposed project is fantastic and will have significant value, not just for the immediate area but for the economy as a whole. The authority is to be commended for its foresight. It has land available and it is lucky enough in that it is one of the few airports in Europe which

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has land that can be used for this kind of purpose. Many airports are totally hindered because of congestion and an inability to expand.

To give a context to the project, it will cost €4 billion and I hope it will generate approximately 30,000 high quality jobs. That is not a project which can be just tagged on, with the same people managing the airport and working on the project. Much project management expertise must be brought in.

**Deputy Fergus O'Dowd:** It must be entirely separate.

**Deputy Noel Dempsey:** That is the type of issue I will look at.

**Deputy Fergus O'Dowd:** I am glad we agree on something. Perhaps another point we would agree on is that the authority would address some other issues. I mentioned a pensioner earlier and his plight is a critical issue for elderly people. There is also a question of people coming off flights operated for Ryanair, for example, and walking across the apron in front of the terminal, which can be very dangerous. Concern has been expressed that elderly or confused people — I do not say that in a derogatory sense — could be affected by strange-looking vehicles coming at them sometimes. It is not good or safe enough and the authority should get its act together.

**Deputy Thomas P. Broughan:** When the chief executive, Declan Collier, was in before the Oireachtas transport committee, he indicated the ten-year €2 billion programme referred to by the Minister would leave the DAA with an overhang debt of possibly €1.2 billion. The Minister has indicated the new project will be totally ring-fenced. Would he clearly agree this must be the case, given there will still be such an overhang debt?

The Minister is clearly ploughing ahead with the separation of the three national airports. When will that happen and has there been an absolutely final decision on Cork and Shannon *vis-à-vis* Dublin?

**Deputy Noel Dempsey:** We have not made the decision because, as the Deputy knows, the board in Cork accepted the Cassells recommendations. Due to the fact that those recommendations are different from the original business plan, that plan was resubmitted to the Dublin Airport Authority. The latter will then submit the revised plan to me and the Minister for Finance. We have already agreed, in principle, that we are moving ahead but it will not be until that point that we will actually begin doing so. When that happens, a particular process must be undergone.

Commitments were given in respect of local consultations and those at a national level with ICTU. I have made a proposal to the unions regarding the form the process of consultations might take. That process will go ahead. As stated previously — I have no reason to change my view in this regard — provided the business plans are acceptable, it should take nine to 12 months before the three airports are fully separated.

### **Road Network.**

7. **Deputy Seán Sherlock** asked the Minister for Transport if he will report on his recent approval for a new tranche of public private partnerships for the National Roads Authority's national road maintenance and building programmes; the amount the new round of PPPs will cost; if his Department has carried out a value for money review of the previous PPPs and taken into account the views of the Comptroller and Auditor General and the Committee of

Public Accounts; the reason he has chosen to fund this programme through a new PPP scheme; and if he will make a statement on the matter. [17336/08]

**Deputy Noel Dempsey:** As the Deputy is aware, as Minister for Transport I am responsible for overall policy and funding issues relating to the national roads programme element of Transport 21. However, the detailed planning, design and implementation of individual road improvement projects, including those carried out by way of public private partnerships, PPPs, is a matter for the National Roads Authority, NRA, under the Roads Act 1993. This includes the carrying out of cost-benefit analyses for such projects.

Earlier this year, the Government reviewed the financing arrangements for Transport 21. As a result, it is now proposed that a number of national road projects, involving a capital expenditure of the order of €1 billion, should be undertaken as unitary payment or non-tolled PPPs. There will be a corresponding reduction of the order of €1 billion in Exchequer funding for the national roads programme. The result is that overall funding for the programme, at approximately €18.6 billion, will remain unchanged.

The NRA has carried out some initial work to identify a number of projects that could be carried out as unitary payment PPPs. Significant further analysis remains to be done to definitively determine the full details of such projects. It is expected that the PPP process will ensure that the projects chosen will be delivered at an earlier stage than would otherwise have been the case.

The NRA carries out exhaustive financial, legal and technical evaluations of the PPP mechanism for national road contracts. It possesses full value for money and tender evaluation reports for all schemes for which PPP contracts have been awarded. The NRA is fully committed to facilitating, in as far as is practicable, a thorough examination of the PPP process in order to allow a full value for money assessment to be carried out in regard to national road PPP projects. I am satisfied that these arrangements are adequate to facilitate parliamentary oversight of PPPs.

**Deputy Thomas P. Broughan:** I met Mr. Barry, the chief executive of the NRA, a few months ago. At that stage, the Minister was refusing to approve any further PPPs. Why has he changed his mind? I welcome the fact that he is proceeding with a unitary payment system rather than with a concession, which would inevitably have resulted in the imposition of tolls.

Media reports indicate that two sections of the N20, the N11 Gorey to Enniscorthy route and the N17, Galway to Claremorris route, which are all extremely important, all require work. Are there any other proposals in respect of this particular tranche of PPPs?

Why do PPPs not come under the remit of the centre of excellence of the National Development Finance Agency? Why is the NRA allowed to proceed with PPPs on its own? International opinion is beginning to be extremely critical of PPPs, particularly in the context that borrowings by a private company will usually be that bit more expensive than those relating to the State sector. In addition, the private sector can obtain massive rates of return. One need only consider the ongoing debacle with the M50 and the €600 million the Minister will pay out in the coming years in respect of a project that originally cost approximately £20 million. Is it not time to engage in a fundamental evaluation of PPPs? Perhaps it should again be the case that we will not proceed with PPPs unless an important value for money result can be obtained.

The Minister for the Environment, Heritage and Local Government, Deputy Gormley, appeared to make some ambitious proposals regarding the cost of land. The latter has often accounted for 25% of the cost of PPP projects rolled out by the NRA. Is an in-depth evaluation of PPPs being carried out? Is such an evaluation not the correct way to proceed?

**Deputy Noel Dempsey:** An in-depth analysis is carried out in respect of every PPP that is proposed in order to discover whether the best value for money will be obtained. I do not have an ideological hang-up about these things.

**Deputy Thomas P. Broughan:** Nor do I have such a hang-up. I am referring to the people's money. Why pay more money for something that could be done at much less expense?

**Deputy Noel Dempsey:** If the Deputy will allow me to finish——

**Deputy Thomas P. Broughan:** On a point of information, this is nothing to do with ideology. I am glad the Minister, Deputy Dempsey, did not become Minister for Finance yesterday.

**Acting Chairman:** The Deputy should allow the Minister to reply.

**Deputy Noel Dempsey:** If the Deputy is stating that the Labour Party does not have an ideological hang-up in respect of PPPs, it is news to me.

**Deputy Thomas P. Broughan:** We are discussing finance.

**Deputy Noel Dempsey:** I listened to members of that party condemn the fact that we were able to build six schools through the mechanism of PPPs. When one refers to the cost of PPPs——

**Deputy Thomas P. Broughan:** We are discussing the roads.

**Deputy Noel Dempsey:** Even if it is necessary to spend a little bit more on a PPP, when one balances out the cost over the lifetime of the project, one will see that good value for money is obtained. When the project has been completed, a road will be in place which would not otherwise have been constructed if one was obliged to wait until the money became available. If we had not put in place the PPP project, only many of the roads built in recent years would not be in place because we would not have had the money to proceed with their construction.

PPPs are used to generate finance. The reason the roads to which the Deputy refers are being considered in the context of PPPs is in order to release funding for use on public transport projects. I am sure he would have no difficulty with that. It is why I wanted to move in this direction. The roads to which the Deputy refers — two projects on the N20, Cork to Limerick route, the N17, Galway to Claremorris route, and the N11, Gorey to Enniscorthy route incorporating the New Ross bypass — are under consideration in this regard because they are deemed to be most suitable.

The reason tolls will not apply is because it is the considered view of the NRA, based on its experience, that any of the roads it would be reasonable to toll and to obtain a return on are already being tolled. The NRA has not identified any other road projects which should be the subject of tolls. The taxpayer will pay for the projects to which the Deputy refers on a unitary payment basis.

The Minister for the Environment, Heritage and Local Government, Deputy Gormley, will be addressing the cost of land in a designated lands Bill.

### **Light Rail Project.**

8. **Deputy Paul Connaughton** asked the Minister for Transport if he has had discussions with the Railway Procurement Agency regarding the planning failure to properly link up the Dublin Docklands Luas and rail stations; and if he will make a statement on the matter. [17471/08]

**Deputy Noel Dempsey:** I do not accept that there has been a planning failure as suggested by the Deputy. Transport 21 will provide for five additional interchanges for passengers on the Maynooth and west Dublin suburban rail line to which the Deputy's question refers. These interchange points will be with metro west at Porterstown, the cross-city Luas line at Liffey Junction, metro north at Drumcondra, the Tallaght Luas line at Spencer Dock and the DART interconnector at Pearse Station.

I understand that the majority of suburban rail services from Maynooth and west Dublin actually serve Connolly Station rather than the new Docklands Station. There is already a Luas stop at Connolly, which serves passengers wishing to transfer from the Maynooth line to Luas. The Docklands Luas extension will include a stop at Spencer Dock. This will be situated approximately 350 metres from Iarnród Éireann's existing station at Docklands and close to the proposed location for a new station for the DART interconnector.

The railway order which provided planning permission for the Docklands Luas extension was granted in 2006 and established the route and stop locations on the line. Construction of the extension is already well under way and is due to be completed next year. Any change in the route would require a new railway order application, preceded by preparatory planning and design and public consultation. This would substantially delay completion of the project and significantly increase costs and it is not justified on transport planning grounds.

**Deputy Fergus O'Dowd:** My colleague, Deputy Varadkar, raised this issue with the Minister separately in a parliamentary question. The point he made is that the Government could have provided a valuable terminus in the Docklands by providing a Luas stop at Docklands train station. This would have provided a direct Luas link from Docklands station to Connolly station, O'Connell Street, Heuston Station and Tallaght, but the proposed Docklands Luas stop is 350 m away from the rail station. The Minister should revisit this issue.

**Deputy Noel Dempsey:** The Deputy will be aware that the Luas line was subject to much consultation. I was accused of delaying it and of not meeting a target date for it — the Deputy will remember attacking me for that at one stage.

**Deputy Fergus O'Dowd:** Rightly so.

**Deputy Noel Dempsey:** The reason it did not meet its completion date was that extensive consultation took place, which moved this line further out than was originally intended. The railway order was obtained for this, which, unfortunately, moves it 350 m from Docklands station. However, there are plenty of opportunities for people to connect. The interconnector will come into this particular Luas site. It is as close as we can go. It does not impede good transport planning.

**Deputy Fergus O'Dowd:** Joined-up thinking means joined-up travelling, and the Minister is not providing it at this location.

**Deputy Thomas P. Broughan:** It is important to get to Tallaght and everywhere else in the country, in particular when one is at the national conference centre. Has the Minister had discussions with the developers of the conference centre with regard to further public transport initiatives? When will we have railway orders or immediate movement on the interconnector and what is the timeframe for it?

**Deputy Noel Dempsey:** With regard to the first part of the question, I have a map that I can use. There is plenty of opportunity for interconnection from any of these stations and from the conference centre. There will be, even from Navan, in which I take a great interest——

**Deputy Fergus O'Dowd:** So we notice.

**Deputy Noel Dempsey:** I am satisfied that there will be a proper degree of interconnection in this regard. I have not had talks with the proposed developers of Spencer Dock. I would imagine that in the context of the development of that site the developers may be interested in ensuring there are very good public transport links and transport links generally. If they want to talk to us in that context, we will be delighted to do so. If they are willing to make the finance available, I am sure we will be able to facilitate them.

**Deputy Thomas P. Broughan:** What about the interconnector?

**Deputy Noel Dempsey:** I will not say something in the House and then be accused of being misleading. Subject to correction, in regard to the interconnector Iarnród Éireann is assembling its experts on various aspects, including the PPP. While I do not want the Deputy to hold me to this, the railway order is supposed to go in early next year.

### **Freight Transport.**

9. **Deputy Paul Kehoe** asked the Minister for Transport if he will introduce incentives to encourage freight transport by targeting bottlenecks in the road network as recommended by the recently published freight transport report for the island of Ireland; and if he will make a statement on the matter. [17506/08]

21. **Deputy Dinny McGinley** asked the Minister for Transport if he will introduce incentives to encourage freight transport by involving hauliers in transport planning as recommended by the recently published freight transport report for the island of Ireland; and if he will make a statement on the matter. [17515/08]

23. **Deputy Joe McHugh** asked the Minister for Transport if he will introduce incentives to encourage freight transport by using the North-South Ministerial Council and the British-Irish Council to apply for EU funding through the Marco Polo II — Motorways of the Sea programmes, as recommended by the recently published freight transport report for the island of Ireland; and if he will make a statement on the matter. [17516/08]

31. **Deputy Charles Flanagan** asked the Minister for Transport his views on the recently published freight transport report for the island of Ireland; and if he will make a statement on the matter. [17496/08]

**Deputy Noel Dempsey:** I propose to take Questions Nos. 9, 21, 23 and 31 together.

My Department has recently received a report from Inter-trade Ireland, in association with the Joint Business Council, which addresses key issues and makes recommendations in terms of freight transport, both within and beyond the island of Ireland. The report is a very comprehensive and substantial document. The efficient movement of goods is recognised by my Department to be of crucial importance to the Irish economy and our competitiveness.

My Department is considering the recommendations in the report. Key recommendations relate to improving the forecasting of future capacity requirements, improving access to ports and airports, addressing urban congestion, making progress on improving key road corridors and making use of European funded programmes. In this regard, the all-island dimension to the issues raised is well recognised, as are the possibilities that may present through the North-South Ministerial Council and the British-Irish Council.

Pending completion of my Department's analysis of the report, it is too early to respond in any detail to its recommendations. Nonetheless, I very much welcome the report which will help inform policy development in my Department on the road freight sector.

**Deputy Fergus O'Dowd:** I agree it is an important report containing some excellent recommendations. One simple recommendation it makes is in regard to night-time construction of motorways. It refers specifically to construction work on road widening, particularly on the M50. We need to change our ways. On many occasions roads which are being improved are left abandoned, with nobody working on them in the evenings or on Saturdays or Sundays. The work only starts when people must get to and from work. We need a sea change with regard to how we operate. Will the Minister, in conjunction with the Minister for the Environment, Heritage and Local Government, drive forward this agenda in whatever capacity or with whatever powers he can?

The third recommendation refers to getting lorries in and out of ports, and specifically to access to Drogheda port, the Cork road system around the Jack Lynch tunnel and the Dublin outer orbital route, which would take pressure off Dublin and improve communications between Drogheda, Navan, Kildare and elsewhere.

**Deputy Noel Dempsey:** As the Deputy states, it is an important report that puts forward many recommendations and ideas, which we are examining. On the questions it raises, I am aware of all the points the Deputy highlights from the report in regard to port access at Drogheda, the road system in Cork and the Dublin outer orbital route. The Deputy will be aware that the National Roads Authority is examining the outer orbital route and assessing the possibility of advancing it, at least to design stage, as quickly as possible. It is not included in Transport 21.

With regard to port access, this report will be taken in conjunction with the official report on ports policy that was published some years ago. This is a useful addition to that report. We will carefully note its contents and respond in due course.

**Deputy Thomas P. Broughan:** Reference is made in the report to the national traffic information system that operates in the midlands of the UK. Is this something we could replicate? While the local authorities do their best, should we have some type of national system, particularly for road freight?

There is a recommendation regarding the Leinster orbital route which will run from Drogheda, through Navan in the Minister's heartland and, we hope, on towards Arklow and Gorey. What stage is that project at in terms of finance and preparation?

As he is set to continue in charge of the Department, does the Minister intend to take any initiative on rail freight, given that we have such an appalling performance in international and EU terms? Much more could be done in this regard. Will the Minister take some initiative, even a fiscal one, in next year's budget?

**Deputy Noel Dempsey:** Rail freight is an issue that has raised its head in recent years and we are considering it in the context of the sustainable travel and transport action plan. To be honest with the Deputy, I had a number of discussions with Iarnród Éireann on the matter. It made efforts some years ago to increase the level of rail freight but these efforts were not successful. It is not a convenient way of carrying much of the freight in Ireland. However, with the price of petrol and diesel reaching \$120 per barrel, the position might change.

Freight transport by rail is not quite as simple as it is on the Continent, where one can send freight by rail over very long distances and through various countries. The problem in Ireland is that it is not sufficiently convenient or economical to transport freight by rail, with the

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exception of freight that comes in vast quantities. I hope this will change and if I can do anything to promote rail freight under the sustainable travel and transport plan, I will be delighted to do so.

The outer orbital route or Leinster orbital route is under consideration but is not included in Transport 21. No funding has been arranged for it. It will obviously form part of the review of Transport 21 in 2010 and 2011. The national tracking system is worthwhile. The NRA is doing some work on it in respect of real-time information.

Deputy O'Dowd referred to roadworks and road widening at night. I accept that nobody wants that in built-up residential areas but it should be the norm elsewhere. I have said before in the House that I do not approve of restrictions to planning permissions to the effect that people can only work for six or seven hours in the middle of the day. We must get real about such matters.

### **Decentralisation Programme.**

10. **Deputy Kieran O'Donnell** asked the Minister for Transport the position regarding the decentralisation programme of his Department; and if he will make a statement on the matter. [17525/08]

**Deputy Noel Dempsey:** Work was completed in respect of the decentralisation of both departmental and Road Safety Authority staff in July 2007. The decentralisation of 50 staff to Loughrea was among the priority moves in the Government's programme. Decentralisation to Ballina of an additional 62 Road Safety Authority posts — which were not part of the original Government decision — was also achieved.

My Department met the Decentralisation Implementation Group on 15 April 2008. Representatives from each of the agencies under the Department's aegis were also in attendance. Discussions took place on how best to progress decentralisation to Drogheda, as well as the various issues facing the agencies and their decentralisation programmes. The transfer of at least 37 posts to Drogheda is being actively considered by my Department. The immediate priority is to finalise a suitable location and the construction of a premises. This work is being undertaken by the Office of Public Works.

The decentralisation of the National Roads Authority and Railway Safety Commission to Ballinasloe, of Bus Éireann to Mitchelstown, and of the Irish Aviation Authority to Shannon was not originally identified as a priority. However, progress is now being made on this element of the programme.

**Deputy Fergus O'Dowd:** The issue that arises in Drogheda concerns the 37 jobs, which are welcome. There was a proposal on the Department's website to move the Maritime Safety Directorate and elements of the coastguard to Drogheda. This could involve up to 200 jobs. What is the status of the report on this matter?

**Deputy Noel Dempsey:** The move to Drogheda is still under consideration. Originally we were only supposed to locate 37 staff there. An internal Department report suggested, for reasons of organisational efficiency, that we should move the Maritime Safety Directorate to Drogheda. It is still under consideration and is tied in with the question of the marine rescue co-ordination centres in Malin and Valentia.

**Deputy Fergus O'Dowd:** When will a final decision be made?

**Deputy Noel Dempsey:** I am awaiting receipt of the report and I will make a decision as quickly as possible thereafter.

*Written Answers follow Adjournment Debate.*

### **Estimates for Public Services 2008: Message from Select Committee.**

**Acting Chairman:** The Select Committee on Health and Children has completed its consideration of the following Estimates and output statements for public services for the service of the year ending 31 December 2008: Votes 39 and 40.

### **Adjournment Debate Matters.**

**Acting Chairman:** 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 Fergus O'Dowd — the proposed closure of the special needs classroom unit at a school in Ballsgrove, Drogheda, County Louth; (2) Deputy Jimmy Deenihan — the closure of Tralee Refugee Support Services drop-in centre, 7 Ashe Street, Tralee, County Kerry, because of the failure of the Office of the Minister for Integration to approve the necessary funding to continue the very essential services provided by the centre, mostly on a voluntary basis; (3) Deputy Pat Breen — the exclusion of the Air Navigation Transport (Pre-Clearance) Bill from the Government's legislation programme; (4) Deputy Joe Costello — the need for the Minister for the Environment, Heritage and Local Government to outline his proposals for the tenant purchase of local authority flats; (5) Deputy David Stanton — the need to address environmental pollution concerns in Youghal, County Cork; and (6) Deputy Dan Neville — the dispute between the psychiatric nurses unions and the Health Service Executive.

The matters raised by Deputies Dan Neville, Pat Breen, Fergus O'Dowd and David Stanton have been selected for discussion.

### **Adjournment Debate.**

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### **Industrial Disputes.**

**Deputy Dan Neville:** I congratulate the Minister of State at the Department of Health and Children, Deputy Barry Andrews, on his appointment. We will lose him from one of our committees, which he chaired expertly. I wish him well. I hoped this matter would have been deemed important enough for the Minister for Health and Children to attend, but she decided not to do so.

The dispute involving the psychiatric nurses is serious and it affects the most vulnerable people, namely the psychiatric patients in hospital and in the community. Any diminution of service has an effect and the diminution in question is considerable. It is feared that the trend will continue. We urge the Minister, the HSE and the unions to make every effort tomorrow with the Labour Relations Commission to find a solution to the crisis affecting psychiatric services.

Assaults of varying degrees have been a fact of life for psychiatric nurses for a long time. In 2002 the Psychiatric Nurses Association, PNA, carried out research on the number of assaults on psychiatric nurses in 2001 and found that 857 had been injured by assault. On making this finding, the PNA wrote to the then Minister for Health and Children, Deputy Martin, stating that the frequency of the assaults in psychiatric services can, in most instances, be attributed to the mental health of the patients. The letter states that the perpetrator of the assault is,

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quite often, suffering from an illness such that, if charged with a serious criminal offence, there would be a finding of insanity or diminished responsibility. There was no response by the Minister and the PNA balloted members on industrial action. However, on the eve of the action, the Minister intervened and set up a taskforce on assaults on psychiatric nurses. The Minister gave a written assurance that the findings and recommendations of the taskforce would be accepted and progressed within an agreed timeframe.

The taskforce reported in April 2003 and the report contained a recommendation for the establishment of a no-fault, non-statutory compensation scheme for nurses working in mental health services who suffer serious injury as a result of an assault. It defined “injury” as “any serious impairment of the person’s physical or mental condition”. It provided for retrospective compensation for nurses previously injured by assault. The PNA accepted the recommendations of the taskforce but, despite several demands, there was no sign of the scheme being implemented by the Minister.

The Government considered the matter at its Cabinet meeting on 13 July 2005. The then Tánaiste and Minister for Health and Children, Deputy Harney, met the PNA that evening and said that, despite the Government’s previous undertakings, the Government had decided not to implement the scheme. She stated she was asking the State Claims Agency to consider the introduction of a fixed redress scheme along the lines of the PIAB scheme that would expressly prohibit any compensation for psychological trauma and would not cover any injuries incurred before the introduction of the scheme. This was contrary to the recommendations of the taskforce and to the undertaking of the Minister’s predecessor, Deputy Martin.

The PNA was adamant that psychological trauma and retrospection should be part of the scheme. However, it decided it would be prudent to allow the Government to approve the scheme as the principle of no-fault compensation at least would be established. The Government subsequently approved the scheme at a Cabinet meeting on 17 January 2007. The PNA immediately referred the matter to the Labour Court and sourced legal and medical expert opinion. The Labour Court in its recommendation upheld the PNA claim. It stated:

The Court accordingly recommends that an insurance-based scheme be put in place to take effect from the date of this Recommendation, which should include an element of compensation for psychological trauma, where relevant, and where it arises directly from the effects of an assault on a nurse while at work.

The Labour Court’s understanding is that there are approximately 40 such claims already lodged in the system. In the case of these claims and no other, the court recommended that the terms of the proposed new scheme be extended to embrace those claimants on a once-off basis. Following the recommendation from the court, the Department went back to the various Departments involved, particularly the Department of Finance and the Office of the Attorney General for advice.

Following repeated requests to the Department of Health and Children, the HSE and HSE-Employers Agency, the union was informed that the Department of Health and Children had completed its consultations early this year and that a revised scheme to incorporate the findings of the Labour Court was presented to the Minister for Health and Children, Deputy Harney on 3 January 2008. The PNA issued a press release describing the scheme as being “Yellow pack in the extreme”.

As of yesterday evening the delivery of services has been upset to a considerable degree. Various problems have arisen in County Kildare and the Central Mental Hospital, Dundrum, where there has been a proposal that soldiers and gardaí should take over nursing duties. While

I hope this was never considered, a newspaper reported that this was the case. A staffing crisis that arose before noon in County Kildare was averted until 5 p.m. Problems exist in St. Ita's, Portrane, Tallaght hospital and in the mental health services in Clonmel and counties Clare, Monaghan and Cavan.

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I thank Deputy Neville for raising this issue and for his good wishes. I am taking this Adjournment debate on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

In 2002, a task force was established to investigate assaults on psychiatric nurses with a view to exploring preventive measures to reduce the incidence of assault and to provide for a compensation scheme for the nurses concerned. The task force reported in April 2003. It recommended the introduction of a no fault, non-statutory compensation scheme for those nurses working in the mental health services who are seriously injured as a result of an assault by patients during the course of their duties.

On 13 July 2005 the Government decided, in the light of advice received from the Attorney General, that it was neither feasible nor practical to proceed with the introduction of a no fault compensation scheme as recommended by the task force. The Minister for Health and Children met officials from SIPTU and the PNA on 13 July 2005 and advised both unions of the Government decision. However, the Minister confirmed that consideration would be given to the idea of a fixed and proportionate redress fund for physical injuries as an add-on to the serious physical assault scheme.

Following from this, the Labour Court recommendation dated 29 March 2007 and subsequent clarification, the HSE introduced an insurance scheme to provide compensation for nurses in the mental health services assaulted by a patient or client in the course of their employment. This insurance scheme is modelled on standard personal accident insurance cover and will provide a fixed tariff of compensation for particular physical injuries resulting from assault by a patient. It would be in addition to the existing serious physical assault scheme, which provides for enhanced sick pay and cover for medical expenses, as well as five sixths of salary for nurses permanently incapacitated as a result of a serious assault at work.

It also should be noted that premiums due for the personal injury insurance cover are paid for by the HSE and no charge is incurred by individual nurses. The policy commenced on Monday, 21 January 2008 and is in line with industry norms in respect of insurance-based schemes that are available to other sectors of the economy. Both the PNA and SIPTU have rejected the scheme and have argued that any benefit should be reflective of the Personal Injuries Assessment Board, PIAB, book of quantum. However, the cover provided is an insurance-based scheme which never was intended to compensate persons at levels equivalent to the PIAB or the courts.

The PIAB assesses claims for compensation only in circumstances in which the negligent party, whether employer or otherwise, acknowledges fault. The PIAB compensation is based on the equivalent compensation that a person could expect to be awarded by a judge of the Circuit Court or High Court.

Following 21 days' notice, the PNA and SIPTU commenced a work to rule on 30 April, which includes a ban on overtime whereby psychiatric nurses will work rostered hours only; no co-operation with assisted admission; no escorting of patients to mental health tribunals; and no attendance at non-essential meetings. The HSE invited the PNA and SIPTU to talks yesterday, 7 May, to discuss issues relating to contingency plans, continuity of service and emergency cover for the ongoing dispute. Both unions declined to attend. This non-attendance, combined

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with the failure to notify the HSE of their non-attendance, raises serious questions about the commitment of union leadership to patient safety.

Meanwhile, as a consequence of the ongoing PNA-SIPTU industrial action, the position in Lakeview acute mental health unit at Naas General Hospital has reached critical point. There have been significant ongoing difficulties in staffing the Lakeview unit. However, due to uncertainty regarding the ability to deliver continuity of care in a safe environment, a decision has been made to transfer immediately patients to other treatment facilities. This is a regrettable step but is unavoidable at present and has been taken in the best interest of patients.

As for claims concerning the Central Mental Hospital, the hospital remains open. Management of the HSE has met both unions locally and is managing the situation on a daily basis. It should be noted that staff from all disciplines and management have worked tirelessly to protect patient care since the dispute started last Wednesday.

The Labour Relations Commission, LRC, has formally invited the parties to the current dispute for exploratory talks on Friday at noon. This invitation is on an unconditional basis and all parties have accepted this invitation. The Minister has welcomed the initiative by the LRC. She has expressed her deep concern at the adverse impact of the dispute on the care of mental health patients and has appealed to the two nursing unions involved to suspend their industrial action to minimise hardship to service users and their families while the talks process at the LRC gets under way.

### **State Airports.**

**Deputy Pat Breen:** I also congratulate the Minister of State, Deputy Barry Andrews, on his appointment. However, the Minister for Transport, Deputy Noel Dempsey, was in the House earlier to answer oral questions and I had expected he would remain for this transport-related question on the Adjournment, which pertains to a highly important issue facing Shannon Airport. It is typical of the Minister for Transport to run away. He ran away from the Heathrow service issue when it arose last September and he has run away this afternoon. He should have spared five minutes for Shannon Airport. Things do not really change and this is more of the same.

I welcome the opportunity to raise this matter in the House. When the former Minister for Transport, Deputy Martin Cullen, signed the EU-US open skies agreement, he promised that the introduction of open skies would herald the beginning of a new era of opportunities for Irish airports, including Shannon, to exploit the US aviation market. He promised that pre-immigration clearance would be up and running at an early date and would give Shannon Airport an economic advantage. He also stated he was putting the final touches on a major tourism and economic plan for the Shannon region to cushion the blow. However, the ink was hardly dry on the agreement when the promises made to Shannon Airport evaporated one by one. The last Aer Lingus flight took off from the tarmac at Shannon for Heathrow on 13 January last with the region's slots on board. A total of €20 million was erased from the tourism and economic plan without objection and now the unique advantage possessed by Shannon in respect of its extension to its US Customs and Border Protection facility is being whittled away by a lacklustre Government that is showing no urgency in introducing legislation to give effect to this development at Shannon Airport.

The Government's legislative programme for summer 2008 provides no indication of when the proposed air navigation and transport pre-clearance Bill will be published. I urge the Minister of State to put pressure on his colleague, the Minister for Transport, to bring forward this legislation. I have raised this issue a number of times and have been informed that negotiations

are ongoing. It seems extraordinary, therefore, that while there have been many high profile visits to the US in recent months by the former Taoiseach, former Minister of Foreign Affairs, former Minister for Justice, Equality and Law Reform and the Minister for Transport, none of them bothered to discuss this matter with their US counterparts.

When I had the opportunity to meet the US Secretary of Homeland Security, Michael Chertoff, last November in Dublin, I raised this issue with him. He was highly supportive of this project and my understanding is that while the US authorities are behind this development, the Irish Government and Department of Transport are dragging their heels in this respect.

Shannon Airport can only avail of opportunities in an open skies environment if it is in a position to exploit its advantages. The airport authority is striving to secure year-round transatlantic services and has introduced a three-year winter transatlantic incentive scheme. The airport also faces concerns following Ryanair's threat issued this week that while an agreement is in place with Shannon Airport until 2010, there are no guarantees beyond this date.

Tourism interests in the west of Ireland in conjunction with Tourism Ireland recently launched the Discover Ireland's Wonderful West campaign in the United States. If the Government is serious about supporting this campaign, the success of which depends on full customs and agriculture pre-clearance, such pre-clearance should be in place. Full pre-clearance would allow passengers to be treated as domestic passengers on their arrival in the US. New services from Shannon to the US could be developed. Other airlines would be attracted to use the airport as a hub for their services to the US from destinations throughout Europe and there is huge potential to expand the airport's corporate jet business. This facility is essential if Shannon Airport is to cope with the negative effects of the Open Skies agreement. There was a 4% decrease in Shannon's transatlantic services in 2007. This trend is set to continue this year, as a further decline is predicted. Some 65 US companies, directly providing 11,000 jobs, are located in the mid-west region. Almost two out of every three foreign direct investment projects coming to Ireland in 2007 originated in the US. American firms contributed over €2.5 billion to the Irish tax coffers in that year.

The Dublin Airport Authority announced last week that a new city is to be developed at Dublin Airport. My colleague, Deputy O'Dowd, raised the matter earlier during Question Time. It is claimed that the project represents a blueprint for the next generation of foreign investment in this country. The significant shift in US tourism and business from the west of this country to the east will continue if the Government does not devise radical national policies to stem this tide. I am afraid, however, that there is no King Canute in the Government who will to push back the tide for Shannon. There is nobody with new ideas.

The global airline and aviation industry is experiencing a period of severe turbulence. Four airlines have filed for bankruptcy in the US in recent weeks. Industry sources predict that travellers will see little immediate benefit from the Open Skies Agreement, due to the current turmoil in the US economy. Nevertheless, the same sources are predicting that a wider range of low-cost, business-class and other carriers will operate on expanded transatlantic routes in the future. If Shannon is to be in a position to compete for its share of this business, full pre-clearance must in place.

Government inaction is hampering Shannon Airport. I urge the Minister for Transport to introduce legislation so that this project, the original deadline for which was 1 May, can get under way. How many more deadlines will have passed before it is introduced? There is a suspicion that agreement is being delayed to allow Dublin Airport to introduce the facility at the same time as Shannon Airport, thereby ending any competitive advantage Shannon might have had. This is not acceptable. I urge the Minister to expedite this agreement. Shannon needs

[Deputy Pat Breen.]

this facility. The airport is ready for it. However, the Minister, Deputy Dempsey, and his Government colleagues are stalling.

**Deputy Fergus O'Dowd:** Hear, hear.

**Deputy Barry Andrews:** The Minister for Transport does not accept that there is any undue delay in legislating for pre-clearance at Shannon Airport. Negotiations with the United States need to be concluded before legislation providing for such a facility can be drafted. Under the provisions of the Air Navigation and Transport (Pre-Inspection) Act 1986, Ireland has an agreement with the United States whereby all US-bound passengers departing from Shannon and Dublin airports are eligible for pre-inspection by the US authorities before departure.

Pre-inspection is the procedure whereby personnel from the US customs and border protection body, which is a division of the US Department of Homeland Security, carry out those inspections of passengers and aircraft crew that are required under US immigration and public health laws and regulations for entry to that country. Under the 1986 Act, the procedures are confined to immigration clearance only — they do not include inspections that are required under other US laws and regulations, such as agriculture and customs inspections. Pre-clearance is the process whereby all inspection and clearance requirements under US law for passengers arriving into the US are met at the departure airport. Passengers arriving at US airports are then processed without any further official contact. On arrival at the US airport, they have a status similar to that of passengers arriving from other US airports.

There would be benefits if pre-clearance facilities were introduced in Ireland. Passengers would be processed through all US entry procedures before they travel, knowing that when they arrive at their destination airport in the US they will enjoy an uninterrupted passage. Airlines would be able to use the less congested domestic airports or domestic terminals of international airports on arrival in the US. If pre-clearance facilities were available, Shannon Airport Authority would be able to market Shannon Airport as a hub for US-bound flights. Any attempt to move to a pre-clearance regime will require the negotiation of a pre-clearance agreement with the US. That agreement would have to be incorporated into Irish domestic law to enable pre-clearance operations to take place on Irish soil.

The proposals of the US authorities for the provision of pre-clearance facilities at Dublin and Shannon airports were submitted to the Department of Transport in late December 2007. Formal negotiations on the proposals with the US authorities commenced in January of this year. During his visit to Washington last week, the Minister for Transport, Deputy Dempsey, met the US Secretary of Homeland Security, Mr. Michael Chertoff, to discuss progress on the negotiations. While the content of the discussions must remain confidential, the Minister is looking forward to making good progress with the US authorities. As the matter is under negotiation, it is too early to say when the necessary intergovernmental agreement will be finalised and legislation will be brought before the Oireachtas. However, subject to Government approval, the Minister for Transport is targetting the end of year for the agreement and the legislation to be in place.

### **Special Needs Education.**

**Deputy Fergus O'Dowd:** I congratulate the Minister of State, Deputy Barry Andrews. I wish him well in the future. We hope to hold him as accountable as his colleagues.

**Deputy Pat Breen:** The Deputy cannot be too hard on him this evening.

**Deputy Fergus O'Dowd:** I would like to highlight a major issue which has arisen in Drogheda. It was recently announced that the special needs unit attached to Marymount national school in the Ballsgrove area of the town will be unable to take new students from the end of this year. For a number of years the unit's teachers and special needs assistants have looked after extremely well five young people with special needs — there were six pupils there until quite recently. As the children move into the secondary system, their parents are becoming concerned. The special needs unit was established with the aim of integrating children with special needs into the ordinary environment in which all students are taught. It has worked extremely well. Five of the special needs students will be making their confirmation shortly. They are participating fully in the celebrations, for example by participating in music and mime. The parents of these children, as well as representatives of various organisations involved in this sector, are outraged that other young people in the Drogheda area and the surrounding districts in counties Meath and Louth will be unable to avail of the services of the unit.

Who is responsible for this closure? I have been informed that the powers that be, who are not necessarily based in the Department of Education and Science, do not intend to continue with the experiment of integrating special needs students in the local primary school. A great deal of concern has been expressed about this decision at local level. It has been the subject of an editorial in the *Drogheda Independent*. I await the Minister of State's response. I hope it will be as good as the response I would give him if the position were reversed. In other words, I would make sure that the unit would stay open.

**Deputy Barry Andrews:** I thank Deputy O'Dowd for his kind remarks. I am pleased to have been given an opportunity to clarify the position in respect of the special needs class at Marymount national school, which had an enrolment of 422 pupils on 30 September 2007. The school's current staff comprises a principal teacher, 15 mainstream class teachers, a disadvantaged concessionary teaching post, five learning support and resource teaching posts, two special class teaching posts, a resource teacher for Travellers, a home school liaison post, three urban band teaching posts and five temporary language support teaching posts.

As the Deputy is aware, the National Council for Special Education is responsible, through its network of local special educational needs organisers, for allocating resource teachers and special needs assistants to schools to support children with special educational needs. The organisers approve the establishment of special classes where a need has been determined. I understand that officials from the Department of Education and Science have been in contact with the National Council for Special Education about the special needs class in Marymount national school. It seems that a significant number of children enrolled in the special class will move to post-primary education in September. I am informed that the local special educational needs organiser is actively involved in discussions with the school authorities and local HSE officials regarding the future of the special class. A decision has yet to be taken. I thank the Deputy for raising this matter.

### **Environmental Protection.**

**Deputy David Stanton:** I join other Deputies in congratulating the newly appointed Minister of State, Deputy Barry Andrews, and wishing him all the best for the future. I know he will do a great job.

I would like to mention two environmental issues relating to the town of Youghal in east Cork. One of the beaches in the town was the subject of an unfavourable report yesterday. I understand that until quite recently, the water quality at the beach was found to be excellent.

[Deputy David Stanton.]

It passed all the tests because it was top class. However, it failed one of the ten tests which were undertaken over a period of time on 17 July 2007. I understand there were exceptional circumstances on the day in question. It seems that heavy rainfall may have resulted in effluent being washed into the sea. The beach failed one of the tests as a result. Perhaps the matter could be reconsidered — the beach could be tested again — in light of the exceptional circumstances which prevailed on the day in question. The report brought out this week relates to 17 July of last year. The beach was closed at the time. When the water quality was tested afterwards, it was found to be okay. We need to examine all these matters because they just do not add up.

It is unfair that such a poor reflection of Youghal is being portrayed. The treatment plant being developed in the town was supposed to have been up and running in 2007, but that has not happened yet. I ask the Minister for the Environment, Heritage and Local Government to ensure the project is completed as quickly as possible. Youghal is a beautiful tourist town in a scenic area. We do not want any further delays. The development needs to be pursued vigorously. The Department should ensure there are no delays.

The second environmental issue relates to the landfill site in Youghal, the only facility of that nature in the south Cork area. Those living in the area have complained to me about the noxious smells in the locality. The smell from the landfill site is causing them to wake as early as 6 a.m., even though their windows are closed. That is not good enough. I have been speaking to representatives of the Environmental Protection Agency, who are doing their best, and to the council, but more needs to be done. The Minister for the Environment, Heritage and Local Government, Deputy Gormley, was written to last June about this matter but he said that he has no role to play and that it is up to the EPA. It is not right that people in Youghal cannot go about their business. They are taxpayers, yet they must put up with this foul, nauseating odour. It is not a case of saying “Not in my back yard” because they do not mind having the landfill there provided resources are put in place to run it properly. The EPA, the council and the Minister should do their jobs. I am representing my constituents in this matter which is unfair to them. I am sure the Minister of State would agree with me if he could not sleep at night, even with the windows closed, because he was living near such a landfill site.

I am worried about the onset of summer because warmer weather will create more foul conditions from the sludge at the landfill site. Last summer, flies swarmed into houses from that site, which posed a health risk. The Minister of State should re-examine the matter to see what can be done about it. The situation is having a really negative impact on local people’s health and quality of life.

I ask the Minister of State to investigate water quality at the local beach, which was found to be polluted. A treatment plant is urgently required. He should also examine the regime in place for testing water quality. Noxious odours emanating from the waste treatment plant and another facility need to be put right.

**Deputy Barry Andrews:** I am taking this item on behalf of my colleague, the Minister for the Environment, Heritage and Local Government.

The landfill site at Foxhole is operated by Cork County Council and, in accordance with the Waste Management Acts, is licensed by the Environmental Protection Agency. This licensing system is intended to ensure that high standards of environmental protection apply to the operation of such facilities. It also precludes the EPA from issuing a licence unless it is satisfied

that, among other things, emissions from the activity concerned will not contravene any relevant standard.

The licence granted for this landfill lays down strict conditions regarding the operation of the site, including dealing with matters such as environmental nuisances from dust and odours. The enforcement of the conditions attached to the licence is a matter for the EPA's office of environmental enforcement. Under the Waste Management Acts the Minister for the Environment, Heritage and Local Government is specifically precluded from exercising any power or control concerning the performance by the EPA of its functions in particular circumstances. However, I understand that in the past 12 months Cork County Council has been taking measures to address the issue of odours at the site, including: the introduction of an odour neutralising system on a trial basis since March 2008; and the provision of gas extraction wells in active cells, thereby allowing the landfill gas to be drawn out and flared with a subsequent reduction in odour problems.

In addition, an intensive study, instigated by the EPA, is under way on the landfill gas management system. Fast-tracking the capping off of particular active cells at the site is a priority for the council with a view to ensuring that this problem is resolved as speedily as possible.

As regards the issue of bathing water quality, the Minister is disappointed that Youghal strand failed to meet the mandatory EU standard. It is, of course, a matter for the local authority to ensure that bathing water quality standards are met and maintained. The report by the EPA on bathing water quality for 2007, which was published this week, indicated that Youghal strand was one of four bathing water areas that failed to meet the minimum standard. I understand that it failed because of the presence of faecal coliforms in excess of the limit laid down in the bathing water regulations. This is particularly disappointing because in 2006 Youghal strand met the higher guide standard.

The EPA's office of environmental enforcement provides advice and guidance to local authorities on environmental protection activities. The office also audits the performance of local authorities and, where necessary, issues legally binding directions. I understand that the office has been following up the issue regarding Youghal strand with Cork County Council. It is worth pointing out that in this case one sample out of ten taken failed to meet the standard. This is sufficient to fail overall. I am aware that Cork County Council has investigated the possible reasons for the failure and has previously carried out remedial works at a nearby pumping station. The EPA points out that the unusually high rainfall last summer would have been a factor in the failure of certain bathing areas to achieve the required standards.

More generally, it is good that the overall situation regarding the quality of our bathing water remains pristine with 97%, or 127 out of 131 bathing areas, complying with the mandatory standards.

As regards the Department's water services investment programme, Youghal, together with nearby Claycastle, will be incorporated into the Youghal sewerage scheme at an estimated cost of €14.42 million. I understand that Cork County Council is preparing to appoint consultants to develop the contract documents for the scheme. The council should be in a position to submit the contract documents to the Department for approval next year, with construction on the scheme due to start in 2010.

**Deputy David Stanton:** It will be 2012.

**Acting Chairman (Deputy Costello):** I also wish to add my congratulations to the Minister of State on his new appointment.

**Deputy Barry Andrews:** I thank the Acting Chairman.

The Dáil adjourned at 5.15 p.m. until 2.30 p.m. on Tuesday, 13 May 2008.

## Written Answers.

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

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

### **Taxi Regulations.**

11. **Deputy Pádraic McCormack** asked the Minister for Transport if he will change the composition of the advisory council to the Taxi Regulator; and if he will make a statement on the matter. [17527/08]

**Minister for Transport (Deputy Noel Dempsey):** Section 54 of the Taxi Regulation Act 2003 provides for the establishment of an Advisory Council to the Commission for Taxi Regulation, consisting of an independent chairperson and 17 ordinary members. It provides for the appointment of at least four persons representing small public service vehicle and driver interests, one person each from local authorities and An Garda Síochana, at least two persons representing consumer interests, and at least one person each representing disability, business and tourism interests. The Minister also has power to appoint four persons who have a special interest or expertise in matters relating to the functions of the Commission or the Council. The role of the Council is to advise the Commission for Taxi Regulation and the Minister for Transport, as appropriate, in relation to issues relevant to small public service vehicles and their drivers.

The current Advisory Council was appointed in accordance with the membership structure set out in the 2003 Act. Nominations from a range of interests were considered when decisions on the Council's membership were being made. Six members of the Council have a background in the industry. The term of appointment of the current members of the Council will expire on 3 November 2009. There is currently a vacancy for one ordinary member on the Council.

I am satisfied that the current composition of the Advisory Council adequately reflects the representational structure envisaged under the Taxi Regulation Act 2003 and that there is an appropriate balance between the interests of small public service vehicle owners and drivers on the one hand and the consumer and public interests on the other.

### **Road Safety.**

12. **Deputy Thomas P. Broughan** asked the Minister for Transport when he will bring forward legislation to Cabinet to lower the blood alcohol limit to 50 mg; if he is considering plans to

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lower the blood alcohol level for drivers on a learner permit to 20 m/g; and if he will make a statement on the matter. [17312/08]

27. **Deputy Joe Carey** asked the Minister for Transport when he expects to lower the legal blood alcohol level for drivers as has been recommended; and if he will make a statement on the matter. [17466/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 12 and 27 together.

The Road Safety Strategy 2007 to 2012, approved by the Government in October 2007, identifies the need to legislate for and introduce a reduction in the legal Blood Alcohol Content (BAC) for drivers, but does not specify what that level should be.

In determining what the BAC limit should be reduced to, the advice of the Road Safety Authority (RSA) was sought. The RSA's recommendations have been received and the Government, in noting the contents of the Authority's report at last week's Cabinet meeting, agreed that the RSA's report be published and taken into account in preparing new road traffic legislation this year.

The issue of lowering the BAC limits will now move into the work underway to prepare the Heads of a Road Traffic Bill, which also includes the issue of appropriate penalties for drink driving and other road traffic offences. I hope to bring the Heads of the Bill to Government this Summer.

13. **Deputy Tom Sheahan** asked the Minister for Transport if he will introduce changes to the penalty points system; and if he will make a statement on the matter. [17536/08]

**Minister for Transport (Deputy Noel Dempsey):** The penalty points system provided for in the Road Traffic Act 2002 has been kept under review to identify changes that would enhance both road safety and the effective enforcement of road traffic legislation. To that end a range of changes to the system were provided for in the Road Traffic Acts of 2004 and of 2006.

The penalty point system applies in respect of 36 offences at present. The extension of the system to the remainder of the offences that are scheduled in the Road Traffic Acts as potential penalty point offences will proceed in due course. Those offences relate primarily to vehicles and their use, lighting of vehicles and the licensing of drivers.

The penalty points system will continue to be kept under review to respond, in particular, to any proposals for revision that may emerge in connection with the implementation of the various actions in the Road Safety Strategy 2007-2012.

#### **End of Life Vehicles.**

14. **Deputy Mary Upton** asked the Minister for Transport when he will publish the report into the presence of Irish and foreign registered car write-offs on roads here; the contacts his Department has had with the Revenue Commissioners as regards information on the number of car write-offs on roads here; if he will reform the National Vehicle Driver File to tackle the problem of car write-offs; his views on a compulsory reporting system for car write-offs; and if he will make a statement on the matter. [17331/08]

**Minister for Transport (Deputy Noel Dempsey):** My primary focus at this stage is to obtain details from insurers of vehicles that have been written off in recent years for comparison against the National Vehicle and Driver File (NVDF) and to determine the extent to which written off vehicles may still be in circulation. I can report that, with the assistance of the Irish

Insurance Federation, the insurance industry has agreed to make the necessary data available voluntarily. I expect that the process of obtaining this information and validating it against the NVDF will be completed over the coming months.

As a first significant step, data relating to some 5,400 written off vehicles which has already been provided voluntarily to my Department by one major insurer has been analysed against the 2.4 million active vehicles on the NVDF. The analysis revealed activity on the NVDF file after the date of write off in respect of a relatively small number of vehicles and the Department has written in recent days to the registered owners of some 261 vehicles which the records indicate may still be in use on public roads.

I am also committed to establishing a framework going forward so that there is an effective system in place which ensures that all write off instances are notified to my Department and properly recorded. My Department has been informed of the deliberations of an informal review group established to examine this issue chaired by the RSA and representative of the Revenue Commissioners, An Garda Síochána, and the NVDF. Further consultation with relevant stakeholders is required. This element, which could involve introducing a voluntary code of practice for all concerned, will be progressed when the verification exercise for all insurance write off data against the NVDF is completed.

The alleged importation of write offs from abroad is a matter for the Revenue Commissioners who are responsible for the registration of vehicles. Discussions are currently in progress between that Office and my Department in relation to possible arrangements for noting NVDF records of the write off status of imported vehicles where that information is available at the time of registration.

### **Cycle Facilities.**

15. **Deputy Emmet Stagg** asked the Minister for Transport if, in the context of the development of proactive cycling policies, he has had consultations with the Minister for the Environment Heritage and Local Government on facilitating the appointment of cycle lane engineers by local authorities; if he will be making a recommendation on the appointment of local authority cycle officials in the upcoming 2020 Vision — Sustainable Travel and Transport Plan; and if he will make a statement on the matter. [17342/08]

**Minister for Transport (Deputy Noel Dempsey):** My Department is currently considering the outputs of research which will inform the development of a National Cycling Policy.

My Department's recent public consultation document on sustainable travel and transport acknowledged the existence of deficits in cycling infrastructure. The issue of ensuring that appropriate expertise in relation to such infrastructure will be available to local authorities will be considered by my Department in conjunction with the Department of the Environment, Heritage and Local Government in the context of work on a National Cycling Policy and the Sustainable Travel and Transport Action Plan.

### **Decentralisation Programme.**

16. **Deputy David Stanton** asked the Minister for Transport further to Parliamentary Question No. 161 of 21 February 2007, the progress that has been made regarding the decentralisation of Bus Éireann staff to Mitchelstown, County Cork; if this relocation is still being pursued; and if he will make a statement on the matter. [17441/08]

**Minister for Transport (Deputy Noel Dempsey):** Bus Éireann has continued to pursue decentralisation to Mitchelstown. However, to date no employee has indicated a wish to move.

[Deputy Noel Dempsey.]

My Department recently attended a meeting with the Decentralisation Implementation Group (DIG) on the 15th April, 2008 and representatives from each of the agencies under the Department's aegis, including Bus Eireann, were present. Discussions took place on how best to progress their decentralisation programmes. Options are currently being explored regarding the nature of the posts to decentralise.

### **Public Transport.**

17. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport the position regarding the upgrading of the Dublin Bus fleet. [17428/08]

**Minister for Transport (Deputy Noel Dempsey):** The upgrading of the Dublin Bus fleet, which currently stands at 1182 buses, is a matter for Dublin Bus. I understand from Dublin Bus that it purchased, with Exchequer assistance including under Transport 21, 213 additional buses, and 617 replacement buses over the period 2000-2007 and is in the process of purchasing a further 100 replacement buses for delivery in 2008 and 2009. I am informed that the average age of the Dublin Bus fleet is now 5.6 years compared to 7.2 years in 1999.

### **Freight Transport.**

18. **Deputy Phil Hogan** asked the Minister for Transport if he will introduce incentives to encourage freight transport by increasing port capacity as recommended by the recently published Freight Transport Report for the Island of Ireland; and if he will make a statement on the matter. [17504/08]

**Minister for Transport (Deputy Noel Dempsey):** A port capacity study undertaken on the Department's behalf by Fisher Associates in 2006, contained detailed submissions from seven ports regarding increasing unitised capacity. The report concluded, inter alia, that:

- There is currently significant available capacity for further growth in LoLo traffic at Irish ports;
- Current available capacity for RoRo traffic also exists, although less so than in the case of LoLo.

The study demonstrated that the projects being progressed by the ports sector have the potential to deliver adequate capacity going forward, in line with the established policy.

As acknowledged in this latest report, the expansion proposals submitted by the port companies would be sufficient for a very large expansion in Ro-Ro and Lo-Lo capacity. My Department is continuing to actively monitor both the capacity situation at our ports and the continuing progress on the submitted expansion proposals. I am encouraged by the fact that the ports continue to make significant progress with their proposals.

### **Transport 21.**

19. **Deputy Joe Costello** asked the Minister for Transport if the funding for all of the major infrastructure projects outlined in Transport 21 has been ring-fenced until their full delivery in 2015 and beyond; the way his Department has prioritised the delivery of Transport 21 projects; and if he will make a statement on the matter. [17319/08]

59. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which proposals and objectives set out under Transport 21 are achievable within cost and time targets; and if he will make a statement on the matter. [17451/08]

70. **Deputy Arthur Morgan** asked the Minister for Transport if, in view of the economic climate, all aspects of Transport 21 will be delivered and within the timeframe set out in the plan. [17433/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 19, 59 and 70 together.

At the launch of Transport 21, the Government identified the projects in the national roads, public transport and regional airports sectors that it wished to see prioritised for development in the ten-year period from 2006 to 2015 with an overall investment of €34 billion. The prioritisation was influenced by a number of relevant studies carried out in the years leading up to the launch such as the National Road Needs Study, the Strategic Rail Review and the DTO Strategy document ‘A Platform for Change’.

The Government has committed to the overall funding for Transport 21 over its ten-year life to 2015. The Exchequer element of the funding is provided through the normal annual budget and estimates exercise. For the first three years of Transport 21, the capital funding provided is in line with the originally agreed profile of expenditure. I have no reason to believe that the funding requirement for the remaining years of Transport 21 will not be met.

#### **Parking Facilities.**

20. **Deputy Michael D’Arcy** asked the Minister for Transport if he has had discussions with the Office of Public Works or the Department of Environment, Heritage and Local Government to discuss the provision of public service car park spaces in Dublin; if he has plans to promote a sustainable transport policy for Departments; and if he will make a statement on the matter. [17482/08]

**Minister for Transport (Deputy Noel Dempsey):** My intention is to publish a Sustainable Travel and Transport Action Plan before the end of the year and my Department is currently considering a wide range of policy options.

The development of the Action Plan is a cross-cutting initiative and there is already substantial engagement with other Government Departments, including the Office of Public Works, which is the key player in allocation of Government buildings, with their associated car spaces. My Department will engage in detailed bilateral discussions with the Office of Public Works on a range of issues in the next month and I expect that public service car park spaces will feature in those discussions.

I believe that the public service, in its widest sense, must strive to become an example of best practice in relation to sustainable travel and transport.

*Question No. 21 answered with Question No. 9.*

#### **Ministerial Meetings.**

22. **Deputy Andrew Doyle** asked the Minister for Transport if he keeps minutes of meetings between himself and other Government Ministers; if not, the reason he does not; if so, the reason these minutes are not available through the Freedom of Information Act 1997; and if he will make a statement on the matter. [17488/08]

**Minister for Transport (Deputy Noel Dempsey):** I meet other Government Ministers on a regular basis. The preparation of minutes would not arise from all such meetings. Where minutes are prepared and the subject matter relates to matters for consideration by the Govern-

[Deputy Noel Dempsey.]

ment such minutes are exempt records under section 19 of the Freedom of Information Acts 1997 and 2003.

*Question No. 23 answered with Question No. 9.*

### **Road Network.**

24. **Deputy Ciarán Lynch** asked the Minister for Transport the way his Department monitors and invigilates the policies and performance of the NRA; if he has received submissions from the National Toll Roads and the NRA on full road pricing along the M50 or other roads; and if he will make a statement on the matter. [17335/08]

**Minister for Transport (Deputy Noel Dempsey):** Under Part V of the Roads Act 1993 (as amended) the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the National Roads Authority (NRA).

An M50 Demand Management Report was carried out last year for the NRA by independent consultants and conveyed to my Department. It was received in my Department in the last quarter of 2007. This was an initial exploratory study and I understand it will be updated in three years time when recommendations will be made to support any action that may or may not be taken in this area post 2010.

As the Deputy is aware, as Minister for Transport I am responsible for overall policy and funding issues relating to the National Roads Programme element of Transport 21. The detailed planning, design and implementation of individual national road improvement projects are a matter for the NRA under the Roads Act 1993 (as amended).

My Department oversees the effective implementation of the national roads element of the Transport 21 investment programme by providing policy guidance to the NRA and through ongoing monitoring of NRA expenditure.

- The main focus of the current monitoring arrangements is on:
- overall programme progress and alignment of programme with Government priorities;
- expenditure drawdown;
- arrangements in place for programme/project management and cost estimation and control.

Officials from my Department are in regular contact with the NRA liaising with them on various aspects of the national roads programme. The NRA is required to submit progress reports to my Department on a monthly, quarterly and annual basis.

### **Public Transport.**

25. **Deputy Deirdre Clune** asked the Minister for Transport if he has plans to provide additional buses to the Cork area to improve public transport; and if he will make a statement on the matter. [17750/08]

**Minister for Transport (Deputy Noel Dempsey):** My Department has approved total funding of €73m (in September 2006 and April 2007) towards the purchase of 235 new buses by Bus Éireann. I understand that Bus Éireann is in the process of taking delivery of the new buses on a phased basis. The deployment of buses, including the new buses, is a matter for Bus Éireann and I have no function in the matter.

26. **Deputy Ruairí Quinn** asked the Minister for Transport the reason he has decided to order the creation of a new single brand for all public transport services in the Greater Dublin Area; the amount in total this new branding plan will cost; if the Dublin Transport Authority will be the lead agency in rolling out the new branding project; and if he will make a statement on the matter. [17315/08]

**Minister for Transport (Deputy Noel Dempsey):** The Dublin Transport Authority Bill 2008 includes a provision requiring the Authority to promote the use of public transport in the Greater Dublin Area including the implementation of a single brand to be used by public transport operators providing services under contract to the Authority.

The aim is to establish a clear, shared brand across the various public transport modes — Luas, metro, bus, suburban rail — which will clearly establish that each mode is part of an integrated public transport network. In London, for example, the various public transport modes operate under the Transport for London brand.

It will be a matter for the Dublin Transport Authority to develop an appropriate brand for the Greater Dublin Area and decide on its detailed implementation. However, I do not consider that the proposed provision in the Bill will require the immediate repainting of the entire public transport fleet as has been suggested by some commentators.

*Question No. 27 answered with Question No. 12.*

#### **Employment Rights.**

28. **Deputy Ciarán Lynch** asked the Minister for Transport the number of incidents of marine workers being left unpaid for work done that have occurred on ships docked in Irish ports in the years 2005, 2006, 2007 and 2008; and if he will make a statement on the matter. [17346/08]

**Minister for Transport (Deputy Noel Dempsey):** The primary responsibility for the compliance with the law on board ships rests with the flag state in each case. I am unaware of any case of workers being left unpaid on board Irish registered ships as a result of default by an employer in the years 2005, 2006, 2007 and 2008.

The payment of wages on foreign flagged ships is a matter for the flag state where the ship is registered and is a matter for the internal domestic law of that country. However, Ireland does carry out inspections onboard foreign flagged ships in Irish ports under the auspices of the Paris Memorandum of Understanding on port state control and EU directives. These inspections are carried out to check for compliance with international law. Surveyors from my Department inspect over 400 such foreign flagged ships per year and they detain any ship which poses a safety hazard or which does not comply with the international requirements on living and working arrangements. The number of ships detained in the years mentioned are 2005 twenty-one ships, in 2006 twenty-six ships, in 2007 twenty-four ships and so far in 2008 eight ships have been detained. However, non-payment of wages is not in itself a basis for detention by inspectors of my Department.

#### **Taxi Regulations.**

29. **Deputy David Stanton** asked the Minister for Transport further to Parliamentary Question No. 566 of 30 January 2008, the progress made in the discussions with the Taxi Regulator in relation to the provision of subsidies by his Department to taxi and hackney operators to purchase wheelchair accessible vehicles which comply with new standards; if such a subsidy is to be made available in 2008; and if he will make a statement on the matter. [17440/08]

**Minister for Transport (Deputy Noel Dempsey):** My Department has been in discussion with the Commission for Taxi Regulation in relation to a proposed subsidy arrangement to assist taxi and hackney operators with the purchase of wheelchair accessible vehicles that will meet the new accessible vehicle specifications being developed by the Commission. The Commission submitted a revised subsidy proposal to my Department at the end of January 2008.

A final decision will be made on the subsidy scheme proposal as soon as possible having regard to the overall budgetary context.

### **Public Transport.**

30. **Deputy Seán Barrett** asked the Minister for Transport when he plans to reform the Transport Act 1932 to allow for greater bus competition; and if he will make a statement on the matter. [17457/08]

51. **Deputy Eamon Gilmore** asked the Minister for Transport his views on amending the 1932 bus licensing legislation; if the new Dublin Transport Authority will in effect be the new bus licensing authority for the Greater Dublin Area; the powers as regards bus licensing he will transfer from his Department to the new DTA; and if he will make a statement on the matter. [17314/08]

73. **Deputy Ruairí Quinn** asked the Minister for Transport when the Public Transport Regulation Bill will be published; the purpose and proposed heads of this Bill; if the Bill will establish a national transport regulator for the part of Ireland outside the Dublin Transport Authority counties; and if he will make a statement on the matter. [17316/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 30, 51 and 73 together.

The Programme for Government contains a commitment to expedite the establishment of a Dublin Transport Authority, which will have the necessary powers to ensure the delivery of the integrated public transport system envisioned under Transport 21. The Dublin Transport Authority Bill has been published and has passed Second Stage in the Seanad.

The DTA Bill sets out the mechanisms for the award of contracts for subvention in line with the new regime introduced under the new EU Regulation on Public Service Obligations in the transport sector, which will become mandatory from next year.

The Programme for Government also includes a commitment to improving bus services under Transport 21 by reforming the bus licensing provisions of the Road Transport Act 1932, to facilitate the optimum provision of services by providing a level playing field for all market participants, both public and private.

It is my intention that proposals for a new bus licensing regime will follow in subsequent legislative proposals to be contained in a Public Transport Regulation Bill. At this stage it is too early to be precise on the detail of the proposals except to confirm that the new Bill will deal with the replacement of the Road Transport Act 1932 and the provisions of the Transport Act 1958 that relate to the provision of bus services by the State bus companies. The new bus licensing regime will be designed in a manner consistent with the new EU PSO Regulation. It is envisaged that the new licensing structure will apply in respect of all commercial bus services, including those provided by Dublin Bus and Bus Eireann, and that the powers to grant licences in the Greater Dublin Area will be given to the Dublin Transport Authority. The new Bill will also encompass provisions relating to the subvented bus market outside the Greater Dublin Area that are consistent with the EU PSO Regulation.

While it is not possible at this time to indicate a precise time as to when the legislative proposals on regulatory reform of the bus market will be published, applications for new bus licences and notifications from State bus operators will continue to be processed under the provisions of the Road Transport Act 1932, as amended, and the notification system with reference to the Transport Act 1958, as appropriate.

The Government has also committed to examining the need for a National Transport Regulator in the context of the overall review of the economic regulatory environment. This review is being progressed on an inter-departmental basis under the chairmanship of the Department of the Taoiseach.

*Question No. 31 answered with Question No. 9.*

#### **Dublin Transport Authority.**

32. **Deputy Richard Bruton** asked the Minister for Transport the discussions he has had with the Department of the Environment, Heritage and Local Government regarding the role of a directly elected Dublin mayor in the proposed Dublin Transport Authority; the agreements made; and if he will make a statement on the matter. [17460/08]

**Minister for Transport (Deputy Noel Dempsey):** My officials participated in a Consultative Committee representing local government interests, Government Departments and other experts which advised the Minister for the Environment, Heritage and Local Government on the issues examined in the Green Paper on Local Government Stronger Local Democracy — Options for Change published by the Minister on 22 April last.

The Minister for the Environment, Heritage and Local Government and I also discussed the proposal that a directly elected Regional Mayor for Dublin act as Chair of the Dublin Transport Authority. I supported the inclusion of this proposal in the Green Paper.

I am committed to working closely with the Minister for the Environment, Heritage and Local Government, following the completion of the consultation process on the Green Paper, to ensure coherence between the Government approach to institutional changes in the governance of Dublin and in the management of the surface transport system and strategic land use in the Greater Dublin Area.

#### **Road Safety.**

33. **Deputy Michael D. Higgins** asked the Minister for Transport if he has had consultation with the RSA, the Gardaí and the HSA on the safety implications for newspaper workers, motorists, cyclists and pedestrians of the distribution of newspapers on the Irish road network; and if he will make a statement on the matter. [17349/08]

**Minister for Transport (Deputy Noel Dempsey):** The promotion of public awareness of road safety is a matter for the Road Safety Authority, and enforcement of the Road Traffic Acts or the Roads Act is a matter for An Garda Síochána.

Safety in the context of a workplace or work environment comes under the remit of the Health and Safety Authority (HSA) and I have no role in this area. It was reported in the press media at the end of January that the HSA and the Garda Síochána had met with the employers of newspaper distribution personnel on the issue of complaints received in relation to the activity referred to by the Deputy.

#### **State Airports.**

34. **Deputy Liz McManus** asked the Minister for Transport if all parties have fully accepted

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the recommendations of the Cassells' report; if he has received the business plans from Cork and Shannon Airports; the timeframe for the final separation of Cork, Dublin and Shannon Airports; and if he will make a statement on the matter. [17322/08]

65. **Deputy Deirdre Clune** asked the Minister for Transport the steps he will take to facilitate the separation of Cork, Shannon and Dublin Airports in view of Cork Airport Authority's decision to accept a level of debt; if this will require legislation; and if he will make a statement on the matter. [17749/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 34 and 65 together.

The State Airports Act, 2004 provides the framework for the establishment of Shannon and Cork as independent airports. As part of the airport restructuring process the boards of Cork and Shannon airport are required to prepare business plans for eventual separation.

Draft business plans for Cork and Shannon were submitted to the DAA at the end of last year and subsequently forwarded to me with DAA's commentary. Consideration of the draft Cork business plan led to the Cassells report which was the outcome of dialogue with the Dublin Airport Authority and the Cork Airport Authority.

Following on from acceptance of the Cassells report by the Board of CAA on 10th April last, 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 Cork and Shannon airport authorities and the Department.

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 will be submitted to the Minister for Transport and the Minister for Finance for approval as regards the state airports' financial and operational readiness.

I should add 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.

### **Rail Services.**

35. **Deputy Joanna Tuffy** asked the Minister for Transport his views on the introduction of a rail freight subsidy on a per tonne basis for materials that are transferred from existing road freight onto rail freight; if not, the measures he is considering to increase rail freight within the transport system; and if he will make a statement on the matter. [17343/08]

**Minister for Transport (Deputy Noel Dempsey):** There is substantial ongoing current and capital Exchequer investment in the development and operation of the railway network. Total Exchequer funding allocated to Iarnród Éireann for 2008 amounts to more than €720 million and is targeted at passenger services. The potential to expand rail freight is being considered as part of the development of the Sustainable Travel and Transport Action Plan.

### **Marine Safety.**

36. **Deputy Fergus O'Dowd** asked the Minister for Transport her views on the views of the MCIB in relation to the need for the same colour coded buoyage system of navigation to be

used in both jurisdictions on the island of Ireland; and if he will make a statement on the matter. [17748/08]

38. **Deputy Fergús O'Dowd** asked the Minister for Transport if the recommendations of the MCIB into the grounding and flooding of an Emerald Star cruiser on Lough Derg on 1 July 2006 have been acted on; if a marine notice has been issued; and if he will make a statement on the matter. [17747/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 36 and 38 together.

My Department has recently received the report from the Marine Casualty Investigation Board (MCIB) referred to by the Deputy. The Report relates to an incident on the Shannon system. Waterways Ireland has responsibility for navigable inland waterways North and South, including the Shannon.

The MCIB report makes a number of recommendations in relation to boat rental companies and inland waterways. These will be considered by my Department, in consultation as appropriate with Waterways Ireland, in the overall context of delivering maritime safety.

### **Light Rail Project.**

37. **Deputy Charlie O'Connor** asked the Minister for Transport the progress on the development of the LUAS line through the Tallaght west estates to Citywest and Saggart; and if he will make a statement on the matter. [11854/08]

**Minister for Transport (Deputy Noel Dempsey):** Transport 21 provides for an extension of the Luas Red Line (Connolly — Tallaght) to Citywest and Saggart.

Significant progress has been made in advancing this project. The Railway Procurement Agency (RPA) has finalised arrangements with a consortium of local developers for the delivery of the project.

On 20th December 2007 the RPA submitted an application for a Railway Order (planning permission) for the project and an oral hearing into that application was held in March this year. The decision of An Bord Pleanála on this application is awaited.

Subject to the granting of the railway order by an Bord Pleanála, it is expected that construction will commence towards the end of 2008 and the extension is expected to be completed at the end of 2010 with services commencing in early 2011.

*Question No. 38 answered with Question No. 36.*

### **Ferry Services.**

39. **Deputy Jim O'Keeffe** asked the Minister for Transport if his attention has been drawn to the concerns regarding the continuing delay in the re-establishment of the Cork Swansea ferry route; and if he will make a statement on the matter. [16175/08]

49. **Deputy Jim O'Keeffe** asked the Minister for Transport his views on the re-establishment of the Cork Swansea ferry; the efforts being made in this regard; the supports available; and if he will make a statement on the matter. [16176/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 39 and 49 together.

[Deputy Noel Dempsey.]

The Cork Swansea Ferries Company suspended its service in 2007. I can appreciate the concerns that have been expressed in the region in response to this development. However, as Minister I have no direct role in the provision of such a service.

I understand that a number of interested parties and stakeholders have been in discussions with the Port of Cork Company about the possibility of commencing a new passenger and freight service out of the port.

I am informed that a commercial examination of the route has been carried out by the Port of Cork Company. This indicates that, subject to procuring a suitable vessel, the service could be feasible on a year round basis. The Port of Cork Company will certainly do what it can to facilitate the resumption of the service.

As Minister for Transport, I feel it is important that the market offers a diverse range of maritime links in and out of the State. This is vital to facilitate trade and tourism. I certainly hope that the current efforts show that the service is commercially viable and that it can be resumed as soon as possible.

### **Road Traffic Offences.**

40. **Deputy Joan Burton** asked the Minister for Transport if progress has been made in terms of finding an alternative method of collection of fines for motoring offences with Garda statistics indicating that as many as 50% of motorists are failing to pay fines accrued for motoring offences; if he has had contact with the Courts Service or the Department of Justice, Equality and Law Reform in this regard; and if he will make a statement on the matter. [17333/08]

**Minister for Transport (Deputy Noel Dempsey):** The collection of court fines levied in respect of motoring offences and any reform of that collection system are matters for the Department of Justice, Equality and Law Reform and the Courts Service.

My Department has had discussions with the Department of Justice, Equality & Law Reform, the Courts Service and An Garda Síochána in relation to the matter of fixed charges under the Road Traffic Act 2002, which can give rise to a summons where a fixed charge for a road traffic offence is unpaid after specified period.

### **Rail Network.**

41. **Deputy Martin Ferris** asked the Minister for Transport the progress regarding the reopening of the western rail corridor. [17427/08]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to my answer to Question No. 468 on 2nd April 2008. The position remains unchanged.

### **Ship Inspections.**

42. **Deputy Michael D. Higgins** asked the Minister for Transport if he will increase the number of inspectors carrying out inspections on ships docked in Irish ports, especially in view of the tragic death of a young mariner in August 2007; if he has reviewed the resources that are allocated to the inspections system in the context of the recent report by the UK Marine Accident Investigation Branch into the 2007 fatal accident on the Dublin Viking in Dublin Port; and if he will make a statement on the matter. [17345/08]

**Minister for Transport (Deputy Noel Dempsey):** The primary responsibility for the safety of a ship rests with the operating company and with the state in which the ship is registered, the flag state. A second line of defence exists whereby the state in which the ship is located, the

port state, has the entitlement to carry out inspections. This entitlement to carry out port state control inspections can only ever be on a sampling basis.

In Ireland port state control inspections on foreign flagged ships are carried out in accordance with the requirements of the Paris Memorandum of Understanding on Port State Control and EU Directives. The requirement is to inspect 25% of all foreign flagged ships visiting Irish ports each year. Surveyors from my Department inspect over 400 such ships each year, which is in excess of the 25% inspection commitment. Additionally, Ireland inspects all foreign flagged roll-on roll-off passenger ferries operating on international voyages to and from Ireland; these inspections include both scheduled and unscheduled inspections. Ireland fully meets its commitment in this regard as well.

The recent tragedy on board the ro-ro passenger ferry the “M/V Dublin Viking” yet again highlights the importance of safe mooring procedures and safety management systems on board ships. As this ship is registered in the United Kingdom, they as flag state have the primary role in ensuring that the ship is operated safely and they certify the management company as capable of doing so. Ireland as the port state is obliged under international treaties to accept such certification as prima facie evidence that the ship is compliant unless there are clear grounds for concluding otherwise. My Department is in the process of recruiting additional surveyors to assist in this work from 2009 onwards.

#### **Road Safety.**

43. **Deputy Joan Burton** asked the Minister for Transport when he will publish legislation to implement the graduated driver licence programme; the proposed measures that will be contained in this legislation; if he will update the Rules of the Road to include regulations for four lane motorways; and if he will make a statement on the matter. [17334/08]

**Minister for Transport (Deputy Noel Dempsey):** The Road Safety Strategy 2007-2012 outlines a range of measures to be considered in relation to a Graduated Driver Licensing System. A progressive roll-out of appropriate measures is envisaged as the most practical approach.

The Deputy will recall the introduction of the first phase of the Scheme in October last year, when Regulations were introduced in relation to learner drivers. These Regulations replace provisional licences with learner permits, require learner drivers to be accompanied by a person with a full driving licence for at least 2 years, prescribe a period of 6 months before a learner driver can apply for a test, and require learner motorcyclists to wear an L-plate. Other measures will be considered by me on the basis of proposals from the Road Safety Authority (RSA).

