



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 4 June 2008.

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DÁIL ÉIREANN

Dé Céadaoin, 4 Meitheamh 2008.
Wednesday, 4 June 2008.

Chuaigh an Acting Chairman (Deputy Seán Ardagh) i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Ceisteanna — Questions.

Priority Questions.

Departmental Strategy Statements.

73. **Deputy Richard Bruton** asked the Minister for Finance if he has issued new policy directives since taking up his post as Minister for Finance; and if he will make a statement on the matter. [22278/08]

Minister for Finance (Deputy Brian Lenihan): Since taking up office, I have been acquainting myself with the economic, budgetary and other policy issues which are the responsibility of the Minister for Finance. As the Deputy is aware, new policy directives are normally made primarily in the context of the annual Budget Statement and the Estimates cycle. I have not found it necessary as yet to issue something that might be characterised by the Deputy as a new policy directive. However, I am evaluating the current changing economic position and I will shortly be bringing my budget strategy memorandum to Government as is normal at this time of the year. Of course I have made decisions on many matters that have been brought to my attention since my appointment and I have made those decisions in accordance with what I deem to be in the prudent and best interests of the country.

Deputy Richard Bruton: I am somewhat disappointed that the Minister has not found that he has some ideas that he would like to implement on taking up office. I had understood he had been considerably interested in the post for some time. Will he, for example, consider a directive to provide that all appointments to State boards by the Minister would be presented to an Oireachtas committee so that it could have some input into them? May I suggest that he consider that it would be timely to have a medium-term strategy over the next four years bearing in mind that the existing programme for Government is based on tax revenue which will be cumulatively €30 billion off the target expected at the time it was made? Will he consider a policy directive to extend the Freedom of Information Act as requested by the Information Commissioner or to extend the powers of the Standards in Public Office Commission as it has requested? Has he considered that the request by the National Competitiveness Council that the Government should prepare a competitiveness action plan is one deemed worthy of support by the Minister for Finance and that we will have a direction that that will be done.

Deputy Brian Lenihan: In substance the Deputy has asked five supplementary questions, which in a sense are very remote from the original question he raised. On his first question, of course I bring new ideas into this Department. However, I am content at this stage to explore those new ideas with my officials so that we can formulate them as concrete proposals in the Estimates cycle and in the presentation of the annual budget.

The Deputy proposed the four specific ideas. First, appointments to State boards are dealt with through Acts of the Oireachtas. In general the Acts prescribe the form for the appointment of particular members. The form and procedure for the appointment of members of various boards varies. Some appointments are made by the Government and in those cases a proposal must be brought by the relevant Minister to the Government for a Government decision on the appointment. In other cases appointments are left to Ministers. Some legislation prescribes exactly the qualifications and background, including vocational background or being a member of the public service or designated member of the public service. Statutes often lay out these matters regarding appointments to State boards. There is no uniform formula for appointing people to State boards and in the course of our debates on individual items of legislation questions are raised as to how appointments should be made. It is for line Ministers to appoint persons of suitable qualifications to boards who can discharge their duties in the public interest. It is not the responsibility of the Minister for Finance to second guess the wisdom of Ministers' selections. In my Department I must fill certain positions on boards and I fill them in accordance with their statutory purposes. I am not clear what new policy directive is open to me in this area.

I commented on freedom of information legislation during a recent conference on the Freedom of Information Act, hosted by the Ombudsman. I made the point that the introduction of a very small charge in 2003 was a desirable decision in value for money terms in that there was a disproportion between the cost of processing certain requests and the amount of information elicited from them. As a result, a small charge was introduced in 2003. It has not yet been increased and I have no proposals to increase it. It is a valuable deterrent to abuse of the system in putting the public service under a huge burden to furnish information in a disproportionate manner. I do not propose to change that.

Another aspect of freedom of information that is often canvassed is the disclosure of Government records. As Deputy Burton is aware, the original legislation envisaged that disclosure would be made after five years, and it is now made after ten years. We will not begin to see documents of the Governments that sat in 1997 and 1998. That is a reasonable period of time and I cannot take issue with it. On the Garda Síochána, again I am guided by the view of the Minister for Justice, Equality and Law Reform, which is that there are important security considerations involved although I see no harm in an exchange of opinion between senior Garda officers and their correspondents in other forces where freedom of information experimentation has taken place.

Deputy Richard Bruton: May I ask a brief supplementary question?

Acting Chairman (Deputy Seán Ardagh): The time is up.

Deputy Richard Bruton: The Acting Chair did not limit the Minister, who went well over time.

Acting Chairman: Time is not allocated specifically. The time is six minutes in total. The Deputy could have used more time at the beginning,

Deputy Richard Bruton: The Minister could put Sir Humphrey of “Yes, Minister” to shame in his capacity to defend the *status quo* in long, rambling replies without seeking to reform anything that might make his Department more transparent or accountable to this House.

Acting Chairman: We may get to another priority question of Deputy Bruton’s if we can move on.

Deputy Brian Lenihan: We are fully accountable under freedom of information legislation.

Deputy Richard Bruton: If the Minister had not used all the time we might have had a reasonable debate.

Economic Competitiveness.

74. **Deputy Joan Burton** asked the Minister for Finance the level of economic growth in Ireland for the first five months of 2008; the expected level of economic growth for 2008 as a whole; when his Department’s economic growth forecast for 2008 was last revised; his view on recent further downward revision in economic growth forecasts, with some respected commentators forecasting economic growth of 1% or less for 2008; his proposals to tackle falling growth, rising unemployment and persistently high inflation; and if he will make a statement on the matter. [21985/08]

Deputy Brian Lenihan: Figures on economic growth are published by the Central Statistics Office on a quarterly basis, generally speaking one quarter in arrears. Data for the first quarter of this year will be published at the end of June or early July. The indicators available point to a softening in the economic conditions in the opening months of the year.

At budget time my Department forecast GDP growth of 3% for 2008, while pointing out a number of risks to this forecast. Those risks have materialised. The external environment has weakened. The short-term outlook for the US and UK has become less favourable while the growth rate of the euro area economy is expected to slow, albeit not to the same extent as in the US and the UK. At the same time, the appreciation of the euro against the dollar and sterling is becoming a cause for serious concern. Oil, food and other commodity prices have risen in recent months and the international financial market difficulties have been more prolonged than initially hoped.

Domestically, we are experiencing a sharp adjustment in the level of new house building and this is having a dampening impact upon the overall rate of economic growth. The range of the main economic forecasters spans from a low of 0.5% to a high of 3.5% for GDP for this year with the consensus for growth now approximately 2%. Compared with last December the current market consensus forecasts for this year and next have been revised downwards.

While my Department has not published revised forecasts the situation is being closely monitored. Clearly we are in a more challenging economic environment with several key indicators showing a slowdown. It must be emphasised that we face the slowdown from a position of strength and, once we take the appropriate steps to overcome the short-term difficulties, my Department expects the medium term outlook is for a pick-up to more sustainable rates of growth. It is of note that others, including the ESRI, share this assessment as evidenced by its recently published *Medium Term Review: 2008-2015*, in which it anticipates growth averaging 3.75% over the medium term.

How we respond to the short-term difficulties is important. To safeguard our growth prospects we need to improve our competitiveness, raise the level of exports and improve the productivity in the economy. Continued productive investment will also be important to help

[Deputy Brian Lenihan.]

raise productivity and living standards and maintaining a low burden of taxation will also help stimulate private sector investment and participation in the labour force.

Deputy Joan Burton: Will the Minister elaborate on whether he has plans to deal with what one respected firm of accountants yesterday called a pandemic of uncertainty which is now contaminating not just the construction industry, to which the Minister referred, but all sectors of the economy — what in the United States is often called the real economy as opposed to the construction industry, which is sectoral and undoubtedly has huge difficulties?

I noticed yesterday that the Minister saw fit to lecture people. I want to ask him about his comment yesterday that consumers and businesses must put up with high fuel prices and that we are not to “whinge”. Does this mean that some woman with her children——

Deputy Brian Lenihan: The Deputy would want to read the quotation.

Deputy Joan Burton: The Minister is quoted in *The Irish Times* and other newspapers today as saying “we have to adjust our expectations” and “modify our behaviour” instead of “whinging”. Mothers who go shopping often have their children with them and the children whinge as they look for a bar of chocolate and so on. Is the Minister telling consumers to cut the whinging? He is the one on a salary of €250,000 and the Government has decreed that he will get a €20,000 increase shortly. Who is entitled to whinge? Will the Minister explain those comments? Will he withdraw his charge that people should stop whinging?

Perhaps people have something to whinge about — those losing their jobs, the businesses closing down, the construction workers becoming idle and in particular the shoppers, mothers and fathers who push trolleys around with their children, who find the price of a basket of goods a difficulty and find it difficult to make ends meet at present. Perhaps the Minister will agree that some of these people are entitled to feel let down by the Government and the Taoiseach and by the former Minister for Finance, who made a bags of stamp duty reform and partly brought us to where we are now.

Deputy Brian Lenihan: The question asked by Deputy Burton is of course based on a misapprehension. I did not characterise any of the individuals referred to by Deputy Burton as whingers in the article, nor would I.

Deputy Joan Burton: Whinge.

Deputy Brian Lenihan: If one is prohibited from using a word in the language, I will follow Deputy Burton’s injunction and refrain from using the word again. However, I will say this——

Deputy Joan Burton: The Minister used it yesterday. He acknowledged he talked about whingers.

Deputy Brian Lenihan: Yes, I did use the word. The manner in which Deputy Burton presented her question would deserve the sobriquet. The matter I was addressing was the increase in oil prices, which is a very serious matter with very serious impacts for the people to whom Deputy Burton referred — I agree with her on that. I was addressing the fact that we have very difficult choices to address in that context. We do not set the price of oil for ourselves, it is set for us by those with whom we deal. Given the character of the increases we have seen worldwide, it will impose on us certain disciplines. We have a choice, we can, as I said, complain about it or we can decide to take the actions that will address the problems it poses for us.

Deputy Joan Burton: Will the Minister tell us——

Deputy Brian Lenihan: That is precisely the point I was addressing in the article and it is all I was addressing. I was in no way lessening the concern I have and that the previous Minister had in regard to those who are most hard-pressed by this. The previous Minister addressed that matter in his social welfare measures in the last budget.

Acting Chairman: We move on to Question No. 75.

Deputy Joan Burton: May I ask a brief question?

Acting Chairman: No, we are well over the time. No brief questions are allowed.

Deputy Joan Burton: Does the Minister withdraw the word “whinging”? Was it a mistake to call consumers and businesses whingers?

Acting Chairman: We are on Priority Questions. Deputy Kieran O’Donnell has asked Question No. 75 and I call the Minister to respond.

Deputy Brian Lenihan: I explained the context——

Deputy Joan Burton: Will the Minister withdraw the word “whingers” in regard to consumers and businesses?

Deputy Brian Lenihan: Excuse me, Deputy, am I allowed to speak?

Acting Chairman: We are on Priority Questions. We must move to Question No. 75.

Deputy Brian Lenihan: I explained the context in which I used the word.

Deputy Joan Burton: Does the Minister withdraw it?

Deputy Brian Lenihan: I indicated that I observe Deputy Burton’s injunction not to use it again.

Deputy Joan Burton: The Minister should withdraw it.

Price Inflation.

75. **Deputy Kieran O’Donnell** asked the Minister for Finance if he has monitored the impact of trends in sterling and international commodity prices on Irish price inflation; and if he will make a statement on the matter. [22279/08]

Deputy Brian Lenihan: Achieving a moderate rate of inflation is a key economic policy priority given its importance in helping to restore national competitiveness. Due to the relatively high rate of inflation that we have experienced over the past number of years, the price level for consumer goods and services in Ireland is some 20% above the euro area average. In light of this, the Government is committed to monitoring developments in prices on an ongoing basis.

As measured by the harmonised index of consumer prices, annual inflation in Ireland was 3.3% in April 2008. Using the domestic measure, the consumer price index, annual inflation was 4.3% in April 2008. This represents an improvement on the consumer price index inflation rate of 5% recorded a month earlier. As in many other countries, the global rise in food and oil prices is continuing to impact on headline inflation in Ireland. In the year to April 2008,

[Deputy Brian Lenihan.]

food costs rose here by some 8.4%, contributing 0.9% to the annual increase in prices, while the cost of energy rose by 7.3% and contributed 0.6%.

As regards exchange rate developments, it is well known that sterling has depreciated sharply against the euro in recent times, falling by around 15% in the year to April 2008. Given that approximately one third of imports to Ireland are from the UK, I would have expected to see this fall in sterling exerting some downward pressure on inflation. I am disappointed this does not seem to have happened to date. This issue is also of concern to the Government and my colleague, the Tánaiste and Minister for Enterprise, Trade and Employment, has been actively engaging with those concerned to see what steps can be taken to resolve the matter. As the depreciation in sterling is passed through, I anticipate a moderation in Ireland's inflation rate later this year.

In terms of the Government's response to recent price developments, I point out that as a small open economy, we are largely a price taker, which means we have few direct measures at our disposal to reduce the inflationary impact of the global rise in commodity prices.

Notwithstanding this, the Government is committed to doing what it can. In the short to medium term, this includes implementing responsible fiscal policies and promoting competition and increased price transparency through the work of the Competition Authority and the National Consumer Agency.

Additional information not given on the floor of the House.

Over the longer term, the considerable investment in the agricultural and food industries that the Government is currently undertaking as part of the national development plan will help improve the productivity and competitiveness of these sectors, with subsequent gains for the Irish consumer.

Finally, from a competitiveness perspective, I stress the importance of ensuring that the externally driven price increases we are currently experiencing are not exacerbated by internally generated second round effects. Securing a sensible and sustainable outcome to the current round of pay talks will have an important role to play in this respect.

Deputy Kieran O'Donnell: The Minister has not addressed the issue of what the Government is going to do. In a market driven economy such as ours, the large UK multiples will charge higher prices if they can get away with it. Will the Minister instruct the National Consumer Agency and the Competition Authority to work together? My party believes the two agencies should be combined into one stronger body. By publishing sterling and euro prices across a range of sectors, they could ensure the proper competition which is currently missing from the market.

I take exception to the Minister's refusal to apologise for his comments on whinging. He is speaking to consumers and businesses. The latter provide the jobs which, along with rising prices, are people's biggest concern at present. He has done absolutely nothing in that regard. Certainly there have been increases in the international price of oil, but the Government has done nothing to quell domestic inflation. For the past seven years, it has contributed to half of all non-mortgage based inflation.

Will he and the Tánaiste instruct the National Consumer Agency and the Competition Authority to publish on a weekly basis real time prices across a range of products so people know whether they are getting value for money from UK multiples? Will he apologise and withdraw his comments about whinging? He is speaking to people who are worried about their jobs.

Deputy Brian Lenihan: The Tánaiste has been actively engaged with the National Consumer Agency and the Competition Authority with a view to taking positive action on this matter.

Deputy Kieran O'Donnell: Will the Minister do anything positive?

Deputy Brian Lenihan: A parliamentary question on that matter should be addressed to the Tánaiste. I do not have responsibility for issuing directions to these bodies——

Deputy Kieran O'Donnell: You were not long getting out the door.

Deputy Brian Lenihan: ——but I do share the concerns expressed by Deputy O'Donnell and I have raised them with the Tánaiste. I am sure she will take appropriate action to address the matters raised by the Deputy.

Deputy Kieran O'Donnell: The Minister did not deal with my request for him to withdraw his remark on whinging.

Acting Chairman: That is not relevant to Question No. 75.

Deputy Brian Lenihan: The Deputy did not give me an opportunity to reply. I was about to deal with his question. I already dealt with it in the context of Deputy Burton's query and I am quite happy for Deputy O'Donnell to join her on a list of those who objected to my use of the word. If Deputy O'Donnell reads the article, he will realise that I made a point to the effect that we cannot just complain about increases in the price of oil. We have difficult choices to make.

Deputy Kieran O'Donnell: This shows a lack of understanding on the Minister's part with regard to that with which people in business are being obliged to deal. There has been a 30% increase in the price of diesel during the past year. The people to whom I refer work hard. It is an insult for the Minister to use the term in question and I ask him to withdraw it.

Deputy Brian Lenihan: I have a full understanding of the difficulties being experienced by those to whom the Deputy refers. Unlike him, however, I do not just live in a world of politically correct language. I live in a world where people in our economy are experiencing real problems.

Deputy Kieran O'Donnell: What is the Minister going to do about this matter?

Deputy Brian Lenihan: I do not believe trading insults in respect of terminology will solve the problem.

Deputy Kieran O'Donnell: What is the Minister going to do?

Acting Chairman: Will Deputy O'Donnell allow the Minister to respond? We must proceed to the next question.

Deputy Brian Lenihan: The first point I made in the article to which the Deputy refers is that the price of oil is something outside the control of the Government and the Parliament.

Deputy Kieran O'Donnell: The Minister should deal with the——

Acting Chairman: We are going too far now. We must proceed to Question No. 76.

Public Private Partnerships.

76. **Deputy Joan Burton** asked the Minister for Finance if his attention has been drawn to the recent comments of the outgoing Comptroller and Auditor General with regard to public private partnerships; his views on this analysis; if a review is required of the structure and financing of PPPs to ensure value for money for the State and an appropriate alignment of interests between the State and PPP contractors; and if he will make a statement on the matter. [21986/08]

Deputy Brian Lenihan: I presume the Deputy is referring to the comments that Mr. John Purcell, the former Comptroller and Auditor General, made during his recent appearance on a television programme. Speaking after his retirement, Mr. Purcell noted that public private partnerships are not a panacea for all of our infrastructure requirements and that PPP procurement suits appropriate projects. In the 2008 public capital programme, the Government set targets for PPP investment that average 16% of total capital investment per annum for the period 2008 to 2012. Hence, the majority of public capital projects will continue to be delivered using conventional public sector procurement.

The former Comptroller and Auditor General also noted, at a recent hearing of the Committee of Public Accounts on 17 April, that “it is not the case that PPP is good and traditional procurement is bad, or *vice versa*” but rather that “certain situations are more suitable to PPP solutions”. I agree with these views. PPPs are one of the options available to Government to serve its objectives. I have no plans to abandon that option.

Naturally, there are a variety of PPP models that can be applied in the procurement of projects. In choosing to adopt the PPP approach for particular projects, Departments and agencies must assess, in conjunction with their advisers, the optimum structure to use, including whether to include private finance. In this regard, State authorities have access to the financial expertise of the National Development Finance Agency, NDFA, to assist them in determining the optimum means of financing public investment projects in order to achieve value for money. The NDFA can also advise State authorities on all aspects of financing, refinancing and insurance, including risk analysis.

Deputy Joan Burton: Has the Minister engaged in a reassessment of PPPs? One of the aspects regarding PPPs is that they are meant to transfer risk from the State to the private sector. This was fine when interest rates were low. In light of the international credit crunch, however, interest rates for private sector investment have risen dramatically. Some time ago, the former Comptroller and Auditor General, when he examined a number of school building projects that were carried out under the PPP process, pointed out that the cost of capital relating to PPPs is significantly higher than would be the case if the State borrowed such capital and commissioned projects through the traditional direct procurement method. Now that interest rates relating to the private sector are so much higher, what is the justification for engaging in so many PPPs?

What is the position as regards risk? There have been a number of reports to the effect that in the Irish case very little risk is transferred to private developers. Did the Minister feel sorry regarding what happened in the case of Dublin City Council and the private developer, Mr.

Bernard McNamara, who walked away from five PPP projects in Dublin city?

3 o'clock

Thousands of people were depending on these projects proceeding in order that they might obtain new homes. The preferred bidder walked away, presumably on the basis that, in light of the current economic climate, he could no longer make money out of these projects. What is the Minister's view on this matter, particularly in light of the fact that Mr. McNamara is the preferred bidder in respect of the construction of a prison at Thornton

Hall? In the latter instance, the State will be the guaranteed customer and there will, as a result, be no risk to the private provider. It walked away from the five PPPs in Dublin city but is the preferred bidder for a prison at Thornton Hall, where the State is the guaranteed customer, and there is therefore no risk to the private provider. The State, with current interest rates, may now end up spending much more on the cost of this PPP.

The Minister should be concerned about mortgaging future generations at a very high price when using the PPP procurement method unless risk is clearly transferred and the PPP provider produces the item at a much cheaper cost. I do not understand how this can happen with interest rates at an astronomical level.

Deputy Brian Lenihan: The National Development Finance Agency is there to advise us on these and it is linked with the agency which manages our debt. It has a considerable competence in advising us on these matters. On the general abstract issue of PPPs raised by the Deputy, there are advantages in the PPP, as the Comptroller and Auditor General himself accepted in an answer to the Committee of Public Accounts earlier this year. Of course, we must be vigilant about them.

There are certain other advantages to PPPs as well. They involve a payment linked to performance over the entire lifetime of the project and they are long-term contracts where bidders focus on the whole life-cycle cost of the project and not just on the upfront capital cost. The construction times post-contract tend to be faster as the private sector is incentivised to complete the project in order to begin to receive regular payments.

The private sector innovation and commercial management expertise is brought into delivering important public facilities. A contractual framework to allocate risk to the party that can manage it best is devised.

Deputy Joan Burton: I have asked the Minister to comment on my question.

Deputy Brian Lenihan: The approach allows for a number of projects.

Deputy Joan Burton: He is just reading a long text.

Deputy Brian Lenihan: I will comment. I am giving the Deputy reasons——

Deputy Joan Burton: Will the Minister comment on the questions I asked?

Deputy Brian Lenihan: I am giving the Deputy the advantages——

Deputy Joan Burton: What is the Minister's view of the provider walking away from the Dublin City Council PPPs and the fact the provider is the preferred bidder on Thornton Hall? What is the rationale of keeping the provider?

Deputy Brian Lenihan: I would like to deal with that.

Acting Chairman: Unfortunately, we have no time.

Deputy Brian Lenihan: The Deputy asked an abstract question. With regard to the concrete question, they are two entirely different public private partnership arrangements. They are not the same.

Acting Chairman: The whole matter deserves a full debate but we only have six minutes for this question, which have expired. I ask the Minister to move to Question No. 77.

Deputy Brian Lenihan: As I understand the position, the developer is contractually committed in one of the Dublin arrangements to which Deputy Burton referred. In the other case, no legal arrangement was entered into.

Deputy Joan Burton: So four of the five are not legally binding? Why is the developer the preferred bidder on a prison project?

Acting Chairman: We cannot go any further. I ask the Minister to move on to Question No. 77.

National Development Plan.

77. **Deputy Richard Bruton** asked the Minister for Finance if the national development plan will be delivered in full, on time and within budget; and if he will make a statement on the matter. [22280/08]

Deputy Brian Lenihan: The national development plan, NDP, is a high level strategic framework and financial investment plan. It sets out indicative financial allocations for the investment priorities which will consolidate and enhance our economic competitiveness and provide a better quality of life for everyone in this country.

The plan brings together different sectoral investment policies into one overall investment framework, thereby promoting optimal co-ordination and alignment between sectoral policies. The plan emphasises the importance Government attaches to several horizontal themes such as promoting all-island co-operation, enhancing environmental sustainability, promoting more balanced regional development and supporting the development of the rural economy.

The plan provides a financial framework within which Departments and agencies can plan and deliver the implementation of public investment. Together with the robust value for money regime put in place by the Government, this will support the delivery of NDP-financed projects within budget and on time. It is worth noting that the majority of major roads projects in recent years are coming in on time and within budget.

The Government remains committed to the progressive delivery of the investment priorities to be financed under the NDP up to the end of 2013. This commitment is evidenced by the allocations made available from the Exchequer both in 2007 and in 2008 and the outputs clearly visible throughout the country, whether in terms of new roads, new public transport infrastructure, new schools, new water services and the very considerable delivery of public investment financed by the Exchequer.

The preparation of a progress report on NDP investment in 2007 is well advanced and will be laid before the Oireachtas in due course, where it will be subject to debate. The report will set out not only the financial outturns for each of the NDP's 88 investment sub-programmes but the actual outputs financed under the NDP and how they have contributed to supporting the NDP's horizontal objectives.

This investment will help to position the Irish economy to take advantage of a future upswing in the global economy and will help improve the quality of life in this country.

Deputy Richard Bruton: Is the Minister committed to the multi-annual Exchequer contribution set at €9.1 billion for 2009 and also for 2010?

Deputy Brian Lenihan: The allocation for a particular year, as the plan indicated, is always subject to our obligations to the European Central Bank under the Maastricht arrangements. It is also subject to the prevailing budgetary position so, in devising the Estimates for this year for capital next year, sovereignty lies with the process this year.

Deputy Richard Bruton: People will be disappointed the Minister is unable to commit to the multi-annual framework, which contained these figures and was set out and published after the last budget. Does the Minister agree that one of the preconditions set out on page 16 of the national development plan was that the Government would maintain the growth in day-to-day spending in line with economic growth? The Minister and his predecessors have manifestly failed to do this. They have allowed spending in the past two years to grow 65% faster than was set out as a precondition in the NDP and this has cost €4 billion. Does the Minister accept the Government has undermined its ability to deliver the NDP by building huge current spending programmes on the back of property taxes that were plainly unsustainable?

Deputy Brian Lenihan: I do not accept that but I do accept that I have an obligation, as Minister for Finance, to ensure current spending is kept under tight control and that priority is given to investments outlined in the national development plan.

Deputy Richard Bruton: That is something the Government has failed to do in the past two years, despite it having been set as a precondition for the delivery of the NDP.

Deputy Brian Lenihan: The relevant quantum of investment took place in the NDP in the past two years. As Minister for Finance I will review this, examine the position this year in the mid-term review and bring forward proposals for the Government in the autumn.

Deputy Richard Bruton: Why did the Government set out in its manifesto that it would deliver the NDP in full and on time when the Minister now tells us it is subject to review and the fact the Government has failed to maintain current spending in line with economic growth means it is now vulnerable to revision? Why did the Government say something in its manifesto that it has failed to provide the capacity to deliver?

Deputy Brian Lenihan: I understand my predecessor pointed out that the manifesto was subject to current budget constraints and considerations, as any manifesto should be.

Deputy Richard Bruton: The manifesto made a commitment but the Government has undermined its ability to deliver it through its actions in expanding current spending. The Government did not make the NDP its priority; winning the last election was its priority. The Government spent money it did not have and that the economy could not provide and now delivery of the NDP has been compromised.

Deputy Brian Lenihan: Delivery of the NDP remains the priority of the Government in the context of public finances.

Deputy Richard Bruton: It is a priority the Government can no longer deliver.

Deputy Brian Lenihan: We can debate this in future but it is clear that in the past two years all the commitments in the NDP have been met.

Deputy Richard Bruton: That is not clear to me.

Deputy Brian Lenihan: It is evidenced in the substantial expenditure we have seen in improving our roads network, for example, which is taking place ahead of schedule this year due to the fine weather we have had. I have no doubt the other investments will also be progressed in the NDP.

Deputy Richard Bruton: The Minister does not sound sure and has left quite a bit of doubt around the matter.

Other Questions.

Government Pay Awards.

78. **Deputy Catherine Byrne** asked the Minister for Finance the pre-conditions he is setting before the Government will agree to give up its pay awards. [21867/08]

94. **Deputy Róisín Shortall** asked the Minister for Finance if, in view of the changing economic climate, the Government proposes to review its decision to accept substantial pay increases for Members of Cabinet, albeit on a deferred basis; and if he will make a statement on the matter. [21971/08]

Deputy Brian Lenihan: I propose to take Questions Nos. 78 and 94 together.

As the Deputies are aware the Government decided that the increases recommended by the Review Body on Higher Remuneration in the Public Sector should be implemented for the generality of grades covered by the recommendations on the following phased basis: 5% from 14 September 2007, the date of the report, or where the total increase is less than 5%, the full increase from that date; half the balance from 1 September 2008; and the remaining balance from 1 March 2009.

However, the Government has already decided to defer implementation of the review body increases recommended for ministerial and parliamentary office holders and to phase them on the following basis: 4% of the increase from 1 September 2008, half the balance from 1 September 2009 and the remainder from 1 September 2010. On this basis the increases will not be applied in full until September 2010.

Deputy Richard Bruton: The Minister has not answered the question he was asked, which was whether he intended to set any preconditions before the Government would agree to give up the pay increases. Will the Minister set any preconditions? Does he share the Taoiseach's view that the increases should be surrendered if a satisfactory outcome is forthcoming from the national pay talks? What does he regard as a satisfactory outcome from the national pay deals that would trigger the surrendering of this pay increase? Will the decision to surrender some of this pay increase be confined to Ministers or will it apply also to senior public servants, who are due to receive further increases on 1 March next year, according to the schedule?

Deputy Brian Lenihan: I have been considering this question since my appointment as Minister for Finance. The Taoiseach has made clear that the Government is prepared to review all increases in the context of the social partnership discussions that are under way. I do not want to pre-empt those discussions at this stage. I appreciate that the Deputy asked whether preconditions were being set. In my discussions about this with the Taoiseach I have not viewed it as a matter requiring preconditions but as a matter, as indicated by the Government through the Taoiseach, that is there for discussion in the context of the social partnership negotiations.

Deputy Richard Bruton: To clarify, will the Government surrender the pay increase regardless of the outcome or only if the outcome is within some range? Perhaps the Minister would clarify Government policy in this regard.

Deputy Brian Lenihan: No. I——

Deputy Richard Bruton: The Irish Congress of Trade Unions, IBEC and so on do not normally negotiate Ministers' pay, so it is up to the Minister to decide what is to be done. With

whom will the Government sit down and negotiate? Will representatives of the Government sit down with David Begg? Will they negotiate will all three pillars within the social partnership? Will the Minister clarify what the policy is?

Deputy Brian Lenihan: I recognise the considerable public disquiet surrounding these pay increases. They were determined, as the Deputy knows, by a group——

Deputy Richard Bruton: Why not just surrender them?

Deputy Kieran O'Donnell: Yes.

Deputy Brian Lenihan: They were determined based on an exercise of comparison with the private sector. I know from discussions with finance Ministers from other countries that there is grave concern in many European countries about the high levels of remuneration with which senior private executives are awarding themselves. In that context, I agree with the position of the Taoiseach and the Government that we are prepared to review this matter in the context of these discussions, which I do not want to pre-empt. In any event, when participating in discussions of this type, it is not wise to indicate what one will do. One does not go into discussions or negotiations after indicating what one intends to do anyway.

Deputy Richard Bruton: Who will the Minister to discuss it with?

Deputy Brian Lenihan: I will not indicate at this stage what I intend to do.

Deputy Joan Burton: We will receive more Exchequer figures this afternoon — the Minister probably knows them already — which may not be any better than those for the first five months of the year. In view of the state the economy is now drifting into and the current pandemic of uncertainty, and from the point of view of the moral authority of the Government, should it not bin these pay rises now?

Deputy Richard Bruton: Hear, hear.

Deputy Joan Burton: The process for determining Ministers' pay rises should be handed over to the system that governs the pay of TDs, so that they are within the public sector process. Does the Minister agree that in view of the culture of greed with regard to bonuses which has so infected the international private banking sector, determining Ministers' salaries by comparison with the private sector whose workers are immersed in the bonus culture, does not make sense? That is why the moral authority of the Government is in danger. Why does the Government not just give up these increases and provide moral leadership and authority on this issue? The level of these pay increases is totally unjustified.

Deputy Brian Lenihan: Two or three issues arise from the Deputy's question. I agree with her that the bonus payments, characterised by some payments in senior banking positions, are deplorable. That these increases are occurring in international financial markets is a cause of common concern among many European Finance Ministers.

Concerning the comparators used by the body in question, the review and benchmarking bodies compared public sector jobs with jobs of equal value in the private sector, but not necessarily senior executives in banks. The review body found that the salaries of many senior public service posts — we will leave Ministers out of the equation for the moment — were below private sector levels even when allowance was made for the value of pensions. It was on this basis and in respect of the lower quartile of the private sector rates that the commission worked.

[Deputy Brian Lenihan.]

At this stage, I am not prepared to be more definitive concerning the Government's position because it is important that the negotiations on social partnership should occur between the relevant partners. The Taoiseach has made clear that the matter has been placed on the agenda. This is as much as I can state at this stage.

Regarding Ministers' positions, Deputies have an arrangement whereby their increases are made automatically because they are linked with a particular grade in the public service.

Deputy Joan Burton: Assistant principals.

Deputy Brian Lenihan: Ministers have no such linkage and are consequently in an impossible position constitutionally and politically.

Deputy Kieran O'Donnell: I will make two brief points. Today, the OECD issued a report on Europe's economic indicators. In Ireland, it singled out the ongoing pay talks and pay restraints. This is like *déjà vu* because I also asked the Minister's predecessor whether he believed that telling people to have pay restraints on the one hand while, on the other, Ministers are accepting pay rises above the average industrial wage was hypocritical. Does the Minister believe he is entitled to be paid more than the Secretary of the Treasury in the US?

Acting Chairman: I am sure the House will get an answer to that.

Deputy Brian Lenihan: I have made it clear that the Taoiseach has placed this matter on the agenda of the public social partnership talks. I am not prepared to go beyond that this afternoon. The Taoiseach has made it clear that the matter will be subject to further discussion and that issues have not been finalised in that regard.

Deputy Kieran O'Donnell: Unlike the pay talks, the Ministers' wages are already determined. They should lead by example and have the moral authority to stand up and say——

Acting Chairman: Does the Deputy have a question?

Deputy Kieran O'Donnell: I am telling the Minister that, effectively, it stands to reason——

Acting Chairman: That is not in order, this is Question Time.

Deputy Joan Burton: It sounds as if the Cabinet has gone in like a negotiating group with a shop steward at its shoulder and told people that Ministers should get a certain amount. The salary increases are unacceptable to most people. The increases would be difficult to justify at any time, but they are almost impossible to justify given the economy's difficult situation. Where is the Minister for Finance's leadership? Yesterday, he told people — we will not use the "W" word again — that they should show restraint in their comments.

Deputy Brian Lenihan: The Deputy can use it if she wishes.

Deputy Joan Burton: I will not.

Acting Chairman: Will the Deputy put her question to the Minister?

Deputy Joan Burton: He is giving the impression that, somehow or other, the Cabinet has, as an adjunct to the pay talks, participated so that it can negotiate a bit for itself. This would not be acceptable, as the Government must show moral authority.

Acting Chairman: Does the Deputy have a question?

Deputy Joan Burton: Why will the Government not forgo the increases?

Deputy Kieran O'Donnell: The Government is entitled to be paid——

Deputy Brian Lenihan: I did not intend to prohibit Deputy Burton from using that word, but I will prohibit myself from using it in future.

Deputy Kieran O'Donnell: Is the Minister withdrawing it?

Deputy Brian Lenihan: Entering the talks, it is neither my frame of mind nor the Taoiseach's that this item is on the agenda because we want to justify the increase.

Deputy Richard Bruton: Is it the Government's position that, in future, the setting of ministerial pay will be a matter for the social partners or will it continue to be a decision by the Government and an order of the House? If the latter remains to be the case, it is up to the Ministers to decide not to take it. It is not up to Mr. David Begg, Mr. Turlough O'Sullivan or anyone else sitting around the table, as it is not their role. It is up to the Ministers to show leadership and say that they will not take the increases because the economy could not take it and to do so would be inappropriate.

Acting Chairman: Is that a question?

Deputy Richard Bruton: That is a question.

Deputy Brian Lenihan: It was decided to defer it for a substantial period and the questions the Deputies raise are not simply of relevance to Ministers but concern a substantial category of senior public servants as well.

Deputy Joan Burton: Does the Minister believe the senior civil servants in question are entitled to those increases while people on the lowest rungs of the civil service are barely earning €400 gross a week? We live in the real world.

Decentralisation Programme.

79. **Deputy Tom Hayes** asked the Minister for Finance if he plans to alter the decentralisation programme in any respect. [21904/08]

84. **Deputy Brian O'Shea** asked the Minister for Finance if he has plans for a review of the programme of decentralisation; and if he will make a statement on the matter. [21961/08]

139. **Deputy Denis Naughten** asked the Minister for Finance the timetable for completion of decentralisation of Government Departments; and if he will make a statement on the matter. [19793/08]

Deputy Brian Lenihan: I propose to take Questions Nos. 79, 84 and 139 together. The programme for government states that the Government will continue to move ahead with decentralisation and ensure that no public servant is obliged to accept decentralisation against his or her wishes and that promotion opportunities remain available.

I have no plans to review the programme and I am confident the public service will deliver this programme in a considered, sensible and sensitive manner. My colleague, the Minister for Transport, has advised the Government of some administrative changes to the programme in relation to functions under his aegis. These changes will not impact on the overall number of posts for any location.

[Deputy Brian Lenihan.]

The October report from the Decentralisation Implementation Group, DIG, which can be accessed at <http://www.decentralisation.gov.ie>, provides the OPW time frames for the expected completion of permanent accommodation at that time. The DIG is currently updating the position on property with the OPW and early indications are that there are now likely to be some shifts in the completion dates for permanent accommodation caused by property selection and acquisition issues, brief and design issues, tendering periods, planning issues and contractual arrangements.

Examination of the position in regard to progressing the relocation of the State Agencies is under way and I expect a report on this matter later in the summer. I understand there will also be an update on the time frames for the programme generally at that time.

I confirm that the Government has recently asked the implementation group of Secretaries General to deal with the governmental and cross-departmental issues arising from decentralisation of the headquarters of Departments and the need to provide facilities for Ministers, Ministers of State and officials while in Dublin on business. A sub-group of the implementation group has been established to progress these issues.

Deputy Richard Bruton: Is the ostrich the bird that sticks its head in the sand and ignores what is going on around it? What progress has there been with regard to State agencies after four years? It is virtually zero. Is it not the case that ICTU has indicated that if there is no review of decentralisation in the context of the OECD report its unions will not co-operate with the transfer of State agencies? The OECD found that the Government's failure to create any opportunity for mobility between agencies four years into the decentralisation programme is totally undermining it as a tool for delivery of effective public services. What is the Minister's reaction to this? When will the penny drop that the Government must change its attitude and begin to deliver real change for people? If it is to go ahead with decentralisation the programme must be practical and provide improvements unlike the way in which it is administered at present.

Is the Minister not aware, being Dublin-based, just how crazy some of the situations are for his own constituents? Will he answer the wake-up call and allow us to have a sensible debate on this and work out something that is feasible?

Deputy Brian Lenihan: Deputy Bruton raised several issues. First, the progress report was published by my predecessor last October and at that stage the decentralisation implementation group was of the opinion that the programme is progressing satisfactorily. The time frames are, of their nature, indicative and subject to a number of variables. I made it clear in my answer that there has been some slippage regarding them. Planning for a substantial amount of decentralisation and its implementation are well under way.

Deputy Richard Bruton: I asked a supplementary question.

Deputy Brian Lenihan: The Deputy asked whether it was the case that there has been no decentralisation. There has been.

Deputy Richard Bruton: Of State agencies.

Deputy Brian Lenihan: I beg the Deputy's pardon. There have been considerable difficulties with regard to State agencies but these represent a very small proportion of the total number of posts to be decentralised. Negotiations with ICTU are ongoing and the Government is attempting to work through the issues in question with congress.

The Deputy mentioned criticism contained in the OECD report. That, again, has been referred to the implementation group of Secretaries General for consideration.

Deputy Richard Bruton: The Minister is responsible for this programme and so is his Government. He cannot outsource it to an implementation commission and then tell us that if that group is happy then so is he. The Minister's predecessor said there would be delivery of decentralisation within three years or, if not, Ministers would deserve to be sacked. They are not sacked, the programme has not been delivered and the Minister is sticking his head in the sand and pretending that everything is going swimmingly. It is not and it is time the Minister and his office woke up and made some changes.

Deputy Brian Lenihan: When the implementation group revert to me I will take decisions on the matter.

Deputy Joan Burton: I wish to ask the Minister——

Deputy Richard Bruton: That is the problem. The Minister outsources programmes and then ignores his responsibilities.

Deputy Brian Lenihan: The senior officers of the State work to Ministers as a collective body. Advice is sought from them on occasion and then one acts——

Deputy Richard Bruton: The Minister refuses to act.

Deputy Brian Lenihan: One acts on that advice if it is appropriate.

Deputy Richard Bruton: The Minister refuses to take any responsibility in this House.

Deputy Joan Burton: I remind the Minister that the word “quango” means a “quasi-autonomous non-governmental organisation”. From his answer, it appears that decentralisation will be decided upon by such a body. The implementation group is, effectively, a quango which will report back to the Minister.

The Labour Party has asked, on an all-party basis — I believe Fine Gael has agreed — that there would be a complete audit and review of the standing of the decentralisation programme. There is a large element of agreement among the parties in this House that decentralisation, properly managed, can be good for the economy. The shambles we have, however, is extremely costly. It was affordable when the Celtic Tiger era was at its peak and money could be blown hither and thither.

The Minister spoke about the necessity for people to make judicious assessments of spending. Completion of decentralisation is conservatively estimated to cost some billions of euro extra. Will the Minister review the programme on an all-party basis so that there can be value for money? That would be true decentralisation rather than the re-location proposed in the Minister's programme.

Deputy Brian Lenihan: Deputy Burton raised a vast range of issues. When I receive the relevant reports I will examine them with care. However, decentralisation is Government policy. The implementation group is simply that, a group to implement the programme. There has been some slippage in meeting targets but a substantial amount of decentralisation has taken place.

The issue of decentralisation of powers mentioned by Deputy Burton is a much wider issue because it concerns local government. The question of decentralising as many public servants as possible in different locations of Ireland in accordance with the plan is under way and will

[Deputy Brian Lenihan.]

be continued. I was surprised Deputy Burton suggested that the Government should abandon the programme.

Deputy Joan Burton: I said that it should be reviewed.

Deputy Brian Lenihan: The review seemed to be pointing——

Deputy Joan Burton: The Minister should not put words in my mouth.

Deputy Brian Lenihan: The review seemed to point towards an abandonment because it referred to the cost of constructing buildings in the current climate.

Deputy Joan Burton: The Minister told the House the whingers would have to cut back on the cost. He spoke about value for money and I reiterate his point. He said that costs must be examined. Is he now saying this is not necessary?

Deputy Brian Lenihan: As recommendations come back, I will examine them. The Government made a decision regarding decentralisation and I assure the House that decision stands——

Deputy Joan Burton: The cost does not matter then.

Deputy Brian Lenihan: ——and the function of the implementation group is to implement it. Any cost arising from decentralisation must be appraised and will be judged on strict value for money terms, as every project related to it to date has been judged.

Deputy Kieran O'Donnell: This programme was introduced by one of the Minister's predecessors in 2003. It was nothing more than a budget gimmick that was rushed in, with a lack of planning. Various OECD reports show there has been no planning. The Minister is the person responsible.

Does he accept the decision was rushed and was a budget gimmick? Does he accept he is the Minister responsible? Does he accept that, to date, only 120 posts have been decentralised so far this year? Less than 20% of all posts overall have been decentralised. The programme was supposed to have been finalised by the end of 2006 and nearly two years later it is still unfinished. Will the Minister bring an all-party approach to bear so a proper structure can be put to the decentralisation programme?

Deputy Brian Lenihan: Regarding the second question I accept I am the responsible Minister. Deputy O'Donnell expressed concern on the one hand that the decision was rushed and on the other that decentralisation was not happening fast enough.

Deputy Kieran O'Donnell: I said it was rushed.

Deputy Brian Lenihan: The Deputy cannot have it both ways.

Deputy Kieran O'Donnell: It is now some four and a half weeks later.

Deputy Brian Lenihan: The view of the implementation group is that it is proceeding satisfactorily.

Deputy Kieran O'Donnell: Less than 20% of the plan has been implemented. Does the Minister seriously believe this is happening at an appropriate pace? The Minister's predecessor, Mr. Charlie McCreevy, said that heads should roll if decentralisation did not happen by the

end of 2006. At present less than 20% of posts have been decentralised. There are 20 offices from a total of 56 yet to move to the proposed locations. Less than 50% of the staff which have decentralised have come from Dublin. What is the Minister going to do about this?

Acting Chairman: Perhaps the Minister for Finance can include the rate of decentralisation in the response to Deputy Morgan's question.

Deputy Richard Bruton: The planning of decentralisation was——

Deputy Arthur Morgan: I would not expect——

Deputy Kieran O'Donnell: The Minister should answer the question. What is he going to do about it?

Acting Chairman: I call Deputy Arthur Morgan.

Deputy Richard Bruton: The Minister is rolling his eyes when he should be rolling his head.

Deputy Arthur Morgan: I would not expect the Minister for Finance to admit the decentralisation process is a mess and sitting high and dry. Does the new Minister for Finance accept that — none of us would see it as a shame or a disgrace if the Minister was to take a practical view — relocating An Bord Iascaigh Mhara to Clonakilty is simply a non-starter? Will the Minister accept there is a fresh opportunity to agree, ideally on an all-party basis, real decentralisation and the best way to roll it out?

Deputy Brian Lenihan: I am not convinced of the merits of an all-party approach as I am not convinced such a process would secure agreement on the way to proceed.

Deputy Kieran O'Donnell: Is the Minister going to take responsibility and do something about this?

Deputy Brian Lenihan: I will take responsibility. If there has been some delay in the progress of decentralisation——

Deputy Kieran O'Donnell: It is not simply some delay, it is four and half years late.

Deputy Brian Lenihan: The delay is due to the myriad of issues involving staffing, property acquisition, planning and so on which arise in an exercise of this character. It was wise to be ambitious——

Deputy Kieran O'Donnell: What is the Minister going to do about it?

Deputy Brian Lenihan: However, it is wiser to ensure decentralisation takes place in accordance with the wishes of staff and involving buildings constructed on the basis of value for money and proper contract procedures.

Deputy Kieran O'Donnell: That is a waffley answer.

Deputy Brian Lenihan: We are no longer dealing with priority questions.

Acting Chairman: That is correct and the reason anybody can take a shot.

Deputy Brian Lenihan: I did not realise that until now.

Fiscal Policy.

80. **Deputy Arthur Morgan** asked the Minister for Finance if he will review public private partnerships as a method of financing public projects; and if he will support a full review of the use of PPPs by the Comptroller and Auditor General. [21934/08]

Deputy Brian Lenihan: The Government remains committed to the use of the public private partnership process as a viable Government option for appropriate projects within the overall parameters set out for public investment in infrastructure and public services.

PPP procurement is one option to be used alongside traditional approaches for the delivery of public investment projects. In choosing to adopt the PPP approach for a particular project Departments and agencies must assess, in conjunction with their advisors, the optimum model to use in the prevailing circumstances. There is a wide variety of possible PPP models provided for in legislation and elaborated on in central guidance issued by my Department. Within these models the form of the arrangement entered into would be specific to each project.

The approach offers several advantages which I outlined in an earlier answer. A summary list of PPP projects is available on the public private partnership website — www.ppp.gov.ie. This list includes 73 projects each of which has an estimated capital value over €20 million, which Departments and agencies advise have reached various stages of the PPP appraisal and procurement process. A total of 13 projects are operational and 15 are in construction. In addition, the Department of the Environment, Heritage and Local Government advises there are over 100 projects in the local government sector with a capital value of less than €20 million that are progressing as PPPs.

For specific projects, the Department has the same role in public private partnership projects as it does in capital investment projects generally. Based on Government policy, the Department of Finance sets the overall capital investment framework and the basic principles to be observed for the appraisal, assessment, procurement and evaluation of projects. Individual Ministers are responsible for the projects and programme in their areas, within that overall framework.

Deputy Arthur Morgan: I agree with the earlier comment from the Acting Chairman that a full debate on this issue is appropriate, but I will not attempt to have such a debate during Oral Questions. Is the Minister confident that public private partnerships represent value for money for taxpayers, especially given the contracting public finances? Will the Minister support a review of PPPs by the Comptroller and Auditor General? I accept the Minister said in his reply that the Government remains committed to PPPs. It is possible to take this view while at the same time support a review of the process, whatever models are employed, to ensure that such models are effective. Does the Minister for Finance agree that under the current public private partnership arrangements, it appears the private sector incurs a low risk?

Deputy Brian Lenihan: The Comptroller and Auditor General spoke to the Committee of Public Accounts on this matter on 17 April and he emphasised that it is not the case that PPPs are good and traditional procurement is bad, or *vice versa*, rather that certain situations are more suitable to a PPP solution. The Comptroller and Auditor General also noted that there are many different types of PPP and he specifically drew attention to the expertise of the National Development Finance Agency as crucial in that regard and I agree with his view. There are certain projects which are appropriate for the PPP model.

Regarding the relative allocation of risk and whether such arrangements represent value for money, I accept such projects are value for money in certain circumstances as the Comptroller and Auditor General recognised, for the many reasons I have set out in my earlier reply.

Deputy Richard Bruton: I know the Minister for Finance is eager to see the delivery of the NDP in full, in budget and on time. Does the Minister believe the €2.2 billion allocation for public private partnership projects for 2009 will be delivered in budget and on time? Does the Minister share the view of the Comptroller and Auditor General that there needs to be more transparency in this process, especially for the House which is ultimately responsible for the guardianship of public money?

Deputy Brian Lenihan: I have no difficulty subject to the necessary caution that sensitive commercial information cannot always be disclosed in the House, which is one of the difficulties in ensuring full accountability in this area. I accept there is a difficulty here. However, the envisaged investments through PPPs next year are important. One of the advantages of the PPP arrangement is the rigorous assessment process which the State agency involved conducts in regard to the PPP. This often leads to considerable delays at the beginning of the PPP.

Deputy Richard Bruton: Are we on schedule to deliver €2.2 billion next year?

Deputy Brian Lenihan: I am reluctant to sign off in blood on an item I have not yet examined. However, I am not aware of any circumstances which would prevent it.

Deputy Joan Burton: The Minister for Finance said in response to the earlier question on PPPs and Dublin City Council and McNamara Construction's pulling out of several projects, that only one of those was the subject of a tight legal framework. I understood that at least two of those projects had been subject to contractual commitments——

Acting Chairman: It is too late to raise this matter now.

Deputy Joan Burton: It is important that the Minister for Finance clarify this matter.

Acting Chairman: It is not possible as we are out of time. We are moving onto question No. 81 and we will try to finish before 3.45 p.m.

Deputy Joan Burton: Is the Minister saying——

Deputy Arthur Morgan: Am I not entitled to ask a supplementary question?

Acting Chairman: No, it was not a priority question and the Deputy has had his say.

Deputy Arthur Morgan: Can I even ask a brief supplementary question?

Acting Chairman: No, not even a brief supplementary question.

Deputy Brian Lenihan: I would like to assist the Deputy, but I must observe the rules of the House.

Acting Chairman: We are moving on to an interesting question.

Deputy Kieran O'Donnell: I understood the Chair was not entitled to a personal opinion.

Acting Chairman: This Chairman is.

Public Service Reform.

81. **Deputy Shane McEntee** asked the Minister for Finance if he has ruled any recommendations in or out from the OECD report on public service reform which has been passed to a new committee for consideration. [21913/08]

Deputy Brian Lenihan: I welcome the OECD review as a major contribution to the ongoing modernisation of the public service. When the Government initiated the OECD review, it requested that our public service be benchmarked against those of other comparable countries and that recommendations be made for the future direction of public service reform. We wanted to know how the decisions the Government is making are translating into services for the citizen and how this can be improved.

The OECD review includes many positive observations on the public service. It acknowledges the central role played by the public service in contributing to an economic success story that many OECD countries would like to emulate. It recognises we are on a sound trajectory of modernisation but argues that we could further improve the yield from reforms by renewing focus on their pace and sequencing to make them more mutually reinforcing.

I agree with the OECD that there is a compelling need to adopt a more citizen-centred approach. There must be an increased focus on service delivery over internal reforms and a shift in emphasis from organisational inputs to outcomes for the citizen. The modernisation process must deliver to the user results that are clear, useful and verifiable. We must have public services with citizens at the centre.

The Taoiseach recently announced the establishment of a task force to develop an action plan for the public service. This group has been asked to prepare a comprehensive framework for renewal of the public service which takes account of the analysis and conclusions of the OECD report, as well as the lessons to be drawn from the strategic management initiative, the organisational review programme and the efficiency review process. The task force has been asked to complete its work by the end of the summer. That work will inform the next phase of the modernisation process. I look forward to the report.

Deputy Richard Bruton: The question was whether any of the OECD's recommendations have been ruled in or out. The Minister has not answered the question. Instead of reading the question, the officials who draft the replies simply seem to offer a response to another question.

Deputy Kieran O'Donnell: The reply was taken from the top shelf.

Deputy Richard Bruton: Ministers and Secretaries General will be loath to agree to a pay settlement linked to performance. The Minister will encourage change in that regard. Will he also encourage change in the Estimates process, which has come under criticism from the OECD and elsewhere? Last week, unfortunately, he indicated that he had no intention of introducing such change. Will the decentralisation programme, which is a crazy undertaking in some of its aspects, be subject to change if it is so recommended?

The manner in which the Department of Finance manages agencies — by controlling staff numbers, grades and pay — has been highly criticised in the OECD report. Is that up for review under the current process? Will there be a review of the way in which quangos are established? As colleagues have pointed out, the establishment of 16 new quangos is envisaged under the Government's legislative programme. Will we see effective change in the way we deliberate on such issues or will this report, like many of its predecessors in the area of public service reform, vanish into history having produced no significant change?

Deputy Brian Lenihan: The Deputy asked several questions. First, nothing is ruled in or out on foot of the OECD report. That is the answer to the question tabled. Deputy Bruton is correct that the answer given rather adroitly avoided dealing precisely with that issue.

I prefer to use the word "agencies" rather than "quangos". More than 800 such entities were identified in the report. There is certainly a need to review this number and the scope of their functions, with a view to reform. The Fine Gael Party published a document on this some time

ago. I would appreciate if Deputy Bruton were to forward me a list of those bodies he considers should be curtailed, abolished or merged with other agencies. I will take his views into account.

Important considerations arise in regard to the traditional control the Department of Finance has raised over establishments in the public service. It is my considered view that the Department must control the size of those establishments, because that control is an essential weapon in maintaining the control over current expenditure which Deputy Bruton often extols. There is undoubtedly a difficulty in that the requirements on agencies have been more relaxed than those on line Departments, with the result that the latter have sometimes found it difficult to recruit.

Deputy Joan Burton: The OECD report puts forward the view that our tax take will fall substantially, perhaps to as low as 38% in volume terms and that there must therefore be reform within the Civil Service to obtain better value for money. The necessary changes relate not only to the agencies to which the Minister referred. There is another difficulty in that Departments do not know the numbers of staff in some of the agencies under their remit. For example, the OECD report observed that the Department of Education and Science is not aware of the number of prefabricated buildings in use in schools throughout the State.

Does the Minister intend to take a hands-on approach to ensure that civil servants in the relevant Departments know how many people work in the devolved agencies, how many prefabricated school buildings are in use, how many patients are waiting on trolleys and so on? Does the Minister agree it is a shame to have so many highly paid senior civil servants, some earning more than €250,000 per year, who cannot provide this type of information? How does the Minister propose to manage Civil Service reform?

Deputy Brian Lenihan: I share the concerns outlined in the OECD report. That is why the Government has established a task force to consider what reforms can be introduced on the basis of the conclusions drawn in the report.

Leaders' Questions.

Deputy Enda Kenny: I wish to raise the serious issue of rising prices. Consumers, businesses, farmers and fishermen have experienced and are experiencing a massive increase in the price of diesel, petrol and home heating oil. I was disappointed to hear the Minister for Finance, Deputy Brian Lenihan, say recently that people who complained about these price increases were whingeing. It is easy to dismiss such views as complaining when one is being driven around in a State car for which one does not have to fork out €100 for a fill of diesel on a regular basis. There are innumerable examples of commuters, hauliers, fishermen and others who have been screwed to the ground by these cost increases in petrol and diesel. The cost for a fill of home heating oil is now €1,000.

These costs come on top of other price increases, relatively stagnant incomes, the rising cost of doing business, the loss of competitiveness and increasing mortgage repayments. In the year to May 2008, the average price of unleaded petrol rose from €1.16 to €1.25 per litre. Five years ago, the price was 86 cent per litre. The increase in diesel prices has been even more dramatic, with the average price per litre increasing from €1.09 in May 2007 to €1.32 this year, an increase of 23 cent. Five years ago, the price of a litre of diesel was 78.2 cent per litre.

Deputy Caoimhghín Ó Caoláin: The cost of a litre of diesel today is 143.9 cent.

Deputy Enda Kenny: It is more expensive at some pumps than at others. I am referring to the average price.

[Deputy Enda Kenny.]

As the Taoiseach is well aware, the major factor in the increase of fuel prices is the price of crude oil on the international market. In this State, however, there is another factor. This is the combination of taxation through VAT and excise duty which is levied on volume. More than 50% of the price of petrol and 40% of the price of diesel is made up of taxation. The impact of VAT means large whirlwind increases for the Government when the price of petrol and diesel rises and it takes in even more in taxation. For every 5 cent rise in the price of either, the Government takes in an additional 1 cent. Does the Taoiseach consider it right that, at a time of increasing economic challenge, the taxation system should increase the pain for consumers when oil prices are rising so dramatically? Does he have any proposals to revise the mix of excise duty and VAT so the taxation system will not be used to make a bad situation worse, when we face undoubted economic challenges?

The Taoiseach: There is a misguided view that increases in fuel prices will yield a benefit to Government, as if the consumer has that extra money to spend and will continue to spend the same amount of money on other goods and services. Clearly, where people have a certain level of income and must use vehicles, the increased VAT yield from an increase in fuel prices is offset by the reduced consumer spend in other areas. People are still working with the same income but a greater proportion of that income will be spent on fuel than would otherwise be the case. It is a fallacious argument, therefore, to suggest that there are increased revenues for the Government overall. In fact, there is less consumer spend with the rest of their salaries due to the increased cost of transport.

The price of fuel is an international phenomenon. There is an agreement at eurogroup level not to unilaterally bring forward tax adjustments domestically. There is a need to take on the structural impact of increased energy prices across the board. VAT content on auto diesel and other fuels used in the course of business is a deductible tax credit, so VAT may be reclaimed by hauliers, fishermen and other businesses. With regard to excise duties, fuel used by farmers and fishermen is treated very favourably in comparison to other sectors. There is no sound economic rationale for reducing VAT or issuing VAT reductions, especially as these price benefits will be taken either by wholesalers or producers, thus leaving the public subsidising an unsustainable fuel price level from public funds. That is in line with the position taken by almost all our European colleagues.

In 2001, the then Minister for Finance, Mr. McCreevy, reduced the higher rate of VAT from 21% to 20%. He had to reverse that change in the following budget as the reduction was not passed on to consumers. That has been the experience.

Deputy Enda Kenny: I have to assume that the Minister for Finance is speaking for the Government when he says people are whingeing when they are concerned about rising prices. The Taoiseach is well aware there is no VAT on food. The average person's weekly income is now squeezed to the limit with increases in food and fuel prices and mortgage costs. The amount of disposable income available to people has greatly diminished, as is evident in the leaking of confidence in so many sectors of the economy. I listened to a young fisherman a few evenings ago speaking from Kilmore Quay in the constituency of the Minister for Arts, Sport and Tourism. He said that diesel for five days steaming in his trawler cost €18,000, with perhaps no fish at the end of that because the quotas are so small. I also spoke recently to a haulier in Cork. Sending his truck to Belfast requires 300 litres of diesel for the trip there and back. That cost is ultimately passed on to the consumer.

I am disappointed that the Taoiseach does not have an initiative with regard to the mix of excise duties and VAT to ensure they are not used as a further battering ram against the

hard pressed consumer. Last week, Deputy Bruton and Deputy Coveney brought forward an imaginative and creative proposition to take back from electricity generators the windfall profits resulting from the carbon allowances given to them and in respect of which they have earned profits of €300 million per year. They got the carbon allowances for nothing. The Deputies proposed that the profit be given back to the consumer through a reduction in the lower rate of VAT from 13.5% to 12.5%. That would impact on the cost of household goods. It would also have an impact on newspapers, accommodation and the construction industry at a time of serious decline in activity in those sectors.

Is that not an example of creative and imaginative thinking with regard to what the Government could do? It could take back a windfall profit of €300 million per year from electricity generators and give it to the consumer. Would the Taoiseach favour taking back that €300 million in the first instance? He might not agree with our proposal of a reduction in the lower VAT rate from 13.5% to 12.5% but would he agree in principle to taking it back? We can then decide how the €300 million can best be used in the interests of the hard pressed consumer.

The Taoiseach: It is important to point out that the revenues available to the ESB and others are factored into their capital programmes for providing alternative energy sources.

Deputy Enda Kenny: The consumer is paying for it.

The Taoiseach: Yes, but if the people who will pay for it are to be the generators, they will simply pass it on. They have factored that money into their capital plans to move——

Deputy Enda Kenny: They have got them for nothing, as the Taoiseach knows.

The Taoiseach: ——to alternative energy sources. With regard to reducing the lower VAT rate from 13.5% to 12.5%, that would cost approximately €400 million in a year. The likelihood is that any reduction in the VAT rate would be absorbed by retailers and wholesalers and not passed on to consumers. That was the experience of one of my predecessors, as I said earlier, when he reduced the 21% VAT rate to 20% in budget 2001. He subsequently had to reverse that decision. In any event, changes to taxation could only be considered as part of an overall budgetary process which, as people are aware, will be challenging anyway. To consider such proposals outside that overall process could lead to unanticipated difficulties in terms of secondary economic effects as well as the effects on the wider society and the environment.

Deputy Eamon Gilmore: Last Friday, I was in the National Rehabilitation Hospital on Rochestown Avenue, which is in my constituency of Dún Laoghaire. I met there two young men, both of whom are paralysed from the neck down. In both cases the paralysis is the result of diving accidents. One young man was diving into a swimming pool when on holiday in the United States while the other hit a sandbank when diving into the sea in Australia.

The two young men were due to be discharged from the National Rehabilitation Hospital 18 months ago. The discharge from the hospital was first delayed because two bungalows being built for the young men, through Cheshire homes, were delayed due to a problem in the Department of the Environment, Heritage and Local Government. That was eventually solved and the two bungalows were ready for occupation at the beginning of this year. However, the young men cannot now be discharged from the hospital because the Health Service Executive has not provided the money it had originally promised to employ the carers the two men will require to live independently in the bungalows.

My colleague, Deputy McManus, raised this issue on the Adjournment last Thursday. She was told by the Minister of State, Deputy Hootor, that the funding for additional services for people with a disability is under review in the context of the Health Service Executive's overall

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service levels and funding position for this year. The money for the carers for these young men was provided in 2007 but, as the bungalows were not completed in that year, it could not be drawn down. However, now that the bungalows are completed, the money is not available for the carers. The result is that the two young men are in the hospital for 18 months longer than necessary. It is cruelty to have them confined to a hospital when they should be outside, living independently. Two beds in a hospital that is hard to get into are being occupied unnecessarily, while two bungalows built with taxpayers' money are lying idle in Greystones because the money to engage the carers has not been provided by the Health Service Executive even though it was previously promised.

I raise this with the Taoiseach for two reasons. First, I want something to be done. I appreciate I am putting it to the Taoiseach cold this afternoon. I want something done to get the two men discharged from hospital and into these bungalows with the Health Service Executive providing the funding, as it should be doing. Second, I raise it because it is not an isolated
4 o'clock problem. We had a similar example on RTE's "Morning Ireland" this morning and my colleague, Deputy Shortall, raised an issue at the Committee of Public Accounts last week about three houses in Castlepollard, County Westmeath, which have been idle for seven years because the necessary funding has not been provided to enable the people concerned to take up occupation. Again, those are examples of where the right hand of the HSE does not appear to know what the left hand is doing.

I have two questions for the Taoiseach. Can he assure me that somebody in Government will take action to get the pieces of this pulled together so that those two men can come out of hospital to the bungalows that were built for them? Will the wider problem of the left hand not knowing what the right hand is doing be resolved at some stage in the HSE?

The Taoiseach: I empathise with the dilemma those two gentlemen are in at the moment in terms of being placed outside the hospital setting. The placement of adults with spinal injuries outside acute hospital settings is a challenge in many parts of the country. The development of services in this area is something that has been required and I am sure is ongoing. Specifically, in regard to the two cases raised, I will take up the matter with the relevant health authorities to see in what way the matter can be resolved.

Generally speaking, there are plans within the HSE to develop rehabilitation services. I acknowledge the tremendous work and service pressures under which the National Rehabilitation Hospital has operated for many years. It has provided an excellent service. I have known people, including friends of mine, who had cause and reason to use the services and have nothing but praise for the excellent staff there. I visited the National Rehabilitation Hospital during my time as Minister for Health and Children. I acknowledge that it is an excellent facility that does tremendous work and brings great improvement to people who on the face of it one would not have expected to recover as well as they do there. There are plans to continue to develop the service because that is required. There is a need to try to provide services outside Dublin because the National Rehabilitation Hospital takes on the responsibility for almost the whole country because of the specialised injuries that are involved. I will take up the point made by the Deputy in regard to the two individuals and ascertain the position.