In relation to the Deputy’s question on four-lane carriageways, the motorway driving rules that are set out in the Road Traffic (Traffic and Parking) Regulations 1997 apply to all motorways irrespective of the number of traffic lanes on the carriageway. Further regulations are not required in respect of the use of four-lane carriageways.

The Rules of the Road booklet uses illustrations and gives advice in the context of 2 and 3 lane carriageways, as these are the most common situations that a driver will encounter. The same principles apply to any carriageway with more than three lanes.

#### **Road Network.**

44. **Deputy Seymour Crawford** asked the Minister for Transport his views on the rising costs of road maintenance; his plans to achieve greater value for taxpayers money; and if he will make a statement on the matter. [17476/08]

62. **Deputy Brian O'Shea** asked the Minister for Transport if he will instigate a nationwide audit of the surfaces of the regional, primary and local road network; the directions he has made to the National Roads Authority under Section 41 of the Roads Act 1993 in 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [17337/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 44 and 62 together.

The provision, improvement and maintenance of regional and local roads is a matter for local authorities to be funded from their own resources supplemented by State grants provided by my Department. A national Pavement Condition Study of the regional and local road network was carried out in 1996 and a second Pavement Condition Study of the network was completed in 2005.

On foot of the findings of the second study, grants available to county councils under the pavement restoration programme for restoration improvement and restoration maintenance works have been significantly increased in recent years. In view of the fact that the last study of regional and local roads was carried out recently, I do not propose to have another study carried out in the near future.

My Department monitors the cost of works undertaken by local authorities under the pavement restoration programme. Increased cost of surface dressing maintenance works in recent years can be attributed to a range of factors including increased cost of oil and bitumen, greater use of higher grade bitumen to cater for higher traffic flows, increased cost of chippings and other materials, higher plant hire costs, wage increases and additional health and safety requirements.

I have not issued any directions to the NRA under Section 41 of the Roads Act 1993 since I became Minister for Transport in 2007. I understand that to date no ministerial directions have been made under this Act.

### **Transport 21.**

45. **Deputy Joe Costello** asked the Minister for Transport the cost of the nationwide Transport 21 advertising campaign; the length of time this campaign will run for; the objectives that have been established for the campaign; if he will provide a full report to Dáil Éireann on the final delivery date and budget for each of the Transport 21 projects; and if he will make a statement on the matter. [17318/08]

**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. The projects comprising Transport 21 will greatly improve our national roads and public transport system over the ten year period to 2015, involving a total investment of €34 billion.

Recent market research undertaken on behalf of my Department indicated that awareness levels of Transport 21 among the general public are low. Given the scale of Transport 21 I consider it essential that the general public and all interested parties are made aware of the programme and of the many transport improvements that are already being delivered. It is also important because of the disruption caused by many projects that the public are fully informed of the purpose of each project and the long term benefits which will accrue.

Therefore, as part of a wider information and communications strategy and following a public procurement process, my Department engaged the services of consultants to undertake a media advertising campaign to raise public awareness of Transport 21. The campaign involves tele-

vision, radio, press and outdoor advertising and I envisage that it will be necessary to continue to provide information and awareness to the public and all interested parties for the duration of Transport 21. The budget allocated for the advertising campaign for 2008 is €2.9 million. The consultants have been engaged for a three-year period and further campaigns are planned for 2009 and 2010.

The overall objective of the campaign is to make the general public aware of the projects and programmes contained in Transport 21 and the benefits that will accrue from their implementation.

As I have stated previously, I believe that the projected completion dates and budgets for Transport 21 projects will be determined only when the projects have gone through (i) public consultation, (ii) the relevant statutory approvals processes and (iii) the procurement and contract award process. Full project costs will be made available when (i) all procurement processes related to the project have been completed and contracts awarded and (ii) robust estimates are available in relation to non-contract elements of the project.

*Question No. 46 answered with Question No. 6.*

### **Road Network.**

47. **Deputy Jack Wall** asked the Minister for Transport the contacts he has had with the National Roads Authority, Dublin City Council and Nishimatsu-Mowlem-Irishenco in relation to the total projected estimate for the construction of the Dublin Port Tunnel; when the total tunnel construction cost will be finalised; and if he envisages further payments being made to the NMI consortium; and if he will make a statement on the matter. [17339/08]

**Minister for Transport (Deputy Noel Dempsey):** As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. As the Deputy is aware, the implementation of individual national road projects, including the Dublin Port Tunnel, is a matter for the National Roads Authority (NRA) under the Roads Act, 1993 in conjunction with the local authorities concerned.

In particular, the allocation of funding in relation to the construction or maintenance of national roads is a matter for the NRA under Section 19 of the Act.

The construction of the Dublin Port Tunnel project was procured by Dublin City Council and funded through the NRA. I understand from the NRA that the estimated final outturn cost of the Tunnel remains at €751 million.

### **Public Transport.**

48. **Deputy Seán Sherlock** asked the Minister for Transport when he will publish the Sustainable Travel and Transport Action Plan arising from the recent consultation process; his views on whether it will be necessary to publish new legislation to accompany the Sustainable Transport Action Plan; and if he will make a statement on the matter. [17347/08]

**Minister for Transport (Deputy Noel Dempsey):** My intention is to publish the Sustainable Travel and Transport Action Plan before the end of the year.

It is premature, pending finalisation of consideration of possible measures in the Sustainable Travel and Transport Plan, to indicate if it will be necessary to publish new legislation to underpin its objectives.

*Question No. 49 answered with Question No. 39.*

### **Road Safety.**

50. **Deputy Eamon Gilmore** asked the Minister for Transport his views on the recommendation to double the penalty points at bank holidays; and if he will make a statement on the matter. [17326/08]

**Minister for Transport (Deputy Noel Dempsey):** The penalty points system under the Road Traffic Acts is kept under review in relation to changes that would enhance both road safety and the effective enforcement of road traffic legislation. This particular suggestion will be borne in mind in that context, and in relation to effective implementation of the Road Safety Strategy 2006-2012.

*Question No. 51 answered with Question No. 30.*

### **Road Network.**

52. **Deputy Jack Wall** asked the Minister for Transport if his Department is examining plans to complete the original Dublin C-ring or M50/Dublin beltway, namely, the southern extension of the Port Tunnel; and if he will make a statement on the matter. [17340/08]

**Minister for Transport (Deputy Noel Dempsey):** As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21.

The implementation of individual national road projects, such as the proposed Dublin Eastern Bypass, is a matter for the National Roads Authority (NRA) under the Roads Act, 1993 in conjunction with the relevant local authorities concerned.

As I indicated in response to similar Parliamentary Questions recently, two reports were commissioned by the NRA in 2000 and 2002 on the feasibility of constructing the Eastern Bypass. Copies of both reports were forwarded to my Department at the time. The output of these reports consisted of a constraints study and preliminary cost and traffic reports.

It was indicated at the launch of Transport 21 that feasibility study work would be undertaken on this route. However, implementation of the project is not included in the Transport 21 financial envelope.

The NRA subsequently engaged consulting engineers to update these two studies by undertaking a further engineering and feasibility study of the Bypass. This study examines possible route options, forecasts traffic demand and reports on scheme costs for the various options examined. The Department was given a copy of this report by the NRA late last year and is considering it.

### **Rail Network.**

53. **Deputy Róisín Shortall** asked the Minister for Transport his views on plans to fast-track the delivery of the Dublin rail interconnector; the projected total cost and completion date for the interconnector; and if he will make a statement on the matter. [17348/08]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to my answer to Question No. 14 on 6th March 2008. The position remains unchanged.

### **Air Services.**

54. **Deputy Kathleen Lynch** asked the Minister for Transport if he will initiate an investi-

gation in conjunction with the National Consumer Agency, the Competition Authority and the Commission on Aviation Regulation into the new extra charges on airline passengers; if he will consider legislation specifically to protect air travellers; and if he will make a statement on the matter. [17324/08]

**Minister for Transport (Deputy Noel Dempsey):** The market for air services in the Community was liberalized in the 1990s. The internal market has removed all commercial restrictions for airlines flying within the EU, such as restrictions on the routes, the number of flights or the setting of fares. Under the provisions of Council Regulation (EEC) No. 2409/92 Community air carriers can freely set their air fares.

The broader issue of consumer protection legislation falls within the remit of my colleague the Minister for Enterprise Trade and Employment.

### **Road Traffic Offences.**

55. **Deputy Mary Upton** asked the Minister for Transport the progress he has made in preparing legislative or other measures to ensure that all vehicles on roads here, including foreign registered vehicles, are subject to the same laws, regulations and penalties and that any fines or penalties accrued by a driver of a foreign registered vehicle are realised; the operation date for the system of mutual recognition of penalty points between the Republic of Ireland and Northern Ireland; and if he will make a statement on the matter. [17332/08]

**Minister for Transport (Deputy Noel Dempsey):** All drivers are subject to road traffic law and enforcement is a matter for An Garda Síochána. The realisation of any fines or penalties imposed by the Courts is a matter for the Courts Service.

While foreign licence holders do not have an Irish driving licence record, a separate record of any penalty points incurred by them in this State is kept in the National Driver File.

The enforcement on foreign registered drivers of penalties for road traffic offences is a complex legal and administrative matter for many States, and my Department is pursuing this question at European, British/Irish and North/South levels.

We are working with the United Kingdom with the objective of having a bilateral agreement on mutual recognition of driving disqualifications in place later this year, under the framework of the relevant EU Convention.

The mutual recognition of penalty points is however a much more difficult matter which is not covered by the EU Convention. In particular it involves complex legal questions which have yet to be determined and which will require the passage of primary legislation both here and in the United Kingdom in due course. While both jurisdictions are working on this, it will be a number of years before a bilateral agreement can be put in place.

### **Insurance Industry.**

56. **Deputy Arthur Morgan** asked the Minister for Transport if he will introduce measures to reduce the cost of motor insurance, particularly for young drivers. [17432/08]

**Minister for Transport (Deputy Noel Dempsey):** Motor insurance is provided by private companies in an open and competitive market where consumer interests can exert influence by seeking quotes and comparing costs before purchasing. The Financial Regulator oversees insurance companies.

[Deputy Noel Dempsey.]

The Government's insurance reform programme, initiated in 2002, has resulted in cheaper and more widely available motor insurance. In general, the cost of motor insurance has declined by 2.8% in the last 12 months and overall, motor insurance premia have fallen by 41% since April 2003. Various factors have contributed to this reduction including the establishment of the Personal Injuries Assessment Board, improved road safety and increased competition in the open market.

In the case of young drivers it has been represented that the cost of insurance is still too high. As part of the Social Partnership Agreement Towards 2016, a review of the cost of insurance for young people, 17 to 24 years of age, was commissioned in September 2007. I expect a report on this matter shortly.

### **Road Safety.**

57. **Deputy Pat Rabbitte** asked the Minister for Transport if he has plans to increase the level of funding for the Medical Bureau of Road Safety; and if he will make a statement on the matter. [17328/08]

**Minister for Transport (Deputy Noel Dempsey):** The issue of funding for the Medical Bureau of Road Safety (MBRS) for any one year is considered in the context of the overall funding and resources for my Department and its non-commercial state agencies for that year and any funding submissions received from those agencies. The Bureau has been allocated €4,448,000 for this year and the estimates process for 2009 has not yet begun.

### **Rail Network.**

58. **Deputy Denis Naughten** asked the Minister for Transport his plans for the development of the Athlone to Mullingar rail line; and if he will make a statement on the matter. [16056/08]

**Minister for Transport (Deputy Noel Dempsey):** The upgrading and extension of the main-line railway system, including the re-opening of closed lines such as the Athlone to Mullingar line, is a matter for consideration by Iarnród Éireann in the first instance. The re-opening of the Athlone-Mullingar rail line was not identified as a priority in the Strategic Rail Review and is not provided for in Transport 21.

*Question No. 59 answered with Question No. 19.*

### **Road Safety.**

60. **Deputy Pat Rabbitte** asked the Minister for Transport if he is invigilating the rollout of the Road Safety Strategy 2007 to 2012 on a continuous basis; the number of deadlines for the implementation of specific actions within the Road Safety Strategy 2007 to 2012 that have already been missed; and if he will make a statement on the matter. [17327/08]

**Minister for Transport (Deputy Noel Dempsey):** One of the actions in the 2007-2012 Road Safety Strategy is for the Road Safety Authority (RSA), to report to me in the second quarter of each year on the implementation of the 126 actions in the Strategy, all of which identify the agency responsible for implementation and a target implementation date. I expect to receive the first report during the second quarter of this year and will be bringing it to the Cabinet Sub-Committee, which I chair, as it is important that the implementation of the Strategy is co-ordinated at the highest level.

The RSA has already confirmed to me that all actions in the Strategy identified for completion in 2007 have been completed in full and I expect that the Authority will be notifying me of any specific actions that have not been implemented within the deadlines as set out in the Strategy.

### **Rail Network.**

61. **Deputy Martin Ferris** asked the Minister for Transport if he will formally commit to a plan to develop a rail line from Sligo to the city of Derry, creating an all-Ireland rail loop. [17426/08]

**Minister for Transport (Deputy Noel Dempsey):** The upgrading and extension of the main-line railway system is a matter for consideration by Iarnród Éireann in the first instance. I understand from Iarnród Éireann that it has no plans to develop a rail line from Sligo to Derry. Such a proposal does not form part of Transport 21.

*Question No. 62 answered with Question No. 44.*

### **Road Safety.**

63. **Deputy Kathleen Lynch** asked the Minister for Transport if he will introduce new measures to facilitate the drug and drink testing of public and private sector transport workers in safety critical roles; and if he will make a statement on the matter. [17325/08]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to my previous reply to Question No. 9618 of 6th March 2008.

The Department has commenced a review of the issues relating to aviation personnel. Otherwise the situation is unchanged.

### **Public Transport.**

64. **Deputy Róisín Shortall** asked the Minister for Transport the date for the full rollout of the integrated ticketing scheme; if this process will be delayed by the establishment of the Dublin Transport Authority; if he will mandate the Integrated Ticketing Project Board to oversee the development of a real time information system across the public transport modes in tandem with the integrated ticketing project; and if he will make a statement on the matter. [17317/08]

**Minister for Transport (Deputy Noel Dempsey):** The Integrated Ticketing Project Board has responsibility for delivering the smartcard technology required to implement an integrated smart card ticketing system within an agreed specification, timeline and budget.

The Project Board submitted a comprehensive proposal to me in December 2006 setting out the timelines, scope and budget for the delivery of an integrated system.

Based on this proposal, the integrated ticketing system will be launched initially within the Greater Dublin Area in September 2009 on the services of Dublin Bus, LUAS and Morton's. It will be extended to Irish Rail DART and commuter rail services within a further 12 months, and by Bus Éireann on a pilot basis on a number of its commuter routes. It is also envisaged that other private bus operators will join the scheme over this timeframe.

The development of the integrated ticketing system is continuing in line with the programme agreed by the Project Board and it will not be delayed by the establishment of the Dublin Transport Authority.

[Deputy Noel Dempsey.]

In relation to real time information, the Dublin Transport Authority will, when established, have responsibility for the provision of an integrated information scheme within the Greater Dublin Area. In the interim, I do not intend to extend the mandate of the Integrated Ticketing Project Board to cover real time information.

It is better in my view for the Project Board to continue to focus solely on the delivery of the integrated ticketing system and for the Dublin Transport Authority to develop an integrated information scheme.

*Question No. 65 answered with Question No. 34.*

### **Dublin Transport Authority.**

66. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will report on the recently published Dublin Transport Authority Bill; when he will appoint the new members of the DTA board and advisory council; if he will provide an indicative date for the full operation of the DTA; if he will estimate the expected cost of the authority's operation for its first three years; the reason the Railway Procurement Agency has not been incorporated into the new DTA; the reason the Commission for Taxi Regulation is not incorporated into the new body; if the DTA will be the lead agency for the delivery of Transport 21 projects, including inter urban and other roads, in the Greater Dublin Area; and if he will make a statement on the matter. [17313/08]

**Minister for Transport (Deputy Noel Dempsey):** The Dublin Transport Authority Bill 2008 was published last month and the Bill is currently before Seanad Éireann. Once the Seanad has passed the Bill it will be a matter for the Chief Whip to decide when Second Stage should be ordered in the Dáil. My aim is to have the Bill enacted during 2008 with a view to facilitating formal establishment of the new Authority at the beginning of 2009.

Mr. Tom Mulcahy was appointed by my predecessor as Chairperson-designate of the Dublin Transport Authority (DTA). I will shortly be appointing the other members of an interim Authority that will be tasked with putting in place the necessary arrangements to ensure that the Authority will be in a position to commence work immediately following its formal establishment. The priority in this regard will be the recruitment of a Chief Executive-designate.

My Department will provide up to €4 million from existing resources in the current year to the interim Authority for this purpose. The interim Authority will identify the Authority's administrative budget and staffing requirements for 2009 and beyond.

The Government decided that the Railway Procurement Agency should not be absorbed by the new Authority in order to remove any possible risk to the successful completion of the ongoing procurement process in respect of Metro North. The Government also decided that the Commission for Taxi Regulation should be absorbed by the new Authority and my Department is preparing the necessary amendments to the Dublin Transport Authority Bill for this purpose. Those amendments will be tabled at Dáil Committee Stage.

The DTA will have overall responsibility for the implementation of Transport 21 in the Greater Dublin Area (GDA), working as far as possible through the existing agencies as set out in Chapter 1 of Part 3 of the Bill. While the National Roads Authority (NRA) will continue to exercise national road functions in the GDA, it will be required to do so in a manner that is consistent with the DTA's transport strategy. The DTA will also have the power to require the NRA to exercise its functions in a manner that is consistent with the transport strategy as

well as other specified plans and measures. Where necessary, the DTA will also be empowered to step-in and perform those functions itself. These powers are detailed in Chapter 6 of Part 4 of the Bill.

### **Driving Tests.**

67. **Deputy Leo Varadkar** asked the Minister for Transport his views on whether adequate exemptions are being granted to driving instructors who were on the driving instructors register who wish to register as an approved driving instructor; and if he will make a statement on the matter. [15237/08]

69. **Deputy Leo Varadkar** asked the Minister for Transport his views on whether the time-frame for full implementation of the approved driving instructor will be adequate to allow for the testing and re-testing of driving instructors; and if he will make a statement on the matter. [15238/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 67 and 69 together.

The Road Safety Authority (RSA) has given me comprehensive proposals for the registration and regulation of driving instructors, with a target operational date of 1 January 2009. The RSA's proposals followed on from extensive consultations it has engaged in with the driving instructor sector since 2006.

The proposals provide, inter alia, that the RSA may exempt a person from having to undertake one or more of the three required qualification tests for accreditation as an approved driving instructor, where it can be demonstrated that he or she meets the standard for the particular qualification test.

The RSA has administrative and testing arrangements in place to enable it to process applications from persons seeking accreditation as approved driving instructors.

Standards in driving instruction are an important element in the overall road safety agenda, particularly in relation to providing quality instruction for learner drivers, and this is recognised in the Road Safety Strategy 2006-2012.

### **Departmental Agencies.**

68. **Deputy Jan O'Sullivan** asked the Minister for Transport the number of agencies that come under the aegis of his Department; the funding provided by his Department for the operation of each of these agencies; the number of agencies that will be subsumed by the new Dublin Transport Authority; and if he will make a statement on the matter. [17320/08]

**Minister for Transport (Deputy Noel Dempsey):** There are a total of 36 State agencies under the aegis of my Department. The total operating funding, excluding capital funding, provided to the State agencies by my Department in 2007 was €407,502,715. Some 10 State agencies received this funding and the amounts provided in each case are set out in the table below.

The remainder of the agencies, including the 20 port companies and harbour authorities, the aviation and airport authorities and the taxi and aviation regulators, are self-financing through charging for services provided.

It is my intention to subsume the Dublin Transportation Office and the Commission for Taxi Regulation into the Dublin Transport Authority.

[Deputy Noel Dempsey.]

I am, of course, always prepared to keep structures and agencies continuously under review, to ensure optimal efficiencies and best fit with my Department's strategic agenda.

Department of Transport Funding to Agencies

Name of Agency	Operating Funding provided in 2007
	€
CIE Group — Bus Átha Cliath	80,100,000*
CIE Group — Bus Éireann	31,600,000*
CIE Group — Iarnród Éireann	194,900,000
Railway Safety Commission	2,100,000
Railway Procurement Agency	11,636,715
National Roads Authority	55,097,000
Dublin Transportation Office	1,108,000
Road Safety Authority	27,952,000
Medical Bureau of Road Safety	2,709,000
Marine Casualty Investigation Board	300,000
Dublin Airport Authority	Nil
Shannon Airport Authority	Nil
Cork Airport Authority	Nil
Commission for Taxi Regulation	Nil
Commission for Aviation Regulation	Nil
Irish Aviation Authority	Nil
Port of Cork Company	Nil
Drogheda Port Company	Nil
Dublin Port Company	Nil
Dundalk Port Company	Nil
Dun Laoghaire Harbour Company	Nil
Galway Harbour Company	Nil
New Ross Port Company	Nil
Shannon/Foynes Port Company	Nil
Port of Waterford Company	Nil
Wicklow Port Company	Nil
Arklow Harbour Commissioners	Nil
Baltimore Harbour Commissioners	Nil
Bantry Bay Harbour Commissioners	Nil
Kilrush Harbour Commissioners	Nil
Kinsale Harbour Commissioners	Nil
River Moy (Ballina) Harbour Commissioners	Nil
Tralee and Fenit and Harbour Commissioners	Nil
Westport Port and Harbour Commissioners	Nil
Wexford Harbour Commissioners	Nil
Youghal Harbour Commissioners	Nil

\*In respect of subvented public transport services.

*Question No. 69 answered with Question No. 67.*

*Question No. 70 answered with Question No. 19.*

### Port Development.

71. **Deputy Emmet Stagg** asked the Minister for Transport if the Government's study of Dublin Port has been completed; when it will be published; if he will bring forward a Green Paper on Dublin Port; if he has reviewed Dublin City Council's recent study on the future of Dublin Bay; his views on plans to move Dublin Port and develop a new residential and commercial development on port lands; and if he will make a statement on the matter. [17341/08]

**Minister for Transport (Deputy Noel Dempsey):** The National Development Plan provides for a comprehensive study of the role of Dublin Port, taking account of locational considerations, in the context of overall ports policy on the island of Ireland, wider transport policy, urban development policy, the National Spatial Strategy and national economic policy. My Department is in the process of recruiting consultants to help carry out the study. It is hoped to have the study completed within a six-month period. In October 2007, Dublin City Council published for public consultation a wide-ranging study of economic, amenity, recreational and environmental issues linked to Dublin Bay, including the port area. I am familiar with that study and I understand that the outcome of the consultation will be reported back to the Council. The study of the port under the NDP will take account of the findings of Dublin City Council's work. Dublin Port is a vital piece of economic infrastructure. In tonnage terms, it handles roughly 40% of the seaborne trade in and out of the State. In value terms it is even more significant. In 2006 it handled 79% of the State's RoRo traffic and 62% of the container traffic. Clearly, the future role of Dublin Port is of major strategic importance to the country. It is much more than a local or regional issue and requires further examination at a strategic level. The study of the port under the NDP will provide this strategic level examination.

72. **Deputy Jan O'Sullivan** asked the Minister for Transport if he will report on all contacts he has had with members of the Shannon Foynes Port Company; his views on measures to address the alleged financial difficulties at Shannon Foynes Port; and if he will make a statement on the matter. [17321/08]

**Minister for Transport (Deputy Noel Dempsey):** I met the Chairman of Shannon Foynes Port Company on 3 March 2008. I have also been in correspondence with the Company over the past year. Department officials have represented me at the 2007 Annual General Meeting of the company on 10 July 2007 and the 2008 AGM on 2 May 2008. Officials have also had a number of meetings with the company over the past year. On 23 April last, in advance of the 2008 AGM, my Department met with the interim CEO of the company and the vice Chairman of the company. In 2006 and 2007 the company was party to a number of related legal disputes. In October 2007, an out of court settlement was reached between the parties. Following the settlement, my Department considered the financial position of the company and has further reviewed the accounts for 2007 in the context of the recent AGM. This has provided some reassurance that the company is addressing its financial difficulties, while continuing to operate and develop the business. My Department will continue to closely monitor the financial situation of the company.

*Question No. 73 answered with Question No. 30.*

### Liquor Licensing Laws.

74. **Deputy Pat Rabbitte** asked the Minister for Finance the number of off-licences that have

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been authorised in the postal district of Dublin 24; the number that have been licensed in each of the past three years; and if he will make a statement on the matter. [17174/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that details of the number of off-licences that have been issued in the postal district of Dublin 24 in each of the past three years are as follows:

	Year Ending 30/09/2005	Year Ending 30/09/2006	Year Ending 30/09/2007
Dublin 24	25	33	36

The above figures include the renewal of existing licences and the issuance of new licences. The question of off-licences was among the issues considered by the Government Alcohol Advisory Group appointed by the Minister for Justice, Equality and Law Reform. The Group has now reported and the legislative proposals arising from the work of the Group were published recently.

#### Departmental Staff.

75. **Deputy Chris Andrews** asked the Minister for Finance when the marriage ban was initiated for working women who got married; the person by whom it was initiated; when it ended; the reason it did not apply to primary school teachers; if constitutional challenges were taken as a result of the ban; and if the State is obliged to repay moneys which were deducted for a pension scheme from which a woman can not benefit as a result of the marriage ban. [17180/08]

**Minister for Finance (Deputy Brian Lenihan):** Statutory Instrument 26/04/1924: Regulations by the Minister of Finance Under Section 9 of the Civil Service Regulation Act, 1924 provided, *inter alia*, that female Civil Servants holding established posts would be required on marriage to resign from the Civil Service. The Civil Service (Employment of Married Women) Act, 1973 provided for the repeal of certain statutory provisions restricting the employment of married women in the Civil Service, including the repeal of Section 10 requiring women to retire on marriage. The marriage bar applied to female primary school teachers. All female teachers who entered teaching service on or after 1 October 1934 had to retire on marriage. The only exception to this was in the case of women who had completed their teacher training course before that date but had not been appointed to a permanent teaching position until on or after that date. The marriage bar was removed for primary school teachers on 30 June 1958. I am not aware of any Constitutional challenges having been taken as result of the marriage bar. In the Civil Service the superannuation scheme was non-contributory for women in the period in question, so therefore the issue of repayment of contributions does not arise. Women who were compulsorily retired on marriage could, in certain circumstances, qualify for a marriage gratuity.

#### Tax Yield.

76. **Deputy Phil Hogan** asked the Minister for Finance the number of new motor vehicles registered for each month since January 2007 to date in 2008. [17279/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the number of new motor vehicles registered through the VRT system for each month since January 2007 to April 2008 are set out in the following table:

## New Vehicle Registrations

Year 2007

	Category A Vehicles — cars	Category B Vehicles — car and jeep derived vans	Category C Vehicles — commercial	Total
Jan	45,864	1,145	11,888	58,897
Feb	26,573	650	6,507	33,730
Mar	28,047	627	6,416	35,090
Apr	16,906	401	4,627	21,934
May	20,563	484	5,112	26,159
Jun	15,318	482	4,460	20,260
Jul	13,133	398	3,854	17,385
Aug	8,881	331	3,193	12,405
Sep	5,748	291	2,754	8,793
Oct	3,830	184	2,157	6,171
Nov	1,460	93	1,397	2,950
Dec	518	23	478	1,019
Total	186,841	5,109	52,843	244,793

## New Vehicle Registrations

Year 2008

	Category A Vehicles — cars	Category B Vehicles — car and jeep derived vans	Category C Vehicles — commercial	Total
Jan	47,308	1,067	10,248	58,623
Feb	24,049	653	5,697	30,399
Mar	21,566	507	4,576	26,649
Apr	13,303	404	3,573	17,280
Total	106,226	2,631	24,094	132,951

**Tax Code.**

77. **Deputy Michael Creed** asked the Minister for Finance if his Department's attention has been drawn to the concerns among energy crop growers of the tax treatment of establishment costs; and if he will make a statement on the matter. [17404/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the growing of energy crops such as miscanthus (elephant grass) and willow, for example, is regarded as crop husbandry. As such it is treated as farming for tax purposes. The crops in question are generally perennials which are harvested on a regular basis to provide bio-fuels. The initial cost of planting the root stock of these perennials is treated in tax law as capital expenditure. No deduction is, therefore, allowed for tax purposes. All expenditure subsequent to the initial planting is deductible as a trading expense. This tax treatment is in line with the tax treatment of other perennial crops such as nursery plants and fruit trees. I understand that grant aid is payable on 50% of the approved costs associated with establishing miscanthus and

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willow crops for biomass. The cost of establishment is estimated at €2,900 per hectare, giving a maximum grant payment amount of up to €1,450 per hectare.

### **Departmental Staff.**

78. **Deputy Finian McGrath** asked the Minister for Finance if he will advise on a case (details supplied). [18010/08]

**Minister for Finance (Deputy Brian Lenihan):** Recruitment and appointment to a position in the Civil Service is normally carried out by the Public Appointments Service (PAS) under the provisions of the Public Service Management (Recruitment and Appointments) Act 2004. Departments and Offices can also obtain a recruitment licence from the Commission for Public Service Appointments for this purpose. In considering someone for appointment to the Civil Service, the licence holder must evaluate suitability in all respects. This includes suitability on grounds of character which would encompass such matters as criminal convictions. In addressing the issue of a criminal conviction, the licence holder would have regard to such matters as:

- the nature and sensitivity of the post being filled,
- the classification of the offence,
- the circumstances under which the offence was committed,
- the age of the person at the time of the offence,
- any extenuating circumstances,
- the sentence passed or served,
- the elapsed time since completion of the sentence, and
- whether the person has re-offended in the interim period.

If a candidate is rejected on grounds of character, this does not prevent him/her from applying for Civil Service competitions at a future date. Candidates are afforded the opportunity to complete a Health and Character Declaration during the recruitment process. This affords candidates the opportunity to bring all relevant matters to the attention of their potential employer. In accordance with the Public Service Management (Recruitment and Appointments) Act 2004 in respect of a competition for a post with the public service it is an offence to knowingly or recklessly make an application that is false or misleading in a material respect for the position.

### **Disabled Drivers.**

79. **Deputy Pat Breen** asked the Minister for Finance if a person (details supplied) in County Clare will be facilitated; and if he will make a statement on the matter. [17863/08]

**Minister for Finance (Deputy Brian Lenihan):** The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and Vehicle Registration Tax (up to a certain limit), and exemption from motor tax, on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities. The disability criteria for these concessions are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get a Primary Medical Certificate, an applicant must be permanently and severely disabled within the terms of these Regulations. As the Deputy will

be aware there was an interdepartmental review of the Scheme. Some 12,500 people benefited under the scheme in 2007 at an overall estimated cost of €74 million. Any changes would have to be considered in the context of the annual Budget.

### **Departmental Bodies.**

80. **Deputy Liz McManus** asked the Minister for Finance the resources for personnel that have been allocated to REACH; the contractual arrangements to private consultants in regard to REACH; and if he will make a statement on the matter. [17140/08]

**Minister for Finance (Deputy Brian Lenihan):** My Department assumed responsibility for Reach's functions at the beginning of April, and is now integrating these with the Department's work and simplifying the technologies used, as recommended by the Review of Reach. At present, five of the civil servants who worked on the Reach project are temporarily assigned to my Department, to assist two of my Department's staff with this work. With regard to private consultants, at present four are employed to work on the Broker, with a further seven providing a help desk service. All are employed under standard contractual arrangements. The consultancy contract for the development, maintenance and support of the Public Service Broker continues as before. As with all transfers of functions, my Department must of necessity adopt a flexible approach towards staffing so as to ensure value for money.

81. **Deputy Richard Bruton** asked the Minister for Finance if delays are being experienced in the stamp duty section of the Revenue Commissioners; the reason for the delay; the steps being taken to clear the delay; the system operated for identifying delays in Revenue transactions that are outside acceptable tolerance; and the areas showing strain in meeting performance targets. [17143/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the stamping of legal documents is mainly carried out in the office of Dublin Stamping District, with service also provided in Cork and Galway. I am advised that in the Dublin Stamping District 65% of all cases received are dealt with on the day and a further 10% are addressed within 5 working days of receipt. The remaining cases — 25% of the total — are received by post. In Dublin Stamping District and Cork Stamping Office there are currently some delays in processing postal cases, particularly for the more complex documents that require to be adjudicated. However, I am assured that the working of postal cases is continually monitored by managers and slippages are quickly identified; where backlogs arise, additional resources are specifically applied to the area concerned — including temporary redeployments of officers.

I am advised that, for Stamp Duty, the monitoring by managers of the initial response to postal submissions currently involves manual counts of items of post. The current process of stamping involves title deeds being physically presented to Revenue for examination, processing and calculation of any duty payable and finally physically stamping each Deed. This is a resource-intensive process for all concerned. Revenue are progressing the development of an e-Stamping system that will, when it comes into operation in 2009, enable the majority of customers to transact their stamp duty business on ROS — the Revenue Online Service. The legal framework for e-Stamping was provided in the Finance Act 2008.

### **Tax Yield.**

82. **Deputy Michael Ring** asked the Minister for Finance the number of people affected by

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the imposition of penalties when calculating tax liabilities for deceased persons and their estates in each of the past ten years. [17147/08]

83. **Deputy Michael Ring** asked the Minister for Finance the amount of money the Revenue Commissioners have taken in as a result of penalties applied when calculating tax liabilities for deceased persons and their estates in each of the past ten years. [17148/08]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 82 and 83 together.

I assume the Deputy is referring to the recent change of practice announced by the Revenue Commissioners in March regarding the settlement of audits where there is a tax liability and where the taxpayer is deceased. From 18 March 2008 the imposition of penalties in tax settlements involving a deceased taxpayer under the Revenue audit programme will depend on whether or not a settlement is reached in the case prior to the death of the taxpayer. Where an agreement is reached and the penalty is unpaid at the time of death, Revenue will continue to proceed against the personal representatives of the deceased for the recovery of the penalty in the normal way. Otherwise, when no agreement is in place prior to the death of the taxpayer, Revenue will not seek to recover a penalty. I am advised by the Revenue Commissioners that detailed audit statistics to the level of identifying deceased taxpayers can be produced for the years from 2006 onwards only, and these are set out below. Prior to 2006, other than fairly basic statistics, a largely manual system of audit reporting was in place. Any attempt to capture the data sought by the Deputy for the years prior to would require the manual examination of ten of thousands of audit records at a disproportionate cost.

Since 2006, figures are available as follows:

- In 2006, Revenue settled 38 cases involving deceased taxpayers collecting penalties of € 1.9 million.
- In 2007, the figures were 16 cases and just under €1 million.
- In 2008 so far, there are just 4 cases with a total of €11,000.

Revenue's audit programme is a key tools in supporting tax compliance and fairness in the tax system: 13,600 and 14,300 audits were carried out in 2006 and 2007 respectively.

#### **Flood Relief.**

84. **Deputy Pat Breen** asked the Minister for Finance further to Parliamentary Question No. 167 of 11 March 2008, if a feasibility study has been undertaken by the engineering staff of the Office of Public Works (details supplied); and if he will make a statement on the matter. [17164/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** It is expected that the feasibility study will be completed by the Office of Public Works by the middle of May.

#### **Tax Code.**

85. **Deputy Joan Burton** asked the Minister for Finance if a school (details supplied) is an approved and registered college with the Revenue Commissioners for the purposes of tax relief on tuition fees and student grants; if it is not an approved and registered college for these purposes, if it is eligible to become so; the procedure for same; if an Irish student, normally resident in Ireland, taking part in their 14 month integrated airline transport pilot course would

be eligible for such financial benefits as outlined or other reliefs or benefits; and if he will make a statement on the matter. [17202/08]

**Minister for Finance (Deputy Brian Lenihan):** Section 473A of the Taxes Consolidation Act 1997, provides for tax relief at the standard rate of income tax (20%) for qualifying fees paid by an individual in respect of a third level education course. Qualifying fees means tuition fees paid for an approved course at an approved college. The maximum amount of qualifying fees on which tax relief is allowed is €5,000 for the academic years 2006/2007 and 2007/2008. The tax relief is confined to tuition fees only and does not extend to items such as registration fees, administration fees, accommodation, etc. Tuition fees that are, or will be, met directly or indirectly by grants, scholarships, employer contribution or other means are to be deducted in arriving at the net fees qualifying for tax relief. An approved course means either: (a) a full-time or part-time undergraduate course of study of at least 2 academic years duration at an approved college; or (b) a postgraduate course of study leading to a postgraduate award, based on a thesis or on the results of an examination or both, at an approved college of not less than one academic year, but not more than 4 academic years in duration that requires an individual, undertaking the course, to have been conferred with a degree or an equivalent qualification.

As regards an approved college, the school referred to in the details supplied, being a school in an EU Member State, would be an approved college for the purposes of the tax relief for tuition fees if it is a university or similar institution of higher education, which is maintained or assisted by recurrent grants from public funds of that Member State or is a duly accredited university or institution of higher education in the country in which it is situated. In practice, it is a matter for the individual claiming the tax relief to obtain a letter from the relevant university or similar institute of higher education confirming that it is maintained or assisted by recurrent grants from public funds or is a duly accredited university or institution of higher education in the country in which it is situated. I am informed by the Revenue Commissioners that while they cannot at this point, in the absence of relevant information, comment on whether the school referred in the details supplied would be a qualifying college, they are of the view that a 14 month integrated airline transport pilot course is unlikely to be considered an undergraduate or post graduate course for the purposes of tax relief in respect of tuition fees.

#### **Departmental Properties.**

86. **Deputy John O'Mahony** asked the Minister for Finance the stage the process of building new office accommodation for the Office of Public Works in Claremorris is at; and if he will make a statement on the matter. [17207/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** I am advised by the Office of Public Works that pre-qualification submissions have been received from contractors who are interested in tendering for this project. These have been assessed and tender documents are currently being completed with a view to inviting tenders at the earliest possible date.

The new accommodation in Claremorris is being procured on a Design and Build basis. While the offices are primarily for staff of the Office of Public Works, provision is also being made for local staff of the Department of Agriculture, Fisheries and Food, the Department of Social and Family Affairs and the Private Security Authority. In addition, the project includes a new district court facility as a separate stand-alone building on the site.

#### **Disabled Drivers.**

87. **Deputy Finian McGrath** asked the Minister for Finance the position regarding a matter (details supplied). [17222/08]

**Minister for Finance (Deputy Brian Lenihan):** The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and Vehicle Registration Tax (up to a certain limit), and exemption from motor tax, on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities. The disability criteria for these concessions are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get a Primary Medical Certificate, an applicant must be permanently and severely disabled within the terms of these Regulations. As the Deputy will be aware there was an interdepartmental review of the Scheme. Some 12,500 people benefited under the scheme in 2007 at an overall estimated cost of €74 million. Any changes would have to be considered in the context of the annual Budget.

#### **Tax Code.**

88. **Deputy Richard Bruton:** asked the Minister for Finance the number of persons who are not domiciled here for tax purposes; the estimate of the tax foregone to the State as a result of the tax treatment of non-domiciles; if he plans to change the tax treatment of non-domiciles; and if he will make a statement on the matter.

97. **Deputy Leo Varadkar** asked the Minister for Finance the number of people who claim non-domiciled status for tax purposes; and if he will make a statement on the matter.  
[17397/08]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 88 and 97 together.

I am advised by the Revenue Commissioners that the number of chargeable persons that show on their 2006 return of income that they are not domiciled in the State is 3,996. In addition the 2006 returns show 1,773 spouses as non-domiciled. An individual who is not domiciled in the State but who is ordinarily resident in the State is, in general, taxable on all Irish income and on UK and foreign sourced income remitted to the State whether the individual is resident or not-resident in the State. Prior to 1 January 2008 such an individual was taxable on all UK income whether remitted or not. An individual who is not domiciled in the State and who is neither resident nor ordinarily resident in the State is in general taxable on Irish sourced income and on foreign sourced income in respect of a trade, profession carried on in the State or employment exercised in the State. In either case, there is no statutory obligation on these individuals to return details of income or gains arising anywhere else in the world. Therefore, it is not possible to establish the amount of these income or gains, including any associated tax.

#### **Departmental Staff.**

89. **Deputy Michael D’Arcy** asked the Minister for Finance if, in view of a matter (details supplied) he will respond in full and confirm affirmatively or in the negative whether any such agreement was entered into by his Department; and if he will make a statement on the matter. [17265/08]

**Minister for Finance (Deputy Brian Lenihan):** As advised in the response of 2 April 2008, under the centrally agreed arrangements for staff who wish to remain in Dublin the Public Appointments Service circulates as much detail as possible in relation to the post to be filled to persons in the appropriate grades in the organisations participating in the arrangements at that time. Further information is of course made available to individual applicants by the receiving organisation as required. My Department has advised Departments and Offices that they can have a discussion with an individual volunteering under the Dublin Arrangements to ensure

that the person understands fully the nature of the post and that there is a shared understanding of the expectations of the job. Once the closing date for expressions of interest in the post has passed, the post due to be filled is offered by the PAS to the most senior volunteer. My understanding from the Office of the Garda Síochána Ombudsman Commission (GSOC) and the Department of Justice, Equality and Law Reform is that the GSOC wished to review all aspects of organisational staffing both current and prospective, to cater for the long-term needs and structure of the office. In that context, following the advertisement of the post to Dublin-based staff, that office advised my Department that the filling of the post of Head of Corporate Services was postponed pending a review of the posts at senior level in the GSOC. I understand that this review is ongoing.

### Tax Yield.

90. **Deputy Phil Hogan** asked the Minister for Finance the amount collected in taxation for each category of petrol and diesel for each year from 2004 to date in 2008 inclusive; and if he will make a statement on the matter. [17280/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the amounts of tax revenue collected from Mineral Oil Tax and VAT on Petrol and Auto Diesel for the years 2004 to March 2008 inclusive are as follows:

Estimated Excise Duty yield from Petrol and Auto Diesel

	2004	2005	2006	2007 (prov.)	2008 (prov.) 1st Qtr
	€m	€m	€m	€m	€m
Petrol	970.7	1,001.9	1,026.4	1,051.3	291.3
Diesel	870.7	920.5	1,016.7	1,075.9	293.0
Total	1,841.5	1,922.4	2,043.1	2,127.2	584.3

Estimated VAT yield from Petrol and Auto Diesel

	2004	2005	2006	2007 (prov.)	2008 (prov.) 1st Qtr
	€m	€m	€m	€m	€m
Petrol	342	393	440	465	121
Diesel	38	46	53	57	15
Total	380	439	493	522	136

Total Estimated Excise Duty and VAT yield

	2004	2005	2006	2007 (prov.)	2008 (prov.) 1st Qtr
	€m	€m	€m	€m	€m
Total	2,221.5	2,361.4	2,536.1	2,649.2	720.3

*Note:* The VAT yield from Petrol and Auto Diesel is estimated as the information to be furnished on VAT returns does not require the yield from particular sectors of trade to be identified. It should also be noted that the VAT content of purchases of Auto Diesel is a deductible credit for business in the Irish VAT system.

91. **Deputy Phil Hogan** asked the Minister for Finance the amount of stamp duty collected on housing transactions for each month since January 2006 to date in 2008. [17281/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the information requested by the Deputy in relation to net receipts from stamp duty on residential property is as set out in the table which reflects the position up to and including March 2008:

Month	2006 Net Receipts	2007 Net Receipts	2008* Net Receipts
	€ million	€ million	€ million
January	96.50	127.40	48.37
February	82.80	115.51	43.43
March	96.25	93.77	44.13
April	75.75	76.58	
May	105.55	89.53	
June	102.64	81.95	
July	128.66	90.83	
August	121.50	86.83	
Sept.	137.54	68.50	
Oct.	134.02	75.14	
Nov.	123.65	67.32	
Dec.	105.81	49.22	
Total	1,310.87	1,017.90	135.85

\*Figures for 2008 are provisional and subject to revision.

As monthly figures of yield provided in the table reflect the position recorded soon after the end of each month the total end-year yield implied on this basis does not coincide entirely with the end year totals finalised after year end. Differences can arise because of various retrospective adjustments and this applies particularly to 2007 where refunds to first-time buyers under the Finance (No. 2) Act 2007 necessitated retrospective adjustment to stamp duty liabilities.

#### Registration of Title.

92. **Deputy Michael Kennedy** asked the Minister for Finance if he will arrange for the transfer of deeds (details supplied) to Fingal County Council, as there are various issues which need resolving; and if he will make a statement on the matter. [17294/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** I would refer the Deputy to my response to Parliamentary Question No.15516/08 of 23 April 2008. The position remains unchanged.

#### Faoiseamh Cánach.

93. D'fhiafraigh **Deputy Paul Gogarty** den Aire Airgeadais an dtugann sé faoiseamh cánach i leith cúrsaí iarchéime Gaeilge mar a thugtar i leith cúrsaí inmholta i dteangacha iasachta agus an leagfaidh sé amach a thairimí faoi. [17298/08]

**Minister for Finance (Deputy Brian Lenihan):** Faoi réir Alt 473A den Acht um Chomhdhlúthú Cánacha 1997, foráiltear, faoi choinníollacha áirithe, gur féidir faoiseamh cánach ag an ráta caighdeánach de cháin ioncaim (20%) a thabhairt i leith táillí teagaisc a íocann duine aonair i dtaca le cúrsa oideachais tríú leibhéal agus cúrsa iarchéime san áireamh. Cuimsítear anseo

cúrsaí iarchéime i dtaca leis an nGaeilge. Is é an t-uasmhéid de tháillí incháilithe ar a lamháil-tear faoiseamh cánach ná €5,000. Tá sonraí iomlána i dtaobh na scéime le fáil ar shuíomh gréasáin na gCoimisinéirí Ioncaim ag <http://www.revenue.ie/index.htm?/leaflets/it31.htm>. Ach más mian leis an Teachta na sonraí i dtaobh cáis áirithe a sholáthar, cinnteoidh na Coimisinéirí Ioncaim an bhfuil na táillí a íoctar i leith an chúrsa sin i dteideal faoisimh chánach.

### Departmental Expenditure.

94. **Deputy Damien English** asked the Minister for Finance the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17378/08]

**Minister for Finance (Deputy Brian Lenihan):** The information requested by the Deputy with the exception of the Office of Public Works is contained in the following Tables.

Average time for payment to be made to outside contractors for goods and services

Department / office	Average time for payment in 2004	Average time for payment in 2005	Average time for payment in 2006	Average time for payment in 2007	Average time for payment in Year to date 2008
	(days)				
Department of Finance	28	28	31	23	14
Office of the Revenue Commissioners	23	22	23	18	18
Central Bank and Financial Services Authority of Ireland	22*	26	19	20	19
Public Appointments Service	22	24	21	29	39
Commission for Public Service Appointments	20	9	7	12	15
Valuation Office	3	1	1	1	1
National Treasury Management Agency	22	17	16	19	17
State Claims Agency	23	23	17	17	17
Office of the Comptroller & Auditor Generals Office	11	11	11	10	10
Office of the Ombudsman	40	9	7	5	10
State Laboratory	36	47	45	26	22

\*New system employed in 2004 records relate to April 2004–December 2004.

As the Office of Public Works process over of 40,000 payments annually it would not be practicable to research the payment details of each payment. The Office of Public has informed me that their accounting system captures all payments in excess of €5 which attract interest payments under the Prompt Payments of Accounts Act 1997. Interest is payable under the Act where an invoice is not paid within thirty days of receipt (or a shorter period specified in a contract).

The following table sets out the number of late payments by the Office and the percentage of the total which accrued interest payments for the period January 2004 to 30 April 2008.

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Year	Total Number of Payments	Number of Late Payments	%
2004	42,341	1,062	2.5
2005	46,071	791	1.7
2006	46,817	900	1.9
2007	51,025	1,023	2.0
2008 (to 30 April)	15,960	435	2.7

### Tax Yield.

95. **Deputy Leo Varadkar** asked the Minister for Finance the estimate of the revenue that would be gained by restoring the residential property tax and applying it to residential properties, rental and homes, over a threshold of €3 million, €4 million and €5 million; and if he will make a statement on the matter. [17395/08]

**Minister for Finance (Deputy Brian Lenihan):** A Residential Property Tax was introduced by Finance Act 1983 and abolished in Finance Act 1997. There is insufficient data available that would allow for estimation of the revenue that would arise from a re-introduction of this tax.

96. **Deputy Leo Varadkar** asked the Minister for Finance the estimate of the amount of revenue that would be gained from applying a minimum effective income tax rate of 20% to tax-payers who have reduced their income tax bill to lower than 20% through tax incentives and other measures; and if he will make a statement on the matter. [17396/08]

**Minister for Finance (Deputy Brian Lenihan):** I assume the Deputy is referring to the restriction of reliefs measure that I introduced in Budget and Finance Act 2006, which took effect from 1 January 2007. The measure aims to ensure that those with high incomes pay a minimum effective tax rate of approximately 20% and restricts the use of various listed tax incentives in this regard. It is currently estimated that this measure will yield approximately €70 million in a full year. As the final date for receipt of tax returns in respect of the 2007 tax year is 31 October 2008, the actual amount raised will not be known until well into 2009.

*Question No. 97 answered with Question No. 88.*

### Tax Code.

98. **Deputy Michael Creed** asked the Minister for Finance if his Department will extend the same tax allowances to the woody biomass crops as are available to forestry; and if he will make a statement on the matter. [17411/08]

**Minister for Finance (Deputy Brian Lenihan):** The current tax package for forestry provides that income from woodlands are exempt from income tax and corporation tax. In addition, gains arising to individuals and certain trusts on the disposal of felled timber are not chargeable to capital gains tax. Forestry is regarded for VAT purposes as an agricultural activity. As regards stamp duty, there is an exemption on the value of trees where it can be certified that

the land being transferred contains commercial woodlands on a substantial part of those lands. The tax treatment of forestry investment is based on the premise that such investment is long term in nature. The tax treatment of investment in and profit from forestry is derived from the unique features associated with the activity where significant levels of investment are generally required at an early stage with the returns on such investment not arising for some considerable time. These considerations do not apply to farming income derived from woody biomass crops. It would not, therefore, be appropriate to extend the same tax treatment to such income. There is already in place a generous package of reliefs that continue to be available exclusively to the farming sector. These include accelerated capital allowances for expenditure incurred on farm buildings, accelerated capital allowances in respect of expenditure incurred on certain pollution control measures, stock relief, and an exemption from income tax in respect of certain income from certain leased farmland. In addition, certain young trained farmers can also qualify for full relief from Stamp Duty on the transfer of land.

99. **Deputy Michael Creed** asked the Minister for Finance if he will introduce a 0% VAT rate on the supply of miscanthus and all energy crop seedstock; and if he will make a statement on the matter. [17412/08]

**Minister for Finance (Deputy Brian Lenihan):** The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. Under the VAT Directive Member States may retain the zero rates on goods and services, which have been in place since 1 January 1991, but cannot extend the zero rate to other goods and services. It is therefore not possible under EU law to apply a zero VAT rate to the supply of elephant grass rhizomes (miscanthus), seeds, bulbs, roots and similar supplies used for the agricultural production of bio-fuels. However, in Budget 2008 I took the opportunity available under the EU Directive to reduce the rate of VAT on energy crop seedstock. The VAT rate on the supply of elephant grass rhizomes, seeds, bulbs, roots and similar supplies or inputs used for the agricultural production of bio-fuels was reduced from 21% to 13.5% with effect from 1 March 2008. This measure was introduced to assist in the development of agricultural production of such fuels.

#### **Tax Code.**

100. **Deputy Michael Creed** asked the Minister for Finance when a person (details supplied) in County Cork will be granted a refund of VAT in respect of farm buildings; and if he will make a statement on the matter. [17413/08]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the claim in question was received by them on 5 December 2007. The amount claimed was allowed in full and payment was processed on 13 December. However, the cheque which issued was not received by the claimant. The cheque has not been cashed and Revenue have now arranged with the bank to have it cancelled. A replacement cheque issued to the claimant in the last few days.

101. **Deputy Michael Creed** asked the Minister for Finance if community child care facilities which are operated on a not for profit basis can be exempted from commercial rates; and if he will make a statement on the matter. [17414/08]

**Minister for Finance (Deputy Brian Lenihan):** The Valuation Act 2001 maintains the long-standing position that commercial child care facilities — including all private child care facilities such as play schools, preschools, crèches and Montessori schools — are liable for rates.

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However, private child care facilities which operate on a community basis in a community hall, and which are not-for-profit, are not rateable because there is not exclusive occupation of the hall. In the circumstances, they would be part of the activities of a community hall and, therefore, exempt under Schedule 4, section 15 of the Valuation Act. Similarly, child care facilities which operate on a non-profit basis as a charitable organisation may be deemed to be exempt depending in each instance on the terms and conditions of the Memorandum and Articles of Association. The exemption in such an instance is provided for under Schedule 4, section 16 (a) of the Act.

**Flood Relief.**

102. **Deputy Leo Varadkar** asked the Minister for Finance if he will defer the closure of the Upper Glen Road until the road works in Chapelizod are complete; and if he will make a statement on the matter. [17422/08]

107. **Deputy Joan Burton** asked the Minister for Finance the reason elective road works are taking place in the Upper Glen Road in the Phoenix Park at a time when this road is being used as an alternative route to facilitate road works in Chapelizod village which is closed to outgoing traffic for the next six months; the further reason these works can not be scheduled for summer time when schools are closed and traffic is lighter; and if he will make a statement on the matter. [17655/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** I propose to take Questions Nos. 102 and 107 together.

The remedial works in the Upper Glen Road were essential for safety reasons particularly in the context of the commencement of the new Phoenix Park Shuttle bus service. Postponement of them was not a viable option. To minimise disruption, the roadworks were timed to coincide with the school mid-term break and will be completed this week.

**Tax Code.**

103. **Deputy Leo Varadkar** asked the Minister for Finance the sources of income that are exempt from income tax; and if he will make a statement on the matter. [17423/08]

**Minister for Finance (Deputy Brian Lenihan):** The Schedule set out in the following table identifies those sections of the Taxes Consolidation Act 1997 (as amended) which provide for a full or partial exemption from income tax. In circumstances where the section ceases to have effect at a date in the next year this has been highlighted. Due to the time constraints some minor legislative provisions may have been overlooked in the preparation of this reply.

	Description of income	Section of the Taxes Consolidated Act 1997
1.	Interest on Saving certificates	Section 42
2.	Interest on certain securities issued by Minister for Finance	Section 43
3.	Redemption of non-interest-bearing securities	Section 45
4.	Premiums on Investment Bonds (full or partial exemption on certain income)	Section 46
5.	Exemption of premiums on certain securities	Section 48
6.	Interest on certain securities exempted by Minister for Finance	Section 49
7.	Interest on securities issued outside the State by a local authority	Section 50

	Description of income	Section of the Taxes Consolidated Act 1997
8.	Certain benefits in kind	Section 118, 118A, 120A, 121 (Pool cars), 121A
9.	Income which is the subject of a Revenue approved salary sacrifice agreement	Section 118B
10.	Certain benefits payable under the Social Welfare Acts	Section 126
11.	Age exemption and associated marginal relief (for persons aged over 65 years).	Section 188
12.	Payments in respect of Personal Injuries	Section 189
13.	Certain income from special trusts for permanently incapacitated individuals	Section 189A
14.	Certain payments made by the Haemophilia HIV Trust	Section 190
15.	Payments received under the Hepatitis C [and HIV] Compensation Acts	Section 191
16.	Payments in respect of Thalidomide children	Section 192
17.	Certain payments made under Employment Law	Section 192A
18.	Foster Care Payments	Section 192B
19.	Income from scholarships	Section 193
20.	Child benefit payments	Section 194
21.	Early Child care supplement payments	Section 194A
22.	Certain earnings of writers, composers and artists (subject to certain limits)	Section 195
23.	Certain expenses payments to members of boards, councils and committees	Section 195A
24.	Certain expense payments payable to members of the Judiciary	Section 196
25.	Certain foreign service allowances payable to certain employees of the State and certain agencies	Section 196A, 196B
26.	Bonus or interest paid under national instalment savings schemes	Section 197
27.	Certain interest receipts	Section 198
28.	Interest on certain securities used in the payment of income tax	Section 199
29.	Certain foreign pensions	Section 200
30.	Certain payments made on termination of an office or employment (subject to certain limits)	Section 201
31.	Certain payments for agreed pay restructuring	Section 202
32.	Certain statutory redundancy payments	Section 203
33.	Certain military and other pensions, gratuities and allowances	Section 204
34.	Payments to Veterans of War of Independence	Section 205
35.	Income from investments under Social Welfare (Consolidation) Act	Section 206
36.	Rents of properties belonging to hospitals and other charities	Section 207, 209
37.	Lands owned and occupied, and trades carried on by charities	Section 208
38.	Income arising under “The Great Book of Ireland Trust”	Section 210
39.	Income payable to Friendly Societies	Section 211
40.	Certain payments made by Trade Unions to their members	Section 213
41.	Income arising to Local authorities, Vocational Education Committees, the Health Service Executive, and certain Agriculture Committees.	Section 214
42.	Certain profits of agricultural societies	Section 215
43.	Profits from lotteries	Section 216
44.	Income received under the Rent-a-room scheme (subject to a certain limit)	Section 216A
45.	Payments under Scéim na bhFoghlaimoírí	Section 216B
46.	Income from certain Childcare services (subject to a certain limit)	Section 216C

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	Description of income	Section of the Taxes Consolidated Act 1997
47.	Certain income of Nítrigin Éireann Teoranta	Section 217
48.	Certain income of Housing Finance Agency plc.	Section 218
49.	Income arising to a body designated under the Irish Takeover Panel Act	Section 219
50.	Income of Investor Compensation Company Ltd	Section 219B
51.	Profits of certain bodies corporate (e.g. National Lottery; Pensions Board)	Section 220
52.	Certain payments to National Co-operative Farm Relief Services Ltd. And certain payments made to its members	Section 221
53.	Certain dividends from a non-resident subsidiary	Section 222
54.	Small Enterprise grants	Section 223
55.	Certain employment grants to medium and large industrial undertakings	Section 224
56.	Certain employments grants and recruitment subsidies	Section 225, 226
57.	Certain income arising to specified non-commercial state-sponsored bodies	Section 227
58.	Income arising to designated bodies under the Securitisation (Proceeds of Certain Mortgages) Act, 1995	Section 228
59.	Certain income of harbour authorities and port companies	Section 229
60.	Profits arising to National Treasury Management Agency	Section 230
61.	Profits arising to the National Pensions Reserve Fund Commission	Section 230A
62.	Profits arising to the National Development Finance Agency	Section 230AB
63.	Profits or gains from Stallion Fees (up to 31 July 2008)	Section 231
64.	Profits from occupation of certain woodlands	Section 232
65.	Stud greyhound service fees (up to 31 July 2008)	Section 233
66.	Certain income derived from patent royalties	Section 234
67.	Income arising to bodies established for promotion of athletic or amateur games or sports	Section 235
68.	Exemption from a benefit in kind charge in respect of the loan of certain art objects	Section 236
69.	interest and dividends on special term accounts (full or partial exemption on certain income)	Section 261A
70.	Dividends on special term share accounts (full or partial exemption on certain income)	Section 267C
71.	Exemption in respect of certain benefits received by employees under approved employee share schemes	Section 510, 519A, 519C, 519D
72.	Income from leasing of farm land (full or partial exemption on certain income)	Section 664
73.	Exemption in respect of certain retirement benefits to certain employees	Section 778

Exemption from income tax is also provided for in respect of certain diplomatic personnel, officials of the United Nations and certain other international organisations, as well as for the earnings of persons working in the service of the European Community. The relevant legislation is included in:

- The Diplomatic Relations and Immunities Act 1967;
- The European Communities Act 1972;
- Article 12 of the Protocol on Privileges and Immunities annexed to the Treaty of Rome.

**Tax Yield.**

104. **Deputy Leo Varadkar** asked the Minister for Finance the amount of revenue that would be accrued from a 5 cent and 10 cent increase in duty on petrol and diesel; and if he will make a statement on the matter. [17424/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the estimated amount of revenue that would accrue from a 5 cent and a 10 cent increase, inclusive and exclusive of VAT, in excise duty on petrol and diesel is as follows:

	5 Cent Increase in Price (VAT Inclusive)	10 Cent Increase in Price (VAT Inclusive)
Increase in Price	5 Cent €m	10 Cent €m
Petrol	108.47	214.70
Diesel	116.38	230.67
Total	224.85	445.37

	5 Cent Increase in Duty + VAT	10 Cent Increase in Duty + VAT
Increase in Price	6.05 Cent €m	12.1 Cent €m
Petrol	130.92	258.78
Diesel	140.55	278.05
Total	271.47	536.83

**Budget Submissions.**

105. **Deputy Fergus O'Dowd** asked the Minister for Finance the date for each year since 2000 of pre-budget meetings held with the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17564/08]

**Minister for Finance (Deputy Brian Lenihan):** It has long been the practice for discussions to be held with Departments including the Department of the Taoiseach on the allocation of funds as part of the estimates process. These discussions take place at a late stage in the formulation of the annual estimates between civil servants from each Department who, from ongoing interdepartmental contacts, are highly familiar with the relevant details and issues involved. While there are no standing instructions in this regard, these discussions are not usually minuted by my officials.

**Tax Yield.**

106. **Deputy Liz McManus** asked the Minister for Finance the amount of VAT collected from energy sources for each year of the past five years; the breakdown of those figures; and if he will make a statement on the matter. [17594/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that it is not possible to furnish actual figures of the VAT take from energy sources, as VAT

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returns are not required to be completed in a manner that identifies the yield from particular goods and services. However, estimates of the VAT yield on energy sources, derived from non-Revenue statistical data, are as follows:

	2003	2004	2005	2006	2007
	€m	€m	€m	€m	€m
Petrol	296	342	393	440	465
Auto Diesel	32	38	46	53	57
Marked Gas Oil	31	48	65	73	70
Kerosene	48	51	69	79	77
Electricity	117	129	153	159	180
Coal	18	17	17	18	22
Gas	42	52	67	53	60
Turf/Briquettes	12	11	14	14	17
LPG Domestic	9	9	10	11	13
Firewood/Firelighters	4	4	5	5	6
Motor Oil & LPG	2	2	3	3	3
<b>Total</b>	<b>611</b>	<b>703</b>	<b>842</b>	<b>908</b>	<b>970</b>

The revision of figures previously supplied is necessitated following the receipt of more up to date information. Data for 2007 is provisional and subject to further change.

*Question No. 107 answered with Question No. 102.*

#### **Tax Code.**

108. **Deputy Mary Upton** asked the Minister for Finance if he will review the entitlement of a person (details supplied) in Dublin 12 to tax relief for rent payments made by them; if he will confirm that this person is required to withhold 20% of their rent and pay this to the Revenue Commissioners and not to their landlord; and if he will make a statement on the matter. [17656/08]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the person in question is entitled to a tax credit for rent paid in respect of private rented accommodation. However, as the rent is paid to a non-resident landlord they are obliged to deduct income tax at the standard rate (20%) from the payment. In PAYE cases, such as the case in question, recovery of the tax deducted is collected by reducing the tenant's tax credits.

#### **Departmental Expenditure.**

109. **Deputy Damien English** asked the Minister for Finance the cost to his Department of implementing the payroll system within his Department and within bodies under his Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17716/08]

**Minister for Finance (Deputy Brian Lenihan):** My Department did not implement a payroll system in the years 2004 to date in 2008. However within the period in question my Department paid €613, 000 in relation to training, upgrades and maintenance of the Department's payroll systems. In relation to the agencies under the remit of my Department the Public Appointments Service incurred an implementation cost of €3,000 in relation to a payroll system introduced in

2004 to pay selection board members. In relation to the Valuation Office, Office of the Comptroller and Auditor General and Office of the Revenue Commissioners some €574,000 has been paid in the period 2004 to 2008 towards enhancing and maintaining their payroll systems. I have been informed by the Office of Public works that they incurred costs of €274,000 In relation to hardware, licensing, upgrades and maintenance in relation to their payroll system for the years 2004 to date in 2008.

### **National Monuments.**

110. **Deputy Damien English** asked the Minister for Finance if the Office for Public Works has plans to introduce more secure protective measures at the Loughcrew Cairns in County Meath in order to maintain their natural structure and longevity of existence; and if he will make a statement on the matter. [17698/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** The Office of Public Works manages some eighteen referenced cairns that are in state ownership or guardianship and that form part of the national monument complex collectively known as Sliabh na Callaigh or Loughcrew Cairns, Co. Meath. Additional cairns in the townlands of Corstown, Newtown and Patrickstown are in private ownership and are afforded protection under the National Monuments Acts, 1930-2004.

The Office of Public Works has no plans at present to introduce more secure protective measures at the Loughcrew Cairns, but the matter will be kept under review.

### **Tax Code.**

111. **Deputy Leo Varadkar** asked the Minister for Finance the incentives from his Department and his Department's agencies for the production of bio-fuels; if he will review these in view of the current world food crisis; and if he will make a statement on the matter. [17742/08]

**Minister for Finance (Deputy Brian Lenihan):** While the promotion of biofuel is primarily a matter for my colleague, the Minister for Communications, Energy and Natural Resources, the Deputy will be aware the Finance Act 2006 provided for significant tax measures to promote biofuels in Ireland. The overall level of excise relief available for biofuels is regarded as a level which is sufficient to match Ireland's output potential in relation to renewable energy crops for motor fuels over the coming years. These fiscal incentives were designed to kickstart the domestic biofuels industry. Long-term general excise reliefs are not anticipated.

In addition, as a complementary measure, the Finance Act 2008 provided for the VAT rate applicable on the supply of miscanthus rhizomes, seeds, bulbs, roots and similar goods used for the agricultural production of bio-fuels to be reduced from 21% to 13.5%.

The Deputy will be aware that under proposals drafted by the European Commission, Ireland has been assigned ambitious targets for reducing emissions from sectors not covered by the Emission Trading Scheme. In this regard, transport is one of the main areas where there will be a need to reduce emissions. Given the lack of viable alternatives to fossil fuels in the transport fuels market, it is appropriate that there are some incentives in place in the short term that facilitate biofuels becoming more available in the market place.

I am aware of the need to strike a land use balance between energy and food crops. Some biofuel sources are to an extent in direct competition with food production, however, I understand second generation biofuel and energy sources are less so. The assistance we are providing is towards the production of second generation as well as first generation biofuels sources. The European Commission has indicated its awareness of general sustainability issues in relation

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to biofuels and has signalled its intention to introduce incentives and support systems to avoid such issues.

Specifically, it intends to encourage the development of ‘second generation’ biofuels. To this end, the Commission’s renewable energy legislative proposals, contain targets for biofuels market penetration, subject to the introduction of sustainability criteria and the coming on stream of second-generation biofuels.

The Commission also notes that European demand for biomass, especially biofuels, could contribute to improving trade relations with the European Union’s trading partners, in particular developing countries, many of which have the potential to produce and export biomass and biofuels at competitive prices. It will be important to strike a careful balance to ensure the optimum outcome in terms of reducing Green House Gas emissions in transport, providing real opportunities for local producers and developing countries, and at the same time minimising any risk in terms of food production.

I understand the Minister for Communications, Energy and Natural Resources will shortly be launching a public consultation on the proposed biofuels obligation as set out in the Programme for Government. In that context, Ireland’s biofuels obligation will take account of EU sustainability initiatives in relation to biofuels. We should of course not forget that an increase in the prices for agricultural products also increases incomes in the agricultural industry in Ireland.

112. **Deputy Bernard J. Durkan** asked the Minister for Finance the correct level of tax free allowances or tax credits in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [17809/08]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that without the PPS number of the person in question they are unable to furnish the information requested, as the taxpayer is not registered on their records at the address supplied and all searches have been unsuccessful. However, if the taxpayer wishes to contact the Kildare PAYE Customer Service, by telephoning 1890 44 44 25 or by e-mailing kildarecustomerservice@revenue.ie, they would be happy to deal with any queries she may have.

### **Economic Competitiveness.**

113. **Deputy Bernard J. Durkan** asked the Minister for Finance if he proposes to take measures to address the issue of competitiveness in the economy and encourage continued inward investment having particular regard to global trends in the economic and financial services; and if he will make a statement on the matter. [17810/08]

**Minister for Finance (Deputy Brian Lenihan):** In responding to the Deputy’s question to my predecessor Mr. Cowen, I would begin by saying that the Government recognises that improving national competitiveness is essential to facilitate a re-balancing of the economy towards more sustainable, export-led growth and to maintain Ireland’s attractiveness as a location for inward investment in all sectors of the economy.

While external factors such as the exchange rate have an impact on domestic costs, these are beyond our control. As such, we must seek to control those costs which we can influence. We must also take steps to improve productivity.

In support of these objectives, the Government is committed to maintaining a low burden of taxation on capital and labour, and has implemented a range of policies aimed at improving competition in product markets and flexibility in the labour market. We are also investing

heavily in physical and human capital under the National Development Plan. These measures will equip the Irish economy with the skills, infrastructure and operating environment needed so that we can compete effectively for projects in sectors where global demand is growing, such as business and financial services.

Of course, restoring competitiveness will also require sensible wage developments. Therefore, it is essential that pay increases are kept at a level which does not undermine our competitive position relative to our main trading partners. The current round of pay talks has an important role to play in this respect.

### Decentralisation Programme.

114. **Deputy Richard Bruton** asked the Minister for Finance the costs incurred to date for decentralisation, broken down by individual Departments and agencies. [17833/08]

**Minister for Finance (Deputy Brian Lenihan):** The non-property once-off costs incurred for decentralisation of my Department to Tullamore from 2004 to end 2007 are €624,472. As my Department completed its decentralisation to Tullamore it is not expected that there will be any further costs associated with this move. However, my Department will be decentralising circa 30 ICT posts to Naas later in the year. To date no costs have been incurred in association with this move.

I am advised by the Revenue Commissioners that the Revenue costs incurred for decentralisation from 2004 up to end 2007 are €963,469. The Revenue costs incurred for decentralisation during Q1 2008 are €8,648. Both of these amounts refer to non-property decentralisation costs.

I am advised that to date the Valuation Office have not incurred any costs associated with their move to Youghal while the costs incurred by PAS amount to €5,306 (not including staff costs or costs associated with the CAF).

I am informed by the Office of Public Works (OPW) that the non-property costs incurred by their office in relation to their decentralisation to Trim, Kanturk and Claremorris will be forwarded directly to the Deputy. I am further informed by the OPW that the following is the position regarding property costs for my Department and the agencies under the aegis of my Department.

Location	Department/ Office	Status	Site Acquisition Costs	Yearly Rental Costs	Fit Out Costs/ Building Purchased
			(€1,000)	(€1,000)	(€1,000)
Athy	Revenue	Lease		231.5	493.00
Claremorris	OPW	Permanent Ownership	2,500		
Claremorris	OPW	Lease		68.7	552.00
Kilrush	Revenue	Lease		85.0	411.00
Listowel	Revenue	Lease		183.0	1,352.00
Navan	Revenue	Lease		575.4	2,135.20
Newcastle West	Revenue	Permanent Ownership	325		
Newcastle West (Limerick Office space)	Revenue	Lease		68.8	
Trim	OPW	Permanent Ownership	3,600		
Trim	OPW	Lease		67.8	43.00
Tullamore	Finance	Building Purchased			10,034.00

115. **Deputy Richard Bruton** asked the Minister for Finance if he will provide a breakdown of the €833 million allocation for the decentralisation sub-programme in the National Development Plan by individual Departments and agencies. [17834/08]

116. **Deputy Richard Bruton** asked the Minister for Finance if he will provide a breakdown of the €833 million allocation for the decentralisation sub-programme in the National Development Plan between Government Departments on one hand, and State agencies on the other. [17835/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** I propose to take Questions Nos. 115 and 116 together.

Of the total allocation of €833 million provided in the NDP for Decentralisation, an estimate of €60 million is provided for agencies whose costs will not be funded through the OPW vote. The balance of €773 million represents the estimated cost of providing accommodation for the departments and agencies whose accommodation will be paid for by the OPW.

Property solutions are being pursued in respect of some remaining locations being funded through the OPW vote and firm scale costs will emerge on foot of actual cost proposals being received from the market. It would not be possible to give definitive costings in advance of final agreement on specific proposals. It is expected however that overall costs will remain within the published estimate figures.

#### **Tax Yield.**

117. **Deputy Róisín Shortall** asked the Minister for Finance the taxation yield on rental income for 2004 and for each subsequent year for which figures are available with a breakdown in each year for individuals and for companies. [17909/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the information requested by the Deputy is estimated as follows:

Estimated Tax Yield

Year ended	Individuals	Companies	Total
	€m	€m	€m
31/12/2004	295	121	416
31/12/2005	324	124	448
31/12/2006	334	133	467

The figures shown in respect of year ended 31/12/2006 are provisional and may be revised.

The rental income could come from either private tenants or business tenants. Data are not available to distinguish between income from private rental accommodation and from other accommodation.

Data for the tax year 2007 is not yet available as the income tax returns for that year are not due for filing until October 2008 (by 17th November 2008 in the case of returns filed via ROS) and the bulk of corresponding corporation tax returns are not due for filing until September 2008.

#### **Tax Code.**

118. **Deputy Róisín Shortall** asked the Minister for Finance if, in respect of Appendix D of the Green Paper on Pensions, he will provide the same information in respect of PRSAs and

RACs for 2005 and subsequent years; if he will provide details of the work ongoing to garner similar information in respect of other pension holders and the details similar to Appendix D for the years that are available; and if he will make a statement on the matter. [17912/08]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the latest relevant information available is in respect of income tax relief allowed for contributions to Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) for the income tax year 2005. RACs and PRSAs are available to the self-employed and to employees not in occupational pension schemes.

The information is set out in tables following this reply which provide the number of cases, amount of deduction and reduction in tax for tax relief for RACs and PRSAs for the various contribution ranges. The information is based on income returns contained in Revenue records at the time the data were compiled for analytical purposes, representing about 98.5 % of all returns expected. A married couple who has elected or has deemed to have elected for joint assessment is counted as one tax unit.

It is not possible to provide corresponding figures in regard to the take-up of the tax relief for pension contributions by employers and employees to occupational pension schemes as the relevant data are not captured in such a way as to make this possible.

Provisions were included in Finance Act 2004 with a view to improving data quality and transparency without overburdening taxpayers or employers. The Act includes provisions that require employers to provide data on superannuation contributions in the P35 form to be filed by employers from 2006 on. These changes have yielded additional information regarding the overall cost of tax relief for pension contributions but as the returns are aggregated at employer level they cannot provide a precise basis for measuring the potential impact on the Exchequer of proposals for changes at individual level or enable a distribution of pension tax relief across the different income cohorts to be provided.

#### INCOME TAX 2005

##### Retirement Annuity — by range of Gross Income.

Range of gross income		Totals				Reduction in tax as % of Gross Tax
From	To	Number of cases	Amount of deduction	Reduction in tax	Gross Tax*	
€	€		€	€	€	%
—	9,000	1,008	1,881,903	75,498	82,740	91.2
9,000	10,000	265	374,631	30,386	33,229	91.4
10,000	12,000	657	1,025,582	134,741	190,034	70.9
12,000	15,000	1,392	2,392,161	350,206	679,108	51.6
15,000	17,000	1,323	2,233,300	352,112	842,250	41.8
17,000	20,000	2,589	4,780,514	816,857	2,287,102	35.7
20,000	25,000	5,651	11,087,382	2,080,370	7,539,642	27.6
25,000	27,000	2,715	5,668,769	1,098,028	4,696,639	23.4
27,000	30,000	4,381	9,484,765	1,880,533	9,069,509	20.7
30,000	35,000	7,751	18,261,845	4,705,878	22,318,537	21.1
35,000	40,000	7,780	20,674,562	6,003,555	30,473,740	19.7
40,000	50,000	14,363	45,816,794	14,547,614	79,144,477	18.4
50,000	60,000	12,398	48,880,951	15,565,254	95,469,140	16.3
60,000	75,000	14,057	70,245,866	25,617,798	155,121,844	16.5

[Deputy Brian Lenihan.]

Range of gross income		Totals				Reduction in tax as % of Gross Tax
From	To	Number of cases	Amount of deduction	Reduction in tax	Gross Tax*	
€	€		€	€	€	%
75,000	100,000	13,615	99,961,110	40,744,562	235,383,899	17.3
100,000	150,000	9,892	125,055,147	52,235,223	295,482,218	17.7
150,000	200,000	3,705	81,437,198	34,165,790	184,174,412	18.6
200,000	250,000	2,240	67,483,762	28,305,769	153,550,523	18.4
Over	250,000	5,532	278,887,354	117,075,544	832,516,852	14.1
Totals		111,314	895,633,596	345,785,718	2,109,055,895	16.4

\*“Gross tax” means the tax that would be due before relief is allowed for retirement annuity deductions.

## INCOME TAX 2005

## Personal Retirement Savings Accounts — by range of Gross Income.

Range of gross income		Totals				Reduction in tax as % of Gross Tax
From	To	Number of cases	Amount of deduction	Reduction in tax	Gross Tax*	
€	€		€	€	€	%
—	9,000	99	131,880	1,331	1,655	80.4
9,000	10,000	36	44,781	4,764	5,745	82.9
10,000	12,000	59	85,072	11,937	17,987	66.4
12,000	15,000	150	233,336	32,587	63,085	51.7
15,000	17,000	149	223,139	38,841	91,737	42.3
17,000	20,000	309	508,353	91,482	285,601	32.0
20,000	25,000	672	1,222,950	234,106	964,971	24.3
25,000	27,000	341	633,141	121,908	658,814	18.5
27,000	30,000	468	909,837	182,962	1,146,859	16.0
30,000	35,000	784	1,885,268	550,654	2,586,331	21.3
35,000	40,000	748	2,020,822	673,858	3,504,921	19.2
40,000	50,000	1,231	3,918,871	1,331,798	7,816,522	17.0
50,000	60,000	1,010	4,258,348	1,460,433	8,867,772	16.5
60,000	75,000	1,152	5,832,227	2,224,524	13,755,660	16.2
75,000	100,000	1,143	8,357,350	3,448,343	20,731,795	16.6
100,000	150,000	914	10,057,040	4,219,484	28,241,781	14.9
150,000	200,000	302	5,161,334	2,166,660	15,221,998	14.2
200,000	250,000	157	3,749,842	1,572,734	10,862,836	14.5
Over	250,000	282	9,359,602	3,931,033	39,741,329	9.9
Totals		10,006	58,593,193	22,299,439	154,567,399	14.4

“Gross tax” means the tax that would be due before relief is allowed for PRSA deductions

119. **Deputy Joan Burton** asked the Minister for Finance the progress in regard to the commitment given in the Programme for Government that the VAT classifications would be exam-

ined, with a view to reducing the rate of VAT applied to certain environmental goods and services. [17925/08]

**Minister for Finance (Deputy Brian Lenihan):** The Programme for Government contains a commitment to examine the scope for reducing the VAT rate on environmental goods and services from the standard VAT rate of 21 per cent to the reduced rate of 13.5 per cent. I should mention that this is just one of a number of initiatives in the Programme aimed at delivering a cleaner environment.

When considering a change in the VAT treatment of a good or service, it is important to bear in mind that the scope for such change is derived from EU law with which Irish VAT law must comply. In this regard, the rate of VAT that applies to a particular good or service is determined by the nature of the good or service, and not by the environmental impact of the good or service. There is no provision in European VAT law that would allow the application of a reduced VAT rate on supplies of goods or services based on their environmental impact per se. However, at Community level, we support calls for the Commission to examine the potential use of reduced VAT rates in promoting environmentally friendly goods and services.

I would of course draw to the Deputy's attention that in the 2008 Finance Act the VAT rate on the supply of miscanthus rhizomes, seeds bulbs and similar inputs used for the agricultural production of biofuels was reduced from 21% to 13.5% with effect from 1 March 2008. This measure will assist in the development of agricultural production of such fuels.

#### **National Parks.**

120. **Deputy Leo Varadkar** asked the Minister for Finance the progress been made in the implementation of Section 5.3 of the Towards a Liffey Valley Park strategy document which recommends that the currently limited co-ordinating role of the Office of Public Works be enhanced to ensure that the strategic objectives of the strategy are placed on the national agenda; and if he will make a statement on the matter. [17987/08]

**Minister of State at the Department of Finance (Deputy Noel Ahern):** Many of the Study's objectives can be pursued by the Local Authorities from within their own resources. Progress at a national level is dependent on provision of funding through the Department of Environment, Heritage and Local Government.

#### **Health Services.**

121. **Deputy Brian Hayes** asked the Minister for Health and Children the number of speech and language therapists currently working with primary schools here; and if she will make a statement on the matter. [17752/08]

**Minister for Health and Children (Deputy Mary Harney):** As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75 million 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.

[Deputy Mary Harney.]

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.

### **Mental Health Services.**

122. **Deputy David Stanton** asked the Minister for Health and Children if, with reference to the National Economic and Social Forum Report 36, the Senior Officials Group under the National Action Plan for Social Inclusion are responsible for the implementation of the recommendations of the report; the action which has been taken in doing

**Minister for Health and Children (Deputy Mary Harney):** 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.**

123. **Deputy Jack Wall** asked the Minister for Health and Children the position of an appeal by a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17988/08]

**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.

### **National Treatment Purchase Fund.**

124. **Deputy Ciarán Lynch** asked the Minister for Health and Children if her attention has been drawn to the fact that the waiting time for a routine outpatient appointment in Cork University Hospital is 18 to 24 months, that due to the suffering and anxiety of this delay the National Treatment Purchase Fund allocated 100 outpatient orthopaedic referrals for 2008 which have already been filled and that a patient (details supplied) in County Cork who is

awaiting a consultant appointment is in severe pain and needs treatment before an MRI scan can be undertaken; and if she will make a statement on the matter. [17144/08]

**Minister for Health and Children (Deputy Mary Harney):** The management of waiting lists generally is a matter for the Health Service Executive (HSE) in accordance with its operational responsibility for the management and delivery of health and personal social services. Therefore, the HSE is the appropriate body to consider the matter raised by the Deputy. Accordingly, my Department has requested the Parliamentary Affairs Division of the HSE to arrange to have a reply issued direct to the Deputy concerning the case of the person in question.

I am aware that the National Treatment Purchase Fund is currently working closely with Cork University Hospital in order to facilitate treatment for 157 people who are on surgical in-patient waiting lists for more than 12 months.

#### **Health Services.**

125. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to an application from a person (details supplied) in County Carlow; if same will be dealt with; and if she will make a statement on the matter. [17167/08]

**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.

#### **Vaccination Programme.**

126. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 57 of 3 April 2008, her definition of the term shortly, as this report has been due shortly for the past 12 months; when she expects to receive the final report; and if she will make a statement on the matter. [17170/08]

**Minister for Health and Children (Deputy Mary Harney):** The Group is continuing with its consideration of this matter and I look forward to receiving its final recommendations.

#### **Departmental Audits.**

127. **Deputy Michael Ring** asked the Minister for Health and Children if a value for money audit has been carried out on the work undertaken for her Department by private companies (details supplied). [17177/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator K.P.M.G. and McCann Fitzgerald.

The HSE has advised my Department that in the normal course of events a Value for Money audit would be carried out on completion of a particular project or assignment of work. The work in relation to the Longstay Repayments Scheme is ongoing at present.

The HSE has also advised my Department that an initial Tender and Procurement Process had been completed and a second Tender and Procurement Process was entered into to create a more competitive market environment, guided by the principle of obtaining value for money for the taxpayer. The HSE has informed my Department that they believe the result of this

[Deputy Mary Harney.]

second Tender and Procurement Process achieved this objective. It is at the discretion of the Comptroller and Auditor General to conduct specific Value For Money audits and this applies to the Repayments Scheme also.

#### **Health Services.**

128. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to services for a person (details supplied); if there are respite services available for people in this position; if there are houses where they could go and be supervised for a week respite but where they would have the necessary supervision; and if she will make a statement on the matter. [17179/08]

**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.**

129. **Deputy Jack Wall** asked the Minister for Health and Children the reason no orthopaedic operations are carried out in Tallaght General Hospital each Friday; and if she will make a statement on the matter. [17181/08]

**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. This includes decisions in relation to the scheduling of orthopaedic procedures at Tallaght Hospital. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have a reply issued to the Deputy on the operational issue raised.

#### **Nursing Homes Repayment Scheme.**

130. **Deputy Michael Ring** asked the Minister for Health and Children the number of claimants that have been paid under an Act (details supplied) on a county basis; the number of applications received and verified; the number of applications that have been validated but are waiting on payment; and the number of applications that have been refused. [17191/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has advised my Department that since the commencement of the Health Repayment Scheme in August 2006, over 36,000 applications have been received. Letters of offer have been sent to in excess of 13,000 claimants and almost 9,500 of these have been paid. The breakdown of claimants paid on a county basis is provided in the accompanying table.

The HSE have advised my Department that payments issue as soon as is practicable after the 28 day appeal period has passed provided that a valid letter of acceptance is received. The HSE have advised my Department that over 9,600 rejections have been processed in respect of these claims. The remaining claims are all being worked on and claims are concluded on a weekly basis.

County	Number of Paid Claimants
Co. Dublin	2,032
Co. Galway	474
Co. Kildare	374
Co. Meath	265
Co. Mayo	447
Co. Carlow	152
Co. Cavan	93
Co. Clare	275
Co. Cork	1,010
Co. Donegal	337
Co. Waterford	390
Co. Westmeath	205
Co. Wexford	301
Co. Wicklow	286
Co. Kerry	311
Co. Kilkenny	186
Co. Laois	206
Co. Leitrim	114
Co. Limerick	291
Co. Longford	132
Co. Louth	344
Co. Monaghan	232
Co. Offaly	163
Co. Roscommon	239
Co. Sligo	219
Co. Tipperary	399

### National Treatment Purchase Fund.

131. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 171 of 17 April 2008, when a person (details supplied) in County Kildare will receive a date for their operation; if the reply received from the Health Service Executive can be determined as a directive to the National Treatment Purchase Fund from Tallaght General Hospital that files and so on in relation to the applicant will be made available to the NTPF for their processing of the case and that there will be no hold up in relation to the provision of the date for the operation other than finding a suitable hospital to carry out such an operation; and if she will make a statement on the matter. [17198/08]

**Minister for Health and Children (Deputy Mary Harney):** The primary remit of the National Treatment Purchase Fund is to facilitate patients who are longest on waiting lists for surgery.

The scheduling of admissions is a matter for the relevant Consultant and is determined on the basis of medical priority and having regard to available capacity. The question of the treatment appropriate to the circumstances of each individual patient is a matter of clinical responsibility over which I have no control.

[Deputy Mary Harney.]

In the event that treatment is not readily available and should the medical condition of the person in question disimprove, their General Practitioner would be in the best position to emphasise the urgency of her case to the Consultant directly.

My Department has asked the Parliamentary Affairs Division of the Executive to respond to the Deputy directly on the operational matter raised by him.

### **Hospital Services.**

132. **Deputy Pat Breen** asked the Minister for Health and Children further to Parliamentary Question Nos. 214, 375 and 433 of 2 April 2008, when the review of acute hospital services in the mid-west will be published; and if she will make a statement on the matter. [17212/08]

**Minister for Health and Children (Deputy Mary Harney):** The HSE is undertaking a strategic review of acute hospital services in the Mid-West region. The review is focussing on identifying the most appropriate configuration of acute hospital services in the Mid-West including arrangements for A&E, critical care, acute medicine and surgery, together with diagnostic services, so that the highest quality of care can be delivered to the population. The HSE has advised my Department that the review is currently being finalised and that it will help to inform decisions on the future organisation of acute hospital and related services in the region.

### **General Practitioner Services.**

133. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the action she will take to address the worsening shortage of general practitioners as highlighted by the Irish College of General Practitioners survey showing over 25% of GPs in this State have closed their practices to new patients due to pressure of work; if she will increase the number of training places for GPs; and if she will make a statement on the matter. [17219/08]

**Minister for Health and Children (Deputy Mary Harney):** I am aware of the results of the Irish College of General Practitioners (ICGP) Manpower Survey 2008.

The number of General Practitioners who are in active practice is about 2,500. This equates to approximately 0.5 GPs per 1000 of the population, a ratio that is low by comparison with other EU and OECD countries.

I recognise there is a need to increase the number of GPs to take account of the projected growth in population, the ageing of the population and the ageing of the GP workforce.

The Government has taken a number of initiatives to address this. In February, 2006 we announced that the number of medical school places for EU students would be more than doubled by 305 to 725. The number of 305 places had been in place since 1978 through successive governments. Now there will be a new graduate entry stream providing an additional 240 places and increasing the number of EU undergraduate places by 180.

A total of 170 extra medical school places have been provided between 2006 and 2007 for Irish/EU students in the existing undergraduate courses and in the new graduate entry programme. A further 95 places will be made available in 2008 with the remaining 155 places coming on stream over the next 2 years.

In 2004, it was agreed with the Irish College of General Practitioners (ICGP) that the number of GP vocational training places should be increased from 84 to 150 on a phased basis over three years. I am informed by the HSE that to date, 36 of the additional 66 places have been

provided, bringing the total number of training places annually to 120. The further increase to 150 places is being kept under review by the HSE in the light of the current budgetary situation.

There are currently 12 GP vocational training programmes in the State and these programmes are accredited by the ICGP. 376 trainees are currently participating in these programmes and the HSE has advised that this number will increase to 449 in July 2008. The HSE has indicated that there have been capacity issues within these training programmes and that this is the principal reason that it has not been possible to increase the number of training places as quickly as had been hoped. The HSE continues to work with the ICGP with a view to addressing these issues.

A joint Department of Health and Children / HSE working group on workforce planning was established in June 2006. It also includes representatives of the Departments of Finance and Education and Science, and the Higher Education Authority.

Research is currently being undertaken by FÁS on behalf of the joint working group. This research will analyse the labour market for 11 healthcare grades and professions, including GPs, and will help determine future GP training needs. FÁS is expected to complete its work by the end of 2008 when it will report its findings to the joint working group.

### **Departmental Funding.**

134. **Deputy Finian McGrath** asked the Minister for Health and Children if a group (details supplied) will be assisted with their priority matters. [17228/08]

**Minister for Health and Children (Deputy Mary Harney):** With regard to the request for direct Irish Government funding for the exon skipping research project, there is no mechanism or budget for Government funding to U.K. health research.

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

The matters of education, training, employment, housing and transport are more appropriate to other Government Departments.

### **Medical Aids and Appliances.**

135. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [17231/08]

136. **Deputy Pat Breen** asked the Minister for Health and Children when appliances will be allocated to a person (details supplied) in County Clare; and if she will make a statement on the matter. [17232/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 135 and 136 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. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy.

[Deputy Mary Harney.]

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.**

137. **Deputy Bernard Allen** asked the Minister for Health and Children if she will investigate a situation where a person (details supplied) in County Cork received an appointment in the Cork University Hospital for 2 February 2009 to have their eyes examined; and if the appointment will be brought forward in view of their condition and age. [17234/08]

**Minister for Health and Children (Deputy Mary Harney):** The management of waiting lists generally is a matter for the Health Service Executive (HSE) in accordance with its operational responsibility for the management and delivery of health and personal social services. Therefore, the HSE is the appropriate body to consider the matter raised by the Deputy. Accordingly, my Department has requested the Parliamentary Affairs Division of the HSE to arrange to have a reply issued direct to the Deputy concerning the case of the person in question.

### **Foreign Adoptions.**

138. **Deputy Róisín Shortall** asked the Minister for Health and Children if her attention has been drawn to the lengthy delay in the greater Dublin area with regard to the assessment of appropriate candidates for inter country adoption; the number of couples and individuals in the greater Dublin area waiting on an assessment appointment; if there are sufficient social workers available to deal with the number of outstanding applications; and if she will implement policy to reduce waiting times and develop a more effective system. [17238/08]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** 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 pro-

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.

### **Child Care Services.**

139. **Deputy Enda Kenny** asked the Minister for Health and Children the reason for the delay in an application by persons (details supplied) in County Dublin for domiciliary care for a child; if the application will be processed in view of the long delay already encountered; and if she will make a statement on the matter. [17240/08]

**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.

### **Medicinal Products.**

140. **Deputy Finian McGrath** asked the Minister for Health and Children if she is satisfied that a drug (details supplied) is safe; and if she will investigate this matter. [17242/08]

**Minister for Health and Children (Deputy Mary Harney):** While no medicine is entirely without risk, the benefits of Prozac for the indications for which it is licensed far outweigh any potential associated risks.

All patients being prescribed Prozac are informed by the prescriber regarding the correct use of the product. Furthermore, all the information relating to the correct use of the product and the precautions and warnings for its use are clearly outlined in the product information and in particular the patient information which is supplied with the medicine when it is dispensed.

### **Mental Health Services.**

141. **Deputy Dan Neville** asked the Minister for Health and Children if she will ensure that a psychological assessment is given to a person (details supplied) in County Limerick. [17246/08]

**Minister for Health and Children (Deputy Mary Harney):** 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.

142. **Deputy Finian McGrath** asked the Minister for Health and Children if a person (details supplied) will be assisted. [17254/08]

**Minister for Health and Children (Deputy Mary Harney):** As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75 million 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.

#### **Home Help Service.**

143. **Deputy Jack Wall** asked the Minister for Health and Children if the home care attendants employed by the Health Service Executive in Kildare and west Wicklow are paid travel allowances using the eastern community works computer system; if so, the reason there is a delay in calculating the paying of travel expenses and arrears to the home help employees in Kildare and west Wicklow; if the system is programmed to pay existing employees within the HSE through the same system in view of the fact that both sets of employees are entitled to the same expenses; and if she will make a statement on the matter. [17257/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services, including the payment of travel allowances to eligible personnel, has been provided as part of its overall vote. The Executive is the appropriate body to consider the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

#### **Infectious Diseases.**

144. **Deputy John Deasy** asked the Minister for Health and Children when it is expected that the final report set up by the Health Service Executive to study a cluster of hepatitis B cases which occurred at Waterford Regional Hospital and Wexford General Hospital between the period January 2005 to February 2006 will be published; and if she will make a statement on the matter. [17262/08]

**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 Services.

145. **Deputy Olwyn Enright** asked the Minister for Health and Children if she will provide isolation units for cystic fibrosis patients at the University Hospital, Galway; and if she will make a statement on the matter. [17269/08]

**Minister for Health and Children (Deputy Mary Harney):** I have identified the enhancement of services to persons with cystic fibrosis as a key priority over recent years. Development funding of €6.78m has been allocated to the Health Service Executive since 2006 to facilitate the recruitment of specialist staff in this area.

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.

### National Treatment Purchase Fund.

146. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied) in County Wicklow who is waiting for a hip replacement; if they will have the procedure as a matter of urgency; and if she will make a statement on the matter. [17275/08]

**Minister for Health and Children (Deputy Mary Harney):** The primary remit of the National Treatment Purchase Fund is to facilitate patients who are longest on waiting lists for surgery.

The scheduling of admissions is a matter for the relevant Consultant and is determined on the basis of medical priority and having regard to available capacity. The question of the treatment appropriate to the circumstances of each individual patient is a matter of clinical responsibility over which I have no control.

In the event that the treatment is not readily available and should the medical condition of the person in question disimprove, their General Practitioner would be in the best position to emphasise the urgency of her case to the Consultant directly.

My Department has asked the Chief Executive of the Fund to reply directly to the Deputy in relation to the matter raised.

### Health Services.

147. **Deputy Darragh O'Brien** asked the Minister for Health and Children the progress regarding the refurbishment and upgrading of the Health Service Executive public health clinic at New Street, Malahide, County Dublin, in order to ensure that the facility is fully accessible for people with disabilities and the elderly and that the working conditions for the staff in the clinic are brought up to standard; and if she will make a statement on the matter. [17304/08]

**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.

### **Nursing Homes Repayment Scheme.**

148. **Deputy Michael Ring** asked the Minister for Health and Children when payment will issue to a person (details supplied) in County Mayo in relation to their claim under the health repayment scheme. [17305/08]

**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.**

149. **Deputy James Reilly** asked the Minister for Health and Children when, in view of the success of the acute medical admissions unit at St. James Hospital, acute medical admissions units will be introduced to hospitals, noting an article (details supplied) which claims up to 3000 lives could be saved by the introduction of such units; and if she will make a statement on the matter. [17311/08]

**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 matters investigated and to have a reply issued directly to the Deputy.

### **Pharmacy Services.**

150. **Deputy Jack Wall** asked the Minister for Health and Children her views on correspondence (details supplied); her plans to address the concerns expressed; and if she will make a statement on the matter. [17363/08]

157. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she has received communication from pharmacists or if her attention has been drawn to such communication with the Health Service Executive indicating a cessation of services provided by pharmacists resulting from action taken by her Department and the HSE; and if she will make a statement on the matter. [17447/08]

158. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she will take an initiative to resolve the ongoing dispute between herself, the Health Service Executive and the pharmacists with particular reference to the need to ensure ongoing services and facilities as provided by the pharmacist in the future; and if she will make a statement on the matter. [17448/08]

175. **Deputy Joanna Tuffy** asked the Minister for Health and Children the contingency plans in place by her Department and the Health Services Executive to deal with the probability that pharmacists will withdraw from the community drugs scheme; and if she will make a statement on the matter. [17624/08]

176. **Deputy Joanna Tuffy** asked the Minister for Health and Children if she has considered the impact on rural pharmacies of the cut in payment to pharmacists under the community drugs schemes; the plans in place to guarantee continuity of supply to patients of their medicines under the community drugs scheme in areas which may be left without a local community pharmacist arising from changes imposed by the Health Services Executive; and if she will make a statement on the matter. [17625/08]

191. **Deputy Charlie O'Connor** asked the Minister for Health and Children the situation regarding pharmacies arising from recent discussions between the Health Service Executive and the Irish Pharmaceutical Union; and if she will make a statement on the matter. [18013/08]

**Minister for Health and Children (Deputy Mary Harney):** I welcome the recent decision of the Irish Pharmaceutical Union (IPU) to recommend that its members not proceed with their threatened withdrawal from the GMS and community drugs schemes. This decision followed intensive consultations between the IPU and officials of the Health Service Executive (HSE) and Department of Health and Children.

The Government's priority has been to ensure that patients continue to receive their full entitlements under the GMS and other drugs schemes and I am pleased that this has been achieved. Both the Government and the HSE have confirmed that they recognise the IPU as the representative body for community pharmacists. An agenda has been agreed for detailed discussions between the parties commencing this week on contractual and other outstanding issues.

I established an Independent Body to assess an interim, fair community pharmacy dispensing fee. This Body is being chaired by Seán Dorgan, former Head of IDA Ireland. It has been asked to make its recommendations by the end of May 2008. The Government is pleased that there will be no disruption of pharmacy services pending the completion of the work of the Independent Body. With continued goodwill on all sides, I am confident that significant progress will be made over the next few weeks.

#### **Hospital Services.**

151. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if she has plans to increase the number of MRI scanners at Beaumont Hospital from two to five; and if she will make a statement on the matter. [17354/08]

**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 Staff.**

152. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the staffing levels at each hospital maternity unit; and if she will make a statement on the matter. [17355/08]

**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.

#### **Departmental Expenditure.**

153. **Deputy Damien English** asked the Minister for Health and Children the average time for payment to be made by her Department and by each agency affiliated to her Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if she will make a statement on the matter. [17380/08]

**Minister for Health and Children (Deputy Mary Harney):** I would like to inform the Deputy that my Department does not collate information in the manner set out in the question. The number of invoices processed for payment in regard to goods and services is set out in the table below. I would like to assure the Deputy that it is a policy of my Department to adhere to EU Directive 2000/35/EC in relation to prompt payment. All invoices which are authorised for payment are paid within 30 days of receipt.

Year	Invoices for Goods & Services	Invoices attracting Prompt Payment Interest	% of invoices paid within 30 days
2004	7,906	51	99.35
2005	7,115	89	98.75
2006	6,167	33	99.46
2007	5,306	13	99.75
2008	2,047	5	99.76

My Department has requested the Parliamentary Affairs Division of the Health Services Executive to forward information directly to the Deputy. In addition there are a number of agencies funded directly by my Department. I have requested that these agencies forward information to the Deputy as soon as possible.

#### **Medical Cards.**

154. **Deputy Jack Wall** asked the Minister for Health and Children when an application for a full medical card will be processed for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17392/08]

**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.

### **Vaccination Programme.**

155. **Deputy Leo Varadkar** asked the Minister for Health and Children if she will act on the Health Information and Quality Authority's approval of the HPV vaccine; and if she will make a statement on the matter. [17417/08]

**Minister for Health and Children (Deputy Mary Harney):** The National Immunisation Advisory Committee (NIAC) has undertaken a scientific assessment of the public health value of HPV following a request from my Department. NIAC and the National Cancer Screening Service (NCSS) agreed that this work needed to be complemented by a study of the cost effectiveness of the vaccine in the current Irish context. Accordingly, both organisations requested the Health Information and Quality Authority (HIQA) to undertake a study into the cost effectiveness of HPV.

I understand that HIQA has completed the study and that it is currently being considered by NCSS. When I receive the advice of the NCSS in the matter, the necessary decisions that arise from the advice will be made.

### **Pharmacy Services.**

156. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if her attention has been drawn to the eventual negative consequences arising from the continued conflict between herself and the Health Service Executive directed at the pharmacists; the expected reduction or cessation of services arising from the arbitrary action taken by the HSE; if her attention has further been drawn to the expected reduction in competition and delivery of services to the public in the event of the closure of a substantial number of pharmacies with particular reference to young pharmacists who were to become the driving force in the provision of such services in the future; and if she will make a statement on the matter. [17446/08]

**Minister for Health and Children (Deputy Mary Harney):** I welcome the recent decision of the Irish Pharmaceutical Union (IPU) to recommend that its members not proceed with their threatened withdrawal from the GMS and community drugs schemes. This decision followed intensive consultations between the IPU and officials of the Health Service Executive (HSE) and Department of Health and Children.

The Government's priority has been to ensure that patients continue to receive their full entitlements under the GMS and other drugs schemes and I am pleased that this has been achieved. Both the Government and the HSE have confirmed that they recognise the IPU as the representative body for community pharmacists. An agenda has been agreed for detailed discussions between the parties commencing this week on contractual and other outstanding issues.

[Deputy Mary Harney.]

I established an Independent Body to assess an interim, fair community pharmacy dispensing fee. This Body is being chaired by Seán Dorgan, former Head of IDA Ireland. It has been asked to make its recommendations by the end of May 2008. The Government is pleased that there will be no disruption of pharmacy services pending the completion of the work of the Independent Body. With continued goodwill on all sides, I am confident that significant progress will be made over the next few weeks.

*Questions Nos. 157 and 158 answered with Question No. 150.*

### **Hospital Services.**

159. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the work of a group (details supplied) which produced a report and recommendations locally for maternity patients and their families at Our Lady of Lourdes Hospital, Drogheda; if their report was accepted by the relevant Health Service Executive manager; if leaflets were agreed and printed; the cost of same; if the leaflets have since been withdrawn from circulation to patients; if so, the reason for same; and if she will make a statement on the matter. [17553/08]

**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.

### **Budget Submissions.**

160. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter. [17566/08]

**Minister for Health and Children (Deputy Mary Harney):** During the Annual Estimates process meetings are routinely held within the Department and with officials from the Department of Finance. A variety of officials attend these meetings depending on the issues involved. These meetings help to clarify outstanding issues in relation to the detail of the Estimate and the relative priorities for increased funding. As the meetings can be quite frequent and informal minutes are not kept in the ordinary course of events, but the meetings inform part of what is an ongoing dialogue in advance of final discussions on the Estimates. Towards the end of the process a meeting takes place at Ministerial level at which officials are also involved. Final figures are then agreed with the Minister for Finance for recommendation to Government and publication in the Estimates volume shortly thereafter.

### **Medical Cards.**

161. **Deputy Michael McGrath** asked the Minister for Health and Children the position in relation to the medical card appeal of a person (details supplied) in County Cork. [17574/08]

**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.

#### **Health Service Staff.**

162. **Deputy Martin Ferris** asked the Minister for Health and Children when she will fill the vacant psychologist position at the Brothers of Charity, Kerry. [17578/08]

163. **Deputy Martin Ferris** asked the Minister for Health and Children when the vacancy for a psychologist by the Health Service Executive in the Kerry region will be filled. [17579/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 162 and 163 together.

Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the 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.

#### **Health Services.**

164. **Deputy Martin Ferris** asked the Minister for Health and Children if there will be no financial cuts to the Health Service Executive budget regarding primary community continuous care for the Kerry area. [17580/08]

**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.

165. **Deputy Martin Ferris** asked the Minister for Health and Children if she will make a statement on the delay in getting through the waiting list for repeat assessments for autistic children in the Kerry area. [17581/08]

**Minister for Health and Children (Deputy Mary Harney):** 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.

#### **Health Service Staff.**

166. **Deputy Andrew Doyle** asked the Minister for Health and Children further to Parliamentary Question No. 17 of 31 January 2008, if a recruitment pause is still in place; if this affects front line staff; the health services staff who are considered front line; if essential health services posts will be filled where vacancies are created in 2008; and the health services staff considered essential health services posts. [17590/08]

**Minister for Health and Children (Deputy Mary Harney):** The recruitment pause put in place in September 2007 was initiated as part of the HSE financial break-even plan to facilitate the delivery of services on budget in accordance with the provisions of the 2007 National Service Plan. This pause did not involve random job cuts but did mean that the recruitment of staff to approved positions was delayed. The HSE put in place a derogation process to deal with the filling of essential posts to protect front-line services and close to 900 posts were approved under this process.

This temporary pause in recruitment ended on 31st December 2007 and any posts falling vacant from 1st January 2008 can be filled subject to the provisions of Circular 01/2008. This circular sets out the HSE Employment Control Framework for 2008 and is aimed at ensuring that health services are delivered in accordance with the provisions of the 2008 National Service Plan and within the funding provided by Government. The Employment Control Framework provides for the filling of vacancies arising in 2008, the filling of approved and funded service development posts not filled at the end of 2007 and new service developments in 2008.

An overall employment ceiling of 112,560 whole time equivalents has been set for the public health services for 2008 (111,650 adjusted for student nurses). This level of employment provides for 1,050 additional new posts arising from development funding provided by the Government in the Budget Day package for 2008. Following consideration of the requirements to deliver the priorities identified by Government in the Budget package, 1050 posts have been approved for 2008. A breakdown of these development posts is provided below.

Service	2008 Development Funding	No. of Development posts to be filled in 2008
	€m	
Older People	22.00	100
Palliative Care	3.00	50
Disability	49.96	710
Cancer	15.00	90
Population Health	17.96	100
Total		1,050

The filling of the above development posts are to be managed by the HSE within the employment control framework for the health services and its own circular issued in January 2008. The Executive is the appropriate body to consider the health service staff and grades which are considered front-line and essential. 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.

167. **Deputy Seymour Crawford** asked the Minister for Health and Children if the Health Service Executive north east is prepared to finalise a deal with a person (details supplied) in County Cavan for an extension to their site. [17600/08]

**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.

168. **Deputy Liz McManus** asked the Minister for Health and Children the reason there are no funds available to hospitals to discharge patients to nursing homes (details supplied). [17602/08]

**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.

#### Cancer Screening Programme.

169. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will confirm that the intention is to raise standards and increase capacity and capability in laboratories here for cervical screening to ensure existing expertise is not lost and to ensure the highest standard of reporting recall and management of Irish patients; if her attention has been drawn to the dangers of loss of local expertise; and if she will make a statement on the matter. [17597/08]

**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 and is in the final stages of preparations. The service will be available free of charge to all eligible women in Ireland aged 25-60. A national programme will provide screening in a primary care setting every three years for women aged 25-44 years and screening every five years for women aged 45-60 years. The priority is to establish a national quality assured, organised cervical screening programme and it will be implemented in line with best international practice.

All elements of the programme will be quality assured — call and recall, laboratory testing, colposcopy and will be managed to deliver a single integrated national service. A cytology procurement process is underway. This process commenced in December 2007 and the outcome of this will be announced shortly.

The vital emphasis of the procurement process has been and will be on quality of the national programme. The necessary entry criteria in choosing a cytology partner included accreditation status and that the laboratory dealt with a minimum of 25,000 smears per annum. These criteria were chosen in line with international acceptable criteria for cervical screening programmes. The NCSS will ensure that the laboratory elements will be delivered in an efficient and cost effective manner and with high quality and acceptable turn-around time for results and so avoid unacceptably long delays for routine cervical smear test results as a priority.

The specific question raised by the Deputy in relation to standards, capacity and capability of cytology laboratories 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.

#### **Hospitals Building Programme.**

170. **Deputy Brian Hayes** asked the Minister for Health and Children if she will confirm that the new national paediatric hospital at the Mater Hospital can only be built once the newly proposed adult hospital at the Mater is completed; the proposed timeframe for the construction of both new hospitals at the Mater; and if she will make a statement on the matter. [17605/08]

**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 Services.**

171. **Deputy Dan Neville** asked the Minister for Health and Children the details of the Office for Disability and Mental Health. [17610/08]

172. **Deputy Dan Neville** asked the Minister for Health and Children the details of the members of the Office for Disability and Mental Health. [17611/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 171 and 172 together.

In January 2008, the Government announced the establishment of the Office for Disability and Mental Health to support the Minister for Disability & Mental Health in exercising their responsibilities across four Government Departments: Health & Children, Education & Science, Enterprise, Trade & Employment and Justice, Equality & Law Reform.

The new Office brings together responsibility for a range of different policy areas and State services which directly impact on the lives of people with a disability and people with mental health issues. The Office will aim to bring about improvements in the manner in which services respond to the needs of people with disabilities and mental health issues, by working to develop person-centred services, focussing on the holistic needs of clients and service users and actively involving them in their own care.

Very substantial progress has been made in recent years in the areas of disability and mental health, but much remains to be done. In particular, there is a need to improve co-ordination and communication across different Government Departments and agencies in their delivery of services to this client group. This will be the main focus for the new Office in the coming months.

The key priorities for the Office for Disability and Mental Health are:

- supporting the implementation of the Health Sectoral Plan under the Disability Act 2005. The Office will focus in particular on facilitating the delivery of integrated health and education support services for children with special needs, by further developing existing mechanisms for co-operation and co-ordination between the health and education sectors, both at national and local level;
- developing an appropriate continuum of training and employment support services for people with a disability by working together with the Dept. of Enterprise, Trade and Employment, FAS and the HSE;
- bringing a new impetus to the implementation of A Vision for Change, working in partnership with the HSE and other stakeholders to achieve implementation of agreed targets.
- Achieving greater cooperation between the health and justice sectors on matters relating to people with mental illness who come before the Courts, who are in the prison system or in the Central Mental Hospital.

The Director of the Office for Disability and Mental Health is Bairbre Nic Aongusa, formerly Deputy Director of the Office of the Minister for Children (OMC). During her time in the OMC, Ms Nic Aongusa engaged extensively in the type of cross-agency and cross-Departmental work that is now required to achieve real progress in disability and mental health. She brings that experience and expertise with her to the new Office, in addition to her experience as a senior manager in the Department of Health & Children over several years. The Director of the Office is a member of the Senior Officials Group on Social Inclusion, which monitors progress on the Government's commitments in relation to social policy. The Government has also agreed that meetings will be held on a quarterly basis between the Minister for Disability and Mental Health, the four Secretary Generals of the relevant Departments and the Director of the new Office, to review progress in the priority areas. The staff of the Office were drawn from within existing resources as per Government policy on public service numbers.

[Deputy Mary Harney.]

In conclusion, the Government's decision to establish the Office for Disability and Mental Health reflects its commitment to developing a more coherent and integrated response to the needs of people with disabilities and mental health issues. It recognises that clients and service users need to be at the centre of service delivery and that we may need to examine the way in which services are currently delivered to ensure that is the case. To effectively achieve this requires a cross-Departmental, cross-agency response. The designation of a Minister of State with responsibility for Disabilities and Mental Health and the establishment of an Office for Disability and Mental Health will facilitate cross-agency and cross-departmental working and enable us to deliver real benefits to clients and service users into the future.

### **Mental Health Services.**

173. **Deputy Dan Neville** asked the Minister for Health and Children the number of child adolescents on the psychiatric waiting list. [17612/08]

**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.

174. **Deputy Dan Neville** asked the Minister for Health and Children further to Parliamentary Question No. 275 of 17 April 2008 in relation to the number of in-patient psychiatric beds for years 2000 to 2006, the areas of the reduction of 850 beds in that period under the criteria of acute beds and long stay beds; and if there was a reduction on long stay, the locations where the patients were re-located to. [17613/08]

**Minister for Health and Children (Deputy Mary Harney):** According to the Health Research Board the reduction in the number of in-patient psychiatric beds for the years 2000 to 2006 has been entirely in long-stay beds. There has been no decline in acute beds. Since the establishment of the Health Service Executive in 2004 and the splitting of some catchment areas it is not possible to compare data between the former health board areas and the HSE areas.

The Report of the Expert Group on Mental Health Policy, 'A Vision for Change', which was launched in January 2006 and represents Government policy, provides a framework for action to develop a modern, high quality mental health services for a seven to ten year period. The Report recommends that steps be taken to bring about the closure of all psychiatric hospitals and the reinvestment of the resources released by these closures in mental health service. It emphasises that this process should take place on a phased basis with wards closing sequentially and that hospitals can only close when the clinical needs of the remaining patients have been addressed in more appropriate settings such as additional community residences, day hospitals and day centres. Currently, there are approximately 400 community psychiatric residences in the country providing over 3,000 places.

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.

*Questions No. 175 and 176 answered with Question No. 150.*

#### **Health Service Staff.**

177. **Deputy Richard Bruton** asked the Minister for Health and Children if her attention has been drawn to the fact that since changes have been made in the supply arrangements for specialist stockings for persons with acute swelling, medical card holders are having difficulty in obtaining service for lack of trained nurses to do the required measurement for fittings as in the case of a person (details supplied) in Dublin 5. [17628/08]

**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.

#### **Hospital Staff.**

178. **Deputy Michael Creed** asked the Minister for Health and Children if she will guarantee that a third consultant surgeon will be available to Mallow General Hospital on a permanent basis for the period after 31 May, 2008 when the current arrangements expire; and if she will make a statement on the matter. [17645/08]

**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.

#### **Health Services.**

179. **Deputy Michael Ring** asked the Minister for Health and Children if she will produce a copy of an agreement referred to recently (details supplied); if she will verify whether this document exists; and if so, if she will produce a copy of same. [17648/08]

**Minister for Health and Children (Deputy Mary Harney):** The information sought by the Deputy relates to matters within the area of responsibility of the Health Service 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 directly to the Deputy.

#### **Departmental Expenditure.**

180. **Deputy Damien English** asked the Minister for Health and Children the cost to her Department of implementing the pay roll system within her Department and within bodies

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under her Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17718/08]

**Minister for Health and Children (Deputy Mary Harney):** The following table indicates the cost of updating and maintaining the payroll system in my Department from 2004 to the present. These costs include maintenance, support, licensing and training but do not include hardware.

Year	Cost
	€
2004	21,034.89
2005	25,267.47
2006*	94,155.78
2007	31,055.32
2008 to date	29,585.92

\*In 2006, an on-line payslip facility was implemented and the disaster recovery infrastructure was updated and enhanced.

The position regarding the HSE and other agencies is a matter for the agencies themselves. My Department is asking them to reply directly to the Deputy in this regard.

#### Health Services.

181. **Deputy John Cregan** asked the Minister for Health and Children when funding of €1,500,000 will be made available to a foundation (details supplied) in County Cork by the Health Service Executive in view of the fact that this allocation was made in Budget 2008 and no funding has been drawn down to date; and if she will make a statement on the matter. [17723/08]

**Minister for Health and Children (Deputy Mary Harney):** As part of service improvements in the health system, a sum of €1.5million is provided in Budget 2008 for the organisation (details supplied). The drawing down of this funding is a matter between the Health Service Executive and the organisation (details supplied).

The Deputy's specific 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 Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### Hospital Services.

182. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if she will make a statement on the recently published OECD report in relation to the Health Reform Plan for hospitals in the north east which recommended that the Government reviews the idea of a centralised single acute hospital for the north east and consider the possibility of having two hospitals in the region. [17726/08]

**Minister for Health and Children (Deputy Mary Harney):** The OECD review of the Irish Public Service report entitled Ireland Towards an Integrated Public Service, was launched by the Taoiseach on Monday 28 April and includes a Case Study on the reconfiguration of the Hospital Services in the North East. I think it is important to note that the OECD state that

the health sector Case Study does not purport to be a full analysis or review of wider issues relating to health care in Ireland or a commentary on health service provision generally in Ireland.

The OECD note that the health of the Irish is good and improving at an exceptionally rapid pace. Ireland is the European country which had the most spectacular increase in its life expectancy at birth since 1990: almost five years in 15 years, an average of four months a year. The OECD recommend that there should be a focus on longer-term outcomes such as life expectancy to measure the performance of the health system.

The Report emphasises the need to deal with the reforms of primary and community care in tandem with the reconfiguration of hospitals if the overall vision is to be realised. In order to ensure the model is the optimum given the specific characteristics of the region, it suggests taking a broader look at international systems, including systems that are similar in terms of their needs, in order to examine different patterns of hospital requirements in the North East.

The OECD took the view that this may include the possibility of having two hospitals, one regional, and one general. It may equally be that the outcome of such an examination would be a reaffirmation of the plan for one acute hospital for the region. At this point no decisions have been made by the Government or by the Health Service Executive (HSE) on the future location of the new hospital. The immediate task for the HSE is to ensure that services in the region are organised to optimise patient safety. The first step in the development of a fully integrated regional health service is to ensure that the people of the North East have local access to both routine planned care and immediate life saving emergency care. Over the next few years, in preparation for all acute emergency in-patient care and complex planned care being provided at a regional centre, the existing five hospitals will continue to improve services by further merger of their acute care specialties.

Finally, I would like to draw attention to the fact that the OECD confirm that policy objectives of the proposal to reconfigure hospital services in the North East are based on sound principles: “Clinically, the reform programme makes sense and will lead to safer, better quality treatment options for citizens”. There is also an acceptance that there is a clear vision within the HSE regarding how health care services in the North East will be delivered following final implementation of all reforms.

### **Care of the Elderly.**

183. **Deputy Damien English** asked the Minister for Health and Children if her attention has been drawn to a reduction in the number of day care visits being afforded to senior citizens at a centre (details supplied) in County Meath; if she will request the Health Service Executive to increase the number of visits that senior citizens can make in order to ensure that adequate physiotherapy, occupational therapy, blood pressure, blood sugar monitoring and other medical services can be afforded to those who use the centre; and if she will make a statement on the matter. [17697/08]

**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.

### Health Services.

184. **Deputy Emmet Stagg** asked the Minister for Health and Children when a response will issue to this Deputy in relation to correspondence (details supplied). [17727/08]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Deputy's question relates to the management and delivery of health and social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

### Hospital Charges.

185. **Deputy Eamon Gilmore** asked the Minister for Health and Children the way the terms a contract bed in a private nursing home and long stay maintenance charges are defined in primary legislation, regulation or guidelines issued by her Department; and if she will make a statement on the matter. [17731/08]

**Minister for Health and Children (Deputy Mary Harney):** Section 53 of the Health Act, 1970, (as amended by the Health (Amendment) Act, 2005) provides, inter alia, for the levying of a charge where in-patient services have been provided for a period of not less than 30 days or for periods aggregating not less than 30 days within the previous 12 months.

The charges are implemented by way of the Health (Charges for In-Patient Services) Regulations 2005. These regulations provide for the maximum charge to be levied on either class of person. The HSE has the power to reduce or waive a charge on the grounds of "undue hardship". Under Section 1(b) of the Health (Amendment) Act, 2005, the HSE can examine a person's overall financial situation in view of the person's reasonable expenditure in relation to themselves or their dependants, if any. It is a matter for the HSE, based on its own legal advice and taking into account the individual circumstances as well as the service being provided, to make a decision on any charges levied.

The term "contract bed" is not defined in primary legislation, regulation or by way of departmental guidelines. The term "private nursing home" is defined in the Health (Nursing Homes) Act 1990 (as amended). I have arranged for copies of the relevant legislation to be sent to the Deputy. Finally, I would like to take this opportunity to point out that it is intended to ultimately replace the arrangements for funding public nursing home beds, contract beds and private nursing home subventions with a single, uniform system of financial support, namely A Fair Deal.

### Health Service Staff.

186. **Deputy Emmet Stagg** asked the Minister for Health and Children the reason for the delay in appointing a replacement public health nurse (details supplied); and if she will ensure that there is no further delay. [17728/08]

**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.

### **Proposed Legislation.**

187. **Deputy Eamon Gilmore** asked the Minister for Health and Children the plans she has to clarify and update legislation on eligibility for health and personal social services; if it is intended to address eligibility for chiropody services, in the context of that legislation; and if she will make a statement on the matter. [17732/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy is aware, my Department is currently preparing legislation to provide for clear statutory provisions on eligibility for health and personal social services. The aim is to produce a clear set of statutory provisions that ensure equity and transparency and to bring the system up to date with developments in service delivery and technology that have occurred since the Health Act 1970. The legislation will define specific health and personal social services more clearly; set out who should be eligible for what services, as well as criteria for eligibility; establish when and in what circumstances charges may be made and provide for an appeals framework. My Department is currently examining the range of services that will be defined in legislation. It is expected that proposals will be brought to Government during 2008.

### **Health Service Staff.**

188. **Deputy Damien English** asked the Minister for Health and Children the number of new positions created within the Health Service Executive for each of the years from 2004 to date in 2008; and the breakdown per grade category of same in tabular readable form. [17706/08]

**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.

However, the Deputy may wish to note that the increases in the numbers employed in the public health service by grade category, from end 2004 to March 2008, are as follows:

Table 1: Health Service Employment 2002-2008<sup>1</sup> (source: Health Service Personnel Census)

Grade category	2004	% Diff. between 2004 and 2003	2005	% Diff. between 2005 and 2004	2006	% Diff. between 2006 and 2005	2007	% Diff. between 2007 and 2006	Mar-08	% Diff. between 2007 and Mar 2008
Medical/Dental	7,013	3.30%	7,263	3.56%	7,712	6.18%	8,005	3.80%	8,007	0.02%
Nursing	34,313	1.65%	35,243	2.71%	36,737	4.24%	39,006	6.18%	38,047	-2.46%
Health & Social Care Profess	12,830	1.30%	13,927	8.55%	14,913	7.08%	15,705	5.31%	15,681	-0.15%
Mngmt./Admin.	16,157	2.60%	16,680	3.24%	17,262	3.49%	18,043	4.52%	17,930	-0.63%
General Support Staff	13,771	-0.38%	13,215	-4.04%	12,910	-2.31%	12,900	-0.08%	12,873	-0.21%
Other Patient & Client Care	14,640	7.32%	15,580	6.42%	16,739	7.44%	17,846	6.61%	17,759	-0.49%
Total	98,723	2.39%	101,908	3.23%	106,273	4.28%	111,505	4.92%	110,297	-1.08%

Notes

<sup>1</sup> Excludes Home Helps.

<sup>2</sup> Management/ Administrative includes staff who are of direct service to the public and include Consultant's Secretaries, Out-Patient Departmental Personnel, Medical Records Personnel, Telephonists and other staff who are engaged in front-line duties together with staff in the following categories Payroll, Human Resource Management (including training), Service Managers, IT Staff, General Management Support and Legislative and Information requirements.

<sup>3</sup> The methodology under which employment figures are compiled changed during the course of 2007 with the addition of personnel not previously included in subsumed agencies such as the Health Service Executive-EA (HSEA), the Primary Care Reimbursement Service (GMSPB), Health Boards Executive (HeBe) and the Office for Health Management (now part of the HR function) together with many other posts in projects or post previously excluded such as HRBS/PPARS and Value-for-Money posts (all of which are largely in the Management/Administrative stream) together with the inclusion of student nurses and chaplains. This change was undertaken to represent health service employment on a like-for-like basis with employment ceilings and to more accurately represent a reconfigured health service's employment information. As a result of this change year-on-year figures are not comparable.

<sup>4</sup> Caution should be exercised in making grade category comparisons due to changes in category composition over time.

<sup>5</sup> Student nurses are included in the 2007 and 2008 employment ceiling on the basis of 3.5 students equating to 1 wholetime equivalent. The employment levels adjusted for student nurses on the above basis are 110,664 wte (Dec 07) and 110,156 wte (Mar 08).

189. **Deputy Damien English** asked the Minister for Health and Children the number of staff employed within the Health Service Executive as of 1 May 2008; and the breakdown per grade category in tabular readable form. [17707/08]

**Minister for Health and Children (Deputy Mary Harney):** The main source of employment data in the health services is the Health Service Executive's Health Services Personnel Census which is derived from payroll history in each agency. The census collects data on actual staffing level for each staff grade in each health agency at a given point in time. Up to and including 2002 the census was conducted annually. Since 2003 the census has been carried out quarterly at the end of March, June, September and December each year. The data referred to in the question are unavailable as yet, however, the latest census data from the end of March are set out in the following table (source: Health Service Personnel Census):

Health Service Personnel Census by Grade Category

Grade Category	31/03/2008
Medical/Dental	8,007
of which Consultants	2,214
Nursing	38,047
Health and Social Care Professionals	15,681
Management/Admin	17,930
General Support Staff	12,873
Other Patient and Client Care	17,759
Total	110,297

*Notes*

<sup>1</sup> Excludes Home Help.

<sup>2</sup> Management/ Administrative includes staff who are of direct service to the public and include Consultant's Secretaries, Out-Patient Departmental Personnel, Medical Records Personnel, Telephonists and other staff who are engaged in front-line duties together with staff in the following categories Payroll, Human Resource Management (including training), Service Managers, IT Staff, General Management Support and Legislative and Information requirements

<sup>3</sup> Student nurses are included in the 2008 employment ceiling on the basis of 3.5 students equating to 1 wholetime equivalent. The employment level adjusted for student nurses on the above basis is 110,091 wte.

### Hospital Services.

190. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to have a person (details supplied) admitted to the Eye and Ear Hospital to have an important procedure carried out; and if she will make a statement on the matter. [17738/08]

**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.

*Question No. 191 answered with Question No. 150.*

### Health Services.

192. **Deputy Billy Timmins** asked the Minister for Health and Children the position in

[Deputy Billy Timmins.]

relation to a person (details supplied) in County Kildare; if they will be seen as matter of urgency; and if she will make a statement on the matter. [18014/08]

**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.

193. **Deputy Jim O’Keeffe** asked the Minister for Health and Children when the income limits for medical cards were last increased; her views on whether the limits should be further increased; and if she will make a statement on the matter. [18020/08]

**Minister for Health and Children (Deputy Mary Harney):** Since the beginning of 2005, the qualification guidelines for medical card eligibility have increased by a cumulative 29% (7.5% and 20% in January and October 2005 respectively). The Agreed 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.

In conjunction with the development of a new legislative framework to provide for clear statutory provisions on eligibility for health and personal social services, my Department is reviewing the assessment criteria in the context of financial, medical and social need in line with the commitment in Towards 2016. A Steering Group has been established which is expected to complete this work in autumn 2008. It is my intention to then consider how best to progress the commitments in the Agreed Programme for Government in relation to medical card eligibility.

### Health Services.

194. **Deputy James Reilly** asked the Minister for Health and Children the average waiting times for speech and language services for adults in each Health Service Executive local health office in Dublin City and County, in each year over the past three years; and if she will make a statement on the matter. [17755/08]

**Minister for Health and Children (Deputy Mary Harney):** 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.

195. **Deputy James Reilly** asked the Minister for Health and Children the average waiting times for occupational therapy services for adults in each Health Service Executive local health office in Dublin City and County, in each year over the past three years; and if she will make a statement on the matter. [17756/08]

**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.

196. **Deputy James Reilly** asked the Minister for Health and Children the average waiting times for orthodontic treatment for adults in each health Service Executive local health office in Dublin City and County, in each year over the past three years; and if she will make a statement on the matter. [17757/08]

**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.

#### **General Practitioner Services.**

197. **Deputy James Reilly** asked the Minister for Health and Children the number of general practitioners per county, in each year over the past 10 years; and if she will make a statement on the matter. [17758/08]

**Minister for Health and Children (Deputy Mary Harney):** The Irish College of General Practitioners has informed my Department that the number of General Practitioners (GPs) who are in active practice is about 2,500. GPs working in the General Medical Services (GMS) Scheme hold a contract with the Health Service Executive (HSE). Therefore, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to examine this matter and to provide the available information directly to the Deputy.

#### **Hospital Services.**

198. **Deputy Rory O'Hanlon** asked the Minister for Health and Children the allocation to each of the major acute hospitals in Dublin for the years 1997 to date in 2008; and if she will make a statement on the matter. [17761/08]

**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.**

199. **Deputy Seán Ardagh** asked the Minister for Health and Children the position in relation to the investigation on child care facilities (details supplied); and if she will make a statement on the matter. [17763/08]

**Minister for Health and Children (Deputy Mary Harney):** The Deputy's question relates to the management and delivery of health and social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

### **Hospital Services.**

200. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the progress made in providing for additional kidney dialysis capacity in County Kilkenny and in County Limerick; her views on the failure to reach timeframe targets; if she has plans to withdraw the contracts and provide the service through other means; and if she will make a statement on the matter. [17766/08]

**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.

My Department is aware that the HSE undertook a National Renal Review to inform the approach to the future development of renal services. The Report of the Review Group was completed over a year ago and developments in renal services have since been guided by the thinking in the report. The Renal Review Group identified the need for the early introduction of a follow-on implementation plan. The HSE has decided that such a plan needs to be aligned with its Transformation Programme. The HSE has further determined that the Report of the Review Group should be reviewed by an external expert/consultancy and arrangements are to be put in place to this effect.

### **Health Services.**

201. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist in the case of a person (details supplied). [17767/08]

**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.

### **Home Help Service.**

202. **Deputy Billy Timmins** asked the Minister for Health and Children the position in

relation to a person (details supplied) in County Dublin; if home help will be provided; and if she will make a statement on the matter. [17772/08]

**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 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.**

203. **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. [17813/08]

**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.

#### **Home Help Service.**

204. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a home care package will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17814/08]

**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 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.**

205. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card application review will be processed in the case of persons (details supplied); and if she will make a statement on the matter. [17815/08]

**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.

### **Departmental Properties.**

206. **Deputy Bernard Allen** asked the Minister for Health and Children her views on a recent report (details supplied) that the National Director of Estates in the Health Service Executive has issued an instruction that assets and properties may not be disposed of at present. [17824/08]

**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.

### **Alcohol Consumption.**

207. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on recent figures published by the Health Service Executive which show that in 2007 there was a rise in alcohol consumption here for the first time in four years. [17825/08]

**Minister for Health and Children (Deputy Mary Harney):** Earlier this year the Health Service Executive obtained provisional alcohol consumption data from the Revenue Commissioners which indicated an increase of 2.7% in per capita alcohol consumption for 2007 compared to 2006. The 2006 Census population figure was used in this calculation. The Central Statistics Office recently released its population estimate for 2007 which showed an increase on 2006. Based on this estimate, the per capita alcohol consumption rate seems to have increased by 0.21% in 2007 over 2006. This figure remains provisional pending final alcohol consumption data from the Revenue Commissioners later this year.

I remain concerned that the per capita alcohol consumption rate in Ireland is well above the EU average. Reducing our consumption levels is key to tackling alcohol related harm in Ireland. The Government will continue to identify, promote and support measures to achieve this aim.

### Medical Research.

208. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on a recent report into stem cell therapies prepared by the Irish Council for Bioethics which calls for research to be carried out on human embryos. [17826/08]

**Minister for Health and Children (Deputy Mary Harney):** The report referred to by the Deputy has just been received by my Department and it is currently being examined and considered.

### Health Service Staff.

209. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on recent comments made by medical experts that the shortage of general practitioners here is one of the reasons there are major bottlenecks in introducing a feasible and affordable health care system as contained in the report Social Health Insurance: Further Options for Ireland. [17827/08]

**Minister for Health and Children (Deputy Mary Harney):** The Report referred to by the Deputy, Social Health Insurance: Further Options for Ireland, was published by the Adelaide Hospital Society on 16 April 2008 as a contribution to the debate on the health care system in Ireland. As part of its examination, the report looks at the supply of General Practitioners and other medical professionals in Ireland. My Department is currently considering this report.

### Disease Screening Programme.

210. **Deputy Bernard Allen** asked the Minister for Health and Children if she proposes to introduce a programme whereby all patients over 65 years of age should be tested for Alzheimer's disease (details supplied). [17828/08]

**Minister for Health and Children (Deputy Mary Harney):** Alzheimer disease is the most common form of dementia in Ireland. It is characterised by progressive, and almost always, irreversible decline in mental functioning. The condition has no single cause and, as yet, no single cure. It has a life changing physical, emotional and mental impact on the affected person and their primary carer and family. It is largely, but not exclusively, a condition of older age. While dementia is not solely related to age, it does affect 5% of people over 65 years with the figure rising to 20% over 80 years of age.

The case for any new screening programme would have to be carefully assessed against international criteria for the application of such programmes. These would include, for example, the ability to reliably predict the disease earlier than would present normally. The question of intervening earlier to change the course of the disease would also have to be determined, prior to the introduction of any effective programme. My Department is obviously familiar with the various and complex evolving issues associated with bringing about improvements in the detection and treatment of Alzheimer's disease. In this context, my Department will keep the issue of an effective screening programme in this regard under close review. It is important that information, care and support are made available as early as possible and this is what services try to achieve.

### Mental Health Services.

211. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on recent disclosures that several mental health projects funded in 2006 and 2007 will not come on stream until later in 2008 at the earliest; and the projects these are. [17829/08]

**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.

#### **Health Service Staff.**

212. **Deputy Bernard Allen** asked the Minister for Health and Children the steps she will take to deal with the situation whereby 6,000 health care workers face fatal hazards from needle stick injuries. [17830/08]

**Minister for Health and Children (Deputy Mary Harney):** Under the Health Act 2004, the Health Service Executive has the responsibility to manage and deliver, or arrange to have delivered on its behalf, health and personal social services in a safe and secure setting. The Executive is therefore the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

#### **General Medical Services Scheme.**

213. **Deputy Andrew Doyle** asked the Minister for Health and Children the criteria taken into consideration when awarding the rural practice allowance. [17838/08]

**Minister for Health and Children (Deputy Mary Harney):** Payments to General Practitioners (GPs) under the General Medical Services (GMS) Scheme are made by the Primary Care Reimbursement Service (PCRS) section of the Health Service Executive (HSE). This includes payments in respect of the Rural Practice Allowance. 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.

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

214. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support persons (details supplied) in Dublin 5. [17844/08]

**Minister for Health and Children (Deputy Mary Harney):** 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 Div-

ision of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### **Hospital Services.**

215. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a request from a group (details supplied). [17845/08]

**Minister for Health and Children (Deputy Mary Harney):** I attended a meeting with this group in February of this year during which facilities for patients with cystic fibrosis at Temple Street and Beaumont Hospitals were discussed. A detailed proposal in this regard is due to be submitted, on behalf of the group, to the Health Service Executive for consideration.

### **Hospital Procedures.**

216. **Deputy John O'Mahony** asked the Minister for Health and Children the number of mastectomy procedures were carried out in Mayo General Hospital in 2006, 2007 and to date in 2008; and if she will make a statement on the matter. [17858/08]

222. **Deputy John O'Mahony** asked the Minister for Health and Children the number of breast surgeries carried out in Mayo General Hospital in 2006, 2007 and to date in 2008; and if she will make a statement on the matter. [17885/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 216 and 222 together.

Data on surgical cancer procedures is collated by the Hospital In-patient Enquiry System (HIPE). The information is supplied by all public hospitals to the Economic and Social Research Institute. The HIPE system collects information on all discharges and deaths. The HIPE analysis counts every occurrence of those procedures where the patient has a principal diagnosis of breast cancer, and so may include more than one procedure per person.

The data provided by Mayo General Hospital shows that in 2006, 43 surgical procedures were carried out on women with a principal diagnosis of breast cancer. The HIPE data for 2007 for Mayo General Hospital is almost 90% complete and shows 35 procedures. Data for 2008 has yet to be collated.

### **Health Services.**

217. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will expedite the provision of podiatry footwear for a person (details supplied) in County Cork; and if she will make a statement on the matter. [17869/08]

**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 case investigated and to have a reply issued directly to the Deputy.

### **Hospitals Building Programme.**

218. **Deputy Ulick Burke** asked the Minister for Health and Children the position with regard to her and Health Service Executive west's proposals for the provision a new health campus and step down facilities on the site of the Grove Hospital at Tuam, County Galway; and if she will make a statement on the matter. [17873/08]

**Minister for Health and Children (Deputy Mary Harney):** The Government's sustained high level of investment in health care 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.

### **Children in Care.**

219. **Deputy Michael D. Higgins** asked the Minister for Health and Children the steps her Department will take on the continuing issue of 278 separated children who entered the country as unaccompanied minors and who have gone missing while under the care of the Health Service Executive; her views on whether the human rights of these children have not been vindicated; and if she is in a position to state that the children involved are not in danger of involvement in circumstances such as the abuses associated with human trafficking. [17881/08]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Separated children seeking asylum going missing from care is not a phenomenon unique to Ireland. Evidence from other countries indicates this is a substantial problem.

Most of the unaccompanied minors in Ireland are placed in the care of the Health Service Executive under the Child Care Act, 1991. My Department has asked the HSE to take all necessary steps to ensure the safety and welfare of these young people. The HSE has assured my Department that all possible steps are taken to protect these children within the resources available. The 2001 "Policy on Absence without Leave" is being followed in respect of these children. Each child who goes missing is reported, (on an agreed template with photograph and physical description), to the following: Local Garda Station; Garda National Immigration Bureau; Child Care Manager (for circulation throughout the country); Supt. Community Welfare Officer, Asylum Seekers Unit (for flagging on the National Social Welfare record system; Office of the Refugee Applications Commissioner (for circulation to other relevant asylum process agencies; and Local services notified

New national protocols regarding missing children are currently being drafted and will be finalised shortly. The HSE are in consultation with the Garda Missing Persons Bureau on this matter.

The HSE are devising a National Policy, including an operational policy, for separated children. This is being finalised and it is understood to include the principle that all children in the care of the HSE should receive the same standard of care whether they be separated children seeking asylum or indigenous children in care. The policy will also reflect the principle of good practice that younger children under 12 should be placed in foster care with older less vulnerable young people placed in residential care as appropriate. The implementation of such a policy through the enhanced level of care should have a significant impact on the numbers of such young people going missing from the care of the HSE.

### **Mental Health Services.**

220. **Deputy Michael D. Higgins** asked the Minister for Health and Children the response she proposes to make to that part of the Council of Europe's Commissioner for Human Rights, Mr Thomas Hammarberg's report on his visit to Ireland that refers to the large number of children with psychiatric needs who continue to be treated in adult circumstances and his further comment that the placing of such children in adult facilities is in breach of the UN Convention of the Rights of the Child, which Ireland has ratified. [17882/08]

**Minister for Health and Children (Deputy Mary Harney):** Commissioner Hammarberg's Report recommended inter alia that adequately resourced separate facilities and services be provided for minor psychiatric patients, and that early intervention at a local level should be made possible for such children.

The response to that recommendation in the report indicated that: "Government policy for the development of Child and Adolescent Mental Health Services is outlined in "A Vision for Change". It recommends the recruitment of additional Child and Adolescent Multidisciplinary Mental Health Teams and the development of additional in-patient accommodation.

In 2008 eight additional Multidisciplinary Teams will be recruited and 18 additional beds provided. Construction of two 20 bed units (in Cork and Galway) for children and adolescents will also commence".

221. **Deputy Dan Neville** asked the Minister for Health and Children further to Parliamentary Question No. 166 of 26 February 2008 if the Health Service Executive has completed a cost benefit analysis under the Capital Appraisal Guidelines on the re-development of the Central Mental Hospital facility. [17884/08]

**Minister for Health and Children (Deputy Mary Harney):** A cost benefit analysis of the new national forensic mental health facility at Thornton Hall, Co. Dublin is currently being undertaken, and the results are expected shortly.

*Question No. 222 answered with Question No. 216.*

### **Care of the Elderly.**

223. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will release funds for a home care package for a person (details supplied) in Dublin 18; and if she will make a statement on the matter. [17897/08]

**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 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 Qualifications.**

224. **Deputy Jack Wall** asked the Minister for Health and Children if a decision has been reached by the medical academy on the registration of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17989/08]

**Minister for Health and Children (Deputy Mary Harney):** I presume the Deputy is referring to the application which was the subject of earlier questions on 7 February and 17 April 2008 on the recognition of professional qualifications.

The Academy of Medical Laboratory Science (AMLS) is the competent authority for the implementation of the EU Directive on the recognition of professional qualifications in medical laboratory science. I am advised by officials in my Department that the AMLS will issue a letter to the Deputy and to the applicant this week.

#### **Nursing Homes Repayment Scheme.**

225. **Deputy Michael Ring** asked the Minister for Health and Children the number of claimants who have appealed the amounts offered to them under the Health (Repayment Scheme) Act 2006; the number of appeals that have been successful; and the number of appeals that have resulted in the moneys offered remaining the same. [18000/08]

**Minister for Health and Children (Deputy Mary Harney):** The Health Repayment Scheme Appeals Office is an independent office established to provide an appeals service to those who wish to appeal the decision of the Scheme Administrator under the Health (Repayment Scheme) Act 2006.

The Appeals Office has informed my Department that up to 2 May 2008 the Health Repayment Scheme Appeals Office had received 650 completed appeal forms from claimants who have appealed the amounts offered to them. Decisions have issued in 259 of these cases and 171 of these decisions will result in an increased offer to the claimant while 88 of these decisions have resulted in the amounts offered remaining the same.

#### **Decentralisation Programme.**

226. **Deputy Richard Bruton** asked the Minister for Health and Children the costs incurred to date for decentralisation, broken down by her Department and the agencies under the aegis of her Department. [18118/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy will be aware my Department is not one of the Departments scheduled for decentralisation under the Government's Decentralisation Programme. To date fifty-four civil servants have transferred to decentralising Departments from my Department. Further details in respect of the transfer of these officers are available from the decentralising Departments.

#### **Traffic Management.**

227. **Deputy Fergus O'Dowd** asked the Minister for Transport if he has had discussions with the Office of Public Works or the Department of Environment Heritage and Local Government to discuss the provision of public service car park spaces in Dublin; if he has plans to promote a sustainable transport policy for Government Departments; and if he will make a statement on the matter. [18005/08]

**Minister for Transport (Deputy Noel Dempsey):** My intention is to publish a Sustainable Travel and Transport Action Plan before the end of the year and my Department is currently considering a wide range of policy options.

The development of the Action Plan is a cross-cutting initiative and there is already substantial engagement with other Government Departments, including the Office of Public Works, which is the key player in allocation of Government buildings, with their associated car spaces. My Department will engage in detailed bilateral discussions with the Office of Public Works

on a range of issues in the next month and I expect that public service car park spaces will feature in those discussions.

I believe that the public service, in its widest sense, must strive to become an example of best practice in relation to sustainable travel and transport.

### **Coastal Protection.**

228. **Deputy Joe McHugh** asked the Minister for Transport if his attention has been drawn to a 60 year old agreement signed by the British and Irish Governments insisting that Malin Head Coastguard Station must always remain open for the safety of seafarers; and if he will make a statement on the matter. [17272/08]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to previous Dáil Question No: 251 on Tuesday, 29th April, 2008. The position remains the same.

The Coast Guard Radio Station at Malin Head is not being closed, and therefore, no issue would arise in relation to an agreement as outlined above. The question of relocation of the Rescue Co-Ordination function is still under consideration.

### **Rail Services.**

229. **Deputy Joe McHugh** asked the Minister for Transport if view of the fact that the majority of cargo freight lands on the east coast and that Ireland does not have the necessary infrastructure to deal with the distribution of this cargo, with only 3% of goods transported by rail, there are plans to use rail in a pro-active way to distribute such goods, or if there are plans to use ports in the north west coast such as Lisahally in Derry or Greencastle for landing of cargo freight; and his views on whether Ireland should be exploring the greater use of sea freight as a solution to congestion; and if he will make a statement on the matter. [17273/08]

**Minister for Transport (Deputy Noel Dempsey):** Ireland, as an island, is dependent on sea-borne trade. Our ports are vital gateways for commercial freight and sea passengers, with over 95% by volume of the island's overseas trade going by sea. Naturally given the State's geographic position the majority of the State's port capacity is located on the East and South coasts.

The position in relation to rail freight is that Iarnród Éireann continues to pursue a policy of growing its rail freight business where opportunities present such as in bulk and trainload traffic (where a company hires the entire train for a rail freight journey) and it has made progress in growing the rail freight business in areas where it holds a competitive advantage over road haulage, for example in the movement of mineral ore and pulpwood.

With regard to the promotion of the use of sea freight, there are a number of EU funded programmes, namely Marco Polo II and Motorways of the Sea, which are available to any enterprise. The Irish Maritime Development Office promotes these programmes and publishes full details on its website [www.imdo.ie](http://www.imdo.ie). The IMDO is available to encourage and assist with any application under these programmes.

### **Departmental Expenditure.**

230. **Deputy Damien English** asked the Minister for Transport the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17384/08]

**Minister for Transport (Deputy Noel Dempsey):** The following table sets out the average lead time for all payments made by the Department of Transport for goods and services in the years 2004 to 2007 and until the end of April in 2008. The average time for payments by the agencies would be a matter for the bodies themselves.

Year	Average Time for Payment (Days)
2004	13.0
2005	9.9
2006	7.6
2007	6.9
2008 (to end April)	5.7

### State Airports.

231. **Deputy Leo Varadkar** asked the Minister for Transport his view on the impact that the debt inferred upon the Cork Airport Authority will have on investment in the greater Cork area; and if he will make a statement on the matter. [16768/08]

**Minister for Transport (Deputy Noel Dempsey):** While the airport authority does not have direct responsibility for promoting investment in the Cork region, one of the policy objectives in separating out Cork airport is to enable an independent airport, operating to a commercial mandate, to assist in the economic and tourist based development of its catchment area.

Some €180 million has been spent on a capital investment programme at Cork Airport, in recent years, effectively creating a new Cork airport for the benefit of the region. Passenger traffic at the airport has grown significantly in recent years increasing from about 2.2 million in 2003 to 3.2 million in 2007.

I am satisfied that the Cassells report, which has been accepted by both the Cork Airport Authority and the Dublin Airport Authority provides the Cork Airport Authority with a strong funding base post separation.

### Traffic Management.

232. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on the recently published Value for Money and Policy Review of the Traffic Management Grants Scheme; and if he will make a statement on the matter. [17554/08]

**Minister for Transport (Deputy Noel Dempsey):** My views on this Value for Money and Policy Review are contained in my Department's response to the Review Report. This response was published at the same time as the Review Report, and is available in the Oireachtas Library and on my Department's website.

### Budget Submissions.

233. **Deputy Fergus O'Dowd** asked the Minister for Transport the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17570/08]

**Minister for Transport (Deputy Noel Dempsey):** The Question impinges on matters internal to Cabinet. The only meetings of the category set out in the question were those involving the Taoiseach and Ministers and therefore the questions relates to matters which are internal to Government.

#### **Traffic Management.**

234. **Deputy Joan Burton** asked the Minister for Transport if his attention has been drawn to the distress caused to local parents as a result of significant HGV traffic outside a school (details supplied) in County Meath; if he will proceed with measures to reduce and minimise the impact of this HGV traffic on pupils attending the school and their parents; and if he will make a statement on the matter. [17622/08]

**Minister for Transport (Deputy Noel Dempsey):** I have no function in relation to the application of traffic management or traffic calming measures at local level.

It is a matter for the road authority, Meath County Council, to assess the road safety situation in respect of that location and to determine if the situation warrants the application of any particular traffic management measures, for example traffic calming, a periodic speed limit, or restrictions on access to a particular public road.

#### **Air Services.**

235. **Deputy Olivia Mitchell** asked the Minister for Transport if his attention has been drawn to the fact that Irish citizens availing of flight services in the US could be at risk from failings in maintenance in the US and that the failure in maintenance was acknowledged in US Senate hearings on the part of the US supervisory authority; and if he will confirm that the efficiency of arrangements for the rigorous enforcement of maintenance standards have been re-examined in view of these failings in the US; and if he will make a statement on the matter. [17641/08]

**Minister for Transport (Deputy Noel Dempsey):** I am aware of the matter that the Deputy refers to. As I indicated in my reply to Dail Question No. 155 on 23 April 2008 safety oversight of civil aviation in Ireland is the responsibility of the Irish Aviation Authority (IAA) under the Irish Aviation Act 1993.

The IAA carries out rigorous surveillance and enforcement in the conduct of its safety oversight functions. Furthermore the standards applied and the quality of the surveillance is subject to standardisation inspection by the Joint Aviation Authorities (JAA) and the European Aviation Safety Agency (EASA) on behalf of the EU Commission. The IAA is subject to several of these inspections per annum on a repetitive basis. These standardisation inspections are detailed and rigorous and provide independent assurance of the standards applied by the Authority.