Deputy Eamon Gilmore: I thank the Taoiseach for agreeing to pursue the issue of the two unfortunate men involved. I hope that this will produce a result for them that has not been possible to achieve to date. My colleague, Deputy McManus, raised the issue on the Adjournment last week. In a case like that we should not have to ask the Prime Minister to resolve and address the issue.

The case is not isolated. I am told there are four cases in total with similar difficulties involving the housing scheme in Greystones built by Cheshire Ireland. Deputy Shortall raised the issue of the houses in Castlepollard that have been idle for seven years. There seems to be a consistent problem of dysfunctionality in the HSE. On the one hand a service is provided or a house or other facility is built by taxpayers' money and then one finds that it cannot be operated because the moneys required to either hire the staff or get the service up and running is not provided. That aspect of the problem needs to be addressed as well.

The Taoiseach: The fact that there are problems in this particular case is part of the wider issue I have acknowledged in terms of making rehabilitation services generally available and as good as people would like and expect them to be. I am aware of many instances where things work out very well. Perhaps the Deputy knows such examples also. One should not characterise the fact that there is a problem to mean that the system does not work at all. There is obviously a particular issue here with which I am not *au fait*. Deputy Gilmore mentioned the fact that, unfortunately, the housing was not available last year and therefore the money that would have been allocated for the care of those people went to someone else who was awaiting service in some other area, and that the situation repeated itself this year. I do not seek to suggest that there are adequate reasons the issue has arisen in these particular cases. It would be remiss of me to say that, but obviously there is a need to try to address the issue and solve the problem as quickly as possible. I know what the Deputy has had to say about it.

Ceisteanna — Questions (Resumed).

Commissions of Investigation.

1. **Deputy Enda Kenny** asked the Taoiseach if all costs associated with the MacEntee commission have been discharged; and if he will make a statement on the matter. [17138/08]

2. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the further action he has demanded of the British Government in regard to collusion, including recommendations arising from the reports of Mr. Justice Barron and the resolution passed by Dáil Éireann in March 2006; and if he will make a statement on the matter. [18722/08]

3. **Deputy Eamon Gilmore** asked the Taoiseach if he has received a request for a meeting with the Justice for the Forgotten organisation; if he will meet with it; if he has raised with the British Prime Minister the contents of the motion passed by the House in March 2006; and if he will make a statement on the matter. [19447/08]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

Mr. Patrick MacEntee, sole member of the Commission of Investigation into the Dublin and Monaghan Bombings 1974, handed over his final report on 12 March 2007 and it was published on 4 April 2007. The total amount spent on the commission of investigation was €2,632,702. All costs in regard to the commission of investigation have been discharged.

I have not received any request for a meeting with Justice for the Forgotten. During my recent meeting with Prime Minister Brown, our discussions focused on the Northern Ireland investment conference and recent developments in Northern Ireland. The British Government is fully aware of the position of the Government and of all of the parties in the House with regard to the Dublin and Monaghan bombings, the Pat Finucane case and the question of collusion generally. As Robin Eames and Denis Bradley reminded us last Thursday, the painful

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legacy of the past remains an enormous challenge to securing a shared, peaceful and prosperous future on this island. We all want to deal with this in a manner which allows all sections of the community to face the future with confidence. The best possible response to the tragedies of the past is to ensure they can never happen again.

Deputy Enda Kenny: Does the Taoiseach agree that the outcome for the victims and their families has been very unsatisfactory in that closure has not been brought? Does he agree also that at the very least the families expected that those responsible would be identified, and does he expect that to happen?

In view of the collusion that was identified in respect of security forces and the perpetrators of those atrocities, the Taoiseach rightly pointed out that the British Government is well aware of the situation — so it is — but does he agree that it has been a complete denial of justice by the British Government not to provide the information that the Government requested on a number of occasions? While the Taoiseach did not take up that issue with Prime Minister Brown in respect of the Northern Ireland investment conference, can I take it that he will raise it with him? If any government is serious about an issue, it needs to bring finality, closure and justice to it. The information held by the British Government and being denied to the inquiry has resulted in Justice for the Forgotten — the relatives of the victims — being in as much in pain now as when the atrocities happened. Does the Taoiseach agree that this is information that should be made available in order to conclude the matter once and for all, and will he raise that with Prime Minister Brown at the next appropriate occasion for him to do so?

The Taoiseach: That is an ongoing matter between both Governments in terms of trying to advance the issues, the long length of time since it has happened and despite every effort, including the establishment of the commission of inquiry, the provision of the Barron reports and the work of Mr. MacEntee, it has not been possible to get to the bottom of it. I have a particular interest in the matter as one of the victims was from my home town.

Deputy Enda Kenny: There was also one from mine. Members of Justice for the Forgotten were forced to go to court recently in order to get access to documents that had been made available to the MacEntee inquiry. This is being contested by the Government. Why does the Government want to contest this access? Is there some information the Government does not want to provide?

The relatives of the 11 people killed in the Ballymurphy area of Belfast recently visited Dublin to highlight this issue. Has the Taoiseach had a chance to review this case and does he plan to raise it with the British Government with a view to having it investigated further? The document they presented, 1971 Ballymurphy Internment Massacre, speaks for itself. A number of issues there deserve further consideration.

The Taoiseach: I have not dealt with that case. We have processes in place, including a secretariat and Ministers to take up these matters and, where appropriate, I will obviously take them up when an appropriate occasion occurs in a meeting between the British Prime Minister and myself. I have had reason to do that in the past in other capacities.

In defending the cases the State is honouring commitments of confidentiality given by Mr. MacEntee in the course of his inquiries. An appeal has been lodged and as this is before the courts I would not like to comment further on the matter except that we seek to honour the terms upon which that information was provided to Mr. MacEntee. It is a matter for the courts to decide whether it should be released.

Deputy Caoimhghín Ó Caoláin: The Taoiseach will recall that the Sub-Committee of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights issued reports on the outcome of the independent commission of inquiry into the Dublin and Monaghan bombings and the three related Barron reports, including the inquiry into the bombing of Kay's Tavern in Dundalk and the other incidences in Castleblayney and Belturbet, to which I believe the Taoiseach referred in his earlier response to Deputy Kenny. The Taoiseach will accept that these reports cover a range of acts of collusion resulting in the deaths of many innocent people in this jurisdiction. The work of the committee was virtually unprecedented in the history of the Houses of the Oireachtas.

However, does the Taoiseach not agree that the work of the committee, the publication of the various reports and the decision of this Chamber in unanimously passing a motion in March 2006 have not had the impact on the British Government and politics in the neighbouring island that Members of this House of all opinion would have expected? Does he agree that the Houses of the Oireachtas must take whatever appropriate steps in order to ensure that it has the impact the issues involved clearly deserve? In that respect will the Taoiseach arrange for the reports I have cited, as the former Taoiseach indicated his willingness to do, to be formally endorsed by means of full debates on motions in both Houses of the Oireachtas?

Does the Taoiseach recall that the former Taoiseach invited such an opportunity if agreement could be reached on a motion to facilitate such a debate to address the issues that the Opposition voices are raising today? Will he agree, therefore, that that process should now proceed and that an agreed motion is well within the collective gift of all opinion reflected in this House, as was demonstrated two years ago? Does he agree that we need a process whereby the Speaker of the House of Commons in Britain would be formally informed of the passage of such a resolution and be requested to put the content and intent of such a message from these Houses before the Houses of Parliament in Westminster so that the matter would be considered by the British Parliament by request of these Houses?

The Taoiseach: Obviously I will check to ascertain my predecessor's views on these matters. If it is on the record of the House that he is in agreement, I do not have a problem with trying to devise a process that would allow the Houses of the Oireachtas, if they felt it appropriate, to state once again our position regarding these matters. Mr. Bradley and the former Archbishop, Lord Eames, indicated that they hope to address these specific atrocities in their report. It will be interesting to read the outcome of their deliberations and to see what ideas there might be to assist us in trying to get the greatest amount of information possible so that as much of the truth as possible about these dreadful events might be established. Clearly there have been difficulties in achieving that. The full co-operation of everyone is required.

Deputy Caoimhghín Ó Caoláin: In his reply to Deputy Kenny, the Taoiseach referred to these as "ongoing matters". This is 2008 and the Dublin and Monaghan bombings occurred on 17 May 1974. Some 34 years later for many of the survivors and bereaved of that day's terrible events in this city and in my home town, time has marched on significantly. For many of those directly caught up and their immediate families, the ageing reality and very much an ongoing concern is that they will never see the full truth and justice established.

Will the Taoiseach request the British Government, through the mechanism laid down in the Weston Park agreement, to allow an independent internationally recognised and respected judicial figure to have access to the documentation held by the British Government and all its varying arms in order to further establish what factual information is held by the British Government in all its various guises, documentation and information that clearly was withheld from Mr. Justice Hamilton, Mr. Justice Barron *et al*, including Mr. Patrick MacEntee? With time marching on, does the Taoiseach accept that as many of the bereaved families feel a great

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urgency that only through concerted effort by the Government and the collective weight of all represented opinion in this House working together — that is the approach we are taking, which I commend — we should seek the co-operation of the British Prime Minister to ensure such a process is put in train?

I have put this question to the Taoiseach's predecessor on a number of occasions. Given the great concern and the importance of the issue, would the Taoiseach consider approaching the British Prime Minister, Mr. Gordon Brown, on the basis of a specific Taoiseach to Prime Minister summit that would address all these long outstanding issues, referred to as acts of collusion by the British state and its agencies in carrying out a series of atrocities on this side of the Border over those years?

The Taoiseach: People will recognise the political background against which these efforts have been made. For example, mention was made into inquiries into a number of cases which affected both sides of the community were handled at the same time by Judge Peter Cory. I was there at the time. In that context we were able to have him investigate the Finucane and Nelson murders and the killing of the two policemen, Superintendent Bob Buchanan and the other gentleman whose name does not come to mind at the moment. It took considerable time and effort to ensure that occurred. We have had independent inquiries North and South arising from that, yet we still do not have an independent tribunal of inquiry into the murder of Mr. Pat Finucane. We continue to try to address these issues. When one tries to advance these questions one hears the argument that there are other victims of violence for whom there will be no answers. The great tragedy of violent conflict is that innocent victims on all sides of the divide never find justice, having been denied the basic right to life.

That one tries to advance issues that, on their merits, are of such magnitude as what we are discussing here, and yet not find the core truth of the issue is disappointing in terms of the process established. It has also had varying effects on the relatives of victims in the reminder it has brought and the reliving of these traumatic events, which have had their detrimental side-effects. We must try to advance this issue to the greatest extent possible in the pursuit of truth, but also recognise there is a political context that makes it more difficult to achieve what one sets out to achieve. The disappointments that ensue as a result and the upset and revived trauma it causes can often result in a continuing no-win situation for these people. That does not deter or deflect one from trying to pursue the truth but I take cognisance of some of these issues. This is not because I do not want to pursue it but because I know this outcome also happens.

Deputy Eamon Gilmore: When we had statements here on the Barron report and the report of the Oireachtas committee at the beginning of the year there was considerable disappointment among the families of the victims that the opportunity was not taken to have an agreed, all-party motion on the Dublin and Monaghan bombings and what needed to be done following those reports. This motion could have been similar to that passed in 2006 in connection with the Finucane case. Following the statements, my colleague, Deputy Joe Costello, wrote to the Taoiseach's predecessor suggesting proposing a draft all-party motion for consideration. Two questions arise from that. Does the Taoiseach agree in principle that there should be an all-party motion? I understood that is what he said when he replied to Deputy Ó Caoláin. Will he undertake to consider the draft that was submitted to his predecessor by Deputy Costello?

Some of the families took a court case arising from which the High Court made an order that the Government produce certain documents, which the Government has appealed to the Supreme Court. I heard the Taoiseach say he did not want to go any further into it because it is before the court. Can he give the House any idea when he thinks the Supreme Court might

consider the matter? As has been said by previous Deputies, this happened 34 years ago and people have waited a long time for answers. If there will be prolonged litigation in the Supreme Court it will add to that. Has the Taoiseach any information on when the Supreme Court might deal with it?

The Taoiseach: I have no idea where it is on the Supreme Court's list, which as Deputy Gilmore knows, is a matter for the superior courts. Hopefully, as the Deputy said, it will be as soon as practicable and possible given, as he mentioned, the length of time and the particular subject matter we are addressing. As I said in an earlier response, I have no objection in principle to doing anything that would be regarded as being of assistance to the group concerned in terms of this House being given an opportunity on an agreed, all-party basis to comment on the situation with this ongoing, distressing saga for so many families. I will ask an official to deal with this matter and to begin work on consulting with parties in the House to see how we might advance that suggestion.

Deputy Eamon Gilmore: The Taoiseach's reply is very helpful. There was a desire for an all-party motion on this. As I said, the draft submitted by Deputy Costello seeks to have the Ceann Comhairle convey to the speaker of the British House of Commons the content of the motion and what is required following it and directs the Taoiseach to pursue the matter in certain ways with the British Government. That would be very helpful.

May I ask about the Supreme Court appeal of the High Court order to produce the documents? I appreciate that ordering the business of the Supreme Court is a matter for itself. However the appellant, in this case the Taoiseach, has some control over the speed with which the matter is progressed. Would the Taoiseach pursue that and see if the Supreme Court can deal with it sooner rather than later?

The Taoiseach: I do not think I, as the appellant, have any role in that matter since the papers have been lodged. However if there is any appropriate contact or inquiry I can make on it I will check it out.

Fire Services.

4. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on the outcome of his meeting on 6 March 2008 with persons (details supplied). [11397/08]

The Taoiseach: My predecessor in office, Deputy Bertie Ahern, met twice with the families of the two fire fighters who died last September responding to a factory fire in Bray, County Wicklow. He took the opportunity to convey the sympathy and condolences of the Government to both families on their loss. During the meetings, discussion focused on the concerns expressed by the families for the safety of the people of Bray and improvements to the fire services in the area, together with their call for an independent investigation into the tragedy. During the meetings he assured the families that the Government will address all the issues arising from the findings of current investigations. The families were also assured of the Government's commitment to support the development of modern, safe fire services for the community of Bray and nationwide.

Deputy Liz McManus: When the families met the previous Taoiseach, they were very grateful for the opportunity. They met twice, as has been said, but there was an expectation that those meetings would lead somewhere. Is the Taoiseach aware that prior to those meetings a statement was signed by all the local Deputies, including Government Deputies, and all the other key players in regard to the fire service in the county, calling on the Government and the

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Taoiseach to set up an independent inquiry, to set up a national fire authority and to provide a full-time service for areas of large population like Bray? That is the context.

Will the Taoiseach state in detail what has happened since that statement was made and since the families were brought to meet the previous Taoiseach? This matter has gone on for a long time and, if anything, the service has been deteriorating rather than improving as a result of people being out sick and numbers being reduced. People's concerns are heightened in the town of Bray in particular.

The Taoiseach: As the Deputy knows, in the immediate aftermath of the tragedy, Wicklow County Council, the Health and Safety Authority and the Garda Síochána each announced it was carrying out an investigation into the fire, so three inquiries are currently underway, each dealing with particular aspects of the tragedy. In these circumstances, it is best to await the outcome of the inquiries and then decide what next steps could be considered or taken. The then Taoiseach indicated we would seek to address all issues arising from the findings of those investigations which remain current and, hopefully, they can be brought to a conclusion as soon as is practicable.

Deputy Liz McManus: It is over eight months since the fire happened and although the three investigations were set up relatively quickly, we still have no reports and there is no sign of an independent investigation being established. Given that the Taoiseach's Department, and the Taoiseach's predecessor, took a particular interest in this matter, will he pursue it with the three bodies which are carrying out these reports, ask them to come to a conclusion and report back so we can begin to respond to the concerns that have been expressed and the suffering that has arisen for these families? It deserves attention and some kind of response that will have real meaning for the people of Bray.

The Taoiseach: As I said, I can make inquiries of them as to when they expect to have their inquiries completed, if that is in order, which I am sure it is. I will tell them the matter has been raised in the House and inquire in what way they can complete their investigations.

Deputy Liz McManus: That would be helpful. I thank the Taoiseach.

Deputy Eamon Gilmore: I remember when this tragedy occurred. I live less than three miles from where the fire took place and I know the families concerned. There was much shock at the time, locally and nationally, at what happened, namely, two firemen killed in the course of their work in what appeared to be a normal enough fire that they found themselves confronting. One of the issues was the astonishment shared by many people that a large town like Bray does not have a full-time fire service. One of the calls made at the time was for the establishment of full-time fire services under a national fire authority in large urban centres like Bray. Has any progress been made at Government level to advance the idea of the fire service being made full-time in large centres like Bray?

The Taoiseach: The provision of a fire service in its functional area is, as we know, the statutory responsibility of the local authority——

Deputy Eamon Gilmore: That is the problem.

The Taoiseach: ——which is Wicklow County Council in this case. Without revisiting the issues raised at the time, I do not think it was a question of whether it was a part-time retained or full-time service. It was an unfortunate accident which occurred when two gentlemen——

Deputy Liz McManus: We do not know that.

The Taoiseach: In so far as one's understanding of it is at the moment——

Deputy Liz McManus: No, there is a different view.

The Taoiseach: Fine. If there is another view, that is fair enough. That is perhaps why we should await the outcome of these inquiries and wait for those who are competent in these areas to comment further. I am just giving the response to Deputy Gilmore's point. My understanding, subject to the outcome of the inquiries, is that this was not the critical issue in this case, although I am not seeking to raise a contention in this regard. This issue is a matter between the local authority, in the first instance, and others in the area, and that is where it is best dealt with.

The issue with which my Department had an involvement was in regard to ascertaining what arises from these current investigations. As I have said, I will inquire as to when they might reach finality so we can have a better idea and a further discussion thereafter.

Official Engagements.

5. **Deputy Eamon Gilmore** asked the Taoiseach his plans for official trips abroad between 7 May and the end of 2008; and if he will make a statement on the matter. [14616/08]

6. **Deputy Eamon Gilmore** asked the Taoiseach if he will attend the fifth summit of the Heads of State and Government of Latin America and the Caribbean and the European Union in Peru on 16 May 2008; and if he will make a statement on the matter. [14617/08]

7. **Deputy Eamon Gilmore** asked the Taoiseach if he will attend the EU-Asia summit which will be held in Beijing in October 2008; and if he will make a statement on the matter. [14618/08]

8. **Deputy Enda Kenny** asked the Taoiseach the foreign trips he will undertake during the remainder of 2008; and if he will make a statement on the matter. [17131/08]

9. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the official trips abroad he plans for the remainder of 2008. [20812/08]

The Taoiseach: I propose to take Questions Nos. 5 to 9, inclusive, together.

On 8 May, I travelled to Belfast to attend the Northern Ireland investment conference. I also had meetings with the British Prime Minister, Mr. Brown, the First Minister, Mr. Paisley, and the Deputy First Minister, Mr. McGuinness. On 24 May, I travelled to Cardiff to meet the First Minister of Wales, Mr. Rhodri Morgan, and I also attended the European rugby cup final between Munster and Toulouse on the same day.

With regard to my travel plans for the remainder of 2008, while the programme has not yet been finalised, I intend to travel to the European Councils in June, October and December in my role as Head of Government. I have received a letter of invitation to the Europe-Mediterranean summit in Paris on 13 July. I have not yet had an opportunity to consider the matter but hope it will be possible for me to attend. I also expect to travel to the seventh Asia-Europe summit — the ASEM summit — which takes place in Beijing at the end of October.

The fifth summit of Heads of State and Government of Latin America and the Caribbean and the European Union took place in Lima, Peru on 16 and 17 May. The Irish Government

[The Taoiseach.]

was represented by the Minister of State at the Department of Foreign Affairs with responsibility for overseas development, Deputy Peter Power.

Deputy Eamon Gilmore: What matters were discussed at the meetings which the Taoiseach had with the Prime Minister, Mr. Brown, in Belfast on 8 May and with the First Minister of Wales, Mr. Rhodri Morgan, on 24 May? Has he received any invitation or has he plans to travel to the opening of the Olympic Games? Has any invitation been extended to the Government to attend the opening and what is the attitude of the Government towards such an invitation? Is it intended that the Government will be represented at the opening of the Olympic Games?

The Taoiseach: I met the Prime Minister, Mr. Gordon Brown, at the airport in the first instance when I arrived and we had a bilateral discussion on our own for about half an hour. I had known Mr. Brown when he was Chancellor and we discussed many issues and had a general political discussion. We joined officials thereafter and discussed issues of bilateral interest between Britain and Ireland, the Northern peace process obviously being an important element of that but not the only one. We discussed how we might be able to review the relations that exist between Britain and Ireland to ascertain what way we can advance them during our respective tenures in office, being relatively recent incumbents.

I also joined the Prime Minister at the investment conference and spoke with him there. We were joined by others and met investors and potential investors who attended the conference at Stormont. I also attended a meeting with Sinn Féin before the dinner took place, attended the dinner and met various functionaries and others.

In regard to my trip to Cardiff, I previously met the First Minister, Rhodri Morgan, in Ireland while I was serving in my capacity as Minister for Foreign Affairs. We discussed relations between Wales and Ireland and attended the match afterwards. Obviously, the British-Irish Council is the context in which discussions can be advanced between us and with others in terms of the east-west connection under the Good Friday Agreement.

Deputy Eamon Gilmore: I do not think the Taoiseach responded to my question on the Olympic Games.

The Taoiseach: We have worked hard to develop a good working relationship with China, a country of great importance and complexity. Where issues arise, they are dealt with through dialogue and engagement. EU Ministers have not supported the calls for a boycott of either the Olympic Games or the opening ceremony. Instead, the importance of continuing to deal directly and frankly with the Chinese Government on these issues is stressed on a regular basis.

Deputy Enda Kenny: When the Taoiseach and the Prime Minister, Mr. Brown, met on their own, did they discuss tactics or did the Prime Minister advise the Taoiseach to be careful about certain things because they could go south very quickly?

The Taoiseach: He would not be as obsessed by his opposite number as Deputy Kenny.

Deputy Enda Kenny: I am not privy to these discussions and I do not know what advice was given. Perhaps they should continue to meet on a regular basis because it could be of advantage to those of us who sit over here.

What is the Taoiseach's view of the economic conference in the North? The European People's Party, with which Fine Gael is aligned, believes tax competition is the way forward, yet a number of business people would argue that it is difficult to attract foreign direct investment to Northern Ireland while its corporation tax rate is much higher than ours. Did the

Taoiseach discuss that matter with the Prime Minister and does the latter continue to hold an entrenched view? He was previously completely opposed to giving special tax designation to Northern Ireland on the basis that the island could develop as an economic entity.

Deputy Crawford has on a number of occasions raised a matter of considerable interest to him. Apparently, Irish taxpayers are to fund a motorway in the Six Counties which will narrow to a single carriageway once it enters the Republic. Did the Taoiseach take an interest in that and what will be the outcome of the matter as he sees it?

As we have said on many occasions in respect of the decision which will be made on the Lisbon treaty on 12 June, the issues raised have covered a broad spectrum of truth and untruth. I ask the Taoiseach to reaffirm a fact that I know myself, namely, that the treaty is not self-amending.

An Leas-Cheann Comhairle: I am not sure that the Deputy's inquiry is captured in the scope of his original question.

Deputy Enda Kenny: I am sure the Leas-Cheann Comhairle will be flexible.

An Leas-Cheann Comhairle: I am sure the Deputy will construct the question in such a way that makes it in order.

Deputy Enda Kenny: I am sure the Taoiseach discussed the matter with the Heads of State.

The Taoiseach: It is a preoccupation of mine.

Deputy Enda Kenny: I ask him to reaffirm that, in the event of future changes being made to European policy, Irish people will again have the opportunity as set out in the Constitution to decide by referendum on whatever question arises. We have made that clear on many occasions but there are those who do not want to accept it.

The Taoiseach: I can confirm what the Deputy had to say regarding the latter matter.

On the question of taxation policy in other jurisdictions, that is a matter for the governments of those jurisdictions. The matter was raised by investors at the question and answer session and the Prime Minister outlined his well-known view that when one takes account of allowances and other arrangements, the net position compares favourably to our 12.5% rate. These are matters to be constantly considered by investors. It is fair to say that Northern Ireland has been improving economically for some time, particularly as the peace process becomes, hopefully, bedded down. They have areas of competitiveness and, even if it is not possible to achieve exact parallels between North and South on corporation and other tax rates, the logic of the island economy as a whole means that in respect of many projects, packages can be devised which derive benefits from the competitiveness on both sides of the Border. I would like to see more such efforts on marketing both sides together and various agencies are active in that regard. We have to continue to co-operate and build trust between us in respect of these areas.

In my former position as Minister for Finance, I have been able to work with the First Minister elect — if his nomination proceeds tomorrow — to market the island for financial services and to reap the benefits that result from an island approach in terms of providing additional jobs on both sides of the Border. That represents a pioneering effort on our behalf and shows how others can do likewise in the future.

Deputy Enda Kenny: It is more than ten years since the launch of the concept of marketing the island of Ireland in a tourism sense. This concept will stand up to any test because neither Government can allow it to fail. As somebody who gets the occasional opportunity to walk

[Deputy Enda Kenny.]

around a golf course, I see the need for a massive effort this year to promote the island of Ireland for next year. Many of the links courses along the west coast have experienced decreases of 2,000 rounds of golf by American visitors due to the fall in the dollar and because Americans do not travel during presidential election years. We know who these people are and I suggest that the authorities in Northern Ireland and Fáilte Ireland should put their heads together with a view to launching a campaign to recover that ground next year. We are competing against Scotland and other countries. In the context of quality, we can be justly proud that golf courses in County Donegal and Northern Ireland are making arrangements for future Irish Open competitions but if incentives were provided now by the Six Counties and the Republic, they would pay dividends.

Were discussions held on the matter raised by Deputy Reilly and referred to by the Minister for Health and Children during our debate on cancer services, namely, that cross-Border co-operation on cancer services should have been much better, whether between Letterkenny and Altnagelvin or Enniskillen and Sligo? That seems to have been the reason that the national cancer strategy opted for a satellite unit in Letterkenny on a geographical basis. Has the Taoiseach a view on that given that health crosses all borders? Both Governments should give serious consideration to this matter with a view to providing services for all patients, irrespective of from where they come.

The Taoiseach: I am a strong proponent of co-operation between the North and the Republic in all areas and in every possible way because I believe it represents the best deal for the taxpayer and the best way by which the country can progress. The CAWT initiative has been ongoing in the health area for many years and a co-operation agreement has been reached, for example, between the north east and Daisy Hill in Newry for renal services. Arrangements have also been put in place in respect of Altnagelvin. Anything that improves patient care and increases co-operation between clinicians in order to enhance the prospects of patients on both sides of the Border is not only to be welcomed, but is also common sense.

In regard to the tourism issue, Tourism Ireland markets the island as a whole. As Deputy Kenny noted, tourism from the United States will be under pressure this year due to exchange rate issues and because this is an election year. I am aware concerns exist in that regard. However, it must be remembered we are working off a higher base. Anything that can be done to restore previous levels of activity from next year will be done. I will bring the matter raised by the Deputy to the attention of the relevant agencies.

Deputy Caoimhghín Ó Caoláin: These questions cover quite a spectrum of matters. On attendance by members of the Government at the opening ceremony of the Beijing Olympics or at the events that will take place during the games, will the Taoiseach clarify the position in respect of his indication regarding official representation at any or all of the events in question? Has the Taoiseach given consideration to visiting the United States before the presidential election there later in the year?

My final question relates to the meeting between the former Taoiseach, Deputy Bertie Ahern, and the German Chancellor, Angela Merkel, on 14 April. Is the current Taoiseach aware of whether his predecessor raised with Chancellor Merkel her statement on the Lisbon treaty in the European Parliament on 27 June 2007 to the effect that “The substance of the constitution is preserved. That is a fact.”? Is Chancellor Merkel’s view, which she repeated in the interim, shared by the Taoiseach?

The Taoiseach: In respect of the question on China, I am of the belief that one should not mix sport with politics. We should show solidarity towards those who will be competing, in the

spirit of the Olympic Games and all it represents. I am strongly of the view that since its reconstitution, the Olympic movement has been a unifying factor. The boycotts of the Olympic Games in Moscow and Los Angeles did not assist matters in any way. We have a responsibility to bring to the attention of the Chinese any issues about which we are concerned and this should be done in a frank and appropriate way in the context of our normal bilateral relations. I do not have available to me details of the arrangements with regard to who will be attending the Beijing games on the Government's behalf. We should show solidarity with those sports persons who will represent this country at the Olympic Games.

I have not yet finalised arrangements in the context of making a further visit to the United States. However, I have indicated my willingness to travel there and I am waiting to receive final confirmation. I will work hard to achieve that.

I am not aware of the statement the German Chancellor, Angela Merkel, made on 27 June of last year. However, I had the opportunity to meet her on that occasion before the then Taoiseach had dinner and discussed business with her. She has been very supportive of those campaigning for a "Yes" vote in the referendum on the Lisbon reform treaty. Germany has been a great friend to Ireland during its membership of the EU. I am glad to know that Chancellor Merkel is a strong supporter of the yes campaign.

Deputy Caoimhghín Ó Caoláin: Does the Taoiseach agree with her view?

The Taoiseach: I would have to check the Deputy's quote in that regard before I could comment. I am sure he provided a full and complete quotation.

Deputy Caoimhghín Ó Caoláin: It is accurate.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Mary Alexandra White — the need to bring forward legislation to protect SACs in upland commonage areas in compliance with the habitats directive; (2) Deputy Denis Naughten — the need for the Minister for Health and Children to outline her plans for the provision of acute medical and surgical care of the people of Roscommon, Galway, Westmeath, Longford, Leitrim and Offaly, following the HSE decision to close the inpatient surgery and accident departments at Roscommon County Hospital and transfer them to Portiuncula Hospital, Ballinasloe, on an interim basis; (3) Deputy Pat Breen — I wish to raise on the Adjournment debate, as a matter of urgency, why a prior commitment for a technical assessment for Quin national school in County Clare has been reneged upon, if the Minister will update me on the reasons for this decision; when he expects this assessment to proceed and if this decision means that all school building projects in County Clare are put on hold; (4) Deputy Martin Ferris — the effect of rising fuel prices on Irish fishermen; (5) Deputy Tom Sheahan — if the Minister will remove section 47 from the Planning and Development Act as I believe there is no place for it in the Act; and if the Minister will make a comprehensive statement on the matter; (6) Deputy Michael McGrath — that the Department of Education and Science would give approval for an extension to Shanbally national school, Shanbally, Ringaskiddy, County Cork; (7) Deputy Joe McHugh — to ask the Minister for Education and Science if he will say why the Department is refusing to make a decision regarding a student (details supplied) and also, despite three letters having been sent seeking clarification, the school has yet to receive any acknowledgement from the Department; (8) Deputy Frank Feighan — to

[An Leas-Cheann Comhairle.]

ask the Minister for Education and Science if Ballinamore school will be included in the next batch of schools going to design stage and when is it envisaged this announcement will be made and if the Minister will make a statement on the up-to-date progress of Ballinamore school; (9) Deputies Jan O'Sullivan and Dan Neville — the need to provide capital funding for a school in County Limerick; (10) Deputy Joe Costello — the need to outline the progress to date on the development of the National Children's Hospital; (11) Deputy Thomas McEllistrim — I call on the Minister for Justice, Equality and Law Reform to establish a special squad in the Garda to deal with anti-social behaviour and public disorder and I strongly urge the Minister to introduce this squad on a pilot basis in Tralee town; and (12) Deputy Charles Flanagan — the school accommodation situation in Portlaoise, County Laois.

The matters raised by Deputies Joe Costello, Charles Flanagan, Jan O'Sullivan and Dan Neville and Mary Alexandra White have been selected for discussion.

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 requests to move the adjournment of the Dáil under Standing Order 32.

Deputy Charles Flanagan: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of urgent importance, namely, the consequences for the criminal justice system as a result of the complete failure of our bail laws, notwithstanding changes in legislation and a national referendum a decade ago, the fact that crimes being committed by persons on bail have risen by over 60% in the past four years from 15,500 in 2004, to 18,500 in 2005, to 22,750 in 2006 and 24,200 in 2007, and having regard to the fact that specific sections of the Criminal Justice Act 2007, designed to address these specific shortcomings, are clearly not working, resulting in a situation where many known criminals continue to engage in serious criminal activity while on bail, thus undermining confidence in the criminal justice system in this State.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Frank Feighan: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of urgent importance, namely, the danger that transport providers may withdraw from school bus routes for the coming school year due to rising fuel costs and the need to clarify what measures will be introduced to avert such action.

Deputy Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of urgent importance, namely, the failure of the Government and the HSE, one year on from the publication of the emergency department task force report, to reduce the numbers of patients waiting on trolleys in accident and emergency departments due to a lack of hospital beds, with five major hospitals — Beaumont, Sligo General, the Mid-Western Regional in Limerick, Portiuncula in Ballinasloe and University College Hospital Galway — showing significant increases in numbers on trolleys as compared to this time last year and the need to provide additional hospital beds to address this crisis, as well as the delivery of the promised network of primary care centres and the reversal of the disastrous policy of centralisation of virtually all hospital services to those centres which are currently under most pressure.

Deputy Dan Neville: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of urgent importance, namely, that 59 children had to be admitted to adult psychiatric hospitals or units in the first three months of this year, that there is still no significant increase in the number of beds for children who need to be admitted for psychiatric care, that staffing

of child and adolescent multidisciplinary teams is poor and that the HSE staff embargo has worsened the situation further.

Deputy P. J. Sheehan: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of urgent importance, namely, the decision by the senior management of the Irish Coast Guard to refuse to allow the Spanish ambassador to visit the Valentia coast guard radio station tomorrow in order to thank the staff of that station for the tremendous rapport they have shown towards his fellow countrymen and if the Minister will allay the fears of Irish Coast Guard staff and state his plans for the location of the coast guard station and their headquarters.

Deputy Bernard J. Durkan: Hear, hear.

An Leas-Cheann Comhairle: Having considered the matters raised, they are not in order under Standing Order 32.

Order of Business.

The Taoiseach: It is proposed to take No. 7, motion re referral to Joint Committee of proposed approval by Dáil Éireann of the Risk Equalisation (Amendment) Scheme 2008; No. 8, motion re referral to Joint Committee of proposed approval by Dáil Éireann of the Employment Equality Act 1998 (Section 12) (Church of Ireland College of Education) Order 2008; No. 21, Dublin Transport Authority Bill 2008 [*Seanad*] Second Stage (resumed), to adjourn at 7 p.m., if not previously concluded; and No. 22, statements on committee report on the enhanced role for national parliaments in the Lisbon reform treaty.

It is proposed, notwithstanding anything in Standing Orders, that (1) the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than 10 p.m.; (2) Nos. 7 and 8 shall be decided without debate; (3) the following arrangements shall apply in respect of No. 22: (i) the opening statement of the Chairman of the Joint Committee on European
5 o'clock Scrutiny and of the main spokespersons for the Government, the Labour Party and Sinn Féin, who shall be called upon in that order, shall not exceed 15 minutes in each case; the statements of each other member called upon shall not exceed ten minutes in each case; and members may share time; and (4) Private Members' business, which shall be No. 46 — motion re allocation of carbon allowances, shall take place at 7 p.m. or on the conclusion of No. 21, whichever is the later, and shall also take place tomorrow after the Order of Business and be brought to a conclusion after 90 minutes on that day.

An Leas-Cheann Comhairle: There are four proposals to put to the House. Is the proposal that the Dáil shall sit later than 8.30 p.m. agreed? Agreed. Is the proposal for dealing with Nos. 7 and 8, motions referring to the joint committee without debate, agreed to? Agreed. Is the proposal for dealing with No. 22, statements on the committee report on the enhanced role of national parliaments in the Lisbon reform treaty, agreed to? Agreed. Is the proposal dealing with Private Members' business agreed to? Agreed.

Deputy Enda Kenny: Having agreed the proposal for No. 22, I wish to raise a matter brought to my attention by Deputy Flanagan in respect of this committee for scrutiny of the European Union. I commended the Taoiseach's predecessor for upgrading the committee to what is currently a full-scale, all-party committee. We must understand there is a river of initiatives and proposals coming down at this committee. Although it is a full-scale Oireachtas committee, it must be resourced properly and have access to legal personnel and those who can interpret many of the initiatives so the Members of Dáil and Seanad can do their job properly.

[Deputy Enda Kenny.]

We do not want a case where a few years down the road, people will say a proposal was approved by the Oireachtas committee charged with European scrutiny but there were unwanted consequences. Having endorsed the committee's elevation to a full-scale committee, I ask the Taoiseach to consider the question of access to proper resources for the committee in the context of these statements. I state this now because I will not have an opportunity to speak in the debate later.

In respect of the Roads Act 2007, I note the very critical comments of the chairman of the Road Safety Authority, Mr. Gay Byrne, on the continued delay and complication in the roll-out of speed cameras. This arises either from administration problems or a lack of finance. Will the Taoiseach comment on freeing up that bottleneck given last weekend's carnage on the roads, with the loss of another seven or eight people? It is a matter requiring some clear direction.

Deputy Thomas P. Broughan: On the second matter raised by Deputy Kenny, speed camera roll-out, we thought the process finished last December. We are now reaching the end of another Dáil session and it still seems to be stuck at some sort of tendering stage. We had discussions last year with the Ministers for Transport and Justice, Equality and Law Reform, who indicated a cost issue was involved and that was the reason the roll-out was not happening. Will the Taoiseach clarify the matter and explain why the roll-out is not happening?

The Taoiseach: Notification has been issued to the preferred bidder and arrangements are in train for the contract discussions to take place. Those negotiations will be led by the Garda as the contracting authority and the body with the expertise in this area. As soon as the contract is concluded, the start-up and roll-out of the network can commence. It is not possible to give a precise timetable in advance of contract discussions being concluded.

An Leas-Cheann Comhairle: Does the Taoiseach wish to comment on the first point made by Deputy Kenny?

The Taoiseach: It is a matter that will have to be considered. I note what Deputy Flanagan has indicated.

Deputy Enda Kenny: It will be considered.

Deputy Eamon Gilmore: On Thursday, the Minister for Health and Children, Deputy Harney, who was taking the Order of Business, told me the employment agency regulations Bill will be published this session. She told me that in response to a question I put to her about the Government's position on the temporary agency workers directive being considered by the European Union at present.

I indicated to her that the British Government, which, together with Ireland and Hungary had been one of the last three opponents of the directive, had reached agreement with the Trades Union Congress and the Confederation of British Industry and was withdrawing the objection to the agency workers directive. I asked the Minister, as there is an Employment Council on 9 June, if the Government would withdraw its block on the temporary agency workers directive.

In view of what the Minister, Deputy Harney, had to say about the employment agency regulations Bill and that it would be published this session anyway, I ask that the Government withdraw its objection to the temporary agency workers directive at EU level.

The Taoiseach: As the Deputy knows, the question of agency workers is under the aegis of social partnership discussions, which are ongoing. That is the forum in which discussions can and are taking place to see in what way it could be possible to progress the issue to everyone's satisfaction. I suggest that these discussions must take place and we must continue with them to ensure progress can be made.

As the issues arise in the Social Affairs Council they will have to be dealt with by the line Minister in terms of the monthly meetings. I cannot give a commitment on the area until such time as the social partners have discussed the matter further and we can see what way to proceed.

Deputy Eamon Gilmore: I do not understand the answer. The social partnership talks surely do not include what will be in a European directive. There are two issues. I can understand social partnership discussions will clearly involve what will be in domestic legislation but the immediate matter is that Ireland and Hungary are now the only two countries blocking a European directive on temporary agency workers. The British have now lifted their objection.

An Leas-Cheann Comhairle: We cannot debate it now.

Deputy Eamon Gilmore: I am not debating it but I want to know if the Government will drop the veto it is exercising on the introduction of European legislation to protect temporary agency workers.

Deputy Pat Rabbitte: It might be helpful at this time to say "Yes" to that for other reasons.

The Taoiseach: The bottom line, as I have said, is the text of the issue is being considered for next week's meeting. Until we have finalised the arrangements next week, I cannot say which way that will go. I will investigate the matter.

Deputy Joan Burton: That will be too late.

Deputy Eamon Gilmore: Is that in terms of the Employment Council?

The Taoiseach: Yes, the Employment Council meeting on Monday.

Deputy Joan Burton: The Taoiseach means next Thursday.

Deputy Bernard J. Durkan: On promised legislation, I refer to the Bill to update and consolidate company law, which will allegedly bring greater clarification and simplification to the companies code and modernise Irish company law through the consolidation of the existing 13 Company Law Acts, other regulations and case law. I wonder about the timescale, which appears vague. It is indicated that publication is expected but it is not possible to indicate it at this time. When will this be possible?

Will the Taoiseach indicate progress on the five or six most pertinent pieces of justice legislation, which are deemed necessary in order to make an impact on the area referred to by my colleague, Deputy Charles Flanagan, and by us all at one time or the other?

The Taoiseach: I understand there are five justice Bills on the A list for this session. It is not possible to offer a date for publication of the first Bill mentioned by Deputy Durkan.

Deputy Jan O'Sullivan: Is there any white smoke on the fair deal legislation?

The Taoiseach: It is still expected this session.

Deputy Jan O'Sullivan: There is no date?

The Taoiseach: No.

Deputy Jan O'Sullivan: There is not even a slight indication of one?

The Taoiseach: No.

Deputy Jan O'Sullivan: People will have to continue to pay their inflated bills right through the summer by the looks of it.

The Taoiseach: It is promised this session.

Deputy James Reilly: On the same topic, I asked the Taoiseach and his predecessor on numerous occasions about this legislation. People are waiting for it and have no financial arrangements in place. Each time Deputy Jan O'Sullivan or I ask for it, we are told the Bill will be this session. We were told that before Christmas and Easter. After tomorrow, there are a mere nine days left this session. Is it really realistic to think we will see it this session? If so, we need ample time to debate it clearly because it is complex legislation that will impact on many people. I am told there have been 14 drafts already.

Deputy Pádraic McCormack: This session means the next session.

The Taoiseach: My information is that it will be this session.

Deputy Ciarán Lynch: When the Whip announced the legislative programme on 1 April, he indicated we would see during this term the social housing (miscellaneous provisions) Bill. That Bill has been doing the rounds for a number of terms. When questioned on the matter last week the newly appointed Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Finneran, said every effort is being made regarding outstanding legal issues to allow publication of the Bill before the end of the term. Given that there are nine days left in this term; will the Taoiseach indicate a specific date in the coming weeks when this Bill will come before the House? As the Taoiseach knows, some tenants have been trying to buy their homes for the past ten years but cannot do so until this Bill is resolved.

This matter has been raised since the new Dáil resumed last autumn and it was mentioned several times during the life of the last Dáil. Will the Taoiseach give a date when this Bill will come before the House? Will it be during this term?

Deputy Pádraic McCormack: I was informed last year that it would be introduced before Christmas.

Deputy Ciarán Lynch: It is like Santa Claus.

The Taoiseach: I understand it is due during this session, though it is not normal to give a specific date.

Deputy Ciarán Lynch: With respect, it may not be normal to give a date but there are only nine working days left during this term.

An Leas-Cheann Comhairle: The Taoiseach said the Bill will come before the House during this session, though there may only be nine days left.

Deputy Ciarán Lynch: Will it come before the House during this session?

The Taoiseach: There have been legal issues but I expect that it will come before the House during this session.

Deputy Ciarán Lynch: I am asking the Taoiseach a simple question.

The Taoiseach: I am trying to give the information available to me.

Deputy Ciarán Lynch: Will it come before the House during this session? Will the Taoiseach answer this question?

The Taoiseach: It is expected that it will. That is the information I have.

Deputy Ciarán Lynch: That is the same response we have received on this issue for the past three years.

Deputy Pádraic McCormack: It has long been in gestation.

The Taoiseach: I have answered in good faith.

Deputy Enda Kenny: This session goes on until 24 September.

Deputy Kathleen Lynch: I want to ask the Taoiseach about the Mental Capacity and Guardianship Bill that was promised for this session. It was published as a Private Members' Bill, which the Government did not oppose, but I do not see it anywhere. Where is it at the moment?

Cervical smear testing has been rolled out to the entire country and that is welcome, though overdue. Every woman in the country will be grateful for that. Are there proposals to negotiate with GPs to stop them charging women with medical cards €55 for a smear test?

An Leas-Cheann Comhairle: The Deputy knows that is not relevant on the Order of Business. I am sure she can find another way to raise the matter, either through a question or another means.

The Taoiseach: I understand the legislation referred to will come before the House later this year.

Deputy Leo Varadkar: I wish to ask about forthcoming legislation, specifically the Civil Partnership Bill, the publication of which was promised in March. The Taoiseach will be aware of recent newspaper articles suggesting there may be disagreements between the Government parties on this legislation. I suspect this may have more to do with the mindset of the new Minister for Justice, Equality and Law Reform, given the somewhat medieval comments he made on civil rights issues in the past.

When will the Bill be published? Will it be published before the conclusion of this session? If the Minister for Justice, Equality and Law Reform has a difficulty with equality and law reform will he assign the Bill to another, more appropriate, Minister who is prepared to pilot it through the House?

The Taoiseach: I understand the Bill is due to be published later this year.

Deputy Charles Flanagan: Earlier today in a press release the Minister for Justice, Equality and Law Reform, who was skirting the House just now, requested the co-operation of the Opposition in the easy passage of the Sale of Alcohol Bill through the House before the summer recess. As there are only nine sitting days left and this Bill was only published today, it is one of five on the A list in the area of justice and one of 49 in the entire legislative

[Deputy Charles Flanagan.]

programme, will the Taoiseach prioritise this matter? He might think it only fair and reasonable that consideration will be given by the Opposition to co-operation in the passage of Bills provided that ample time is allowed for debate.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Charles Flanagan: It seems the Government is building up to a massive guillotine in the last nine days of this session. Ministers seeking co-operation from this side of the House should know it will only be forthcoming for legislation flagged well in advance with ample opportunity allowed for appropriate scrutiny of the sort expected under the Constitution. For a Minister to send out a press release implying that if legislation is not passed by the summer the Opposition is somehow responsible is unsatisfactory and fundamentally unfair.

The Taoiseach: This matter arises from a report issued under Gordon Holmes so that there would be a fair degree of knowledge of its content. As Deputy Flanagan said, the legal text is also to be examined in the context of its passage through the House. As the Bill has the broad support of all parties in the House I hope it will be possible to see it enacted before the end of this session. I note the Deputy's comments.

Deputy Seymour Crawford: Has there been progress on the Enforcement of Fines Bill? It would release gardaí to go out on the beat.

There has been much discussion of the number of millionaires created by the legal costs issue. When will the Legal Costs Bill be brought before the House to allow us to discuss the issue and its causes?

I urge the Taoiseach to get the fair deal Bill up and running as patients have been in hospitals for seven weeks due to the failure to deal with this issue.

An Leas-Cheann Comhairle: That matter has already been raised by two Deputies. I ask the Taoiseach to address the first two Bills.

The Taoiseach: There is no date for the Enforcement of Fines Bill and I understand the Legal Costs Bill will be dealt with next year.

Deputy James Reilly: The Taoiseach is aware, as is everyone else, that the Health Information and Quality Authority, HIQA, issued guidelines for the control of infections in hospitals. This is a serious issue that has cost lives in the past and I welcome the guidelines, as I am sure we all do. However, regarding underpinning legislation relating to HIQA, will resources be given to the authority to ensure standards are adhered to and will it be able to censure hospitals that do not reach the mark? It is ridiculous that a health inspector can close a restaurant at the drop of a hat but people are left in hospitals exposed to infections because the necessary facilities are not in place.

An Leas-Cheann Comhairle: That would be an excellent question for the Minister for Health and Children.

Deputy James Reilly: When will the legislation go through?

An Leas-Cheann Comhairle: Is legislation promised relating to HIQA?

The Taoiseach: If the Deputy is referring to the Health Information Bill, it will come before the House next year.

Deputy Thomas P. Broughan: I already asked a question on speed cameras. Is it intended to bring forward road traffic measures on anomalies in the amendments to the Dublin Transport Authority Bill? Will there be significant amendments to the road safety aspect of the Bill?

The Taoiseach: I understand there are no significant amendments to consider on the road safety aspect of the Dublin Transport Authority Bill.

Deputy Pat Rabbitte: The legislative famine we have endured since the last general election is catching up with us and we have had examples of how it is impacting on the lives of people. My colleague, Deputy O'Sullivan, raised it in respect of the fair deal, Deputy Lynch raised it in respect of social housing and so on.

Is the Taoiseach aware that a matter referred to committee last week, which is, essentially, a planning application for the new prison at Thornton Hall, is being considered by the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights and is required to be returned to the House by tomorrow evening? If one was building a conservatory at the back of one's house the local authority would make one wait two months or more before giving approval. It is not possible to operate a committee system where Departments, in this case the Department of Justice, Equality and Law Reform, which is the only Department to produce legislation since last June, expect matters to be turned around in 24 hours. We cannot operate a committee system where Departments dictate the agenda. Is the Taoiseach prepared to agree to an extension on this matter? We can discharge our function by examining the planning application and returning to this House one week after we resume after the Lisbon agenda.

Deputy Pádraic McCormack: Make an application for an extension.

The Taoiseach: There have been discussions since this matter was raised and I understand the committee will be able to examine it again on Tuesday week and then return to the House.

Risk Equalisation (Amendment) Scheme 2008: Referral to Joint Committee.

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

That the proposal that Dáil Éireann approves the following Regulations in draft:

Risk Equalisation (Amendment) Scheme, 2008,

copies of which have been laid in draft form before Dáil Éireann on 3 June, 2008, be referred to the Joint Committee on Health and Children in accordance with paragraph (2) of the Orders of Reference of that committee, which, not later than 26 June 2008, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Employment Equality Act 1998 (Section 12) (Church of Ireland College of Education) Order 2008: Referral to Joint Committee.

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

That the proposal that Dáil Éireann approves the following Order in draft:

Employment Equality Act 1998 (section 12) (Church of Ireland College of Education) Order, 2008,

[Deputy Pat Carey.]

copies of which were laid in draft form before Dáil Éireann on 27 May 2008, be referred to the Joint Committee on Education and Science in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 26 June 2008, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Dublin Transport Authority Bill 2008 [Seanad]: Second Stage (Resumed).

The following motion was moved by the Minister of State at the Department of Transport, Deputy Noel Ahern, on Wednesday, 21 May 2008:

That the Bill be now read a Second Time.

Debate resumed on amendment No. 1:

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

Dáil Éireann declines to give the Bill a Second Reading due to the severe lack of democratic accountability procedures inherent in the Bill in respect of the operation of the proposed Dublin Transport Authority.

—(Deputy Fergus O’Dowd).

An Leas-Cheann Comhairle: There are 20 minutes in the next Government slot.

Deputy Ciarán Cuffe: With the permission of the Leas-Cheann Comhairle I will take five minutes of it. I propose to share my time with other Government speakers, Deputies Finian McGrath and Frank Fahey.

This Bill is a worthy step in the right direction. After 20 years of involvement with transportation issues in Dublin, I am glad to see legislation in this area which I think will bring coherence, and some clout in terms of enforcement, to the pressing issue of resolving transport problems in the greater Dublin area. We have had a series of constructive meetings with all sides on this issue, and the Bill has benefited from a few thoughts that we brought to the table. I am glad to see that proper planning is at the heart of this Bill. It is crucial that we consider transportation and land use together. The Bill contains a strong requirement, in section 12(6), for the Authority not only to have regard for but to be consistent with the relevant regional planning guidelines for the greater Dublin area. This is a welcome step forward.

I do have some concerns about the Bill. There is a fear that the National Roads Authority is perhaps not reined in to the extent it might be. However, I have no doubt the Minister will listen carefully to the issues on all sides of the debate. It is important that we consider all aspects of transportation together: public and private transport, the slow modes of cycling and walking, and — increasingly in recent years — the “no-modes” under which people do not travel but instead communicate by telephone, fax, e-mail or text message. Any modern transport strategy should concentrate on reducing the need to travel and facilitating recent innovations in the area of communication. This can reduce the amount of traffic on our roads and hence the level of congestion.

I see this as a new dawn in transportation, as I saw the Dublin transport Initiative of the early 1990s, which took a step forward in addressing transport issues in the capital. The outcome of that was a light rail transport system for Dublin and a series of quality bus corridors around the city. However, much remains to be done, although the study was carried out 14 years ago.

There was an emphasis on a network of QBCs around the city. We have QBCs but they are not quite a network. There was also an emphasis on real-time information and integrated ticketing. As I said previously in the House, all transport agencies must have their heads knocked together to ensure they develop a ticket that can be used on all modes of transport in the city and county, and in the surrounding counties, because so many people commute from quite long distances.

I would like to make a couple of pleas in certain areas. I am a regular cyclist and I often cycle with my children. Much needs to be done to provide a good system of cycle routes throughout the city which are safe for both adults and children and, more important, are maintained and kept free of traffic. I am sick to the back teeth of cycling along the red patch on a road and encountering fellas who have pulled in to buy their breakfast rolls and cappuccinos, Garda cars with their flashers on while the lads are out getting their coffee, security vans delivering money and lorries being loaded. I have seen all of this and I can show the photographs to anyone. I am sick and tired of cyclists being seen as second-class citizens. There is a lot more to be done in this area.

This Bill represents a sea change and is a good step forward. We should recognise the great work carried out by the Railway Procurement Agency and the Dublin Transportation Office. I ask only that we ensure the NRA pays sufficient attention to the DTA and that we pay particular attention to the slow modes of cycling and walking. Local authorities and the Garda Síochána have much work to do in this area.

Acting Chairman (Deputy Kathleen Lynch): Before the next speaker begins, may I ask the Deputy whether he is sharing time only with Deputy McGrath?

Deputy Ciarán Cuffe: No. I am sharing with Deputy Frank Fahey as well, should he grace us with his presence in the Chamber.

Acting Chairman: There are 15 minutes left in the slot.

Deputy Finian McGrath: There is no need to worry — I will keep going if he does not turn up.

I thank the Acting Chairman for the opportunity of addressing the House on the new Dublin Transport Authority Bill 2008. This is a major Bill and is a large part of the debate on transport in Dublin. It represents an opportunity for us to consider issues such as traffic congestion and the transport and traffic implications of Dublin Port and Dublin Bay. It also gives us an opportunity to debate the Dublin Port tunnel and its impact on the local communities of Marino, Fairview, Drumcondra and Santry. In addition, I will take a critical and independent look at the wider transport debate. We must consider the facts and the details and come up with solutions. I welcome the Bill presented by the Minister, Deputy Dempsey, and the debate today in the House.

The purpose of the Bill is to provide for the establishment of the Dublin Transport Authority to ensure the delivery of Transport 21 investment and the provision of an integrated transport system in the greater Dublin area. It will ensure for the first time that there is a single, properly accountable body with overall responsibility for surface transport in Dublin, including the procurement of public transport infrastructure and services. The greater Dublin area is the area covered by the local authorities of Dublin city, Fingal, Dún Laoghaire-Rathdown, south Dublin, Kildare, Meath and Wicklow. I will focus in particular on the Dublin city area. The Bill provides a statutory basis for the new authority and sets out its structures, functions and powers. It also sets out the accountability framework for the authority and its relationship with other statutory bodies and transport providers in the greater Dublin area. This is the core of the legislation. I will talk later in more detail about particular sections of the Bill.

[Deputy Finian McGrath.]

When I hear politicians talk about restricting access to the city centre for motorists, I often wonder whether they have thought this out fully. For example, what about people with physical disabilities and their right to access our city centre? What will they do? What about the rights of disabled motorists? I totally support the demands of representative groups for the Government to ensure that people with physical disabilities can access our city centre. Putting up barriers to them is not an option. I urge people in this debate to take into account my concerns about those with physical disabilities.

I welcome sections 8 and 9 of the Bill, which provide for the making of an order by the Minister to set a date for the establishment of the authority and contain other standard provisions with regard to the establishment of the authority and its legal status. Section 10 sets out the general transport, economic, social and environmental objectives of the authority. Section 11 specifies the general functions of the authority, including strategic transport planning, the provision of public passenger transport services and infrastructure, and effective traffic management. The Minister may, with the consent of the Minister for Finance, make an order conferring additional transport functions on the authority. Sections 10 and 11 are important and their provisions form an important part of the debate.

I will move on to the wider debate, which includes the traffic and transport implications of Dublin Port and Dublin Bay. Dublin Bay is under ongoing debate. It is scandalous that the port company is still trying to destroy 52 acres of Dublin Bay even though most Deputies support the efforts to preserve the bay. The 52 acres are not for sale and we should be open in our challenge of those who are only interested in environmental vandalism. We need common sense and a vision for the future. I thank the Minister for Transport for his recent meeting with the Clontarf group, Dublin Bay Watch, which made strong points regarding the bay's protection and the need to address the issues of capacity, traffic and the port itself.

Dublin Port has continually asserted that the key reason for filling in 52 acres of Dublin Bay is the need for additional capacity. This singular mantra has been voiced since the mid-1960s and has resulted in substantial infilling of Dublin Bay. Since late 1997, the port company has continually claimed that it is on the verge of full capacity. Dublin Bay Watch has always been sceptical of this claim and initiated three research projects to review the evidence. In 2000, Dublin Bay Watch conducted an analysis of ship movements in and out of the port and correlated the information with that recorded in the annual reports of the company. This clearly showed that there were just more than 200 ship movements each week, yet the capacity of the port is 300. These facts relate to the issue of traffic congestion in the city.

The second piece of research was on the usage of port lands conducted with the assistance of Mapflow Limited. The analysis showed that the port lands, some 640 acres, was considerably underutilised. When this evidence was made public, Dublin Port Company began to change its tune and added the need for a deep sea port to its original capacity issue. This was scrutinised via its second EIS, in which the port company's own consultants made it clear that, while the 52-acre infill would generate additional deep sea access, it would require continual dredging for it to remain accessible.

I raise these issues because we are discussing transport issues. Another issue that must be raised is that of the Dublin Port tunnel. How many minutes have I remaining?

Acting Chairman: The Deputy has one minute remaining.

Deputy Finian McGrath: Is that in my allocation rather than Deputy Fahey's?

Acting Chairman: Yes.

Deputy Finian McGrath: I would appreciate sensible planning and consultation with residents' groups. Some 334 homes were damaged during the building of the port tunnel. Before the debate, we were told that nothing would happen to anyone's home. I accept that many of the families have been compensated, but we need common sense planning. People must be straight with local community and residents groups.

I welcome the legislation and that the initial provision of up to €4 million will be made available to the interim authority by the Department of Transport Vote in 2008. However, there must be a broader and wider debate on transport and congestion issues in Dublin city.

Deputy Frank Fahey: I congratulate the Minister, Deputy Dempsey, and his officials on tabling this long overdue Bill. Since being appointed Chairman of the Joint Committee on Transport last September, the most striking feature of the transport and infrastructure provision in the greater Dublin area has been the lack of joined-up thinking. A serious deficit in leadership has resulted in the failure to take courageous decisions and a lack of vision regarding providing an integrated transport system for the Dublin region. Both issues are being addressed through the establishment of the Dublin transport authority.

As outlined in the Bill, the new authority and its constituent bodies will deal effectively with the complex issues that numerous agencies have failed to address over the years. I welcome the transport and land use planning element of the Bill. In recent years, it has been amazing how we have often forgotten about an integrated transport system until after a major development has been put in place. I welcome that the Dublin Transportation Office will be subsumed by the DTA, as the former has given good leadership in recent years.

The traffic capacity of Dublin's road network was reached 15 years ago. After unprecedented economic growth, pressure on the network has since increased by 300% and little additional road capacity has been provided. Progress in the past ten years has been painstakingly slow. My committee's exchange with the various transport agencies revealed a lack of urgency, a failure to take hard decisions and a glaring lack of co-ordination and joined-up thinking in the implementation of an action plan to tackle Dublin's congestion problems. An example of such procrastination is to be found in the introduction of integrated ticketing. Every similar city in Europe provides for an integrated ticketing system, but full introduction here will take us a further two years.

The DTA's greatest challenge will be the necessity to change from our car-dependent culture to public transport. Those against change will argue that nothing can be done until we have a proper public transport alternative. While this is true, we cannot provide such an alternative if every possible obstacle is put in change's way. The proposal for a quality bus network in Dublin is a typical example. For a high-quality and reliable service, buses must be able to move at between 20 kph and 30 kph. Quality bus corridors must be put in place, but business, political, local and national opposition has succeeded in putting the brakes on the roll-out of the quality bus corridor network in Dublin. The highly successful bus corridor from Heuston to O'Connell Bridge on the north quays was delayed in the final six months before its implementation by senior members of Government. I will not be critical of anyone in particular, but this goes to show how difficult it is to make necessary changes and how far vested interests are prepared to go to stop change occurring.

One would expect that AA Ireland, which purports to represent motorists, would take a positive approach to the requirement to change our car-dependent culture to make life better for motorists but it does not. Mr. Conor Faughnan was vehemently opposed to the introduction of the Stillorgan bus corridor, making the case that traffic chaos would ensue were a bus priority measure established. We now know that the corridor has become one of the most successful quality bus corridors in Europe. At peak times, buses operate at a frequency of one per minute,

[Deputy Frank Fahey.]

giving motorists a high-quality and reliable alternative while allowing those who must travel by car or commercial vehicle better travelling conditions.

Recently, the Dublin City Business Association complained about traffic management measures to be put in place to facilitate the DTO proposal of a bus gate at College Green. Surely Dublin city centre business must realise the negative impact of traffic congestion on its growth and development. An examination of many major cities throughout Europe with quality bus services shows how Dublin Bus becoming the workhorse in a co-ordinated onslaught on traffic congestion would have a positive impact. Dublin Bus has a vital role to play during the next five years before a rail network is introduced in the city. The DTA will have limited success if our society is unprepared to accept the difficult decisions required if we are to make the switch from cars to public transport. In the short term, this means choosing the bus.

The DTO's "One Small Step" campaign focuses on personal responsibility and co-operation in tackling Dublin's traffic problems. I welcome the Minister's support of a key message of the campaign, namely, that if everyone who uses a car regularly leaves his or her car at home for just one trip per week, it would reduce the number of car trips per day in Dublin by an average of 10,000. The workplace travel plans promoted by the DTO and supported by the Minister are a mechanism whereby all of us can begin to use public transport, at least on some occasions. The one thing I have learned since becoming involved is that, if we use public transport once every week or fortnight, we would solve Dublin's traffic problems. I am particularly pleased that, at my suggestion, the Ceann Comhairle has agreed to a meeting with the DTO's executives to discuss a workplace travel plan for the Members and staff of the Oireachtas. We should give example when it comes to switching from using our cars every day to using public transport some of the time. The new DTA will give the lead on many of these issues but much can be achieved if we take a pragmatic and courageous approach to traffic congestion.

The Joint Committee on Transport will soon present to the Minister, Deputy Dempsey, a short-term plan for the development of an efficient bus network in Dublin. I hope that the implementation of this plan will be one of the first tasks of the Dublin Transport Authority. Ten years ago the DTO launched a short-term action plan to deal with traffic congestion in Dublin. Some days ago, I wrote the introduction for the committee's report to the Minister. I could use the exact same introduction that was used ten years ago, which speaks for itself.

Deputy Joan Burton: Deputy Ciarán Cuffe said of this Bill that many people interested in public transport in Dublin and in the future of the greater Dublin area have argued for a coherent development of approached planning and provision of public transport.

Public transport in Dublin — and many of the recommendations made by Deputy Fahey — would be immediately improved if the Minister for Transport were to make provision for the promised buses. A simple measure, concerning which the Minister has simply sat on his hands, would be to give a licence to private buses to come through the Dublin Port tunnel that was built at enormous cost and paid in full by the taxpayer. I would not have any difficulty with private buses using the tunnel but it is barred to Dublin Bus.

Deputy Noel Dempsey: That is inaccurate.

Deputy Joan Burton: For people who come from Swords into——

Deputy Noel Dempsey: The tunnel is not barred. The Deputy should get her facts right.

Deputy Joan Burton: I have a number of direct answers from the Minister that indicate his position. He has powers under the relevant Transport Acts going back to the 1930s to grant

the right to Dublin Bus to use the tunnel. However, presumably in order to develop the private sector and give it an extra advantage, the Minister is barring Dublin Bus.

Deputy Noel Dempsey: I am not barring it. The Deputy is incorrect.