My responsibility in relation to the safety functions of the Authority arises under Section 32 of the 1993 Act, which requires me periodically, to commission an examination of the performance by the company of its functions insofar as they relate to the application and enforcement of technical and safety standards in relation to aircraft and air navigation. The most recent examination took place in 2004 and concluded that there is a general, positive and proactive attitude and competence vis-à-vis safety and the maintenance of a high safety level. I intend to commission a further independent audit of the company's performance this year.

#### **Departmental Expenditure.**

236. **Deputy Damien English** asked the Minister for Transport the cost to his Department

[Deputy Damien English.]

of implementing the pay roll system within his Department and within bodies under his Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17722/08]

**Minister for Transport (Deputy Noel Dempsey):** The information sought by the Deputy is set in the table below.

	2004	2005	2006	2007	2008 (to date)
	€	€	€	€	€
Hardware/Software/Maintenance	35,454	1,118	163,617	3,373	55,265
Staffing	146,592	164,290	157,583	178,286	58,229

The significant increase in spending in 2006 reflects a full system upgrade, installation of Core-Pension system, increased operational support and the costs of incorporating staff from the former Department of Communications, Marine and Natural Resources onto my Department's payroll system. Staffing costs are calculated on the basis of the numbers and grades of staff based on the mean of scale. Data in relation to bodies under the aegis of my Department is a matter for the bodies concerned.

#### **US Customs Facilities.**

237. **Deputy Pat Breen** asked the Minister for Transport if he will report on his recent visit to Washington; if he discussed the proposed extension to the US customs and border protection facility with his US counterparts; if progress has been made on finalising agreement; and if he will make a statement on the matter. [17729/08]

**Minister for Transport (Deputy Noel Dempsey)** In the course of my recent visit to Washington I met Mr. Michael Chertoff, Secretary of Homeland Security to discuss progress on the negotiation of US proposals for the provision of preclearance facilities at Dublin and Shannon Airports, submitted to my Department in late December 2007.

While the content of the discussions must remain confidential, I now look forward to making good progress with the US authorities. Preclearance will require the conclusion of an Inter-Governmental Agreement with the US and new legislation. Given that the matter is under negotiation it is too early to say exactly when the Agreement will be finalized. However, subject to Government approval, I would currently target the end of year for the agreement and legislation to be in place.

#### **Rail Services.**

238. **Deputy Joanna Tuffy** asked the Minister for Transport if studies in the Kildare route project railways order have been completed; if they have not been completed, when these studies will be completed and published by the railway undertaking; and if he will make a statement on the matter. [17768/08]

**Minister for Transport (Deputy Noel Dempsey):** I am informed by Iarnród Éireann that the position in relation to the studies referred to by the Deputy is that work has started on the study under Condition Number 5 while discussions have taken place with Dublin Bus under Condition Number 12. Neither study has yet been completed.

**Transport 21.**

239. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which targets and costings set in the context of Transport 21 are expected to be met on time; and if he will make a statement on the matter. [17788/08]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to my reply to Dail question Nos 70, 59 and 19 of today's date.

At the launch of Transport 21, the Government identified the programmes and projects in the national roads, public transport and regional airports sectors that it wishes to see prioritised for implementation in the ten-year period from 2006 to 2015 within an overall capital provision of €34 billion. That objective has not changed.

The prioritization of those programmes and projects was influenced by relevant Government policies such as the National Spatial Strategy and by a number of relevant studies such as the National Road Needs Study, the Strategic Rail Review, the DTO Strategy document "A Platform for Change" the Cork Area Strategic Study and proposals submitted by the principal implementing agencies.

The significant progress made on Transport 21 in its first two years is continuing. A number of projects have been completed and many more are either under construction or well advanced in planning. For example most national road projects are now being completed ahead of schedule and within budget and it is expected that the five major inter-urban routes will be completed by the end of 2010. New rolling stock and improved services are being introduced across the intercity rail network and the capacity of trams on the Tallaght Luas line has been increased by 40%. In addition, construction is underway on the Luas extensions to Cherrywood and the Docklands and on the Midleton, Western Rail Corridor and Kildare Route rail projects.

The Government has committed to the overall funding for Transport 21 over its ten-year life to 2015. The Exchequer element of the funding is provided through the normal annual budget and estimates process. For the first three years of Transport 21, the capital funding provided has been fully in line with the originally agreed profile of expenditure. The Government has repeatedly indicated that the National Development Plan, of which Transport 21 is a fundamental part, is its top priority and that, even in difficult economic circumstances, it will seek to continue to provide the funding necessary to develop its capital programme.

**Railway Stations.**

240. **Deputy Bernard J. Durkan** asked the Minister for Transport the daily throughput of commuter rail passengers using Sallins Rail Station, Sallins, County Kildare; the extent to which this has increased in the past five years; the degree to which this traffic can be increased further in the future to a maximum level by way of increased frequency, of provision of extra rail cars; the extent to which these requirements can or will be met of existing or proposed parking; the way it is intended to further improve, expand and enhance the service; and if he will make a statement on the matter. [17789/08]

241. **Deputy Bernard J. Durkan** asked the Minister for Transport the daily throughput of commuter rail passengers using Kilcock Rail Station, Kilcock, County Kildare; the extent to which this has increased in the past five years; the degree to which this traffic can be increased further to a maximum level by way of increased frequency, or provision of extra rail cars; the extent to which these requirements can or will be met by way of existing or proposed parking; the way it is intended to further improve, expand and enhance the service; and if he will make a statement on the matter. [17790/08]

242. **Deputy Bernard J. Durkan** asked the Minister for Transport the daily throughput of commuter rail passengers using Confey Rail Station, Leixlip, County Kildare; the extent to which this has increased in the past five years; the degree to which this traffic can be increased further to a maximum level by way of increased frequency, or provision of extra rail cars; the extent to which these requirements can or will be met by way of existing or proposed parking; the way it is intended to further improve, expand and enhance the service; and if he will make a statement on the matter. [17791/08]

243. **Deputy Bernard J. Durkan** asked the Minister for Transport the daily throughput of commuter rail passengers using Leixlip Rail Station, Leixlip, County Kildare; the extent to which this has increased in the past five years; the degree to which this traffic can be increased further to a maximum level by way of increased frequency, or provision of extra rail cars; the extent to which these requirements can or will be met by way of existing or proposed parking; the way it is intended to further improve, expand and enhance the service; and if he will make a statement on the matter. [17792/08]

244. **Deputy Bernard J. Durkan** asked the Minister for Transport the daily throughput of commuter rail passengers using Hazelhatch Rail Celbridge, Kilcock, County Kildare; the extent to which this has increased in the past five years; the degree to which this traffic can be increased further to a maximum level by way of increased frequency, or provision of extra rail cars; the extent to which these requirements can or will be met by way of existing or proposed parking; the way it is intended to further improve, expand and enhance the service; and if he will make a statement on the matter. [17793/08]

245. **Deputy Bernard J. Durkan** asked the Minister for Transport the daily throughput of commuter rail passengers using Maynooth Rail Station, Maynooth, County Kildare; the extent to which this has increased in the past five years; the degree to which this traffic can be increased further to a maximum level by way of increased frequency, or provision of extra rail cars; the extent to which these requirements can or will be met by way of existing or proposed parking; the way it is intended to further improve, expand and enhance the service; and if he will make a statement on the matter. [17794/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 240 to 245, inclusive, together.

The day to day operation of railway services and the upgrade of same including on the Kildare and Maynooth lines is an operational matter for Iarnród Éireann.

I understand that in response to a previous Parliamentary Question from the Deputy on the 18th October 2007, Iarnród Éireann provided information to the Deputy in December 2007 regarding passenger carryings, and the actual and planned car parking capacity, at railway stations in Co. Kildare.

The Kildare Line Upgrade project currently underway and the Maynooth Line Upgrade works currently in planning will substantially increase capacity on both lines.

#### **Rail Services.**

246. **Deputy Bernard J. Durkan** asked the Minister for Transport his proposed or revised targets in regard to further expansion and improvement of provincial and intercity rail services; and if he will make a statement on the matter. [17795/08]

247. **Deputy Bernard J. Durkan** asked the Minister for Transport his proposals for further expansion and improvement of commuter rail services; when he expects such targets to be met in full; and if he will make a statement on the matter. [17796/08]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 246 and 247 together.

The sustained high levels of capital investment in the railway network since 1997 — totalling over €2 billion in the period 1997-2007, has facilitated a substantial expansion in services across InterCity and Commuter railway services. Capacity, for example, on the Kildare and Maynooth lines has increased by 125% and 250% respectively since 2000. The introduction of new rolling stock on the Cork-Dublin line has enabled the introduction of an hourly service each way. These service improvements along with others across the network are reflected in the growth in passenger numbers which Iarnród Éireann has achieved of 33% in the last 3 years alone. The deployment of the 183 new InterCity railcars throughout 2008 and into 2009, and the completion of the Kildare line upgrade project, the Cork-Midleton line and the Western Rail Corridor will all facilitate a further substantial increase in InterCity and Commuter services. In the short to medium term, the completion of the City Centre Re-signalling and the Interconnector/Electrification projects in the Dublin area will transform commuter services in the Dublin area.

#### **Air Services.**

248. **Deputy Bernard J. Durkan** asked the Minister for Transport if his attention has been drawn to the plans by Aer Lingus or other carriers to close down existing services or open up new air routes in the future with particular reference to both long and short haul services; and if he will make a statement on the matter. [17797/08]

**Minister for Transport (Deputy Noel Dempsey):** The aviation sector in Europe is fully liberalised and European Community airlines are free to operate services on intra-community routes on a fully commercial basis in response to consumer demand, without any restrictions or barriers.

In the transatlantic market, the First Stage EU-US Open Skies Agreement is now being provisionally applied and the way is now clear for all European Community carriers to fly between any point in the EU and any point in the US. Negotiations on a second stage agreement, with a view to achieving further liberalisation of traffic rights and closer regulatory co-operation between the EU and the US, will commence in Ljubljana on 15/16 May 2008.

In respect of other long haul routes, my Department seeks to facilitate the continued creation and sustainable growth of competitive air links through the development and application of bilateral Air Services Agreements with third countries. An agreement with Canada was concluded last year and consultations with Egypt are ongoing with a view to commencing formal negotiations in the near future. Formal requests from both India and Pakistan for new air service agreements with Ireland are also anticipated. Priorities for the amendment of existing bilateral or the development of new bilateral are continually being assessed by my Department.

#### **Railway Stations.**

249. **Deputy Bernard J. Durkan** asked the Minister for Transport his proposals for extending new rail spurs to growing towns or villages particularly where existing rail stations are a distance from the centre of population; and if he will make a statement on the matter. [17799/08]

**Minister for Transport (Deputy Noel Dempsey):** Transport 21 provides for major upgrading of railway infrastructure and rolling stock including projects to re-open sections of the network between Ennis and Athenry, Cork and Midleton and Clonee and Navan, and to provide new or additional stations such as those at Docklands, Adamstown, Phoenix Park and the new stations on the Kildare Line and on the proposed inter-connector linking the Northern and Kildare Line.

#### **Road Safety.**

250. **Deputy Bernard J. Durkan** asked the Minister for Transport if consideration has been given to highlighting road speed cameras or traffic control vans as is the case in other jurisdictions arising from which it appears to achieve a greater compliance with speed limits; and if he will make a statement on the matter. [17800/08]

**Minister for Transport (Deputy Noel Dempsey):** These are matters for the Garda Síochána and the Courts Service.

#### **Road Signage.**

251. **Deputy Bernard J. Durkan** asked the Minister for Transport if his attention has been drawn to the proliferation of and, in some cases contradictory, road signs including speed limits at many locations here, that this may lead to confusion and traffic accidents; and that concentrations of signs tend to be ignored; and if he will make a statement on the matter. [17801/08]

**Minister for Transport (Deputy Noel Dempsey):** Under section 95 of the Road Traffic Act 1961 the provision of traffic signs on the public roads is a matter for each road authority.

I have given directions and guidance to road authorities in the Traffic Signs Manual on the provision and use of traffic signs. It is a matter for the road authority to determine the location of traffic signs to ensure that clear and effective signing is in place for the efficient operation of the road network, for the enforcement of traffic regulations and for road safety purposes.

#### **Road Network.**

252. **Deputy Bernard J. Durkan** asked the Minister for Transport if his attention has been drawn to the concerns of many professionals who are of the opinion that poor road conditions are a contributory factor in many traffic accidents; the action taken of proposed to address this issue; and if he will make a statement on the matter. [17802/08]

**Minister for Transport (Deputy Noel Dempsey):** As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. As the Deputy is aware, the implementation of individual national road projects, including the maintenance of those national roads, is a matter for the National Roads Authority (NRA) under the Roads Act, 1993 in conjunction with the local authorities concerned.

Specifically, Section 17(1) of the Roads Act 1993 states that it is the general duty of the NRA to 'secure the provision of a safe and efficient network of national roads'.

#### **Road Traffic Offences.**

253. **Deputy Bernard J. Durkan** asked the Minister for Transport the number of drivers arrested under drink-driving laws on a monthly basis in each of the past two years; the number of convictions, dismissals or cases pending; and if he will make a statement on the matter. [17803/08]

**Minister for Transport (Deputy Noel Dempsey):** These are matters for the Garda Síochána and the Courts Service.

### **Decentralisation Programme.**

254. **Deputy Richard Bruton** asked the Minister for Transport the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18121/08]

**Minister for Transport (Deputy Noel Dempsey):** The total non-capital expenditure to date is €31,343, in respect of Travel and Subsistence costs connected with the move of the Road Safety Authority and my Department's Road Haulage functions to Loughrea. Costs amounting to €6,598 were also incurred in respect of the induction training of staff in the Road Haulage Division in Loughrea. Costs of approx €46,000 were incurred in respect of telephone and IT equipment. The sourcing and fitting-out of premises, and payment of rent are matters for the Office of Public Works.

### **Pension Provisions.**

255. **Deputy Michael Ring** asked the Minister for Foreign Affairs if he will liaise with the Department of Social and Family Affairs concerning a particular sector of people (details supplied). [17150/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I am fully conscious of the enormous contribution that missionaries and volunteer development workers have made to Irish development work. This is reflected in the significant level of Irish Aid funding to civil society organisations and the large increases in funding to the Irish Missionary Resource Service (IMRS). This year, Irish Aid will provide funding of €20m in support of IMRS.

Responsibility for pension protection rests with the Department of Social and Family Affairs. However, the protection of the interests of missionaries and overseas development workers is a matter of real concern to me.

The issue of pension provision for overseas development workers and missionaries is a particularly complex one. The position of the Department of Social and Family Affairs is that any proposal to pay the State Pension (Non-Contributory) to missionaries who are Irish citizens living outside the State would set an unacceptable precedent and would break EU pension regulations. As far as Irish Aid's own funds are concerned, our position is that a pension provision, in any form, for retired missionaries living overseas could not be considered as overseas development assistance.

Nevertheless, my Department continues to be in contact on a regular basis with the Department of Social and Family Affairs and Comhlámh, the organisation which acts on behalf of returned development workers, regarding the issue of pension provision. Options to expand the Volunteer Development Worker scheme have been examined and consideration is currently being given to a new scheme, which has been proposed by the Department of Social and Family Affairs, which might help address this issue in the future.

### **International Agreements.**

256. **Deputy Joe Costello** asked the Minister for Foreign Affairs the provisions of the EURATOM Treaty and their implications for Ireland; if the Lisbon treaty is affected in any way by the EURATOM Treaty; if there are proposals to review the EURATOM Treaty; and if he will make a statement on the matter. [17223/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Treaties of Rome, signed in March 1957, are the basis of the European Economic Community, now the European Community, and the European Atomic Energy Community, referred to as EURATOM. Ireland is party to these Treaties.

EURATOM was created to establish the conditions for the peaceful, civil development of nuclear energy in Europe by sharing resources (funds, knowledge, materials, experts etc.), protecting the general public and associating other countries and international organisations in this work. Ireland is a non-nuclear country and that status is not affected by the terms of EURATOM.

EURATOM is legally distinct from the European Community although they are served by common institutions.

The Reform Treaty does not affect the status of EURATOM as a separate legal entity. As with all previous EU amending Treaties, the Reform Treaty makes technical adjustments to the institutional provisions of EURATOM. These are contained in a Protocol to the Treaty. Therefore, the Reform Treaty effects no change in substance to EURATOM. Accordingly, there is no change arising for Ireland insofar as EURATOM is concerned.

The Government would have favoured a review of EURATOM leading to a significant updating of its provisions. However, there was no consensus in support of this during the Intergovernmental Conference (IGC) negotiations on the Reform Treaty.

#### **Departmental Expenditure.**

257. **Deputy Damien English** asked the Minister for Foreign Affairs the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17379/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Payment of invoices by this Department is governed by the provisions of the Prompt Payment of Accounts Act, 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations 2002. The Act, which came into force in January 1998, provided for the payment of interest on invoices which are unpaid after 45 days from date of receipt. In August 2002, the point at which interest becomes due was reduced to 30 days.

While there are no figures available to establish the average time for payments on an annual basis, the payment procedures of my Department are designed to avoid undue delay in the processing and payment of valid invoices. Every effort is made to make payments within the 30 day period.

The following table gives particulars of the number of late payments made in the years 2004 to 2007 and to date in 2008, in both Vote 28 (Foreign Affairs) and Vote 29 (International Aid).

	2004	2005	2006	2007	2008
Number of late payments	155	35	30	33	11

The number of late payments in each year represents a very small part of the total number of payments made. For example, in 2007, my Department made over 15,000 payments in Ireland, of which only 33 were late payments under the terms of the Acts mentioned above.

### Foreign Conflicts.

258. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs his view on the Armenian genocide and Turkey's refusal to acknowledge it; and if he will make a statement on the matter. [17398/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Relations between Turkey and Armenia are complicated by a number of outstanding issues. The major dispute between the two countries centres on the different interpretations of events during the First World War which resulted in the tragic deaths of very large numbers of Armenians in the Ottoman Empire. The Turkish Government has proposed the establishment of a commission, composed of eminent academics, to investigate and determine the facts of this tragic episode in their shared history. While it has not been possible to move forward on the basis of this proposal, we would encourage both sides to explore ways to make progress on this most sensitive issue.

More generally, there have been recent reports of initial, tentative steps by both the Turkish and Armenian authorities aimed at improving bilateral relations. I note in particular that, when President Sargsyan of Armenia took office last month, he promised to improve bilateral ties with Turkey and also that Turkish President Abdullah Gul was among those who congratulated him on his election. I would encourage both sides to try to build on these first steps, and to work to develop the goodwill required to enable them to address their broader differences.

### Budget Submissions.

259. **Deputy Fergus O'Dowd** asked the Minister for Foreign Affairs the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of the Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17565/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As part of the estimates process each year, as Minister for Foreign Affairs, I would normally have a formal bilateral meeting with the Minister for Finance to discuss the Department's needs for the year ahead.

The dates of these meetings, in respect of each year of my predecessor's term as Minister for Foreign Affairs, are set out below. The bilateral meetings in previous years were, I understand, held around the same time. 31 October 2007; 20 September 2006; 20 October 2005; 22 October 2004.

The normal pattern at these meetings is that I would be accompanied by the Minister of State responsible for the Irish Aid programme, the Secretary General of the Department, the head of the Department's Corporate Services Division and one or two senior officials dealing with the Irish Aid programme.

This bilateral meeting would normally be preceded by consultations at official level with the Department of Finance. In addition, as part of the preparation for the bilateral meeting, I would expect to hold internal meetings with officials from the Department. It is not the normal practice to take minutes of these meetings, though there is no instruction to that effect.

In addition, as the Deputy will be aware, the preparation of the budget is a matter which is discussed at Cabinet, in advance of the publication of the Estimates.

### Refugee Status.

260. **Deputy Barry Andrews** asked the Minister for Foreign Affairs his views on the appli-

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cation for refugee status of a person (details supplied); and if he will make a statement on the matter. [17586/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I understand the person concerned to be an Uzbek national currently detained in the United States detention centre at Guantánamo, Cuba, since his capture by United States defence forces in Afghanistan in 2001.

The Government has repeatedly stated its desire to see the United States Administration take steps to release or bring to trial all detainees in accordance with established legal norms, and to close Guantánamo Bay as soon as possible.

Ireland has raised the issue of the detainees in Guantánamo Bay with the US authorities on numerous occasions. In all contacts with the US authorities, Ireland has been assured that the US is aware of its obligations under international law.

It is a matter for the United States Government to make arrangements for the return of individuals whom it has retained at Guantánamo to their countries of origin or elsewhere as may be agreed with third States willing to host individual detainees on their release. Were the United States Government to approach the Irish Government in relation to Mr. Jabbarov, the ultimate decision would lie with the Minister for Justice, Equality and Law Reform, whose Department has responsibility for the reception and integration of refugees and asylum seekers. I am arranging for a copy of this reply and some background material to go to that Department.

#### **Overseas Development Aid.**

261. **Deputy Barry Andrews** asked the Minister for Foreign Affairs if he will make a statement on providing humanitarian assistance to refugees and internally displaced persons in eastern Chad in view of anticipated shortages in food aid ahead of June 2008 when it is anticipated that roads will become impassable due to seasonal flooding. [17587/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** UN agencies and other development agencies have identified deteriorating security and internal displacement as two of the chief operational challenges they face in addressing the humanitarian situation in Chad in 2008. We are very aware of the situation and my colleague, the former Minister for Foreign Affairs, Dermot Ahern TD, visited Chad in November of last year, to see the situation on the ground in advance of the arrival of the contingent of Irish peacekeepers. He met with Government Ministers, but also with the humanitarian agencies and a number of refugees.

There are more than 252,000 Sudanese refugees in eastern Chad, 12,000 of who have crossed from Darfur since early February. Additionally there are about 180,000 internally displaced persons (IDPs). There are also approximately 57,000 refugees who have fled conflict in the Central African Republic. It is estimated that there are about 50,000 refugees from Chad currently displaced across the border in Sudan.

The transport of relief supplies to eastern Chad is a major and complex logistical challenge. Most supplies must pass through Cameroon or Libya and this involves an overland journey of up to 1,800 kilometres, through difficult terrain.

The World Food Programme (WFP) and other relief-providers active in food aid and food security in eastern Chad are aware of the seasonal factors involved in maintaining this pipeline and have planned accordingly. However, the sheer difficulty involved in this provision means it is likely that not all plans will be realised, and some contingency measures may be necessary.

Ireland's support to humanitarian endeavour in Chad has increased significantly. Since 2007 Ireland has provided over €11 million in assistance. The partner organisations delivering this

assistance on the ground have included the WFP, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) and Concern and MSF. Funding also included a contribution of €2 million to the Humanitarian Air Service, which provides transport to remote regions. We continue to monitor the situation on the ground and will respond appropriately.

### **An Teanga Ghaeilge.**

262. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Eachtracha cad atá á dhéanamh aige tríd an mBuanionadaíocht sa Bhruiséil nó ar aon bhealach eile chun a dheimhniú go gcuirfidh institiúidí an Aontais Eorpaigh, go sonrach Comhairle na nAirí agus Parlaimint na hEorpa, a suímh idirlín ar fáil trí mheán na Gaeilge ar bhonn combhionann le teangacha oifigiúla eile, gan idirdhealú, agus de réir dlí; an nglacann sé leis go bhfuil úsáid mhíchuí á baint as an maolú a bhaineann le foilsíú reachtaíochta amháin mar leithscéal chun cearta sonracha i réimsí eile, seirbhísí idirlín EUROPA san áireamh, a cheilt ar phobal na Gaeilge; an ndéarfaidh sé linn cad iad na céimeanna atá tógtha aige chun a dheimhniú go gcuirfear deireadh leis an maolú nuair a dhéanfar athbhreithniú air roimh dheireadh na bliana 2010; agus an ndéanfaidh sé ráiteas ina thaobh. [17588/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Bronnadh stádas mar theanga oifigiúil agus oibre an AE ar an nGaeilge ar 1 Eanáir 2007. Sainmhíonann Rialachán 920/2005 na socráithe a bhaineann leis an nGaeilge mar theanga oifigiúil. Ciallaíonn an stádas go gcaitheann gach institiúid san AE, san Pharlaimint san áireamh, gach rialachán a ghlacfaidh an Chomhairle agus Parlaimint na hEorpa leo i gcomhpháirt a aistriú go Gaeilge. Áfach, ní chiallaíonn go gcaitheann na hInstitiúidí seirbhís idirlinne á chur ar fáil. Ach bíonn mo Roinn-se i gcónaí ag obair go dlúth leis an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta chun tacaíocht a thabhairt d'Institiúidí an AE. Tá seirbhís bunúsach idirlinne á chur ar fáil ag an gCoimisiún de bharr iarrachtaí oifigiúil de chuid mo Roinn-se atá ar iasacht leo chun na críche sin.

Táim sásta go bhfuil muid tar éis lán-tacaíocht agus comhoibriú a fháil ó gach institiúid san AE i leith an cinneadh seo a chur i bhfeidhm. Is dul chun cinn thar a bheith suntasach é don Ghaeilge ar leibhéal an AE an méid atá bainte amach againn go dtí seo. Má dhaingnaíonn na Ballstáit uile an Conradh um Athchóiriú, beidh idir dushláin agus deiseanna nua romhainn ó thaobh úsáid na Gaeilge i ngnó reachtach an Aontais ar bhonn níos leithne. Beidh comhchinnteoireacht mar mhodh caighdeánach le haghaidh cinnteoireacht reachtach san Aontas. De bhrí seo, beidh gá le i bhfad níos mó aistriúcháin reachtaigh go Gaeilge ó 1 Eanáir 2009. Mar sin, níl aon chinneadh glacadh ag an Rialtas maidir le hathbhreithniú ar an maolú.

Leanfaimid ag obair, i mBaile Átha Cliath agus sa Bhruiséil, ionnas go dtabharfar gach tacaíocht d'Institiúidí an AE seirbhísí trí Ghaeilge a sholáthar taobh istigh de chóras Rialachán 920/2005.

### **Garda Investigations.**

263. **Deputy Charlie O'Connor** asked the Minister for Foreign Affairs if he has had recent contact with the Northern Ireland Office regarding the murder in October 2007 of a person (details supplied); and if he will make a statement on the matter. [17606/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** This was a particularly shocking and brutal murder, one which has been widely, and rightly, condemned.

My predecessor met with the parents of the deceased young man, as did the then Taoiseach and also previous the Minister for Justice, Equality and Law Reform. They conveyed to them the sympathy of the Government on their terrible loss and the Government's determination to see justice done in this matter.

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A very active criminal investigation by An Garda Síochána is ongoing and receiving excellent co-operation and assistance from the PSNI.

My colleague, the former Minister for Justice, Equality and Law Reform, Mr Brian Lenihan T.D. has discussed this case with Secretary of State Shaun Woodward and NIO Security Minister Paul Goggins in the context of the ongoing investigation.

I would again urge anyone who has information on this terrible murder to pass it on to the two police forces. It is only through full co-operation with the law enforcement agencies that the authors of this vicious crime will be brought to justice.

### **Emigrant Support Services.**

264. **Deputy John O'Mahony** asked the Minister for Foreign Affairs the efforts he has made in respect of undocumented Irish in the USA; his recent contacts in the matter; and if he will make a statement on the matter. [17637/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government continues to attach the highest importance to resolving the plight of our undocumented citizens in the United States. The former Taoiseach, Mr Bertie Ahern T.D, strongly emphasised this commitment during his address to the US Congress on 30 April.

During the visit of the former Taoiseach to Washington, my predecessor, Mr Dermot Ahern T.D., participated in his meetings with President Bush, Speaker Nancy Pelosi and Senator Edward Kennedy. On 1 May, Minister Ahern had a further series of meetings with key Congressional and Administration figures to press the case for finding a solution for our undocumented. Among those he met were: Congresswoman Zoe Lofgren, Chair of the House Subcommittee on Immigration; Senator Patrick Leahy, Chairman of the Senate Judiciary Committee; Congressman Jim Walsh and Ms Paula Dobriansky, Under-Secretary of State and Special Envoy to Northern Ireland.

My predecessor also had a constructive and forward looking meeting with the Irish Lobby for Immigration Reform, with both sides determined to continue to work closely together on this important issue.

Following the failure of the US Congress to pass comprehensive immigration reform legislation last June, despite the strong endorsement and encouragement of President Bush, the Government immediately set about exploring with key US Administration and Congressional contacts possible alternative options.

However, achieving progress on immigration reform at this time, in the middle of a Presidential campaign, is exceptionally difficult. The political reality in the United States is that immigration has become a divisive political issue. Our many friends in Congress have emphasised this, including the difficulty of passing legislation specifically for our citizens separate from the other 12 million undocumented.

Despite these considerable political challenges, the Government will continue to press for change. We will work closely with our friends in Congress, with the Irish Lobby for Immigration Reform, and with the many organisations who have worked hard on behalf of the undocumented in the Irish community, with a view to trying to find a way forward which would remedy the very difficult situation in which our undocumented find themselves.

### **Departmental Expenditure.**

265. **Deputy Damien English** asked the Minister for Foreign Affairs the cost to his Depart-

ment of implementing the payroll system within his Department and within bodies under his Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17717/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The pay roll system in operation in my Department is the CorePay system which was implemented on the recommendation of the Department of Finance in 2001. There are no bodies under the aegis of my Department which operate an independent pay roll system.

The following table gives particulars of the maintenance and on-going development costs incurred by the CorePay system for the years 2004 to 2007 and to-date in 2008.

2004	2005	2006	2007	2008
€30,669	€20,611	€58,045	€34,555	€58,403

The figure of €58,403 for 2008 includes the maintenance costs for the year and the introduction of an electronic payslip which has eliminated the use of paper payslips across the Department.

### Emigrant Statistics.

266. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the number of Irish citizens resident overseas with a breakdown by country; and if he will make a statement on the matter. [17744/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The global spread of our Diaspora is very considerable. For a small nation, it is practically unparalleled. Our largest emigrant communities have consistently lived in Britain and the United States, Irish citizens have also been an influential presence in Canada, Australia, New Zealand, Argentina, and Southern Africa for very many decades. While the precise number of Irish citizens resident around the world is not known, the enormous contribution they have made to their host countries and to Ireland is well documented.

In 2002, the Report of the Task Force on Policy regarding Emigrants, which is considered the most authoritative research yet conducted on the extent of our Diaspora, stated that there were approximately three million Irish citizens living abroad, over 1.2 million of whom were born in the island of Ireland. There are several impediments to providing a more precise figure than this. For example, Irish citizens are not required to register with any official Government body when leaving the State, or when resident abroad.

Some countries, including the United States, include questions regarding ancestry in their census forms, and so offer a broad estimate of the total number of people of Irish heritage residing there. Being of Irish heritage, however, does not necessarily entitle one to Irish citizenship. Estimates of Irish ancestry in census returns are, therefore, of very limited assistance in estimating the precise number of resident Irish citizens abroad.

As regards information to be gleaned from passports, a snap-shot of those issued in 2007 shows that, out of some 600,000, 80,000 were issued by our Embassies and Consulates. Our Embassy in London was the highest issuing office at almost 43,000, with our offices in North America accounting for almost 16,000.

Finally, the prevalence of unreported citizenship by descent is another complicating factor when it comes to estimating the number of Irish citizens overseas. Under the Irish Nationality and Citizenship Acts 1956 to 2004, a person born outside of Ireland is automatically an Irish citizen by descent, if one of his/her parents was an Irish citizen and born in Ireland. Many

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citizens by descent, however, do not “activate” dual citizenship by, for example, acquiring an Irish passport.

### Diplomatic Representation.

267. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the seat of each Irish ambassador or permanent representative; the location of the embassy to which they are attached; the countries and international organisations to which they are accredited to as ambassadors or permanent representatives; if they enjoy ambassadorial or counsellor rank with his Department; and if he will make a statement on the matter. [17745/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Ireland’s diplomatic network consists of 75 resident Missions abroad, in addition to offices in Armagh and Belfast. These Missions also have over 80 additional accreditations to other countries and organisations. There are also 21 Honorary Consuls General and 67 Honorary Consuls who provide assistance to Irish citizens in 59 countries.

Ambassadorial appointments are made by the President on the advice of the Government. There is no specific grade attached to the post of Ambassador. The majority of Ireland’s Heads of Mission, a term which covers Ambassadors, Permanent Representatives and Consuls General, are civil servants serving in the grade of Assistant Secretary. There is also a significant number of Heads of Mission who are in the grades of either Counsellor/Principal Officer or First Secretary/Assistant Principal Officer.

I have set out in the table below the locations and accreditations, both primary and secondary, of all Irish Ambassadors, Permanent Representatives and other Heads of Mission serving abroad.

Primary Accreditation	Secondary Accreditations
Argentina (Buenos Aires)	Bolivia, Chile, Paraguay, Uruguay
Australia (Canberra)	Fiji, New Zealand,
Australia (Sydney/Consulate General)	
Austria (Vienna)	Permanent Representative to the International Organisations based in Vienna
Belgium (Brussels)	Permanent Representative to the Liaison Office of Ireland to the Partnership for Peace
Brazil (Brasilia)	
Bulgaria (Sofia)	
Canada (Ottawa)	Jamaica, Bahamas
China, (Beijing)	Mongolia
China, (Shanghai — Consulate General)	
Cyprus (Nicosia)	
Czech Republic (Prague)	Ukraine
Denmark (Copenhagen)	Iceland
Egypt (Cairo)	Jordan, Lebanon, Syria, Sudan
Estonia (Tallinn)	
Ethiopia (Addis Ababa)	Permanent Representative to the African Union
Finland (Helsinki)	
France (Paris)	Monaco
Germany (Berlin)	
Greece (Athens)	Albania, Republic of Serbia

Primary Accreditation	Secondary Accreditations
<p>Holy See (Holy See)  Hungary (Budapest)  India (New Delhi)  Iran (Tehran)  Israel (Tel Aviv)  Italy (Rome)</p> <p>Japan (Tokyo)  Korea(Seoul)  Latvia (Riga)  Lesotho (Maseru)  Lithuania (Vilnius)  Luxembourg (Luxembourg)  Malawi (Lilongwe)  Malaysia (Kuala Lumpur)  Malta (Valetta)  Mexico (Mexico City)  Mozambique (Maputo)  Netherlands (The Hague)  Nigeria (Abuja)  Norway (Oslo)  Palestinian National AuthorityWest Bank  Representative Office(Ramallah)  Poland (Warsaw)  Portugal (Lisbon)  Romania (Bucharest)  Russia (Moscow)</p> <p>Saudi Arabia (Riyadh)  Singapore (Singapore)  Slovakia (Bratislava)  Slovenia (Ljubljana)  South Africa (Pretoria)  Spain (Madrid)  Sweden (Stockholm)  Switzerland (Berne)  Tanzania (Dar-es-Salaam)  Turkey (Ankara)  Uganda (Kampala)  UK (London)  UK (Cardiff — Consulate General)  UK (Edinburgh — Consulate General)  United States of America (Washington)  USA (Boston — Consulate General)  USA (Chicago — Consulate General)  USA (New York — Consulate General)  USA (San Francisco — Consulate General)</p>	<p>Republic of Montenegro, Republic of Kosovo  Bangladesh, Nepal, Sri Lanka  Pakistan, Afghanistan</p> <p>Libya, San Marino, Permanent Representative to the Food &amp;  Agriculture Organisation (FAO), the World Food Programme  (WFP) and the International Fund for Agricultural Development  (IFAD).</p> <p>Democratic People’s Republic of Korea(North Korea)</p> <p>Thailand</p> <p>Colombia, Cuba, El Salvador, Peru, Venezuela  Angola, Botswana</p> <p>Ghana, Liberia, Senegal, Sierra Leone, Chad</p> <p>Morocco  Moldova  Armenia, Belarus, Georgia, Kazakhstan, Uzbekistan, Tajikistan,  Kyrgyzstan</p> <p>Bahrain, Kuwait, Oman, Qatar, UAE  Philippines, Brunei, Indonesia, East Timor  Former Yugoslav Republic of Macedonia  Bosnia and Herzegovina, Croatia  Democratic Republic of Congo, Zimbabwe  Andorra, Tunisia</p> <p>Algeria, Liechtenstein  Burundi, Eritrea, Kenya  Azerbaijan  Rwanda</p>

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Primary Accreditation	Secondary Accreditations
Vietnam (Hanoi) Zambia (Lusaka) Sierra Leone (Freetown-Irish Aid Office) (Ambassador accredited from Nigeria) East Timor (Dili — Irish Aid Office) (Ambassador accredited from Singapore)	Cambodia, Laos Namibia

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 Permanent Representations to International Organisations
 

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Brussels	Permanent Representation of Ireland to the European Union
Brussels	Permanent Representation to the Liaison Office of Ireland to the Partnership for Peace
Strasbourg	Permanent Representation of Ireland to the Council of Europe
Vienna	Permanent Mission of Ireland to the Organisation for Security and Cooperation in Europe (OSCE)
Paris	Permanent Representation to the Organisation for Economic Cooperation and Development (OECD) and Permanent Delegation to the United Nations Educational, Scientific and Cultural Organisation (UNESCO).
Geneva	Permanent Mission of Ireland to the United Nations (UN)
New York	Permanent Mission of Ireland to the United Nations (UN)

### Visa Applications.

268. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if, in view of the thousands of Irish soccer fans expected to travel to Georgia and Montenegro in September 2008, his Department officials have had discussions with their counterparts in the respective countries regarding visa applications, consular arrangements and overall security for visitors expected to travel to the games. [17777/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** My Department works closely with Irish sporting organisations to ensure that our citizens attending major sporting events abroad receive a first class consular service.

In accordance with normal practice, I intend to have additional resources allocated to our Embassy in Sofia, which is accredited to Georgia, and to our Embassy in Budapest, which is accredited to Montenegro, to ensure that the best possible service is provided to Irish soccer supporters attending the matches in Georgia and Montenegro on 6th and 10th September respectively. In this regard, temporary consular offices will be opened in both locations for the period of the games.

The Embassies are in ongoing contact with the relevant authorities in the countries concerned and will be organising pre-match planning visits to Tbilisi and Podgorica in June. The Department's Consular Division is, as always, liaising with the Football Association of Ireland to ensure that it is fully briefed on our arrangements.

In addition to arrangements on the ground, our Embassies and the Consular Section are jointly working on a comprehensive travel advisory note for Irish supporters travelling to the matches. This will be available in due course on the Department's website, [www.dfa.ie](http://www.dfa.ie).

### Northern Ireland Issues.

269. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support the

work of a group (details supplied) in their efforts for truth, justice and a public apology from the British Government in relation to the 1971 Ballymurphy internment massacre. [17848/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government consistently raises in its contacts with the British Government ongoing issues which are the legacy of the Troubles.

These issues are currently being considered by the Independent Consultative Group on the Past, which was established in June 2007, under the chairmanship of Archbishop Robin Eames and Denis Bradley. The Government welcomed the establishment of the Consultative Group and has remained in close contact with it.

Among the important topics on which the Consultative Group is deliberating is how best to meet the demand for truth, justice and apology for the many terrible deeds which occurred during the Troubles. As they move to develop their proposals the Consultative Group has met with many stakeholders across the spectrum of those affected, including in this jurisdiction: I understand that the group referred to in the question has met with the Consultative Group on the Past on a number of occasions.

My Department was represented at an event in Dublin on 30 April hosted by the group referred to in the question. My Department remains in ongoing contact with the group concerned and has, over the years, supported them in their work, including through the provision of assistance by the Reconciliation Fund.

### **Foreign Conflicts.**

270. **Deputy Joe Costello** asked the Minister for Foreign Affairs if he will respond to documentation from a group (details supplied); and if he will make a statement on the matter. [17877/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I am aware of this correspondence and share the concerns of the group regarding the situation facing the Palestinian people.

The Government has consistently and actively promoted efforts to find a lasting, peaceful and just settlement to the Israeli — Palestinian conflict. We have been to the fore in arguing directly with the parties, in cooperation with our EU partners, and at the United Nations, that the only way forward for the Israeli and the Palestinian people is through a negotiated two-State solution.

The Government strongly supports the efforts of President Mahmoud Abbas and Prime Minister Ehud Olmert to reach a final status agreement by the end of 2008. However, as my predecessor has stated in this House and elsewhere, we are increasingly concerned that events on the ground will undermine the prospects for political progress. We are particularly concerned about the appalling situation in Gaza.

The immediate priority must be to end all violence in and from the Occupied Territories, including all rocket attacks by Palestinian groups and all military operations by the Israeli Army in the Occupied Territories. The EU strongly supports the continuing efforts, being led by Egypt, to broker a ceasefire in Gaza, which could form the basis for a broader agreement between Israel and the Palestinians. The Government has called consistently for an end to the isolation of the people of Gaza, for the urgent re-opening of the crossing points for people and for goods, for the lifting of restrictions on the movement of Palestinians in the West Bank, and for an immediate and genuine freeze on all settlement construction. At the European Council in Brussels in March, the EU reiterated that settlement building anywhere in the Occupied Territories, including East Jerusalem, is illegal under international law, prejudices the outcome of final status negotiations and threatens the viability of an agreed two-State solution. At its meeting in London last Friday, the Quartet emphasised the importance of visible progress on the ground to build confidence and create an atmosphere supportive of negotiations. The Quar-

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tet called for an end to all violence and called on Israel to freeze all settlement activity including natural growth, and to dismantle outposts erected since March 2001.

The Government monitors the human rights situation in the Occupied Territories constantly through our Embassy in Tel Aviv, our Representative Office in Ramallah, and in close consultation with a wide range of Palestinian and Israeli NGOs and civil society groups. We also cooperate closely in this regard with our partners in the EU and regularly raise our concerns directly with the Israeli authorities. These concerns are also raised directly under the EU-Israel Association Agreement. The next meeting of the EU — Israel Association Council will take place on 16 June.

The Government does not believe that suspension of the Euro-Mediterranean Association Agreement would serve the interests of any of the parties. We are also firmly opposed to any proposals for cultural, academic or other boycotts against Israel. Our priority is to encourage all efforts to restore momentum to the peace process through meaningful negotiations for the establishment of a Palestinian State.

Ireland's assistance to the Palestinians has risen by some 70% over the past two years, to €7.5 million in 2007. At the International Donors' Conference for the Palestinian State in Paris in December 2007, Ireland pledged €40 million for Palestinian recovery, reconstruction and development, in the context of political agreement. We will continue to respond to the needs of the Palestinian people, and to work for a peaceful and just settlement of the Israeli — Palestinian conflict. This will remain a major priority of the Government's foreign policy.

#### **Decentralisation Programme.**

271. **Deputy Richard Bruton** asked the Minister for Foreign Affairs the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18117/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Under the Government's decentralisation programme, the Development Cooperation Directorate of the Department of Foreign Affairs, which is Irish Aid's Headquarters, will decentralise to Limerick. Good progress has been made and personnel have either been assigned to, or identified for, 108 posts or approximately 87% of the 124 posts being decentralised. The new permanent offices for Irish Aid in Limerick are expected to be completed in the autumn.

The property related costs associated with the decentralisation programme are a charge on the Office of Public Works. The following table sets out the non-property costs incurred by this Department during the period 2004-2008. The increase experienced in 2007 relates to the costs associated with the establishment of interim offices in Limerick in May of that year.

	Travel & Subsistence A.2	Training A.3	Office Machinery & related expenses A.5	Office Premises A.6	Total Per Year
2004	0	1,200	0	0	1,200
2005	500	2,900	0	0	3,400
2006	1,900	7,200	0	0	9,100
2007	6,400	2,000	166,900	6,500	181,800
2008	600	2,100	0	14,000	16,700
Total 2004-2008	9,400	15,400	166,900	20,500	212,200

### **EU Funding.**

272. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress in regard to the commitment given in the programme for Government that the Government will encourage financial institutions to provide European Investment Fund guaranteed loan finance to small businesses. [17926/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Competitiveness and Innovation Framework Programme (2007-2013) contains a financial instrument, the SME Guarantee Facility that aims to improve the financial environment for SMEs by facilitating their access to debt and equity finance. The European Commission published a Notice in the Official Journal of the European Union on 26 September 2007 addressed to financial intermediaries for SMEs, such as banks and institutions operating guarantee schemes, outlining information on the financial instrument. The SME Guarantee Facility is operated by the European Investment Fund (EIF) on behalf of the European Commission. Financial intermediaries are free to make contact directly with the EIF concerning participation in the facility and I am aware that some have done so in the past.

My Department has informed the Irish Bankers' Federation of the proposal, the operation and the scope of the arrangement. My Department has made itself available to any bank interested in pursuing the possibility of securing funding under the SME Guarantee, with a view to their being put in contact with relevant officials in the European Investment Fund (EIF) and/or the European Commission, for further advice and assistance.

Proposals from financial intermediaries will be examined by the EIF on a continuous basis, within the constraints of the available Community budget allocations. Irish financial intermediaries will, therefore, continue to have an opportunity to participate in the Facility. My Department will continue to encourage participation and will remain available to financial intermediaries wishing to access the Facility. Participation in the Facility is a commercial decision for any financial intermediary concerned.

### **Research Funding.**

273. **Deputy Liz McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made in regard to the commitment given in the programme for Government to amend the remit of Science Foundation Ireland to include a third research pillar in the area of sustainable energy and energy efficient technologies. [17931/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** On 6th May 2008 new Regulations to amend the remit of Science Foundation Ireland (SFI) to include sustainable energy and energy-efficient technologies were signed into law. The Regulations (SI No 134 /2008) are in fulfilment of the commitment in the Programme for Government 2007-2012 to amend the remit of SFI to include a third research pillar in these areas.

The Regulations prescribe sustainable energy and energy-efficient technologies as strategic areas of scientific endeavour in addition to the areas of ICT and biotechnology specified in section 7(3) of the Industrial Development (Science Foundation Ireland) Act 2003. The signing into law of these regulations will allow SFI to build a world-class research capacity in these areas and will provide a solid basis to address Ireland's challenges in the sustainable energy field.

The Regulations follow the agreement between myself and my colleague, the Minister for Communications, Energy and Natural Resources to combine resources and to target a world-

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class research capacity investment through SFI of €90 million in these areas, over the period to 2013, details of which I announced at the Energy Summit held in March this year.

### **Employment Rights.**

274. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the situation at a Fingal County Council social housing construction site north of Ballymun where a construction firm (details supplied) has fired BATU union staff from the site amidst claims that it was paying the workers cash-in-hand and would not allow them access to an REA or procedural agreement pension scheme; if she will investigate the matter; and if she will make a statement on the matter. [17155/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I understand that the trade union in question has not made a complaint to the Labour Court regarding a possible breach of the Construction REA regarding this construction site.

As the Deputy knows, enforcement of the provisions of a Registered Employment Agreement (REA) may be effected by direct complaint to the Labour Court. A trade union may complain to the Labour Court that a particular employer is not complying with a Registered Employment Agreement. If, after investigating a complaint, the Court is satisfied that an employer is in breach of a Registered Employment Agreement the Court may by order direct compliance with the agreement. Failure to comply with such an order is an offence punishable by a fine. These safeguards are in place to ensure the satisfactory implementation of Registered Employment Agreement wages and conditions of employment and to ensure that non-compliant employers are discovered and do not benefit in any way from their avoidance of their obligations.

The Unfair Dismissals Acts 1977-2001 offer protection to employees from being unfairly dismissed from their jobs by laying down criteria by which dismissals are judged to be unfair and by providing an adjudication system and redress for employees who have been found to have been unfairly dismissed. The Acts do not normally apply to a person who has been in the continuous service of the employer for less than one year. However, if the unfair dismissal results from trade union activity, then the requirement of one year's service does not apply. A complainant may refer a case regarding unfair dismissal to a rights commissioner or the Employment Appeals Tribunal.

### **Work Permits.**

275. **Deputy Brian Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a favourable decision will be made in respect of an application by a person (details supplied); and if she will make a statement on the matter. [17186/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Employment Permits Section of my Department informs me that this application was refused on the grounds that 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. Furthermore, the proposed employee is currently resident in the State on a Student Visa and is, therefore, ineligible to enter fulltime employment. The applicant was notified of this decision in writing by letter dated 17th April 2008 and of their right to appeal within 21 days. To-date no such appeal has been received in the Employment Permits Section.

### Employment Rights.

276. **Deputy Niall Collins** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on introducing a requirement for agency workers to be given a minimum notice period of one week; and if she will make a statement on the matter. [17236/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Irish employment law applies to all workers including agency workers.

Accordingly, I understand that agency workers who enter into or work under a contract of employment can, under the terms of the Minimum Notice and Terms of Employment Acts 1973 to 2005, qualify for minimum notice in respect of termination of employment. Its application will depend on individual circumstances. Given the changing nature of employment structures and relationships in which, for example, the term “agency worker” could cover a range of situations in practice it is difficult to be precise and each case depends on its own facts. Workers posted to Ireland from abroad — including agency workers — do, of course, have the benefit of the Minimum Notice and Terms of Employment Acts by virtue of the Protection of Employees (Part-Time work) Act 2001.

I am not aware of any problems arising in this area, generally. However, if the Deputy has any specific cases that he would like to bring to my attention, I would be happy to have them considered.

### Proposed Legislation.

277. **Deputy Mary Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she expects the Consumer Protection Act 2007 to be fully implemented; when the ban on traders charging extra to customers based on their method of payment will be implemented; and if she will make a statement on the matter. [17278/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Sections 48 and 49 are the relevant sections of the Consumer Protection Act 2007 which seek to restrict the manner in which traders impose additional charges on consumers solely by reason of the method of payment chosen by the consumer.

The Deputy will be aware that on the commencement of the Consumer Protection Act 2007 in May last year, sections 48 and 49 were not commenced. A public consultation was conducted on these provisions and, in the course of that consultation, my Department received almost 50 submissions on the impact of sections 48 and 49. The submissions gave rise to a number of complex matters which required legal advice, particularly regarding the compatibility of sections 48 and 49 with provisions of EU law.

These responses raised a number of specific issues upon which the Department sought the advice of the Attorney General. These issues related to the compatibility of sections 48 and 49 with EU law, specifically with the EU directive on unfair commercial practices and the EU payment services directive. The Attorney General’s advice is that sections 48 and 49 are not compatible with the maximum harmonisation nature of the unfair commercial practices directive in that the sections seek to legislate within the field of consumer protection approximated by the directive. He argues that by going beyond what is permitted by the directive, the sections are not compatible with the maximum harmonisation nature of the directive.

As the Attorney General has advised that sections 48 and 49 are not compatible with EU law, it has been decided not to commence these provisions. I am, however, committed to the importance of consumers being made aware of the fact that a trader imposes an additional charge based on the method of payment before transacting with that trader. My Department

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is currently examining the possibility of making regulations under the Consumer Protection Act obliging traders who impose payment method charges to include information on those charges in any advertisements for their goods and services.

In the course of the public consultation process, retailers in opposing the introduction of section 48, maintained that they were merely passing on to the cardholder the cost imposed on the retailer by the card companies for facilitating card transactions. The Deputy may be aware of the recent decision of the competition directorate of the EU banning Mastercard from requiring retailers to pay its multilateral interchange fee for facilitating Mastercard transactions. It is understood that the competition directorate has recently commenced similar proceedings against the other major payment card scheme Visa. In that context, the advice of the Competition Authority as to the implications of this decision and its effects in Ireland, particularly in terms of the likely impact on the costs to retailers of accepting payment by particular payment methods, has been sought.

### **Job Protection.**

278. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will investigate reports that Irish workers are being forced to take redundancy in the construction sector when workers from outside of the Republic of Ireland are still being employed by the contractors and subcontractors involved; if she will review whether the State's redundancy scheme is being used to fund the replacement of direct employees by agency or subcontracted staff in the construction sector; and if she will make a statement on the matter. [17350/08]

279. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to what is allegedly happening in a company (details supplied), where Irish workers are allegedly being forced to take redundancy and are being replaced by non-Irish nationals; if she will check all P35s and pension schemes of all agency and non-agency workers employed by the company and all of their subcontractors; and if she will make a statement on the matter. [17351/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 278 and 279 together.

The Redundancy Payments Section of my Department has had no application for a rebate in respect of any sum paid to employees by way of statutory redundancy from the construction company in question.

The purpose of the Redundancy Payments Scheme is to compensate workers, under the Redundancy Payments Acts, 1967 to 2007, for the loss of their jobs by reason of redundancy. Compensation is based on the workers' length of reckonable service and reckonable weekly remuneration, subject to a ceiling of €600.00 per week. Broadly speaking, a redundancy situation obtains where a job ceases to exist, the employment is terminated by the employer and the employee is not replaced. Payment of statutory redundancy is, in the first instance, a matter for the employer. On payment of statutory redundancy to an employee, an employer is entitled to apply for a rebate of 60% of the total cost from the Social Insurance Fund. There are no conditions attached to the end-use of any monies rebated to the Employer.

However, it is the policy of the Government to pay a rebate only where the strict criteria stipulating genuine grounds for redundancy are met under Section 7 of the Redundancy Payments Act, 1967, as amended by Section 4 of the Redundancy Payments Act, 1971 and Section

5 of the Redundancy Payments Act, 2003, and Section 4 of the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act, 2007.

If the employees involved believe that they have been unfairly dismissed they may present a claim of unfair dismissal to either a Rights Commissioner or to the Employment Appeals Tribunal. The Unfair Dismissals Acts apply with certain exceptions, to employees over age 16 with at least 12 months' continuous service.

Checking of P35s is a matter in the first instance for the Office of the Revenue Commissioners and I would not be aware of checks made in any particular case.

An Employment Agreement on wages and conditions of employment in the Construction Industry has been registered with the Labour Court.

The effect of this registration is to make the provisions of the agreement legally enforceable in respect of every worker of the class, type or group to which it is expressed to apply and to his or her employer, even if such worker or employer is not a party to the agreement. Section 10 of this REA sets out requirements for the engagement of sub-contractors.

The provisions of the Construction Industry's REA on wages and conditions of employment are enforced by the Labour Inspectors of the National Employment Rights Authority. Labour Inspectors are empowered to seek compliance with the terms specified in the agreements.

The enforcement of the provisions of the Registered Employment Agreement may also be effected by direct complaint to the Labour Court. A trade union, an association of employers or an individual employer may complain to the Labour Court that a particular employer is not complying with a Registered Employment Agreement. If, after investigating a complaint, the Court is satisfied that the employer is in breach of a Registered Employment Agreement it may by order direct compliance with the agreement. Failure to comply with such an order is an offence punishable by a fine.

The Construction Industry (Pension Assurance and Sick Pay) Registered Employment Agreement (REA) requires employers in the construction sector to become and remain a party to a contributory pension scheme approved by the Revenue Commissioners. I understand that the Construction Industry Monitoring Agency (CIMA), which was established by the Construction Industry Federation and ICTU monitors compliance with the REA in this respect, with a view to ensuring that employers register their employees in the pension scheme and pay the weekly pension contributions on employees' behalf. Enforcement of the provisions of this Registered Employment Agreement may be effected by direct complaint to the Labour Court.

### **Departmental Expenditure.**

280. **Deputy Damien English** asked the Tánaiste and Minister for Enterprise, Trade and Employment the average time for payment to be made by her Department and by each agency affiliated to her Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if she will make a statement on the matter. [17376/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** My Department makes in excess of 9,000 payments each year. Due to the volume of transactions in question, it is not feasible to provide the information sought in the level of detail requested by the Deputy.

However, the Deputy may wish to note that my Department is subject to the provisions of the European Communities (Late Payment in Commercial Transactions) Regulations, 2002. Under these Regulations, payment of invoices must be made within 30 days of receipt of the

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invoice or the delivery of goods or services, whichever is later, unless otherwise specified in a contract. The supplier is entitled to penalty interest if payment is not made within the 30 day period, provided the invoice is not subject to query. The total amount paid out in interest by my Department since 2004 in accordance with the Regulations is set out on the following table.

All public bodies, including the agencies under the remit of my Department, are subject to the provisions of the Late Payment in Commercial Transactions Regulations. However, my Department does not have any function in relation to the operation or the detail of the agencies' accounting systems.

Table 1 — Amount of interest paid by the Department of Enterprise, Trade and Employment under the European Communities (Late Payment in Commercial Transactions) Regulations, 2002

Year	Amount paid in interest	No. of invoices involved
	€	
2004	3,000.97	65
2005	4,929.90	24
2006	579.07	23
2007	5,019.46	79
2008 (to end-Apr.)	855.11	21

### Community Employment Schemes.

281. **Deputy James Bannon** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she will take against FÁS in view of its failure to take on initiatives to allow people with disabilities to work 20 hours per week; and if she will make a statement on the matter. [17434/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** It is assumed that the Deputy is referring to the minimum hours that are required to be worked in order to be eligible for certain FÁS employment programmes for people with disabilities. In this regard the significant employment support schemes provided by FÁS for people with disabilities are as follows:

The Wage Subsidy Scheme is available to all employers (except public service employers and/or any employers or schemes where wages are funded by FÁS) in the State who provide a minimum of 21 hours of employment per week to disabled workers. The objective of the scheme is to increase the number of people with disabilities in employment, as far as practicable, and to provide a level playing field for them in seeking out, or remaining in employment. The scheme provides payment of a wage subsidy to the employer to compensate for the reduced productivity of the disabled worker. The wage subsidies are designed to provide an incentive to employers to look more closely at the potential of people with disabilities to meet their labour force requirements. Disabled workers may work up to 39 hours per week in agreement with their employer.

The Supported Employment programme is a labour market initiative providing supports to help people with disabilities access the open labour market. It is implemented by sponsor organisations on behalf of FÁS who employ job coaches to provide a range of supports tailored to the individual needs of a jobseeker. The ultimate outcome is that the employee becomes independent of job coach support.

It is expected that participants on Supported Employment, upon commencement of employment, will enter a progression for a working time strategy leading to work in excess of 18 hours per week. Exceptions may be made in cases where it is believed that the jobseeker requires further support.

The Community Employment Programme provides eligible unemployed people and other disadvantaged persons, including people with disabilities, with an opportunity to engage in useful work within their communities on a temporary basis. CE has three categories of participant, each with its own set of qualifying conditions, namely:

1. Part-time Integration option
2. Part-time job option
3. Rate for the job option

Community sponsors must provide 39 hours per fortnight on the Part-time Integration Option and the Part-time Job Option, and between 24 and 39 hours per fortnight for participants on the Rate for Job Option.

The eligibility criteria for all FÁS employment programmes, including those for people with disabilities, are implemented by FÁS in accordance with my Department's policy goals that are aimed at enhancing the employment prospects of people with disabilities. These employment programmes are reviewed at appropriate intervals with a view to increasing programme efficiency and effectiveness where possible. In this regard reviews of both the Wage Subsidy Scheme and the Supported Employment Programme are nearing completion and are expected to be concluded very shortly. Copies of these reviews will be made available to relevant interest groups in due course.

### **Unemployment Levels.**

282. **Deputy James Bannon** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she will take to deal with the rise in unemployment; and if she will make a statement on the matter. [17435/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Unemployment has increased by 15,200 in the three-year period since 2004 and must be seen in the context of the substantial increase in employment by 242,500 in the same period. The number of people currently in employment is 2,138,900. It is generally accepted that the strong rate of growth experienced over the past few years could not continue and the economy is now entering a period of adjustment. Employment is forecast to grow by over 1% (24,000) in 2008.

Unemployment is measured by the Quarterly National Household Survey, published and collated by the CSO, rather than the Live Register which is not designed to measure unemployment. The Live Register includes part-time, seasonal and casual workers entitled to unemployment benefit. However, while the Live Register increased in the first three months of the year, data for April reflects a decrease of 2,349.

The actual rise in unemployment over the coming months will be determined by a number of factors including a possible decrease in participation and the response of migrants to the slowdown. In regard to the latter the ESRI expects inward migration to fall from 70,000 in 2007 to 20,000 in 2008. The trend in PPS numbers issued to persons from the EU12 continues to reflect a decline in the numbers entering the State.

[Deputy Mary Coughlan.]

The most recent FÁS/ESRI Employment and Vacancies Survey for March 2008 shows that the percentage of firms reporting vacancies across all sectors is 10%, indicating that there are still employment opportunities available.

The range of integrated support services provided by FÁS involving information sessions, skills analysis, training/retraining courses and job placement are available for those who become redundant because of company restructuring or closures. 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. There is also active engagement with the unemployed after 3 months on the live register to assist them progress towards employment, training or active labour market programmes.

### **Budget Submissions.**

283. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17562/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Minister for Finance normally holds a formal bilateral meeting with the Minister for Enterprise, Trade and Employment each year as part of the Estimates process, to discuss the Department's requirements for the year ahead.

As my Department's records relating to the Estimates process for the period 2000 to 2004 are stored off-site, it has not been possible, in the time available to my officials, to identify the dates of bilateral meetings, if any, held between 2000 and 2004. However, the dates of the meetings held in the last three years were: 16 November 2005, 28 September 2006 and 24 October 2007.

There were no separate pre-Budget bilateral meetings with the Taoiseach in those years. However, as the Deputy will be aware, the preparation of the Budget is a matter which is discussed at Cabinet.

The normal arrangement at the bilateral meetings is for the Minister to be accompanied by the Secretary General of the Department, the head of the Department's Corporate Services Division, and one or two other senior officials.

The bilateral meetings are normally preceded by extensive consultations at official level with the Department of Finance, and followed up with further communication at official level. Therefore, it has not been the practise in recent years for an agenda to be circulated in advance or for my Department to take formal minutes of these meetings, although no instruction has been issued to that effect.

### **Employment Levels.**

284. **Deputy John O'Mahony** asked the Tánaiste and Minister for Enterprise, Trade and Employment the average workforce in Ireland in 2007 and in each of the previous ten years; and if she will make a statement on the matter. [17636/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The average workforce in Ireland for the years 1998 to 2007 is set out in the following table. This is based on the average number of people employed per year as calculated in the Quarterly

National Household Survey published by the Central Statistics Office. The increase in the average numbers in employment in the last ten years is 596,000 or 39%.

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
'000 Empl	1,521	1,614	1,692	1,745	1,774	1,807	1,864	1,956	2,044	2,117

### Departmental Expenditure.

285. **Deputy Damien English** asked the Tánaiste and Minister for Enterprise, Trade and Employment the cost to her Department of implementing the payroll system within her Department and within bodies under her Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17714/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The direct costs associated with the implementation of the payroll function by my Department is set out in Table 1. Due to the fact that the payroll function is administered by a sub-section of a much larger Finance Unit, it is not possible to provide details of indirect overhead costs, such as heating, electricity consumption, etc.

Many of the agencies under the aegis of my Department operate their own payroll systems and my Department has no function in relation to, or details of, those systems. However, my Department currently manages the payroll function for the following bodies:

- Companies Registration Office
- Competition Authority
- Employment Appeals Tribunal
- Irish Auditing and Accounting Supervisory Authority (IAASA)
- Labour Court
- Labour Relations Commission
- National Consumer Agency
- National Employment Rights Authority
- Office of the Director of Corporate Enforcement
- Registry of Friendly Societies

Table 1 — Costs associated with the implementation of the payroll function by the Department of Enterprise, Trade and Employment

Year	Staffing costs <sup>a</sup>	Software, Maintenance and Training costs	Total
2004	289,775.16	19,886.64	309,661.80
2005	282,154.28	18,036.99	300,191.27
2006	319,411.85	30,069.47	349,481.32
2007	318,853.94	34,395.07	353,249.01
2008 (to end-Apr)	103,018.88	16,832.83	119,851.71

<sup>a</sup> Staffing costs are based on the salaries and employers' PRSI costs of staff assigned to the Payroll Section since 2004, and include an apportionment of management costs.

### **Departmental Expenditure.**

286. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the cost of her Department's Work Life Balance campaign; the audited outcome of the campaign; her views on whether there has been value for money; and if she will make a statement on the matter. [17734/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** My Department's Work Life Balance campaign for 2008 involved a poster campaign in each of the Department's buildings, followed by an office notice circulated to all staff advising of the various Work Life Balance options available to them. Relevant information was also made available on the Department's intranet site and in its Human Resources Management Handbook.

The Work Life Balance posters were provided by the Equality Authority, consequently, there was no financial outlay associated with this years campaign.

### **Work Permits.**

287. **Deputy Michael Creed** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will confirm receipt of an application for a work permit for a person (details supplied) in County Cork; and if she will approve this application. [17908/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Employment Permits Section of my Department informs me that this application was refused on the grounds that 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. Furthermore, the position on offer is one of the occupational categories currently ineligible for an employment permit. The applicant was notified of this decision in writing by letter dated 6th May 2008 and of their right to appeal within 21 days. To-date no such appeal has been received in the Employment Permits Section.

### **Industrial Development.**

288. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress in regard to the commitment given in the Programme for Government that innovation centres would be made available to small business in every sector to be exchanged for advice, expertise and information from accredited knowledge providers. [17941/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The establishment of an Innovation Voucher initiative was a key recommendation of the Small Business Forum in the 2006 report "Small Business is Big Business" and was also the subject of a commitment in the Programme for Government 2007-2012.

In March 2007, I announced the establishment of a €10m Innovation Voucher fund, which is being administered by Enterprise Ireland. The Innovation Vouchers initiative was initially launched on a pilot basis. Applications were sought from small businesses that have a business opportunity or problem that they wished to explore by accessing the knowledge in the third level sector in order to become more innovative. The programme has been designed to stimulate an on-going cultural shift with regard to innovation within the small business sector while bridging the gap that exists between the small business community and public research bodies and creating greater synergies between the two.

Each successful applicant received an Innovation Voucher worth €5,000 which can be used to facilitate knowledge transfer from the public research sector to small businesses. The vouchers can be used for any kind of business innovation such as developing a new product or service, improving service delivery or conducting a technology audit. The Vouchers are available to the widest possible range of small businesses in Ireland as permitted by European Union State Aid regulations and to a total of 66 sectors. A total of 24 knowledge providers based all over Ireland, mainly in institutes of technology and universities, are now available to work with the companies that receive Innovation Vouchers.

The pilot phase has met with a very positive response both from the small business sector and from knowledge providers. Building on the success of the pilot, further rounds of the programme have been launched. To date Enterprise Ireland has issued 530 Vouchers over five rounds, with a total redeemable value of €2.65 millions. In the 2007 pilot phase of the Initiative 428 Companies have received Vouchers with a total grant allocation of €2,140,000. In 2008 a further 102 vouchers were approved with a total value of €510,000. It is intended to have a further 3 calls in 2008, the most recent call closed at end of April 2008.

289. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress in regard to the commitment given in the Programme for Government that knowledge acquisition grants would be provided to enable small businesses to gain access to research based knowledge and expertise.. [17942/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Small Business Forum in its 2006 report “Small Business is Big Business” sought that Knowledge Acquisition Grants would be provided to small businesses in Manufacturing & Internationally Traded services. The Programme for Government 2007-2012 contained a commitment that such grants would be provided to enable small business in the manufacturing and internationally traded service sectors gain access to research based knowledge, expertise and facilities in higher educational institutes.

Accordingly, as part of the revised and simplified Research and Development programme of initiatives introduced in January 2008, Enterprise Ireland has put in place a €30,000 R&D Stimulation Grant aimed at companies that are new to product, process and service development activities. The financial support will allow the companies to explore how research & innovation can drive their future development.

The Enterprise Ireland R&D Stimulation Grant provides funding to support activities such as:

- Developing an R&D business plan
- Researching opportunities for new product / process development
- Hiring an R&D consultant

Client companies of Enterprise Ireland, Údarás na Gaeltachta and the City and County Enterprise Boards are eligible for this support provided they do not have an established Research and Development function activity or have not already been approved more than €25,000 in R&D support from any development agency in the 3 year period prior to the date of receipt of the company's application. One R&D stimulation grant is available to each individual company.

290. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress in regard to the commitment given in the Programme for Govern-

[Deputy Willie Penrose.]

ment that assistance would be provided for smaller manufacturing firms to realise the potential of information technology by appointing a director for the research and development programme support structures.. [17943/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Government Strategy for Science Development and Innovation 2006-2013 has identified a seven year programme which aims to ensure that Ireland will be at the forefront in generating and using new knowledge for economic and social progress. In the delivery of this Strategy a number of Government Agencies including IDA, Enterprise Ireland and Science Foundation Ireland have put in place a wide range of supports and schemes to fund leading edge research which will assist Irish companies to engage in research and development work that will lead to innovation and the practical application of research in their enterprises.

In January 2008 a revised and simplified Research and Development package of Programmes was introduced jointly by Enterprise Ireland and the IDA for Irish companies, that will be relevant at all stages of client development, and will seek to progress clients from small beginnings to high-level, sustained R&D activity.

In terms of the development of personnel within Irish enterprises, Enterprise Ireland is successfully providing tailored, results-oriented management development programmes in response to identified client needs by providing development programmes in areas identified as critical to growth. This programme seeks to rapidly and effectively develop the capability of company management necessary to drive innovation and to support them in acquiring, developing and integrating the technologies and supporting knowledge required to effectively achieve high developmental goals of their companies.

In addition, Enterprise Ireland operates a website “Openup” that provides information to help companies understand and use IT and eBusiness to improve competitiveness and grow sales by providing jargon-free, independent advice on information technology topics. Specific assistance is provided on finding the right IT supplier; the tax implications of trading online; and the experience of other companies when they implemented eBusiness/ICT projects.

Any further action required under this commitment, including the question of the appointment of a dedicated director, will be kept under review.

291. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress in regard to the commitment given in the Programme for Government to fund regional skills advisory groups. [17946/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Expert Group on Future Skills Needs were asked to examine the potential of a number of innovative measures to incentivise both employers and employees to more fully engage in education and training. The measures that were reviewed were paid learning leave, individual learning accounts for employees, brokerage services to help firms identify training needs and source suitable training, and the potential of regional skills advisory groups.

The Expert Group have recently concluded their research on these items, including regional skills advisory groups and have presented their findings to both my Department and the Department of Education and Science.

These findings will be considered by the Inter-Departmental Committee on the Implementation of the National Skills Strategy in the context of developing an implementation plan for the National Skills Strategy. The question of what role in determining Ireland’s skills needs

and in implementing the Skills Strategy, regional skills advisory groups could play will be considered at this stage

292. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress in regard to the commitment given in the programme for Government to expand the training networks programme.. [17947/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Since the publication of the Programme for Government the Skillnets Training Networks Programme has been significantly expanded.

Last year Skillnets Limited received a total of €23.5 million, which funded a total of 109 networks. The Training Networks Programme was allocated €13.5 million and trained approximately 21,000 people. The ACCEL programme was allocated €10 million.

The ACCEL programme concluded in March of this year and it will receive no further funding. In 2008 the Training Networks Programme will receive €26.5 million, which will provide funding for 123 networks and will allow approximately 48,000 people to receive training. In line with the commitment contained in the Programme for Government this represents a significant expansion both in terms of investment and the number of people that will receive training through the Training Networks Programme.

#### **Decentralisation Programme.**

293. **Deputy Richard Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the costs incurred to date for decentralisation, broken down by her Department and the agencies under the aegis of her Department. [18115/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Office of Public Works (OPW) has primary responsibility for the procurement of suitable accommodation for both the advance and permanent re-location of decentralising Departments, including my Department's staff to Carlow.

Officials of my Department, in consultation with the Department of Finance and the OPW, as well as decentralising staff and Business Units, opened an advance office in Carlow on July 30th 2007. It is my understanding from the OPW that the yearly rental costs for this office is in the region of €369,000 and the fit-out costs were approximately €2,068,000.

With regard to the property costs for the Department's permanent move to Carlow, the OPW completed the purchase of a site in Carlow town centre for the construction of my Department's permanent office. I understand from the OPW that the site acquisition costs were €1,440,000. My colleague, Minister of State Noel Ahern TD, announced on 13th December 2007 that the OPW has invited The Macquarie Partnership as the consortium to become the "Successful Tenderer" in respect of this decentralisation project. This forms part of a major PPP project, which also involves the provision of office accommodation for the Department of Agriculture, Fisheries and Food in Portlaoise and the Department of Education and Science in Mullingar. The OPW is responsible for costs in relation to this entire project.

With regard to non-property decentralisation costs incurred to date, the most recent figure for such costs for my Department, as submitted to the Joint Oireachtas Committee on Finance and the Public Service, via the Department of Finance, relates to the period January 2004 to December 2007. These amount to €184,647, broken down as follows — (Travel and Subsistence €11,298, Incidental €1,247, Postal & Telecom €306, Office Machinery €129,854, Office Premises €15,322 and Consultancy €26,620).

[Deputy Mary Coughlan.]

With regard to agency decentralisation costs, the most recent expenditure return issued to the Department of Finance, for submission the Joint Oireachtas Committee on Finance and the Public Service, relates to the period January 2004 to December 2007. The following tabular statement outlines the non-capital expenditure and capital expenditure incurred by Enterprise Ireland, FÁS, Health & Safety Authority & NSAI for that period.

Subhead	A2	A3	A4	A5	A6	A7	A8	Total Non-Capital Expenditure 2004-2007	Capital Expenditure 2004-2007	Total Expenditure 2004-2007
	Travel & Sub-sistence	Incidental Expenses	Postal & Telecom Expenses	Office Machinery & other office supplies & related services	Office Premises Expenses	Consultancy	Equip. Stores & Maintenance			
Enterprise Ireland	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
FÁS	Nil	21,024	32,092	19,263	282,517	95,576	13,476	463,944	3,003,205	3,467,149
HSA	10,500	1,000	8,600	8,000	306,391	3,500	Nil	337,991	Nil	337,991
NSAI	Nil	Nil	Nil	Nil	Nil	24,500	Nil	24,500	Nil	24,500

### Sports Funding.

294. **Deputy Phil Hogan** asked the Minister for Arts, Sport and Tourism when a decision will be made on an application by a club (details supplied) in County Kilkenny for lottery funds; and if he will make a statement on the matter. [17152/08]

298. **Deputy Phil Hogan** asked the Minister for Arts, Sport and Tourism when a decision will be made in respect of an application by a partnership (details supplied) in County Kilkenny under the sports capitation grant scheme 2008; and if he will support this important project. [17387/08]

304. **Deputy Michael Creed** asked the Minister for Arts, Sport and Tourism if he will confirm receipt of an application for grant aid for a sporting organisation (details supplied) in County Cork. [17907/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 294, 298 and 304 together.

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 ones 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.

### Lisbon Treaty.

295. **Deputy Martin Ferris** asked the Minister for Arts, Sport and Tourism his views on the implications Article 149 of the Lisbon Treaty will have with regard to the future direction and administration of sport here in view of the fact that it appears to set out the parameters for a

European model of sport, and that sport will be one of the areas in which national states will not have a veto. [17208/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Under the Lisbon Treaty, if ratified, sport will become one of the activities where the EU will have the right to carry out “actions to support, coordinate or supplement the actions of member states”. As such, Sports policy will remain a national competence in the same way as Education and Culture policies are currently treated within the framework of the EU. The Treaty states that the Union can take action “to develop the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports”. It can also take action to protect “the physical and moral integrity of sportsmen and sportswomen especially the youngest”.

In practice, this means that Parliament and Council will have the legal competence to adopt so-called “incentive measures” in the area of sport, using the co-decision procedure, which would be subject to Qualified Majority Voting at Council. Similar measures adopted by the EU in the cultural and education field have been of significant benefit to Ireland (eg the ERASMUS Programme, the Culture 2007 and Media 2007 support programmes). It is clear however that any such measures will not involve any harmonisation of the laws and regulations of the member states. Indeed, any Recommendations adopted by Council would not be legally binding on member states.

#### **Departmental Expenditure.**

296. **Deputy Damien English** asked the Minister for Arts, Sport and Tourism the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17371/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The average time for payment to be made by agencies affiliated to my Department to outside contractors for goods and services is a matter for the agencies themselves. Insofar as the Department is concerned the information for 2005 to 2008 required by the Deputy is set out in the table below. The figures for 2004 are not available. The figures are based on the average number of working days from the date of receipt of the supplier invoice to the date of payment.

Year	Average (days)
2005	26
2006	25
2007	27
2008 To Date	22

#### **Sports Capital Programme.**

297. **Deputy Tom Hayes** asked the Minister for Arts, Sport and Tourism if he will intervene in the case of a group (details supplied) in County Tipperary who were approved for a grant under the 2007 sports capital programme. [17388/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** 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.

[Deputy Martin Cullen.]

The position is that under the Sports Capital Programme, grantees in receipt of funding over a specified level must enter into a Deed of Covenant and Charge in order to protect the Departments interest and ensure that the property remains in sporting use. To date, €596,974 has been allocated to this group in 1999, 2006 & 2007 under the Sports Capital Programme. A Deed of Covenant and Charge was executed by the group on 16 March 2007 in relation to their 2006 grant allocation. In this regard, the group's solicitors undertook to register the Deed of Covenant and Charge in the Land Registry (Property Registration Authority) within three months of receipt of the sealed Deeds. The sealed Deed of Covenant and Charge in duplicate was sent to their offices on 28 March 2007 for the purpose of registration by the group's solicitors.

I am advised by the Chief State Solicitor's Office (CSSO) that the Deed of Covenant and Charge has not yet been submitted to the Property Registration Authority for registration. I am further advised by the CSSO that this registration will need to be attended to prior to the release of the 2007 grant. The outstanding registration of the Deed of Covenant and Charge has been brought to the attention of the group's solicitors. A checklist of the remaining requirements of the Chief State Solicitor's Office was also recently sent to the group's solicitors in relation to the 2007 grant allocation.

I understand from the CSSO that while they have briefly spoken to members of the group on a number of occasions, under Law Society rules their primary contact must be with the group's solicitors.

*Question No. 298 answered with Question No. 294.*

#### **Budget Submissions.**

299. **Deputy Fergus O'Dowd** asked the Minister for Arts, Sport and Tourism the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17557/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The number of meetings attended by my predecessors to negotiate the contents of the Budget since my Department was founded in June 2002 was one. This was held on 31 October 2007 to negotiate the policy changes and service level improvements, which would be included in Budget 2008 for delivery by my vote group. My immediate predecessor Mr. Seamus Brennan, T.D. and the then Tánaiste and Minister for Finance Mr Brian Cowen, T.D, attended the meeting. Officials from each Department, who, from ongoing interdepartmental contacts, were highly familiar with the relevant details and issues involved, also attended. In the ordinary course of events meetings such as this would not be minuted by my Department.

In years prior to 2007, negotiations on expenditure by my Department were completed in the Estimates process, which culminated in the publication of the Abridged Estimates Volume in November each year. The addition of negotiations on policy changes and service level improvements to Budget negotiations commenced with the move to the Single Budget and the attendant Amended Estimates Process introduced in 2007.

#### **Sports Capital Programme.**

300. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the mechanisms

to be put in place or which are in place to assist those successful in their applications for capital lottery funding but who have been unable to draw down their allocation; and if he will make a statement on the matter. [17632/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I presume that the Deputy is referring to the Sports Capital Programme. 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.

Since 1998 the Programme has allocated over €675 million to over 6,700 projects. This investment has transformed the sporting landscape of Ireland and has allowed the development of sports facilities across the length and breadth of the country. Such large scale investments obliges my Department to follow good practice in relation the disbursement of public funds.

Every organisation that is provisionally allocated a grant under the programme receives a detailed letter setting out the terms and conditions that must be complied with prior to the grant being drawn down. These include conditions relating to the submission of comparable quotes, valid tax clearance certificates as appropriate for the grantee and contractors and the putting in place of adequate legal protection for the State's investment. This letter is accompanied by a simple to follow checklist to bring grantees through the draw down process. While the Department is anxious that all grants awarded under the Programme are drawn down in a timely manner it is aware that on occasions delays may occur and in that context officials in my Department are available to assist with any such issues which arise.

#### Departmental Bodies.

301. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the public bodies under the control of his Department; the function, role, location and establishment date of same; the administration costs of each body in the year 2007; and if he will make a statement on the matter. [17633/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The establishment dates of the bodies under the aegis of my Department are set out hereunder. The general functions, roles and locations of these bodies are set out in my Department's Statement of Strategy 2008-2010 which is available on my Department's website and in the relevant websites of the bodies, and their budgets for 2007 are set out in the Estimates for my Department which are published as part of the Estimates Volume.

Name	Year of Establishment
Arts Council	1951
Bord Scannán na hÉireann	1980
Culture Ireland	2005
National Museum of Ireland	Originally established in 1877. Established on a statutory basis in 2005
National Library of Ireland	Originally established in 1877. Established on a statutory basis in 2005
National Gallery of Ireland	1854
Irish Museum of Modern Art	1990
Crawford Gallery Cork	2006
Chester Beatty Library	1969
National Concert Hall	1981
Irish Manuscripts Commission	1928

[Deputy Martin Cullen.]

Name	Year of Establishment
National Archive Advisory Council	1986
Irish Sports Council	1999
Horse Racing Ireland	2001
Bord na gCon	1958
National Sports Campus Development Authority	2007
Fáilte Ireland (National Tourism Development Authority)	2006
Tourism Ireland (North / South Body)	2000
Shannon Development (Tourism Division)	1959

### Departmental Expenditure.

302. **Deputy Damien English** asked the Minister for Arts, Sport and Tourism the cost to his Department of implementing the pay roll system within his Department and within bodies under his Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17709/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The cost of implementing the pay roll system within the bodies under the aegis of my Department is a matter for the agencies themselves. The Department outsourced its payroll function as part of the overall outsourcing of our Financial Management System to the Financial Shared Service Centre of the Department of Justice, Equality and Law Reform in 2005. There is no cost to my Department associated with this arrangement.

### Sports Capital Programme.

303. **Deputy Tom Hayes** asked the Minister for Arts, Sport and Tourism if he will intervene in the case of a group (details supplied) in County Tipperary who were approved for a grant under the 2007 sports capital programme. [17880/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** 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 position is that under the Sports Capital Programme, grantees in receipt of funding over a specified level must enter into a Deed of Covenant and Charge in order to protect the Minister's interest and ensure that the property remains in sporting use. To date, €260,000, which includes a Clar top-up grant of €30,000, has been allocated to this group and a Deed of Covenant and Charge is currently being drafted to cover this amount.

The grantees now wish to take out a loan for €160,000 and the bank in question also wish to place a legal charge on the grantee's property. The ranking of charges placed on a grantee's land is regulated by means of a Priority Agreement. In such situations it is my Department's established practice to seek a valuation of the lands in question from the grantees, so that it may determine whether the property may bear the burden of the combined charges.

In this instance the bank wishes their charge to rank first in priority. The valuation provided by the grantees, however, estimates the land's value as being €260,000, which means that the combined value of the prospective bank loan and cumulative grant allocations is significantly in excess of the current valuation. The Department has been requested to rank second on the Priority Agreement.

You will appreciate that serious consideration must be given to this matter. In this regard, the Department plans to respond through the CSSO to the grantee's solicitors in the near future.

*Question No. 304 answered with Question No. 294.*

#### **Decentralisation Programme.**

305. **Deputy Richard Bruton** asked the Minister for Arts, Sport and Tourism the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18110/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Excluding the cost of accommodation, the total cost incurred to date for the decentralisation of the Department to Killarney, Co Kerry currently stands at €640,000. This expenditure is in respect of office machinery, office and premises overheads, postal and telecommunications services and travel and subsistence. The Office of Public Works is responsible for costs relating to both the temporary and permanent accommodation and these costs do not fall within the Department's Vote.

Expenditure by the agencies under the aegis of my Department i.e. the Arts Council, the Irish Sports Council and Failte Ireland in respect of decentralisation is a matter for the agencies themselves.

#### **Marriage Licences.**

306. **Deputy Chris Andrews** asked the Minister for Social and Family Affairs if her attention has been drawn to the difficulties involved in getting the necessary paper work ready in order to get married and the delays that are being caused as a result; and if she will make a statement on the matter. [17247/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I have been advised by the Registrar General that the position is as set out below.

Following commencement of the provisions of the Civil Registration Act, 2004 on 5 November, 2007, new processes and procedures were put in place in to provide a universal system that recognises and underpins marriage as a solemn contract, and to streamline procedures to provide clarity on the formalities to be observed.

Section 46 of the Act requires that, save in exceptional circumstances, couples intending to marry in the state attend at the office of the registrar in person to give notification of intention to marry at least three months in advance of the intended marriage date, and to sign a declaration that there is no impediment to the marriage. This provision also gives the registrar authority to request documentary evidence from each of the parties in relation to the verification of identity, current marital status, nationality etc. Additional documentation may be required, for example, where either or both of the parties to the proposed marriage has had a divorce granted outside the state so that it can be determined whether it is entitled to recognition under Irish law.

Documentary evidence may also be required for the purposes of establishing the domicile of the parties to the divorce. Any delay in the provision of the requested documentation inevitably delays a decision by the registrar on whether the couple are free to marry.

Registrars are acutely aware of the need to provide full and clear information as to documentary and other evidential requirements. When couples make initial contact with a registrar, the requirements relating to documentation and procedures are explained.

[Deputy Mary Hanafin.]

Section 48 of the Act provides for the issue of a Marriage Registration Form (MRF), without which no marriage may be legally solemnised. In essence, this form constitutes the approval of the registrar to the marriage proceeding. An MRF will be issued only when the registrar is satisfied that all the statutory requirements for a valid marriage have been met.

The new procedures have been well advertised and seminars were held around the country for religious solemnisers in the weeks preceding the commencement of the provisions. Comprehensive guidelines have been published for religious solemnisers and couples intending to marry. The guidelines may be obtained from any registrar or downloaded from the General Register Office website at [www.groireland.ie](http://www.groireland.ie).

The Deputy will appreciate that, owing to the constitutional and legal implications of marriage, all reasonable measures must be taken to protect the integrity of marriage and to ensure the international acceptability of certificates of marriage produced by this country as evidence of a valid marriage.

### **Death Certificates.**

307. **Deputy M. J. Nolan** asked the Minister for Social and Family Affairs when a death certificate will be issued for a person (details supplied). [17389/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** When a person dies, it is the duty of a relative of the deceased to act as qualified informant. This means that the relative must give to a registrar of births, deaths and marriages the information necessary to register the death, including a medical certificate of the cause of death, which is obtainable from the medical practitioner who attended the deceased, and sign the register of deaths.

In certain circumstances, a death is referred to the Coroner. There is a legal responsibility on doctors, registrars, undertakers, Gardai, hospitals and nursing homes to inform the Coroner where a death occurs suddenly or unexpectedly, or from a cause unknown, unclear or unnatural, or where the deceased was not seen or treated by a registered medical practitioner within one month prior to death.

In such cases, the Coroner may request a post-mortem examination. If the post-mortem shows that a death was due to natural causes, the Coroner may issue a certificate to the Registrar, who can then proceed to register the death and issue a death certificate. If the post-mortem shows that a death was due to unnatural causes, the Coroner may cause an inquest to be held. In such cases, the Registrar must await the outcome of the inquest and the issue by the Coroner of a coroner's certificate before the death can be registered.

An tArd Chláraitheoir (Registrar General), who has statutory responsibility for the civil registration system, is not aware of any particular reason for the delay in issuing a death certificate in the case of the person concerned (details supplied) other than that the death in question has not been registered as yet. A relative of the deceased should contact the nearest Registrar of Births, Deaths and Marriages as soon as possible in order to effect registration.

### **Pension Provisions.**

308. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position in relation to the pension payments to a particular sector (details supplied); and the reason her Department will not issue pension payments in this regard. [17149/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department operates two main types of pension scheme; contributory and non-contributory payments. Contributory

payments are paid on the basis of social insurance contributions made over a person's working life. Missionaries who have made sufficient social insurance contributions can qualify for the state pension (contributory). These pensions are payable abroad and so missionaries who qualify, and who live or work abroad, can receive a payment.

Non-contributory pensions are only payable where a person is resident in this country and those applying for such pensions must also satisfy the habitual residency condition (HRC). Accordingly, missionaries who reside abroad cannot receive a non-contributory pension. However, those who retire here permanently are generally deemed to satisfy the HRC and will, subject to satisfying a means test, qualify for a payment.

### **Social Welfare Benefits.**

309. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the amount it would cost in a year to increase maternity benefit to a flat rate of 60% of the average industrial wage. [17196/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The estimated Gross Average Industrial Wage (GAIE) in quarter 2, 2007 was €627.24 per week. Based on this figure the estimated full year cost of increasing Maternity Benefit to a flat rate of 60% GAIE would be some €91 million in 2008 terms.

From quarter 3, 2007 earnings are being calculated by the Central Statistics Office using an EU methodology, the Earnings, Hours and Employment Costs Survey (EHECS), only. The comparable EHECS estimate of industrial earnings per week was €609.04 in quarter 3, 2007. Based on this figure, which is the most up-to-date available, the estimated full year cost of increasing Maternity Benefit to a flat rate of 60% of the EHECS estimate of industrial earnings would be some €80 million in 2008 terms.

310. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs the criteria used to determine if an Irish citizen who has returned home after spending some years abroad is entitled to social welfare benefits here including benefits for their children. [17210/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Habitual Residence Condition was introduced in the context of the Government's decision to open the Irish labour market to workers from the 10 new EU Member States, without the transitional limitations which were imposed at that time by most of the other Member States.

The question of what is a person's "habitual residence" has been decided in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims. The European Court of Justice (ECJ) has set down a number of factors to be considered when deciding whether someone is "habitually resident". The Court has determined that five factors are relevant in determining whether a person is habitually resident, and these grounds are specified in Section 30 of the Social Welfare and Pensions Act 2007 as follows:

- (a) the length and continuity of residence in the State or in any other particular country;
- (b) the length and purpose of any absence from the State;
- (c) the nature and pattern of the person's employment;
- (d) the person's main centre of interest, and
- (e) the future intentions of the person concerned as they appear from all the circumstances.

[Deputy Mary Hanafin.]

An Irish national returning to this country having lived abroad for a number of years, would have their entitlement to Social Welfare payment assessed in the context of the factors outlined above. It is likely that a person returning to live permanently in this country would satisfy the requirements of the habitual residence condition.

Each case received for a determination on the Habitual Residence Condition is dealt with in its own right and a decision is based on application of the legislation and guidelines to the particular individual circumstances of each case. The Habitual Residence Condition is being operated in a careful manner to ensure that Ireland's social welfare system is protected, while at the same time ensuring that persons whose cases are appropriate to the system have access to it when they need it.

311. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if persons (details supplied) in Dublin 9 will be assisted. [17229/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** 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.

312. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if she will address the anomaly in the family income supplement allowance which states that local elected councillors are self-employed and therefore can not qualify for FIS, even though their only source of income may be the representational allowance from their council; and if she will make a statement on the matter. [17258/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Family income supplement (FIS) is designed to provide cash support for employees on low earnings with families. This preserves the incentive to remain in employment in circumstances where the employee might only be marginally better off than if he or she were unemployed and claiming other social welfare payments. FIS is paid on a weekly basis over a period of 52 weeks, taking into account a family's net earnings and the number of children under aged 18 or aged between 18 and 22 years and in full time education.

Where self employment is the sole employment in a household, Family Income Supplement is not payable. Arrangements already exist whereby self employed people on low earnings can receive additional payments under the social welfare system. Self-employed people whose income falls below the rate of unemployment assistance (UA) appropriate to their family circumstances are entitled to claim assistance. The rate of assistance payable depends on the person's means. In assessing means, account is taken of the net income which the applicant may reasonably expect to receive in the next year, and all expenses necessarily incurred by the applicant in carrying out the business are disregarded.

Representational Payments are insurable at PRSI class M and Councillors are regarded as office holders in the same manner as TDs, MEPs Senators and members of the judiciary. Under Social Welfare Regulations (Article 27 of SI 312/96) all emoluments received in respect of the office held are exempt from Social Insurance with the exception of the Health Levy. A Representational Payment is therefore considered to be an emolument from self-employment and treated as such in accordance with the provisions of the Social Welfare legislation.

Any extension of FIS to other categories of persons would have to be considered in a budgetary context. There are currently no plans for such an extension.

313. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the reason a person (details supplied) in Dublin 20 was refused family income supplement to supplement their council representational allowance; and if she will make a statement on the matter. [17259/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Family income supplement (FIS) is designed to provide cash support for employees, with families on low earnings. This preserves the incentive to remain in employment in circumstances where the employee might only be marginally better off than if he or she were unemployed and claiming other social welfare payments. FIS is paid on a weekly basis over a period of 52 weeks, taking into account a family's net earnings and the number of children under aged 18 or aged between 18 and 22 years and in full time education. Where self-employment is the sole employment in a household FIS is not payable.

Representational Payments are insurable at PRSI class M and Councillors are regarded as office holders in the same manner as TDs, MEPs, Senators and members of the judiciary. Under Social Welfare Regulations (Article 27 of SI 312/96) all emoluments received in respect of the office held are exempt from Social Insurance with the exception of the Health Levy. A Representational Payment is therefore considered to be an emolument from self-employment and treated as such in accordance with the provisions of the Social Welfare legislation.

The person concerned is in receipt of a Representational Payment. As this is their sole income and is considered to be from self employment their application for FIS was refused.

314. **Deputy Michael D'Arcy** asked the Minister for Social and Family Affairs the reason there is a backlog of applications for family income supplement with her Department only dealing with applications from September 2007 at this time, resulting in new applicants being told they will have to wait months for their claims to be processed; the action she will take to shift the backlog in order that those in need of this income support are not left waiting for months; and if she will make a statement on the matter. [17268/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Following improvements made to the qualifying income thresholds for family income supplement (FIS) in recent budgets and publicity campaigns promoting the scheme, there has been a substantial increase in the scheme take-up.

In 2007, my Department received 36,000 new and renewal FIS claims compared to 33,000 in 2006 and 23,000 in 2005 — an increase of over 60% on 2005 and 11% on 2006. In the first 16 weeks of 2008 over 15,000 new and renewal claims were received compared to some 12,000 in the same period in 2007 — an increase of 20%.

The Department has introduced a number of measures to address the efficiency of claim processing for FIS in light of the increased current backlog:

- A review of existing processes and procedures has been undertaken with the explicit objective of reducing delays in claim processing;
- Priority is being given to claims where a claim is being renewed to ensure continuity of payment;
- The ongoing staffing requirement was recently reviewed in light of the increased volumes of claims;
- Overtime working is being judiciously applied;

[Deputy Mary Hanafin.]

- 5 extra temporary staff have been recruited to help with processing the backlog of FIS claims.

These measures will, over time, lead to more efficient processing and reduce the number of claims on hand. The position is being closely monitored and kept under review by my Department.

315. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the position regarding an application for an exceptional needs payment for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [17296/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Under the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, 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. Eligible people would normally be in receipt of a social welfare or health service executive payment.

The Dublin / Mid-Leinster Area of the Executive has advised that the wife of the person concerned applied to the local Community Welfare Office (CWO) for two ENPs in April 2008, one of which was for an orthopaedic bed. The CWO refused the ENP requests on the grounds that an exceptional need was not in evidence. The person has been advised of her right to appeal the decision to the designated officer of the HSE Appeals Office. To date no appeal has been received.

The person concerned was further advised that if there are any changes in her circumstances she should make a formal application for an ENP that will be considered under the terms of the scheme.

#### **Pension Provisions.**

316. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs if the Government have undertaken an additional study of extending contributory pension cover to women who were homemakers; and when it is intended to take decisions on pension reform in this area. [17309/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The social welfare pension rights of those who take time out of the workforce for caring duties are protected by the Homemaker's scheme which was introduced in and took effect from 1994. The scheme allows up to 20 years spent caring for children or incapacitated adults to be disregarded when a person's social insurance record is being averaged for pension purposes. However, the scheme will not of itself qualify a person for a pension. The standard qualifying conditions, which require a person to enter insurance 10 years before pension age, pay a minimum of 260 contributions at the correct rate and achieve a yearly average of at least 10 contributions on their record from the time they enter insurance until they reach pension age, must also be satisfied.

The operation of this scheme is subject to review in the context of the Green Paper on Pensions, with particular regard being paid to the operative date of the scheme and the use of credits for pension purposes rather than the current system of disregards. Also, alternative means of providing pensions for homemakers, and others at present outside the social welfare

pension system, are also explored in the Green Paper, including the use of universal entitlements with qualifying criteria based around residence rather than contributions.

A consultation process on the Green Paper is now underway and will remain open until 31 May. Once the consultation process is completed, work on developing the framework for future policy in all areas of pension provision will commence. The aim is to finalise proposals by the end of 2008.

### **Departmental Expenditure.**

317. **Deputy Damien English** asked the Minister for Social and Family Affairs the average time for payments to be made by her Department and by each agency affiliated to her Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if she will make a statement on the matter. [17382/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** This Department makes approximately twenty three thousand payments to contractors annually in respect of goods and services. Additional payments are made by bodies under the aegis of the Department. Given the large number of payments made the information which the Deputy has requested is not readily available in my Department.

*Question No. 318 withdrawn.*

### **Pension Provisions.**

319. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the reason her policy on the screening of submissions to her Department as part of the public consultation for the Green Paper on Pensions, as outlined in her reply to Parliamentary Question No. 381 of 17 April 2008, is not contained in the Green Paper on Pensions publication as well as the information on his Department's website; and if she will make a statement on the matter. [17436/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Green Paper on Pensions consultation process has been ongoing since October 2007 and will continue until the end of May 2008. To date, over 180 submissions have been received and the 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.

In conducting the consultation process, the Department is following the general set of guidelines in the Department of the Taoiseach's publication "Reaching Out: Guidelines on Consultation for Public Bodies", particularly sections 3.1 on written consultation and 4.7 on public meetings. Where correspondence is received through the consultation process and relates to individuals personal circumstances, this is passed to the appropriate section within the Department. Similarly, submissions including personal correspondence between the individual and other people or organisations are also inappropriate. In such cases, the contributor is asked to make their contribution along the lines set out on Page XV of the Green Paper. In addition, names of persons have been removed from submissions to protect anonymity.

### **Budget Submissions.**

320. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the

[Deputy Fergus O'Dowd.]

Department of the Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17568/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I understand that the Deputy is, in particular, referring to bilateral meetings with the Minister for Finance or the Taoiseach in relation to the annual social welfare Budget as distinct from internal meetings within my Department relating to the Budget process generally.

Each year, the Minister for Social and Family Affairs normally meets with the Minister for Finance to discuss the social welfare budget package. These meetings take place at a relatively advanced stage in the formulation of the Budget and are generally also attended by officials from the respective Departments. In this context, the development of the Budget is a continuous, intensive and rolling process. The relevant officials are in ongoing interdepartmental contact throughout the year and are highly familiar with all of the relevant details and issues involved, including Government priorities. Accordingly, it is not necessary to prepare a formal agenda for such meetings.

Each year, the Minister for Social and Family Affairs normally meets with the Taoiseach in the weeks immediately preceding the Budget to review progress on the Government Programme and any other relevant issues. While this meeting is not specifically Budget related, priorities for possible progression in the context of the impending Budget may be discussed from time to time. The relevant officials who attend these meetings are in regular and frequent contact on a wide variety of issues on a continuous basis. Decisions arising from both sets of meetings are documented and form part of the Department's records.

#### **Departmental Expenditure.**

321. **Deputy Damien English** asked the Minister for Social and Family Affairs the cost to her Department of implementing the payroll system within her Department and within bodies under her Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17720/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The cost of implementing the CorePay payroll system from 2004 to date in my Department is set out in the following table.

	2004	2005	2006	2007	2008
Cost Per Annum	€681,207	€743,928	€846,511	€806,676	€359,666

The corresponding information for the bodies under my Departments aegis is not readily available but is being compiled at present and I will write to the Deputy as soon as this data is available.

#### **Social Welfare Benefits.**

322. **Deputy Seán Ó Fearghaíl** asked the Minister for Social and Family Affairs the average length of time taken in her Department to process carer's allowance and carer's benefit applications; and if she will make a statement on the matter. [17764/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Entitlement to carer's allowance/benefit is based on an applicant satisfying medical, means and residency conditions.

In determining entitlement to the allowance there are, in certain cases, unavoidable time lags involved in making the necessary investigations and enquiries to enable accurate decisions to be made. Delays can also arise if persons applying for the allowance are not in a position to supply all the necessary information in support of their claim. Many applicants for carer's allowance are already in receipt of another social welfare payment while their claim is being processed.

The average time for deciding a claim for carer's allowance is currently 18 weeks. The number of claims for carers allowance submitted in 2007 was 18,000 compared to 10,700 in 2006. This represents an increase of 68% on the total received in 2006. A total of 7,000 new applications for Carer's Allowance have been received this year to date (week end 2nd May 2008). The large increase in applications received is mainly due to the introduction of the half rate carer's allowance payment which came into effect from 27 September 2007.

Entitlement to Carer's Benefit is based on an applicant satisfying medical, employment and PRSI contribution conditions. In determining entitlement to the Benefit there are in certain cases, unavoidable time lags involved in making the necessary investigations and enquiries to enable accurate decisions to be made. Delays can also arise if persons applying for the benefit are not in a position to supply all the necessary information in support of their claim. The average time for deciding a claim for carer's benefit is currently 9 weeks. The number of claims for carer's benefit submitted in 2007 was 3,469 compared to 2,616 in 2006. This represents on average an annual increase of 33%.

323. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and awarded jobseekers allowance. [17775/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned applied for jobseeker's allowance on 8 February 2008. A Deciding Officer approved his claim on 14 April 2008 and awarded him jobseeker's allowance at the weekly rate of €56.80 from 8 February 2008 and he was notified accordingly. However, the person concerned failed to sign the live register on 8 April 2008 and consequently his claim was closed from 15 April 2008. If he is currently unemployed he should contact his local Social Welfare Office, to discuss the matter. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

324. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a bereavement grant has been paid in respect of a person (details supplied) in County Mayo; and if so when it was paid. [17867/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Bereavement Grant is a payment designed to assist families in dealing with death and funeral expenses. It is a scheme that relates specifically to those who have made PRSI contributions and is payable on the death of an insured person, his/her spouse and dependent children under age 18 or under age 22 if in full-time education. In order to qualify for the bereavement grant the deceased must have:

- a total of 156 PRSI contributions paid since entry into insurable employment, or
- at least 26 PRSI contributions paid since entry into insurable employment and 39 PRSI contributions paid or credited in the Relevant Tax year.

[Deputy Mary Hanafin.]

The application for Bereavement Grant in respect of this person was received on 19 March 2008. Following extensive searches, this Department was unable to trace any record of contributions paid by the person or her spouse. Accordingly, on 4th April 2008 the Department notified the deceased person's son that there was no entitlement to the Bereavement Grant as the PRSI conditions were not satisfied.

Where there are insufficient PRSI contributions to qualify for bereavement grant a person may receive assistance under the supplementary welfare allowance scheme. Under this arrangement, the local Community Welfare Officer may make a single payment to help meet exceptional expenditure, for example, for funeral expenses, which a family could not reasonably be expected to meet from their own resources.

### **Social Welfare Code.**

325. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs when she will act on the request to redesignate Ballymun under section 25 of the Social Welfare and Pensions Act 2007; and if she will make a statement on the matter. [17870/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Minister for Housing, Urban Renewal and Developing Areas advised me last week that he has decided that the Ballymun area merits designation as an area of regeneration for the purposes of Section 25 of the Social Welfare and Pensions Act 2007. This section of the Act provides that rent supplement shall not be payable in general, the objective being to achieve social integration.

The measures provided for in Section 25 are not a blanket refusal of rent supplement in areas of regeneration. Specific provision is made to ensure that:

- people already residing in such areas and in receipt of rent supplement may continue to receive payment; and
- people already residing in such areas in private rental accommodation and who may have recourse to rent supplement in the future would not have their entitlement restricted. Arrangements will be made by all parties to ensure that vulnerable groups or individuals who are dependent on rent supplement now or may be so dependant in the future are adequately catered for in Ballymun.

Officials of my Department are currently examining the request to invoke the provisions of Section 25 in the Ballymun regeneration area, with a view to ensuring that all operational issues arising, are identified and resolved prior to implementation. It is not intended that the Section 25 provisions will be open-ended. Once in place, the arrangements will be kept under review by both Departments.

### **Departmental Expenditure.**

326. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she will provide a monthly schedule of the actual expenditure for each estimate subheading for February and for March 2008; and if she will provide the actual income received by the social insurance fund for February and March 2008. [17911/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The information requested is given in the following tables.

Table A sets out provisional expenditure for Vote 38 for February 2008 and Table B sets out the corresponding provisional income and expenditure for the Social Insurance Fund for February 2008. These figures are provisional pending completion of statutory accounts. Expenditure data for the month of March is not yet finalised.

Table A — Provisional Expenditure under the Department of Social and Family Affairs Vote 38 for February 2008

	€
A.1 Salaries, Wages & Allowances	17,769,711
A.2 Travelling & Subsistence	241,527
A.3 Incidental Expenses	434,412
A.4 Postal & Telecommunications	1,027,406
A.5 Office Machinery/Office Supplies	988,576
A.6 Office Premises Expenses	437,056
A.7 Consultancy Services	7,778
A.8 Payment for Agency Services	10,451,489
A.9 eGovernment — Reach	1,496,611
A.10 VFM & Policy Reviews	7,471
A.11 eGovernment Related Projects	70,164
B State Pension (Non-Con)	91,242,373
C Blind Pension	1,577,407
D Child Benefit	192,632,072
E Jobseeker's Allowance	80,112,839
F Farm Assist Scheme	6,871,016
G Employment Support Services	14,082,360
H Pre-Retirement Allowance	9,573,941
I One-Parent Family Payment	80,878,917
J Widow(er)s' & Guardians Payments (Non Con)	2,398,635
K Social Assistance & Other Allowance	583,724
L Family Income Supplement	13,135,796
M Carer's Allowances	33,111,174
N Supplementary Welfare Allowances	60,801,430
O Disability Allowance	81,782,304
P Respite Care Grant	(252,255)
Q Free Schemes	31,885,369
R Money Advice & Budgeting Service	9,233
S. Grant to Family Support Agency	0
T1 Grant to the Combat Poverty Agency	300,000
T2. EU Program (Progress) 2007-2013	0
U. Grant to Citizens Information Boar	2,000,000
V Dormant Accounts — Economic & Social Disadvantage	0
W Miscellaneous Services	2,039,954
Extra Statutory Grants	0
Losses	0
<b>GROSS TOTAL</b>	<b>737,698,490</b>
<i>DEDUCT</i>	
X Appropriations-in-Aid	(16,666,103)
<b>NET TOTAL</b>	<b>721,032,387</b>

[Deputy Mary Hanafin.]

Table B — Provisional Income and Expenditure for the Social Insurance Fund for February 2008.

Income	€
Income from Contributions	807,054
Income from Investments	1,678
Total Income	808,732
Expenditure	
Illness Benefit	67,236
Invalidity Pension	56,579
Occupational Injuries Benefits	9,457
Maternity Benefit	23,699
Health & Safety Benefit	45
Adoptive Benefit	107
Treatment Benefits	6,336
State (contributory) Pension	301,751
State Pension (Transition)	7,164
Jobseeker's Benefit	60,929
Widow(er)s & Guardians (Contributory) Payment	121,907
Widowed Parent Grant	477
Deserted Wife's Benefit	9,065
Carer's Benefit	3,856
Bereavement Grant	1,638
Free Schemes	25,100
Redundancy & Insolvency Payments	15,328
Administration Expenses	16,724
Total Expenditure	727,398

### Social Welfare Appeals.

327. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a decision on an appeal for jobseekers allowance will be made for a person (details supplied) in County Mayo. [17984/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I am advised by the Social Welfare Appeals Office that the appeal from the person concerned has been disallowed and the person has been notified. The Social Welfare Appeals Office is an office of my Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

### Decentralisation Programme.

328. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the costs incurred to date for decentralisation, broken down by her Department and the agencies under the aegis of her Department. [18120/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Since the commencement of the decentralisation programme in the Department, expenditure returns have been submitted to the Department of Finance detailing non-property costs associated with the programme for

both this Department and the agencies under its aegis. The following tabular statement summarises the returns associated with non-property costs. Expenditure figures for the first quarter of 2008 are not yet available.

Breakdown of non-property costs for the Department of Social and Family Affairs 2004-2007

Subhead Description	Travel & Subsistence	Incidental Expenses	Postal & Telecom Expenses	Office Machinery & Other Office Supplies and Related Services	Office Premises	Consultancy Services	Total
	€	€	€	€	€	€	€
2007: Dept	42,323	30,881	55,313	21,746	3,442	—	153,705
2007: Agencies	—	—	—	—	—	—	—
2006: Dept	18,561	7,462	1,122	829	945	—	28,919
2006: Agencies	—	—	—	—	—	—	—
2005: Dept	4,369	17	204	1,415	—	—	6,005
2005: Agencies : Comhairle	—	—	—	—	—	6,150	6,150
2004: Dept	6,907	19	270	783	—	6,436	14,415
2004: Agencies	—	—	—	—	—	—	—
Grand Total							209,194

### Departmental Expenditure.

329. **Deputy Damien English** asked the Minister for Community, Rural and Gaeltacht Affairs the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17373/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** All payments made by this Department to suppliers are subject to the Prompt Payments of Accounts Act 1997, which requires that payments are made within 30 days of receipt of the invoice or delivery of the goods or services, whichever is the later. I wish to confirm that my Department processes in excess of 99% of all payments within the 30 day timeframe.

The Deputy will appreciate that payments made 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.

### Rural Development Programme.

330. **Deputy Dan Neville** asked the Minister for Community, Rural and Gaeltacht Affairs when the rural development programme 2007 to 2013 will commence; and if he will make a statement on the matter. [17386/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the Deputy will be aware, the LEADER element of the Rural Development Programme for Ireland 2007-2013 represents my Department's response to the commitment in the Programme for Government in relation to rural enterprise development. In that regard, I hope to be in a

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position to commence the process of selecting the Local Action Groups to deliver the LEADER element of the Rural Development Programme in the near future. The funding available for the delivery of LEADER-type activities under the Rural Development Programme for Ireland 2007-13 will amount to €425.4 million — almost treble the €150 million available for the 2000-06 period. The new Programme will complement the other funding for rural development measures by my Department.

The Deputy will be aware that my Department has over the past number of years been pursuing a process of cohesion of local delivery structures in order to simplify and enhance the effectiveness of the delivery of a range of local development programmes. Following extensive consultations with and between the local agencies to develop the most suitable configurations of groups, in the course of 2007, the Government decided on revised areas of coverage for local development groups and clarified the arrangements in relation to the membership of the boards of these bodies. LEADER and Partnership groups have been asked to give effect to these decisions and my Department has provided detailed guidelines to secure this outcome.

The realignment of local delivery structures will reduce the overall number of local development bodies from 94 to 55, comprising 17 Partnerships in urban areas and 38 integrated LEADER/Partnership bodies in rural areas. My intention is to have the cohesion process completed in advance of the roll out of the new NDP programmes, including the LEADER element of the Rural Development Programme. At this stage, local development bodies are in place in some 54 of the 55 operational areas agreed by Government. I understand that steps are now being taken to complete the establishment of an appropriate structure in the remaining area. It is expected that this process will be completed shortly.

331. **Deputy Michael Creed** asked the Minister for Community, Rural and Gaeltacht Affairs the role his Department played in negotiating AXIS 1, 2 and 3 with the EU Commission; the reason AXIS 4 measures are being progressed as non co-financed; the consequences for rural development measures for coastal communities; the specific proposals by his Department to target coastal communities under the revised LEADER programmes; and the role of BIM in this regard. [17410/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Implementation of Axes 1 and 2 of the Rural Development Programme for Ireland 2007-2013 is the sole responsibility of the Department of Agriculture, Fisheries and Food and consequently, my Department had no role in the negotiation of these axes with the EU Commission. My Department is responsible for the implementation of Axes 3 and 4 of the Rural Development Programme Affairs through a network of Local Action Groups and my officials were accordingly involved in the negotiation of these axes, alongside the Department of Agriculture, Fisheries and Food.

It was been agreed with the Commission that all Axis 3 measures, including those to support improvements to the quality of life in rural areas and the diversification and development of the rural economy, will be delivered through Axis 4 (LEADER Axis) of the Rural Development Programme. All Axis 4 activities will be co-funded by the Commission at a rate of 55%.

There are no specific proposals to target coastal communities under the Rural Development Programme, rather such communities will benefit in the wider rural development context from the significant investments that will be delivered by the Programme. My Department has liaised with BIM and many other stakeholders in relation to the Rural Development Programme and will continue to do so as the Programme is implemented.

### **Budget Submissions.**

332. **Deputy Fergus O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of the Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17559/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the Deputy is aware, the Estimates process for a particular year begins in May or June of the previous year, with the Budget being central to the whole process. Within my Department, and in relation to contacts between officials in my Department and the Department of Finance, many of the meetings and conversations in the course of which matters related to the Estimates process are discussed are short and informal. Issues emerging from such meetings are followed up by officials in the normal course of business.

Any meetings attended by me of the nature referred to by the Deputy would have been with the Minister for Finance in the context of the Estimates process. Issues arising at such meetings would be followed up in contacts at official level.

### **Sports Funding.**

333. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the application by a group (details supplied) to the sports capital grant and the young people's facilities and services fund for funding to cover the shortfall identified as necessary to deliver a new sports facility; when a decision on the application will be made; and what the decision is expected to be. [17604/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** An application for capital funding under the Young People's Facilities and Services Fund (YPFSF) has been received in my Department from the group in question. All applications under the current round, will now be assessed by the Fund's National Assessment Committee against set criteria and I expect to be in a position to approve projects recommended to me shortly thereafter.

### **Water and Sewerage Schemes.**

334. **Deputy Jimmy Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs if a grant will be approved under the CLÁR programme for Ballynoneen No. 2 group water schedule in Asdee, County Kerry; and if he will make a statement on the matter. [17616/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** An application for CLÁR funding in respect of Ballynoneen Group Water Scheme was received in my Department on the 14th of April, 2008. My Department is currently processing the application and a decision will be made as soon as possible. My Department will inform the Deputy of the outcome.

### **Departmental Expenditure.**

335. **Deputy Damien English** asked the Minister for Community, Rural and Gaeltacht Affairs the cost to his Department of implementing the payroll system within his Department and within bodies under his Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17711/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The cost of the payroll system within my Department, incorporating the salaries of the staff that process the payroll and the maintenance charges of the specific IT system, for each year from 2004 to 2007, and in 2008 to date, is listed in the following table.

Year	Amount
	€
2004	140,010
2005	109,141
2006	128,694
2007	142,148
2008 (to date)	60,809

The Deputy will appreciate that payroll costs of 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 for any relevant information to be provided directly to the Deputy.

#### **Youth Services.**

336. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the grants administered or funded by his Department in the area of youth projects, youth cafés and summer schemes; the level of funding including capital and staffing grants to the various projects in 2007. [17782/08]

**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 of funding in the area of youth projects, youth cafés and summer schemes, however, my Department does operate a number of programmes and schemes where some funding is available for these purposes.

In 2007, some funding was provided for youth cafés, youth projects and summer schemes under the following programmes and schemes operated by my Department:

- Programme of Grants for Locally-Based Community and Voluntary Organisations;
- White Paper on Community and Voluntary Activity;
- The Young People's Facilities and Services Fund;
- The Local and Regional Drugs Tasks Forces;
- LEADER Programmes;
- PEACE II Programme;
- Gaeltacht Schemes.

Funding for the purposes outlined by the Deputy was also provided by Foras na Gaeilge, The Boord o Ulster-Scotch, Foras na Gaeilge and under the Dormant Accounts Fund.

Details of all the programmes and schemes operated, including funding available by my Department can be accessed on the Department's website at [www.pobail.ie](http://www.pobail.ie). If the Deputy has any

query in relation to a specific project funded by my Department, I would be happy to provide with him with that information.

### **Decentralisation Programme.**

337. **Deputy Richard Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18112/08]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Non-property costs incurred by my Department to end March 2008 amounted to some €1m. Costs incurred by the Office of Public Works in relation to accommodation for my Department's decentralisation programme to end 2007 amounted to some €650,000. Decentralisation costs incurred by Pobal to March 2008 amounted to €36,917.

### **Foreshore Licences.**

338. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food when a foreshore lease will be put in place between his Department and the port of Cork in relation to a pier (details supplied) in County Cork. [17178/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** This is a long-standing case involving leasing arrangements put in place initially in 1937. Following refurbishment of the pier in the late 1990s, the Port of Cork indicated a wish to alter the leasing arrangement with a view to ultimately acquiring the freehold of the area of foreshore in question. At a meeting between officials of my Department with representatives of the Port Company held in December 2007, a number of crosscutting issues associated with the Company's proposal were discussed.

My Department is currently examining the proposal with a view to determining how to best meet the needs of the Company in a manner consistent with the provisions of the Foreshore Act.

339. **Deputy Finian McGrath** asked the Minister for Agriculture, Fisheries and Food the reason the application lodged on 7 March 2002 by Dublin Port Company for a foreshore licence to infill 52 acres of Dublin Bay has not been rejected (details supplied). [17620/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The proposal referred to by the Deputy would require an appropriate foreshore consent under the Foreshore Acts. In line with normal procedures, my Department requires that planning permission be obtained before consideration is given to an application for a foreshore consent. This requirement is of general application. The Department's consideration of this case remains open pending finalisation of the planning matters.

### **Harbours and Piers.**

340. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food the plans for the development of services at Howth fishery harbour; and if these include the provision of new mobile catering services through a tendering process. [17778/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The level of services provided at Howth Fishery harbour Centre are constantly appraised and upgraded in accordance with its designation as a Fishery Harbour Centre and the requirements of stakeholders and harbour users.

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An Invitation to Tender for the operation of a Food and Beverage (Non-Alcohol) Unit at Howth Fishery Harbour Centre has recently been published in the national press, on the “eTenders” Public Procurement website and on the Department of Agriculture, Fisheries and Food website. Notices have also been displayed locally in the harbour area. The closing date for receipt of tenders is Wednesday 21st May 2008.

341. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food if a project (details supplied) in County Clare would qualify for a grant under the coastal protection programme; and if he will make a statement on the matter. [17861/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Responsibility for coast protection rests with the property owner whether it is a Local Authority or a private individual and in this instance it would rest with the property owners, i.e., the Irish College and the five local farmers.

My Department’s Coastal Protection Programme provides funding to projects managed by the Department of Agriculture, Fisheries and Food and also provides for the co-funding of a number of local authority projects. There is no funding available under the Programme for projects on land owned by private individuals and I regret therefore that the aforementioned project would not be eligible for consideration under the Coastal Protection Programme.

#### **Afforestation Programme.**

342. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the planning required to plant a forestry plantation on a green field site; and if he will make a statement on the matter. [17141/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The criteria for planting are based on the Forestry Schemes Manual, a comprehensive suite of environmental guidelines including fisheries, landscape, archaeology, biodiversity, harvesting and forest protection, and the Code of Best Forest Practice (all available on the Department’s website). The criteria vary from site to site and each application is examined by the Forest Service for environmental and silvicultural suitability. The initial assessment of a site takes place by a registered forester who is listed on the Forest Service Register of Foresters and Forestry Companies.

Proposed sites in environmentally sensitive areas are advertised in the local paper and referral letters are sent the relevant competent authority and An Taisce. All public consultation notices are advertised in the relevant local newspaper and placed on the Department’s website under the heading of ‘Proposals for Afforestation in Environmentally Sensitive Areas’. All other notifications for sites over 2.5 hectares are placed on the Department’s website.

#### **Farm Waste Management.**

343. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food if, in view of the situation currently being experienced by many farmers particularly in the pig sector (details supplied), he will approach the European Commission to alter the terms of the farm waste management scheme beyond the 31 December 2008 deadline; and if he will make a statement on the matter. [17151/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The end-2008 deadline for completion of work by farmers under the revised Farm Waste Management Scheme introduced by my Department in March 2006 is a strict condition of the EU state aid approval

for the Scheme. I have no plans to approach the EU Commission to alter the terms of the state aid approval.

### **Grant Payments.**

344. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the top-up payment to sheep farmers under the national reserve who have been paid to date; the number yet to be paid; the number of additional farmers envisaged to be eligible following his recent announcement of an increase in the single farm payment cut off; and if he will make a statement on the matter. [17158/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The 2007 National Reserve was advertised on 16 May 2007 with a closing date of 8 June 2007. On initial examination of the Department's records it appeared that up to 8,000 farmers could qualify under the special sheep measure of the National Reserve but up to 11 June only 1,000 farmers had applied under this category. The deadline for applications was then extended to the 22 June 2007. In addition my Department wrote to the farmers identified as likely qualifiers inviting them to apply for the measure and this resulted in the number of applications increasing to 6,000. To date some €2.1m has been paid to 2,700 successful applicants and some 900 applicants have been rejected as not meeting the qualifying criteria. The remaining applications are still being processed.

It was recently decided to amend the criteria by increasing the existing threshold of the Single Payment for qualification for the 2007 National Reserve special sheep measure from €6,000 to €10,000. It is estimated that another 1,300 farmers could be eligible for this category and my Department will now write to these farmers inviting them to apply.

345. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food if grant aid is available for farmers constructing an underpass to keep livestock off the public roads; and if he will make a statement on the matter. [17168/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** There is no grant-aid available from my Department for the construction of cattle underpasses.

### **Harbours and Piers.**

346. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food if the underwater survey has been carried out at a pier (details supplied) in County Mayo; and if he will make a statement on the matter. [17176/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Kilcummin Pier is owned by Mayo County Council and responsibility for its repair and maintenance rests with the Local Authority in the first instance. However, in late 2007, my Department invited Mayo County Council to submit proposals for inclusion in the Fishery Harbours & Coastal Infrastructure Development Programme for 2008. An application for funding for a new slipway and hard standing area at Kilcummin Pier was included in the submission received from Mayo County Council. (The application did not include a funding request for an underwater survey at Kilcummin pier).

The Fishery Harbours & Coastal Infrastructure Development Programme 2008 was announced in February 2008. All approvals were decided based on overall national priorities and Exchequer allocation. Unfortunately, the application for funding of the project at Kilcummin pier was unsuccessful on this occasion.

[Deputy Brendan Smith.]

Any future application from Mayo County Council for funding under the Fishery Harbour and Coastal Infrastructure Development Programme will be given due consideration subject to the above criteria.

### **Farm Waste Management.**

347. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the cut-off date that payments will be made in respect of the farm development grant; and if he will make a statement on the matter. [17205/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I presume the Deputy is referring to the end-2008 deadline for completion of work by farmers under the revised Farm Waste Management Scheme introduced by my Department in March 2006. This is a strict condition of the EU state aid approval for the Scheme and I have no plans to approach the EU Commission to alter the terms of the state aid approval. All claims for payment must therefore be submitted to my Department before the 31 December 2008 deadline.

### **EU Directives.**

348. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the concerns of the farming community in relation to the proposed changes to European Directive 91/414; and if he will make a statement on the matter. [17211/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The EU Commission has proposed a Thematic Strategy for the Sustainable Use of Pesticides. The Strategy includes a number of initiatives to reduce the impact of pesticides including a revised and extended Regulatory system for plant protection products.

Council Directive 91/414/EEC requires that all plant protection products be approved, following risk assessments, before being placed on the market. A Regulation revising the Directive was discussed at Coreper on 24th and 30th of April but no agreement was reached on a number of issues. Discussions on these issues were referred to the Agriculture and Fisheries Council meeting of the 19th May 2008, with a view to achieving political agreement.

The main issues to be resolved relate to the replacement of risk assessment with hazard-based 'cut-off criteria', protection of proprietary rights to data, mutual recognition of authorizations and zonal authorizations. Chemical substances are classified and grouped in categories on the basis of the intrinsic properties, i.e. hazard. Risk assessment takes exposure to the hazard into account and estimates the risk to man, animals and the environment arising from the use.

I am seeking to ensure that the regulation will enshrine the principle of risk assessment in the approval of plant protection products while at the same time ensuring the protection of operators, consumers and the environment and maintaining the competitiveness of Irish and European agriculture.

Officials from my Department have been in regular contact with representatives of the various stakeholders and I have met with representatives from the IFA recently. Therefore, I am fully aware of the concerns of the farming community.

### **Departmental Expenditure.**

349. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the average time for payment to be made by his Department and by each agency affiliated to his

Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17370/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested by the Deputy in respect of payments made by my Department is set out in the following table.

Year	Average no. of days for payment to issue
2004	18 days
2005	23 days
2006	18 days
2007	22 days
2008 (to date)	18 days

The table indicates the number of days which elapsed between receipt of invoices in the Department and the issue of payment. Payments made by state agencies which come under the remit of my Department are subject to the prompt payment legislation but are an operational matter for the agencies themselves.

#### **Grant Payments.**

350. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of sheep farmers who applied for additional single farm payment from the national reserve element of the sheep package announced on 16 May 2007; the number of sheep farmers who have been paid single farm payment from this measure to date; the number of outstanding cases which remain unpaid; and if he will make a statement on the matter. [17400/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The 2007 National Reserve was advertised on 16 May 2007 with a closing date of 8 June 2007. On initial examination of the Department's records it appeared that up to 8,000 farmers could qualify under the special sheep measure of the National Reserve but up to 11 June only 1,000 farmers had applied under this category. The deadline for applications was then extended to 22 June 2007. In addition my Department wrote to the farmers identified as likely qualifiers inviting them to apply for the measure and this resulted in the number of applications increasing to 6,000. To date some €2.1m has been paid to 2,700 successful applicants and some 900 applicants have been rejected as not meeting the qualifying criteria. The remaining applications are still being processed.

It was recently decided to amend the criteria by increasing the existing threshold of the Single Payment for qualification for the 2007 National Reserve special sheep measure from €6,000 to €10,000. It is estimated that another 1,300 farmers could be eligible for this category and my Department will now write to these farmers inviting them to apply.

#### **Sheep Sector.**

351. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the details of the on-farm investment grant aid scheme announced for sheep farmers on 16 May 2007; the dates on which this investment grant aid package opened; the date on which it was closed by him; the number of farmers who applied; the amount of investment grant aid paid out under the scheme to sheep farmers; the proposals he has to rectify the problems in this area and

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make investment grant aid available to farmers again in the sheep sector; and if he will make a statement on the matter. [17401/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** On 16 May 2007, a comprehensive package of aid measures was announced for the sheep sector in Ireland, including a specific range of grants to encourage on-farm investment in that sector. These grants were made available to sheep farmers under the Farm Improvement Scheme which was introduced on 12 July 2007. The Scheme was suspended for new applications on 31 October 2007 as applications received had reached the level of funding provided for the Scheme under the 2006 Partnership agreement, Towards 2016. 12,675 applications were received by my Department by the closing date. To date, €836,849 has been paid out to farmers under the Scheme. It is not possible to identify the amount of grant-aid paid out specifically to the sheep sector.

I have no plans at present to re-open the Farm Improvement Scheme to new applications.

#### **Rural Environment Protection Scheme.**

352. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of farmers that have applied for the REP scheme mixed grazing supplementary measure for sheep farmers announced on 16 May 2007 claiming to be worth €28 million per annum; the amount of money paid out under this measure to date; the proposals he has to release the hold up on payment of this money to sheep farmers; and if he will make a statement on the matter. [17402/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The mixed grazing supplementary measure is available to farmers joining REPS 4. Out of 3,787 applications for REPS 4 received up to today, 241 applicants have indicated that they wish to participate in the mixed grazing measure. Eleven of these applications have been approved and paid to date. In total my Department has issued some €9,000 to the farmers.

I am currently considering certain proposals from the farming organizations on aspects of the mixed grazing supplementary measure. Ultimately, however, REPS is a voluntary, demand-led scheme and it is open to farmers to opt for the measure, for which sufficient funding is available.

#### **Grant Payments.**

353. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if a person (details provided) in County Cork will have their REP scheme grant paid shortly; and if he will make a statement on the matter. [17403/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named submitted a REPS 4 plan in December 2007. If it is a valid application, he will start his REPS 4 contract from 1 January 2008 and will receive 75% of his 2008 full year's REPS payment when all administrative checks for REPS and the 2008 Single Payment Scheme are completed. In practice, this will be in early autumn. The remaining 25% payment will go out when the last of the year's REPS on-farm inspections has taken place. This means that these payments will be processed in December.

To be eligible for his REPS payment in 2008, the person named must also submit his 2008 Single Payment application by 15 May 2008.

354. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he has proposals to introduce a grant scheme for machinery used for harvesting bio-energy crops; and if he will make a statement on the matter. [17405/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have no plans at present to introduce a Scheme to aid the purchase of harvesting machinery for bioenergy crops. In 2007, I introduced a new Bioenergy Scheme offering establishment grants of up to €1,450 per hectare to farmers to plant willow and miscanthus. Some 800 hectares were grant aided in 2007. One of the main advantages of these crops is that harvesting operations can be carried out with conventional farm machinery. Miscanthus, for example can be harvested using traditional harvest machinery including mowers, balers and forage harvesters. Willow can be harvested by adapting conventional farm harvesting machinery such as forage harvesters. Specialised machinery to harvest willow is also available and in use.

The Department has published Best Practice guidelines for growing willow and miscanthus under the Bioenergy Scheme. Among other items, the guide provides advice to growers on planting and harvesting operations to maximise crop yield and improve the economic viability of the crop. Teagasc recently published a new Farm Diversification Manual, which provides detailed technical advice to farmers on the cultivation of energy crops including willow and miscanthus.

Areas planted with bioenergy crops qualify for the Single Farm Payment, the National Energy Crop Premium of €80 per hectare and the EU Premium of €45 per hectare under the EU Energy Crops Scheme. The second phase of the Bioenergy Scheme commenced in December 2007 and to date applications to plant a further 1,400 hectares of willow and miscanthus have been submitted.

#### **Rural Environment Protection Scheme.**

355. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will review the regulation in the REP scheme whereby miscanthus can only be grown on 10 hectares or 25% of any land holding as this condition is discouraging growers from entering into the REP scheme; and if he will make a statement on the matter. [17406/08]

356. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will review the condition of the REP scheme four whereby miscanthus growers must leave an uncultivated four metre margin around each field or plot of crop as the condition serves no agronomy, bio-diversity or environmental purpose; and if he will make a statement on the matter. [17407/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 355 and 356 together.

REPS is a agri-environmental measure, and for that reason payments to farmers must be costed and justified on the basis of quantifiable environmental benefits that go beyond keeping land in good agricultural and environmental condition and observing the statutory management requirements of the Single Payment Scheme. No element of the REPS payment can be justified on the basis of a production support, nor can a farmer be compensated for the same action twice. REPS is not a support scheme; it is a voluntary scheme open to all farmers and payments under the scheme are not entitlements as of right. Participants who agree to be bound by the scheme conditions qualify for payment.

The maximum area of miscanthus permitted on REPS farms is 10 hectares or 25% of the REPS contract area, whichever is the greater. This area limitation is in order to maintain

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landscape diversity. It would not be desirable or acceptable in an agri-environmental scheme to have whole farms, or a major portion of the lands, devoted to the growing of an introduced species monoculture. Existing levels of flora and fauna need to be sustained, and if possible improved, on all REPS farms and the large-scale growing of miscanthus is not consistent with this objective.

Four-metre margins are necessary to allow for routine hedgerow maintenance which can take place only when the crop is standing in the field, and to protect against invasion by the miscanthus root system into field boundaries. This crop can attain heights of more than three metres which can result in deep shading of field margins and associated hedgerow habitats. Consequently the margins must be wide enough to prevent indigenous plant species being deprived of light. Hedgerows are the only refuge for indigenous plant species associated with the former grassland or tillage field use, and they must be kept in a condition that is adequate to provide for diversity of flora and fauna to be maintained.

### **Cereal Sector.**

357. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if his Department has proposals to encourage conservation agriculture in the tillage sector; and if he will make a statement on the matter. [17408/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The concept “conservation agriculture” in the context of tillage undoubtedly embraces at least the principles of minimal soil disturbance, permanent soil cover with plants or residues and the use of crop rotations and cover crops.

Minimal soil disturbance by the use of alternatives to ploughing is increasingly being practised in Ireland. The current Rural Environment Protection Scheme (REPS 4) recognizes the importance of minimum soil disturbance and incorporates a measure to encourage greater uptake of shallow non-soil inversion crop establishment, for which the farmer will be paid.

Although the other principles I have referred to are not associated exclusively with conservation, all Irish tillage farmers would regard permanent crop cover and crop rotation as good practice. There is a benefit to water quality as well, and for that reason the principles outlined above feature in the Nitrates Regulations (Good Agricultural Practice for the Protection of Waters) made by the Minister for the Environment, Heritage and Local Government to give effect to the Nitrates Directive. Article 21 of the Regulations, which apply to all agricultural holdings, governs ploughing and the use of non-selective herbicides.

These principles were also taken on board when standards for Good Agricultural and Environmental Condition (GAEC) were drawn up for Ireland in the context of cross compliance under the Single Payment Scheme.

### **Afforestation Programme.**

358. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if forestry lands owned by Coillte, which have been harvested without grant aid either from the State or the EU and which have now been sold on with a replanting obligation, have an entitlement to forestry grant aid; and if he will make a statement on the matter. [17409/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As replanting of the sites in question would not constitute first afforestation they would not be eligible for grant aid.

### **Animal Importation Licences.**

359. **Deputy Paul Gogarty** asked the Minister for Agriculture, Fisheries and Food the animal species import licences that have been issued to circuses operating here since the beginning of 2008; and the number of licences that have been issued for each species. [17542/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Since the beginning of 2008, one import licence has been issued for the importation of three African Elephants from Germany via France to a circus operating in Ireland.

### **Proposed Legislation.**

360. **Deputy Paul Gogarty** asked the Minister for Agriculture, Fisheries and Food the status of the Animal Welfare Bill; when he expects to publish the Bill; and if he will make a statement on the matter. [17543/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A good deal of work has already been undertaken and significant progress has been made on drafting the new Animal Health and Welfare Bill and I intend, very shortly, to initiate a process of public consultation by publishing a consultation paper and inviting submissions from interested parties and other stakeholders.

The Bill will be a comprehensive piece of legislation which will, inter alia, give effect to a number of important commitments, in the area of animal health and welfare, contained in the Programme for Government. The Bill will amend and consolidate previous legislation to reflect the changed disease status of our nation's animals and update existing legislation, to ensure that the welfare of all animals (including non-farm animals) is properly protected and that penalties for offenders are increased significantly as well as replacing and repealing a long list of outdated legislation. Drafting of the Bill will continue after the consultation process, having regard to the various submissions received.

### **Budget Submissions.**

361. **Deputy Fergus O'Dowd** asked the Minister for Agriculture, Fisheries and Food the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not, the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17556/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Frequent informal contacts take place and meetings are held on an ongoing basis between officials in my Department and in the Department of Finance in the preparation of the annual Estimates provisions for the Department. It is also the practice for Ministers to meet with the Minister for Finance in the final stages of the Estimates negotiations. On these occasions, my predecessors were accompanied by the Ministers of State in the Department and by senior officials.

The regular and informal nature of official contacts means that, in general, such meetings are not formally minuted. However, conclusions are normally noted and briefing may be prepared on points agreed and issues outstanding prior to the meetings with the Minister for Finance. No direction has been issued to officials in relation to the keeping of minutes of such meetings. Given the on-going nature and content of the discussions, formal agendas are not normally circulated in advance of the meetings between Ministers.

[Deputy Brendan Smith.]

In relation to Ministerial bilateral meetings, my predecessors met with the Minister for Finance on 31st October, 2007, 20 September, 2006, 29 September, 2005, 13 October, 2004 and 8 October, 2003. The dates of the bilateral meetings prior to 2002 are not readily available. There were no separate meetings with An Taoiseach in relation to the Estimates discussions.

### Grant Payments.

362. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if he will make a statement regarding the application by a person (details supplied) in County Kerry for a waste management grant. [17576/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named 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.

363. **Deputy Finian McGrath** asked the Minister for Agriculture, Fisheries and Food when the REP scheme application will be approved for payment for a person (details supplied). [17619/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has been approved for a REPS 3 payment which will issue within the next ten days.

### Agricultural Holdings.

364. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of full-time and part-time farmers in 1967, 1977, 1987, 1997 and 2007; and if he will make a statement on the matter. [17631/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The most recent statistics relating to farm numbers are available through the CSO Farm Structures Survey results for 2003 and 2005. The report shows that over that period 2003 to 2005 farm numbers declined at a rate of approximately 1% per annum to 132,500 farms. The reduction in farm numbers is part of an on-going trend, which is common throughout Europe. The rate of decline is lower in Ireland than in many other EU member states.

Comparable figures are not available on the numbers of full-time and part-time farmers for all the years requested during the period 1967 to 2007. Up to 1991 the focus of agriculture surveys was on the land holding, without distinguishing between the holder's full-time or part-time involvement in farming.

The table below shows the number of agricultural holdings over 1 acre for available years during the period 1965-1980.

Year	Number of Holdings over 1 Acre
1965	283,500
1970	279,500
1975	269,800
1980	263,600

In the 1991 Census of Agriculture, a new system was introduced which focused on the operational aspects of farming, which distinguished whether the farm holder considered farmwork

to be his or her sole occupation or, on the other hand, his or her major or subsidiary occupation. It should be noted that until the 1991 Census, the CSO recorded all farms over 1 acre. From 1991 onwards, only farms over 1 hectare (2.5 acres approx) were measured.

The second table shows the total number of active family farms (in thousands) from 1991 to 2005 (the latest data available), broken down on the basis of whether or not farmwork is the sole occupation of farmer holder.

Year	Farmwork is sole occupation of the farm holder	Farmwork is not sole occupation of the farm holder	Total
1991	124.7	45.2	169.9
1993	106.0	52.9	158.9
1995	101.2	51.8	153.0
1997	98.3	49.3	147.6
2000	78.7	62.6	141.3
2003	76.9	58.6	135.5
2005	73.5	58.9	132.5

### Grant Payments.

365. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 455 of 19 February 2008, if the review of the eligibility inspection has been completed; if the single farm payment for 2007 will be processed and awarded to a person (details supplied) in County Cork; and if he will make a statement on the matter. [17626/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on the 18th April 2007.

As part of the control procedures under EU legislation governing these Schemes, the application was randomly selected for and was the subject of a ground eligibility and animal identification and registration inspection

During the course of the ground eligibility inspection discrepancies were found with four parcels. As a result of this discrepancy the claimed area of 58.24ha was reduced to 31.62ha. The person named was informed of these findings on the 22nd October 2007. If the total area found is not sufficient to support the number of entitlements held, penalties will be applied in accordance with the Terms and Conditions of the Single Payment Scheme. In this case the number of entitlements held by the person named is 58.04. As the difference between the area declared and the area found is more than 20%, under EU Regulations, no payment is due.

A request to review the findings of this eligibility inspection has been received. The officer in charge is currently examining this review and the person named will be informed of the outcome within the next two weeks. If the person concerned is not happy with the outcome of the review he has the right to appeal the outcome of the review to the Agriculture Appeals Office.

366. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of grants under the farm improvement scheme paid in County Cork; the breakdown in respect of each farm development office; and if he will make a statement on the matter. [17644/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** To date, 58 payments totalling €169,662.79 have been paid out to farmers in County Cork under the Farm Improvement Scheme. All of these payments have been made from the Clonakilty office.

### **Proposed Legislation.**

367. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when the new Animal Welfare Bill will be published; if it is proposed in the context of this legislation to ban fur farming; and if he will make a statement on the matter. [17647/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A good deal of work has already been undertaken and significant progress has been made on drafting the new Animal Health and Welfare Bill and I intend, very shortly, to initiate a process of public consultation by publishing a consultation paper and inviting submissions from interested parties and other stakeholders.

The Bill will be a comprehensive piece of legislation which will, inter alia, give effect to a number of important commitments, in the area of animal health and welfare, contained in the Programme for Government. The Bill will amend and consolidate previous legislation to reflect the changed disease status of our nation's animals and update existing legislation, to ensure that the welfare of all animals (including non-farm animals) is properly protected and that penalties for offenders are increased significantly as well as replacing and repealing a long list of outdated legislation.

Drafting of the Bill will continue after the consultation process, having regard to the various submissions received.

Licensed fur farms are 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 licensed fur farms have been operating in compliance with current national and EU legislation. In this regard fur farming is a legitimate farming activity, which is permitted in the greater majority of EU Member States. It is intended that the forthcoming legislation will provide for the continuation of normal farming, sporting and other activities where these do not involve reckless endangerment of the welfare of animals.

### **Turbary Rights.**

368. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if there are turbary rights in the name of a person (details supplied); and if he will make a statement on the matter. [17649/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A turbary right over a plot of bog, separate to the folio in the question was sold in 1967 by the former Irish Land Commission by means of a Q3 agreement, to the person named (now deceased) in the Question. The original Q3 document cannot be found in the Records Branch of my Department despite an intensive search being undertaken. There is no indication from other source documents that ownership of the turbary right was ever amended. The folio mentioned in the Question is no longer registered in the person's name in the Property Registration Authority.

369. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if there are turbary rights in the name of a person (details supplied) in County Galway; and if he will make a statement on the matter. [17650/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A turbary right over a plot of bog was sold in 1966 by the former Irish Land Commission, by means of a Q3 agreement, to the person named in the Question. The turbary right is still recorded in the person's name in the Records Branch of my Department.

#### Grant Payments.

370. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the 2007-2008 REP scheme payment will issue to a person (details supplied) in County Galway; and if he will make a statement on the matter. [17653/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named was notified in writing in October 2007 that a soil sample was required before any further REPS payments could be processed. The necessary soil sample has not yet been provided.

371. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when a REP scheme payment will issue to a person (details supplied) in County Galway; and if he will make a statement on the matter. [17654/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has been approved for a REPS 3 payment which will issue within the next ten days.

#### Departmental Expenditure.

372. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food the cost to his Department of implementing the payroll system within his Department and within bodies under his Department's aegis for each of the years 2004 to 2007, inclusive, and to date in 2008 in tabular readable form. [17708/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested by the Deputy is set out in the following table.

Year	Payroll system costs
	€
2004	116,963.75
2005	152,617.91
2006	102,267.27
2007	126,656.30
2008 (to date)	26,771.27

A new payroll system was installed in my Department in 2001. The costs indicated cover software maintenance, modifications required, support and upgrades to the system including a module introduced in 2005 to enable staff to view their salary and to claim travel and subsistence costs electronically on the Department's computer network. In addition, €20,000 per annum from 2004 to 2006 and €24,000 in 2007 was paid in licensing fees in respect of the payroll system's use of the Department's computer hardware. The salary costs of the staff operating the system are not included. Payments made by state agencies under the remit of my Department are an operational matter for the agencies themselves.

#### Alternative Farm Enterprises.

373. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food if he

[Deputy Damien English.]

has received a submission from an association (details supplied); the action he will take to address these eight priority issues; and if he will make a statement on the matter. [17690/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department received a submission from the association in question in which they raised a number of issues in relation to growing miscanthus. These issues, some of which are not within the remit of my Department are being examined and a detailed response will issue in due course. I am eager to support the development of miscanthus in Ireland and I am making grant aid available to growers under the Bioenergy Scheme. The Scheme was introduced on a pilot basis in February 2007 and provides establishment grants of up to €1,450 per hectare. Some 700 hectares of miscanthus were planted in 2007. In September 2007, my Department met with all the stakeholders including the aforementioned association to review the operation of the Bioenergy Scheme. All stakeholders were complimentary towards the Scheme and acknowledged it had stimulated considerable interest among farmers. The second phase was launched in December 2007 and so far applications to plant a further 1,300 hectares of miscanthus have been submitted.

In addition to establishment grants, areas planted with miscanthus also qualify for the Single Farm Payment, the National Energy Crop Premium of €80 per hectare, the EU Premium of €45 per hectare under the EU Energy Crops Scheme and adjusted payments under the REPS and Disadvantaged Areas Scheme.

#### **Farm Retirement Scheme.**

374. **Deputy Damien English** asked the Minister for Agriculture, Fisheries and Food if he will re-examine a case for a person (details supplied) in County Meath regarding his early retirement farm pension; if he will liaise with the Department of Social and Family Affairs on same; if the moneys clawed back from this person's pension will be reinstated to him; and if he will make a statement on the matter. [17705/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It is a requirement of the EU Council Regulation under which the 1994 Early Retirement Scheme was introduced that the Early Retirement Pension can be paid only as a supplement to any national retirement pension to which the participant, and his or her spouse or partner in a joint management arrangement, is entitled. This means that the entire value of any such national retirement pension awarded from age 66 must be deducted from the Early Retirement Pension.

For the purposes of the Scheme, a participant's national retirement pension includes his/her Personal Rate and any Adult Dependant Allowance, Child Dependant Allowance or Living Alone Allowance payable, as a spouse or dependant child does not have an independent right to the pension.

In the case of the person named, as he is in receipt of a Child Dependant Allowance my Department is obliged to offset this amount against his Early Retirement pension.

#### **Alternative Energy Projects.**

375. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the incentives from his Department and his Department's agencies for the production of bio-fuels; if he will review these in view of the current world food crisis; and if he will make a statement on the matter. [17740/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The following incentives are available from my Department to encourage farmers to produce bio-fuel feedstocks (energy crops).

- An EU premium of €45 per hectare available under the EU Energy Crops Scheme.
- A National Energy Crop Premium worth €80 per hectare.
- 50% establishment grants for willow and miscanthus.

Areas sown with energy crops may also qualify for the single farm payment. The Department's agencies do not pay direct subsidies for bio-fuel production. Teagasc provide advisory services to farmers to develop more efficient production systems generally and improve crop yields. Research undertaken by Teagasc assesses the opportunities provided by bio-fuel crops and communicates this information to farmers.

I have no plans to review the energy crop incentives given the relatively small area devoted to energy crop cultivation in Ireland. The percentage of agricultural land under energy crops in 2007 was less than 0.02% comprising some 9,000 hectares. Teagasc estimate that potentially some 75,000-100,000 hectares of land could be devoted to energy crops in Ireland without impacting negatively on food or animal feed production. There is potential to expand the feedstock base with the advent of new second-generation bio-fuels, which use non-food feedstocks such as wood biomass.

The current rise in food prices is largely associated with rising world population and increased demand in some rapidly developing economies where demand is outstripping supply. Other factors include declining stocks of grain, speculation in commodity futures, higher energy costs and export restrictions imposed by some countries. The diversion of more land to produce bio-fuels, particularly corn-derived ethanol in the USA contributed to the surge in cereal prices in 2007.

In response to the current high prices for cereals and the abolition by the EU of compulsory set aside, extra land is being devoted to cereal production in Ireland and across the Community in 2008. It is forecast that the 2008 wheat crop in the EU could increase by 17m tonnes compared to 2007. As crops for bio-fuels, are estimated to account for about 3m-4m tonnes of production, the additional 13m tonnes of cereals at EU level should help increase the availability of stocks for food and animal feed.

In 2007, the EU Commission carried out an 'Impact Assessment' to assess the effect of the 10% bio-fuel target on transport fuel on EU-27 agricultural markets in 2020. The assessment concluded that the 10% bio-fuel scenario would not overly stretch land availability, and as a consequence food production. The EU Commission recently proposed new sustainability criteria for bio-fuels, that are counted towards the 10% target. As part of the monitoring and reporting system for bio-fuel production, the Commission will be required to analyse, among other items, the impact of EU bio-fuel policy on the availability of foodstuffs in exporting countries, the ability of people in developing countries to afford these foodstuffs and wider development issues.

The reality is that bio-fuel production is currently one of the few practical ways of making a real impact on oil dependence and greenhouse gas emissions in the transport sector. Nonetheless the objective should be to ensure that bio-fuels, are produced in a sustainable fashion and not have undesirable consequences for food production, the environment and biodiversity.

### Fisheries Protection.

376. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if copies of the recent report by the Sea Fisheries Protection Authority are available to Members of Dáil Éireann or to the public. [18009/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Sea-Fisheries Protection Authority (SFPA) is an independent authority which was established under Sea Fisheries and Maritime Jurisdiction Act 2006 on January 1st 2007. The Act provides that the Authority is independent in the exercise of its functions and may publish any reports on matters related to its functions, subject to the normal requirements regarding the Annual Report of statutory bodies. The latter, along with copies of the audited accounts, is presented to me, as the responsible Minister, prior to its being laid before the Houses of the Oireachtas. The distribution of all other reports is a matter entirely for the Authority.

The Sea Fisheries Protection Authority is of course fully accountable to Committees of the Oireachtas. Section 68 of the Act sets out, specifically, the detailed position in relation to accountability of the Authority to the Committees of the Oireachtas.

### Grant Payments.

377. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if the 2005 national reserve application for a person (details supplied) in County Mayo has been processed; and if all their payments have issued. [17864/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named had applied under Category D of the 2005 National Reserve that catered for farmers who commenced farming after 31 December 2002 or who commenced farming in 2002 but did not receive any direct payments in respect of that scheme year. The person named was deemed ineligible under this category as he had received his herdnumber in September 2001.