Deputy Joan Burton: The net result is that commuters who live in the Forest Road and Highfield areas of Swords very often face an extra commute of half an hour minimum and, at busy times, their journey time from Swords to the city centre is extended by anything up to an hour and a quarter. If the Minister is committed to fair competition between private and public transport, he would permit access to a tunnel that was paid for by the commuter and the taxpayer. His partisan approach to allow only the private sector to use that tunnel——

Deputy Noel Dempsey: The Deputy is telling lies.

Deputy Joan Burton: That is what the Minister's order and his parliamentary replies to me indicate.

Deputy Noel Dempsey: That is totally inaccurate.

Deputy Joan Burton: The Minister has refused to advance the position to allow Dublin Bus or CIE to use the tunnel——

Deputy Noel Dempsey: Bus Átha Cliath is using the tunnel.

Deputy Joan Burton: ——although €0.75 billion——

Deputy Noel Dempsey: Dublin Bus is using the tunnel.

Acting Chairman: Deputy Burton, without interruption.

Deputy Joan Burton: Dublin Bus is not using the tunnel from the Swords 41X route, from the Highfield-Forest Road area——

Deputy Noel Dempsey: I do not think the Deputy is entitled to mislead the House..

Deputy Joan Burton: The Dublin transport authority has been discussed for a long time. However, the way in which this institution has been put together by the Minister calls to mind the development of the Health Service Executive. This Bill has all the hallmarks of the structure of the HSE. A minimum amount of genuine public accountability and democracy is provided for along with a maximum amount of centralisation.

As somebody who was brought up very close to Dublin city centre, who has represented County Dublin over a long period, I fear the centralising, dictatorial tendencies given to the Minister for Transport of the day by the provisions of this Bill. What I fear most is that it will culminate in a smash and grab raid by the Minister for Transport and by Fianna Fáil to have the remaining green belt in County Dublin, particularly that of Dublin 15, rezoned to benefit the Fianna Fáil developers in the construction industry.

Deputy Noel Dempsey: What a load of rubbish.

Deputy Joan Burton: There will be nothing to stop them. Obviously the Minister is not aware that in Dublin 15 there is a contentious rezoning project called Kellystown. The Minister's colleagues wish to rezone hundreds of acres of green belt land to provide for an extra 1,500 high-rise, high-density housing units in front of Luttrellstown Castle. This is an area where 2,500 acres have already been zoned for development. There are 18,000 units currently under

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starter's orders, fully planned and provided for, with 60,000 further units provided for by zoning. Where is the Green Party in all of this? I do not understand that.

Now that the housing sector is closing down and flattening out because of the current difficulties in the construction industry the Minister's colleagues wish to move away from the already rezoned land, from the developments that have begun at Hantsfield, Tyrellstown and the Phoenix Park race course. Much as their late colleague, Liam Lawlor, did in the 1980s, they wish to leave those developments, already planned for and commenced, and rezone prime green belt land. It is the only such land left in that part of Dublin. As happened with the HSE, people will wake up to discover the potentially dictatorial powers reserved for the Minister in this Bill.

We can examine the authority that the Minister is to appoint. If there is ever to be a directly appointed mayor of Dublin, he or she may take the chairpersonship of the authority. That is not necessarily guaranteed but is at the whim of the Minister. Two members are to be appointed from the Dublin regional authority. Four local authorities, therefore, will have, in total, two elected members as representatives on the board. In addition there will be two members from the mid-east regional authority. That area covers another three counties, Meath, Kildare and Wicklow and gives a total of five public representatives. As far as I can make out, the members of the Dublin regional authority and those of the eastern regional authority representing the counties that surround Dublin, will be nominated by the Minister. This is a HSE-style situation where public accountability will all but vanish in a quango to be controlled and appointed by the Minister.

The Minister has the capacity to put some genuine democracy into this situation. However, it is perfectly possible, as set out in the terms of this Bill that its land use and planning elements could be used by Fianna Fáil to rezone the green belt. If that were to be the case, the powers that have been given and taken by this Minister are excessive and dangerous in terms of the future of Dublin.

I have made numerous submissions to the RPA regarding the proposed metro west line. This is the difficulty with the plenipotentiary powers contained in the Bill. It is difficult for the public to have a serious input into this process. There has been much consultation but it does not necessarily mean the resulting body, empowered by the legislation, will pay any attention to the views of the public.

In the case of the proposed metro west line, a decision in principle seems to have been made by the Railway Procurement Agency to plan the route through several public park areas where there is already relatively good access to the railway line. This proposed route will miss the new, developing areas of Dublin 15 including Huntstown, Hartstown and especially Tyrellstown and Littlepace. In Littlepace some 12,000 houses and apartments have been built over the past ten years. The area is adjacent to the Minister's constituency and is popularly called Clonee, after the village of the same name which is in County Meath. All this area will be missed by metro west. The proposed metro will not serve the area of Tyrellstown, which has 2,500 houses built and occupied. Instead it will be routed as far away as possible from there, presumably to allow for more development, rather than serve the people in these new houses who have paid their taxes.

Many of these people are sitting on negative equity. If public transport was routed closer to these areas the situation of people in negative equity, as a result of the actions of the Taoiseach when he botched stamp duty reform, could be ameliorated. The provision of a genuine public consultation process by the RPA would assist the people living on the edge of Dublin city and County Meath whose houses, if they were bought in the past two years, are worth up to 25%

less than the purchase price. These poor people are paying mortgages based on the inflated values of two years ago. If public transport benefited these people it is possible the value of the houses might recover somewhat faster than what appears to be the case as a result of the policies of the Government.

My major criticism of this Bill is that, as with the Bill establishing the HSE, buried in the Bill under a benign appearance is the complete lack of public accountability. I hope that, as is the case with the HSE, we will not live to regret the lack of real input by people and serious consultation with local public representatives.

The Minister is proud of never listening to anything anybody has to say. This is the Minister who brought us the fiasco of electronic voting, who knows it all and who will arrogantly refuse to consider the views of the public.

The Minister's colleague, Deputy Frank Fahey, has discussed the possibility of closing access to bus corridors for private cars on a north-south axis within central Dublin. The difficulty for people who use cars is the lack of an alternative.

The railway line from Maynooth and Clonsilla into the city centre is a wonder. It was inherited from Victorian times and the British period of administration. Despite the promises in Transport 21, the improvements for Dublin West in recent years have been meagre in the extreme, even though the area has been a powerhouse of the economy. The people of Dublin West are significant contributors to tax revenue and deserve a fair share of public transport. Many trains serving this area are half trains with four carriages and the largest trains have eight carriages. Compare this with the DART service along the gold coast — some say it is not good enough — which serves some of the most prosperous parts of the city and one finds the trains are more frequent there. The DART service is one of the reasons for greater prosperity in that area. Although public transport could be improved there, it is infinitely better than what applies on the west of the city, where so many people work, pay taxes and helped to make the Celtic tiger.

What plans has the Minister for Transport? The Taoiseach said last week that everything in the national development plan was up for reconsideration, as the public finances are so far off course. What does the Government plan to do with Transport 21? The Minister has already put the time lines for many of the Transport 21 projects back by one year, 18 months and two years. Much of the Transport 21 plan for Dublin West has been long-fingered and rescheduled for 2016 and beyond. Given the inevitable delays in projects under this Government it is reasonable to assume many of these projects will not see the light of day for a long time.

I was a member of Fingal County Council in 1999 when it and Meath County Council agreed in principle to the reopening of the Dunboyne railway line. All the preparatory work was done and then the plan remained in the Department of Transport until the railway order, which is only the first stage, was signed recently

What are the public transport options for people living in Ratoath, Dunboyne and especially Navan? The number of buses to Dublin city centre from Navan and Trim is very limited and such buses are full and well patronised. This applies to the provision of buses by both the private and public sectors. However, there is nowhere near enough capacity. How can the Minister's colleague, Deputy Frank Fahy, contemplate closing O'Connell Bridge and the bridge at Liberty Hall — the loop-line bridge — to private traffic in the absence of a genuine public transport alternative?

There are people in Dublin West queueing to use public transport and crammed into the trains like cattle. The Clonsilla train is often called the "Calcutta Express", because of overcrowding. Some women have to quit using the train after three or four months of pregnancy such is the level of over-crowding. This train stops regularly to allow people who have fainted

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to get off and such people look after themselves at the stations. Many civil and public servants working in the Houses of the Oireachtas know this and people tell me about it all the time. This happens to people I know, people in this building and their families. The Minister for Transport has had nothing to say on this matter.

What are the options for people living further out in County Meath? These people drive to such places as Portersgate in Dublin West and park there. This results in rows with people living in estates such as Portersgate in Dublin 15 because there are no park-and-ride facilities. This is because the Dublin Transportation Office has held, as an article of faith, that park-and-ride is a bad concept as it means a split journey for motorists, partly by car and partly by train. It is almost like an ideological belief in communism, with transport planners not allowing park-and-ride facilities.

The only park-and-ride facility planned for west Dublin is at Pace, near Ratoath, County Meath. However, it is not listed to commence construction for years. In the meantime, in area like west Dublin, traffic is the worst feature of people's lives. The data show a reduction in the volume of car traffic between the canals in Dublin city, with marginally improved journey times. In the suburbs, however, particularly in west Dublin, and in parts of Meath and Louth, journey times from one village to another or from one part of County Dublin to another, such as Castleknock to Blanchardstown, are now taking vast amounts of time.

The Minister has many questions to answer in regard to this Bill. It will not necessarily be the panacea it was claimed to be. I am particularly concerned about the implications of these proposals for Dublin's heritage. As far as I can see, St. Stephen's Green will effectively be destroyed for up to a decade. That level of destruction is not evident in public works projects undertaken in cities elsewhere in the world. Dublin owes much of its economy to tourism and the St. Stephen's Green area is central to that. I urge the Minister to take some control over the activities of planners and officials. We must plan and organise with the interests of ordinary people at heart, those who live and work in the Dublin region and those who visit it. This can be done properly but it cannot be done in the dictatorial fashion implied in many sections of the Bill.

Deputy Seán Barrett: I chaired a meeting of the Joint Committee on Climate Change and Energy Security this morning at which the proposals from the EU on emissions reductions were examined. The committee discussed the actions we will have to take in the period from 2013 to 2020 to implement the reductions already agreed by the EU Heads of State. It is frightening to consider the impact of CO2 emissions. Almost 20% of our emissions arise from the various forms of transport. We must take action to deal with this. That will involve facing up to the reality of the scarcity of fuel and to our dependency on the private car for transporting people and on the heavy goods vehicle for transporting goods. We are all aware of the recent increases in the price of diesel and of the future scarcity of petrol and diesel as the global supply is depleted. We must plan effectively for these issues.

For these reasons, I am fully supportive of public transport in general and of the establishment of a Dublin transport authority in particular. The bulk of our population resides within the region referred to in the Bill, that is, the area under the remits of Dublin City Council, Fingal County Council, Dún Laoghaire-Rathdown County Council and South Dublin County Council, together with Kildare, Meath and Wicklow county councils. It makes sense to legislate, as this Bill proposes to do, for a single authority that will ensure, for the first time, that there is a proper, accountable body with overall responsibility for surface transport in the greater Dublin area.

However, I have concerns about the accountability of the body proposed in this legislation. What does it say about our democracy that we must always exclude public representatives from these types of endeavours? How will the voice of the people be heard in the future? During my five year absence from this House, I was horrified to see the damage done to local government by some of the legislation enacted in that period. Local authorities are becoming dysfunctional and powerless. It seems everybody is to be given power other than those who put their names on a ballot paper.

The same is happening under this legislation. We are handing over significant power to ten people, none of whom is elected by anybody. I was looking forward to the introduction of this Bill and I asked on numerous occasions when it would be published. I was deeply committed to the establishment of a single authority to provide effective management of the transport system, particularly the public transport system, in the greater Dublin region. I note from the Order Paper that the Fine Gael Party, through our spokesperson, has had to table an amendment. I am glad to see our spokesperson is of a similar mind to myself. I regret very much that my colleagues and I may be obliged to go through the lobbies to vote against this Bill on Second Stage. Somebody has to stand up and argue that, in a democracy, people must be accountable.

Deputy Fergus O'Dowd: Hear, hear.

Deputy Seán Barrett: What will happen when public meetings are called and people come out in their hundreds to the local hotel or hall to complain about poor services or some issue that is seriously affecting them? Neither the chief executive officer of the Dublin transport authority nor any of the other nine members will be present at such meetings. Instead, it will be the local public representatives and Oireachtas Members for the area who will be wheeled out. Yet again, however, we will have to explain that we do not have the authority to change anything. That is why people are losing faith in democracy and in their public representatives. Like many others, I have been canvassing for a “Yes” vote in the referendum on the Lisbon treaty and I have been told by numerous people that they do not want to hand over more power to the bureaucrats. That is the reason that many decent people are voting “No”. They are fearful of giving away power from their elected representatives, who can be replaced by them every four or five years.

Citizens will not be able to replace the chief executive officer of the new transport authority, nor will they be able to effect change in regard to the membership of the two senior managers or the Dublin city manager. What has the latter, who will be an *ex officio* member of the authority, to do with public transport in Fingal, Dún Laoghaire-Rathdown, south Dublin, Kildare, Meath or Wicklow? Why should he or she, who will be *in situ* for seven years, be a member of the authority? It is a joke. Who are the two senior managers and why should they be permanent members?

The Bill bestows significant powers on the authority. If we are to get a democratically representative body, it should certainly be given the teeth to deal with the serious problems we face in this area. However, there is no explanation as to why there will be four *ex officio* members of the authority while the Minister or one of his successors will appoint five other members. Who are these five people? None of them will have stood before the electorate. The only relevant consideration is that they have wide experience in relevant disciplines, for example, finance, transport and land use planning. That could be anybody. This body will have five people appointed by the Minister and four people *in situ*.

I am glad to see my dear colleague, Deputy Reilly, arriving into the Chamber. He has lost nearly all his hair and is going grey arguing about the downfall we are facing with the health service as a result of it being run by a body that is answerable to nobody. We are doing precisely

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the same with this authority. Five unknown people together with two managers, the Dublin city manager and the chief executive will have powers relating to planning and will be able to overturn the development plans of local authorities. That is not what I call democracy. It is frightening that the Minister should take this course.

Under section 26 of the Bill, the Minister may issue policy directions to the authority or a subsidiary regarding any of its functions, and the authority or subsidiary must comply with such directions or have regard to such guidelines. I do not know why this must be the case. Why does the Minister, as well as the authority, have powers? If the provision stated that the Minister had such powers after consultation with both Houses of the Oireachtas, I would have some faith. However, I believe we will encounter terrible difficulties with the set up of this authority. That is the reason I will be saddened to walk through the “No” lobby. We need a good authority with teeth that will change things and get things done but, for goodness sake, do not ask me to vote for a group of people who are answerable to nobody.

There is also the business of having another advisory council. I was first elected in politics in 1974, that is, 34 years ago, and I have been on many advisory councils and bodies in that 34 years. I eventually gave up participating in them because all one does is get frustrated. Advisory councils mean nothing; they become talking shops. What is being done with this advisory council? The Dublin city manager, who is a member of the authority, or an official of the Dublin City Council nominated by him will become a member of the advisory council. The Dublin city manager seems to be more important than the Taoiseach or the President with regard to traffic management. Some of the problems in Dublin city would lead one to ask questions as to some of the decisions that were taken at executive level and elsewhere over the years, which account for the mess in Dublin.

Among the general principles in the legislation, which I support, is the provision, at last, for integrated ticketing. I will refer briefly to some points I made previously about the use of public transport. I have lived in Dublin all my life with the exception of two or three years and I am fortunate to live in an area that has a DART service and a bus service. It is fine to have such services if one lives near them, but in the middle of winter if people must walk a mile and a half to a bus or DART service, they will take their car. They might drive to the nearest point where they can get the bus or train but the problem is parking.

I have long suggested that there should be a mini bus service, such as the old Imp service. That is where the private sector could get involved if the public sector is not prepared to do so. It is also an area where integrated ticketing is very important. A person should be able, within a reasonable walking distance of their home, to jump on an Imp bus which would connect with either a DART line or a main bus service. We will have to start thinking along these lines if we are to encourage people to use public transport. It is all very well if one lives next door to a DART station or a bus service but we must provide others with the means of accessing public transport. An integrated ticketing system is necessary in that regard.

Why does every double decker bus have to trundle through the centre of Dublin city? There should be a service running clockwise and anti-clockwise on a circular route in the city, whereby people could hop on and off buses using the same ticket. That would remove the double decker buses from the city centre. One need only travel down to O’Connell Street to see the blockages that occur. The 46A bus, for example, which serves Dún Laoghaire travels through Donnybrook and eventually reaches O’Connell Street. It goes up that street, around Parnell Square and back down O’Connell Street. Generally, there is nobody on either the top or bottom of the bus when it is travelling around Parnell Square and down O’Connell Street. Nobody can explain to me why that bus is caught up in traffic on O’Connell Street and then spends 20 to

30 minutes trundling around Parnell Square. I wish the Minister would listen because my point is worth noting.

Deputy Noel Dempsey: I am listening.

Deputy Seán Barrett: What is really annoying is that there is nobody on the bus. Then people complain about a shortage of buses. Of course, there is a shortage of buses. The bus going around O'Connell Street could have been out to Dún Laoghaire and back again if there was a circular service running from Donnybrook, for example, around the centre of the city which people could hop on and off. The bus could have done two or three runs in the time it was choked up in O'Connell Street.

People talk about emissions. If one walks down Merrion Square, one will see cars in traffic jams waiting to get around by the Mont Clare, down Westland Row and up Pearse Street. There are emissions from the use of fuel. The city is choked with cars. Those cars are emitting more gases when stationary than if they were driven 20 miles. It is all due to the blockages in the centre of the city. We must start thinking about this. Dublin is a very small city. It would take 15 minutes, at most, to walk at a reasonable pace from here to the end of O'Connell Street. However, it is perpetually jammed with double decker buses. The cars are not the issue because car drivers will not go up O'Connell Street unless they really must. This problem requires planning.

We must make it easier for people to use public transport. What happens when people decide to drive to a public transport pick-up point because they do not live near one? They must park the car. If there are church grounds available, they will park there for the day and when a funeral takes place, people cannot get into the church yard. There are no park and ride facilities. If they park on the roadside, the local authority will eventually install parking meters on the road. That is the carry-on when we want people to use public transport. Eventually, they say: "To heck with this; I will drive all the way in." In other words, we are not making life easy for people. If we want to get people onto public transport, we have to start thinking differently. We may have to consider whether it is worth our while providing a free bus service within a one-mile radius of the city centre where people can hop on and off buses. Such buses would need to run regularly and we would have to get rid of double-decker buses, as there is no need for them in the city centre. That would free up space for motor cars to move instead of fuel being wasted while people sit in traffic jams.

We are coddling ourselves. People are being encouraged to downsize their cars. However, if I have a 2 litre car and I drive it once a week, my emissions are less than if I have a 1.5 litre or 1.2 litre car and I drive it seven days a week. Does the Minister accept what I am saying? We are looking at the size of car engines but we do not ask how often people use their cars. I agree with Deputy Fahey, that if we all left our cars at home one day a week we would save a great deal. I use the DART as often as I can for selfish reasons. I only use the car when I have to go somewhere not served by the DART. I do not think I am a great fellow for using the DART — I use it because it is far easier and more comfortable. I agree with Deputy Fahey that we need to encourage people to use public transport but we have to take away the obstacles.

We spoke about bus lanes. I asked the county manager in my local authority to please explain why we have 24-hour bus lanes when we do not have buses running for 24 hours. I recently went to a funeral in Navan, an area with which the Minister, Deputy Dempsey, is familiar. After I passed the Blanchardstown shopping centre, I was in a traffic jam for approximately half an hour. God only knows how much fuel was used. When I came to the end of the dual carriageway, I got on to the old road to Navan past Fairyhouse and I saw that a 24-hour, seven-day bus lane had been installed. That means only one lane of other traffic is allowed, which is utter madness. People do not respect bus lanes because they question the logic of having 24-

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hour bus lanes. By all means let us have quality bus corridors and police them properly. They can be used from 7 a.m. until 10 a.m. and from 4 p.m. until 7 p.m. because that is when most buses are in use. I dare anybody to cross into a bus lane between those hours. However, in certain places there are traffic jams at 3 p.m. because empty bus lanes cannot be used. It is all about emissions. We are wasting fuel. There is no need to have a bus lane in operation at that time of the day. Perhaps there are areas where it is necessary for bus lanes to be in operation for 12 hours or 14 hours per day during the week but not to have a 24-hour bus lane on Saturdays and Sundays when there are no buses. That is what makes people cynical and frustrates them.

I hope that in his reply to the Second Stage debate the Minister will demonstrate that there will be real accountability in the new authority and that people like my good self can walk through the “Yes” lobby instead of the “No” lobby. The Minister should not put us in the position where once again we are destroying democracy.

Deputy Seymour Crawford: I welcome the opportunity to speak on this necessary Bill. Unfortunately, I concur with the previous speaker that we do not seem to have any other choice but to go into the lobbies and vote against the Bill. Once again, we are setting up a separate organisation that is not accountable to the House and that is very serious. We have set up the Health Service Executive, the National Roads Authority and many other bodies and we should have learned from them. My colleague, Deputy Reilly, has learned in the past 12 months what it is like to deal with the HSE. I have been dealing with it a lot longer and it is an absolute nightmare.

We are meeting officials from the HSE next Friday and even at this stage we do not know what the structure of the meeting will be. We will get to meet them at 12 noon and people will get tired and leave for lunch before it is too late. The type of structure we have in place already suggests that nobody will be answerable to anybody. People will give us a spin to try to make us believe they are doing something. I find the independent structures that are being set up frightening. We provided €16 billion for the health service, yet centres like my own hospital in Monaghan are far worse off than they were 30 years ago when there was no money in this State. I ask the Minister to rethink his approach before it is too late. It has been shown that this type of independent structure does not solve anything and will not solve the traffic problems.

I was prompted to speak in the debate because of traffic chaos. I come into the city from the north side, more recently via the M1. I appreciate the tremendous improvements made to that road and to the roads through Ardee to my home town of Monaghan. I can travel that 75 mile journey in approximately an hour and a quarter keeping within the speed limit, as I do not need to enter any towns. However, when I arrive at the Dublin Port tunnel the whole place is jammed up. The road has been restructured by modern designers and I cannot understand how they came up with their plan.

On one occasion when the tunnel was out of order and a lorry got a puncture on the road into it, I was delayed for an hour and a quarter without moving my car. That was a joke and is proof of the need for a management structure. If I had done something wrong, I am sure the Garda would have been with me in a short time but I could not move my car for an hour and a quarter on that occasion. When I raised the matter in the House, a joke was made of it. However, it is not a joke for the many thousands of people driving on business or in a private capacity who sit in traffic chaos every day of the week. Time is money and we are wasting an unbelievable amount of time and money with the current structures.

We all talk about the environment and the need to cut down on our emissions. We have been told that we will have to kill off some of our cows because of their emissions at a time

when there is a scarcity of food. We have cars and vans sitting in traffic chaos wasting time and causing emissions that cannot or should not be justified. We need to put some structures in place, but we need political accountability for them. I urge the Minister to rethink the situation before it is too late. If the Minister proceeds with this authority and all the other structures, the Government should consider curtailing the number of Ministers. If all the business that was dealt with by Ministers reasonably well in the past is handed over to outside bodies, what call is there for all the Ministers, especially Ministers of State?

We have a fuel crisis at the minute, yet we have cars, vans and lorries belching out fumes at a cost not only to individual drivers, but also to the nation. I want to make some proposals for the Minister to consider in the short term. Deputy Barrett has already touched upon some of them. Most Oireachtas Members have had the advantage of travelling to other cities over the years and we have seen how transport systems work. For example, in Canada, if a vehicle contains three or more people it is automatically entitled to travel in the bus lane. Can something like that not be brought about here in the short term to alleviate the problem? It would not cost money. All it takes is a bit of common sense and restructuring. It would immediately encourage people going to business, work etc. to join together in order to travel in the bus lane and, therefore, get to their destination more easily and on time. This, in turn, would take pressure off the system.

I travelled to Belfast yesterday and I noticed a sign along the route approximately ten miles south of Belfast for a park and ride facility. It looked quite simple. Cars were parked in an open area and the commuters were able to get onto a bus or a train and continue to Belfast. What opened my eyes was coming out of Belfast at six o'clock. I only had to queue for a very short time to get onto the M1. Once I got onto the M1, the traffic flowed quite freely. We can compare that to trying to get out through Drumcondra or anywhere else in this city in the evening. If it can be done in Belfast, which is not in a foreign country or should not be to us in this day and age, why can we not come up with something simple like that? The bus lanes are there. There are plenty of private bus companies if Dublin Bus or Bus Éireann cannot deal with it. It would help to solve the problem dramatically and quickly.

I was fortunate enough to have been in cities like Chicago and Vancouver to name but two on that side of the water. They have overhead trams and underground tunnels in relatively new countries, yet we have failed to do that sort of thing in this city. It makes one wonder how we spent our time and money. A few years ago members of an Oireachtas committee visited Helsinki. We could not believe that we could get from one end of the city to the other in 15 minutes. We were never late for a meeting and never had to make any excuses. The services just run as they should do. We pride ourselves on having one of the best economies in the European Union and beyond at present, yet we cannot get the simple things right to make the structures more workable. Some of the older cities of Europe that have come through two world wars have been creative in dealing with their traffic problems through the use of tunnels and overpasses, yet we are still dealing with traffic lights. Why can we not make the simple things happen more quickly?

Those of us from Cavan-Monaghan depend totally on the road structure. We arrive in Dublin by the M1, N2 or the shambles called the N3, which the Minister knows better than most. We are looking forward to that road being improved sooner rather than later. If simple park and ride structures were put in place along the M50, it might even eliminate the problems on the M50 by stopping the traffic going back and forward along that route. It is now clearly recognised as the single biggest car park in Ireland rather than a transport route.

The Minister should reconsider the structures to run transport in Dublin. He must arrange that those appointed to do it are brought before a committee to ensure it is not a political

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structure. I suppose it is too late to ask him to do away with it altogether. Surely he will listen to some of the proposals made by Deputy O'Dowd. If it is not changed and remains as a totally independent structure that is not answerable to anybody, those who are spared and are in this House in the future will need to try to find ways and means to ask the Minister and his successors questions without the legal right to do so, which is unacceptable. While the Minister might regard it as a handy way out today, it is a dangerous road to go down. The NRA is responsible for the national roads that will lead into the area administered by this new transport authority. While it has been quite good to my area in Monaghan and we have a reasonably good road down there, Belturbet has sought a bypass for ten years. Many people have been killed in that area. However, when we raised issues with the Department of Transport in recent days, we could get no answers. That is the problem. These groups are not answerable to anyone.

The Minister has an opportunity to do some simple things right. I beg him to consider the use of the bus lanes as they are used in Canada. It would not cost the Government a cent. It is only a matter of working with the Garda and others that look after transport. That would ease some of the pressure. He should investigate the possibility of getting the use of fields or private parking structures to take the traffic out of the city by having park and ride facilities. As I said to the Minister before, if that can be done in Belfast along the M1, it is difficult to understand how it cannot be done in Dublin. The Minister must waste no more time. We are burning petrol and diesel, causing unjustified emissions and wasting time and money, because time is money. I have said this before but it cannot be overemphasised. There is an urgent need for these simple matters to be addressed.

Last, but by no means least, a number of years ago the Government promised many extra buses. I know money is scarce but surely there is a need, as Deputy Barrett said, to better utilise the double deckers available, or bring in extra buses, private or otherwise, to ensure the bus lanes are kept full. There is nothing as frustrating as sitting in a single car lane with a bus lane idle beside one. I have spent many hours like this. Today I enjoyed the sight of one little old lady who happily drove past all of us in the bus lane and eventually turned right at a junction. I tell this as a bit of a joke. She got away with it and we are glad she did. To see how she got out of the traffic chaos by using the bus lane shows how useful it can be. It was illegal and I will not give her registration number.

Deputy Fergus O'Dowd: Deputy Crawford took her number?

Deputy Seymour Crawford: I certainly did. It proved the point that one should examine the simple issues because it will take some time for any authority, regardless of whether it is the correct authority, to rectify the chaos that is Dublin transport.

Deputy James Reilly: I congratulate my colleague, Deputy O'Dowd, on raising this matter. I, too, have a serious issue with how this authority will be established. We badly need this and we all support the concept. Like so many of the Government's initiatives, the concept seems perfect but the detail and the nitty gritty of the implementation leaves much to be desired. We will do this in such a way as to put further distance between those who make decisions and those who have to suffer the consequences. It will put further distance between the Minister and his responsibilities. When things go well, he will claim the success and when they go badly, he will refer it to the new authority and say it is not his business. It strikes a chord and reminds one of the HSE.

Deputy Fergus O'Dowd: Hear, hear.

Deputy James Reilly: I will draw more parallels with that august body later. I return to the issue of creating the dislocate between those who suffer the consequences and those who make the decisions. Recently Malahide Community Forum did a survey asking the people of Malahide what they would like to see happen. One of the issues that arose was the need for a feeder bus to the train station. There is an excellent DART service and they are pleased with it but access is a problem. A feeder bus would allow people to get there and would free up the car park because people would not have to drive. People from Swords have to travel over and they need car parking spaces, but the car park is insufficient. I mentioned the Malahide Community Forum because it is democracy at work. A Fingal County Council official came to that meeting and has taken on board what the survey showed and what the people said. He will bring it back to the council. He knows if he did not do so the county councillors would bring it to the council and raise the issue. Fingal County Council is very proactive in many areas. I will return to this aspect.

The Dublin transport authority envisaged will be answerable to nobody, will visit the committee only quarterly or twice a year — I am not sure when or how often — and give, judging by others, a sermon followed by very limited questions and answers through which one gets no real satisfaction for one's constituents or concerns. This will be a retrograde step and I plead with the Minister not to take it. He should create an authority with public representation that is answerable to the Oireachtas and will report directly to him and allow him to answer parliamentary questions on transport instead of sending them out to the authority. This happens with questions to the Minister for Health and Children which are sent to the HSE and answered in weeks or much longer. There is a sense that a game goes on whereby one receives a partial answer and has to ask another question. It goes on and on and by the time one gets the ultimate answer the issue has been resolved by some other means.

It is important to say that what we need and have lacked is a reliable, accessible public transport system; otherwise, people do not use it and cannot be blamed for that. If somebody has to get to work, attend appointments during the day and come back, he or she needs a reliable service that is interlinked. It is clear that this has not been on the Government's mind. The two Luas lines that do not join up is a classic case of this Government's unjoined thinking. This arises in other areas such as schools, housing, planning, health facilities and justice requirements for additional gardaí.

I have already mentioned the absence of a feeder bus in Malahide. The same problem pertains in Lusk, which waited six years for a footpath so people could walk safely to the train station, a mile from the village. A feeder bus was provided on a trial basis before the general election by one of the candidates. We could have a very successful situation where people could depend on getting the train on time without having to drive. The necessity for those car journeys would be eliminated and this would improve our carbon footprint.

I want to raise another issue that relates to health and is not specific to Dublin but is important to the country. My colleague, Deputy Crawford, referred to how Monaghan had its accident and emergency department closed and 17 people lost their lives travelling from Monaghan to Cavan General Hospital in an 18-month period. The road is appalling. If services are removed, they must be replaced with services that deliver better care, and the access to those services must be realistic. If the road infrastructure is put in place, that would address one issue. The same argument could be made about Nenagh, Ennis and Limerick and the unavailability of parking at the hospital there. I do not want to digress into health but just to mention that if people are to lose an aspect of a local service it is important there be a reasonable transport and road system to get them to hospital in an emergency when life is at stake. We all know about the "golden hour" which is predicated on transport time.

[Deputy James Reilly.]

I turn to an issue the Government first brought to light before the 2002 election. With much ado, it promised a metro for north Dublin. It promised it again before the 2007 election. Throughout the week I was out canvassing at the trains and supermarkets of Balbriggan, Rush, Lusk, Skerries and Swords, and people are coming to me and telephoning me on a daily basis with real concerns that the metro is being postponed or put on hold. I take this opportunity to ask the Minister directly when the metro will come, whether delays are expected and whether there is a problem with the funding. This is a national infrastructural project that should not be delayed in any way. The Indecon report recently commissioned and undertaken showed that 67,000 new jobs could be created as a consequence of the metro coming to Dublin North. This is at a time when we have lost 30,000 jobs in the first three months of the year. This would be a very serious blow for Dublin North and a serious breach of trust by the Government with the people to whom it was promised, not just before the last election but before the election in 2002.