However as outlined in my previous reply to the Deputy on 2 April 2008 my Department had agreed to review the 2005 National Reserve application submitted by the person named. My Department wrote to the person named on 1 April 2008 requesting additional information in relation to his on farm and off-farm income; farming qualifications; birth certificate and copy of Deed of Transfer that was required to fully process his application. The person named did not reply and my Department issued a reminder letter to him on 21 April 2008.

My Department received the required information on 29 April 2008 and has now processed the National Reserve application. A letter outlining details of the allocation has issued to the person named and payment due will issue shortly.

### Fishing Industry Development.

378. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if, in view of the difficulty faced by him regarding the operational programme for the fisheries sector, he will make a submission under the AXIS 4 co-financed rural development initiative; and if he will make a statement on the matter. [17906/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** With regard to the current position of the Operational Programme for Fisheries, the Commission Negotiating position was received on the 22nd of April 2008. The Commission has expressed disappointment that measures under Axis 4 of the European Fisheries Fund are not included as co-funded measures. The draft Operational Programme involves support for priority areas including decommissioning of fishing vessels and aquaculture development, while Axis 4 measures will

be supported under nationally funded measures. There will be full discussion with the Commission to finalise the Operational Programme including in relation to the content of the Programme.

### **Bovine Diseases.**

379. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food if, with regard to bluetongue disease and the havoc currently being wrought within agriculture by the disease, he will compensate farmers for losses incurred as a result of his failure to deal adequately with confirmed infected cattle in the west of Ireland; and if he will make a statement on the matter. [17985/08]

380. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food if, with regard to inactivity regarding bluetongue exclusion zone which, as readily acknowledged by most veterinary experts in the field, is putting the national herd at risk, his attention has been drawn to the serious losses incurred due to reduced productivity in herds that have been infected with the virus; and if he will make a statement on the matter. [17986/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 379 and 380 together.

Ireland has been and continues to be bluetongue-free and the presence of the disease in a number of other Member States has had very little impact on Irish agriculture.

While a small number of imported animals that were tested on their arrival here were found to have been exposed to the virus in the past, they were found to be free of the virus and, as such, posed no threat to animal health, having developed a natural immunity to the virus. Consequently, the issue of compensation raised by the Deputy doesn't arise.

As there has been no outbreak of bluetongue in this country, the issue of establishing protection, surveillance and restricted zones does not arise.

My Department has carried out a number of assessments to seek to determine the risk of the possible introduction of the disease into the country and, based on the assessed level of risk, my predecessor has taken a number of initiatives to minimise that risk, including the introduction of a ban on the importation of female breeding and production cattle aged over 12 months and female sheep over 6 months, following confirmation that the presence of the virus had been detected in Northern Ireland.

That particular measure has now been revoked following the introduction of tighter movement controls of animals from bluetongue-restricted areas that were introduced earlier this week, which impose further restrictions on the animals that may now be imported to this country from bluetongue-restricted areas and their application in Ireland. These further measures are discretionary for Member States but their application in Ireland is in line with our commitment to maintain the country's disease-free status.

It will be my objective to ensure that we make every effort and take all such reasonable precautions as we can to ensure that Ireland remains disease-free.

### **Decentralisation Programme.**

381. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18109/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Department of Agriculture, Fisheries and Food sends a quarterly return to the Decentralisation Implementation Group which details the non-property costs such as travel and overtime. To the end of 2007, the last reporting deadline, the costs amounted to €90,128.

#### **Schools Refurbishment.**

382. **Deputy Damien English** asked the Minister for Education and Science if an application by a school (details supplied) in County Meath under the dormant accounts fund for a kitchen, library and parent room will be processed; if the applicant will be informed of the decision; when he expects payment will be made; and if he will make a statement on the matter. [17701/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In light of the very large number of project proposals received and the level of oversubscription, the Dormant Accounts Fund Inter-departmental Committee for Educational Disadvantage recommended that arrangements should be made to transfer these proposals to the Department’s Planning and Building Unit for consideration in the context of the Department’s overall Schools Building and Modernisation Programme. The application referred to by the Deputy will be considered, in due course, in this context.

#### **Youth Services.**

383. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to a project (details supplied) in Dublin 8; and the funding from his Department it receives. [17784/08]

448. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to a project (details supplied) in Dublin 8; the funding from his Department it receives; if his further attention has been drawn to an application for funding for an additional youth worker; the reason no decision has been taken on that application to date; and if he will make a statement on the matter. [17783/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 383 and 448 together.

The project referred to by the Deputy receives annual grant-in-aid funding from my Department under two initiatives, namely the Special Projects for Youth Scheme (SPY) and the Young People’s Facilities and Services Fund (YPFSF). The total amount allocated in 2007 under these schemes was €200,221.

The Youth Affairs Section of my Department received a request for an additional worker in 2008 under both of these schemes.

The process of determining my Department’s financial allocations to the Youth Work Sector for 2008 is still underway. I expect that this process will be completed shortly and all Administering Agencies, in this instance City of Dublin VEC/City of Dublin Youth Service Board will then be notified of the outcome as appropriate.

384. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the grants administered or funded by his Department in the area of youth cafés, summer schemes, youth at risk, early school leavers and after-school clubs in the Dublin 8 area; and the level of funding including capital and staffing grants to the various projects in 2007. [17785/08]

449. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the grants administered or funded by his Department in the area of youth projects, youth cafés, summer schemes, youth at risk, early school leavers and after-school clubs in the Dublin 8 area; and the level of funding including capital and staffing grants to the various projects in 2007. [17786/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 384 and 449 together.

The Youth Affairs Section of my Department supports a number of schemes and initiatives which provide non-formal educational opportunities for young people throughout the country through voluntary participation in youth work. This support consists mainly of grant-in-aid assistance for national and major regional youth work organisations under the Youth Service Grant Scheme, targeted youth work responses for young people through the Special Projects for Youth Scheme and the Young People’s Facilities and Services Fund which targets young people at risk from substance misuse. Grant-in-aid funding is made available as a contribution towards the general running expenses, including staffing costs, of projects. My Department does not operate a capital funding programme in respect of the youth work sector.

A number of youth projects funded under these schemes are located in the Dublin 8 area. Details of the projects and schemes are outlined hereunder:

*Special Projects for Youth Scheme*

There are four (4) projects in receipt of funding under this scheme located in the Dublin 8 area.

Project	2007 Grant
	€
1. Rialto Youth Project	193,455
2. St. Michael’s Parish, Inchicore	134,808
3. Donore Avenue Youth Project	176,251
4. Focus Ireland Youth Project	868,845

*Young People’s Facilities and Services Fund*

There are six (6) projects in receipt of funding under this scheme located in the Dublin 8 area.

Project	2007 Grant
	€
1. South West Inner City Network Youth Service	138,070
2. Donore Education Network	69,208
3. Rialto Youth Project	65,548
4. Children and Young Peoples Provision Programme	56,654
5. St. Michael’s Parish, Inchicore	65,417
6. Canal Communities Regional Youth Service	200,520

The City of Dublin Youth Service Board (CDYSB) also administers grant-in-aid funding for the support of youth clubs and groups throughout Dublin city. Some 21 youth clubs received funding amounting to €39,665 in 2006 (latest figures available).

[Deputy Batt O’Keeffe.]

### *School Completion Programme*

Preventative measures are in place such as the School Completion Programme with €31.160 million allocated to the School Completion Programme for 2008.

School Completion Programme (SCP) is based on a set of key principles, with a strong emphasis being placed on partnership between schools, family members and local statutory, community and voluntary agencies and on the concept of integrated services. Effective support requires a cross-community and cross sectoral response to young people’s needs, with support being provided on a continuous basis both during, and outside of, school time. The programme is funded on a multi-annual basis under the National Development Plan (NDP), and up to 2007 with assistance from the European Social Fund (ESF).

Over €580,000 has been allocated for 2007/08 to projects in the Dublin 8 area where supports are offered in-school, after-school, out-of-school and during holiday time in recognition of the fact that continuous support must be given to young people at risk of early school leaving. After-school activities are delivered as part of the School Completion Programme and homework clubs in particular are a widely implemented support to provide students with a structured environment to complete homework. After-School Supports provided under the School Completion Programme focus on the personal and social development of young people, aiming to enrich their overall educational experience by providing fun activities that tap into the many talents of young people. Programmes that focus on activities like Drama, Music, Art, Craftwork and Sport enable children to develop a range of creative and sporting skills.

Holiday Time Supports are delivered during holiday time, for example, mid-term break, Easter and Summer holidays. Holiday time supports are provided to young people at risk of early school leaving in order to provide a consistent educational experience for them all year round. Holiday supports are often delivered in conjunction with other external agencies, particularly youth services.

### **School Accommodation.**

385. **Deputy Michael Kennedy** asked the Minister for Education and Science if his attention has been drawn to the increase in demand for school places at a school (details supplied); if the school’s application for further accommodation has been accepted; the position regarding the situation; and if he will make a statement on the matter. [17146/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** An application for capital funding towards the provision of accommodation has been received from the authority of the school referred to by the Deputy.

An assessment of the projected enrolment trends, demographic trends and the housing developments in the area will be required to determine the long term projected staffing figure on which the school’s accommodation needs will be based. The proposed building project will be considered on an ongoing basis in the context of my Department’s multi-annual School Building and Modernisation Programme.

### **School Staffing.**

386. **Deputy Michael D. Higgins** asked the Minister for Education and Science the position regarding a school (details supplied) in County Galway; if it is envisaged that this allocation will be provided; and if he will make a statement on the matter. [17159/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** 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 indicates that the enrolment in the school on 30th September 2006 was 236 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on my Department’s website at [www.education.ie](http://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 227 pupils. In accordance with the staffing schedule (Circular 0010/2008), which is available on my Department’s website at [www.education.ie](http://www.education.ie) and a hard copy of which will 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.

It is open to the Board of Management to submit an appeal under certain criteria to an independent Appeal Board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. The criteria are also available in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on my Department’s website.

The first meeting of the Appeal Board is scheduled to take place on the 20 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 respectively. Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from Primary Payments Section or on my Department’s website. The Appeal Board operates independently of the Department and its decision is final.

### **Schools Refurbishment.**

387. **Deputy Brian Hayes** asked the Minister for Education and Science if funds will be made available to a school (details supplied) in Dublin 24, as a special school in a disadvantaged area, to carry out repair works to the playground area as the school previously applied under the dormant accounts fund and the summer works schemes, which are both now defunct; and if he will make a statement on the matter. [17172/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** It is open to the school authorities of the school in question to submit an application for Major Capital funding should works be required at the school. All application received are considered and assessed for funding under my Department’s Multi-annual School Building and Modernisation Programme.

### Work Permits.

388. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science his views on the implications for Ireland's image as a destination for international students of proposals to require non-EEA students to send their children to private schools and to obtain work permits if they want to work while studying here; if he has been consulted on these proposals in her capacity as Minister; and if he will make a statement on the matter. [17183/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** Existing education policy is that students up to 18 years of age are admitted to primary and second level schools irrespective of their nationality or status. Indeed, under the Equal Status Act, schools may not discriminate in admission to schools except where this is necessary to maintain the religious values or ethos of the school. While the Act does provide for differential treatment in relation to fees for further and higher education for persons who are not nationals of an EU Member State, there is no such condition specified in regard to second level schools. The admission of persons to the State from outside the EU is a matter for the immigration authorities. Children of refugees, those with humanitarian leave to remain in the State, asylum seekers and dependents of certain work permit holders, are entitled to access free first and second level education. However, the basic conditions for a student visa require that the student attend a full time programme of education and training, pay the appropriate fees and be financially self supporting. Such students have no entitlements to bring their dependents with them to the State.

The Report on the Inter-Departmental Committee on the Internationalisation of Irish Education, published in 2004, set out a strategy with the objective of enhancing the attractiveness of Ireland as a quality venue for international students and increasing the numbers of students coming to Ireland to participate in further and higher education and training and in the language sector. It was envisaged that students from outside the EU/EEA and Switzerland, other than refugees and those with humanitarian leave to remain in the State, would participate on a fee paying basis. In the course of the discussions leading to the Report, the position of minors attending school for second level education was discussed, and the existing immigration policy that student visas should be allowed only in respect of attendance at fee-paying schools was confirmed, on the basis that to do otherwise would give rise to additional demands on the State. My Department is in continuing discussion with officials in the Department of Justice, Equality and Law Reform regarding the proposals in the Immigration and Residence Bill.

On the issue of work permits, Section 24.2 of Towards 2016 provides that the employment of non EU/EEA students will be made subject to work permits, and the Minister for Enterprise Trade and Employment is currently drawing up proposals for the implementation of this commitment. It is proposed that such permits will not be the subject of a labour market test. This is part of an overall strategy to help ensure that there are adequate safeguards in place to protect employment rights, that minimum wage and registered employment agreements are adhered to, and that migration policy is underpinned by appropriate administrative arrangements.

### Special Educational Needs.

389. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the provision of educational supports to a child (details supplied) in County Cork with special needs. [17185/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENs), for allocating resource teachers and special needs assistants to

schools to support children with special needs. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on *www.ncse.ie*. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for its attention and direct reply.

390. **Deputy Shane McEntee** asked the Minister for Education and Science when a special needs assistant will be provided to meet the needs of a child (details supplied) in County Meath; and if he will make a statement on the matter. [17190/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating special needs assistants to schools to support children with special needs. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on *www.ncse.ie*. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for its attention and direct reply.

#### **School Staffing.**

391. **Deputy Brian Hayes** asked the Minister for Education and Science if he will provide the information referred to in Question No. 62 of 9 April 2008; and if he will make a statement on the matter. [17192/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The information referred to has recently been forwarded to the Deputy by my officials.

#### **School Accommodation.**

392. **Deputy Michael D'Arcy** asked the Minister for Education and Science if plans for two new eight classroom primary schools for Gorey are going ahead in view of the fact that no mention was made of them in a newspaper report recently which listed 22 new primary schools due to open in September 2008; and if he will make a statement on the matter. [17209/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** As the Deputy may be aware, a Developing Area unit was set up in my Department to focus on the school accommodation needs of rapidly developing areas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country. Gorey is one of the areas designated as a rapidly developing area and my announcement on 1 February last refers to projects commencing construction in 2008. Planning Permission has since been granted and this will allow for the commencement and construction of two 8 classroom schools for Gorey in 2008. The 22 new primary schools mentioned in a recent newspaper report that the Deputy refers to are in connection with the recognition of new primary schools by the New Schools Advisory Committee. Gorey was not mentioned on this list as the schools are already established.

#### **Schools Building Projects.**

393. **Deputy Bernard Allen** asked the Minister for Education and Science the position regarding a school (details supplied) in County Cork. [17233/08]

454. **Deputy Kathleen Lynch** asked the Minister for Education and Science when he will be making available a capital allocation for the building of a new school (details supplied) in County Cork; when the school authorities, including the board of management and principal, will be informed; the length of time he expects the construction period to last; and if he will make a statement on the matter. [17855/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 393 and 454 together.

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.

#### **Schools Building Programme.**

394. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the additional funding he will provide to overcome the substantial shortfall in funding approved for a school extension in a school (details supplied) in County Monaghan, where a deficit of €100,000 is in evidence against the lowest tender received for the said works; and if he will make a statement on the matter. [17243/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A grant of €484,000 was sanctioned under the Small Schools Scheme to enable the management authority of the school in question to extend and modernise their school. The Scheme allows Boards of Management to address their accommodation and building priorities with a guaranteed amount of funding and gives Boards of Management control of the building project. The intention of the scheme is to provide funding to schools to enable them to undertake wanted building projects. The scheme is not intended to leave schools with significant fundraising needs but for the school to tailor the scope of capital works commissioned to the available funding. A central tenet of the scheme is that the schools, granted discretion and funding, must equally accept responsibility for prioritisation, adherence to statutory regulations, control of costs and ensuring value for money. The decision on whether to continue participating in the scheme or to drop out, if the scope of build is more than the funding envelope permits, is a matter for each school authority. The current position is that the school management have appointed a contractor and building works have commenced. I understand that an application for additional funding will be submitted for consideration by the Department. The school will be informed of the decision in due course.

#### **Schools Curriculum.**

395. **Deputy Deirdre Clune** asked the Minister for Education and Science if he will adopt the recommendations of the National Council for Curriculum and Assessment that research is carried out here on the question of language and literacy in Irish medium schools; and if he will make a statement on the matter. [17244/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** This issue relates to the impact of providing an immersion model of education in Irish medium schools under which no English is taught for a significant part of the infant cycle. The NCCA indicated that the research available was not adequate to come to firm recommendations applicable in the Irish context, and accordingly recommended that research be undertaken on a range of models, with different

Irish medium schools taking different start dates for the introduction of English. The question of deferring a decision in relation to this matter pending a research project to ascertain the impact on student performance of various models of immersion education was considered. Such research would take a considerable time to complete, and is likely to be inconclusive, given the many variables (socioeconomic status, school practice, variations in first language at home of students etc) that are at play here. In any event, research will, by its nature, focus on but one subset (learning impact) of what is a significantly wider public policy matter and for that reason I did not consider it appropriate to delay a decision pending any such research.

It is a requirement in all schools that all subjects of the curriculum are taught to all class groups. In the Introduction to the Primary Curriculum (page 27) it is stated that “It is a particular feature of Irish primary education that children, from the beginning of schooling, have experience of language learning in two languages.” It is important that all children have access to a balanced education and benefit from the full curriculum at the earliest possible stage. Oral language development plays a critically important role in early learning and I believe it is important to ensure that tuition in both Irish and English is provided for children in the infant cycle. Accordingly, circular 044/2007 issued in July last to schools requiring Irish medium schools to provide the minimum recommended tuition in English, of least 2.5 hours per week, for the infant classes with a shorter day (and 3.5 hours per week for those attending for the full day) with effect from no later than the start of the second term in junior infants. This provides that between 88% and 90% of the overall provision in such schools is through the medium of Irish, with all subjects being taught through Irish, except English.

#### **School Staffing.**

396. **Deputy Dan Neville** asked the Minister for Education and Science if he will intervene and ensure that a resource teacher is provided for a person (details supplied) in County Limerick. [17245/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers to schools to support children with special needs. All schools have the names and contact details of their local SENOs. Parents may contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

#### **Schools Building Projects.**

397. **Deputy Dan Neville** asked the Minister for Education and Science the position regarding the provision of a new school building at a school (details supplied) in County Limerick. [17252/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A schedule of accommodation has been drawn up based on a long-term projected enrolment of 800 pupils. The further progression of the 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.**

398. **Deputy Pat Breen** asked the Minister for Education and Science if he will honour his promise of a permanent integrated autistic unit at a school (details supplied) in County Clare;

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when he expects to have this facility in place; and if he will make a statement on the matter. [17253/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers, for the establishment of special classes for children with autism and for allocating resource teachers and special needs assistants to schools to support children with special needs. The NCSE will continue to establish additional autism classes where the need arises in both special schools and mainstream schools. I have arranged for the details requested by the Deputy to be forwarded to the NCSE for their attention and direct reply.

### **Special Educational Needs.**

399. **Deputy Edward O’Keeffe** asked the Minister for Education and Science the position regarding an application for a home tuition grant in respect of persons (details supplied) in County Cork. [17256/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware 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 child concerned. My Department’s qualification preference is for a fully qualified teacher. If parents cannot recruit a fully qualified teacher, some alternative qualifications are acceptable including certain Montessori qualifications. Details in this regard are published on my Department’s website. Home tuition is sanctioned until July 2008 for the child in question. On the basis of the information provided to date, the qualifications of the nominated replacement tutor do not meet the minimum requirements. My officials are in contact with the family in relation to this matter.

### **Schools Building Projects.**

400. **Deputy Brian Hayes** asked the Minister for Education and Science the average cost of the new school buildings, broken down by new primary and post-primary, approved in early 2008 in the latest large-scale building projects programme; and if he will make a statement on the matter. [17290/08]

401. **Deputy Brian Hayes** asked the Minister for Education and Science if he will categorise by project band rating, the applications approved in early 2008 in the latest large-scale building projects programme; and if he will make a statement on the matter. [17291/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 400 and 401 together.

Some 13 new primary school buildings are included in list A of the announcement, made on 1 February last, of large-scale projects to progress to construction. The average cost per school building will be in the region of €4.687 million. Two new post-primary school buildings were included also at an average cost of €14.3 million. Nine of the schools — seven primary and two post-primary — were rated at Band 1 with the remainder of the schools having a Band 2 rating. The banding system was introduced following agreement with the Education Partners in 2004. The banding system is briefly set out as follows:

- Band 1 — Projects serving rapidly developing areas, schools with special needs requirements, rationalisation projects.

- Band 2 — Projects dealing with deficits of mainstream accommodation. It is not uncommon, given current demographic trends, for projects in this category to move from minor projects to more substantial projects.
- Band 3 — Projects concerned with ancillary accommodation — that is projects where there is no deficit of mainstream accommodation.
- Band 4 — Desirable but not urgent or essential.

402. **Deputy Brian Hayes** asked the Minister for Education and Science if he will estimate the capital cost of approving all outstanding applications for large scale school building projects assigned a project band rating of one to three; and if he will make a statement on the matter. [17292/08]

403. **Deputy Brian Hayes** asked the Minister for Education and Science if he will estimate the capital cost of approving all outstanding applications for large scale school building projects assigned a project band rating of one to four; and if he will make a statement on the matter. [17293/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 402 and 403 together.

Major school building projects are selected for inclusion in the School Building and Modernisation Programme on the basis of priority of need using published criteria. The banding system was introduced following agreement with the Education Partners in 2004. Applications can range from extensions and refurbishments to applications for new schools on new sites. In this regard, it should be noted that a project’s banding, or classification, can be subject to reassessment having regard to demographic developments in the area served by the school and also, for example, if on foot of a technical examination of the school it was found that the proposed project put forward by the school was not an appropriate design solution to meet the accommodation requirements. The banding system can be broadly set out as follows:

- Band 1 — Projects serving rapidly developing areas, schools with special needs requirements, rationalisation projects.
- Band 2 — Projects dealing with deficits of mainstream accommodation. It is not uncommon, given current demographic trends, for projects in this category to move from minor projects to more substantial projects.
- Band 3 — Projects concerned with ancillary accommodation — that is projects where there is no deficit of mainstream accommodation.
- Band 4 — Desirable but not urgent or essential.

It would not be realistic to try to estimate the potential cost of all building projects on hand in my Department. A variety of factors can affect the final cost of a project. Site size/conditions, demographic trends, technical assessment of the existing buildings etc., requirement for new buildings, extension to existing schools or refurbishment of existing schools will all affect the cost of the various projects, as will the trend in building costs in the broader economy. Ultimately, it is only when a project has been tendered that an accurate cost becomes available.

#### **School Insurance.**

404. **Deputy Catherine Byrne** asked the Minister for Education and Science if all community

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and vocational schools are covered by public liability insurance; if so, if children who have accidents at school are eligible to claim under this scheme; and if he will make a statement on the matter. [17297/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In the case of Vocational Schools and Community Colleges, insurance cover is arranged by the relevant Vocational Education Committee. With regard to Community and Comprehensive Schools, the State provides a general indemnity to the authorities of these schools in lieu of their taking out insurance cover against liabilities which may arise. Any claims arising in respect of a Vocational School or Community College is dealt with under the insurance cover arranged by the VEC. In cases involving Community and Comprehensive Schools and where the State or Minister is joined in a personal injuries claim by any party, the State Claims Agency is the body appointed by Government to respond to such claims.

### **Schools Building Projects.**

405. **Deputy Ciarán Lynch** asked the Minister for Education and Science when his Department will complete the building of a new national school at Ballygarvan, County Cork; if the Chief State Solicitor’s Office has completed the purchase, commenced in March 2007, of the three plots of land required; if his attention has been drawn to the overcrowded and hazardous conditions in the existing premises; and if he will make a statement on the matter. [17303/08]

439. **Deputy Ciarán Lynch** asked the Minister for Education and Science when he will make a capital allocation for the building programme of a school (details supplied) in County Cork; when the school authorities, including the board of management and principal will be informed; the length of time the construction period will last; and if he will make a statement on the matter. [18007/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 405 and 439 together.

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. The Department is continuing to progress any outstanding issues in consultation with the CSSO. When the site acquisition is complete, a building project for the school along with any proposed capital allocation will be considered in the context of the Department’s School Building and Modernisation Programme. In the meantime temporary accommodation for the school has been approved by the Department as an interim measure to facilitate increased enrolments next September.

### **Departmental Expenditure.**

406. **Deputy Damien English** asked the Minister for Education and Science the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17375/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department is subject to the provisions of the Prompt Payment of Accounts Act, 1997. Under the terms of the Act my Department is obliged to make payments to our suppliers within 30 days of receipt of invoice unless otherwise specified in a contract or agreement. The information in relation to the average time for payment requested by the Deputy is not readily available in my Department and

would involve an inordinate amount of administrative time to compile. Details of payments made by agencies are a matter for the individual agencies concerned.

### **Schools Building Projects.**

407. **Deputy Pat Breen** asked the Minister for Education and Science further to Parliamentary Question No. 160 of 27 February 2008, if an application has been assessed for a school (details supplied) in County Clare; and if he will make a statement on the matter. [17366/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am pleased to inform the Deputy that the school in question has been offered an all-in grant to provide additional accommodation to cater for the proposed unit.

408. **Deputy Leo Varadkar** asked the Minister for Education and Science the recommendations of the New School Advisory Committee with regard to a school (details supplied); and if he will make a statement on the matter. [17418/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The New Schools Advisory Committee (NSAC), which is an independent advisory body, is charged with making recommendations to the Minister in relation to applications received for new schools. In their report this year, the NSAC recommended recognition of the application in respect of the school in question.

Following consideration of the report and recommendations of the New Schools Advisory Committee (NSAC) on the recognition of new primary schools for 2008, it was decided not to grant recognition to the school to which the Deputy refers, at this time.

In recognising a new school, cognisance needs to be given to the demand on resources so that the State can ensure efficiency and equity in the allocation of constrained resources. In that context, and given the significant additional levels of primary school provision made in the area in the past 3 years, I am satisfied that sufficient provision has been made to serve the current and future population in the medium term. I am satisfied that appropriate diversity of provision has also been provided.

On that basis, recognition has not been granted to the proposed new school at this time. This does not preclude recognition at a future date.

### **Site Acquisitions.**

409. **Deputy Leo Varadkar** asked the Minister for Education and Science if the primary school site at Tyrellstown, Dublin 15 has been acquired; if not, if it is intended to acquire this site; and if he will make a statement on the matter. [17419/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A 6 acre site for primary school provision in Tyrellstown has been identified and negotiations are ongoing with the owner. As the Deputy will appreciate, due to the commercial sensitivities attached to site acquisition, I cannot comment further on the matter at this time.

Subject to legal acquisition of the site and a full review of other provision in the area, this site will be developed to provide accommodation for up to two 24 classroom schools, each of which would have a 3 stream junior infant intake. This equates to a pupil intake of 162 junior infants per year. Any proposed development of the site will be considered in the context of the multi-annual school building and modernisation programme.

### School Enrolments.

410. **Deputy Leo Varadkar** asked the Minister for Education and Science if he will postpone the establishment of a school (details supplied) in Dublin 15 in view of the fact that the anticipated demand for this school has not materialised; and if he will make a statement on the matter. [17420/08]

411. **Deputy Leo Varadkar** asked the Minister for Education and Science the number of applications received for a school (details supplied) in Dublin 15; the number of these from children living in the catchment area; the number who meet the enrolment age requirement; the final deadline for enrolment; and if he will make a statement on the matter. [17421/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 410 and 411 together.

The position in relation to enrolment in Scoil Oisín, Phoenix Park, Dublin 15 has been under review in the context of overall requirements for primary school places in the wider area. The planned opening this September of Scoil Oisín is to be postponed following a review of overall enrolment figures for the area which indicate that the new school will not now be required for the next school year. Scoil Oisín is one of three schools due to come under the patronage of County Dublin VEC as part of a new pilot patronage model, the details of which were announced in December 2007.

It is intended that the school will eventually serve the community around the new residential development on the site of the old Phoenix Park racecourse. A slower pace of development on that site has resulted in a reduction of projected demand for school places in the area this year. The parents of children who had sought places in Scoil Oisín this coming September have all been contacted and offered alternative places in nearby schools.

The two other schools under the new pilot patronage model, Scoil Choilm, Porterstown, Dublin 15, which opened last year under temporary arrangements, and a new school, Scoil Ghráinne, Phibblestown, Dublin 15, will both be accepting pupils this September having shown strong enrolment numbers for this September.

### Teachers’ Remuneration.

412. **Deputy Joe McHugh** asked the Minister for Education and Science, further to Parliamentary Question No. 356 of 29 April 2008, the way the person (details supplied) in County Donegal can receive the higher pay increment in view of the fact that it is the institution’s policy not to grade students except on a pass/fail basis; if he is simply going to ignore this serious problem, which affects a large proportion of teachers in the north west who have studied for their teaching in Northern Ireland; and if he will make a statement on the matter. [17438/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has established an agreed procedure for the payment of an allowance where a teacher obtains the Post Graduate Certificate in Education. My Department has been in contact with the school authority. The person to whom the Deputy refers has been advised on the documentation required in order for the school authority to process an application for the payment of the allowance being sought.

### School Staffing.

413. **Deputy David Stanton** asked the Minister for Education and Science, further to Parliamentary Question No. 357 of 29 April 2008, the training and qualification requirements

for people to be employed as visiting teachers for the visually impaired; the number of visually impaired pupils for whom the 13 visiting teachers who are employed by his Department cater; the number who have requested such a service; his plans to extend this service; and if he will make a statement on the matter. [17444/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** To be employed in my Department’s Visiting Teacher Service for the Hearing and Visually Impaired, a visiting teacher for the visually impaired (VTVI) must be a fully qualified primary or post-primary teacher, must be recognised by, and registered with the Teaching Council and must have fulfilled the requirements of probation or its equivalent. If qualified outside Ireland, the teacher must be recognised by the Teaching Council as qualified to teach in special education settings. In addition, the visiting teacher must have at least two years satisfactory teaching service in a mainstream class or in a special school or special class setting.

In the recruitment process, priority may be given to applicants who have acquired, or are in the process of acquiring, the Diploma for Teachers of the Visually Impaired or the Diploma in Special Education or equivalent. New appointees undergo induction, training, mentoring and probation. Continuous professional development is an integral part of the Visiting Teacher services and a teacher will be expected to commit to further training where necessary. In that regard, visiting teachers for the visually impaired are facilitated in attending appropriate training courses in their specialist field.

For the school year 2007/2008, the 13 VTVIs employed by my Department provide a service commensurate with individual need to more than 880 children and young people. Of these, 361 are pupils in primary schools, 228 are second-level students and 191 are in special education settings. The service also works with pre-school children and their families and provides guidance, where necessary, to a small number of third-level students.

The service responds to referrals from parents or schools, or through Eye Clinics, the National Council for the Blind of Ireland (NCBI) or the National Council for Special Education (NCSE). Referrals, together with relevant assessment reports, are processed through the appropriate Regional Office of the Department of Education and Science. There are no plans at present to expand the service.

### **School Enrolments.**

414. **Deputy Joan Burton** asked the Minister for Education and Science if his attention has been drawn to the fact that a school (details supplied) in Dublin 15 has up to 60 children enrolled to commence junior infants in September 2008 and that they have not been able to secure a site for the school; if it is proposed to facilitate this school at the Kellystown site; if other arrangements are being made to facilitate the opening of this school in September 2008; and if he will make a statement on the matter. [17551/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Following consideration of the report and recommendations of the New Schools Advisory Committee (NSAC) on the recognition of new primary schools for 2008, it was decided not to grant recognition to the school to which the Deputy refers, at this time.

In recognising a new school, cognisance needs to be given to the demand on resources so that the State can ensure efficiency and equity in the allocation of constrained resources. In that context, and given the significant additional levels of primary school provision made in the area in the past 3 years, I am satisfied that sufficient provision has been made to serve the current and future population in the medium term. I am satisfied that appropriate diversity of provision has also been provided.

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On that basis, recognition has not been granted to the proposed new school at this time. This does not preclude recognition at a future date.

### **School Accommodation.**

415. **Deputy Niall Collins** asked the Minister for Education and Science the position in relation to a school (details supplied). [17571/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A grant of €120,000 under the Permanent Accommodation Scheme was sanctioned to enable the management authority of the school in question to provide a permanent classroom.

The Scheme allows Boards of Management to address their accommodation and building priorities with a guaranteed amount of funding and gives Boards of Management control of the building project.

The intention of the scheme is to provide funding to schools to enable them to undertake wanted building projects. The scheme is not intended to leave schools with significant fund-raising needs but for the school to tailor the scope of capital works commissioned to the available funding. A central tenet of the scheme is that the schools, granted discretion and funding, must equally accept responsibility for prioritisation, adherence to statutory regulations, control of costs and ensuring value for money. The decision on whether to continue participating in the scheme or to drop out, if the scope of build is more than the funding envelope permits, is a matter for each school authority.

The current position is that tenders have been sought and are due back shortly. I understand that the school intends applying for additional funding. The application will be considered by my Department and a decision conveyed to the school in due course.

### **Schools Recognition.**

416. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a school (details supplied) in Dublin 11. [17572/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers commenced operation in September 2002 with provisional recognition from the Department on the basis that it would be providing multi-denominational education in the Clontarf/Marino/Fairview area of Dublin. The location in Glasnevin, which is already served by two multi-denominational schools, was intended to be a purely temporary measure.

The Department has requested the OPW to identify a suitable site for the school in a more appropriate location. When this happens, the Department will review the question of permanent recognition.

### **Budget Submissions.**

417. **Deputy Fergus O’Dowd** asked the Minister for Education and Science the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17561/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Estimates process for each year, of which the Budget is a central part, begins in May/June of the previous year and formal meetings are usually held during the period May to December. The precise timing of these meetings in the overall process, particularly those involving Ministers, can depend on when the Government is considering different aspects of the budgetary process at regular or special Government meetings.

Meetings are held that involve:

- Line Sections in the Department and the Department’s Finance Unit
- The Finance Unit and the Department’s Management Advisory Committee (MAC)
- Meetings between MAC and the Minister and Ministers of State
- Meetings between officials of this Department and Department of Finance
- Ministerial Bi-Lateral meetings between the Minister for Finance and the Minister for Education & Science and their senior officials.

In general position papers covering the particular aspects of the process under consideration at a particular point in time are prepared in advance, as distinct from a formal agenda document. While a formal agenda and related minutes may not be maintained other than where the matters are discussed at the regular meetings between the Minister, Ministers of State and MAC all decisions taken arising from budget and estimates discussions are documented and supported by any papers prepared for those discussions and form part of the Department’s records.

#### **Schools Building Projects.**

418. **Deputy Michael Ring** asked the Minister for Education and Science when he will sanction a new building for a primary school (details supplied) in County Mayo to allow it to proceed to public tender and construction phase, particularly as the school is designated as disadvantaged under DEIS. [17585/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently at an advanced stage of architectural planning. The progression of all large scale building projects, including the this project, from initial design stage through to construction phase will be considered on an on-going basis in the context of my Department’s multi-annual School Building and Modernisation Programme.

In view of the large number of projects at various stages of architectural planning, it is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

#### **Schools Amalgamation.**

419. **Deputy Martin Ferris** asked the Minister for Education and Science the position regarding the amalgamation of schools (details supplied) in County Kerry. [17577/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently at an advanced stage of architectural planning.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered on an on-going basis in the context of my

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Department’s multi-annual School Building and Modernisation Programme. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

### **Foireann Scoile.**

420. D’fhiafraigh **Deputy Dinny McGinley** den Aire Oideachais agus Eolaíochta an ndéanfaidh sé athscrúdú ar an iarratas ó scoil aon oide (sonraí tugtha) múinteoir breise nó cúntóir nach oide é nó í a cheapadh don scoilbhliain 2008/09 ó tharla go bhfuil ocht ndalta ar an Rolla faoi láthair; agus an ndéanfaidh sé ráiteas ina thaobh. [17362/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** De réir sonraí a chuir Bord Bainistíochta na scoile dá dtagraíonn an Teachta faoi bhráid mo Roinnese, b’é an rollú ar 30ú Meán Fómhair, 2007 ná seisear mac léinn. De réir an sceidil foirne (Ciorclán 0010/2008), atá ar fáil ar shuíomh gréasáin mo Roinnese ag [www.education.ie](http://www.education.ie), Príomhoide amháin a bheidh ann i gcónaí mar fhoireann príomhshrutha na scoile don scoilbhliain 2008/2009.

Tá bord achomhairc neamhspleách anois ann chun breith a thabhairt ar achomhairc faoi sholáthar foirne príomhshrutha i mbunscoileanna. Léirítear sonraí faoin nós imeachta achomhairc insan sceideal foirne agus chomh maith leis sin i gCiorclán 0024/2007 (Bord Achomhairc do Sholáthar Foirne Príomhshrutha i mBunscoileanna) atá le fáil ar shuíomh gréasáin mo Roinne. Feidhmíonn an Bord Achomhairc go neamhspleách ar an Roinn agus níl dul thar bhreith an Bhoird.

### **Schools Building Projects.**

421. **Deputy Mary Upton** asked the Minister for Education and Science the status of a school extension and construction of a sports hall at a school (details supplied) in Dublin 12 first promised in 2000; if there are plans to ensure that this building, particularly the sports hall, is built without delay; and if he will make a statement on the matter. [17595/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Department is in receipt of an application for major capital funding for general classroom accommodation and a PE hall, from the school referred to by the Deputy. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a band 2 rating. Progress on the project will be considered on an ongoing basis in the context of my Department’s multi-annual School Building and Modernisation programme.

In view of the large number of projects already at various stages of architectural planning, it is not possible at this early stage to say when construction will commence on the project referred to by the Deputy.

### **Student Support Schemes.**

422. **Deputy Jim O’Keeffe** asked the Minister for Education and Science, further to his response to Parliamentary Question No. 363 of 29 April 2008, the reason a person (details supplied) in County Cork is being asked to pay a registration charge despite the fact this person is eligible for student support and is attending an authorised PLC course; and if he will make a statement on the matter. [17603/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** No additional charges in the nature of the Student Service Charge at third level are applied to students participating on Post Leaving Certificate courses. Any other charges would be a matter for the college.

### **Road Safety.**

423. **Deputy Joan Burton** asked the Minister for Education and Science if his attention has been drawn to the distress caused to local parents as a result of significant HGV traffic outside a school (details supplied) in County Meath; if he will proceed with measures to reduce and minimise the impact of this HGV traffic on pupils attending the school and their parents; and if he will make a statement on the matter. [17621/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In general, individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care, including traffic management measures.

The issue of road safety measures outside the vested site areas of schools, such as road signage, traffic calming measures etc., is a matter that should be raised in the first instance with the relevant Local Authority. Local Authorities have the power to decide on road safety measures outside schools and should ensure that measures are in place to protect the safety of local school children.

### **Alternative Energy Projects.**

424. **Deputy John O’Mahony** asked the Minister for Education and Science if there are supports available either from his Department or any other Departments to support wind energy programmes in schools that would complement environmental works that are taking place under green flag initiatives; and if he will make a statement on the matter. [17635/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has a strong record in developing low energy educational buildings. For the past eight years my Department has been using a process called the DART approach to develop sustainable and energy efficiency in educational buildings. This acronym focuses on four key areas, namely; Design, Awareness, Research, and Technology. Rather than develop a unique focus on energy design the Department have taken a more holistic approach and have developed our technical guidance on energy efficiency in school designs as an integral part of the suite of technical guidance documents.

These guidelines encourage the design team to take a complete design team approach from project conception. There is particular emphasis on elimination of over design, improved thermal envelope design and improved passive solar design, natural ventilation and day lighting along with advanced heating and lighting controls. It has been demonstrated that all Primary School’s designed and built in line with the above policy and the technical guidance documents can have an energy performance that is 2.3 times more efficient than International best practice.

The application of wind energy schemes in schools has been explored by my Department and the results indicate that given the scale of application to match demand and capacity in a meaningful way schools are better placed to connect to one of the main wind energy electrical suppliers to maximise the potential of green electricity. This is kept under review given improvements in technology and the market place. The performance of my Department in the area of low energy design has been recognised at both National and International level with sustainable energy awards for excellence in Design and Specification and just recently by the Taoiseach’s Public Service Excellence Awards held in Dublin Castle Conference Centre on Friday, 18th April 2008.

### **Schools Building Projects.**

425. **Deputy Pat Breen** asked the Minister for Education and Science, further to Parliamen-

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tary Question No. 140 of 30 April 2008, if a selected design team which has been forwarded by a school (details supplied) in County Clare will be approved; when this approval will be made by his Department; and if he will make a statement on the matter. [17640/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The process of appointing a design team to the school building project referred to by the Deputy is at an advanced stage and all correspondence from the school has been received in my Department. The further progression of the project as with 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.

426. **Deputy Joanna Tuffy** asked the Minister for Education and Science the status with regard to the proposed construction of a new school (details supplied) in County Cork; when he expects work to commence; and if he will make a statement on the matter. [17643/08]

441. **Deputy Jim O’Keeffe** asked the Minister for Education and Science the position in relation to the new national school for Summercove, Kinsale, County Cork. [18017/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 426 and 441 together.

The Office of Public Works (OPW), which acts on behalf of my Department in relation to site acquisitions generally, has been asked to source a suitable site for the school in question. The OPW have recently submitted a technical report for a site for the school which is currently with my Department for consideration and further instruction to the OPW. The further consideration of same will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme.

#### **Youth Services.**

427. **Deputy Michael Creed** asked the Minister for Education and Science the level of funding available in his Department for the recruitment of community youth workers under the special programme for youths; if he has received an application from an organisation (details supplied) in County Cork for funding for a post working with young people as a deterrent to crime, drugs and anti-social behaviour; and if he will make a statement on the matter. [17646/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department currently supports 182 projects for disadvantaged young people under the Special Projects for Youth Scheme. Funding amounting to €20.5m was made available for this purpose in 2007. The Youth Affairs Section of my Department received an application on behalf of the project in question to be considered in 2008 under the Special Projects for Youth Scheme. This application was submitted through the Administering Agency, in this instance Youth Work Ireland. The process of determining my Department’s financial allocations to the Youth Work Sector for 2008 is still underway. I expect that this process will be completed shortly and all Administering Agencies will then be notified of the outcome as appropriate.

#### **Departmental Expenditure.**

428. **Deputy Damien English** asked the Minister for Education and Science the cost to his Department of implementing the payroll system within his Department and within bodies under his Department’s aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17713/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department’s staff payroll and school employees’ payrolls (the latter catering for some 75,000 current and retired payees) were implemented prior to 2004. The licence and external support costs for these payrolls for the years in question are as follows:

- 2004 — €101,000
- 2005 — €156,000
- 2006 — €148,000
- 2007 — €225,000
- 2008 — €197,000 (anticipated for full year)

My Department currently provides a payroll service for staff employed by the State Examinations Commission and a HR/payroll service for staff employed by An Chomhairle um Oideachas Gaeltachta & Gaelscolaíochta. Certain bodies under the aegis of the Department provide full administration services (human resource, accounting, payroll, accommodation, purchasing, IT, maintenance, portering etc) on a shared basis to related bodies. Details relating to the cost of implementing payroll systems in individual agencies are not available in the Department and are a matter for the individual agencies concerned.

#### **Higher Education Grants.**

429. **Deputy Damien English** asked the Minister for Education and Science when a decision for a higher education grant will be made for a person (details supplied) in County Meath; and if he will make a statement on the matter. [17688/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The decision on eligibility for third level grants is a matter for the relevant assessing authority — i.e. the local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required. If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department. County Cork VEC are awaiting additional information from the candidate referred to by the Deputy in order to process his grant application. On receipt of this information the matter will receive further attention.

#### **Second Level Education.**

430. **Deputy Damien English** asked the Minister for Education and Science if he has reviewed the ASTI’s strategy document for the development of second level education; his views on this six point strategy document; the action he will take to address the proposals in this document; and if he will make a statement on the matter. [17691/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In relation to second level education it is my intention to prioritise the commitments in the Programme for Government

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2007-2012 for delivery over the lifetime of this Government, having regard to available funding, and I will consider the proposals in the ASTI strategy document in that context.

### **Schools Building Projects.**

431. **Deputy Damien English** asked the Minister for Education and Science the position regarding a school building project for a school (details supplied) in County Westmeath; the stage the project is at; and if he will make a statement on the matter. [17693/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school referred to by the Deputy was included in my announcement of 1st February 2008 which outlined details of large scale building projects that are authorised to proceed to construction. In early March the school authorities were instructed to proceed with the acceptance of a tender for the project and it is envisaged that construction on the project will commence shortly

### **School Accommodation.**

432. **Deputy Damien English** asked the Minister for Education and Science the position regarding additional permanent accommodation for a school (details supplied) in County Meath; and if he will make a statement on the matter. [17694/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has no record of the receipt of an application for capital works from the school to which the Deputy refers.

433. **Deputy Damien English** asked the Minister for Education and Science the position regarding additional permanent accommodation for a school (details supplied) in County Meath; and if he will make a statement on the matter. [17695/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** An application for capital funding towards the provision of permanent accommodation has been received from the school authority referred to by the Deputy. The long term projected enrolment and the further progression of the proposed building project will be considered on an ongoing basis in the context of my Department’s multi annual School Building and Modernisation programme. In view of the large number of projects already at various stages of architectural planning, it is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

### **Special Educational Needs.**

434. **Deputy Fergus O’Dowd** asked the Minister for Education and Science if he will make a statement on the proposed closure of the special needs classroom unit at a school (details supplied) in County Louth. [17725/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My officials have been in contact with the National Council for Special Education regarding the special class referred to by the Deputy. I understand that a decision on the future of the class has yet to be taken. I understand also that a significant number of children enrolled in the special class will be moving to post primary education in September 2008. I am informed that the local special educational needs organiser is actively involved in discussions with the school authorities and the local Health Service Executive regarding the future of the special class.

### **Schools Building Projects.**

435. **Deputy Damien English** asked the Minister for Education and Science the position

regarding works to be carried out at a school (details supplied) in County Meath; his views on the delay in the process to date; when he anticipates significant works will commence; when he expects works to be completed; and if he will make a statement on the matter. [17696/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** An extension project for the school referred to by the Deputy is currently in early architectural planning. The Department has received a revised stage 2 submission (initial sketch scheme) from the school authorities and this has been examined. Officials from the Department will be writing to the board of management shortly in this regard. It is not possible at early stage to say when construction will commence on the project referred to by the Deputy.

436. **Deputy Martin Ferris** asked the Minister for Education and Science the position regarding the new building proposed for a school (details supplied) in County Kerry. [17730/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The proposed project is currently at stage 3 of architectural planning. Following on from a review of a stage 3 submission, additional information was requested from the Design Team. A response to this has now been received, and officials in my Department are currently evaluating the documentation. The 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. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

#### **State Examinations.**

437. **Deputy Denis Naughten** asked the Minister for Education and Science when persons who applied to correct leaving certificate examination papers will be informed if they are to be employed; the reason for the delay; and if he will make a statement on the matter. [17733/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including organising the holding of examinations and determining procedures in places where examinations are conducted. In view of this, I have forwarded your query to the State Examinations Commission for direct reply to you.

#### **Schools Building Projects.**

438. **Deputy Ciarán Lynch** asked the Minister for Education and Science when he will make a capital allocation for the building programme of a school (details supplied) in County Cork; when the school authorities, including the board of management and principal, will be informed; the length of time the construction period will last; and if he will make a statement on the matter. [18006/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** An application has been received by my Department for funding for the provision of additional accommodation at the school in question. 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. It is not possible at this early stage to say when construction will commence on the project referred to by the Deputy.

*Question No. 439 answered with Question No. 405.*

440. **Deputy Ciarán Lynch** asked the Minister for Education and Science when he will make a capital allocation for the building programme of a school (details supplied) in County Cork; when the school authorities, including the board of management and principal, will be informed; the length of time the construction period will last; and if he will make a statement on the matter. [18008/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am pleased to inform the Deputy that a Design Team has now been appointed for the school in question and the process of architectural planning has commenced. When the architectural planning process is completed the progression of the project to tender and construction will be considered in the context of my Department’s School Building and modernisation Programme.

*Question No. 441 answered with Question No. 426.*

442. **Deputy Pat Breen** asked the Minister for Education and Science, further to Parliamentary Question No. 161 of 27 February 2008, when the next batch of schools to commence construction will be announced; if a school (details supplied) in County Clare will be included in this list; and if he will make a statement on the matter. [17759/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently at an advanced stage of architectural planning. The progression of all large scale building projects, including the project referred to by the Deputy, 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.

It is my intention to make a further announcement shortly and to provide an update on progress for the new schools planned for September 2008 delivery in developing areas.

#### **Higher Education Grants.**

443. **Deputy David Stanton** asked the Minister for Education and Science if, under current legislation, students who would normally qualify for full rate third level maintenance grants are entitled to receive the full rate of grant in addition to financial assistance from scholarships wholly or partly funded by public moneys, such as the recently announced All Ireland Scholarships; if not, if he is proposing to make changes to this situation; and if he will make a statement on the matter. [17769/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** By reference to clause 2.2 of the Higher Education Grants Scheme and clause 2.1 of the Vocational Education Committees’ Scholarship Scheme, a candidate is not eligible to hold a grant if she/he holds:

- (i) a scholarship/grant awarded by another Local Authority, a Vocational Educational Committee or the Department of Education, or
- (ii) any other award payable from public funds, or
- (iii) the equivalent of (i) or (ii) from another E.U. Member State.

The provisions at (ii) or (iii) do not include awards such as scholarships, prizes or bursaries, made by the institution being attended or postgraduate research grants where the grant received does not exceed a specified amount, which for the 2007/08 academic year, is specified to be €16,000. In addition the provision at (ii) does not include awards to candidates under the Student Assistant Fund, the Millennium Partnership Fund and the Fund for Students with Disabilities.

If eligible, a holder of the following scholarships may also hold a maintenance grant:

- (1) Easter Week Scholarship
- (2) Donagh O'Malley Scholarship.

The All Ireland Scholarship Scheme was announced in March of this year and will only take effect for students sitting the 2008 Leaving Certificate examination. The new All Ireland Scholarship Scheme is only open to those who qualify and are in receipt of the maintenance grant.

#### **Special Educational Needs.**

444. **Deputy Pat Breen** asked the Minister for Education and Science if a full time special needs assistant will be reinstated for a person (details supplied) in County Clare; and if he will make a statement on the matter. [17776/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** 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 to schools to support children with special needs. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

#### **Schools Building Projects.**

445. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science when a school (details supplied) in Dublin 8 will get the approval to build the new school building as agreed with the management of the two schools on the site, prior to their amalgamation in 2001; if his attention has been drawn to fact that the planning permission for the pre-fab school accommodation which they were told to get in 2000 as a temporary stop gap measure runs out in 2010; and if he will make a statement on the matter. [17779/08]

446. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to the fact that since the closure of a school (details supplied) in Dublin 8, pressure for places in another school is at a premium, coupled with the increase in population in the area and the fact that all other primary schools in the area are running at capacity, the disadvantaged status of the area which is a RAPID area and has an identified lower school completion record which will not be addressed by having pupils and teachers in highly cramped conditions in total breach of health and safety regulations; and if he will instruct his officials to allow the school authorities go to tender for a €3 million new school building and refurbishment of existing building as indicated in view of the fact that their application has completed the final parts of stage four of his Department's criteria for capital expenditure on school building projects. [17780/08]

447. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the reason there has been a delay in allowing a school (details supplied) in Dublin 8 go to tender for their new school building in view of the fact that the area they service is one of a high number of new community families, has disadvantage status, is in a drugs taskforce area, and occupies a building which is 150 years old. [17781/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nso. 445 to 447, inclusive, together.

The architectural planning of the school building project referred to by the Deputy is at an advanced stage. The progression of all projects to tender and construction, including this project, will be considered on an ongoing basis in the context of my Department’s Multi Annual School Building and Modernisation Programme.

*Question No. 448 answered with Question No. 383.*

*Question No. 449 answered with Question No. 384.*

### **Schools Building Projects.**

450. **Deputy Emmet Stagg** asked the Minister for Education and Science if his attention has been drawn to the fact that there are not enough school places available for children to attend a school (details supplied) in County Kildare; and the action he will take to rectify this problem. [17787/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department is aware of the position in relation to the school in question. The further progression of a project for the school 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.

In view of the large number of projects at various stages of architectural planning, it is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

### **Schools Funding.**

451. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if funds will be made available for the provision of a car parking site for a school (details supplied) in County Kildare; and if he will make a statement on the matter. [17805/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has no record of the receipt of an application for funding from the school to which the Deputy refers.

### **Schools Services.**

452. **Deputy Andrew Doyle** asked the Minister for Education and Science if his Department has entered into commercial or other agreement with suppliers to permit vending machines in schools. [17836/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Schools are privately managed institutions which, although funded by the State, enjoy a large degree of autonomy. It is, therefore, primarily a matter for each school to devise guidelines around the types of food that is available on the school premises and such policies should be driven by the needs and welfare of the pupils. I know that many schools have developed healthy eating policies in co-operation with their parents’ associations and I would encourage others to do so also.

In relation to schools/colleges provided under the Public Private Partnership (PPP) model my Department has to date entered into three separate contracts. The three contracts cover the five Pilot PPP Schools, the National Maritime College and the Cork School of Music. In the contracts agreed for the five Pilot Schools while the Operator is responsible for the vending

machines the location, content and availability of vending machines were agreed through discussion between the Operator and the School Authorities concerned. The contract stipulate that, if catering and/or vending is provided, the PPP Operator must pay a guaranteed income to the authority regardless of the level of net income received from these services.

### **Schools Amalgamation.**

453. **Deputy Andrew Doyle** asked the Minister for Education and Science the way the development of a school (details supplied) can take place in view of the fact that it is being directed to move into temporary quarters in their former site which will be the site of the amalgamated national schools for Rathnew; the reason the school is to move premises twice in a short time in view of the complexity of moving a school and the disruption of the school work; and the time frame for the development of the school. [17837/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The site in question is not the planned long term home for the school. Its location there is a temporary arrangement. My Department is aware of the need to provide permanent accommodation for the school and it is in on-going discussions with the local authority and landowners for the purpose of identifying and acquiring a suitable site as quickly as possible to enable this to happen. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

*Question No. 454 answered with Question No. 393.*

### **Schools Building Projects.**

455. **Deputy Kathleen Lynch** asked the Minister for Education and Science when he will be making a capital allocation for the building programme at a school (details supplied) in County Cork; when the school authorities, including the board of management and principal, will be informed; the length of time he expects the construction period to last; and if he will make a statement on the matter. [17856/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The development of a building project for the school in question is at an early stage. 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. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

456. **Deputy Leo Varadkar** asked the Minister for Education and Science the school that will be located in buildings (details supplied) in Dublin 15; and if he will make a statement on the matter. [17859/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, considerable interventions have been made by the Department to increase pupil places in Blanchardstown and Dublin 15 area generally and these interventions are being backed up by a significant construction programme. The Deputy will also be aware of the construction of a school in Porterstown to accommodate Scoil Choilm. In the context of this building project being delivered against a very demanding timescale, the Department considered it prudent to progress the project to which the deputy refers as a contingency measure. Because the requirement for school or other educational accommodation can arise at very short notice, and in the context of anticipated overall growth in future years, my Department also considered it prudent

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to have a facility available for use to provide an immediate solution to these needs should they arise.

### **Student Accommodation.**

457. **Deputy Michael Ring** asked the Minister for Education and Science if he will establish a student accommodation taskforce as urgently as possible in relation to the accommodation needs of third level students. [17865/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am aware that there has been a call for the establishment of a taskforce on student accommodation. However, this is a matter for the Department of the Environment, Heritage and Local Government. While I would be concerned if accommodation difficulties are impacting on students’ performance at college, my Department has no remit in relation to student accommodation. My Department does not provide financial assistance for the provision of student accommodation nor has it any funding available to do so. Capital funding under the NDP for higher education is targeted at delivering core educational facilities.

Neither does my Department have any expertise or knowledge in relation to housing supply or housing policy in general. Any analysis of student accommodation in a particular locality would have to take account of the availability of other rented accommodation in that area. Any proposals would have to be considered in the context of national housing policy as set by the Department of the Environment, Heritage and Local Government.

As the Deputy will be aware, a number of initiatives have been taken by the Government to improve the availability of student accommodation in recent years. Section 50 of the Finance Act 1999 incentivised the provision of dedicated student residential accommodation, while the Rent a Room tax relief introduced in 2001 has encouraged private householders to rent out rooms to students.

A review of the Section 50 tax exemption by Indecon consultants for the Department of Finance in 2006 concluded that it had served its purpose and that oversupply was potentially developing as an issue. As a result the scheme will be phased out in 2008 although the tax relief will apply for 10 years from the date that the property is first let to students. The Deputy will also be aware that there have been record increases in the overall housing stock, with over 700,000 new housing units built over the past ten years.

Notwithstanding all of this, I am conscious that student representatives believe that there is a shortage of suitable rented accommodation in the Dublin area in particular. My colleague, Minister Gormley, has recently suggested commissioning a study from the Centre for Housing Research on the availability of rented accommodation for students in the greater Dublin region. I am pleased to state I have signalled to him that my Department is willing to co-fund such a study, subject to agreement of terms of reference and costs. Discussions are continuing at official level in this regard.

### **Property Transfers.**

458. **Deputy Michael Ring** asked the Minister for Education and Science if he has received a map (details supplied); and if he will execute the deed of partial surrender in this case. [17866/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Site Map for the school referred to by the Deputy has been received and examined by the Department. It is intended to sign and seal the Deed of Partial Surrender shortly.

### School Accommodation.

459. **Deputy Ulick Burke** asked the Minister for Education and Science his plans for the provision of a new school as a replacement for the inadequate accommodation at present at a school (details supplied) in County Galway which is in a deplorable condition and overcrowded; and when his Department will make a decision on the matter. [17871/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** An application for capital funding towards the provision of accommodation has been received from the authority of the school referred to by the Deputy. An assessment of the projected enrolment trends, demographic trends and the housing developments in the area will be required to determine the long term projected staffing figure on which the school’s accommodation needs will be based. The proposed building project will be considered on an ongoing basis in the context of my Department’s multi-annual School Building and Modernisation Programme.

In view of the large number of projects already at various stages of architectural planning, it is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

### Schools Building Projects.

460. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position in relation to the proposed new school building for a school (details supplied) in County Cork: when he expects work to commence on the project; and if he will make a statement on the matter. [17893/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school referred to is one of six schools that make up the Second Bundle of the Department’s current Public Private Partnership Programme. This bundle consists of Bantry Community College, Kildare Town Community School, Abbeyfeale Community College, Athboy Community School, Wicklow Town Community College and the school referred to in the Deputy’s question.

Pre procurement work consisting of the preparation of Output Specifications, Public Services Benchmark (PSB) has been completed and Outline Planning

Permission has been obtained for all six schools. It is envisaged that this second bundle will be handed over to the National Development Finance Agency (NDFA) shortly to commence the procurement process. The estimated timescale for the delivery of this Bundle is mid 2011.

461. **Deputy Jan O’Sullivan** asked the Minister for Education and Science when he will sanction the going to tender of a school (details supplied) in County Limerick; if he will prioritise this school which has been in the building programme for ten years and which has inadequate facilities; and if he will make a statement on the matter. [17894/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The proposed extension for Ardscoil Rís will cater for a long-term enrolment of 700 pupils. The accommodation to be provided will consist mainly of specialist rooms (Mathematics, Arts/Crafts, Physics Lab., Construction Studies etc.) with stores, staff accommodation and circulation making up the rest. The architectural planning of the project is at an advanced stage. The further progression of the project will be considered on an ongoing basis in the context of my Department’s School Building and Modernisation Programme.

### Site Acquisitions.

462. **Deputy Jan O’Sullivan** asked the Minister for Education and Science when he will

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allocate funding for a school building project (details supplied) in County Limerick; the estimated timeframe for the project; if a site has been acquired; and if he will make a statement on the matter. [17895/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Office of Public Works, which acts generally on behalf of this Department on the acquisitions of sites for schools, has been requested to source a site for this school. A suitable site has been identified and the further progression of the purchase of the site will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

463. **Deputy Jan O’Sullivan** asked the Minister for Education and Science if a site has been acquired for a school (details supplied) in County Limerick; when he expects to sanction funding for this school to replace the unsuitable prefab buildings; and if he will make a statement on the matter. [17896/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Office of Public Works (OPW) which acts generally on behalf of my Department on the acquisition of sites for schools, has been requested to source a suitable site for this Gaelscoil. I am advised that the OPW are in discussions with the local authority in relation to identifying a site from a land bank that has been transferred to the Council. The further consideration of these proposals will be considered in the context of the Department’s school building and modernisation programme.

#### **Schools Building Projects.**

464. **Deputy Jan O’Sullivan** asked the Minister for Education and Science if funding is available to progress a school building (details supplied) in County Limerick; if the project has gone to tender; the timeframe to complete the project in view of the bad conditions endured by the students including having to use outside toilets; and if he will make a statement on the matter. [17898/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** 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. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

#### **Site Acquisitions.**

465. **Deputy Jan O’Sullivan** asked the Minister for Education and Science if a site has been acquired for a school extension at a school (details supplied) in County Limerick; when he expects to sanction funding for the project; the timeframe for this project; and if he will make a statement on the matter. [17899/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Department is currently in direct negotiations with the Department of Defence in relation to the acquisition of land that is required to facilitate a building project at the school in question. The proposed building project for this school will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

**Schools Building Projects.**

466. **Deputy Mary Upton** asked the Minister for Education and Science when he will make a capital allocation for the building programme of a school (details supplied) in Dublin 12; when the school authorities, including the board of management and principal will be informed; the length of time he expects the construction period to last; and if he will make a statement on the matter. [17900/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Tenders for the project referred to by the Deputy are currently with my Department. The further progression of the project will be considered on an on-going basis in the context of my Department’s Multi-Annual School Building and Modernisation Programme.

467. **Deputy Mary Upton** asked the Minister for Education and Science when he will make a capital allocation for the building programme of a school (details supplied) in Dublin 12; when the school authorities, including the board of management and principal, will be informed; the length of time he expects the construction period to last; and if he will make a statement on the matter. [17901/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Department is in receipt of an application for major capital funding for general classroom accommodation and a PE hall, from the school referred to by the Deputy. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a band 2 rating. Progress on the project will be considered on an ongoing basis in the context of my Department’s multi-annual School Building and Modernisation programme. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

468. **Deputy Mary Upton** asked the Minister for Education and Science when he will make a capital allocation for the building programme of a school (details supplied) in Dublin 8; when the school authorities, including the board of management and principal, will be informed; the length of time he expects the construction period to last; and if he will make a statement on the matter. [17902/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The architectural planning of the school building project referred to by the Deputy is at an advanced stage. The progression of all projects to tender and construction, including this project, will be considered on an ongoing basis in the context of my Departments Multi Annual School Building and Modernisation Programme. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

469. **Deputy Mary Upton** asked the Minister for Education and Science when he will make a capital allocation for the building programme of a school (details supplied) in Dublin 8; when the school authorities, including the board of management and principal, will be informed; the length of time he expects the construction period to last; and if he will make a statement on the matter. [17903/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application has been received from the school in question for large scale capital funding. 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 Prog-

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ramme. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

### **Schools Amalgamation.**

470. **Deputy Róisín Shortall** asked the Minister for Education and Science when he will make a capital allocation for the building programme of a school (details supplied) in Dublin 9; when the school authorities, including the board of management and principal, will be informed; and the length of time he expects the construction period to last. [17913/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The schools to which the Deputy refers made certain requests of my Department for capital works in the context of an amalgamation negotiation. They have not, otherwise, completed a formal application for funding for major works.

Any application from the schools for major refurbishment works will be assessed in accordance with the relevant governing criteria which treat all applications in an open, transparent and equitable manner. It is not possible at this stage to say when construction will commence on the project referred to by the Deputy.

### **School Accommodation.**

471. **Deputy Ruairí Quinn** asked the Minister for Education and Science the progress made in recent weeks in identifying the primary schools that have some of their class rooms in prefab buildings; the number of prefab classrooms; the number that are rented by boards of management; the average annual cost of renting a prefab; the age of the oldest generation of prefabs; and if he will make a statement on the matter. [17916/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy is aware my Department is currently working on compiling a database of the information he has requested. Work on this database is underway as part of a general review of rental policy being undertaken. Information will be collated on approximately 900 schools which have received approval from the Department to rent temporary accommodation, including but not limited to prefabs.

This will be used to produce a database of information which will be maintained on an ongoing basis and will inform my Department’s future decision-making in this area. This work is well advanced and I anticipate it will be completed shortly.

### **School Statistics.**

472. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of national primary schools and special national schools; and if he will make a statement on the matter. [17917/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** There are 3,286 primary schools (3160 ordinary schools and 126 special schools). The Deputy will appreciate that the total number of schools will vary from year to year on account of closures, amalgamations and new school openings. In this regard I recently announced the opening of 22 new schools with effect from September next. The 22 new schools include: 12 Multi-Denominational, 5 Catholic Denominational, three of which are Gaelscoileanna , 1 Inter-Denominational, 4 Special Schools, including a special school for children with Autism.

### School Accommodation.

473. **Deputy Ruairí Quinn** asked the Minister for Education and Science if his attention has been drawn to the growing demand for additional primary school places in mature built up areas, such as Dublin 6, where one school (details supplied) has an intake of 27 junior infant pupils confirmed with a waiting list of 63, plus an additional six applicants; the steps being taken to expand the capacity of the primary school system to cope with the growing population for more primary school places; and if he will make a statement on the matter. [17918/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers has not submitted an application to my Department for capital funding towards the provision of additional accommodation. If schools feel that they don’t have sufficient places to meet demand, including this school, they should contact my Department so that the situation can be examined as to how best to provide whatever additional capacity is required.

The Dublin 6 area is served by nineteen primary schools, (including three special schools). My Department’s main responsibility is to ensure that schools in any given area can, between them, cater for all pupils seeking school places. This approach ensures that the use of existing accommodation is maximised and that the development and support of one school over others does not occur.

The Forward Planning Section of my Department will keep the position in such areas under review to ensure that any additional emerging needs are met as expeditiously as possible. Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within an area.

### Ministerial Responsibilities.

474. **Deputy Ruairí Quinn** asked the Minister for Education and Science the responsibilities the Minister for Integration has within his Department; the section of his Department with which he works; the portion of his Departmental budget for which he has direct responsibility; the series of functions within his Department which have, following a Cabinet decision, been devolved to him; and if he will make a statement on the matter. [17919/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Minister of State for Integration Policy, appointed under the previous Government, was responsible for integration policy functions in my Department relating to the following. Ensuring that the range of education policies across different areas of the Department and the bodies under its aegis take account of the need to integrate immigrants and their families, in particular in relation to further development of policy in relation to the deployment of language support teachers for newcomers in schools; appropriate teaching materials, supports and advice for schools on how to meet the needs of newcomer children; development, in conjunction with other relevant Departments and agencies, of a national policy on the provision of English language education for adult newcomers; implementation of the Department of Education and Science aspects of the National Action Plan against Racism; liaison with education partners (management bodies, unions, parents, representatives of school principals) on newcomer issues; review of international developments and trends in relation to newcomers; development of appropriate linkages with the Department of Education in Northern Ireland on newcomer issues; co-ordinating the work of the Department of Education and Science on the integration of newcomers with the related work of other relevant Departments and State Agencies.

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An Integration Unit has been established in the Department to oversee directly the remit of the former Minister of State. The Unit liaises with other sections of the Department as required. Most front line sections have a role in the promotion of integration policy in all educational services and institutes. Services for newcomers are funded from the budgets of the front line sections providing these services. No budget allocation has been made specifically for the Minister of State within the Department of Education and Science.

### **School Curriculum.**

475. **Deputy Ruairí Quinn** asked the Minister for Education and Science when he last reviewed or revised the syllabus for the teaching of religion in primary and secondary schools; the plans to review or revise the syllabus in view of the changing composition of the school going population as a result of social and demographic change; and if he will make a statement on the matter. [17920/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Education legislation requires that the diversity of educational provision in the State is taken account of, and the right of parents to send their children to a school of their choice is respected. Under Section 30 of the Education Act 1998, no student can be required to attend instruction in any subject which is contrary to the conscience of the parent of the student. The Rules for National Schools also provide, where the parents or guardians so wish, for the withdrawal of pupils from religious instruction.

Section 15 of the Education Act 1998 requires boards of management of schools to uphold and be accountable to the Patron for upholding the characteristic spirit of the school including the moral, religious, social, educational and spiritual values which inform the ethos of the school.

At primary level, the Department of Education and Science recognises the rights of the different church authorities to design curricula in religious education and to supervise their teaching and implementation. This right is enshrined in the Education Act 1998. Consequently, although religious education is part of the Curriculum for Primary Schools and schools are obliged to allocate 30 minutes per day for religious instruction, the content of the religion programme is determined by the Patron of the school.

The Revised Curriculum for Primary Schools espouses the importance of tolerance towards the practice, culture and life-style of a range of religious convictions and states explicitly that the beliefs and sensibilities of every child are to be respected.

In second level schools, a programme of religious instruction approved by the Patron may be offered, or alternatively, the school may use the curriculum in Religious Education which has been designed as an examinable subject by the National Council for Curriculum and Assessment. The NCCA syllabuses are concerned with understanding religion as a phenomenon in the world and are designed to be studied by students of all religious faiths and of none. At Junior Cycle, the NCCA syllabus in Religious Education was introduced in September 2000 for first examination in the Junior Certificate in 2003. At Senior Cycle, a new NCCA syllabus in Religious Education at Higher and Ordinary levels was introduced for first examination in 2005

As the Deputy is aware, a new model of primary school patronage is to be piloted from September 2008 in response to changing societal circumstances. The pilot schools, which will come under the patronage of County Dublin VEC, will aim to provide religious education as part of the school day for diverse denominational groups, reflecting parental choice and based

on an ethos of inclusion and respect for children of all faiths and none. The content and approach to religious education in the pilot schools will be developed in partnership with the relevant interests, and evaluated over the course of the pilot phase.

### Third Level Qualifications.

476. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number, in respect of the Annual Output Statement 2008 High Level Objective Goal 3, of PhD students who graduated in the years 2000 to 2007 in the accredited universities; and if he will make a statement on the matter. [17921/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The number of PhD graduates for the seven universities from 2000 to 2006 is outlined in the attached table. PhD graduates from the Institutes of Technology will increase this number to over 950 for 2006. The numbers for 2007 are not yet available. However, indications are that the number of PhD graduates from state funded higher education institutions will be approximately 1,000.

Combined full-time and part-time PhD Graduates

	UCD	UCC	NUIG	TCD	NUIM	DCU	UL	Grand Total
2000	156	75	58	186	20	37	38	570
2001	151	101	38	166	23	25	61	565
2002	156	76	63	177	21	44	54	591
2003	180	98	51	172	24	61	47	633
2004	192	97	75	181	51	32	74	702
2005	182	122	61	196	38	73	72	744
2006	197	135	79	239	51	97	88	886

### Early School Leavers.

477. **Deputy Ruairí Quinn** asked the Minister for Education and Science the steps taken to identify and support the 28,000 children at risk of early school leaving, which is a task charged to school completion as set out in the Annual Output Statement 2008; the methodology to be employed; the agency or agencies with responsibility for the task; the resources available to induce or secure continued school attendance by the group at risk; and if he will make a statement on the matter. [17922/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In the region of €730 million will be spent by my Department this year on tackling educational disadvantage at all levels from pre-school to further and higher education. This represents an increase of over 60% and is testament to the Government’s determination to prioritise social inclusion and ensure that all our children and young people get the supports they need to do well at school. Social inclusion measures across all Government departments have also been prioritised under the Towards 2016 agreement, the National Action Plan for Social Inclusion 2007-16 and the National Development Plan.

My Department has adopted a broad-based approach to tackling early school leaving. We established the National Educational Welfare Board (NEWB) to monitor attendance and help to get young people back to school. The general functions of the Board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

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The service provided by the NEWB is just one aspect of the comprehensive framework that this Government has put in place to support schools, families and young people themselves. In this regard, extra supports targeted at young people in disadvantaged areas include both educational initiatives such as intensive literacy programmes, after school and holiday time supports.

In addition to the NEWB, there are currently in excess of 620 staff within the education sector in education disadvantage programmes of which over 130 are additional posts allocated under DEIS (Delivering Equality of Opportunity in Schools) the Action Plan for Educational Inclusion. Enhancing attendance, progression, retention and attainment are central to DEIS (Delivering Equality of Opportunity in Schools) the action plan for educational inclusion, which is being implemented at present. The action plan represents a shift in emphasis away from individual initiatives, each addressing a particular aspect of the problem, with the new plan adopting a multi-faceted and more integrated approach. This is the first time that an integrated educational inclusion strategy has been developed for 3-18 year olds in this country.

We have widened the range of curricula available to students by promoting the Junior Certificate Schools Programme, the Leaving Certificate Vocational Programme, and the Leaving Certificate Applied Programme in addition to the traditional Junior and Leaving Certificate curricula.

In the current school year, grants totalling almost €19 million were paid to schools to meet the needs of pupils from disadvantaged backgrounds under DEIS (the Action plan for Educational Inclusion). These financial supports allocated to each of the schools selected under DEIS provides for the inclusion of after school and holiday time support for literacy and numeracy development as well as homework support, social and personal development and arts activities.

Preventative measures are also in place such as the School Completion Programme and the Home School Community Liaison Scheme (HSCL), with €31.160 million allocated to the School Completion Programme and in the region of €30 million allocated to HSCL for 2008. Under the School Completion Programme children at risk of early school leaving are targeted for a variety of extra supports, educational and non-educational, during and outside of school time- all aimed at encouraging them to stay in school. The Home School Community Liaison Scheme helps to get parents involved in their children’s education, which as we all know is a crucial component of convincing young people of the value of education. Work is ongoing to develop appropriate protocols for all agencies and services to work together in collaboration and to ensure that optimum use is made of the resources deployed.

The objective of the School Completion Programme is to provide a range of interventions in areas of disadvantage that support the retention of young people in education and aims to develop local strategies to ensure maximum participation levels in the education process, entails targeting individual young people of school-going age, both in and out of school, and arranging supports to address inequalities in education access, participation and outcomes. It is based on the project model with an integrated approach involving primary and post primary schools, parents and relevant statutory, voluntary and community agencies. The programme is funded on a multi-annual basis under the National Development Plan (NDP) and up to 2007 with assistance from the European Social Fund (ESF).