Contingent on this is the development of Swords, the population of which could grow to 100,000 people. Through the proactive management of Fingal County Council, there have been discussions with one of the universities about bringing a university to the area and there are discussions with others about bringing hospitals to the area. This could greatly enhance the quality of life for people in Dublin North. The availability of proper park and ride facilities would do away with the necessity for many of the cars to come into Dublin city from Dublin North, where the population is growing all the time. I hope the Minister in closing this debate will specifically answer this question on the metro. It is causing serious concern among the people of Dublin North and, I am sure, all the way down the line into Dublin city.

These are all issues which a Dublin transport authority could address. It is a terrible shame it has been set up in such a fashion that we must vote against it. If it were set up in a proper democratic fashion, having learned the lessons we have learned from the HSE, we would be on the same side of this argument as the Minister and would support him in forming this important new authority for Dublin and its people.

Congestion at Dublin Airport is becoming ever more problematic, with problems of access and egress. With more and more passengers expected to pass through Dublin Airport, this will just get worse unless serious work is done to improve the road system. An example of this is the work on the M50 and the trouble it is causing. My understanding, from Deputy Varadkar, is that within three to five years the M50 will be chock-a-block again unless a further route is developed — I am referring to the Bremore route from the proposed port just outside Balbriggan. IKEA has stalled its development until the M50 works are finished. That is how lack of planning impacts negatively on our economy.

The outer orbital route is a matter close to the Minister's heart. We need this route from Bremore port to connect through Naas to the other motorways. This will keep away all the traffic that comes from the north on to the M50, which does not want or need to be there and which causes major congestion. As Deputy Crawford noted, it is the country's biggest car park. It could take an hour to travel 60 miles from some part of the country and, on arriving at the M50, take another hour to travel six miles. The carbon imprint of this must be such that the Green Party cannot be happy. I put it to that party, as a supporter of public transport, that the metro needs its absolute, unequivocal support. The funding for this must not be interfered with in any way and must be expedited.

I referred to the M1 and the additional traffic coming into the city. We need a third lane on the M1 sooner rather than later. Will we wait until the congestion is so bad that we have to take remedial action and disrupt traffic all over again?

This is a time of economic downturn, particularly in the construction industry, which is one of the highly skilled industries in the country and was honed in a major way in the boom of the past ten years. Why let all those workers go and let all that skill and knowledge lie dormant? Why not turn it to focus on our infrastructure and build our schools, health facilities and, most importantly, roads and rail system? This is the time to do it. The expertise and the labour are there. Let us use them productively rather than lose them to emigration.

I wish to turn to the ludicrous situation where public bus services, in particular the 41X service, are not allowed to use the port tunnel. There was a public meeting on this issue in Swords a couple of weeks ago. People are outraged at the idea that taxpayers' money built the tunnel but a public bus cannot use it, which is the height of folly and beggars belief. It is a conundrum I cannot get my head around. I cannot understand why public transport cannot use it as well as a licensed transporter.

Deputy Noel Dempsey: They can.

Deputy James Reilly: Then let them.

Deputy Noel Dempsey: As long as they comply with the law.

Deputy James Reilly: Let them. As a legislator, I am sure the Minister would expedite any law necessary to help them keep within the law.

Deputy Noel Dempsey: The law is there, all they have to do is comply with it.

Deputy James Reilly: As a previous speaker stated, 200 buses were promised but fewer than 100 have been delivered. Bus corridors lie empty while drivers sit fuming in their cars with carbon emissions flying up into the air. It is ridiculous. Surely a car with three or more passengers should be allowed to use a bus lane and could still be policed, which would encourage car pooling.

Another issue raised was that of integrated ticketing. I will ask the Minister a question and, given that he was able to interject so speedily some moments ago, he might have the answer on the tip of his tongue. B'fhéidir go mbeidh sé ábalta a rá liom, cé mhéad atá caite ar integrated ticketing? How much has been spent on it already? It is not——

Deputy Noel Dempsey: Some €12.5 million.

Deputy Leo Varadkar: I thought it was €30 million.

Deputy James Reilly: We still have not got it. It is not rocket science.

Deputy Noel Dempsey: It is not due until next year.

Deputy James Reilly: It is available in Paris and all the major cities throughout Europe, yet we have to spend €12 million devising a way to do it. I find that extraordinary.

I will conclude by referring to the mess the HSE transpired to be due to the manner in which it was planned.

Deputy Noel Dempsey: That is not relevant to the DTA.

Deputy James Reilly: It is relevant. The situation has arisen because poor planning and poor thought were put into a perfectly good concept. As I said, the DTA is a perfectly good concept but the manner in which the Minister is setting it up will lead to major problems down the line. There will be a lack of accountability and transparency, as with the HSE and, of course, every-

[Deputy James Reilly.]

body will be responsible but nobody will be to blame, as with the HSE. The HSE is a perfect mirror of what we will be looking at if we allow the Minister to proceed with this Bill in the manner he has chosen.

Deputy Noel Dempsey: The Deputy should read the Bill.

Deputy James Reilly: Therefore, we on this side of the House will oppose it.

Deputy Noel Dempsey: The Opposition cannot do anything else.

Deputy James Reilly: I find it unfortunate that I must oppose it but I cannot allow a situation to pertain whereby the Minister will set up a body that is unanswerable to this House other than through the occasional committee meeting. When we seek to ask parliamentary questions or to get answers for our constituents to legitimate questions such as on the bus service from Portmarnock, the inability to get parking at Portmarnock train station because the road beside the station is so narrow or the lack of a bus service to bring people in a timely fashion to the stations at Skerries and Rush, those legitimate questions are unanswered. The Minister will have no responsibility and he will say it is a matter for the Dublin transport authority, which will not answer parliamentary questions. Yet, the Minister wants the House to approve this Bill.

We have already had a discussion on the Lisbon treaty. We want to make the Dáil more relevant and make Europe more democratic, but the Minister comes to the House with this Bill and tells us it is perfectly all right for us to pass it, knowing full well what will happen due to the experience with the HSE.

Deputy Noel Dempsey: If the Deputy wants to be a local councillor, he should get elected to a local council. This is parish pump politics.

Deputy James Reilly: Despite knowing what a lack of accountability and transparency leads to, the Minister believes it is perfectly legitimate and he wants this side of the House to vote for it.

Deputy Noel Dempsey: A national Parliament should be debating national policy rather than worrying about local bus stops.

Deputy James Reilly: We cannot vote for it.

Debate adjourned.

Message from Select Committee.

Acting Chairman (Deputy Charlie O'Connor): The Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs has completed its consideration of the following Estimates for public services for the service of the year ending 31 December 2008 — Votes 33 and 35.

Private Members' Business.

Carbon Allowances: Motion.

Deputy Simon Coveney: I move:

That Dáil Éireann:

- recognises that electricity generating companies in Ireland will make unearned windfall gains of approximately €1.6 billion, based on an average cost of carbon of €25 per tonne, in the years 2008 to 2012 arising from the free allocation of carbon allowances by the Government and the requirement by the electricity regulator to include the cost of carbon in electricity pricing; and
- recognises that the Government to date has refused to claw back this money for the benefit of consumers, the economy or the environment;

in view of the ongoing deterioration in the economy calls on the Government:

- to improve competitiveness, bring down inflation and help reduce poverty by cutting the lower rate of value added tax from 13.5% to 12.5%; and
- to fund this tax cut by putting a levy on unearned windfall gains of electricity generators.

I wish to share my time with Deputies Bruton, Varadkar and O'Donnell, by agreement.

Acting Chairman: Is that agreed? Agreed. I welcome the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Curran. This is my first opportunity as Acting Chairman to welcome him to the House and to wish him well in his new position.

Deputy Simon Coveney: While I welcome the Minister of State, it is unfortunate we are not joined by the Minister for Finance or the Minister for Communications, Energy and Natural Resources to ensure that this motion is taken seriously. I assume, however, they will be informed of our arguments before they have the opportunity to respond.

Fine Gael is moving this motion in an attempt to introduce new thinking into the policy debate on the energy sector and the economy as a whole. We are proposing that the Government recycle the proceeds from carbon charges on electricity bills, which are paid for by the consumer, into the economy and to consumers so as to cut the cost of living and boost competitiveness. We believe the most appropriate way to recycle the proceeds of carbon charges on electricity to consumers is to cut the 13.5% rate of VAT to 12.5%. To do this, a special windfall levy on unearned gains will need to be introduced for electricity generating companies by virtue of the new carbon emissions regime that applies from January 2008 to December 2012.

Consideration is needed on two issues in this proposal and I ask the Government to consider them on their individual merits as well as jointly. I will speak further on the Government's response to the motion in my conclusion. The first issue is whether the State should recoup money from electricity generators. This money is being earned by charging consumers for the cost of carbon, despite the fact that generators have received an allocation of carbon allowances from the Government that will allow them to emit carbon for free during the period from 2008 to 2012. Is it appropriate that consumers are being charged substantial amounts of extra money for something that is costing energy generators nothing? This is essentially a carbon tax which is being levied by energy generators on top of their existing profits. There have been a number of informal murmurs about introducing a carbon tax during the lifetime of this Government, yet such a tax is already required by the energy regulator with the result that energy generators are earning undeserved profits off the backs of consumers and businesses.

The second issue concerns how, if the money is recouped by the state, we can spend it to best effect in view of the current economic climate, inflationary pressures and environmental responsibilities. We have a number of options in that regard. We could spend the money on a carbon fund, put it into the Exchequer, given that we will need increased revenue streams

[Deputy Simon Coveney.]

before the end of the year, or use it to implement targeted tax cuts. I will speak about Fine Gael's preference for the money presently.

I will now deal with the issue of why it is right to impose a windfall levy on power generators. From 1 January this year, electricity generators have been required to have what is called a carbon allowance for every tonne of carbon they emit into the atmosphere. From 2013, companies will have to purchase these carbon allowances on the open market through an auction system that will be in place across the European Union. However, during an interim period lasting from now until the end of 2013, the Government has allocated generators the vast majority of their carbon allowances for free. As part of a welcome policy to attach a cost or price to carbon, the new all-island electricity regulatory system requires power generators, including the ESB and Viridian, to charge for the value of carbon allowances used in producing electricity from fossil fuels. The Commission for Energy Regulation is required to insist that every electricity bill includes an additional charge to take account of the cost of carbon. These additional carbon charges are passed directly to domestic and business consumers.

The regulator estimates that electricity in the Republic is now approximately 10% more expensive than it would be if the cost of carbon was not factored into the price. The claim that energy is becoming more expensive solely due to the international price of oil is, therefore, not true. The price of oil clearly has a substantial impact but every household in the country is also paying a charge which adds 10% to the electricity bill because the regulator requires energy companies to factor in the cost of carbon.

Assuming the price of carbon allowances will average €25 per tonne between now and 2012, which is a very conservative estimate, generators could make unearned gains of almost €1.6 billion over this period, or €315 million per year, without Government action to recoup the windfall. If, as is likely, the cost of carbon increases, that figure could be substantially higher, resulting in even more fuel price inflation. While it is right that the price of electricity produced from fossil fuels reflects its full environmental cost, including the cost of greenhouse gas emissions, Fine Gael believes that it is wrong that power generators, whether publicly or privately owned, can make unearned windfall gains at the expense of consumers.

The single electricity market committee, which is the regulatory body for the all-island electricity market, concluded last March that action to recover the windfall gains from the full pass through of carbon allowances would be a matter for the Government rather than for the regulators but that the recovery of windfall gains could deliver benefits for consumers. We are proposing that the Government should claw back these unearned gains from power generators through a special windfall levy which would be determined each year by reference to the market value of the carbon allowances used up in the course of power generation or sold by companies on the open market. As stated, based on a €25 per tonne price for carbon, this levy could deliver an additional €315 million to the Exchequer revenue per annum. Over five years, it could yield almost €1.6 billion.

Many people will ask whether the levy, if introduced, will impact adversely on the price of electricity. That would not be the case and it has been confirmed by the regulator. The price of carbon has been factored into the price of electricity. We are, therefore, only recouping money that is being paid by consumers to electricity generators. This money is additional to that which they earn in respect of the cost of generation and the set price they are allowed to charge by the regulator and into which a profit margin is factored.

The second matter to which our motion refers is how a windfall levy could be spent and why we propose to cut the 13.5% rate of VAT to 12.5%. Members do not need me to tell them that the Irish economy is threatened by recession. Due to the collapse of the house building

sector and a sustained loss of export cost competitiveness, jobs are being lost and business confidence is at a ten-year low. High rates of consumer price inflation, as a result of global energy and food price rises and domestic policy failures in regulation, competition and public sector management, are making for very difficult social partnership talks. The major questions revolve around how we can turn things around and what we can do domestically to reduce inflationary pressures, improve competitiveness and put a definite policy in place to help to get the economy back on track.

We believe that reducing the 13.5% rate of VAT to 12.5% will have a positive impact on the economy in general and on hard pressed homeowners who are struggling to meet rising bills. This is the most appropriate way to recycle the proceeds of windfall gains to consumers, for a number of reasons. Reducing the rate of VAT would: support overall competitiveness by reducing inflation — by an estimated 0.2% this year; give a direct stimulus to the domestic economy — the 13.5% rate applies mainly to domestically provided, labour-intensive services; give a direct boost to the flagging construction and housing sector — of the total €39.6 billion in spending that is expected to be taxed at the 13.5% rate this year, almost €26 billion relates to construction; help the competitiveness of the tourism sector, in the context of accommodation, car hire etc.; cut fuel poverty by reducing home heating bills; and reduce the income gap — low income households would benefit more than higher income households because they spend more of their income on services taxed at this rate.

The Department of Finance estimates the cost of reducing the 13.5% rate of VAT to 12.5% at €396 million in a full year. Taking into account buoyancy — that is, the additional spending and economic activity resulting from the tax cut — we estimate that the net cost for 2008 would be approximately €300 million. The latter would be comfortably covered by the levy we propose to introduce.

The Government's response to the motion is surprising. The first three paragraphs of its amendment have absolutely nothing to do with the motion. These paragraphs refer to the Government's long-term strategy, as set out in the energy policy framework. The latter is welcome but it has nothing to do with the motion. The second paragraph in the amendment refers to the need for Sustainable Energy Ireland to deliver on a range of domestic schemes. Again, this is welcome but it has nothing to do with the matter under discussion. The third paragraph calls on the Minister for Transport to introduce a new transport action plan that will prioritise sustainable transport. The latter is needed but it also has nothing to do with the subject matter of the motion.

The fourth paragraph of the amendment refers to fuel poverty. What we are proposing would contribute to addressing issues relating to fuel poverty by reducing the fuel bills of households and businesses. The amendment also refers to the ESB's €22 billion strategic framework up to 2020. There may be a concern that the introduction of our proposed levy might have an impact on the ESB's plans to invest in the future. However, we must ask who should be asked to pay for the ESB's future capital investment programme. Should it be households, through a stealth carbon tax, or should the company be obliged to make its case, in the context of normal margins, to the Commission for Energy Regulation when seeking price increases.

If we are going to introduce a carbon tax, we should be honest about it. We should tell people what they are paying and why they are paying it. The stealth tax to which I refer is paid to energy generators, not the Government. It will be spent in the way the ESB, Viridian or whomever else is making gains they would not otherwise make want it to be spent.

Our proposal is well thought out and costed. It is being introduced in other countries such as Spain and it is being considered in the UK. Ireland, Spain and the UK have similar energy markets. The Government states that it is considering the proposal but that it is complex. While

[Deputy Simon Coveney.]

we wait and do nothing, consumers pay 10% extra on their energy bills and that money goes to the ESB. There is a sense of urgency in the context of trying to address the real problems we face with increases in energy bills. Let us take back some of the money to which I refer — this would not impose a cost on anyone — and use it to reduce costs for households and businesses.

Deputy Richard Bruton: I congratulate Deputy Coveney on introducing this timely motion. The economy is facing some tough challenges and we need to box clever as a result. What is proposed in the motion would present us with an opportunity to box clever and to reduce costs across the board, for families and businesses and in labour-intensive areas. We must put out a signal to the effect that even though times are difficult, there is scope to introduce reforms that deliver effective responses to some of the challenges we face.

The Government's amendment to the motion refers to continuing "to implement the stability oriented fiscal policies that have underpinned the success of their Irish economy over the last decade". That is enough to make a cat laugh. The figures released by the Exchequer earlier today indicate how lacking a stability-oriented fiscal policy has been in the past seven years. The harsh truth, as shown by the figures to which I refer, is that we have seen a surplus of €2 billion that was built up in 2006 being turned into a deficit of €8 billion to date this year. Why do we have a deficit? It is largely because the Government insisted on spending current, day-to-day money that the economy was simply not generating.

The Government increased its spending in the past two years at a rate 65% faster than the rate of growth in the economy and it paid no heed to the need for value for money. In addition, inefficiencies did not come under scrutiny. It was simply a case of spending the money because there was an election on the way. We are now paying the price for this behaviour. Effectively, the Government sabotaged the capacity of the economy to deal with tougher times. Earlier today, the Minister for Finance could not commit to upholding the envelope relating to investment in capital projects — €9.1 billion for this year and the same amount for next year — set out in the national development plan, NDP. This is happening because of the failure to control public spending.

What is happening is not news to the Government. The Minister for Communications, Energy and Natural Resources, Deputy Ryan, will be aware of that from his time in opposition. The precondition relating to the delivery of the NDP is that current day-to-day spending will remain within the capacity for growth of the economy. This precondition was ignored and in the past two years alone, an additional €4 billion has been spent. That would go a long way towards guaranteeing that we could invest in our national development plan projects for next year. That sort of thinking did not commend itself to the Government, which had so embraced the property boom that it felt it could ramp up public spending programmes without regard to the fact that the basis was unsustainable. Revenue from the property boom was plainly unsustainable but the Government ramped up its public spending programme and we are now paying the consequences, which is the tragedy.

We must now consider how we can box clever, finding the capacity even in tougher times to release resources and protect frontline services so we do not have what we have always had in this country, the vulnerable and weak making room when money is short. The way to do this is consideration of issues that can make a difference.

Deputy Varadkar published, on behalf of our party, a way of looking at quangos, for example. The Government created 250 extra quangos in the past decade, which are not working. Even today we debated the establishment of the Dublin Transport Authority, another quango, which I do not believe will deliver the reform expected. If the reform was not evident

when power resided with the Department of Transport, I do not believe the Dublin Transport Authority will deliver it. It will not deliver the reforms as the very same mistake is being made as happened with the HSE. It is being written into the legislation that the existing players, such as Dublin Bus and CIE, are guaranteed to go on as always. We cannot reform and produce agencies that will be results-delivered when those guarantees are given out. It is a contradiction. This agency will have no accountability.

That is the trouble with the Government's approach. It outsources government and does not focus on its own needs, which are to squeeze inefficiencies out so it can protect vital matters like frontline services and the national development plan.

This motion addresses a specific problem, which is that while the property boom went on, the Government lost sight of the key element of the economy, the survival of the trading sector. We have slumped in competitiveness rankings under this Government in the past six years by 17 places. We have had five consecutive years during which we have lost export market share. Productivity growth has halved in this economy in the past six years.

During this time the Government increased its prices by 45% and manufacturers had to take a 23% cut in their prices. The Government is living in a different world from that of people out there trying to compete, export, build a future and create sound jobs in the export market economy. This motion tries to bring a little reality into that, indicating that the ESB and other generators are not entitled to rip off the consumers and pocket money due to them. This money must be put back in to allow those competing at the coalface, families trying to pay their weekly bills in the face of rising food prices and mortgage payments, some relief and a chance to survive this really tough period.

This is the type of thinking we need to see from Government, which considers how to reform the large public service we have created and release the talent therein. The trouble is we have constrained talented people in our public service in a system that is failing both them and the people they attempt to serve.

I heard the Taoiseach today stating the ESB must have this money so it can have an investment programme. Why should it have consumers' money so it can have an investment programme? It is expected to compete in the open market as an efficient utility. Data from the National Competitiveness Council indicates productivity in our utilities is less than half that of the EU as a whole and only a third that of the USA. We should not turn to a utility that is not delivering productivity and say it can rifle the consumers' pocket so it can invest. We should indicate it is obliged to perform to international benchmarks. It is not a highly geared company and it can look to its internal resources to find investment. If it had been doing so, we would not find ourselves with the most expensive electricity company in Europe. Our electricity prices are the most expensive and in the past six years, they have been rising at the second most rapid rate in the EU.

Companies producing in the public sector which have monopolies must wake up to the fact that they cannot lean on the consumer for money to prop them up, be it through a carbon levy or another method. They must compete and show they can perform to the standards of international benchmarks. That must be the message to come out in policy if we are to get through this difficult time without hurting those who are vulnerable and depend on public services. That is the thinking we are trying to drive.

I do not intend to unduly delay the House but I will reiterate what Deputy Coveney stated. Since January 2008, the electricity consumer has been paying a carbon tax on electricity and the ESB and other electricity generators are pocketing it. That is not in the interests of householders or the long-term competitiveness of our economy.

[Deputy Richard Bruton.]

The proposal we are making retains the incentive for consumers and producers to switch from high carbon-using activities, a crucial element. At the same time, it prevents the household and the ordinary family from being ripped off. This is a timely motion which I hope is accepted by the Government.

Deputy Leo Varadkar: I wish to share time with Deputy Kieran O'Donnell so perhaps the Acting Chairman will advise when I have spoken for seven and a half or eight minutes.

Acting Chairman: I certainly will.

Deputy Leo Varadkar: I congratulate the Minister of State, Deputy John Curran, on his appointment. He represents a neighbouring constituency and I have been a student of his work over the years. I have learned much from what he has done and he is very much an impressive all-rounder. He has my sincere congratulations in that regard.

I add my voice to Deputy Coveney's disappointment that there are not more people on the Government side to speak about the economy, the environment and energy policy, which is what this motion is about. I commend Deputy Coveney on this motion and particularly the policy proposals being brought forward with regard to the windfall tax and the composite reduction in VAT.

The proposal, in summary, imposes a windfall profit tax on the profits of electricity generators who have been given free carbon allowances under the emissions trading system. It does not involve, as mentioned before, any price increases on energy, as these are set by the regulator who has confirmed there would be no price increase as a result of this windfall tax. Crucially for Fine Gael, the revenue from this windfall tax and any future green taxes would go back to taxpayers in the form of tax reductions, be they through VAT cuts — as in this case — or reductions in other taxation. That will be a major difference from the policy of the parties opposite as we have more debate on the need for carbon taxes and other types of green tax.

To speak with my enterprise, trade and employment hat on, this proposal would be beneficial to the economy. It would bring about a downward pressure on inflation, although I accept it would only bring the CPI down by 0.2%. More importantly, a VAT cut would send a very clear message to those who set prices that the Government is reducing VAT and they should not increase prices. In particular, it would set an expectation among consumers that they would at least see prices stabilise and not increase in those areas.

The Taoiseach addressed us earlier and reminded us that when VAT was reduced from 21% to 20% some years ago, the cut was reversed subsequently because retailers and other price setters did not pass on the reduced price to the consumers. We passed legislation and we now have the National Consumer Agency and Consumer Protection Act, which specifically enables that organisation to be given responsibility for monitoring VAT and excise reductions and ensuring they are passed on to the consumer. I am disappointed the Taoiseach is unaware of that and if he is aware of it, I am disappointed he does not understand that this power could be used. This relates to the various issues we have arisen in terms of rising prices.

Tax stimulus has already been mentioned with regard to reducing VAT by 1%, which would be beneficial to the tourism sector in particular. That area is starting to hurt this year and will hurt even more next year. It would also apply to the construction sector, which would certainly benefit from some stimulus. It would help stabilise prices with regard to home heating oil, gas and coal. I take this opportunity to reiterate my call for public support for this proposal from the Irish Business and Employers Confederation, IBEC, the Irish Small and Medium

Enterprise Association, ISME, Chambers Ireland and some of the other business associations that favour this but have yet to publicly support it.

I feel an opportunity was lost when the emissions trading system was established. Perhaps a Europe-wide carbon tax would have been preferable to the trading system but, unfortunately, it is what we are stuck with. We will speak more on carbon taxes, particularly green taxes, in future. The key principle for Fine Gael regarding carbon taxes and green taxes is that any revenues raised through them must be returned to the taxpayer in other tax reductions. We will not allow carbon taxes and environmental taxes to become stealth taxes and will insist that they be genuinely revenue neutral. The proceeds of such taxes should not be spent on Ministers' pet projects, particularly those of Green Party Ministers who have shown their ability to spend millions of euro on ridiculous advertising campaigns on which not even Fianna Fáil Ministers would have the neck to waste money. This is a fundamental principle of Fine Gael. We are not prepared to see revenues gained through carbon taxes fall through the sieve of public spending, where the Government wastes money and causes deficits.

It is still the view of Fine Gael that reducing taxes can stimulate growth. In the past, when this country was in a bad economic situation and experiencing a deficit, we used significant cuts in corporation tax and income tax to stimulate the economy. I do not think we should forget this lesson. Reducing VAT, particularly in the construction sector, could be an economic stimulus and increase revenues. Obviously things are more complex than this but a lesson was learned by Ireland 20 years ago that reductions in taxation can stimulate the economy and we should not forget it.

The Government's amendment is very disappointing and I would almost prefer if it had voted down the motion rather than put forward this type of rubbish amendment. As Deputy Coveney said, the first five or six sections of the Government's amendment have nothing to do with the motion. I suppose they were copied and pasted from a previous amendment. It is strange that the emissions trading system is referred to as complex; it is not complex if one understands it. I would have hoped that the person who wrote this amendment, or someone in the Minister's office, understood it. Anything is complex if one does not understand it and this is, frankly, a stupid thing to put in an amendment.

The amendment also states that negotiations are currently taking place at EU level which will remove the possibility of free allowances post-2012. This is addressed clearly in our motion and policy. After 2012, when credits are auctioned, this would be used for VAT. Mention is made of a small impact on prices but VAT reductions would bring downward pressure on inflation.

I commend this motion to the House for four reasons. It is fair that electricity producers pay a tax on windfall profits. It is socially just because it will bring down the cost of home heating oil, coal and gas. It is environmentally sound for the reasons that have been argued and it is economically beneficial. Any one of these reasons is enough to recommend the motion and all four together should prove enough for the Members opposite to support it.

Deputy Kieran O'Donnell: I congratulate the Minister for Finance, Deputy Lenihan, and the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Curran, on their appointments. I also congratulate Deputy Coveney on bringing this motion before the House.

This is a straightforward issue of policy and nothing complicated is being proposed. Windfall profits are earned by electricity generators when they incur no costs and this amounts to a hidden subsidy. This is costing the taxpayer and we propose a simple measure. Between now and 2012 the various electricity generators will not pay carbon tax and we propose that the

[Deputy Kieran O'Donnell.]

VAT rate be reduced from 13.5% to 12.5%. This would be brought about by charging generators a levy based on their use of carbon allowances at the market rate.

A result of this would be a reduction in inflation. Earlier today we discussed the fact that the Irish inflation rate is above the EU average and almost 50% greater than the rate of our major trading partner, the UK. Some 45% of non-mortgage inflation in the past seven years was caused by Government regulated areas. This is an opportunity and a straightforward policy choice. We propose that in a market economy businesses should not be subsidised by the Government.

The Taoiseach today suggested that it was likely a VAT reduction would be absorbed by retailers and not passed on to consumers. My colleague, Deputy Varadkar, pointed out that, through the National Consumer Agency, legislation exists to ensure a VAT reduction would be passed on. In Government regulated areas like gas and electricity, it is very evident that the effects of a reduction in VAT from 13.5% to 12.5% would be visible.

The Taoiseach also said it is important point out that the revenues available to the ESB and others are factored into their capital programmes for providing alternative energy sources. This is a point on which we fundamentally disagree with the Government. We believe that, like any other private enterprise, these companies should not base capital projects on Government subsidies. They should be based on money raised in the market in the form of equity or through the leverage of debt. These are fundamental points on which we differ.

Our motion comes against the backdrop of today's Exchequer returns which showed a shortfall of €1.2 billion in tax receipts for the first five months of the year. The Exchequer deficit is €3.6 billion compared to a surplus of €260 million this time last year. Up to April this year, tax revenue was €700 million behind the target and a further €430 million shortfall was incurred in May. VAT alone is behind by €600 million in the year to date. What we are suggesting in this motion will stimulate the economy, lower inflation by 0.2% and provide €200 extra per annum per household. This is a straightforward measure and the Minister might reflect on it.

Why give 10% of a carbon tax to a private body that, effectively, incurs no cost? Is this a good use of the Exchequer and taxpayers' money? We suggest that up to 2012 the Government give the taxpayer the benefit of the windfall taxes that various private energy generators receive. It can be passed on in the form of reduced costs through a reduction in VAT from 13.5% to 12.5%.

The VAT rate of 13.5% applies to construction and at the moment this sector is experiencing difficulties. People on lower wages are struggling with energy costs associated with the ESB, gas and coal. This is also the case across a range of areas, including restaurants. It is important that when the reduction in VAT comes about the Government ensures, through the use of agencies such as the National Consumer Agency, that it is passed on to consumers.

I support this straightforward motion. The measures contained in it will provide stimulus to the economy and reduce the rate of inflation. It is critical, if we are to remain competitive, that the pay talks we are facing prove to be fruitful and sustainable. The only way we can achieve this is to bring down our inflation rate. This will provide an extra €200 per annum to hard-pressed taxpayers and low income earners. Overall, it is a policy decision that will make use of windfall gains for which electricity generating companies are not paying. Effectively, they are getting carbon allowances free up to 2012.

Minister for Finance (Deputy Brian Lenihan): I move amendment No. 1:

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

“recognises:

- that the Government has a long-term strategy, as set out in the Energy Policy Framework 2007-2020 and in the programme for Government, to reduce our dependence on imported and finite fossil fuel sources through delivering greater energy efficiency and increasing our use of renewable resources in the electricity, heat and transport sectors;
- that the actions to deliver this long-term strategy in relation to the energy sector include the delivery by SEI of a range of schemes to enable domestic, commercial and industrial consumers to reduce their dependence on fossil fuels;
- that the Minister for Transport has concluded the consultation phase on a paper on a sustainable travel and transport action plan that is due for completion shortly;
- that the social welfare fuel allowance programmes are aimed at those on lower incomes that are most vulnerable to fuel poverty;
- that the ESB has put in place a new €22 billion strategic framework up to 2020 that will see a major investment in renewable energy, a halving of its carbon emissions within 12 years, and the achievement of zero net carbon emissions by 2035;
- that the issue of windfall gains to electricity generating companies that arise as a result of the free allocation of carbon allowances under the European Union’s emissions trading scheme is a complex one that faces all EU member states;
- that this issue is subject to ongoing examination by the Department of Finance and the Department of Communications, Energy and Natural Resources;
- that negotiations are currently taking place at EU level which will remove the possibility of free allowances after 2012; and
- that a one percentage point reduction in the reduced VAT rate would cost the Exchequer €396 million in a full year and have little impact on prices;

in view of the ongoing challenges in relation to the economy, calls on the Government:

- to continue to implement the stability-oriented fiscal policies that have underpinned the success of the Irish economy over the last decade; and within that context, to bring forward whatever policies are necessary to promote future economic success at the appropriate time within the annual budget cycle.”

I propose to share time with Deputies undisclosed.

Acting Chairman (Deputy John Cregan): Is that agreed? Agreed.

Deputy Brian Lenihan: I thank the Chair for his indulgence.

I am glad we are having this debate on taxation and energy, an important and topical subject. In this debate we must put our current economic position and challenges in context. Since 1997, the rate of economic growth in Ireland has averaged 7.25% per annum. This has facilitated a transformation of the Irish economic landscape. The total number of people at work has risen by some 800,000, helping to propel average *per capita* incomes in Ireland above those enjoyed in many other developed economies. Unemployment has fallen from 10% in 1997 to about 4.5% last year.

[Deputy Brian Lenihan.]

However, the economic environment has clearly become more challenging in recent months. At the time of the last budget a number of risks to the outlook were identified and these have subsequently materialised. Most of these developments are on the external side and thus beyond our control, including the prospect of lower growth in most of our major trading partner countries, the appreciation of the euro against both the dollar and sterling, more persistent international financial market difficulties and higher prices for many commodities, such as oil and food. These global developments play a key role in shaping Ireland's economic horizon as we are highly integrated into the global economy. On the domestic front, the residential house building sector is undergoing a sharp slowdown following a prolonged catch-up period. While we may experience a year or two of fairly low completion levels, it is reasonable to expect over the medium term that annual completions will return to sustainable levels, which will remain high by international standards, reflecting the strong underlying demand for housing in Ireland.

On foot of all of these developments, a period of well below-trend growth is in prospect. The consensus among economic commentators is that the rate of GDP growth this year will be about 2%. Some are taking a more pessimistic view. What is clear is that the short-term prospects are more challenging than we have become accustomed to in recent years. Beyond next year, however, there are grounds for optimism. Once the economy absorbs the housing shock and the international climate improves, the outlook is for a recovery in our economic growth rate. This is not just my view. Many other economic commentators share this view. If we respond appropriately we can expect a recovery towards trend by 2010.

With regard to public finances, there can be no denying that our fiscal position has changed from that envisaged at budget time. It is important, however, to point out that the current situation is manageable given the strong position of public finances. It is equally important to stress that despite the underlying strength of the public finances, the Government is determined there will be no unnecessary loosening of fiscal policy. We need to control current spending to keep it in line with resources and it is crucial that Departments adhere to the significant levels of current day-to-day expenditure provided for their activities this year. Energy, investment and taxation policy must be framed in this context.

Energy policy is key to future economic growth. Government energy policy is based on the energy policy framework and the programme for Government. These set out the three pillars of policy: security of supply, price competitiveness and environmental sustainability. Within that overall context, we must adapt our actions to take account of international developments. There have been a number of significant developments which must inform our energy policy into the future. Chief among these is the continuing high price of fossil fuels, especially oil, and the challenge posed by climate change. These must be addressed in the context of the wider economic and competitive needs of the economy and with consideration of emerging budgetary realities.

These factors highlight the need to promote renewable and environmentally sustainable energy sources across all areas from power generation to transport. The energy policy framework sets out numerous measures and targets designed to deliver security of supply, sustainability and competitiveness over the period to 2020. My colleague, the Minister for Communications, Energy and Natural Resources, when he speaks tomorrow morning, will describe in greater detail the progress being made on energy policy commitments and actions.

The motion refers specifically to the fact the ESB has put in place a new €22 billion strategic framework for the period to 2020 that will involve a major investment in renewable energy, a halving of its carbon emissions within 12 years, and the achievement of zero net carbon emissions by 2035. These are ambitious targets. While Deputy O'Donnell mentioned that various

private interests will benefit, it is a fact that 70% of the free carbon credits are allocated to the ESB. It is not a private undertaking but one that belongs to the taxpayer. The Government is committed under the strategic plan to provide for a massive shift from the existing generation system to a new system.

Deputy Kieran O'Donnell: Should it not do that by way of—

Deputy Brian Lenihan: Deputy O'Donnell spoke eloquently about the need to attract private finance and the need to have equity investment in these projects—

Deputy Kieran O'Donnell: And leverage.

Acting Chairman: Please allow the Minister to continue.

Deputy Brian Lenihan: —but the reality has been, since the foundation of the State, that private equity did not always come forward. The Deputy's predecessor party, which was very sparing when it came to public expenditure, saw in the 1920s that it must make an exception to that rule, and established the Shannon hydroelectric scheme. There is nothing new in providing finance from the taxpayer to ensure the necessary infrastructure is put in place.

Deputy Kieran O'Donnell: It is coming directly by way of revenue. The Minister is missing the point.

Acting Chairman: Allow the Minister to continue without interruption.

Deputy Kieran O'Donnell: The Minister has missed the point.

Deputy Brian Lenihan: I am not disturbed.

The motion refers to the issue of carbon-related windfall gains, which was raised by Deputies O'Donnell and Varadkar. The issue of windfall gains to electricity generating companies that arise as a result of the free allocation of carbon allowances under the EU's emissions trading scheme is complex and is faced not only by Ireland, but by all EU member states. The issue is subject to ongoing examination by the Department of Finance and the Department of Communications, Energy and Natural Resources under Deputy Eamon Ryan. This will take account of all implications and, in particular, the need to be certain about the effectiveness of any initiative. One difficulty we face in this regard is that only one EU member state has introduced measures to deal with this issue, and these are now subject to appeal and legal challenge.

Deputy Simon Coveney: That is because only three countries have similar markets.

Deputy Brian Lenihan: Moreover, from 2013 it is proposed that allowances will be auctioned and this issue will no longer arise. However, it remains a matter for consideration for the next number of years.

Ireland has a low burden of taxation in respect of labour and capital, a policy the Government is intent on maintaining. It has stood us well up to now and I have no doubt it will continue to provide a sound basis for our economic well-being, allowing Ireland to remain an attractive location for investment. Our approach to indirect taxation has been to provide for a broad but balanced application of VAT. Reducing the lower VAT rate of 13.5% by one percentage point, as proposed in the motion, would result in significant losses to the Exchequer to the tune of approximately €396 million in a full year, or more than €200 million in the

[Deputy Brian Lenihan.]

balance of this year. That is a substantial amount of revenue to hazard in a year in which revenue receipts have been well below the usual amounts.

Deputy Simon Coveney: The Government will get it back.

Deputy Kieran O'Donnell: The Government is getting it back from the electricity producers.

Deputy Leo Varadkar: It is a simple calculation.

Acting Chairman: Allow the Minister to continue without interruption.

Deputy Brian Lenihan: This is the doctrine of the self-financing tax cut, which various prominent political personalities, to whom Deputy Varadkar refers occasionally in his contributions, have had resort to in the past.

Even if the reduction was passed on in full to consumers, the impact on the consumer price index would be only 0.18%. The question arises, and was discussed earlier in this debate, as to whether a reduction in VAT would be passed on to the consumer. The argument is put forward that such a reduction would not only increase our competitiveness but would reduce inflation and poverty. Speaking from experience, this proposition is highly optimistic. In 2001, our standard rate of VAT was reduced from 21% to 20%, but the expected benefits for the consumer did not materialise. The reduction in VAT was not passed on to the consumer and, one year later, the Government wisely reversed the reduction.

Deputy Kieran O'Donnell: Does that mean the Government is abdicating its responsibility?

Deputy Leo Varadkar: The Government has legislation.

Deputy Simon Coveney: There is also a regulated price and it must be passed on.

Acting Chairman: The Minister's time has concluded.

Deputy Seán Fleming: I look forward to debating the motion tabled by the Fine Gael Party, but I can condense it — Fine Gael wants to increase capital taxes and reduce VAT. It is nice to know there is new policy from the Fine Gael Party on increasing taxation. It is a pity it did not tell the electorate about its policies 12 months ago. Had it done so and revealed that it had these stealth taxes up its sleeve——

Deputy Kieran O'Donnell: Our proposal would reduce taxation.

Deputy Seán Fleming: ——depending on the economic situation, there would have been a different outcome to the last election, with Fine Gael being more disadvantaged than was the case.

Deputy Kieran O'Donnell: Deputy Fleming is getting the situation incorrectly. The rate would go down rather than up.

Deputy Simon Coveney: Does Deputy Fleming not understand the details of the proposal? Are they too complex?

Acting Chairman: Allow Deputy Fleming without interruption.

Deputy Seán Fleming: I am surprised Fine Gael wants to introduce a special——

Deputy Leo Varadkar: We could do some drawings for him.

Deputy Kieran O'Donnell: Some 13.5% minus 12.5% is 1%.

Deputy Leo Varadkar: We will use the picture version next time.

Deputy Seán Fleming: —capital gains tax on electricity generation. This is camouflaged by proposing a reduction in VAT from 13.5% to 12.5%.

Deputy Simon Coveney: The Deputy should speak with the regulator and get some facts instead of talking nonsense.

Deputy Seán Fleming: I will revert to Fine Gael's comments on the Irish experience. Such a measure was tried a number of years ago. In the 2001 budget, the then Minister for Finance, Charlie McCreevy, reduced the top rate from 21% to 20%.

Deputy Kieran O'Donnell: The Minister has told the House this.

Acting Chairman: The Deputy is entitled to speak without interruption.

Deputy Seán Fleming: At the time, people on the other side of the House stated the reduction would reduce inflation and prices, the benefits being passed on to customers by retailers and producers. We all know this did not occur. The following year, the Minister decided to reverse the decision because the reduction did not have the intended effect. He gave the Opposition the benefit of the doubt and, seven years later, it is surprising its Members have not learned a lesson. They have short memories.

Apart from wanting to introduce a new capital gains tax, Fine Gael is proposing to reduce VAT from 13.5% to 12.5%. Its Members know full well that not one cent of the reduction would be passed on to consumers.

Deputy Simon Coveney: Electricity and gas are regulated prices.

Deputy Seán Fleming: To its credit, Fine Gael has had a slogan for the past year or so, that is, "Rip-off Ireland". Given that its tax reduction proposal is a front, the benefits of which Fine Gael Deputies know in their hearts would not be passed on, the slogan is now resting in peace.

Deputy Simon Coveney: The Deputy is an embarrassment.

Deputy Seán Fleming: Despite espousing the slogan successfully for several years, Fine Gael is walking away from it.

Deputy Kieran O'Donnell: Has the Deputy read the motion?

Deputy Seán Fleming: The Deputies opposite know the reduction will not be passed on.

Acting Chairman: The Deputy is entitled to speak without interruption.

Deputy Seán Fleming: Had this policy of capital taxes on electricity generators been proposed by Sinn Féin, we would have put it down as the usual stuff expected from that party, but I am surprised it is Fine Gael's motion. If its Deputies paid attention to what was occurring in the country, they would know the ESB has put in place a new €22 billion strategy up to 2020. This will see a major investment in renewable energy, lead to a halving of the ESB's carbon emissions within 12 years and achieve a net carbon-zero effect by 2035. I am surprised the Fine Gael response is to impose a capital tax.

Deputy Leo Varadkar: Does Deputy Fleming know what a capital tax is? I can see why Fianna Fáil's accounts were so dodgy when he was its financial controller.

Deputy Seán Fleming: European finance Ministers, who met recently, understand the situation. While there are inflationary pressures, I cannot excuse Fine Gael's knee-jerk reaction of attempting to introduce new taxes when the economy is starting to get into difficulty.

Deputy Kieran O'Donnell: What new taxes?

Deputy Simon Coveney: On whom?

Deputy Kieran O'Donnell: He should qualify his statement. What new taxes are being proposed?

Deputy Seán Fleming: Were Fine Gael allowed, this would be the essence of what it would try to do.

Deputy Simon Coveney: The Deputy is speaking nonsense.

Acting Chairman: Deputy Fleming without interruption.

Deputy Simon Coveney: He should read the motion before rising to speak.

Deputy Seán Fleming: Fine Gael would fund this tax cut by placing a levy on windfall gains of electricity. In my terminology, this levy would be taxation.

Deputy Simon Coveney: Does the Deputy know what a windfall is? He should ask the Minister for Finance.

Deputy Brian Lenihan: From what I read, Fine Gael is proposing a self-financing tax.

Deputy Seán Fleming: It would be a levy.

Deputy Simon Coveney: It is a levy on something being gained for free.

Deputy Seán Fleming: Fine Gael does not have the guts to specify the level of the levy, be it 10%, 20%, 40% or 60%. When Fine Gael was last in Government——

Deputy Simon Coveney: Is it not self-explanatory? The levy depends on the price of carbon.

Deputy Seán Fleming: ——it was happy with 60% tax rates. Income tax and PRSI were more than 60%.

Deputy Simon Coveney: The Deputy did not take the time to examine the detail of the motion and he is disrespecting the House by waffling.

Deputy Seán Fleming: Are we returning to the high-tax Fine Gael policies by placing a levy on electricity generators? Why did Fine Gael not call for 60%?

Deputy Simon Coveney: The Deputy does not understand the motion.

Deputy Seán Fleming: I understand it well.

Deputy Simon Coveney: He does not.

Acting Chairman: Deputy Coveney should allow Deputy Fleming without interruption.

Deputy Simon Coveney: He is an embarrassment.

Deputy Seán Fleming: The Exchequer returns are less than projected in the budget, but the difficulties were signalled at the time.

Deputy Kieran O'Donnell: Such as what.

Deputy Seán Fleming: Of the issues that have arisen, most stem from outside the economy and are not within our control.

Deputy Simon Coveney: This bit is.

Deputy Seán Fleming: The exchange rates between the euro, the dollar and the pound are beyond our control, but we highlighted that they would be of concern.

Deputy Kieran O'Donnell: The Deputy can do something about it.

Deputy Seán Fleming: Despite difficulties, the OECD predicts a growth rate of approximately 1.5%—

Deputy Leo Varadkar: The worst rate since the 1980s.

Deputy Seán Fleming: —and more than 3% next year, a significant improvement on the situation and pessimistic projections. Given the financial returns of the first couple of months of the year, it is wrong to propose a mini-budget before the summer recess. In recent years, the Government has been responsible in its activities via its annual Estimates and taxation and budgetary policy. As it should continue to be responsible, I do not subscribe to the idea of introducing new taxes and mini-budgets. We used to do so when Fine Gael was last in Government. Fortunately, we have moved away from that and I am happy to see—

Deputy Simon Coveney: It is time-sensitive. With every month that passes, householders pay an extra 10%.

Deputy Kieran O'Donnell: The Minister will introduce new taxes and a mini-budget shortly.

Acting Chairman: I have asked Members to allow Deputy Fleming to speak without interruption nine times. He has two minutes left and is entitled to finish without interruption.

Deputy Seán Fleming: More important than the knee-jerk reaction of the Opposition is that carbon allowances will be auctioned on a commercial basis. The provision of a free quota, as it were, need not be paid for. The situation is reminiscent of Fine Gael asking for a levy to be placed on farmers who got free milk quotas when they were introduced. This is the concept in the motion.

Deputy Simon Coveney: What is Deputy Fleming talking about?

Deputy Seán Fleming: Fine Gael wants to introduce a levy on carbon quotas allocated to power generators. This logic is extraordinary.

Deputy Simon Coveney: Even the Minister cannot help laughing, the Deputy's comments are so farcical.

Deputy Brian Lenihan: We are all creatures of EU law.

Deputy Seán Fleming: The essence of Government energy policy, as set out in the programme for Government, is——

Deputy Simon Coveney: Farmers are not a State company.

Deputy Seán Fleming: ——to ensure security of supply and price competitiveness. We would not have the latter were we to introduce levies willy-nilly. Fine Gael's proposal does not even outline the percentage. I would have had more respect for the Deputies' motion had they considered it and outlined the percentage, be it 60%, 50% or 75%. Before the debate concludes, perhaps they will inform the House what level they envisage.

Deputy Simon Coveney: It depends on the cost of carbon. Deputy Fleming does not understand.

Deputy Seán Fleming: Our policy will be more environmentally sustainable in the long run. Major negotiations on carbon credits are occurring at EU level.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Máire Hocht): In addressing this motion regarding taxation and energy matters, it is important that we consider a number of factors, including Ireland's economic performance to date——

Deputy Simon Coveney: Is the Minister going to explain that? It is not working.

Deputy Máire Hocht: ——the current economic challenges and the best means by which we can face these future challenges, which is the intention of this motion.

Deputy Richard Bruton: The chuckle brothers.

Deputy Máire Hocht: Our economic performance to date illustrates the success of the policies previous Governments have pursued. The economic statistics illustrate the success of these policies. Our debt-GDP ratio is extremely low and will be approximately 26% at year end compared to 65% in 1997. When account is taken of the National Pensions Reserve Fund, this figure stands at 14% of GDP.

Since 1997, we have achieved an average economic growth rate of over 6%, more than twice the EU average. We have radically reduced personal, business and capital tax rates, encouraging enterprise and improving real take home pay. Unemployment has fallen dramatically and we have been effectively a full employment economy at a time of strong population growth and net inward migration. Our policies promote enterprise. The total number employed now stands at almost 2 million. Approximately 500,000 more people are at work compared to 1997. This is an increase of over a third and compares to employment growth of less than 10% in the EU15.

This performance was exceptional by any standard but we must now take account of the international economic developments which have a crucial bearing on prospects for the Irish economy. Given the climate of uncertainty which characterises the global economy at present, I wish to speak about the environment.

With regard to the European economy, the EU Commission in its latest assessment has revised downwards its projections for growth this year. Another important international economic development has been the pick-up in inflation over the past year or so. Until recently, emerging market economies imparted a deflationary stimulus to Europe and the US, mainly through the provision of cheaper manufactured goods. More recently, however, growth in these economies has put pressure on energy and food prices. Additional global demand for various

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foodstuffs has also put pressure on prices, while the diversion of agricultural land to bio-fuel production has restricted supply. The result has been food price inflation which, when combined with higher energy price inflation, has imparted an inflationary stimulus to developed economies.

On the domestic front, an adjustment towards more sustainable levels of new house building is under way, which will have a restraining influence on growth in the near term. This is a labour intensive sector and, therefore, employment growth is expected to slow this year. In the December budget, the previous Minister for Finance implemented a number of measures designed to support the housing market, most notably reform of the stamp duty regime. The purpose of these changes was to restore confidence to the market in order to ensure an orderly transition to more sustainable levels of output in this sector.

This Government recognised the pressures from a decline in the new house market that would occur in 2008 and, therefore, used fiscal policy to provide support for the economy. This year, current spending will rise by approximately 8%, with an even larger increase in capital expenditure. This measure has provided some support, but, unfortunately, overall economic performance has been deteriorating. The end of May Exchequer returns published today show a continuing deterioration in the economic situation with the tax take below profile. The House will recall that, at budget time, an Exchequer deficit of €4,866 million was projected for this year. At the end of April, the Department of Finance stated that the overall tax receipts for the first four months of the year were €736 million, or 5.3%, behind target. As the Minister indicated at that time, that shortfall is not expected to be recouped. While income tax receipts are on target, there has been a drop in capital gains tax, stamp duty, VAT and capital acquisitions tax.

Today, the OECD economic outlook is forecasting a GDP growth rate of 1.5% for Ireland, picking up to 3.25% next year. There is no doubt that the fiscal position has weakened from that envisaged at budget time and that many of the downside risks I outlined at that time have been realised. Our economic fundamentals are sound and if we adopt a prudent approach to public spending, we are well placed to weather this international economic storm. There are several reasons that we can weather it. Some of these factors are demographic, but many of them are related to positive Government actions taken over previous decades and years.

In meeting these challenges our population is young and dynamic, while the labour force is flexible and increasingly well educated. As part of the national development plan we are investing in infrastructure to bring Ireland's public capital stock more in line with that of other developed countries. This year, capital spending will rise by 12% and will remain at high levels for many years to come. We are deepening the skills pool through investing in education at all levels within the framework of the NDP. Fourth level education is receiving special attention, which is appropriate given the premium on knowledge creation in a globalised economy.

We are implementing sound fiscal policies to maintain a low burden of taxation on both capital and labour and to keep public indebtedness low. We are maintaining an efficient regulatory environment which does not add to the burden on firms. All of these factors will support productivity growth, raise participation rates and enhance the productive capacity of our economy.

Research and development are the keys to a more knowledge-intensive economy aimed at providing a sustainable long-term basis for growth in employment and incomes. The research and development tax credit scheme is an important part of the overall strategy to encourage the undertaking of more research and development in this country.

Practical measures to help protect the environment are necessary to have a real impact on it. With regard to measures to deal with pressures on food and fuel, in considering these

[Deputy Máire Hóctor.]

proposals to radically change VAT rates we must remember that taxation is normally considered as part of the overall budgetary process. This reduces the risk of rash proposals which lead to unanticipated difficulties, namely, in terms of secondary economic effects and also negative effects on society and the environment.

The Fine Gael proposal to change the reduced rate of VAT from 13.5% to 12.5% is unlikely to achieve its aim due to the likelihood that any reduction in the VAT rate would be absorbed by retailers and wholesalers and would not be passed on to consumers. Another factor is that because these high fuel and food prices are an international phenomenon, it is not possible for Ireland to act alone. We must take action in conjunction with our European partners to ensure that we can maximise our potential to reduce prices to those who can least afford to pay the increases.

I take this opportunity to firmly set out the tax position in Ireland. We do not charge VAT on food. We have some of the lowest taxation in relation to fuel, especially in comparison to our competitors. We are below the average price for both the EU27 and EU15. VAT content of auto diesel and other fuels used in the course of business is a deductible tax credit so that VAT may be reclaimed by hauliers, fishermen and other businesses.

There is no sound economic rationale for reducing VAT or issuing VAT reductions, especially as both of these price benefits will be taken either by wholesalers or producers, leaving the public subsidising an unsustainable fuel level from public funds. This is very much in line with position taken by most of our EU colleagues.

I look forward to voting in the correct manner on the motion, in support of the Government and, more importantly, to voting “Yes” to the Lisbon treaty which will place us at the heart of the EU. It is only there that we will be able to take the effective action in conjunction with our fellow member states to ensure that sustainable long-term solutions can be found to the international difficulties that face us regarding the high prices of commodities.

Deputy Joan Burton: I wish to share time with Deputy Martin Ferris and with Deputy Liz McManus tomorrow morning.

Fine Gael are to be complimented on raising this issue which is very complex. We must tease out the purpose of the motion and what its impact might be, especially regarding carbon emissions. There is a cross-party agreement about the need to reduce these because of their impact on the planet but also because, from last year, those carbon emissions will cost this country more and more each year if we do nothing about them.

When the then Minister for Finance, Charlie McCreevy, last cut VAT in 2001, he reduced the top rate from 21% to 20%. However, the rate of VAT had to be raised again from 20% to 21% in the following budget, because the decrease was not passed on to consumers. The difficulty with this motion is that it focuses on the generation of funds using carbon emissions and the emissions trading scheme, but who benefits and are these people just beneficiaries? Unfortunately, if the VAT rate is reduced from 13.5% to 12.5%, there is no mechanism suggested in the Fine Gael motion whereby the benefit of that reduction is guaranteed to be passed on to consumers. This applies to those filling their tanks with oil or diesel and those buying the limited range of products and services which are taxed at 13.5%.

The €1.6 billion windfall to electricity generators arising from the highly flawed and complex EU emissions trading system is a red herring. Unlike actors in the private sector, the ESB did not receive a full carbon credit allocation for its needs. It will have to buy credits from abroad or else pay a fine. It is not clear when this system will begin. Under the current regulatory

system the bulk of that cost will be passed to end users and ordinary consumers and there is no guarantee that ordinary consumers will benefit from the reduction.

This motion does not impact on the other major carbon emitters, especially the cement industry. I understand the difficulty of those who framed the motion as the second largest carbon emitter is the cement sector, which is a private industry. CRH plc is the dominant player in the industry in terms of carbon trading. There is no indication of what impact there would be on it as a major carbon emitter. The ESB is owned by the taxpayer and from his or her point of view it is a question of moving money around. As the ESB could face potentially large fines which the taxpayer would have to fund, the public purse might be used to fund for the apparent saving in a different way over a short time. The energy regulator has agreed to electricity price increases because of the increasing cost of power generation.

CRH plc received a free allocation of carbon credits from the Government. Its allocation represents a greater proportion of carbon credits than it needs and it is the biggest emitter of carbon dioxide. The proposed reduction in the VAT rate from 13.5% to 12.5% applies to a limited range of goods and services. Ironically — I do not know if this was in the minds of those who framed the motion — the producers of concrete and concrete blocks would be among the major beneficiaries of this reduction. This does not apply to paving and other types of masonry, which are taxed at the 21% VAT rate. The reduction would apply to the core business of concrete producers. The reductions would not necessarily affect those in the housing industry who concentrate on more environmentally friendly production, which leaves the motion with unresolved problems.

The Exchequer figures released today paint a dire picture for the new Minister for Finance. The deficit for the first five months of 2008 is running at €3.6 billion, whereas this time last year there was a surplus of over €200 million. The worsening position for the first five months of this year amounts to a swing of €3.8 billion in one year, which is a serious position for the economy and we should examine the motion in that context. The Labour Party cannot support the motion as set out here as it lacks definition and seeks to change a specific tax rate in a narrow rather than a comprehensive way. Given the state of the Exchequer returns which we heard of today, what is needed is a comprehensive package to address the varying needs of the economy. The outcome of simply changing a narrow VAT rate as suggested is not certain.

The wording of the Fine Gael motion seeks especially to address the rising cost of fuel facing motorists at the fuel pump with the problems of others, including pensioners who face the possibility of fuel poverty. However, the difficulty with reducing the VAT rate from 13.5% to 12.5% is an altogether uncertain outcome. The only previous occasion on which a VAT reduction was attempted was in 2001 by the then Minister for Finance, Mr. Charlie McCreevy. The following year when the economic situation worsened Mr. McCreevy was forced to raise the rate again as suppliers, wholesalers and retailers absolutely refused to pass on the benefit of the VAT reduction to the intended beneficiaries, namely, the people who bear the VAT, the ordinary families and those not otherwise registered for VAT. Those in business pass on VAT to the end user. This issue needs to be addressed and teased out.

This is a very difficult time for the economy. It behoves us all as politicians to treat seriously these issues and the looming Government deficit and to advance responsible policy positions. These positions need to be strategic, take account of short and medium-term needs and must be clearly targeted. We must be certain of the outcome of the impact of these positions. This proposal is, unfortunately, short term in nature; the period covered runs to 2012. If the medium and long-term outlook for the economy continues to remain as negative as today, what will replace this proposal when we reach 2012 and these proposals disappear?

[Deputy Joan Burton.]

There are two Irish economies, the construction sector and the rest. The notion that the rest of the economy need not be taken into account in this motion is wrong. The Labour Party said previously much work needs to be done by the construction industry to meet commitments in the national development programme. Schools endure sub-standard accommodation in prefabs. There are issues with public transport provision. If there was, for example, a definitive investment in public transport with 300 extra buses for Dublin city, or investment in the extra transport required for the rest of the country, there would be a stimulus to the economy, but there would also be a potentially significant reduction in carbon emissions. This, in turn, would reduce the penalties due to be imposed on Ireland by the European Union. The Labour Party will not support the motion for this reason.

Deputy Martin Ferris: I thank Deputy Burton for sharing time. Sinn Féin does not support the free allocation of carbon allowances to energy generating companies and others. In allocating these allowances free of charge, the Government undermined the ability of the measure to function as originally envisaged. While these companies were allocated carbon allowances free of charge, they are required by the electricity regulator to include the cost of carbon in electricity pricing. This is something the Government should have considered at the time it was allocating the allowances. My party's position on this issue has been shown to be correct.

If the regulator's requirement has the effect of increasing costs for households, it is reasonable for the Government to impose a levy on what will, as this motion states, be a windfall profit. The only concern I have regarding the Fine Gael proposal is whether it might have the unintended effect of further pushing up electricity costs for consumers. Sinn Féin has argued that revenue generated from carbon taxes or levies should, as far as possible, be recycled for use in promoting energy efficiency. If revenue is raised by way of a levy on electricity generators, consideration must be given to using part of this revenue to alleviate the plight of those experiencing fuel poverty. This is of paramount importance. Low and average income households consume a greater proportion of their income on daily necessities such as food, heating, housing and transport. The poor spend twice as much on fuel as a proportion of their incomes.

Sinn Féin has put forward several proposals to tackle fuel poverty. We proposed the introduction of a new scheme, based on the residential renewable energy grant scheme, specifically for low-income households. Under the scheme, anyone entitled to fuel allowance or with an entitlement under the free energy scheme would be eligible for a grant to cover the full cost of installation of sustainable heating alternatives. We also proposed a substantial expansion of the warmer homes scheme. Positive discrimination must be directed to the less well-off in society as a priority. The impact of rising prices on low-income families is a matter of serious concern. In the case of fuel and food, these rising costs are pushing people into poverty. We must look at how these can be addressed while also examining how tax policy impacts on those on low incomes.

This debate raises important questions about consumption taxes and the proportion of the overall tax take which is raised by way of such taxes. The unfair impact of high indirect taxes on low and average-income earners is a major concern for Sinn Féin. We have repeatedly pointed out that indirect taxes such as VAT are inherently regressive as they are paid at a fixed amount or fixed percentage of a price and, therefore, do not take into account the ability of the taxpayer to pay the tax. These types of taxes hit low-income earners hardest. This is a significant concern because almost one third of the overall tax take is raised through VAT and more than 13% by way of excise duties. In 2006, a Combat Poverty Agency report found that indirect tax payments for the lowest-income households amounted to more than one fifth of income, while the corresponding figure for the wealthiest households was just over 9%. Thus,

those on low and average incomes end up paying more than their fair share of taxation through income tax and high indirect taxes. This anomaly must be tackled.

Changes in the tax base over the last decade, including cuts in income taxes which have benefited the well-off and increases in indirect taxes which disproportionately impact those on low incomes, have meant a lower tax burden for those on high incomes and a corresponding greater tax burden for those on lower incomes. Moreover, changes in the tax base saw the Exchequer become overdependent on consumption taxes and thus open to a sharp contraction in revenue as consumer spending slows. We are now beginning to see the impact of this on Exchequer revenues. The indications are that consumer spending will continue to slow and that the consequences of this for the Exchequer are likely to impact on public services.

While there are some anti-regressive features built into the current consumption tax system, such as the non-taxing of children's clothes and footwear and the reduced VAT rate on food and fuel, the full scope for introducing new anti-regressive and pro-energy efficiency measures should be examined. A review of the tax system must include a consideration of how the burden of indirect taxes such as VAT can be reduced, given the impact these have on the less well-off. Is this issue being examined by the Commission on Taxation?

While the Fine Gael motion includes some interesting suggestions, I am not convinced by the linking of the proposed cut in VAT with the proposed levy on unearned windfall gains from electricity generators. While reducing VAT is one measure the Government can take to reduced inflationary pressures, we must look at other factors which contribute to inflation. These include user fees and service charges for public services.

The Government must change its approach to the management of the economy. There is a clear need for a hands-on approach to tackling the economic challenges we now face. The public finances have deteriorated dramatically in recent months. The Government failed to ensure they remained healthy. The economy was allowed to become unsustainable as growth in the last five years was driven by domestic consumption rather than by exports or trade. In addition, the unsustainable construction sector was fuelled by the greed of the banking system. We are now beginning to pay the price for failing to ensure the economy was built on solid and sustainable foundations.

One of the challenges in terms of economic management is that tax revenue is well below projections. In the first four months of 2008, some €927 million less in tax revenue was collected than in the same period in 2007. This amounts to an alarming reduction of 6.5% in tax revenues. Sinn Féin calls on the Minister for Finance, Deputy Brian Lenihan, to state clearly that he will not proceed with the tax cuts proposed in the programme for Government. Above all, we ask him to outline how he intends to ensure public finances are adequate to pay for essential public services. Infrastructure delivery must be prioritised and tightening public finances should not be used as an excuse to postpone key infrastructural projects. If necessary, borrowing should be used to finance these projects, which will play a significant part in ensuring future competitiveness.

There has also been a failure by the Government and relevant Ministers to ensure education and training are targeted at workers in vulnerable sectors of the economy. In addition, there has been a failure to increase the numbers of workers participating in upskilling. Nothing has been done specifically to address the plight of vulnerable construction sector workers, either to protect their jobs or to ensure they are enabled to access alternative employment. There must be action from the Government to tackle inflationary pressures, to ensure jobs losses are minimised and job creation maximised and to put the economy back on a stable and competitive footing.

Debate adjourned.

Lisbon Reform Treaty Report: Statements.

Deputy John Perry: I welcome the Minister of State, Deputy Peter Power, and congratulate him on his appointment. As Chairman of the Joint Committee on European Scrutiny, I am pleased to present its report on the enhanced role of national parliaments in the Lisbon reform treaty. I thank the Whips for agreeing to the committee's request for an urgent debate on the report. A debate such as this is important for communicating to the public how its public representatives are actively working on important policy matters.

I will start by giving a brief overview of the work of the European scrutiny committee so I can put the Lisbon treaty provisions in context. The role of the committee is to examine the implications of all proposed EU legislation. That legislation, in the form of directives and regulations, has a real impact on the every day lives of all Irish citizens, be they on the farm, in business or consumers. The scrutiny committee makes recommendations to the Government on the negotiating position to be adopted in Brussels. It alerts the Oireachtas to any legislative proposals with a significant impact for Ireland. It is most important that people are alerted to concerns regarding proposed legislation.

Since its formation in November 2007 the committee has considered 586 documents. Of those, the committee recommended that 54 warranted further scrutiny. Scrutiny means that representatives of NGOs, stakeholders and interest groups are invited to a public hearing held by the committee and a thorough investigation is carried out, similar to that which takes place in the Committee of Public Accounts. It is an important exercise. The committee requested the opinions of sectoral committees on 29 of the proposals. It carried out a detailed analysis of 22 of the proposals, which included getting expert opinion, and produced scrutiny reports on 16 proposals.