82 projects were selected to participate in the School Completion Programme in 2002. This number has increased, under DEIS, to 124 projects spanning 26 counties, comprising 224 post-primary schools and 468 primary schools.

A local management committee, comprising of representatives of schools and other relevant agencies, manage each project. Projects are required to engage in a consultative and planning process with the school staff, with parents and with local representatives of relevant statutory, voluntary and community agencies in the development of annual retention plans. What makes the School Completion Programme unique is its ‘bottom up’ approach, which allows the local management committees to put together plans and supports that target the needs of local young people at risk of early school leaving. Each project employs a local Co-ordinator to run the project at local level.

The School Completion Programme identifies young people at risk of early school leaving and aims to provide a range of supports for them in-school and in the community, through linkages with relevant community, youth and statutory agencies. The factors contributing to why young people leave school prior to completing senior cycle are multi-faceted, such as poor school attendance, poor literacy/numeracy, behavioural problems, family history of early school leaving, socio-economic to mention a few.

Local Management Committees establish criteria for targeting students at risk of leaving school early. Each local project develops its own set of criteria based on local circumstances and local need. As SCP targets, in the main, young people most at risk of early school leaving but still in the formal education system, projects have developed criteria identified in research and practice that cause young people to be at risk of early school leaving. This approach allows local flexibility and local knowledge to inform the process of identifying young people at risk of early school leaving.

SCP projects target and focus programme resources in the first instance on the individual young people who are most at risk of early school leaving. Additionally, some strategies may include a wider group (e.g. in the case of sporting and leisure activities) or the entire school population (e.g. where tracking attendance is involved).

The National Co-ordination Team have also published Guidelines on Identifying Young People at Risk of Early School Leaving in order to assist SCP projects identify good practices for targeting young people at risk of early school leaving. Projects have adopted consultative processes to review criteria lists, notably through projects’ review days and also through formal and informal meetings with relevant stakeholders throughout the academic year. Local management committee meetings provide an opportunity for criteria to be reviewed and also provide space to projects that need to look at prioritising students on the target list.

I would like to assure the Deputy that we have greatly intensified our efforts in recent years to keep more young people in school and I will continue to prioritise further progress in this area.

### **Education Schemes.**

478. **Deputy Ruairí Quinn** asked the Minister for Education and Science if he will confirm that he has read a policy proposal (details supplied); his views on whether the present system creates poverty traps or financial barriers for people who wish to avail of the back to education allowance as soon as they stop working; if he will raise this matter with the Department of Finance and Department of Social and Family Affairs with a view to dealing with this issue; and if he will make a statement on the matter. [17923/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department is aware of the document referred to by the Deputy.

Eligibility for the Back to Education Allowance and associated payments is determined and administered by the Department of Social and Family Affairs.

[Deputy Batt O’Keeffe.]

The Back to Education Allowance (BTEA) is a second chance education opportunities scheme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the work force. To qualify for participation in the BTEA scheme, an applicant must be, *inter alia*, in receipt of a relevant social welfare payment for at least six months in the case of people wishing to complete a second-level course, or twelve months in the case of people wishing to pursue third-level qualifications. However, there is provision under the scheme for persons awarded statutory redundancy to access the BTEA scheme provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study.

The BTEA scheme was established to assist people who have been out of the workforce for some time and whose opportunities of obtaining employment would be enhanced by participation in the scheme. I understand that the requirement to be in receipt of a relevant social welfare payment for a minimum period has always been a feature of the scheme and this eligibility criterion is necessary to ensure that limited resources are directed towards those most in need.

People who are already in employment are not considered to be in the target group for the BTEA scheme.

Students who qualify for the standard rate of maintenance grant under each of my Department’s four maintenance grant schemes may, under certain circumstances, qualify for the special rate of maintenance grant. In order to qualify for the special rate, a candidate must meet a number of conditions, including the following:

1. An applicant must qualify for the ordinary maintenance grant;
2. Total reckonable income in the relevant tax year must not exceed the lower income limits as set out in the relevant maintenance grant schemes and, where applicable, net of Child Dependent Increase payments;
3. As at the prescribed date, *i.e.*, 31st December each year, the source of income must include one of the eligible long-term Social Welfare payments.

The prescribed income limit for the special rate of maintenance grant for the academic year 2007/2008 is €18,055.

The Deputy will be aware that I have recently published the Student Support Bill 2008. This Bill will provide a statutory framework for reforming the administration of student grants and a coherent basis for a new single unified scheme of student maintenance grants. My Department, in consultation with the key stakeholders, will consider all criteria regarding eligibility for maintenance grants, including the special rates of maintenance grant, in the course of the development of regulations governing a single unified grants scheme, as provided for in the Student Support Bill.

### **Legal Costs.**

479. **Deputy Ruairí Quinn** asked the Minister for Education and Science if, in respect of subhead B19 of the Revised Estimates 2008 which saw an increase from €7.394 million to €18.132 million to be distributed by the Commission on Child Abuse and its committees, largely related to legal charges, he will publish the list of legal firms, solicitors and barristers who were paid legal fees; the amount paid to each; and if he will make a statement on the matter.

[17924/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Commission to Inquire into Child Abuse was established under statute to investigate child abuse in institutions in the State, to enable persons who have suffered such abuse to give evidence to committees of the Commission and to prepare and publish a report of findings and recommendations considered appropriate for the alleviation of the effects of past child abuse and for the protection of children. The Commission is independent in the performance of its functions under legislation.

To date, a large number of costs insofar as they relate to representing complainants, have been settled or are currently being negotiated, with a view to settlement in the short term. In respect of representation of respondents a large number of these legal costs remain outstanding. These are currently under negotiation between the Commission and the solicitors acting for the respondents.

Accordingly, €18.132 million has been allocated to the Commission of which approximately €13 million is available to meet the negotiated settled costs during this year.

As the Commission is independent in the performance of its functions it is a matter for the Commission to publish the details in respect of the legal fees it pays to legal firms.

### **Schools Building Projects.**

480. **Deputy Denis Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 68 of 9 April 2008, if the final contract papers are finalised and the purchase of the site completed; when he will publish the next design team list; if he has decided if the school is to be included in the next PPP bundle; if not, when such a decision will be made; when the second PPP bundle will go to the market; when it is envisaged that the third bundle will go to market; when the first PPP bundle went to market; when it will go on site; the timetable for completion of that bundle; and if he will make a statement on the matter. [17979/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The final legal transfer of title is currently under way in respect of a site purchased by the Department for the provision of a new school referred to by the Deputy. The Department is currently examining the feasibility of allowing this school proceed in the 3rd Bundle of Public-Private Partnership projects which I will be announcing later this year. The indicative timeframe for the delivery of a PPP schools currently stands at approximately 4 years from the date the bundle is formally announced.

It is envisaged that the 2nd Bundle of School projects will be offered to the market later this month. It is not possible to say prior to the completion of the outline planning process and any site specific issues which may arise when the 3rd Bundle will be offered to the market.

The 1st bundle of school projects in the current programme was offered to the market on the 27th September 2006 and subject to the planning process it is envisaged that construction will commence in July/August this year with the schools due to be completed by the end of 2009.

### **Decentralisation Programme.**

481. **Deputy Richard Bruton** asked the Minister for Education and Science the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18114/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** To date, my Department has incurred costs of €34,830 in connection with the relocation of the posts forming the Athlone

[Deputy Batt O’Keeffe.]

element of the programme of decentralisation. This relocation of posts is underway at present and I expect this to be complete by the end of June.

The agencies under the aegis of my Department have reported incurring costs of €15,902 in connection with the implementation of the programme.

### **Departmental Expenditure.**

482. **Deputy Michael Ring** asked the Minister for Defence the amount it cost for the publication and circulation of a brochure (details supplied); and the other associated costs in this regard. [17160/08]

483. **Deputy Michael Ring** asked the Minister for Defence the expenditure incurred in the setting up and maintaining of a website (details supplied). [17161/08]

**Minister for Defence (Deputy Willie O’Dea):** I propose to take Questions Nos. 482 and 483 together.

On Monday 14th April 2008, the Public Information and Awareness Campaign on Emergency Planning was launched at the National Emergency Coordination Centre. The main focus of the campaign was the publication and distribution of a handbook — ‘Preparing for Major Emergencies’. The handbook was distributed to every household in the country and an advertisement campaign was undertaken to let people know that it was on the way and to encourage everyone to read it.

While the full costs associated with the preparation and implementation of the campaign are not yet available, I estimate that it will be approximately €2.1 million. This figure includes the cost of design, printing and distribution of 1.8 million handbooks and the associated media advertising costs and other support costs. It also includes the sum of €36,200 in respect of the development and design of the website [www.emergencyplanning.ie](http://www.emergencyplanning.ie)

### **Departmental Staff.**

484. **Deputy Michael Ring** asked the Minister for Defence the number of people currently employed in a section of his Department and their specific roles (details supplied). [17162/08]

**Minister for Defence (Deputy Willie O’Dea):** The Office of Emergency Planning was established in the aftermath of the tragic events of September 11th. It is a joint civil and military Office within the Department of Defence comprising of four Civil Servants and two Officers from the Defence Forces.

The Office has a number of distinct roles. These include the provision of administrative support to the Government Task Force on Emergency Planning and Chairing the Inter-departmental Working Group on Emergency Planning. The Office exercises an oversight role in relation to peacetime emergency planning to ensure the best possible use of resources and compatibility between different planning requirements. It promotes the coordination of emergency planning functions across all departments and other key public authorities. The Office also submits an Annual Report to Government on Emergency Planning. As part of a broader public information and awareness campaign on emergency planning, approved by the Government, the Office of Emergency Planning produced the handbook ‘Preparing for Major Emergencies’, which was circulated recently to every household in the country and it coordinated the accompanying media advertisement campaign. The roles of the individual staff are assigned according to the work requirements of the Office. The Head of the Office is responsible for overall management and policy direction and is assisted in this regard by the Deputy Head of

the Office. Other members of staff carry out research and liaise with individual departments and agencies in the emergency planning area. They also provide support to the Government Task Force and the Inter-departmental Working Group on Emergency Planning.

### **Estate Management.**

485. **Deputy Jack Wall** asked the Minister for Defence the reason the board of works has changed the timescale of proposals in relation to an estate (details supplied) in County Kildare; and if he will make a statement on the matter. [17307/08]

486. **Deputy Jack Wall** asked the Minister for Defence the reason residents of an estate (details supplied) in County Kildare are finding it difficult to have matters addressed by the board of works in view of the fact that the board of works still has responsibility for the estate and not the county council; and if he will make a statement on the matter. [17308/08]

**Minister for Defence (Deputy Willie O’Dea):** I propose to take Questions Nos. 485 and 486 together.

Officials of my Department met with the residents of Orchard Park on 11th February 2008. At that meeting issues of concern were raised by the residents and it was agreed that work was needed to be done to improve the estate. It was requested that the residents put forward a proposal of works for the Department’s consideration. In the interim the Department provided seven large skips for the removal of the residents’ refuse. The proposal from the residents was received in the Department on 8th April 2008. Having considered the plan, my officials met with the residents again on 16th April 2008. At that meeting my officials outlined the generality of a programme of work that the Department is committed to carrying out. In the short term it was agreed to provide a children’s play area on an area of Curragh lands adjacent to the estate, this is to be done by means of a licence agreement. In order to prevent unsocial behaviour it was also agreed to brick up or erect gates at laneway entrances and tarmac these lane-ways. Arrangements are currently being made by my officials to facilitate progress on these issues. The more major items of work such as provision of additional parking and the laying of tarmac on roads and footpaths will take longer to complete due to the nature and size of the job. Since the initial meeting my officials have been in contact with Kildare County Council regarding the taking over of the estate.

### **Departmental Expenditure.**

487. **Deputy Damien English** asked the Minister for Defence the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17374/08]

**Minister for Defence (Deputy Willie O’Dea):** The average time taken to make payment to suppliers of goods and services to my Department, the Defence Forces, the Civil Defence Board and Coiste an Asgard for each of the years in question is as follows:

Year	Average Payment Period in Days
2004	12
2005	11
2006	15
2007	9
2008 (to date)	8

[Deputy Willie O’Dea.]

My Department complies with the provisions of the Prompt Payment of Accounts Act 1997 and the European Communities (Late Payment in Commercial Transactions) Regulations 2002. It is the Department’s policy to settle all invoices promptly with due regard to contractual terms where applicable, good financial management practices and the provisions of the Act and Regulations.

### **Army Barracks.**

488. **Deputy Tom Hayes** asked the Minister for Defence his plans for the future of Kickham Barracks in Clonmel, County Tipperary. [17385/08]

**Minister for Defence (Deputy Willie O’Dea):** Kickham Barracks is used on a full time basis by the Permanent Defence Forces and is the Head Quarters for 1 Southern Brigade, Reserve Defence Force. The Barracks is currently required by the Defence Forces. However, my Department’s property portfolio is kept under on-going review. Properties deemed surplus to military requirements are disposed of and the funds invested to meet the equipment and infrastructure needs of the Defence Forces.

### **Budget Submissions.**

489. **Deputy Fergus O’Dowd** asked the Minister for Defence the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter [17560/08]

**Minister for Defence (Deputy Willie O’Dea):** Since 2000, apart from routine meetings in relation to the Estimates for my Department, no pre-budget meetings were held between my Department and the Department of Finance and the Department of An Taoiseach.

### **Departmental Expenditure.**

490. **Deputy Damien English** asked the Minister for Defence the cost to his Department of implementing the payroll system within his Department and within bodies under his Department’s aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17712/08]

**Minister for Defence (Deputy Willie O’Dea):** In 2004, my Department implemented a new payroll system for the payment of Reserve Defence Force (RDF) personnel at a cost of almost €51,000. There have been no other new payroll implementations during the years in question.

The costs of maintaining, developing and upgrading all Departmental payroll systems (including hardware costs) during the years in question are given in the following table:

Year	Cost (rounded to nearest €000)
2008 (to 30 April)	217,000
2007	46,000
2006	133,000
2005	93,000
2004	133,000

These payroll systems comprehend my Department's civil service staff, the staff of the Civil Defence Board, civilian employees, military personnel and military pensioners.

Coiste an Asgard incurred payroll-related costs of approximately €300 in each of the years in question.

### **Military Medical Services.**

491. **Deputy Bernard Allen** asked the Minister for Defence if his Department has implemented a patients charter for the Defence Forces which would identify the rights of military personnel in receiving medical services. [17823/08]

**Minister for Defence (Deputy Willie O'Dea):** Military medical services and facilities exist to maintain the health of the Defence Forces and to support them in operational and overseas activities. The focus of the military medical service is on primary care, occupational medicine, acute trauma management, preventative medical programmes and field medical training.

The challenges in the medical arena have been recognised for some time and a review of the provision of medical services, in association with the Representative Associations, is ongoing as part of the Modernisation Agenda for the Defence Forces. The scope of the review includes the level of service to be provided to members of the Defence Forces and the resources required for the delivery of that service.

The review has already produced a Patients Charter. The agreement on the Patients Charter identifies the rights of members of the Defence Forces as patients and their obligations as users of the Defence Forces medical services. It also identifies the obligations on the providers of the services.

The implementation of the Patients Charter is underway. The Military Authorities have advised that the Patients Charter has been published on the Medical Corps section of the Defence Forces Intranet site. In addition copies have been circulated, for display, to all of the Medical Aid Posts and clinics. The Brigade Medical Officers have been directed to implement its provisions.

However, the full implementation of the Charter is clearly dependent on the resolution of the structural, resource and other challenges facing the Medical Corps. The challenges we face with medical services in the Defence Forces go beyond the provision of the Patients Charter. It is one item on the Medical Review agenda.

In view of the complexity of the challenge to resolve the structural, resource and other issues facing the Medical Corps, I have decided to engage consultants to make recommendations on the best means of meeting the medical requirements of the Defence Forces. The consultancy will deal with all relevant issues affecting the sustainable provision of the relevant medical expertise and services to the Defence Forces.

The closing date for receipt of tenders for the provision of consultancy services was the 18 April 2008. Tender documents are currently being evaluated.

The development of the capacity of the Medical Corps forms part of the agreed programme for Government. I am committed to providing a sustainable medical service to meet the needs of the Defence Forces both at home and abroad.

### **Decentralisation Programme.**

492. **Deputy Richard Bruton** asked the Minister for Defence the costs incurred to date for

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decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18113/08]

**Minister for Defence (Deputy Willie O’Dea):** The Government decision on decentralisation in December 2003, provides for the transfer of all my Department’s Dublin based Civil Service staff to Newbridge, Co. Kildare. The construction of the Department’s new headquarters is not expected to be completed until the second half of 2009.

The Government decision also provides for the transfer of Defence Forces Headquarters staff to the Curragh, Co. Kildare.

No costs have been incurred to date by my Department under the Government’s decentralisation programme.

### **Proposed Legislation.**

493. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the date on which legislation governing the establishment of the National Property Services Regulatory Authority will be published; the extent to which the NPSRA will be able to enforce standards and instigate and subsequently adjudicate on complaints; and if he will make a statement on the matter. [17596/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Government Legislative Programme published on 1 April 2008 provides for publication of the Property Services Regulatory Authority Bill during the current Dail session. It will provide for the establishment on a statutory basis of the Property Services Regulatory Authority,

The primary task of the Authority will be to maintain and improve standards in the property services sector by means of a streamlined licensing regime and a new system for investigating and adjudicating on complaints against property service providers. The Authority will have powers to investigate such providers in response to specific complaints submitted by consumers or on its own initiative. The Authority will have a range of penalties at its disposal which will enable it to respond effectively to any infringements of standards.

### **Registration of Title.**

494. **Deputy Seán Ó Fearghail** asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied) in relation to the registration of property; if a deed of rectification or otherwise as may be required will be issued in order to facilitate the transfer of the property; and if he will make a statement on the matter. [17683/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Property Registration Authority that the parties concerned have been in regular contact with the Authority and that an investigation of this matter has been ongoing for several weeks. I understand that a definitive resolution of the matter, which involves records of considerable age, cannot be arrived at until all relevant documents have been inspected. I am further informed that if a deed of rectification is required it will be for the parties concerned to prepare any such deed.

### **Visa Applications.**

495. **Deputy Rory O’Hanlon** asked the Minister for Justice, Equality and Law Reform if there are proposals between the British and Irish Governments to allow tourists visit either country on a single visa; and if he will make a statement on the matter. [17762/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Tourist visas are only a subset of Short Stay visas which cover intended stays of 90 days or less in Ireland; there are many other types of Short Stay visa such as business travel, visit to family member, conferences, examinations, intra-company transfers, sports and cultural events, etc. It is also the case that visas are the first line of defence in the field of immigration control. In common with most states, Ireland and Great Britain have their own, respective social, economic and security priorities and immigration policies and, as such, each issues its own visas on a worldwide basis.

While there is a high level of co-operation between Great Britain and Ireland in the immigration and visa areas in the context of the Common Travel Area, there are currently no plans in place to allow travel to both Great Britain and Ireland on a single visa.

#### **Liquor Licensing Laws.**

496. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if his new provisions on intoxicating liqueur public order have considered imposing a condition whereby alcohol can not be sold in premises which are operating on the basis of a planning application for retention of an unapproved use. [17142/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Government Legislation Programme provides for publication of a comprehensive Sale of Alcohol Bill later this year which will modernise and streamline all the laws relating to the sale and consumption of alcohol by repealing the Licensing Acts 1833 to 2004, as well as the Registration of Clubs Acts 1904 to 2004, and replacing them with updated and streamlined provisions.

It is intended that this legislation will clarify matters relating to the relationship between licensing law and the planning and development code. For example, the Bill will provide that a certificate entitling the applicant to obtain a liquor licence shall not be granted by the Court unless it is satisfied that appropriate planning permission for the premises concerned has been obtained and that any conditions attached to such permission have been complied with.

#### **Garda Operations.**

497. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the cumulative cost of the policing operations at Rosspport from September 2006 to date in 2008. [17154/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the cumulative cost of the policing operation at Rosspport from September 2006 to 30th April, 2008, including salary costs, amounts to €8.9m.

#### **Garda Vetting Services.**

498. **Deputy Paul Connaughton** asked the Minister for Justice, Equality and Law Reform when Garda clearance will issue in respect of a person (details supplied) in Dublin 4; if his attention has been drawn to the fact that the applicant needs to get Garda clearance for a job; and if he will make a statement on the matter. [17165/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Central Vetting Unit (GCVU) makes criminal history vetting disclosures to registered organisations in respect of prospective employees, volunteers and students on placement who would have substantive, unsupervised access to children and vulnerable adults.

[Deputy Dermot Ahern.]

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 24 April, 2008, and that it will be processed within normal processing procedures.

#### **Firearms Licences.**

499. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform the criteria required to receive favourable consideration in respect of a gun dealing licence application; and if he will make a statement on the matter. [17166/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that a person who wishes to become a firearms dealer should first obtain an application form (form 7) which is available on my Department's website. The completed form should be lodged with the Sergeant of the Garda sub-district where the applicant resides and the Gardaí will then prepare a suitability report on the character of the applicant and a crime prevention report on the proposed business location.

Section 9 (3) of the Firearms Act, 1925 provides for the registration of a person as a firearms dealer. The section provides, inter alia, that the Minister shall have regard to the character of the applicant, and generally to the public safety and preservation of the peace when considering such applications.

#### **Asylum Applications.**

500. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the reason the application for political asylum made on 3 December 2001 by a person (details supplied) has not been decided; when it will be decided; and if he will make a statement on the matter. [17173/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned arrived in the State on 2 December 2001 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 8 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 making representations to the Minister setting out the reasons why she 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.

#### **Work Permits.**

501. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he has conducted an assessment of the impact on the international image of Ireland as a destination for international students, in view of his proposals to require non-EEA students to send their children to private schools and to obtain work permits if they want to work while studying here. [17182/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy may be aware, certain aspects of student migration from outside the EEA have given rise to concern in recent years.

It has been apparent for some time that a significant proportion of non-EEA students are in reality economic migrants who enroll in a course purely for the purpose of gaining entry to the State and accessing the labour market. There is evidence that some students may be subject to exploitation in the workplace. It is also believed that the concession available to students to work 20 hours per week during term time and 40 hours per week outside of that is being abused. Having regard to these factors, the Social Partners agreed under Towards 2016, “that the employment of non-EEA students is subject to an application for employment permits”. The Department of Enterprise, Trade & Employment is currently developing a proposed Student Permits Scheme to give effect to this commitment.

A non-EEA adult student in the State is required to be economically self-sufficient. This requirement is clearly not being met in circumstances where the student is having their dependant child educated at the taxpayer’s expense. Indeed it would be an untenable proposition that a non-EEA national should be entitled, merely by dint of enrolling in one of the myriad of courses on offer, to obtain a state-funded education for their children. An exception was made in the case of fee paying schools where, even though there is State funding, the parents also make a contribution to the costs of their child’s education. However, this concession is under review at present.

My Department has been carrying out a review of student immigration generally. The purpose of the review is twofold. Firstly, it is clear that reform is needed in this area and the review will address the abuses in the system. Secondly, it will draw up proposals for a more coherent approach to student migration consistent with Ireland’s general immigration policy and with the Government’s other policy objectives. The review will be completed in the near future and its recommendations will be discussed at that time with other relevant Government Departments.

Ireland’s image abroad is obviously something of which we must all be cognisant. That image is best served by Ireland offering a well regulated system of student migration that is aimed at attracting genuine students to bona fide educational courses.

### **Residency Permits.**

502. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the status of the application for residency for a person (details supplied) in County Wexford; when a decision will be made; and if he will make a statement on the matter. [17255/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Long-term residency is an administrative scheme that was introduced in May 2004 and is focused on persons who have been legally resident in the State for over five years on the basis of work permit / work authorisation / work visa conditions. Such persons 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 in October 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.

### **Garda Stations.**

503. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform when the Garda station (details supplied) in County Clare will be re-opened; and if he will make a statement on the matter. [17264/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the Garda station to which the Deputy refers is operational and has not been closed. I am further informed that refurbishment of the station is being advanced.

### **Decentralisation Programme.**

504. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform if, in view of a matter (details supplied) he will respond in full and confirm affirmatively or in the negative whether any such agreement was entered into by his Department; and if he will make a statement on the matter. [17266/08]

544. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform if, in view of the matter (details supplied) he will confirm affirmatively or in the negative whether any such agreement was entered into by his Department; and if he will make a statement on the matter. [17879/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 504 and 544 together.

I am fully supportive of Government policy in relation to decentralisation and of the mechanisms promulgated by the Department of Finance (following consultation with representative bodies) which are in place to give effect to it.

As my predecessor has indicated previously, the filling of sanctioned vacancies is handled at official level. I am informed that the Department of Finance has advised Offices and Departments, including my own, that they can have discussions with persons interested in bilateral transfer to ensure that they understand fully the nature of the any post and that there is a shared understanding of the expectations of the job. However my Department's approval was not required for the approach that was taken in the case to which the Deputy refers. This was entirely a matter between the Ombudsman Commission and the Department of Finance, which is the Department responsible for the management of the Dublin Arrangements.

My understanding is that Garda Síochána Ombudsman has postponed the filling of the post in question for the present consequent on an ongoing staffing review related to the long term needs and structures of the office.

### **Jury Service.**

505. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform his views on whether the age limit applied to jury service which disbars those over the age of 70 from serving is ageist; if he has plans to change it; and if he will make a statement on the matter. [17267/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Questions Nos. 14 and 607 taken together on 17 April 2008.

### **Visa Applications.**

506. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform

if his attention has been drawn to the application by a person (details supplied) for a stamp four visa; the status of the application; and when a decision is expected. [17274/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Immigration Division of my Department that they have recently been in contact with the person referred to by the Deputy in relation to his immigration status. Further documentation has been requested from the person concerned in order to facilitate the Immigration Division in examining his case.

### **Citizenship Applications.**

507. **Deputy Paul Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation by a person (details supplied) in County Galway; and if he will make a statement on the matter. [17284/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the Citizenship Section of my Department in January 2008.

The application has not been examined in detail. Examination of the residency requirement will take place in the near future and the applicant will be contacted at that time informing her when her application will be further examined or, of any shortfall in her residency.

### **Sexual Offences.**

508. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of persons who have been prosecuted or convicted of an offence under section 12 of the Sexual Offenders Act 2001; and if he will make a statement on the matter. [17288/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Following the submission 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. The CSO has published crime statistics since the third quarter of 2006. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

### **Public Order Offences.**

509. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the steps he will take to ensure that sections 4 and 5 of the Criminal Justice (Public Order) Act 1994 are fully implemented without further delay; and if he will make a statement on the matter. [17289/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Criminal Justice (Public Order) Act 1994, including sections 4 and 5, came into operation one month after its passing on 3 March, 1994. I presume the Deputy is referring to section 184 of the Criminal Justice Act 2006, which amends the Criminal Justice (Public Order) Act 1994 to provide for a fixed penalty procedure in relation to the public order offences of intoxication in a public place (section 4) and disorderly conduct in a public place (section 5) as an alternative to proceedings being taken in the first instance.

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I am informed by the Garda authorities that work on the necessary arrangements for the introduction of these provisions is under way with a view to their introduction as soon as possible this year.

### **Residency Permits.**

510. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the policy of his Department in respect of the recognition of same sex couples who have entered a civil partnership in Northern Ireland, where one member of the couple is a non EEA citizen; if such a relationship will be accepted for immigration purposes; if there are guidelines covering this matter; and if he will report on the time-scale involved in his Department considering such applications. [17306/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** A non-EEA national who is the partner (including same sex partner) of an Irish citizen may seek permission to remain in the State based on such a relationship and each case will be considered by the Irish Naturalisation and Immigration Service on the particular circumstances of the case.

The circumstances that would support such a request would be where the partners have been in a relationship for at least 4 years (i.e. evidence of a durable relationship); the immigration record of the non-EEA national; if the persons appear to have a genuine intention of residing together in the State; if the persons have an income in the State which would support them; if there is no evidence to suggest that the request for permission to remain is being used as a way of circumventing other immigration procedures. Evidence of a civil partnership or marriage entered into in another jurisdiction, including Northern Ireland, would not of itself determine the application but could contribute to proof of a durable relationship. The length of time to process the case will depend on the circumstances presented and the form of status sought.

Permission to enter and reside in the State as the partner (including same sex partner) of an EU citizen who is exercising free movement rights is covered by the European Communities (Free Movement of Persons) (No.2) Regulations 2006 (S.I. No. 656 of 2006). Those regulations transposed the European Directive (2004/38/EC) on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The Regulations include as a “permitted family member” a person who is “the partner with whom the Union citizen has a durable relationship, duly attested.” Such cases must be dealt with within 6 months of application.

### **Garda Deployment.**

511. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of recruits that have graduated from Templemore training college in the past 24 months; the number of conferring ceremonies that have taken place on each occasion that a class qualified; the stations they have been allocated to on a county basis; and if he will make a statement on the matter. [17353/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda Commissioner that the number of Probationer Gardaí that have graduated from the Garda College during the years 2006, 2007 and to-date in 2008 are as set out in the following table, broken down by Garda Division.

On attestation, Probationer Gardaí are allocated to Garda Stations throughout the 25 operational Garda Divisions. Following graduation at the Garda College, Probationer Gardaí return to their allocated Garda Stations. A detailed breakdown of allocation by station could only be obtained by a disproportionate expenditure of Garda time and resources.

Division	2006	2007	2008 (to date)
Carlow/Kildare	8	35	13
Cavan/Monaghan	17	35	21
Clare	16	34	23
Cork City	10	42	12
Cork North	9	22	12
Cork West	4	25	8
DMR East	51	75	25
DMR N.C.	48	77	58
DMR North	47	73	39
DMR S.C.	50	87	45
DMR South	50	71	33
DMR West	59	67	32
Donegal	19	34	14
Galway West	7	30	10
Kerry	9	25	7
Laois/Offaly	3	23	11
Limerick	15	38	16
Longford/Westmeath	5	26	15
Louth/Meath	31	50	27
Mayo	4	22	13
Roscommon/Galway East	1	16	5
Sligo/Leitrim	5	25	6
Tipperary	12	30	14
Waterford/Kilkenny	10	37	17
Wicklow/Wexford	14	39	24
	504	1,038	500

In addition to the above the following Probationer Reserve Gardaí have also graduated from the Garda College during the years 2006, 2007 and to-date in 2008:

Division	2006	2007	2008 (to date)
Carlow/Kildare		6	2
Cavan/Monaghan		3	
Clare		1	2
Cork City	7	11	7
Cork North		5	1
Cork West			1
DMR East		4	2
DMR N.C.	11	12	
DMR North		18	5
DMR S.C.	13	25	
DMR South		10	5
DMR West		20	9
Donegal		1	3
Galway West	4	9	3
Kerry			1

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Division	2006	2007	2008 (to date)
Laois/Offaly			3
Limerick		14	1
Longford/Westmeath		3	3
Louth/Meath		8	3
Mayo		8	
Roscommon/Galway East			1
Sligo/Leitrim	1	6	1
Tipperary		4	2
Waterford/Kilkenny		13	2
Wicklow/Wexford		6	1
	36	187	58

With regard to the Conferring Ceremonies, a Conferring Ceremony of the B.A. (Ordinary) Degree in Police Studies is conducted at the Garda College each year. The Ceremony normally takes place during the month of September. All Probationer Gardaí who have completed their two year education/training and development programme are invited to attend the ceremony.

The number of Probationer Gardaí awarded the B.A (Ordinary) Degree in Police Studies in 2006 and 2007 was as set out in the following table:

Year	Conferred
2006	546
2007	802

### Departmental Expenditure.

512. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17381/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information required by the Deputy is set out in the following table. It refers to the Department and the other organisations in the Justice Sector Vote group. The figures are based on the average number of working days from the date of receipt of the invoice to the date of payment.

	Department of Justice, Equality and Law Reform	An Garda Síochána	Irish Prison Service	Courts Service	Property Registration Authority
2004	15	16	11	21	*
2005	14	17	13	22	10
2006	18	17	15	23	9
2007	16	18	14	20	10
2008 (to date)	16	21	16	25	11

\*Invoice payments for the Property Registration Authority did not commence from the current Financial Management System until 2005.

### Visa Applications.

513. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when a stamp four visa will issue in the case of a person (details supplied) in Dublin 4; and if he will make a statement on the matter. [17449/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** 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.

### Residency Permits.

514. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 395 of 8 April 2008, when a decision will be made in view of the fact that such applications are taking 24 months to process and the application was made in April 2006; and if he will make a statement on the matter. [17439/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my previous answers to Parliamentary Question Nos: 188 put down for answer on 13th March 2008 and 395 put down for answer on 8th April 2008. I am informed by the Immigration Division of my Department that the wife of the person referred to by the Deputy was admitted to the State in November 2004 as a programme refugee. The person in question is the subject of a Family Reunification application made by his wife in April 2006. This application will be considered by my Department and a decision will issue in due course.

### Budget Submissions.

515. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of An Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter. [17567/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is a normal part of the annual Estimates process for meetings to take place at official and Ministerial level between my Department and the Department of Finance. The Estimates process by its nature evolves during negotiation over the entirety of the campaign. As such budgetary allocations change at very short notice. Therefore, the formal recording of minutes would not normally arise as they would be of limited or no value. The meetings in question are attended by senior officials of my Department who act in accordance with Ministerial directions with the Minister normally agreeing the final allocations at the latter part of the Estimates process. There is no question of officials being directed not to keep minutes or records of these meetings.

### Visa Applications.

516. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform his views on the application of a person (details supplied) in County Cork for a permanent visa. [17582/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am advised by the Immigration Division of my Department that the person referred to by the Deputy has not

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made any application for residence in the State on the basis of her marriage to an Irish national. The person in question can be advised to make her application to the Marriage to Irish National Section, INIS, 4th Floor, 13-14 Burgh Quay, Dublin 2. Applications in this category can take twelve months to process depending on the complexities of individual applications and on the volume on hands. The Deputy should note that there is no automatic constitutional or statutory right of residence in the State on the basis of marriage to an Irish national.

### **Garda Deployment.**

517. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform if he has plans, both enforcement and funding, under the Intoxicating Liquor Public Order Bill 2008 to specifically deal with the extra resources required to police late night discos at locations that experience a significant increase in population during summer months; and if he will make a statement on the matter. [17593/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** One of the policing priorities set out under the Garda Síochána Acts 2005 to 2007 is to combat, 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 available legal mechanisms, including behaviour warnings and closure orders.

I am informed by the Garda authorities that work on the necessary arrangements for the introduction of Section 184 of the Criminal Justice Act 2006, which amends the Criminal Justice (Public Order) Act 1994 to provide for a fixed penalty procedure in relation to the public order offences of intoxication in a public place (section 4) and disorderly conduct in a public place (section 5) as an alternative to proceedings being taken in the first instance, are under way and that it is expected that these arrangements will be introduced in the coming months.

I am further informed that Operation Encounter, which was introduced in 2002, continues 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 1996 and the Intoxicating Liquor Act 1988, which include the sale to and consumption of alcohol by underage persons.

In the General Scheme of the Intoxicating Liquor Bill 2008 which was recently published, there is a proposal to empower the Garda Síochána to seize alcohol where it is in the possession of people under the age of 18 in public places. It is also intended to provide the power to members of An Garda Síochána to seize alcohol and to move persons on where the Garda is of the opinion that consumption of that alcohol, by persons of any age, will lead to a public order offence or a breach of the public peace. The level of all fines in the Criminal justice (Public Order) Act 1994 will also be revised upwards.

The accelerated intake of 1,100 Garda recruits per annum is continuing and 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.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking all relevant factors into account. The situation is constantly kept under review and the allocation of Gardai throughout the country is carefully monitored by him in light of the overall policing requirements.

### **Garda Stations.**

518. **Deputy Shane McEntee** asked the Minister for Justice, Equality and Law Reform the

number of Garda stations in County Meath that have access to broadband; the number that do not have access to the service; and if he will make a statement on the matter. [17601/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Broadband services are used to deliver PULSE and other services to all Garda stations covering the Meath area except the following which do not have network connectivity:

- Crossakiel
- Nobber
- Summerhill
- Longwood
- Kilmessan

#### **Garda Vetting Services.**

519. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position of an application for Garda clearance for a person (details supplied) seeking to enter the security business; and if he will make a statement on the matter. [17598/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** With the information available, it has not been possible for the Garda Central Vetting Unit to identify the person in question and therefore to locate the application. However, if the Deputy will provide the necessary additional information, I will be in separate contact with a substantive response as soon as possible.

#### **Garda Investigations.**

520. **Deputy Charlie O'Connor** asked the Minister for Justice, Equality and Law Reform his contacts with the authorities in Northern Ireland regarding the murder of a person (details supplied) in October 2007; if his attention has been drawn to the particular interest in this case; and if he will make a statement on the matter. [17607/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am very conscious of the particular concerns which this killing has caused. I have made my views on it known already.

However, the Deputy will appreciate that responsibility for the investigation of crime rests with the Garda Síochána. The investigation into this particular killing is very much ongoing and active. An Garda Síochána is leading this investigation with assistance from the PSNI, and the Senior Investigation Officer is liaising with his counterpart in the PSNI on a frequent basis.

I understand that the previous Minister for Justice, Equality and Law Reform has discussed this case with Secretary of State Shaun Woodward and NIO Security Minister Paul Goggins in the context of ongoing contact on matters of criminal justice co-operation.

I have also met with the parents of the deceased young man in my previous role as Minister for Foreign Affairs, as did the Taoiseach and the previous Minister for Justice, Equality and Law Reform. We conveyed to them the sympathy of the Government on their terrible loss and our determination to see justice done in this matter.

#### **Garda Stations.**

521. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the Garda stations that have been closed in County Mayo from 2000 to date in 2008 and the year

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each was closed; the Garda stations in County Mayo that are deemed part time and the hours they are open; the full time Garda stations in County Mayo; and if he will make a statement on the matter. [17638/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** No Garda Stations in County Mayo have been closed in the period referred to by the Deputy. In accordance with the provisions of the Garda Síochána Acts 2005 to 2007, decisions on opening or closing Garda stations are a matter in the first instance for the Garda Commissioner to take in the context of the Annual Policing Plan.

The opening hours of Garda Stations in the Mayo Division 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. The opening hours of all Garda Stations in Mayo are as listed in the following table.

	24 hour Y/N	Monday to Friday	Saturday	Sunday
<i>Mayo</i>				
<i>District: Castlebar</i>				
Castlebar	Yes			
Ballyvary	No	10am-12md, 7pm-9pm	10am-12md,	Closed
Ballyglass	No	10am-12md, 7pm-9pm	10am-12md,7pm-8pm	Closed
Balla	No	10am-12md, 7pm-9pm	10am-12md,7pm-8pm	Closed
Partry	No	10am-12md, 7pm-9pm	10am-12md,7pm-8pm	Closed
Glenisland	No	10am-12md, 7pm-9pm	10am-12md,7pm-8pm	Closed
Tourmakeady	No	10am-12md, 7pm-9pm	10am-12md,7pm-8pm	Closed
<i>District: Ballina</i>				
Ballina	Yes			
Killala	No	10am-1pm	10am-1pm	Closed
Ballycastle	No	10am-1pm	10am-1pm	Closed
Bonnicconlon	No	10am-1pm	10am-1pm	Closed
Crossmolina	No	10am-1pm	10am-1pm	Closed
Lahardane	No	10am-1pm	10am-1pm	Closed
Enniscrone	No	10am-1pm	10am-1pm	Closed
Easkey	No	10am-1pm	10am-1pm	Closed
<i>District: Belmullet</i>				
Belmullet	Yes			
Blacksod	No	10am-1pm	10am-1pm	12pm-2pm
Bellacorrick	No	10am-1pm	10am-1pm	12pm-2pm
Bangor Erris	No	10am-1pm	10am-1pm	10am-12md
Ballycroy	No	10am-1pm	10am-1pm	12pm-2pm
Glenamoy	No	10am-1pm	10am-1pm	12pm-2pm
<i>District: Claremorris</i>				
Claremorris	Yes			
Kilmaine	No	2.30pm-3.30pm	2.30pm-3.30pm	Closed
Ballindine	No	11am-12md	11am-12md	Closed
Knock	No	10am-1pm	10am-1pm	Closed

	24 hour Y/N	Monday to Friday	Saturday	Sunday
Ballinrobe	No	11am-1pm, 8pm-9pm	11am-1pm,	12pm-1pm
Cong	No	11am-12md	11am-12md	Closed
Shrule	No	4pm-5pm	4pm-5pm	Closed
Hollymount	No	4pm-5pm	4pm-5pm	Closed
<i>District: Swinford</i>				
Swinford	Yes			
Kiltimagh	No	10am-1pm	10am-1pm	10am-1pm
Charlestown	No	10am-12md	10am-12md	10am-12md
Kilkelly	No	10am-12md	10am-12md	10am-12md
Ballyhaunis	No	10am-12md	10am-12md	10am-12md
Foxford	No	10am-12md	10am-12md	10am-12md
<i>District: Westport</i>				
Westport	Yes			
Newport	No	10am-1pm	10am-1pm	10am-1pm
Achill Sound	No	10am-1pm	10am-1pm	10am-1pm
Mulranny	No	10am-1pm	10am-1pm	10am-1pm
Louisburgh	No	10am-1pm	10am-1pm	10am-1pm
Keel	No	10am-1pm	10am-1pm	10am-1pm
Ballyhaunis	No	10am-12md	10am-12md	10am-12md
Foxford	No	10am-12md	10am-12md	10am-12md
<i>District: Westport</i>				
Westport	Yes			
Newport	No	10am-1pm	10am-1pm	10am-1pm
Achill Sound	No	10am-1pm	10am-1pm	10am-1pm
Mulranny	No	10am-1pm	10am-1pm	10am-1pm
Louisburgh	No	10am-1pm	10am-1pm	10am-1pm
Keel	No	10am-1pm	10am-1pm	10am-1pm

522. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the number of Garda stations in west Cork that are opened on a 24 hour basis; and if he will make a statement on the matter. [17642/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Garda Stations in the Cork West Garda Division that are opened on a 24-hour basis as at the 2nd May 2008 was as set out hereunder.

*Stations*

Bandon

Bantry

Clonakilty

Kanturk

Macroom

### **Prisoner Releases.**

523. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 167 of 30 April 2008, the reason for rejecting the applications under the Good Friday Agreement in each case; if, in each case, it was the advice of the Commission to him to reject these applications; and the relevant provision of the Good Friday Agreement which the prisoners failed to satisfy in each case. [17682/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The procedures for the early release of certain prisoners are set out in the Criminal Justice (Release of Prisoners) Act 1998. Under Section 3(2) of the Act, the Minister for Justice, Equality and Law Reform can specify a prisoner as a qualifying prisoner and request the Release of Prisoners Commission to give advice as to their release.

The Minister did not specify the prisoners in question as qualifying and therefore did not request the advice of the Commission in relation to their release.

The Courts have indicated that the Minister has considerable executive discretion in deciding whether a person is a qualifying prisoner and that the Criminal Justice (Release of Prisoners) Act, 1998 does not limit the Minister's powers in relation to release.

### **Departmental Expenditure.**

524. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the cost to his Department of implementing the pay roll system within his Department and within bodies under his Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17719/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** There was no new payroll system implementation for the years in question. The current payroll system was implemented prior to 2004 and the annual external support costs are in the region of €105,000.

### **Citizenship Applications.**

525. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation will be decided on for a person (details supplied) in County Meath; and if he will make a statement on the matter. [17685/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** 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 April 2008.

I have been advised by officials in that Section that there were errors on the original application form and it was returned to the person in question on 15 April 2008 for amendment. The resubmitted application was not correct and was returned to the person in question for further amendment on 30 April 2008.

526. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation will be decided on for a person (details supplied) in County Meath; and if he will make a statement on the matter. [17686/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** 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 April 2008.

I have been advised by officials in that Section that there was an error on the original application form and it was returned to the person in question on 15 April 2008 so that it could be amended. An amended application was received by my Department on 2 May 2008.

The application has not been examined in detail. Examination of the residency requirement will take place in the near future and the applicant will be contacted at that time informing her when her application will be further examined or, of any shortfall in her residency.

527. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation will be decided on for a person (details supplied) in County Meath; and if he will make a statement on the matter. [17687/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the Citizenship Section of my Department in March 2008.

The application has not been examined in detail. Examination of the residency requirement will take place in the near future and the applicant will be contacted at that time informing her when her application will be further examined or, of any shortfall in her residency.

#### **Residency Permits.**

528. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform when an application for family reunification will be decided on for a person (details supplied); and if he will make a statement on the matter. [17689/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Immigration Division of my Department that the person in question is the subject of a Family Reunification/Permission to Remain application made in August 2006.

The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to my Department. This application will be considered by my Department and a decision will issue in due course. At the present time Family Reunification applications are taking up to 24 months to process.

#### **Garda Equipment.**

529. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform his views on making funding provision for speed detection equipment for An Garda Síochána in the catchment area of Delvin/Clonmellon, County Westmeath; and if he will make a statement on the matter. [17692/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The detailed allocation of resources, including the allocation of personnel and speed detection equipment, is a matter for the Garda Commissioner to decide in accordance with his identified operational requirements.

Along with the expansion in the numbers of the Traffic Corps, there has been a significant increase in the financial resources provided for road traffic equipment which will enable a number of projects to proceed, including the replacement and upgrading of the current mobile speed detection equipment.

#### **Firearms Legislation.**

530. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the

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legal position for minors using airguns for sports shooting; if he will bring in legislation to secure their position in using airguns for sports shooting; and if he will make a statement on the matter. [17746/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am in correspondence with the Office of the Attorney General on this issue. I will write to the Deputy on the matter in the near future.

#### **Consumer Protection.**

531. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the anticipated benefits for house purchasers arising from the application of consumer protection law to real property transactions, as a result of the Consumer Protection Act 2007; if, in particular, a reduction in conveyancing costs for intending purchasers is anticipated; and if he will make a statement on the matter. [17754/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The position is that matters relating to consumer protection, including the impact of provisions of the Consumer Protection Act 2007, fall primarily within the policy area of the Minister for Enterprise, Trade and Employment.

#### **Garda Security Escorts.**

532. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of Garda hours used for prison escort services in the Limerick division in 2007 and in January to April 2008; and if he will make a statement on the matter. [17771/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda Commissioner that the number of Garda hours used for prison escort services in the Limerick Division in 2007 and in the period January to April 2008 is as outlined in the following table.

Year	Hours
2007	13,427
January to April 2008	5,245

#### **Prison Education Service.**

533. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform if the request of a person (details supplied) in County Kildare will be considered in relation to the educational needs of their son; and if he will make a statement on the matter. [17774/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person referred to by the Deputy is serving a two and a half year prison sentence for burglary and was transferred to the open centre at Shelton Abbey on 28 April 2008. In common with all other prisoners detained there he has access to a wide range of educational opportunities.

#### **Youth Services.**

534. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the grants administered or funded by his Department in the area of youth diversionary prog-

rammes in the Dublin 8 area; and the level of funding including capital and staffing grants to the various projects in 2007. [17785/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** My Department currently funds, through the Irish Youth Justice Service, two Garda Youth Diversion Projects (GYDP) in the Dublin 8 area. These are the DAN GYDP and the YIS GYDP. In 2007, these Garda Youth Diversion Projects received funding of €94,162 and €51,400 respectively. GYDP funding covers staff, operational and programme costs; capital grants are not a feature of GYDP funding.

The Garda Youth Diversion Programme was placed on a statutory basis under the Children Act 2001, as amended. This programme operates under the general superintendence and control of the Garda Commissioner. The Deputy will be aware that it is the responsibility of the Garda Commissioner to decide on the prioritisation and allocation of resources within the force. However I can confirm that my Department provides funding, via the Irish Youth Justice Service, to support the system of restorative cautioning under the Diversion Programme. In 2007, funding to the amount of €150,000 was provided by my Department to fund Garda Restorative Justice Conferences across the country.

#### **Asylum Applications.**

535. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [17812/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

While it is not the practice to comment in detail on individual asylum applications, I would point out to the Deputy that delays in finalising cases can occur for a variety of reasons, including giving applicants and appellants the fullest opportunity possible to present their cases and the determination of Judicial Review proceedings, where appellants pursue such a course of action. Where the latter is relevant, the time taken to discharge any proceedings is a matter for the Courts and is not something that I, as Minister, can comment on. It is, of course, open to the applicant or the appellant to withdraw any Judicial Review proceedings which they may have instigated and this would allow for their appeal to be processed in the normal manner. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

#### **Garda Reserve.**

536. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda reserve serving in each Garda district as of 1 May 2008; and if he will make a statement on the matter. [17839/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The personnel strength of the Garda Reserve in each Garda District as at 30 April 2008 was as follows:

[Deputy Dermot Ahern.]

Region	Number
<i>DMR (Dublin Metropolitan Region)</i>	
<i>DMR South Central</i>	
Pearse St	19
Kevin St	8
Donnybrook	6
Total	33
<i>DMR North Central</i>	
Store St	9
Bridewell	6
Fitzgibbon St	6
Total	21
<i>DMR West</i>	
Clondalkin	5
Lucan	6
Blanchardstown	15
Total	26
<i>DMR North</i>	
Santry	4
Raheny	6
Coolock	7
Balbriggan	3
Total	20
<i>DMR South</i>	
Crumlin	3
Terenure	4
Tallaght	4
Total	11
<i>DMR East</i>	
Bray	3
Dun Laoghaire	3
Blackrock	4
Total	10
DMR Total	121
<i>Southern Region</i>	
Anglesea Street	12
Togher	3
Mayfield	3
Gurrabraher	4
Cork City Total	22

Region	Number
Midleton	4
Fermoy	1
Mallow	2
Cork North Total	7
Henry Street	10
Limerick Total	10
Tralee	2
Kerry Total	2
Southern Region Total	41
<i>South Eastern Region</i>	
Tipperary Town	2
Clonmel	3
Cahir	1
Thurles	1
Tipperary Total	7
Waterford	8
Tramore	2
Kilkenny	5
Waterford/Kilkenny Total	15
New Ross	1
Wexford	1
Wicklow	1
Gorey	2
Enniscorthy	1
Wexford Total	6
South Eastern Region Total	28
<i>Eastern Region</i>	
Kildare	1
Baltinglass	1
Naas	2
Carlow	4
Carlow/Kildare Total	8
Tullamore	2
Portlaoise	1
Laois/Offaly Total	3
Drogheda	4
Dundalk	4
Kells	1
Navan	1
Louth/Meath Total	10

[Deputy Dermot Ahern.]

Region	Number
Mullingar	5
Longford	1
Longford/Westmeath Total	6
Eastern Region Total	27
<i>Western Region</i>	
Ennis	6
Clare Total	6
Galway	16
Galway West Total	16
Castlebar	3
Westport	2
Ballina	3
Mayo Total	8
Roscommon	1
Roscommon/Galway E	1
Western Region Total	31
<i>Northern Region</i>	
Cavan Town	2
Monaghan Town	1
Cavan/Monaghan Total	3
Sligo	6
Sligo Total	6
Letterkenny	4
Donegal Total	4
Northern Region Total	13
Total Garda Reserves as at 30/4/08	261

### Prisoner Complaints Procedures.

537. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if sections 15 and 16 of the Prisons Act 2007 have been commenced; and if he will make a statement on the matter. [17840/08]

538. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if he has made an appointment under Section 16(3) of the Prisons Act 2007; and if he will make a statement on the matter. [17841/08]

539. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if appeals have taken place under section 16 of the Prisons Act 2007; and if he will make a statement on the matter. [17842/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 537 to 539, inclusive, together.

I wish to advise the Deputy that sections 15 and 16 of the Prisons Act, 2007 were commenced on the 1st of October 2007. These sections provide a mechanism whereby prisoners can make an appeal to an independent tribunal against a decision by the prison authorities to impose a disciplinary penalty involving a loss of remission for a breach of prison regulations.

Section 16(3) of the Act provides that the Minister may appoint practising barristers or solicitors of not less than seven years' standing to the Tribunal and, in that regard, the following six appointments have been made:

- Mr Richard Humphreys,
- Ms Teresa Lowe,
- Mr Nehru Pillay,
- Mr Michael Moloney,
- Mr Charles Corcoran and
- Mr Noel Devitt

A total of four appeals have been made by prisoners to date and arrangements are being made for hearings to be held in the coming weeks.

#### **Equal Opportunities Employment.**

540. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform his views on a query (details supplied). [17846/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Although not specific to graduates with a legal background, there are opportunities for temporary placements for graduates with disabilities across Government Departments. The “Willing, Able and Mentoring” project, WAM as it is known, is coordinated by the Department of Finance and over the last 2 years, 3 people have been placed with my Department under this programme.

WAM is administered by AHEAD — the Association of Higher Education Access and Disability — and they can be contacted at PO Box 30, East Hall, UCD, Carysfort Ave., Blackrock, Co. Dublin or by email at ahead@ahead.ie.

#### **Registration of Title.**

541. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a person (details supplied) in Dublin 9. [17847/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I would refer the Deputy to my reply to Question No. 386 on 22 April 2008.

#### **Garda Deployment.**

542. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform if under the proposed changes in policing due to commence in Wicklow in 2008, the current Garda division along county boundaries will involve the setting up of a separate Garda division for all of Wicklow, with its headquarters based in Bray (details supplied). [17857/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In accordance with the provisions of the Garda Síochána Acts 2005 to 2007 proposals, inter alia, to alter the boundaries of a divisional geographical area are a matter in the first instance for the Garda Commissioner in the context of the Annual Policing Plan. The 2008 Policing Plan contains the Commissioner's proposals to realign Garda boundaries in a number of areas around the country to make them coterminous with local authority boundaries. This includes the creation of a new Wicklow Division with its divisional headquarters located in Bray.

The planned changes will bring about greater efficiencies and effectiveness in facilitating the establishment and functioning of Joint Policing Committees. I am advised by the Garda authorities that a detailed programme of work is currently being developed by the Garda Síochána to implement the planned changes. This programme of work will also examine the geographical areas of district and sub-district stations, including the station referred to by the Deputy, arising from the boundary realignments and set out a timetable for the establishment of the new Division.

### **Garda Strength.**

543. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if, in conjunction with the Garda Síochána, his attention has been drawn to plans to increase the number of gardaí in a town (details supplied) in County Clare; and if he will make a statement on the matter. [17862/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda Commissioner that the personnel strength of Lahinch Garda Station on 31 March, 2008, the latest date for which figures are readily available, was 2. Lahinch Garda Station forms part of the Ennistymon Garda District and the personnel strength of Ennistymon Garda District as of the same date was 33. The Deputy will appreciate that, as with any large organisation, on any given day, personnel strengths of individual divisions, districts and 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 Lahinch Garda Station will be fully considered by the Commissioner within the overall context of the needs of Garda Stations throughout the country.

*Question No. 544 answered with Question No. 504.*

545. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the date, with regard to the proposed restructuring of the Wexford-Wicklow Garda division, from which the restructuring will be effective; the impact it will have on Garda numbers; the numbers of gardaí within the division; if this number will increase under the new structure; if so, the amount it will increase by; and if he will make a statement on the matter. [17883/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In accordance with the provisions of the Garda Síochána Acts 2005 to 2007 proposals, inter alia, to alter the boundaries of a divisional geographical area are a matter in the first instance for the Garda Commissioner in the context of the Annual Policing Plan. The 2008 Policing Plan contains the Commissioner's proposals to realign Garda boundaries in a number of areas around the country to make them coterminous with local authority boundaries. This includes the separation of the existing Wexford/Wicklow Division into two new Garda Divisions of Wexford and Wicklow.

I am advised by the Garda authorities that a detailed programme of work is currently being developed to implement these planned changes and includes plans for the distribution of personnel resources to the new Divisions. As of 31 March 2008, the personnel strength of the Wicklow/Wexford Division was 369. The planned changes will bring about greater efficiencies and effectiveness in facilitating the establishment and functioning of Joint Policing Committees.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account and the needs of the Wexford and Wicklow Divisions will be fully considered by him within the overall context of the needs of all Garda Divisions throughout the country.

### **Asylum Applications.**

546. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the position in relation to persons (details supplied) in County Roscommon. [17886/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on these applications will be made upon receipt of the decision of the Refugee Appeals Tribunal.

### **Citizenship Applications.**

547. **Deputy Thomas Byrne** asked the Minister for Justice, Equality and Law Reform the position regarding the application for citizenship of a person (details supplied) in County Meath. [17914/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** 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 February 2008. The application has not been examined in detail. Examination of the residency requirement will take place in the near future and the applicant will be contacted at that time informing her when her application will be further examined or, of any shortfall in her residency.

### **Decentralisation Programme.**

548. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18119/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Up until the end of 2007, the non-property costs, such as IT and training, incurred by my Department and its agencies, amounted to €1.4m. As the Deputy will be aware, all matters and expenditure in relation to the provision of office accommodation and other property solutions, required under the Government's decentralisation programme, are primarily the responsibility of the Office of Public Works.

### **EU Directives.**

549. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government if the EU Directive 1999 22 EC relating to the keeping of wild animals in zoos

[Deputy Paul Gogarty.]

has been transposed into Irish law; if not, if there are plans to do so; and if he will make a statement on the matter. [17541/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The European Communities (Licensing and Inspection of Zoos) Regulations, 2003 transposed into Irish law Council Directive 1999/22/EC relating to the keeping of wild animals in zoos, including aquaria and any significant collection of animals that is open to the public for seven days or more in a year. My Department has, to date, licensed nine zoos under the regulations.

#### **Housing Aid for the Elderly.**

550. **Deputy Jim O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the position in relation to the scheme of special housing aid for the elderly; and if funding has been provided for this scheme in 2008. [18018/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** An initial allocation of €13m for 2008 has been notified to the Health Service Executive by the Task Force who, under the aegis of my Department, administer the scheme of Special Housing Aid for the Elderly.

#### **Water Pollution.**

551. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the spread of lagarosiphon major in Lough Corrib, that 64 sites in Lough Corrib have an infestation of lagarosiphon major, and that if this should continue that the entire biodiversity of the lough would be altered and many of the fish would be wiped out; if he is prepared to implement a vigorous campaign based on the formation of a task force to have this weed eradicated before irreparable damage is done; and if he will make a statement on the matter. [17874/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Lagarosiphon major, also known as the curly-leaved pondweed, is a native of southern Africa. It has been widely sold for many years as an oxygenating plant for garden ponds and aquaria. However, it is now viewed as a major threat to Irish lakes and their associated wildlife since it became established in Lough Corrib in 2005.

A Lagarosiphon Task Force has been established to address the spread of the pondweed in the lake. The Task Force includes representatives of my Department’s National Parks and Wildlife Service, the Central Fisheries Board, the Western Regional Fisheries Board, the Office of Public Works and Galway County Council. Last year my Department provided funding to the Central Fisheries Board to purchase a weed cutting boat to be dedicated exclusively to removing Lagarosiphon major in the lake. I understand that the boat is now moored on the lake and will begin operations in the next few weeks. In this regard, I have provided additional funding of €200,000 this year to the Central Fisheries Board for work involving the removal and control of Lagarosiphon major in the lake.

#### **Local Authority Housing.**

552. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to provide sustainable financial support to improve the energy efficiency of existing public housing. [17932/08]

574. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government if he has carried out an audit of the number of local authority houses that do not have central heating; the estimated excess carbon tonnage produced as a result; his plans to provide central heating to all of these homes; and if he will make a statement on the matter. [17393/08]

575. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the estimate of the cost of installing central heating in all local authority homes; and if he will make a statement on the matter. [17394/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 552, 574 and 575 together.

Since 1994, my Department has required that central heating be provided in all new local authority dwellings and the associated costs are included in the overall cost of construction projects.

Under a specific programme introduced in 2004, my Department provides funding to local authorities towards the cost of installing central heating, and associated improvements in thermal insulation, in existing local authority housing. In the 2004 to 2007 period, funding of €94 million has been provided, resulting in some 19,600 local authority homes, or two thirds of the total number estimated to be in need of central heating, benefiting from this programme. An additional €26 million has been allocated to local authorities under the programme this year, which it is expected will result in works being carried out on more than 4,000 further homes.

The programme includes not just central heating installation but also makes provision for measures to improve the energy efficiency of the dwellings, including attic insulation to Building Regulations standards, draught-proofing to existing windows and external doors, and the lagging of exposed pipe-work and hot water cylinders. The type of heating system and associated improvements outlined above are a matter for determination by the relevant local authority, having regard to factors including the running costs, preference of the occupants, and the environmental benefits.

As the main intent of the programme is to replace solid fuel heating and to improve levels of thermal insulation, the overall impact of the programme will be to reduce the carbon tonnage produced.

#### **Land Sales.**

553. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 662 of 5 February 2008, the status of the sale; the reason for the further delay in the processing of same; and if he will make a statement on the matter. [17145/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understand that the Chief State Solicitor's Office is still awaiting a response from the vendor's solicitor to the queries referred to in the reply to Question No. 662 of 5 February 2008.

#### **Waste Management.**

554. **Deputy Olivia Mitchell** asked the Minister for the Environment, Heritage and Local Government if there are implications for Government waste management policy in respect of incineration and recycling, in view of claims of waste ownership by Dublin local authorities. [17206/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the Waste Management Acts the relevant local authorities have the responsibility both for making statutory waste management plans and regulating the activities of persons engaged in the collection of household waste. Furthermore, the statutory responsibility for collecting or arranging for the collection of household waste is vested in local authorities by virtue of section 33 of the Act. As provided for in section 60(3) of the Act, the Minister is precluded from exercising any power or control in relation to the performance by a local authority of a statutory function given to it under the Act.

The position in Dublin has involved the Dublin local authorities making an amendment to the regional waste management plan for which they are responsible. Dublin City Council, which acts as lead authority for the region, will also be using the powers available to it to review waste collection permits that it has previously issued.

This matter is currently the subject of proceedings in the High Court involving a waste collection company contesting the recent actions by the Dublin local authorities in regard to waste collection and management in the region and the outcome of these proceedings is awaited.

### **Fire Stations.**

555. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government when funding will be provided for a new fire station at Lismore County Waterford; and if he will make a statement on the matter. [17224/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of premises is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. My Department's role is one of supporting and assisting local authorities in delivering fire services through the provision of funding under the fire service capital programme and through setting of general policy.

The capital programme forms part of my Department's strategy to support the fire authorities in the development and maintenance of a quality fire-fighting and rescue service. It provides funding for the construction/upgrading of fire stations, the procurement of fire appliances and specialised equipment.

There have been significant improvements affecting all areas of the fire service in recent years — increased investment in infrastructure and equipment, more staff, better training, and the provision of improved communications infrastructure. With a further investment of €26 million this year, details of which will shortly be finalised, the fire service is well positioned to meet the increasing demands placed on it in the 21st century.

A number of priority projects have been advanced in County Waterford in recent times. These include replacement stations and extensions or upgrading works at stations in Ardmore, Cappoquin, Dungarvan, Dunmore East and Tramore. The provision of Exchequer funding to support further investment in the Co. Waterford fire service will have regard to the fire authority's priorities, the spread of existing facilities, and the competing demands from other fire authorities for available funding.

### **Building Regulations.**

556. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that failure to delay the commencement

of Section 18 of the Building Control Act 2007, until such time as the Technical Assessment Board is ready to receive applications has had the effect of causing practising architects to be in breach of the law; and if he will make a statement on the matter. [17225/08]

557. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he will revoke Statutory Instrument No. 50 of 2008 and ensure that any further commencement of Part 3 of the Building Control Act 2007 will be on a phased basis; and if he will make a statement on the matter. [17226/08]

558. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the simultaneous commencement of Sections 18 and 21 of the Building Control Act 2007 has had the effect of causing practising architects to be in breach of the law; and if he will make a statement on the matter. [17227/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 556 to 558, inclusive, together.

I refer to the reply to Question No. 480 of 29 April 2008, in which I stated that Parts 3 to 7 of the Building Control Act 2007 would commence on 1 May 2008.

Responsibility for the establishment of the various Boards required under the Act, including the Technical Assessment Board, and the procedural arrangements for the operation of such Boards, are matters for the Royal Institute of Architects of Ireland (RIAI), as the designated registration body for Part 3 of the Act — Registration of Architects. The RIAI are finalising the arrangements for the establishment of the various Boards, including the Technical Assessment Board, and this work will be completed shortly. My Department has been advised by the RIAI that they have accepted applications for technical assessment from 1 May 2008.

Subsections 18(1)(a) and 18(1)(d) of the Act provide that it will be an offence to use the title “Architect” unless the person is registered on the statutory register. However, subsection 18(5) of the Act provides that paragraphs (a) and (d) of subsection 1 will not apply (i) where a person has applied for registration to either the Admissions Board or the Technical Assessment Board and where a decision has not been made on the application; (ii) where a decision is awaited on an appeal to the Appeals Board against a decision of either Board referred to, or (iii) where a decision is awaited on an appeal to the High Court against a decision of the Appeals Board, subject to the requirement that the application for registration to the Admissions Board or the Technical Assessment Board, or the appeal to either the Appeals Board or the High Court, has not been withdrawn.

#### **Archaeological Sites.**

559. **Deputy Thomas Byrne** asked the Minister for the Environment, Heritage and Local Government if in relation to a development (details supplied) by Meath County Council, his Department has received a report from the local authority concerning the costs of archaeological excavations; and if he will make a statement on the matter. [17235/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question Nos. 1372 -1375 of 30 January 2008.

My Department wrote to Meath County Council seeking a report on this matter including, inter alia, details of archaeological costs. A report has since been received from the County Manager indicating that the total projected cost of archaeology, including excavation and post-excavation work, amounts to €260,000.

### Public Representatives.

560. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to allow local county and city councillors to become full-time elected representatives with the appropriate representational allowance, in view of the number of meetings held during normal working hours which they are required to attend, which in fact discriminates in favour of self-funded, self-employed or flexitime workers as opposed to councillors who are employees or in full-time positions; and if he will make a statement on the matter. [17260/08]

561. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the steps he will take to ensure that more young and not so young councillors here do not step down in view of the fact that they have to decide between trying to represent their communities fully and fulfilling their council duties and try to earn a living and pay a mortgage and survive. [17261/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 560 and 561 together.

Over the past decade the financial supports framework for councillors has been substantially improved to reflect the nature of their role. These improvements include the introduction of the annual Representational Payment (RP), currently €17,175 for county and city councillors; a Retirement Gratuity up to a maximum of four times the RP; enhanced annual expenses allowances; annual allowances of €6,000 for Chairs of Strategic Policy Committees and County/City Development Boards and an annual mobile telephone allowance up to a maximum of €600. Separately, councillors can also be reimbursed for expenses in relation to attendance at conferences and seminars as well as receiving expenses in respect of their membership of other bodies such as Vocational Education Committees, Regional Assemblies and Regional Authorities. In addition, my Department, in consultation with the elected members associations, has promoted and supported on an ongoing basis training and development programme for councillors.

As set out in the recently published Green Paper on Local Government — Stronger Local Democracy — Options for Change, justifying a move to a full-time councillor system (which is not commonplace in other jurisdictions) might require a severe reduction in overall councillor numbers. I look forward to a lively and informed debate on this and other issues in the Green Paper over the coming months.

### Water and Sewerage Schemes.

562. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government the situation as regards the provision of a sewerage scheme for Clifden, County Galway; and if he will make a statement on the matter. [17270/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Clifden Sewerage Improvement Scheme is included in my Department's Water Services Investment Programme 2007-2009 as a scheme to start construction in 2009.

Galway County Council's Design Review Report for the scheme is being examined in my Department and is being dealt with as quickly as possible.

563. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government the situation as regards the improvement of the water supply in Clifden, County Galway; and if he will make a statement on the matter. [17271/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Clifden Regional Water Supply Scheme is included in my Department's Water Services Investment Programme 2007-2009 as a scheme to start construction in 2009.

Additional information supplied by Galway County Council in relation to the Preliminary Report for the scheme is being examined in my Department and is being dealt with as quickly as possible.

### Motor Taxation.

564. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the amount collected in motor taxation by each local authority for the years 2004 to date in 2008 inclusive; and if he will make a statement on the matter. [17282/08]

569. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government the amount of money collected nationally in each of the years 2002 to 2007 and to date in 2008 on the issuing of vehicle driving licences; and if he will make a statement on the matter. [17352/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 564 and 569 together.

The amount of motor tax, which includes driving licence duties and other related charges, collected by each local authority and through the online motor tax service for the years 2004 to date in 2008 is set out in Table 1 below.

Table 1

	2004	2005	2006	2007	2008 (to end April)
Carlow	9,402,684	9,577,446	10,151,892	10,809,172	4,245,502
Cavan	10,906,522	10,925,797	11,512,562	11,798,100	4,586,301
Clare	18,297,206	18,764,979	19,323,658	19,913,424	7,687,582
Cork	78,414,745	75,681,713	75,322,247	74,932,968	29,852,629
Donegal	22,327,970	23,283,121	24,766,816	26,196,446	10,128,487
Galway	34,681,775	35,296,681	36,335,693	37,255,683	14,137,927
Kerry	23,138,196	22,903,422	23,079,015	23,124,460	8,957,739
Kildare	28,599,476	27,319,360	26,113,408	26,123,729	9,997,570
Kilkenny	14,622,592	14,447,027	14,987,442	15,461,876	6,297,662
Laois	10,746,912	10,956,887	11,495,839	12,009,466	4,735,618
Leitrim	4,791,631	4,862,364	5,172,730	5,386,598	2,048,014
Limerick Co	21,843,480	21,856,230	22,054,207	22,360,620	8,791,335
Longford	5,850,989	5,976,239	6,309,337	6,642,905	2,590,855
Louth	15,637,852	15,631,421	16,112,357	16,553,568	6,696,404
Mayo	19,905,815	20,002,308	20,542,009	21,245,387	7,987,968
Meath	26,160,983	26,632,321	26,976,043	27,566,483	10,385,582
Monaghan	10,308,018	10,376,392	11,033,944	11,511,238	4,446,183
Offaly	11,155,395	11,385,231	11,782,405	12,098,956	4,853,032
Roscommon	10,024,417	10,390,089	10,900,252	11,273,022	4,547,660
Sligo	9,937,089	9,887,747	10,421,545	10,649,476	4,129,503
N. Tipperary	11,833,302	11,884,832	12,528,299	12,983,524	4,974,324
S. Tipperary	15,085,443	15,207,443	15,857,063	16,615,964	6,508,625
Waterford Co	9,939,460	10,142,982	10,607,297	11,222,445	4,465,762

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	2004	2005	2006	2007	2008 (to end April)
Westmeath	12,712,499	12,711,338	13,730,214	14,370,754	5,699,327
Wexford	23,428,248	23,853,757	24,978,708	25,531,000	9,902,659
Wicklow	19,909,530	19,413,820	19,583,073	19,923,480	7,341,169
Dublin City	153,777,447	141,456,983	131,409,353	130,380,228	48,773,638
Limerick City	6,460,482	6,425,748	6,507,959	6,631,423	2,950,165
Waterford City	7,117,909	7,044,134	7,093,046	7,128,288	3,009,744
On-line	100,238,775	168,068,030	243,016,800	309,030,717	146,935,763
Total	747,256,842	802,365,839	879,705,213	956,731,400	397,664,729

The amount of money collected on vehicle driving licences nationally for the years 2002 to date in 2008 is set out in Table 2 below.

Table 2 — Vehicle Driving Licences

Year	Amount
	€m
2002	10.6
2003	9.8
2004	8.3
2005	8.0
2006	8.7
2007	9.1
2008 (to end April)	1.1

Questions in relation to vehicle driving licences are a matter for the Road Safety Authority (RSA) under the aegis of the Department of Transport.

### Local Authority Housing.

565. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the number of new housing starts for each local authority in 2008. [17283/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Government's housing policy statement Delivering Homes, Sustaining Communities and the National Development Plan 2007-2013 (NDP) reflect the strong commitment to expand social housing provision contained in the social partnership agreement Towards 2016. Under the agreement, local authorities are to deliver 21,000 social housing starts over the period 2007-09.

Data in relation to social housing starts are published in my Department's Quarterly Housing Statistics Bulletins, copies of which are available in the Oireachtas library and on my Department's website, [www.environ.ie](http://www.environ.ie). Data for the period ending December 2007 were published on 2 May 2008 and show good progress towards achieving the 21,000 starts target for the local authority housing programme, with 6,857 homes commenced, purchased or acquired under long-term lease in 2007.

The Exchequer provision for social housing for 2008 and 2009 is expected to allow for a further 14,000 starts in this period. Housing allocations for 2008 were announced on 2 May

2008 and greater precision as to the number of starts likely in 2008 will be available once authorities, taking account of their allocations, finalise their work programmes for the year.

566. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government if he has sanctioned the appointment of a preferred bidder in respect of the redevelopment and rejuvenation of the Market Square and the mixed use development on the Market Square, Dundalk; and if he will make a statement on the matter. [17301/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In accordance with the relevant Department of Finance guidelines relating to Public Private Partnerships my Department, having satisfied itself that all necessary procedures have been complied with, has sanctioned the award of contract to the preferred bidder in this case.

#### **Local Authority Funding.**

567. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government if funding has been ringfenced by his Department for the proposed social and physical regeneration scheme for estates (details supplied) in County Louth; and when residents of these areas can expect the scheme to commence. [17302/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** As part of the 2008 National Housing Programme allocations, €1 million has been allocated to support the regeneration process in Cox's Demesne and Muirhevnamor. The process of regeneration must have regard to the wider environment in which the estates concerned are located. The local authority is currently engaged in preparing a document outlining this wider vision, having regard also to relevant national policies, including the National Spatial Strategy. The authority has also been requested to consider "early win" projects that might be commenced in the short-term. Further discussions on the matter between my Department and the local authority are expected to be held in the coming weeks.

568. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government if he will provide a breakdown of local authority funding by his Department in each of the years 2004 to 2007 for all city, county and town councils; and if he will make a statement on the matter. [17310/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

*Question No. 569 answered with Question No. 564.*

#### **Archaeological Heritage.**

570. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government his views on the Meath master plan policy proposals on the protection of archaeological heritage and enhancing public transport in County Meath; if his Department has made progress on evaluating its proposals for housing, energy, public transport and sustainable tourism for County Meath; and if he will make a statement on the matter. [17356/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department's Planning Guidelines on Development Plans (June 2007) and draft Guidelines on Sustainable Residential Development in Urban Areas (February 2008), emphasise that the County Development Plan should focus on creating sustainable communities by incorporating

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the highest design standards and providing a coordinated approach to the delivery of transport and other infrastructure, services and amenities in tandem with new residential development.

The Meath County Development Plan 2007-2013 sets out a framework for the proper planning and sustainable development of the county, taking account of a range of national and regional policy objectives and priorities. It envisages a holistic and integrated approach to the delivery of the necessary infrastructure and services for the county, while also preserving and enhancing the archaeological and natural heritage.

I met with the authors of the Meath Master Plan in December 2007 to discuss their proposal. Their plan sets out an alternative spatial, developmental and infrastructural context for future development in County Meath and envisages, for example:

- Re-design of the M3 between Dunshaughlin and Kells to a “2+1” road, and a buy-out of the M3 toll contract;
- Acceleration and extension of the Dublin-Navan rail link to Kells;
- A sustainability development plan incorporating local business development, “green” building techniques and sustainable agriculture and tourism development; and
- The creation of a World Heritage Park, encompassing the five main county settlements of Navan, Kells, Trim, Dunshaughlin and Slane.

Their proposal provides an interesting contribution to the on-going consideration of appropriate strategic planning and infrastructure investment responses to the development potential and natural and built heritage assets of the county. I understand that the authors have also met with officials from the Department of Transport in relation to the transport infrastructure aspects of their proposal.

#### **Election Management System.**

571. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if he has plans to develop a mechanism such as a postal voting system to allow citizens who are normally full-time residents in the State to vote in elections if they will be temporarily out of the country on polling day; and if he will make a statement on the matter. [17358/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In order to be able to vote at elections and referenda in this jurisdiction, a person’s name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides. Subject to this primary requirement, postal voting is provided for in electoral law in respect of certain categories of persons including those whose occupation, service or employment makes it likely that they will be unable to vote in person at their local polling station on polling day (section 63 of the Electoral Act 1997). In these cases, the law provides for completion of the necessary voting documentation at a Garda station.

It is open to any such elector who is not already on the postal voters list to apply for inclusion on the supplement to the postal voters list. The closing date for such applications is 2 days after the dissolution of the Dáil at a general election or 2 days after the making of the polling day order at a referendum.

572. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government his views on plans for fixed term elections to Dáil Éireann or for mandating

an independent body to set the date for all elections and referenda; and if he will make a statement on the matter. [17357/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under Article 13.2 of the Constitution, Dáil Éireann is summoned and dissolved by the President on the advice of the Taoiseach. It has a maximum term of 7 years or a shorter period as may be fixed by law, as provided for in Article 16.5; section 33 of the Electoral Act 1992 provides that the same Dáil shall not continue for a period longer than 5 years. Electoral and referendum law provides that polling dates are set by order of the Minister for the Environment, Heritage and Local Government. There are no proposals to alter these arrangements.

#### **Departmental Expenditure.**

573. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular readable form; and if he will make a statement on the matter. [17377/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department receives in excess of 40,000 valid invoices for payment each year from contractors and suppliers. The average time taken to make payments on foot of these invoices in each of the years in question is set out in the following table. My Department does not compile or hold these data for bodies under the aegis of the Department.

Year	Average time in days
2004	19
2005	17
2006	16
2007	17
2008 (to 30 April)	17

*Questions Nos. 574 and 575 answered with Question No. 552.*

#### **Purchase of Lands.**

576. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 505 of 11 March 2008, when an application will be processed for a person (details supplied) in County Clare; and if he will make a statement on the matter. [17365/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understand that the Chief State Solicitor's Office wrote to the vendor's solicitor on 28 April in relation to some pre-contract queries. Closing documents have not yet been received.

#### **Housing Aid for the Elderly.**

577. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the number of applications received by each local authority under the housing aid for the elderly scheme, mobility aids housing grant scheme and the disabled person grant scheme; the amount of money allocated in respect of each scheme in 2008; and if he will make a statement on the matter. [17437/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The most recent information received from local authorities regarding applications made under the Housing Adaptation Grant Schemes for Older People and People with a Disability since the implementation of the Schemes in November 2007 is set out in the following table.

The Housing Adaptation Grant Schemes for Older People and People with a Disability are funded by 80% recoupment available from my Department, together with 20% contribution from the resources of the local authority. Notification of the combined capital allocations for 2008 in respect of all of the Schemes will shortly issue to local authorities. It is then a matter for local authorities to decide on the specific level of funding to be directed towards each of the Schemes, from within the combined allocation notified to them by my Department, and to manage the operation of the Schemes in their area from within this allocation.

Applications received under the Housing Adaptation Grant Schemes for Older People and People with a Disability to end March 2008

Local Authority	Housing Adaptation Grant for People with a Disability	Mobility Aids Grant Scheme	Housing Aid for Older People Scheme
Carlow County Council	13	17	136
Cavan County Council	62	9	80
Clare County Council	84	22	190
Cork County Council (North)	60	39	186
Cork County Council (South)	48	34	72
Cork County Council (West)	49	4	97
Donegal County Council	102	64	181
Dun Laoghaire/Rathdown County Council	140	9	28
Fingal County Council	28	9	42
Galway County Council	21	20	76
Kerry County Council	87	83	246
Kildare County Council	58	4	72
Kilkenny County Council	52	12	141
Laois County Council	23	8	50
Leitrim County Council	16	8	22
Limerick County Council	16	26	50
Longford County Council	17	21	72
Louth County Council	61	5	65
Mayo County Council	26	35	94
Meath County Council	0	0	0
Monaghan County Council	117	25	142
North Tipperary County Council	14	12	98
Offaly County Council	32	3	28
Roscommon County Council	51	10	95
Sligo County Council	47	23	85
South Dublin County Council	93	14	42
South Tipperary County Council	38	24	84
Waterford County Council	124	17	150
Westmeath County Council	29	8	31
Wexford County Council	94	10	237
Wicklow County Council	135	65	146

Local Authority	Housing Adaptation Grant for People with a Disability	Mobility Aids Grant Scheme	Housing Aid for Older People Scheme
Cork City Council	138	24	138
Dublin City Council	222	19	110
Galway City Council	33	11	8
Limerick City Council	17	6	15
Waterford City Council	6	4	47
Sligo Borough Council	7	0	0
Total	2,160	704	3,356

### Local Government Reform.

578. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the options, in view of the recent Green Paper, available to groups seeking to establish a town council (details supplied) in order to progress matters; and if he will make a statement on the matter. [17442/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The provisions for the establishment of new town councils are contained in Part 17 of the Local Government Act 2001. However, these provisions have not been commenced and in these circumstances formal moves to establish a new town council cannot proceed.

The Green Paper, Stronger Local Democracy — Options for Change, contains a chapter on town local government which acknowledges both the positive role played by town councils and the difficulties which can confront such councils seeking to perform the complex social, environmental and infrastructural functions required of modern local government. My goal is to strike an appropriate balance between the maximisation of efficiencies and the democratic legitimacy provided by town councils; Stronger Local Democracy concludes that the establishment of new town councils would need careful consideration having regard to the potential impact on resources and efficient service delivery.

Stronger Local Democracy represents the initial phase of a transparent, inclusive policy formulation process. The purpose is not to arrive at a single solution, but to present options for further consideration. It is my objective that a broad and lively debate on the future of local government will now take place. I look forward to receiving the views of all concerned, including those groups seeking to establish a town council, to help inform the preparation of the White Paper. I will give consideration to those parts of the 2001 Act which have not yet been commenced, including Part 17 of the 2001 Act, as part of the reform process.

Details of how to contribute to the consultation process are available on my Department's website. I also intend to hold a number of regional seminars in the coming weeks in order to gather as full a range of perspectives as possible.

### Services for People with Disabilities.

579. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if all local authorities have adopted the Barcelona Declaration project; the details of those which have not; and if he will make a statement on the matter. [17443/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The local authorities who have adopted the Barcelona Declaration, as advised to my Department by

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the National Disability Authority, are listed in the following table. The aims and objectives of the Declaration are also largely reflected in the National Disability Strategy.

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Local Authority

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*County Councils*

Carlow  
Cavan  
Clare  
Cork  
Donegal  
Dun Laoghaire  
Rathdown  
Fingal  
Galway  
Kerry  
Kildare  
Kilkenny  
Laois  
Leitrim  
Limerick  
Longford  
Louth  
Mayo  
Meath  
Monaghan  
North Tipperary  
Offaly  
Roscommon  
Sligo  
South  
Dublin  
South Tipperary  
Waterford  
Westmeath  
Wexford  
Wicklow

*City Councils*

Cork  
Dublin  
Galway  
Limerick  
Waterford

*Borough Councils*

Clonmel  
Drogheda  
Kilkenny  
Sligo  
Wexford

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Local Authority

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*Town Councils*

Ardee  
Arklow  
Athlone  
Athy  
Balbriggan  
Ballina  
Ballinasloe  
Ballybay  
Ballyshannon  
Bandon  
Bantry  
Birr  
Boyle  
Bray  
Buncrana  
Bundoran  
Carlow  
Carrickmacross  
Carrick on Suir  
Castlebar  
Castleblaney  
Cavan  
Clonakilty  
Clones  
Dundalk  
Dungarvan  
Edenderry  
Ennis  
Enniscorthy  
Fermoy  
Gorey  
Granard  
Kilkee  
Killarney  
Kilrush  
Kinsale  
Leixlip  
Letterkenny  
Lismore  
Listowel  
Longford  
Macroom  
Mallow  
Monaghan  
Mountmellick  
Muinebheag

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Local Authority

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Mullingar  
Naas  
Nenagh  
New Ross  
Passage West  
Portlaoise  
Shannon  
Skibbereen  
Tipperary  
Tralee  
Tramore  
Trim  
Tuam  
Tullamore  
Westport  
Wicklow

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**Animal Welfare.**

580. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government the number of inspections of circuses and circus animals that have been carried out by local authority vets here in the past five years; the findings that have been established; and if he will make a statement on the matter. [17544/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Animal welfare and the legal protection of animals from cruelty, including in circuses, are the responsibility of the Minister for Agriculture, Fisheries and Food.

**Water and Sewerage Schemes.**

581. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government the amount of investment that has been made in the water supply programme in south Tipperary in 2008. [17545/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Details of investment in water supply by South Tipperary County Council to date in 2008 should, most appropriately, be sought from the Council. No recoupments have been made by my Department to South Tipperary County Council so far this year under the Water Services Investment Programme 2007-2009.

**Budget Submissions.**

582. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of the Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter. [17563/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The settlement of the Department's spending Estimates by Government in the context of annual Budget decisions for the years in question involved a process of consultation over a period of months with the Department of Finance culminating in Ministerial meetings. Meetings of this nature do not require an agenda to be circulated in advance and minutes of such meetings are not maintained by my Department. Attendance at meetings of officials would, in the early stages, involve the Department's Finance Officer and at Ministerial meetings the Minister would also be accompanied by the Secretary General. Should any Ministerial meetings have taken place on these matters involving the Department of the Taoiseach, such matters are internal to Government Budgetary preparations.

**Departmental Staff.**

583. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government the policy to train and employ building inspectors to certify public buildings under the building energy rating regulation in 2008; and the number of inspectors employed by his Department at present. [17589/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 228 of 9 April 2008.

The EU Directive on the Energy Performance of Buildings, which was transposed into Irish law by the European Communities (Energy Performance of Buildings) Regulations 2006, introduced a requirement for a Building Energy Rating System, or BER as it is more commonly known. The BER system is being implemented under the Regulations in 4 phases:

- BER for new dwellings was introduced with effect from 1 January 2007, with a transitional exemption applying to new dwellings for which planning permission was applied for on or before 31 December 2006, and provided they are substantially completed by 30 June 2008;
- BER for new non-domestic buildings will commence from 1 July 2008, with a transitional exemption applying for buildings for which planning permission was applied for on or before 30 June 2008 and provided they are substantially completed by 30 June, 2010;
- BER for existing buildings of any class being offered for sale or letting will commence from 1 January, 2009; and
- BER for all new public service buildings will come into effect from 1 July 2008, subject to the transitional arrangements applying to new non-domestic buildings, and will be applicable to existing large public service buildings from 1 January 2009. For new public service buildings, it is proposed that the methodology for new non-domestic buildings, which I will be introducing in June 2008, will be applied and that the BER will be produced off the plans at design stage. In relation to existing public service buildings, the Regulations provide that a public body, in respect of a large building — defined as a building with a total useful floor area in excess of 1,000 metre square — occupied by it on or after 1 January, 2009, must secure and display a BER certificate. The BER certificate must be in a prescribed form and must be displayed in a prominent place clearly visible to the public. The prescribed form will be determined in sufficient time to meet the 1 January 2009 deadline.

It is likely that the BER certificate for display on large public service buildings will be based on operational ratings i.e. measured energy use. The purpose of the rating will be to provide

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information regarding the energy use of the building by the current occupant and it can also be used to show improvements over time.

The assessment for a BER for new large public buildings or such buildings offered for sale or rent, will be carried out by a specially trained BER Assessor operating within the private sector. While trained BER Assessors will be required for the certification of new public service buildings and such buildings offered for sale or rent, final decisions remain to be taken in respect of existing public service buildings.

#### **Private Rented Accommodation.**

584. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that accommodation provided to a tenant by way of licence agreement is not subject to inspection by the local authority and if he will legislate to correct this anomaly; and if he will make a statement on the matter. [17608/08]

585. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that a landlord who enters into a licence agreement directly with the tenant is not required to register with the Private Residential Tenancies Board; if he will legislate to correct this anomaly; and if he will make a statement on the matter. [17609/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 584 and 585 together.

Section 18 of the Housing (Miscellaneous Provisions) Act, 1992 provides that the Minister may make regulations prescribing standards for houses let for rent or other valuable consideration. Minimum standards for private rented accommodation are prescribed in the Housing (Standards for Rented Houses) Regulations, 1993. All landlords have a legal obligation to ensure that their rented properties comply with these regulations. Responsibility for enforcing the regulations rests with the relevant local authority, supported by a dedicated stream of funding allocated by my Department.

The Private Residential Tenancies Board (PRTB) has a function of reviewing the operation of the Residential Tenancies Act 2004 and of making recommendations for the amendment of the Act and any other related enactments, where this is considered necessary. I am open to considering any such recommendations and am aware that the PRTB has recently identified possible amendments to the Act that may enhance the Board's operations. These amendments are being considered in the context of the Housing (Miscellaneous Provisions) Bill which is currently being drafted.

I understand that the PRTB has also considered licensing arrangements and makes no recommendations in this regard. Such issues are understood not to be the subject of a significant number of cases received by the Board. The PRTB is mindful of the need to ensure that tenancy registration requirements are not avoided through licensing and other arrangements and will continue to adopt a robust approach in dealing with any such cases arising.

#### **Badger Snaring.**

586. **Deputy Tony Gregory** asked the Minister for the Environment, Heritage and Local Government the number of licences he has issued for the snaring of badgers; his views on this control method of the badger population in view of the cruelty involved; if he will liaise with the Department of Agriculture, Fisheries and Food to develop a more humane approach; and if he will make a statement on the matter. [17618/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department annually issues thirty licences to the Department of Agriculture, Fisheries and Food (one for each District Veterinary Office) to take badgers for the purpose of carrying out necessary research into bovine Tuberculosis in cattle and badgers. Bovine Tuberculosis has serious implications for both human and animal health in Ireland.

I understand that the Department of Agriculture, Fisheries and Food is funding research on the development of a bait based vaccination against TB for badgers. I would be hopeful that should a programme of effective vaccination become available, the Department of Agriculture, Fisheries and Food will no longer consider it necessary to snare badgers.

#### **Water and Sewerage Schemes.**

587. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the status with regard to the proposed new sewerage scheme at Ballylickey, Bantry, County Cork; when he expects work to commence; and if he will make a statement on the matter. [17623/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Ballylickey Sewerage Scheme has been approved for funding under the Rural Towns and Villages Initiative of my Department's Water Services Investment Programme 2007-2009. My Department is awaiting submission of Cork County Council's Contract Documents for the scheme.

588. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government when the Adare Patrickswell sewerage scheme and Limerick County water network contract Patrickswell-Adare and Croom link will be completed. [17614/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The combined Adare and Patrickswell Sewerage Scheme is included in my Department's Water Services Investment Programme 2007-2009 as a scheme to start construction in 2008.

I approved Limerick County Council's proposals to proceed separately with the Patrickswell element of the scheme in October 2007 because of potential land acquisition delays in Adare. I understand that the Council is now finalising revised Contract Documents for Patrickswell. The Council will be in a position to complete Contract Documents for Adare when the necessary lands have been acquired.

The Patrickswell/Adare and Croom Link components of the Limerick County Water Network Scheme are both approved for construction in the Investment Programme. I understand that work has started on the Patrickswell/Adare project. My Department is awaiting submission of Limerick County Council's Contract Documents for the Croom Link.

589. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government the allocation approved for Donegal County Council in 2008 towards the provision of group water schemes in the County; if his attention has been drawn to the fact that there are 22 schemes awaiting to commence; if he will increase the allocation in order that some of these schemes can commence as soon as possible; and if he will make a statement on the matter. [17615/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I have approved an allocation of €6.47m to Donegal County Council under the 2008 Rural Water Programme, of which €0.36m relates to the provision of new group water schemes. The Rural Water Programme priority continues to focus on addressing water quality issues in existing

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privately sourced group schemes and the need to bring these schemes into compliance with the Drinking Water Regulations. The overall provision of €135m for the 2008 Rural Water Programme is fully committed at this stage.

### Departmental Expenditure.

590. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government the cost to his Department of implementing the payroll system within his Department and within bodies under his Department's aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17715/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information in respect of my Department is set out in the following tabular statement.

Year	Operational Cost of Payroll System (Staffing & Maintenance)
	€
2004	347,411
2005	333,765
2006	415,462
2007	421,093
2008 (to 30 April)	59,126

\*My Department does not hold information along the lines sought in respect of bodies under its aegis.

### Water and Sewerage Schemes.

591. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government the position regarding the delivery of the public sewerage scheme for Delvin, County Westmeath; and if he will make a statement on the matter. [17702/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Delvin Sewerage Scheme has been approved for funding under the Serviced Land Initiative measure of my Department's Water Services Investment Programme 2007-2009 at an estimated cost of €4.3m. I understand that Westmeath County Council is preparing Contract Documents for a revised scheme to serve a population equivalent of 2,500 as approved by my Department.

592. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government if he has plans to introduce an incentive scheme for homeowners to replace septic tanks with more environmentally-friendly systems; and if he will make a statement on the matter. [17703/08]

616. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the programme for Government to introduce a scheme of support for the replacement and upgrade of septic tanks older than 15 years. [17963/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 592 and 616 together.

The Programme for Government set out a commitment to introduce a scheme of support for the replacement and upgrading of septic tanks older than fifteen years with newer systems.

My Department is currently considering the terms, conditions and resource implications that may be appropriate to take forward this commitment.

### **Car Free Day.**

593. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the cost of his Department's last car free day campaign; the audited outcome of the campaign; his views on whether there has been value for money; and if he will make a statement on the matter. [17735/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A total of €131,500 was provided in 2007 by my Department in support of various local authority initiatives to mark mobility week. A programme of activities was organised by both Cork City Council and Dublin City Council, including events such as walking and cycling tours, and exhibitions. Over 500 cyclists took part in the biggest bicycle parade ever in Cork, which was followed by a street festival.

In Town Without My Car Day, previously known as Car Free Day, took place on the 22 September and for the first time in nearly a decade a number of streets in Dublin City Centre were closed to traffic and family friendly events were hosted to encourage families to come into the city by public transport. Other Local Authorities as well as the Dublin Transportation Office also received funding for their initiatives.

I am satisfied that the funding provided in 2007 represented good value for money in terms of highlighting the principles of mobility week and car free day, not least in relation to the importance of transport in cities from both sustainable planning and climate change perspectives. The theme for 2008 mobility week is Clean Air for All and I am currently examining how events to mark the week can be strengthened in light of the success in 2007.

### **Biodiversity Awareness Campaign.**

594. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the cost of his Department's biodiversity awareness campaign; the audited outcome of the campaign; his views on whether there has been value for money; and if he will make a statement on the matter. [17736/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The 'Notice Nature' biodiversity campaign commenced in 2007 and expenditure on the campaign amounted to €645,000 last year. Further expenditure of €266,000 is envisaged for 2008.

As the campaign is still running, there has been no final audit of its outcome. However, my Department is working closely with the consultants responsible for the design and delivery of the campaign to ensure that it is being delivered in an efficient and effective manner. I believe that the campaign has provided excellent value for money to date. It has achieved notable success in winning an EU award for best practice in an environmental awareness campaign, in the Hague, in October 2007. Moreover, the campaign website ([www.noticenature.ie](http://www.noticenature.ie)) won a gold award at the Graphic Design Business Association annual awards ceremony in November 2007.

I believe that increased public awareness of the importance of biodiversity is essential to Ireland's drive to meet our commitments as a party to the Convention on Biological Diversity.

### **Housing Aid for the Elderly.**

595. **Deputy Jim O'Keeffe** asked the Minister for the Environment, Heritage and Local

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Government the position in relation to the housing aid for older people scheme; the details of its operation; and the amount of funding provided therefor. [18019/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Housing Aid for Older People Scheme is administered by local authorities and is part of a revised framework of grant aid, introduced in November 2007, to assist older people and people with a disability with their accommodation needs. The Scheme, which amalgamates the provisions of the old Essential Repairs Grant Scheme and the existing Special Housing Aid for the Elderly Scheme (SHAE), is designed to provide targeted support to improve conditions in the existing housing of older people. It is targeted at older people aged over 60 years, and the maximum grant available is €10,500 which may cover up to 100% of the costs of works for applicants with gross annual household incomes of less than €30,000, tapering to 30% for those with incomes of €54,001 to €65,000. The types of works that may be grant aided under the Scheme are varied and may include structural repairs or improvements, the provision of central heating, water and sanitary services, insulation works, contract-cleaning and painting.

The Scheme facilitates the implementation of a Government Decision, taken in February 2006, to transfer the SHAE from the Health Service Executive to my Department. That decision arose on foot of a recommendation made in the Core Functions of the Health Service Report that a more integrated service and better value for money may be achieved by transferring responsibility for the SHAE to the local authorities, who already had responsibility for the Essential Repairs and Disabled Persons Grant Schemes.

I am conscious of the need to ensure a smooth and seamless transfer of the SHAE from the HSE to the local authority sector. To allow sufficient time to resolve relevant issues, including the allocation of staffing and other resources, it has been agreed with the HSE that the Scheme will continue to operate and be administered by the HSE, until such time as the appropriate arrangements are in place to ensure that the local authorities are in a position to accept the scheme on transfer. My Department is engaged on an ongoing basis with the HSE to conclude this process as quickly as possible.

The Housing Aid for Older People Scheme is funded by 80% recoupment available from my Department together with 20% contribution from the resources of the local authority. Notification of combined capital allocations for 2008 in respect of the Housing Adaptation Grants for Older People and People with a Disability Schemes will shortly issue to local authorities. It is a matter for local authorities to decide on the level of funding to be provided for the Housing Aid for Older People Scheme in their area, from within the combined allocation notified to them by my Department, and to manage the operation of the Scheme from within this allocation.

### **Planning Issues.**

596. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government when a review of the prescribed bodies as set out in the Planning and Development Acts 2000 to 2006 was last carried out; if, as part of the last review, he is satisfied that An Taisce is in a position, when it makes an observation on a planning permission, to deal in a fast, efficient manner with the developers of a property who may wish to deal with the issues and obtain agreement prior to submitting information which would usually be requested from the planning authorities in the form of a request for further information; if he is further satisfied that the employees of An Taisce are available and willing to meet face to face with developers in such a situation; and if he will make a statement on the matter. [17770/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** As stated in the reply to Question No. 261 of 24 April 2008, An Taisce is an independent, voluntary, non-governmental organisation and in general terms it is a matter for such organisations to regulate their own affairs, without Government involvement. I have no role or responsibility in relation to the operation of An Taisce.

When submitting observations on planning applications, prescribed bodies such as An Taisce are bound by the statutory time limits set out in the Planning and Development Acts 2000 to 2006, and associated regulations.

The list of bodies prescribed for the purposes of planning applications was last reviewed in the making of the 2006 Planning and Development Regulations. I will keep the Regulations, including the list of prescribed bodies, under regular review, to ensure that they deliver an effective and efficient planning service leading to quality planning decisions.

### **Fire Stations.**

597. **Deputy Bobby Aylward** asked the Minister for the Environment, Heritage and Local Government the status on the provision of a new fire station for Castlecomer in County Kilkenny. [17843/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The provision of a fire service in a fire authority's functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of the individual fire authority under section 10 of the Fire Services Act 1981.

My Department's role is one of supporting and assisting local authorities in delivering fire services through the setting of general policy and the provision of funding under the fire service capital programme.

Approval in principle was granted under my Department's 2005 fire service capital programme for the construction of a new fire station in Castlecomer, County Kilkenny.

Based on documentation submitted by the fire authority, in May 2007, my Department approved the fire authority's proposal to invite tenders for the construction of the station.

During the subsequent preparation of contract documents and detailed site investigation in the early summer of 2007, a survey of the proposed site for the new fire station indicated contaminated soil in one of the boreholes tested.

The fire authority subsequently invited tenders in respect of the construction of the station. In April 2008, following an assessment by the fire authority of tenders received, the fire authority wrote to my Department requesting sanction to accept a recommended tender.

My Department has recently been in contact with the fire authority in relation to issues concerning compliance with provisions of Department of Finance Circulars on construction procurement reform (Circular 33/06 and Circular 04/08). These issues relate in particular to the requirement to use new Forms of Construction Contracts for Public Works.

### **Water and Sewerage Schemes.**

598. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government further to the details released by the Environmental Protection Agency that 339 public water supplies require examination from source to customer to determine whether replacements or upgrades are needed, the number of these in County Galway; the location of same; and if he will make a statement on the matter. [17872/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the European Communities (Drinking Water) (No.2) Regulations, 2007, the Environmental Protection Agency is the supervisory authority for public water supplies. In accordance with the Regulations, the Agency has notified local authorities, including Galway County Council, of supplies where detailed profiling is required from source to consumer to ensure that water provided to the general public is clean and wholesome. The Agency will also oversee the carrying out of necessary remedial measures by individual authorities. Details of the relevant schemes in County Galway may be obtained from Galway County Council.

### Special Areas of Conservation.

599. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government the position regarding the sale of bogland in a special area of conservation on behalf of a person (details supplied) in County Leitrim. [17888/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understand that the Chief State Solicitor's Office have raised a number of pre-contract issues with the vendor's solicitor which must be resolved before the sale can be completed.

### Departmental Schemes.

600. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the amount of rent paid by each local authority to landlords under the rental accommodation scheme for each of the years since its inception; the number of tenancies covered by these payments in each local authority and in each year; the local authorities for which figures were unavailable in each of these years; and if he will make a statement on the matter. [17910/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information requested for the years 2005-07 is set out in the following table.

Table: Amount of rents and number of tenancies [private and voluntary sector] funded by local authorities through the Rental Accommodation Scheme 2005-2007.

County Councils (including Borough and Town Councils)	2005 First transfers commenced in September 2005 in pilot authorities. Rent payments	2005 Number of tenancies	2006 Rent payments	2006 Number of tenancies	2007 Rent payments	2007 Number of tenancies
	€		€		€	
Carlow			15,643	28	171,516	46
Cavan			27,849	39	154,334	66
Clare		44	105,017	92	665,295	152
Cork county data included in Cork City data until 2007	Included in Cork City	Included in Cork City	Included in Cork City	Included in Cork City	585,927	315
Donegal		53	66,726	70	123,117	120
D/L Rathdown			35,111	32	870,983	169
Fingal			53,750	17	733,730	100
Galway			17,775	77	78,573	133
Kerry			20,498	35	692,531	178
Kildare			0	0	355,377	136

County Councils (including Borough and Town Councils)	2005 First transfers commenced in September 2005 in pilot authorities. Rent payments	2005 Number of tenancies	2006 Rent payments	2006 Number of tenancies	2007 Rent payments	2007 Number of tenancies
	€		€		€	
Kilkenny			154,663	100	465,781	287
Laois			18,574	44	230,370	84
Leitrim			0	0	3,910	1
Limerick			3,063	124	376,366	177
Longford			21,105	32	380,212	93
Louth	2,539	15	95,154	40	433,620	87
Mayo			17,265	95	472,006	273
Meath			20,510	25	78,170	51
Monaghan			35,127	34	161,069	81
Nth Tipperary			22,065	50	500,404	122
Offaly		6	58,760	51	285,638	85
Roscommon			13,633	42	210,261	97
Sligo			9,817	81	187,501	115
South Dublin		6	953,129	168	2,755,215	342
Sth Tipperary			68,828	43	250,664	112
Waterford			0	0	32,143	13
Westmeath		8	60,988	50	448,009	102
Wexford			88,179	74	253,739	113
Wicklow			21,050	29	357,444	69
<i>City Councils</i>						
Cork City	3,059	50	143,033	221	648,000	260
Dublin	46,859	219	1,680,152	669	5,786,192	985
Galway	13,747	62	537,189	180	1,951,604	354
Limerick	1,548	42	191,526	108	740,205	198
Waterford			236,570	183	613,119	240
Totals	67,752	505	4,792,749	2,833	22,053,025	5,756

### EU Directives.

601. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government the measures he proposes to take to resolve the difficulties at an EU Commission level regarding the operational programme for fisheries and specifically measures regarding the Shellfish Waters Directive and the Habitats Directive; and if he will make a statement on the matter. [17915/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** This matter, in so far as it concerns the operational programme for fisheries, is primarily a matter for my colleague, the Minister for Agriculture, Fisheries and Food. My Department has been consulted by the Department of Agriculture, Fisheries and Food on the measures necessary to ensure compliance with the provisions of the EU Birds and Habitats Directive in the operation of fisheries and aquaculture programmes. This is critically important against the background of the December 2007 ruling of the European Court of Justice which, inter alia,

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found that Ireland had failed to apply the requirements of these directives with regard to aquaculture licensing.

### **Energy Efficiency.**

602. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the programme for Government to require all street lighting and traffic lighting systems to be energy efficient and to replace inefficient systems. [17949/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 430 of 30 April 2008 in which I stated that these efficiency initiatives are being implemented by local authorities in the context of ongoing management and maintenance of lighting. The position is unchanged.

### **Air Transport.**

603. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the programme for Government to require carbon offsetting of all official air travel in support of urban forests. [17950/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 990 of 11 December 2007 in which I indicated that I am developing a carbon offsetting scheme for use by all Government Departments and bodies under their aegis. Work on the scheme is at an advanced stage and I expect to announce details shortly.

### **Environmental Policy.**

604. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to establish a Commission on climate change. [17951/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Arrangements for the establishment of the Commission are under consideration.

### **Waste Management.**

605. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for the Government to drive down the cost of waste management charges to households and businesses. [17952/08]

607. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to ensure that flat rates on waste disposal will be abolished and a mandatory system of weight related charges introduced. [17954/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 605 and 607 together.

Waste management services have traditionally been provided at a local level, with individual arrangements being locally determined and tailored to local circumstances. The present legal

framework, as determined by the Oireachtas, reflects this. In accordance with section 52 of the Protection of the Environment Act 2003 the determination of waste management charges is a matter for the relevant local authority where it acts as the service provider. Similarly, where a private operator provides the collection service, it is a matter for that operator to determine charges.

Significant regulatory issues, including issues associated with waste charges and the methods for charging for service provision, have emerged as waste management services have rapidly evolved in recent years. I recognise that the existing regulatory framework requires modernisation which will be taken forward in the context of the overall review of national waste management policy, provided for in the Programme for Government, which I have recently initiated. Identification of the changes necessary will also be greatly assisted by the recently published OECD review of the public service, which includes a specific case study on waste management.

The revised approach to the collection of household waste being taken by the Dublin local authorities will further inform what measures may be necessary to underpin sustainable and affordable waste collection services and infrastructure provision, whether delivered by the private or public sectors. In these contexts the appropriate policy responses are being developed and elaborated.

606. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to establish community monitoring arrangements of major waste management facilities. [17953/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the Waste Management Act, 1996 all major waste management facilities are subject to a stringent licensing system which is the statutory responsibility of the Environmental Protection Agency. The Agency's role is to ensure the application of high environmental standards with regard to the development, operation, closure and aftercare of such facilities.

While this licensing system is statutorily independent, my Department is aware that monitoring arrangements are already established within certain local authorities. For example the Central Waste Management Facility Community Liaison Committee in Co. Clare uses the medium of Clare County Council's website to make information and minutes of relevant meetings available to the community.

The wide ranging overall review of national waste management policy provided for in the Programme for Government is currently getting underway. The terms of reference of the review are broad in scope; the review will examine in a comprehensive manner the various key aspects of waste management policy and will chart a way forward towards bringing Ireland to the forefront of international best practice.

*Question No. 607 answered with Question No. 605.*

#### **Sustainable Development Strategy.**

608. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to ensure that Comhar is given a strengthened research role as part of the National Economic and Social Development Office. [17955/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Substantial additional resources have been made available to Comhar from the Environment

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Fund in 2008. This will enhance the capacity of Comhar to undertake additional research and policy analysis in line with its mandate and work programme. Arrangements for giving effect to the commitment to establish Comhar as a body within NESDO are being given careful consideration to ensure that the effective operation of both Comhar and NESDO is not compromised by any changes in structure.

#### **Noise Pollution.**

609. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to publish comprehensive legislation on noise pollution. [17956/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 551 of 4 March 2008 in which I indicated that my Department is currently examining options to strengthen legislation on noise pollution, with a view to meeting the Programme for Government commitment as a matter of priority. I intend to consult with key stakeholders, including local authorities, and will announce my preferred approach as soon as possible.

#### **Local Authority Audits.**

610. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to ensure that each local authority publishes an annual audit of its environmental performance. [17957/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A system of local authority service indicators was developed and introduced as part of the local government modernisation programme. These service indicators addressed such matters as provision of segregated waste collection, recycling, litter pollution, environmental complaints and enforcement, and compliance with drinking water standards.

Revised service indicators have come into effect in the current year having regard to the recommendations of a review group established under the aegis of my Department. As environmental audits are closely aligned with service indicators of an environmental kind, I propose to consider further the commitment in the Programme for Government in light of the experience with, and reporting upon, the new indicators.

#### **Sustainable Development Strategy.**

611. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to ensure that all county development plans are sustainability proofed. [17958/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Development plans, prepared by local authorities under Part II of the Planning and Development Act 2000, provide the over-arching strategic framework for development within their areas, ensuring that all development is sustainable in economic, social and environmental terms. As such, the development plan must offer clear guidance on sustainable development policies and objectives, both national and local, which address the full range of sustainability issues such as climate change, waste management, transport, urban development, sustainable communities and the use of natural resources.

In June 2007, my Department published Guidelines for Planning Authorities on Development Plans. The Guidelines state that it is imperative that the objectives and strategies set out in development plans are compatible with the Government's commitment to reducing energy consumption and modifying the impacts of climate change. Development plans should be consistent with the objectives of national initiatives that will address energy and climate change issues such as the National Climate Change Strategy 2007-2012, which builds on the commitment to sustainable development set out in Towards 2016 and the National Development Plan 2007-2013. Moreover, the conclusions in the EPA State of the Environment Report, and other evidence in relation to environmental quality and trends, should inform the drafting of development plans and be reflected, as appropriate, in their objectives and implementation.

The Strategic Environmental Assessment carried out as part of the preparation and review of the development plan can help to bring environmental issues into sharper focus during the consultation phases, and should improve the overall sustainability of the plan-making process by facilitating the identification and appraisal of alternative plan strategies, by raising awareness of the environmental impacts of plans, and by encouraging the inclusion of measurable targets and indicators. I am considering how best to ensure that the SEA process operates as an effective sustainability proofing process.

#### **International Agreements.**

612. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to fully implement the Aarhus Convention. [17959/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the Convention is closely aligned with work at EU level and, in that context, the European Union has adopted two Directives as part of the ratification process for the Convention. These deal with public access to environmental information (2003/4/EC) and public participation in certain environmental decision-making procedures (2003/35/EC).

Regulations transposing the European Communities (Access to Information on the Environment) Directive 2003/4/EC were signed and came into effect on 1 May 2007. The process to transpose Directive 2003/35/EC is already well advanced, with legislation completed to amend the majority of the relevant consent systems. The work to amend the remaining outstanding consent systems will be finalised by the Departments concerned as soon as possible.

When this work has been completed I, along with the Minister for Foreign Affairs, will ensure that the instrument of ratification of the Aarhus Convention is submitted to Government and laid before the Dáil as soon as possible.

#### **Environmental Protection Controls.**

613. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to review the level of fines and custodial sentences which can be applied by the lower courts in cases of pollution, dumping and illegal developments. [17960/08]

624. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to review the role, procedure and legislation governing the Environmental Protection Agency. [17972/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 613 and 624 together.

The Programme for Government commits to initiate a study of all legislation relating to environmental fines as part of the review of the Environmental Protection Agency. I am at present considering how best to give effect to these undertakings.

#### **Environmental Policy.**

614. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to establish community-based litterwatch systems. [17961/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The commitment in the Programme for Government to establish community-based “litter watch” systems was given in the context of protecting Ireland’s scenic amenities and combating fly-tipping.

The Protecting Uplands and Rural Environments (PURE) Project was a pilot project launched on 1 September 2006 to combat the escalating problem of fly-tipping and small scale illegal dumping in the scenic area encompassed by the Wicklow and Dublin Uplands. This project is a regional environmental partnership initiative that unites all relevant statutory and non-statutory interests in the Wicklow and Dublin Uplands, including the relevant local authorities, Coillte, my Department’s National Parks and Wildlife Service, ESB and a number of non-statutory organisations represented by the Wicklow Uplands Council.

My Department agreed to provide funding of €350,000 over the three-year lifespan of the project. It is a condition of this funding that the lead public body — Wicklow County Council — will conduct a full review of the operation and effectiveness of the project at the end of the three-year funding period. The results of this review will assist in assessing how best to meet the commitment referred to in the Question.

#### **Air Pollution.**

615. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to expand the network of air quality monitoring stations. [17962/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Air quality assessment is the responsibility of the Environmental Protection Agency. The Agency’s report on Air Quality in Ireland 2006 in October 2007 contains details of the monitoring and assessment of national air quality, and incorporates data from all air quality monitoring stations operated by the EPA. Monitoring in 2006 showed that air quality in Ireland is good and complied with the air quality standards in force for all pollutants.

In line with the commitment in the Programme for Government to expand the network of air quality monitoring stations, my Department will shortly undertake a review of the existing network in consultation with the EPA.

*Question No. 616 answered with Question No. 592.*

#### **Water and Air Quality.**

617. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for

Government to provide real time user-friendly information on line on water and air quality.  
[17964/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Air quality assessment is the responsibility of the Environmental Protection Agency (EPA). The EPA has a statutory duty under the Air Quality Standards Regulations 2002 to make information available on ambient concentrations of all pollutants under the scope of the Regulations. The EPA website provides real-time, publicly accessible, data from a number of monitoring stations nationally which allows the public to gauge air quality in relation to current EU and national standards.

The EPA's Air Quality in Ireland 2006 report, published in October, 2007, (available in the Oireachtas Library), contains details of the monitoring and assessment of national air quality, and incorporates data from all air quality monitoring stations operated by the EPA and local authorities. Air quality was good throughout the country in 2006 and complied with the air quality standards in force for all pollutants.

Statutory responsibility for the monitoring, management, protection and improvement of water quality, including groundwater, is assigned to local authorities, acting under the general supervision of the EPA. The EPA, through its ENvision online Map Viewer, currently shows the biological river quality data available to the Agency and it is hoped to add the chemical quality data to this in the near future.

In relation to drinking water quality results, a standard template for publication on each water services authority website is currently being prepared by my Department in consultation with the EPA and the City and County Managers' Association.

#### **EU Directives.**

618. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to strengthen the implementation of the Habitats Directive and other nature conservation measures. [17966/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 974 on 2 April 2008.

My Department is working on the preparation of new regulations that will address recent developments in the case law of the European Court of Justice, to ensure that the transposition of the Birds and Habitats Directives is complete and fully up to date.

I have also increased the allocation to the Biodiversity Fund from €500,000 in 2007 to €700,000 in 2008. The Fund provides capital grants to projects aimed at the conservation and sustainable use of biodiversity. I have, in addition, allocated €300,000 this year to support the implementation of local biodiversity action plans.

My Department, working with other Government Departments and stakeholders, is preparing a second National Biodiversity Plan for Ireland to cover the five-year period 2008-12.

#### **Heritage Sites.**

619. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to seek designation of Clonmacnoise as a UNESCO World Heritage Site.  
[17967/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I recently approved a detailed programme of work in my Department towards the inscription on UNESCO's World Heritage List of those Irish heritage sites deemed to be of "Outstanding Universal Value".

In this context, I attach a high priority to the nomination of Clonmacnoise heritage site for inscription on the List. At the invitation of my Department, Dr. Jukka Jokilehto, an internationally recognised expert in the area of world heritage, visited Ireland in December 2007 to advise on the likelihood of inscription of some of the sites on our existing Tentative List, including Clonmacnoise. On foot of his advice, and having regard to the commitment in the Programme for Government, my Department has commenced work on the preparation of the nomination documents and site management plan for Clonmacnoise to meet UNESCO requirements. A Request for Tenders for elements of this work will shortly be published on the e-tenders website, [www.e-tenders.gov.ie](http://www.e-tenders.gov.ie).

### **Environmental Policy.**

620. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to introduce a national landscape strategy. [17968/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The commitment in the Programme for Government to establish a National landscape Strategy is aimed primarily at the development and implementation of policies on landscape protection, management and planning. It builds on Ireland's ratification of the European Landscape Convention in March 2002.

A steering group of key representatives, supported by a wider consultative panel, has been established under the chairmanship of my Department to progress the development of the Strategy. The first meetings of these groups took place on 29 April 2008. The Steering Group and Consultative Panel have been asked to press ahead in devising a framework for a draft National Landscape Strategy: as part of this process my Department will be publishing an issues paper for public consultation to seek the views of stakeholders on the scope of the Strategy.

### **Planning Issues.**

621. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the commitment given in the Programme for Government to review the classes of developments to which part XI applies to introduce greater accountability. [17969/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department has completed a detailed review of the taking in charge procedures for residential developments provided under section 180, Part XI, of the Planning and Development Act 2000. On foot of this review, new policy guidance issued to planning authorities in February 2008 on the taking in charge of estates in the form of circular letter PD 1/08 which is available on my Department's website at [www.environ.ie](http://www.environ.ie). Each planning authority is being asked to develop or update, as appropriate, its policy on taking in charge by the end of June 2008, on the basis of the framework, and wider housing and planning guidance, set out in the annex to the circular.

I also intend to give the new policy guidance statutory backing by incorporating the main elements in the new Guidelines on Sustainable Residential Development in Urban Areas which will be issued under section 28 of the Planning and Development Act later this year. Planning

authorities are obliged to have regard to such Guidelines in the exercise of their functions under the Planning Acts.

The other elements of Part XI of the Planning and Development Act will be reviewed, as necessary, over the period of the Programme for Government.

### **Community Development.**

622. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made on the commitment given in the programme for Government to launch a proud cities and towns programme. [17970/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department is undertaking a range of measures to encourage and facilitate the development and enhancement of sustainable cities and towns.

Building active and successful communities through quality housing is at the core of the housing policy statement *Delivering Homes, Sustaining Communities* which sets out a vision to guide the transformation of the Irish housing sector over the next ten years. Since its publication in February 2007, the reform agenda set out in the statement has been actively pursued.

My Department is developing a suite of guidance documents to promote the highest possible standards in residential development and the provision of sustainable communities with access to the requisite range of public services and facilities. In particular, in March 2007, my Department launched new design guidelines on housing delivery entitled *Quality Housing for Sustainable Communities*. In September 2007, new guidelines for planning authorities entitled *Sustainable Urban Housing: Design Standards for New Apartments* were published. In February 2008, I published draft guidelines for planning authorities on sustainable residential development in urban areas, for public consultation.

This policy guidance reinforces the Government's *Developing Areas* initiative which is aimed at ensuring the integrated and timely delivery of the necessary infrastructure and services in parallel with housing development: the initiative is focused on fast growing strategic locations within the National Spatial Strategy gateways and hubs, which are experiencing significant development pressures.

The National Development Plan provides for EU and Exchequer investment of some €170 million to facilitate the ongoing closure of the urban and village renewal measure of the Regional Operational Programmes 2000-2006, and to support the implementation of a new urban renewal programme for the period to 2013. I intend shortly to announce details of this programme, which will aim at supporting sustainable urban regeneration and development projects including, for instance, the provision or redevelopment of public parks and the development of pedestrian areas within urban centres.

In addition to the above measures, the national Tidy Towns competition, which is organised by my Department, and the related "Ireland's Best Kept Towns" competition, recognise and seek to encourage local initiatives in respect of the conservation and enhancement of the built and natural environments that contribute to community development and enhance the attractiveness of city areas, towns and villages as places to live, work and visit.

### **Waste Disposal.**

623. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made on the commitment given in the programme for Government to ensure the implementation of the national strategy on biodegradable waste. [17971/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Implementation of the National Strategy on Biodegradable Waste involves a range of measures including waste prevention, home composting, segregated collection of biodegradable waste for the generation of compost, and the introduction of Mechanical Biological Treatment (MBT) facilities as one of a range of technologies to treat residual waste. To assist in ensuring that our waste management system can act in support of these objectives my Department has initiated the major review of waste management policy provided for in the Government Programme, which will in part focus on how best to advance the use of the full range of technologies available for waste management, including MBT.

Source separated collection of organic waste, or ‘brown bin’ collection, is a critical element of the Strategy. These services are already in place in some areas, principally in Waterford city and county and Galway city, and plans for the roll-out of brown bins are at an advanced stage in many local authority areas, including in excess of 200,000 households by early 2009 in Fingal and Dublin City Council. It is also anticipated that segregated collections will be initiated in the Clare-Kerry-Limerick region and further expanded in the south east in 2009. Pilot schemes have also been carried out in other local authority areas, including a current pilot scheme in Louth involving 10,000 households, in preparation for more widespread provision of these services.

My Department will shortly issue a circular letter to all local authorities seeking implementation, as rapidly as possible, of the measures for the management of biowaste within the various statutory regional waste management plans, including the promotion of home composting and the provision of source separated collections for organic waste.

*Question No. 624 answered with Question No. 613.*

#### **Community Wardens.**

625. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made on the commitment given in the programme for Government to roll out the national community warden service. [17973/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The position remains as set out in the reply to Question No. 187 of 27 February 2008.

#### **National Monuments.**

626. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made on the commitment given in the programme for Government to update and consolidate the law on national monuments. [17974/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** As the first stage in a major review of archaeological policy and practice in Ireland, my Department held a number of seminars in the latter half of 2007 to get the initial views of stakeholders on the scope of such a review. These seminars were attended by stakeholders from all areas working in, or with an interest in, archaeological heritage, including academic interests, commercial archaeologists, local authorities, infrastructure providers and local history groups.

To advance the review, I have decided that a dedicated committee of national and international professional experts in the fields of archaeology and built heritage should be established to assist and advise me in shaping best practice in archaeological heritage protection and how such protection should operate into the future. This Expert Advisory Committee has been given the task of analysing and prioritising the issues raised at the four consultation meetings

and in 41 written submissions received subsequently by my Department. The committee will hold its first meeting on 22 May.

At a later stage, it is my intention to activate a Stakeholders Committee to engage with relevant stakeholders in developing agreement on how best practice as it emerges by way of recommendations from the Expert Committee can be given practical expression and resourced.

I intend that the outcome of this review will shape archaeological policy and practice into the future and that any recommendations for legislation amending the current National Monuments Acts will be brought to Government for approval later in 2008.

### **Nuclear Plants.**

627. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the progress made on the commitment given in the programme for Government to continue to bring political, diplomatic and legal efforts to bear on the UK with a view to the safe decommissioning of the facilities at Sellafield. [17975/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Ireland has long been concerned about the threat posed by the nuclear site at Sellafield. Our concerns in relation to the site have been consistently articulated to the UK Government at political, diplomatic and official levels.

In 2001, in response to the imminent commissioning of the MOX plant at the site, Ireland instituted legal proceedings against the UK under the United Nations Convention on the Law of the Sea (UNCLOS). Pending the hearing of the case, Ireland applied for and received a Provisional Measures Order, which ordered a review by Ireland and the UK of the mechanisms for inter-governmental notification and co-operation. Arising from this, a series of co-operative measures was developed, agreed and put in place.

These measures are valuable from Ireland's viewpoint, are working well and represent considerable and real added value to the necessarily co-operative relationship between Ireland and the UK. The Bi-Lateral Agreement on Early Notification of a Nuclear Incident, direct access to the UK Radiation Monitoring System (RIMNET), access for the Garda Síochána to Sellafield, access for the Radiological Protection Institute of Ireland (RPII) to Sellafield and other facilities, significantly improved information exchanges, co-operation on emergency planning with the UK, and improved and ongoing contacts at regulator and official level on nuclear issues, all provide objective evidence of real improvements.

The Government is continuing to pursue all political, diplomatic and where necessary and appropriate, legal options to secure the safe and orderly decommissioning of the Sellafield facility. I consider that the ongoing discussions between the two administrations in relation to Sellafield have resulted in increased recognition by the UK Government of the depth of Ireland's concerns about Sellafield and of the priority that is accorded to the issue by the Irish Government.

Ireland has supported and will continue to support efforts by the European Commission to develop an increased safety role within the European Nuclear Industry. Adoption of recent European Council Conclusions in regard to the establishment of the EU High Level Regulators Group is a significant development in the area of nuclear safety. In Ireland's view, the trans-boundary risks and impacts arising from nuclear installations should be fully reflected in the instruments, structures and institutions of the EU.

The policy and actions of this Government continue to reflect the firm position that Sellafield is an unacceptable threat to Ireland and that it should be closed in a safe and orderly manner.

### Decentralisation Programme.

628. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18116/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Details of the costs incurred to date in relation to decentralisation by my Department are set out in the following table. These cover training, travel and subsistence, and costs (IT facilities and office administration) associated with the establishment of an advance office in Wexford in June 2007. The Local Government Computer Services Board and the National Building Agency who are under the aegis of my Department are both due to decentralise. I understand that neither of these bodies has incurred any specific costs to date in relation to decentralisation.

Year	€
2005	9,022
2006	5,756
2007	131,116
2008 (to 30 April)	39,700

### Environmental Policy.

629. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the progress made on the commitment given in the programme for Government to require the public sector to lead the way on energy efficiency with a mandatory programme of energy efficiency measures, including the sole use of energy-efficient lighting and heating in offices, schools hospitals and other public buildings. [17948/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department is currently finalising the National Energy Efficiency Action Plan in light of the consultative process and I will be bringing it to Government shortly with a view to launching the Plan thereafter. In that context I intend shortly to establish a Public Sector Energy Efficiency Working Group to drive collective delivery of the Government's target of 33% for the public sector. The Group will bring together all Government Departments and agencies. The involvement of the Office of Public Works and Sustainable Energy Ireland (SEI) will obviously be critical to the work of this cross Government group. A key part of the initial work of the Group will be to quantify the extent of existing energy efficiency initiatives within public sector bodies, share experience of best practice, coordinate action and most importantly develop and implement the detailed measures for achievement of the 33% public sector target, including performance indicators.

It is clear that action is already being taken by a number of individual public sector bodies and much fine work is being done by OPW. These actions are already contributing to energy savings. The energy savings potential will vary from one public sector body to another but every public sector body will be expected to contribute significantly to meeting the Government's ambitious global target of 33%. This will require a galvanising of all players across the public sector.

My Department's national energy efficiency awareness campaign "Power of One" launched a specific module on "Power of one at work" last autumn designed to raise awareness among private and public sector employers and staff and, working with SEI, to support behavioural

change and encourage investment in energy efficiency systems. Earlier this year, OPW also launched a specific staff energy efficiency awareness campaign for 250 central Government buildings. OPW expects this initiative to achieve 15% energy savings. With the assistance of SEI, OPW has established an Energy Management Bureau to monitor and analyse energy use by the 150 largest central Government buildings. It is striking that a similar initiative by third level colleges in Dublin yielded 12% energy savings for the colleges in 2006.

In the context of the decentralisation programme, OPW is committed to ensuring that all new Government offices around the country are highly energy efficient. The specification for my Department's new headquarters building in Cavan will ensure a highly energy efficient building, making full use of passive and renewable energy solutions. I have launched a major review of energy use in my Department's existing headquarters building on Adelaide Road in conjunction with OPW. The project involves upgrading of the Building Management Systems, reducing base energy loads, installing additional energy controls, reducing energy demands in high use areas and managing seasonal solar gain in areas under significant glass cover. OPW are also assessing as a priority the feasibility of employing passive energy solutions in the building.

### **Fisheries Protection.**

630. **Deputy John Cregan** asked the Minister for Communications, Energy and Natural Resources the draft net quota on the River Feale for 2008; the salmon rod and line quota for anglers on the River Feale for 2008; and the number of sea trout over 40 cm in length tagged by draft net licence holders in the Feale Estuary in 2007. [17200/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Under the Fisheries Acts, primary responsibility for the management, conservation, protection and development of the inland fisheries resource rests with the Central and Regional Fisheries Boards. The rivers meeting their conservation limit and for which a surplus of fish was identified for harvest in 2008, are specified in the Wild Salmon and Sea Trout Tagging Scheme Regulations 2007 (SI No. 849 of 2007).

The above regulation also provides for the establishment of Fishery District Committees, which are representative of both commercial and recreational stakeholders, with whom the Chief Executive of the Regional Fisheries Board will consult in allocating the opportunity to harvest the identified surplus in each river.

The combined quota that can be harvested by commercial fishing engines and recreational fishermen from the river Feale in 2008 is 4,581. The Limerick Fishery District Committee met on 28 April 2008 to discuss the distribution of the quota and a decision will be made shortly by the CEO of the Shannon Regional Fisheries Board taking account of the advice of the Committee. One sea trout over 40 cm in length was tagged by draft net licence holders in the Feale Estuary in 2007.

### **Alternative Energy Projects.**

631. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if he concluded consideration of the question whether geothermal energy is encompassed by the reference to all natural resources, including the air and all forms of potential energy in Article 10.1 of the Constitution and therefore under that Article belongs to the State; his plans for legislation to enable the State to exploit this form of energy; and if he will make a statement on the matter. [17218/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Officials in my Department are in the process of finalising arrangements for the inaugural

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meeting of an informal geothermal working group. This group will consider relevant technical, legal and regulatory issues and is scheduled to report back to me later this year, setting out the options for the development of a proportionate and realistic regulatory regime for geothermal energy utilisation in Ireland. In the interim, a national consultation exercise will be undertaken in order to obtain the views of citizens and industry.

### **Telecommunications Services.**

632. **Deputy Ruairí Quinn** asked the Minister for Communications, Energy and Natural Resources when the technical work that will allow residents (details supplied) in Dublin 6, who have been told that they are too far away from the Rathmines, Dublin 6 exchange to receive Eircom broadband will be completed; and if he will make a statement on the matter. [17237/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have no role in the matter raised by the Deputy. The provision of telecommunications services is a matter, in the first instance, for the relevant companies operating in a fully liberalised market, regulated where appropriate by the Independent Commission for Communications Regulation, ComReg.

My Department operates a dedicated website *www.broadband.gov.ie* where potential broadband customers can establish the service providers providing a broadband service in their area. The website also lists prices of the various service levels on offer and contact details for each service provider.

633. **Deputy Shane McEntee** asked the Minister for Communications, Energy and Natural Resources when broadband will become available to the residents of Culmullen, County Meath; and if he will make a statement on the matter. [17300/08]

**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 included the provision of grant-aid under the Group Broadband Scheme (GBS) and ongoing 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 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 are engaged in “competitive dialogue” with my Department and are finalising 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 by July 2008, with rollout to commence as soon as possible thereafter.

My Department has recently received notice of Judicial Review proceedings regarding certain elements of the NBS mapping process. These proceedings are currently before the Commercial Court and due for hearing on 10 June 2008. A speedy conclusion of the matter has been requested in order to advance the NBS as quickly as possible.

### **Departmental Expenditure.**

634. **Deputy Damien English** asked the Minister for Communications, Energy and Natural Resources the average time for payment to be made by his Department and by each agency affiliated to his Department to outside contractors for goods and services employed for each of the years 2004 to 2007 and to date in 2008 in tabular, readable form; and if he will make a statement on the matter. [17372/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** It is a key objective of my Department, in its dealings with suppliers of goods and services, to pay all invoices as soon as possible after the goods and services have been satisfactorily delivered. In addition, payments governed by the provisions of the Prompt Payment of Accounts Act 1997, are required to be made within the statutory limit of 30 days set out in the Act.

The vast majority of all payments made by my Department to outside contractors for goods and services are made within 30 days. Details of payments incurring penalties under the Prompt Payments of Accounts Act are published in my Department's Annual Report. All payments made by agencies affiliated to my Department are a day-to-day operational matter for those organisations.

### **Alternative Energy Projects.**

635. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources his views on correspondence (details supplied); the meetings he or his Department has had with his ministerial European colleagues or Commissioners on the matter; if actions or proposals have been made or completed or are contemplated as a result of such meetings; and if he will make a statement on the matter. [17364/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The social and environmental sustainability concerns raised by the Irish Missionary Union reflect the agreed need to ensure that biofuel production and utilisation is fully sustainable. The European Commission's Renewable Energy Directive proposes a 10% target for biofuels by 2020, backed up by proposals for stringent sustainable criteria. Together with other Member States, Ireland fully supports the sustainability imperative in relation to biofuels policy. Biofuels are a key part of the EU's strategy to reduce dependence on oil use in transport. Equally, the economic and environmental impacts of biofuels use need to be understood and addressed. We are working with the Commission and Member States in the Committee on Sustainability Criteria for Biofuels to ensure that the necessary sustainability criteria backed up by efficient administrative and reporting arrangements are put in place by the EU to underpin biofuels production and use.

636. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the obstacles that currently prevent microproducers of energy such as apartment buildings from selling the energy they produce back to the national grid; the action he will take on this; and if he will make a statement on the matter. [17399/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There are a number of challenges to be addressed as we work to facilitate the widespread adoption of micro-generation. A key challenge is the absence of commercial arrangements for export of surplus electricity. The new micro generation programme which I announced recently, to be operated by Sustainable Energy Ireland, is designed to address the challenges.

The new programme includes a range of analysis of the challenges together with field trials of additional technologies to inform policy development in relation to micro-generation. The first element of the programme to be commissioned in the coming weeks will be an examination of the options for commercial arrangements for small-scale generators which will include an assessment of the options for payment for exported electricity. Decisions in relation to further action to stimulate the widespread deployment of microgeneration will be taken in light of the results of the SEI programme.

#### **Post Office Network.**

637. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his policy on the future of the post office; if he has identified the optimum number of post offices expected to form the mainstay of the service in the future; and if he will make a statement on the matter. [17445/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** It is Government policy that An Post remains a strong and viable company into the future, in a position to compete in a liberalised market, provide a high quality, nationwide postal service and maintain a nationwide, customer-focussed network of post offices. Matters and decisions relating to the future of the post office and the optimum number of post offices are, in the first instance, for the board and management of the company and ones in which I have no statutory function.

#### **Budget Submissions.**

638. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources the date for each year since 2000 of pre-budget meetings held with the Department of Finance and the Department of the Taoiseach; the attendees at such meetings; if an agenda was circulated in advance; if minutes of such a meeting were kept; if not the reason for same; if officials were directed not to keep minutes of such meetings; if so, by whom and the date of same; and if he will make a statement on the matter. [17558/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The settlement of the Department's spending Estimates by Government in the context of annual Budget decisions for the years in question involved a process of consultation over a period of months with the Department of Finance culminating in Ministerial meetings. Meetings of this nature do not require an agenda to be circulated in advance and minutes of such meetings are not maintained as part of Budgetary preparations in my Department.

Attendance at meetings of officials would, in the early stages, involve the Department's Finance Officer and at Ministerial meetings the Minister would also be accompanied by the Secretary General. Should any Ministerial meetings have taken place on these matters involving the Department of the Taoiseach, such matters are internal to Government.

#### **Departmental Agencies.**

639. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural

Resources the reason the ESB employee share option programme has not progressed to a point where shares would be tradeable; and if he will make a statement on the matter. [17584/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Responsibility for the management and operation of the ESB Employee Share Option Programme (ESOP) rests with the ESB ESOP Trustees (ESOT) and I have no role or function in the matter. My consent and that of the Minister for Finance, as Shareholders in ESB, however, is required for any amendments that might be proposed to be made to the ESOP Trust Deed by the Trustees. A number of such amendments were put forward by the Trustees last year to take account of the imminent arrival onto the ESOP internal market of a significant amount of stock from a large number of former employees of the company. This is as a result of the requirement on all former employees to sell their stock allocations within a specified number of years after leaving the company. It has been accepted by all parties involved that the large number of such ‘forced’ sellers has potential implications for the liquidity and the effective functioning of the ESOP market. We are working together to address those issues.

The proposed amendments have necessitated in-depth consideration by the two Departments and the ESOT of a range of legal and market-related issues. Work has progressed significantly in co-operation with the ESOT and I would expect to see the process reach an equitable and satisfactory conclusion in the very near future.

#### **Departmental Expenditure.**

640. **Deputy Damien English** asked the Minister for Communications, Energy and Natural Resources the cost to his Department of implementing the payroll system within his Department and within bodies under his Department’s aegis for each of the years 2004, 2005, 2006, 2007 and to date in 2008 in tabular readable form. [17710/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The maintenance and support cost to my Department of implementing the payroll system within my Department for each of the years under question is as detailed in the following table.

Year	Cost
	€
2008	14,153.06
2007	92,156.05
2006	12,237.94
2005	72,803.78
2004	50,954.21

The variation in costs between years is generally due to additional once-off costs for specific projects.

Costs associated with implementing the payroll by bodies under the aegis of my Department is a day-to-day operational matter for those organisations.

#### **Energy Resources.**

641. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the incentives from his Department and his Department’s agencies for the production of bio-fuels; if he will review these in view of the current world food crisis. [17741/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I am committed to ensuring that the development of the biofuels sector is fully sustainable. I will shortly be launching the public consultation on the proposed Biofuels Obligation in line with the Programme for Government and the Energy Policy Framework. The planned introduction of a Biofuels Obligation by 2009 would require all fuel suppliers to ensure that biofuels represent a certain percentage of their annual fuel sales. In that context, current EU policy developments in relation to ensuring the sustainability of biofuels production and utilisation will be fully factored in and publicly debated. The recent introduction by the UK of a Biofuels Obligation will also be closely monitored for lessons to be learned in the context of finalising our own proposals. The Biofuels Mineral Oil Tax Relief Schemes, which were introduced in 2005 and 2006, enables successful project promoters to produce a certain volume of biofuels on which they are exempt from paying mineral oil tax. The schemes have resulted in eighteen projects being awarded excise relief for the period 2005 to 2010 and are valued at over €200m.

My Department is also supporting research and development of Second Generation Biofuel production techniques under the Charles Parsons research awards. Work is also under way to determine what the marine environment might contribute to developing the national biofuels capacity. SEI in consultation with the Marine Institute is commissioning analysis of the potential of marine algae as a source of biofuels for Ireland. This will provide a comprehensive basis on which to inform future research and development into the potential use of marine algae for renewable energy. It will also provide data in relation to the biofuels capacity that could potentially be derived from the marine environment.

#### **Inland Fisheries.**

642. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the cost structure for a licence to fish on rivers and lakes here; if there is a different cost in place for pensioners; and if he will make a statement on the matter. [17891/08]

643. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the body responsible for the issuing of licences to fish in rivers and lakes here; the last time the cost of licences to fish in rivers and lakes was increased; the amount they were increased by; the reason for the increase; and if he will make a statement on the matter. [17892/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 642 and 643 together.

Under the Fisheries Acts, primary responsibility for the management, conservation, protection and development of the inland fisheries resource and in this case, the issue of licences, rests with the Central and Regional Fisheries Boards. Licence duties are increased on an annual basis and such increases are in line with the Consumer Price Index. Licence duties are set by me, with the consent of the Minister for Finance, at rates recommended by the National Fisheries Management Executive (Fisheries Boards Managers) and endorsed by the National Salmon Commission.

In 2007, as part of a suite of conservation measures for the management of the wild salmon fishery, a salmon conservation component was applied to all licences. This component represents 50% of the licence fee and income generated from the component is dedicated by the Regional Fisheries Boards for the rehabilitation of salmon habitats and conservation measures throughout the country. All of the proceeds of the licence fee income are reinvested, by the fisheries boards, in the conservation, protection and development of wild salmon fisheries habitat and stocks.

The Salmon Rod Ordinary Licences (Alteration of Licence Duties) Order 2007 S.I. 794 of 2007 gives details of the current licence fees, including the conservation component, effective from 1 January 2008. The 2008 full cost of an annual salmon licence is €134; a Salmon rod (annual) district licence is €64; a Salmon rod (twenty-one day) licence is €50 and a Salmon rod (one-day) ordinary licence is €36. Further details are available on my Department's website at [www.dcenr.gov.ie](http://www.dcenr.gov.ie).

There are no plans to apply a reduced rate for anglers other than juveniles for whom a licence costs €20 per annum. Any such reduction would require amendments to the licensing regime provided for in the primary legislation.

### **Energy Resources.**

644. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to remove regulatory barriers to combined heat and power and district heating systems. [17927/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In line with the commitment in the Programme for Government, my Department and Sustainable Energy Ireland are consulting with the Commission for Energy Regulation with a view to identifying and removing barriers, including regulatory barriers, to the deployment of high efficiency Combined Heat and Power and district heating. I intend to bring forward proposals in the near future in light of the outcome of these consultations and taking account of the views of all stakeholders.

### **Electricity Generation.**

645. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to ensure that the ESB installs a new smart electronic meter in every home in the country. [17928/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The roll-out of a national smart meter programme is progressing in line with the commitment in the Government's Energy Policy Framework and in the Programme for Government. The programme is a central component of our strategy to significantly enhance management of demand for electricity and to achieve greater energy efficiency through the use of cutting-edge technology.

The delivery of smart metering requires a collective response. This is a technically complex and ambitious initiative. The Steering Group overseeing programme implementation is chaired by the Commission for Energy Regulation and includes representation from Sustainable Energy Ireland, ESB Networks, ESB Customer Supply and independent suppliers as well as my Department. There are also four working groups, reporting directly to the Steering Group, which are mandated to progress the complex technical aspects of smart metering including Tariffs, Billing/Data Services, Networks and Customer Behaviour.

I can confirm that the pilot phase, which will be the start of roll-out, is still scheduled to get underway by mid year. ESB Networks is currently engaged in the final stages of a tender process to select smart meters for testing in the pilot phase. The objective remains to complete the national smart meter programme in five years. Under the ESB's new Strategic Framework to 2020, the national smart meter programme will be financed under the ESB Networks Multi-annual Investment Programme.

[Deputy Eamon Ryan.]

Smart metering has the recognised potential to deliver a range of benefits. These include:

- Better demand management, particularly at peak times, leading to reduced emissions resulting from increased energy efficiency and reductions in electricity usage,
- The enabling of micro generation and distributed generation, as smart meters will be able to record electricity exported to the Grid,
- Improved customer service: smart metering will allow remote meter reading allowing for more accurate billing. Smart metering technology also has the potential to enhance competition by facilitating customers wishing to switch supplier and suppliers wishing to offer innovative products.

A cost effective smart metering system will therefore deliver tangible benefits to all consumers of electricity.

646. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to facilitate the introduction of net metering. [17929/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Net metering, in the electricity market, requires that participating generators can access electricity meters which record both imports and exports of electricity or, at a minimum, meters which offset electricity imported by individual customers against volumes of electricity exported to the electricity system from the same property. Traditional electricity meters do not record or offset the volume of any electricity exported.

In line with the Programme for Government, work is underway on the roll-out of the national smart meter programme. These meters, among other functions, can measure and record both imports and exports of electricity. The introduction of net-metering will therefore be enabled by the national smart meter programme.

#### **Alternative Energy Projects.**

647. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to establish a dedicated ocean energy development unit. [17930/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Work is well advanced on the establishment of the ocean energy development unit within Sustainable Energy Ireland which will oversee and drive the roll out of the Ocean Energy funding programme of €5.5 million this year.

#### **Fuel Poverty.**

648. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to assist those on low incomes to avoid fuel poverty. [17932/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There are a number of initiatives and schemes in the Energy Policy Framework designed to assist those on low incomes in relation to their energy expenditure. These initiatives include:

- The Department of Social and Family Affairs, Fuel Allowances Scheme
- Sustainable Energy Ireland's Warmer Homes Scheme- "Keep Well This Winter, Stay Well and Warm" publication
- Various schemes relating to local authority rented dwellings, including the Remedial Works Scheme.

The Warmer Homes scheme provides insulation and other energy efficiency solutions to low income homes across Ireland. The service is coordinated by SEI and is delivered principally through Community Based Organisations. The scheme is targeted at householders who are in receipt of the Fuel Allowance, Disability Benefit or Invalidity Benefit and is provided either free of charge or for a nominal fee (less than €100). Households are identified by community based installers working closely in association with other intermediaries including the St. Vincent de Paul Society, Health Services and GP networks.

I have provided some €4 million to Sustainable Energy Ireland (SEI) in 2008 to fund the Warmer Homes Scheme, which is an increase over the €2.5m available to this scheme in 2007.

The Fuel Poverty Action Research Project is assessing the effectiveness of the interventions delivered under the current Warmer Homes Scheme in addressing fuel poverty and the final report of the Fuel Poverty Action Research Project is scheduled for publication in mid 2008.

The information pack "Keep Well This Winter, Stay Well and Warm" contains information on all national and local schemes of assistance in relation to fuel poverty. This information pack was developed by a steering group comprising representatives from the Health Service Executive (HSE), ESB Customer Supply, SEI, the Department of Social and Family Affairs, Age Action Ireland, Combat Poverty Agency and An Post. It contains advice for householders about

1. Keeping well and warm;
2. Heating their home;
3. Useful phone numbers of service providers;
4. A temperature card; and
5. Available allowances under the Social Welfare system, such as the fuel allowance scheme
6. The Warmer Homes Scheme, including a full list of providers.

The pack was published during winter 2006-2007 and is available in most pharmacies, post offices, doctors' surgeries and citizens' information offices. Approximately 250,000 copies were printed and further copies are available from the ESB and the HSE.

The Energy Policy White Paper proposes that the Inter Departmental/Inter Agency Group on Fuel Poverty will be chaired by the Office of Social Inclusion and a directory of all national and local schemes of assistance in relation to fuel poverty will be published. This Office is the Government office with overall responsibility for co-ordinating and driving the government social inclusion agenda and is based in the Department of Social and Family Affairs. My Department and the Social Inclusion Office will be liaising on the establishment of the group. It is intended to await the outcome of the fuel poverty research project currently in progress, as set out above, before the group is established.

**Broadcasting Policy.**

649. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to ensure a speedy right to reply for those who have been defamed in radio and television programmes. [17933/08]

650. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to review rules relating to the advertising of junk food aimed at young people, with a view to the phasing out of such adverts. [17934/08]

651. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to maximise the number of home-produced programmes within the RTÉ schedule. [17935/08]

652. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to digitise the RTÉ archives for use in education and science. [17936/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 649 to 652, inclusive, together.

I propose to address the matters raised by the Deputy in the context of the Broadcasting Bill 2008, which I intend to introduce into the Oireachtas shortly.

**Post Office Network.**

653. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to ensure that as many Government services as possible operate through the post office network. [17937/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** As set out in the programme for Government, the Government remains fully committed to the objective of securing a viable and sustainable nationwide post office network through a range of measures including maximising the volume of both public and private sector business handled through the network. Currently 65% of the post office network's revenue comes from Government contracts.

The responsibility for awarding contracts to An Post in relation to Government services is a matter, in the first instance, for the Department or agency awarding the contract. Furthermore, under procurement legislation, contracts must be awarded following a transparent public procurement process. It is an operational matter for the Board and management of An Post as to whether they tender for Government contracts.

**Postal Services.**

654. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to introduce a postcode system. [17938/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The National Postcode Project Board (NPPB) presented its recommendation as to the most appro-

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 has recruited consultants to assist it in carrying out this analysis. This work will be completed shortly. On consideration of this analysis it would be my intention to revert to Government on the issue.

655. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to insist on much improved next day postal delivery rates and to link them to future stamp price increases. [17939/08]

656. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the progress made in regard to the commitment given in the Programme for Government to empower ComReg to withhold increases or claw back income where delivery targets are not met. [17940/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 655 and 656, inclusive, together.

Matters relating to quality and levels of postal service are a matter, in the first instance, for the management and board of An Post and one in which I have no statutory function. In addition, the Commission for Communications Regulation, ComReg, in accordance with the 2002 European Communities (Postal Services) Regulations, is responsible for the monitoring, measurement and regulation of the postal sector including measuring the levels of service to be achieved by An Post and ensuring that the company abides by its statutory universal service obligations.

With regard to the progress made on the commitment given in the Programme for Government to empower ComReg to enforce its delivery targets, I have amended the postal regulations using powers conferred on me by the Communications Regulation (Amendment) Act 2007. These amended regulations permit ComReg to apply to the High Court for the application of a financial penalty to An Post, as universal service provider, in the event that the company fails to comply with a direction issued by the regulator, including one in relation to quality of service targets.

Regarding the approval of price increases, under the existing regulatory framework ComReg must concur with price changes for services within the reserved area in advance of any such increases being applied. There is currently no formal link between quality of service and price increases.

My Department has recently launched a consultation process on the EU Postal Directive and one of the consultation topics relates to the regulation of price increases in a liberalised market. I will consider the responses received in the transposition of the Directive into Irish law.

#### **Decentralisation Programme.**

657. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources the costs incurred to date for decentralisation, broken down by his Department and the agencies under the aegis of his Department. [18111/08]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** As the Deputy will be aware, the bulk of costs associated with the Decentralisation programme are to be met by the Office of Public Works (OPW).

I can advise the Deputy that other Decentralisation related costs incurred directly by my Department are reported on a regular basis to the Department of Finance and a breakdown of costs reported to date is set out in the table below:

Travel and Subsistence	Incidental Expenses	Postal and Telecom Expenses	Office Machinery	Office Premises Expenses	Total
43,755	—	4,615	48,637	7,531	104,538

A significant portion of these costs related to the relocation of the Seafood functions of the former Department of Communications, Marine and Natural Resources to Clonakilty, County Cork. Responsibility for these functions transferred in June 2007 to the Department of Agriculture, Fisheries and Food.

The costs incurred by Agencies in this regard are a day to day operational matter for the agencies themselves in which I have no function.