The committee has also specifically sought a debate in the House on two of its scrutiny reports; they are Nos. 15 and 16 on today's Order Paper. No. 15 is a proposal to remove certain HACCP hygiene requirements from small food businesses. It is important to have a directive that reduces the amount of red tape. No. 16 is about proposals for a common regulatory framework for electronic communications networks and services, which is a huge industry in Europe. Our report has concluded that the telecommunications proposals breach the principle of subsidiarity as they would shift regulatory power from ComReg to the commission in Europe. The Lisbon treaty, if ratified, will give formal powers to national parliaments to have proposals such as this amended or struck down if necessary. That is an important power in the enhanced role of national parliaments but it is subject to the referendum being carried next week.

There is careful selection by the committee of proposals that have a significant impact on the Irish people. Due diligence is carried out. The democratic deficit arose because in the past this careful selection was not carried out. The scrutiny of NGOs, vested interests and Government officials and holding the Government to account are very important.

The Lisbon treaty is a package of proposals intended to modernise the EU's institutions to ensure they work better for the Irish citizen. This is particularly important in the expanded Union of 27 member states representing over 500 million citizens. The Union will be totally modernised and the impact of having accountability in Leinster House is critical. As part of the overall package the Lisbon treaty seeks to involve national parliaments more closely in EU policy making. The treaty aims to encourage the involvement of national parliaments as a means of ensuring that decisions are taken as closely as possible to citizens of the Union. This will address the democratic deficit.

The treaty contains a new title on democratic provisions which will, for the first time, give national parliaments a formal standing within the EU's institutional architecture. We have a

right and duty, and we will have a mandate if the treaty is passed, to take part fully in the scrutiny of EU legislation. According to Article 5, national parliaments will become the guardians of the principle of subsidiarity, which is formulated to ensure the EU only acts within the limits of the powers conferred on it by member states. Under subsidiarity, it is critical that if laws can be enacted in the Houses of the Oireachtas, they should not be enacted in Europe. That is a simple but important principle.

Under the Lisbon treaty, all draft EU laws will have to be forwarded to national parliaments for scrutiny. Eight weeks will have to pass before draft laws can be put on the legislative agenda and a further ten days must elapse before a position can be adopted. Under a yellow and orange card mechanism, national parliaments can oblige the European Commission to re-think a draft legislative proposal. The proposal can be defeated if the Council of Ministers or the European Parliament supports the opinion of a majority of the national parliaments. It is simple. There are 27 countries and two votes per country, giving a total of 54 votes. There is total equality. The booklet on the treaty is informative and explains the yellow and orange card principle.

Article 12 includes a number of rights for national parliaments. It is important that this be made clear because it has been lost in the national debate. They have the right to receipt of information and draft legislation direct from the EU institutions. Once a measure is produced by the Commission it will be before Dáil Éireann in the same week. National parliaments have the right to ensure that draft legislation complies with the subsidiarity principle and to take part in any future treaty revision. If the proposed treaty amendment involves a change in the areas covered by qualified majority voting, QMV, or co-decision, an individual parliament has the right to veto the proposal and block the change. Parliaments can take part in the evaluation of EU policies in the area of freedom, security and justice and in monitoring and scrutinising the activities of Europol and Eurojust. This is an important role given the drug culture in Europe.

The scrutiny committee decided to consider the enhanced role of national parliaments in detail to facilitate a debate and increase public awareness. The resulting report is based on the available evidence and the views expressed by committee members. Copies of the report and a detailed information note have been circulated to Members of the Houses. I hope they will use them as a reference. The report is due to be discussed in the Seanad tomorrow. The report outlines in detail the four main treaty changes relating to national parliaments, the current role of the Committee on European Scrutiny, how the new treaty provisions would affect the work of the Oireachtas on EU matters and the conclusions of the committee on the treaty changes.

I will consider the main conclusions in the report. The committee strongly supports the Lisbon treaty provisions that would enhance the role of national parliaments in the EU political process. It notes the proposals have been supported by the European Parliament, other national parliaments, the majority of Oireachtas Members and a large number of Irish representative groups. The committee welcomes the new subsidiarity policing role for the Dáil. This is a significant new power which will bring national parliaments into the day-to-day decision making process of the EU and should result in better legislation, greater consultation, more integration, enhanced debate and greater public awareness.

The committee welcomes the initiative whereby national parliaments are given a defined role in EU matters separate to that of the national governments. It welcomes the commitment by the Government to consult with the committee on the legislative and procedural changes necessary to implement the treaty. Dáil Éireann will have an independent voice, separate from Government, and the committee will hold the Government to account on legislative matters through discussions with Ministers on issues of greater interest to Ireland. The committee strongly recommends that significant reforms are made to Dáil and Seanad procedures to

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ensure regular consideration of EU matters in sessions of both Houses. As an important start we recommend that the Dáil and Seanad should allocate a specific day once a month to consider EU business. That is most important in light of the democratic deficit and given the huge impact of Europe and the importance of information on Europe. I believe that if there were more debate in the Houses on EU matters the “Yes” campaign would not be experiencing its current difficulties. It is critical to hold the Government to account for its actions.

There is a need to promote greater public awareness about the important work done by the Oireachtas on European matters. The committee is actively considering how to better communicate our message to the public and interested parties. We need initiatives to address the information deficit that exists. In the modern media age we must be far more proactive in communicating our activities. There is a need to set up an EU information office under the autonomy of the Houses of the Oireachtas that would deal with European issues. It would provide impartial information on the role of the EU. I have seen such an office operate effectively in the Danish Parliament. In time, a dedicated television channel would be of great benefit to the European debate.

When Ireland joined the EEC in 1973 there were nine members. Now that the Union has expanded to 27 member states, common sense dictates that a larger organisation needs to revise its rules to advance the common good. Streamlining the decision-making process of the EU institutions will make them more effective, efficient and flexible. It is important to provide better awareness of how we do our business. There have been criticisms in some quarters to the effect that the proposed powers for national parliaments are not significant and do not go far enough. This includes a committee member who is on the “No” side of the referendum campaign. I do not agree with that view. The committee’s report is the consensus view of members representing a large majority of political parties and opinion in the Oireachtas. The committee has examined the treaty provisions in great detail and it is our considered view that they represent a significant improvement for national parliaments. The committee, made up of elected public representatives, has a responsibility to put its considered opinion into the public domain. Today’s report is our contribution to provide the public with information about the content of the treaty.

In the run-up to the referendum, it is important that the people are given clear and factual information about the treaty provisions. Much of the campaign to date has been side-tracked by inaccurate claims about negative aspects of the treaty. I welcome the way in which the referendum commission has come out in the public interest to clarify some of the issues that have arisen during the campaign. Various inaccurate claims have been made about how the treaty would affect Ireland’s position on abortion, neutrality and taxation. Those issues are obvious headline grabbers, which can be used to play on people’s concerns. The unfortunate part is that the damage is usually done by the time the factual position about the treaty is clarified. It is markedly more difficult to engage people on the benefits of improving the structure and workings of the EU, but that is precisely what we need to do. We have a responsibility to inform people about what is in the treaty and to counter efforts to make divisive claims on issues that are not in the treaty. The Irish people can then make an informed choice in the referendum based on the facts.

It is important to record that the treaty provisions on national parliaments have significant support in Ireland and the EU. Twenty seven member state parliaments have endorsed the treaty. Representative groups such as IBEC, Chambers Ireland, the ICMSA and ICOS, all large employers and job creators, are in favour of the Lisbon treaty. The Joint Committee on European Affairs published its report this week and the committee found that the new powers for national parliaments were among the most outstanding features of the treaty.

We have been a huge success in Europe for 35 years. The Irish people have a unique chance in eight days to give their verdict on the proposed modernisation of the EU institutions as set out in the Lisbon treaty. It is often said that all politics is local. The referendum campaign has certainly shown a healthy interest in matters of Irish interest. The treaty offers the best deal for Ireland and for Europe. It represents the best balance between co-operation with other EU member states and protection of our national interests. We should recall the success of the European currency, the Single Market and job creation. The perception of Ireland and our ability to attract foreign direct investment is critical. I look forward to hearing the views of Members of the Dáil and Seanad in the near future. This is a very important issue and I am delighted we have an opportunity to discuss the report in the Dáil because I believe that, unfortunately, the debate has been side-tracked. The report clearly specifies the new powers of subsidiarity, the giving back of power to the people through the elected Members who represent them.

Deputy Joe Costello: I welcome the opportunity to speak on the role of national parliaments in the Lisbon reform treaty. I compliment the Chairman of the Oireachtas Joint Committee on European Scrutiny, Deputy Perry, on the good work he has done in recent weeks and months to examine the Lisbon treaty and other issues. I am especially pleased the debate has come to the floor of the Dáil so that for the first time we can have an opportunity to debate the new enhanced role of national parliaments in the decision-making process at European Union level.

Last year we celebrated the 50th anniversary of the founding of the European Union following the Treaty of Rome in 1957. Ireland joined the EU 35 years ago. In that time Europe has contributed substantially to Ireland's economic and social development and we have brought a level of dynamism to the European Union that is admired widely by member states. The European Union has achieved much of its objective in bringing peace and prosperity to the Continent of Europe which had been beset by two wars in the space of a single generation, world wars that brought devastation not just to Europe but across the world. The European Union has been extremely helpful in bringing peace to Northern Ireland, both in terms of the general context in which the European Union operates and the supports it has provided. We have much to be appreciative of in terms of benefits from the European Union. Likewise, the EU has benefited from Ireland's contribution to it.

As the European Union has evolved so also have the member states in terms of their internal structures and their relationships with the European Union. On five different occasions Ireland has voted by referenda in the past 35 years to participate in each step of the European Union project. First we voted to join, which, in effect, meant signing up to the Treaty of Rome in 1972. We also signed up to the Single European Act, the Treaty of Amsterdam, the Treaty of Maastricht, the Treaty of Nice and on 12 June we will vote on the Lisbon treaty. Every step of the way Ireland has voted by a plebiscite of its people to take each particular step. We now come to the treaty of Lisbon, and given that 90% of the European project is in place we are talking about 10% or less in this treaty. Nonetheless, it is an important 10%. The ratification of the treaty by referendum is the ultimate in democracy. I support this procedure and I am pleased the Irish people are voting — one person, one vote — in a referendum of this nature.

Given that it is the ultimate in democracy, the Joint Committee on European Affairs decided that as well as inviting all the stakeholders to meetings in Leinster House it would take Parliament on tour, so to speak, and it held six separate meetings throughout the country to invite the public to engage in the democratic process on the issues arising in the context of the European Union and the Lisbon treaty. That was an extremely valuable exercise. It was for the same reason that the Joint Committee on European Scrutiny conducted a thorough examination of the new powers granted to the parliaments of the member states. Its report has just

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been published in a very handy and attractive booklet. This examination was done in order to tease out the implications of the proposed changes in the treaty for the domestic parliamentary process and to inform the public accordingly. This is the first time this House has had an opportunity — the Seanad will debate it tomorrow — to discuss the implications of the new proposed powers in the treaty for the structures, procedures and Standing Orders of the Oireachtas. In other words we will be carefully examining how we conduct our business in the light of the new powers the treaty confers on our national Parliament as distinct from the Government.

The “No” campaigners have either deliberately avoided this issue or shunned it entirely. Even though they speak strongly about being interested in democracy and bridging the democratic deficit, the campaigners for a “No” vote on the Lisbon treaty have given little attention to the very substantial new powers conferred on parliaments, which effectively bridge the gap considerably. National parliaments are given a new defined role in European Union matters which are totally separate from those of their national governments. This has been done for the first time and is unprecedented. National parliaments will be consulted separately on all policy matters and on all proposed legislation. National parliaments will be the arbiters on whether any new proposal breaches the principle of subsidiarity, namely that decisions that can best be made at local level must be made local level — at national, regional or local authority level. The competences we have given to the European Parliament or the European project are powers we have given them. We need to police those powers to ensure they are not abused and that the principle of subsidiarity and proportionality is not interfered with. The national parliaments will now be the watchdogs and police to monitor that and ensure that any policy decision that can be made at local level is made at that level and that the European Union does not infringe in this respect.

National parliaments will have power to directly influence the European Union political and legislative processes and will effectively police the checks and balances of the European Union in the future. They will be in a position to decide whether a particular action at EU level is justified and as parliamentarians have direct contact with their constituents this will provide greater representation to Irish citizens. Thus European Union legislation will be better informed because of the new parliamentary representation. This is particularly important given that an estimated 75% of domestic legislation arises from the implementation of European Union measures. When it is considered in that context, we realise how important it is to have a direct parliamentary role in the framing of legislation.

The new provisions for national parliaments as set out in Article 12 of the treaty are even more extensive than purely the principle of subsidiarity. In the first instance the Dáil and Seanad — it needs to be remembered that we are not just talking about the Dáil but both Houses of the Oireachtas — will receive information on draft legislation directly from the European Union institutions at the same time as national governments. Instead of the Commission preparing legislation, a policy item or a draft directive, and sending it to the Council and the European Parliament, it must now also send it to national parliaments at the same time.

The Dáil and Seanad will receive increased time for scrutiny of European Union legislation proposals. Eight weeks must elapse before an item can be put on a Council agenda for any decision to be taken. That gives national parliaments the opportunity to give a considered opinion of their views on any Commission proposal. The Dáil and Seanad will ensure all draft legislation complies with the subsidiarity principle through the use of what are called yellow and orange cards, as outlined by Deputy Perry. This is substantial in terms of the power conferred. If one third of the national parliaments feel there is some infringement of the principle of subsidiarity, they will be entitled to ensure that a Commission proposal is sent back for examination with a view to amendment because of their concern about it. If 50% of the member

states are concerned the matter can go back for either radical amendment or can be jettisoned entirely. The national parliaments have very substantial powers in this regard. This will mean that considerable tick-tacking will be necessary between the national parliaments in terms of how they see a particular measure impacting on their countries, parliaments and citizens, which will be positive as it will bring all the national parliamentarians closer to each other as they will be effectively personally participating in the legislative process.

Even after 50% of the member states express their wish, if an individual national parliament feels that the Commission's proposed legislation breaches subsidiarity and could be better done at a local, regional or national level, it can approach the European Court of Justice directly and request it to make a determination on the matter. This is a broad area of new powers available to national parliaments. As they will require an intricate engagement between the national parliaments they will effectively bring the European Union much closer in terms of dialogue to the citizenry of the country. If national parliamentarians in Ireland are expressing concern over a draft motion, it will be because our constituents are likely to be expressing concern. Hopefully we will at last have a direct line of intervention from the European institutions right down to the citizens of the member states.

In addition to those areas the Dáil and Seanad will receive further powers. They will take part in the evaluation of European Union policies in the area of freedom, security and justice. There is even greater power in this regard. Not just one third but one quarter of member states can ask that a proposal in the justice and home affairs area be amended. The requirement is for one third in other areas but it is only a quarter in this area, which is a further extended power in this area.

Europol and Eurojust will now be monitored by the national parliaments. In addition, national parliaments will have a specific role in any future treaty revision. Any Council proposal to move from unanimity to QMV can be vetoed by the national parliament, which is a new proposal. As each national parliament will now be required to be notified of any application to join the European Union, the area of enlargement will be subject to national parliament scrutiny. There will be interparliamentary co-operation between national parliaments and the European Parliament. Provision is made for all this in the new treaty. This is the first time national parliaments have featured in this way in any treaty. On the "Yes" side of the campaign, we should emphasise more strongly the extent to which the treaty seeks to open the dialogue between the member states and the institutions of the EU and to eliminate the democratic deficit that is allegedly there. I welcome the fact that the Government has agreed to consult with the Oireachtas Joint Committee on European Affairs as soon as the Lisbon reform treaty is out of the way to frame particular legislation that would facilitate these new powers. I hope the Government would be willing to support an independent role for the Oireachtas under the enhanced role envisaged in the treaty. I look forward to the day when European affairs are not dealt with by a committee down in the "bunker", as I always say, but are brought up to the full light of day in this Chamber.

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): On behalf of the Government, I thank the Oireachtas Joint Committee on European Scrutiny, particularly its Chairman Deputy Perry, for its special report on the enhanced role for national parliaments in the Lisbon treaty. This Parliament, Dáil and Seanad, owes Deputy Perry a debt of gratitude for the production of this concise report in advance of the referendum next week. It dispels certain erroneous notions on the Lisbon treaty. It is a landmark report which succinctly defines the historic new role envisaged for this House in European affairs under the Lisbon treaty. It also makes a number of important recommendations which the Houses of the Oireachtas will

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wish to consider. Today's debate is, therefore, timely. I salute Deputy Perry's initiative in seeking time for full consideration of the committee's report today.

Fine Gael has a long record of support for the EU and since the 1970s has consistently argued that the Oireachtas should have a strong voice in handling EU legislation. The Minister of State at the Department of Foreign Affairs with responsibility for European affairs, Deputy Roche, was very glad to meet the joint committee on 29 April to discuss the enhanced role for national parliaments in the Lisbon treaty. I restate the assurance he gave the committee on that occasion, that once the treaty is, hopefully, ratified the Government will work closely with the Houses of the Oireachtas and the committee on European scrutiny, as a matter of priority, to ensure their new powers are translated speedily into relevant statutory and administrative measures. I listened carefully to Deputy Perry's proposals to dedicate one day per month in the Dáil and Seanad to the EU and to establish an EU office, both of which are worthy of further consideration by the commission after the treaty is passed.

The report of the joint committee shows how far the EU has come in its thinking about the role of national parliaments in EU decision making. This treaty gives very clear recognition to the important role of national parliaments as the law makers closest to the citizens in the implementation of EU measures. The treaty marks a step change in three main areas. It includes new and innovative arrangements for the involvement of national parliaments in EU decision making. It provides comprehensive arrangements for information sharing. The treaty provides for dynamic, interparliamentary co-operation at EU level between national parliaments and the European Parliament.

The Government lobbied for and negotiated many of those changes, which the Minister of State, Deputy Roche, previously described as "revolutionary rather than evolutionary". We can feel justly proud of the proposals this country succeeded in incorporating into the treaty. They are revolutionary because these treaty provisions represent a change in mind set at EU level. The mind set change is about recognising the need for EU law making to come closer to citizens and national parliaments. This is vital if the legitimacy of the Union is to be maintained and strengthened as it needs to be. The challenge for this House is to seize the opportunity presented by these changes so that Ireland can make its proper mark on the evolution of EU laws, including by means of an important input on the part of the Oireachtas.

Why do we hear so little about the greater role for the Dáil and Seanad under the Lisbon treaty from those opposed to it? Deputy Costello was very eloquent on this point. It is because these positive changes for our national Parliament demonstrate, beyond a shadow of a doubt, that the Lisbon treaty strengthens rather than reduces the democratic legitimacy of the Union and makes it more accountable to its own people. This is one of the ironies of the debate from those who seek to undermine the treaty. The convention that is the genesis of this treaty consisted almost exclusively of people who achieved a mandate by putting their names in front of the people of the EU while those who seek to undermine the treaty have never proposed their names for elected office. That is the irony.

These provisions give the Dáil a voice and a vote it never had before in direct contradiction of the web of conspiracy theories and myths about loss of sovereignty which are peddled by the treaty's opponents. The Lisbon treaty makes the EU even more democratic than before. It strengthens the role of national parliaments, including the Houses of the Oireachtas, by giving us a direct input into European legislation. It enables the House to ensure the Union does not exceed its authority. The treaty also gives us a right to veto any proposal to change voting rules from unanimity to qualified majority voting in the European Council or Council of Ministers, as well as any extension of co-decision between the Council and the European Parliament. The

Twenty-eighth Amendment of the Constitution Bill goes even further by requiring the affirmative consent of each House of the Oireachtas before the Government can agree in the European Council to any such change. These new powers will enable national parliaments to contribute more fully to the democratic character of the Union.

As I said, given that most European citizens understandably feel most connected to their national parliaments, these measures will serve to advance the cause of democratic accountability within the Union in a practical and meaningful manner. I commend the joint committee report to all Deputies as a succinct analysis of what the Lisbon treaty means for the work of this House in the area of EU law. Notwithstanding the key innovations we have made nationally under the European Union Scrutiny Act since 2002 regarding EU business, it is clear that the treaty, once ratified, implies further significant changes in the role of the Oireachtas regarding EU affairs. The current national arrangements work well and provide for full oversight by the Houses of the Oireachtas of the actions of the Executive in negotiating EU measures and implementing EU law. The Lisbon treaty, however, marks a major change and provides for a more substantive role for the Houses of the Oireachtas in EU affairs than is currently provided for by law or under the Irish Constitution. The new powers being granted to the Houses of the Oireachtas on EU policy under the Lisbon reform treaty are sufficiently significant for it to require the express approval of the people in a constitutional referendum before the treaty can be ratified.

The Twenty-eighth Amendment of the Constitution Bill contains all the necessary provisions required to give effect to the role to be played by the Houses of the Oireachtas. The terms of the Bill underline the Government's desire to maximise the role of the Houses of the Oireachtas in the future development of EU legislation. This treaty, if ratified, will give this House and its sister parliaments in the member states — the directly elected voices of the people of Europe — a stronger say than ever before in the way the EU is run. Therefore, the people who elect us to the Houses of the Oireachtas will have a stronger say than ever in shaping the direction of EU affairs. In reality, it means Irish citizens need not look to Brussels if they have questions about a particular policy. Because of the increased role of the Houses of the Oireachtas, more than ever, Irish citizens will have good reason to bring their views to our clinics and advice centres throughout the country.

As Members know, we are within eight days of the referendum. It is the most important and decisive vote on Ireland's future in the EU since we first became a member of the EEC in 1973. Polling on 12 June follows one of the liveliest debates on EU issues we have ever had in this country, a debate I very much welcome. Facts surely have been butchered in the process by treaty opponents but it certainly has not been dull.

In Ireland, we can be proud that the referendum process has moved the debate about Europe's future to the front-line democratic question on the minds of our constituents and national parliaments. As elected politicians, we know the real question on people's minds is how the EU can better serve them, their families and their communities on the day-to-day issues. Explaining how the organisational and institutional changes involved in the Lisbon reform treaty make the EU better equipped to defend Irish jobs, prosperity and a fairer world order is not easy. However, it is clear the people understand the stakes are high and they are reflecting seriously on Ireland's role in Europe and what they want Europe to mean for Ireland in the coming decade.

I am confident that by voting day people's experience of the positive changes we enjoy as equal members of the EU, combined with a national confidence in our ability to advance our interests at the heart of the EU, will result in a decisive "Yes" vote. Even after the referendum, we will continue to have debate about the nature of the EU. The treaty will strengthen democ-

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racy at European level by increasing the number of areas in which the European Parliament will share law-making with the Council of Ministers and also by strengthening the Parliament's budgetary role. The citizens' initiative will also give people across the Union a more direct say on European matters. The citizens' initiative has the potential to breathe new life into the democratic functioning of the Union. For the first time, under the reform treaty, a petition with at least 1 million signatures obtained from a number of member states can request the European Commission to propose EU legislation. I have little doubt that people across the Union will embrace the citizens' initiative and will raise interesting questions for us to address.

With specific reference to the report of the joint committee, the Government attached particular importance to the strengthening of the role of national parliaments in the negotiation of the treaty. As stated in the committee's report, both the new Article 5 and Article 12 to be inserted into the treaty on European Union, and the two significant related protocols, strengthen the role of the EU and give it a vital and early say in the evolution of EU law. These powers will connect the Union's institutions with the interests and aspirations of the people of Europe in a new and dynamic manner. The new treaty, once ratified, will give the Houses of the Oireachtas a unique opportunity to work in concert with other national parliaments to ensure that national prerogatives are respected in the further development of the European Union.

The treaty proposes to give national parliaments of member states a direct input into European Union legislation. It recognises the enhanced role of national parliaments as a key element of the democratic fabric of the Union in what will become Articles 5 and 12 of the treaty on European Union. The first of these protocols recognises that the manner in which national parliaments scrutinise their government's activities within the Union is a matter for the particular constitutional organisation and practice of each state. However, the desirability of encouraging greater parliamentary involvement in EU activities, and of enhancing the ability of parliaments to contribute to debate, is also recognised.

Under the protocol all Commission Green and White Papers, the Commission's annual legislative programme and all draft legislation are to be sent directly to national parliaments. Similarly, the agendas and outcomes of meetings of the Council of Ministers must also go directly to national parliaments at the same time as they go to the member state governments. Except in cases of stated urgency, at least eight weeks must elapse between the provision to national parliaments of draft EU legislation and it being placed on a Council agenda for decision. There should normally be a ten-day gap between the publication of an agenda and the taking of a decision. This is intended to give national parliaments more time for consideration and debate.

The protocol on the application of the principles of subsidiarity and proportionality further develops the role of national parliaments in regard to the implementation of these important principles. The principle of subsidiarity is designed to ensure the EU takes action only when this is necessary and appropriate. The so-called "yellow card" system is a major development which will bring national parliaments directly into the EU decision-making process. The use which is made of this mechanism will depend on the capacity of national parliaments, individually and collectively, to prepare reasoned opinions within the timescale laid down. The application of the principle of subsidiarity is intended to take place primarily before the adoption of legislation.

The treaty goes on to provide that any national parliament may veto the use of the passerelle. In addition, and importantly, future changes to the treaties involving the conferral of new competences on the Union would be prepared by a convention in which it is envisaged that national parliaments would be strongly represented.

In conclusion, following a “Yes” vote in the referendum, which I strongly believe is in Ireland’s best interests, the challenge facing the Houses of the Oireachtas and the joint committee will be how best to engage with its new role under the Lisbon treaty. The committee makes a number of points and offers some conclusions regarding the implications of a ratified Lisbon treaty. It rightly raises questions about the steps to be taken to give practical effect to the strengthened role of national parliaments under the treaty.

The Government will play its part in reviewing the European Communities Acts and the 2002 Act to bring our domestic provisions into line with the treaty, and it will be necessary to make these amendments in the autumn. This is all contingent, of course, on the successful ratification of the treaty. I call on all Members of the Oireachtas to do all in their power in the week ahead to explain this important treaty to our constituents. In that regard, I reiterate what I said at the outset, namely, that this job has been made much easier by the excellent work carried out by Deputy Perry and his committee, for which the Government and this House ought to be rightly grateful.

Deputy John Perry: I thank the Minister of State.

Deputy Aengus Ó Snodaigh: Cé gur ball den Chomhchoiste um Ghrinnscrúdú Eorpach mé, ní luonn an tuairisc seo le mo thuairimí nó leis an méid a bhí le rá agam ag an gcoiste. Níor aontaigh mé leis an tuairisc seo nuair a bhí sé os comhair an choiste. Níl aon bealach ann faoi láthair inar féidir le mionthuairisc, nó “minority report”, a bheith ann. Ní féidir liom é a shoiléiriú ina leithéid de thuairisc go bhfuil mé ina choinne. Agus é sin ráite, déanfaidh mé déileáil leis an méid atá sa tuairisc agus an chomhthéacs ina bhfuilimid ag déileáil leis inniu.

Nuair a bhunaigh an Aontas Eorpach an chomhdháil ar todhchaí na hEorpa, bhí sé mar aidhm aige saoránaigh a thabhairt níos gaire do institiúidí na hEorpa. De réir na treoir ghinearálta a thug Comhairle na hEorpa don chomhdháil, bhí dualgas ar an chomhdháil féachaint an raibh gá ann cumhachtaí a thabhairt ar ais go dtí parlaimintí na ballstáit. Bhí ar an chomhdháil bealaí eile chun cumhachtaí nua a bhronnadh ar na ballstáit a lorg. Sainíodh na treoir sin de thoradh an buairt a bhí ann go raibh fás ag teacht ar an easpa daonlathas, nó democratic deficit, i gcroílár na hEorpa thar na blianta.

Léirigh nádúr mídhaonlathach an chomhdháil fhéin, chomh maith leis an slí ina rinneadh iarracht an chomhdháil a dhaingniú, nach raibh spéis ag an Aontas Eorpach déileáil i ndáiríre leis an easpa daonlathas atá i gcroílár na hEorpa. Measaim nach bhfuil suim ag an Aontas sa bpróiseas sin go fóill. Tá níos mó spéis ag ailtirí lárnacha an próisis na moltaí atá déanta acu a bhrú tríd ná éisteacht le tuaraimí an phobail.

The Green Party Minister for the Environment, Heritage and Local Government, Deputy Gormley, who participated in the convention, was vocal in his criticism at the time. He stated that most of the real negotiations took place behind closed doors, with no vote taken on any of the more than 1,000 amendments offered. Most were never even discussed, according to the Minister. That indicates where the convention started and finished. My party was excluded from the convention, despite requesting a place.

Deputy Joe Costello: That is not true.

Deputy Aengus Ó Snodaigh: It is true.

Deputy Joe Costello: No request was ever made.

Deputy Aengus Ó Snodaigh: I personally made a request.

Deputy Joe Costello: The Deputy’s party did not make a request.

Deputy Aengus Ó Snodaigh: I am a member of the party and I wrote a letter on headed paper requesting a place, but we were refused.

An Leas-Cheann Comhairle: The Deputy should address the Chair.

Deputy Aengus Ó Snodaigh: I was simply responding to Deputy Costello's interjection.

An Leas-Cheann Comhairle: Deputy Ó Snodaigh is in possession.

Deputy Aengus Ó Snodaigh: Rather than address the democratic deficit, the Lisbon treaty will widen it. The treaty removes Ireland's right to a permanent Commissioner for five out of every 15 years, which means that we will not have a representative on the body responsible for drafting and implementing laws. Ireland's representatives on the Commission have played a crucial role over the years and, regardless of how well the Irish Government builds its relationship with European Commissioners from other states, that is not a substitute for an Irish voice at the table. Such a voice would reflect, or at least understand, Ireland's values and its past, present and future. It would help us decide at an early stage whether to support or oppose legislation planned by the Commission. For a small country like Ireland, it is vital to have a permanent voice at the European Commission, especially given our small number of MEPs and the fact that our voting strength on the Council of Ministers will be halved if the Lisbon treaty is passed.

The treaty will also remove member state vetoes in more than 60 highly sensitive areas, including energy, asylum, immigration, judicial co-operation and the inclusion of health and education in international trade agreements. I thank the Taoiseach for making the argument for retaining our vetoes when he tried to buy off farmers' opposition to the treaty by promising to use our veto on Mandelson's WTO package. However, if we do not have a veto, we cannot even threaten to use it in the future. That will be the case for the 60 areas that will transfer to qualified majority voting. We will give more than 100 new powers to the EU, including self-amending articles that will significantly strengthen EU institutions while weakening the influence of member states and citizens on legislation.

In order to make this process of centralisation appear less dramatic, the drafters of the Lisbon treaty included a protocol on member state parliaments. Advocates of the treaty argue this protocol will greatly increase the role of parliaments in the decision making process, but nothing could be further from the truth. When one cuts through the rhetoric and examines the detail of what is proposed, it is clear that the new powers for member state parliaments are nothing more than cosmetic window dressing designed to improve the treaty's appearance. At the core of the proposals contained in the protocol are two new mechanisms known as the yellow and orange cards. Under the yellow card system, member states will have eight weeks to scrutinise proposals from the European Commission and, if one third of parliaments believe a proposal goes beyond existing powers of the EU, they can request, but not instruct, the Commission to reconsider the proposal.

A number of problems arise with this system. Eight weeks is not sufficient time to scrutinise detailed Commission proposals. The Joint Committee on European Scrutiny is already overloaded, as its members will attest, and if it was to receive a controversial proposal during a busy period in its schedule or in the recess, it is unlikely that it would be scrutinised. When we tested this mechanism earlier this year, the Commission could not supply the required documentation in time. God forbid that we would have to deal with all the Commission's proposals. Furthermore, member state parliaments cannot object to the substance of proposals or suggest amendments but can only raise concerns if they believe the EU is overstepping its legal mandate regarding proportionality and subsidiarity. Member states can already make such

objections at Council level or through the European Court of Justice. As if this was not bad enough, there is absolutely no obligation on the European Commission to do anything other than consider the objection. If it disagrees, it can carry on regardless and member state parliaments are powerless to do anything until the proposal reaches the Council of Ministers, where our strength will be halved if the treaty is passed.

The second proposal, the orange card, also allows member state parliaments eight weeks to scrutinise proposals but if a simple majority believe a proposal breaches subsidiarity they can seek the support of the Council of Ministers or the European Parliament in blocking it. Again, however, eight weeks is too brief a timeframe to scrutinise proposals given how long it can take to put them before the Dáil. Having given a proposal its scrutiny, a parliament will have to secure the support of 13 other parliaments within eight weeks and, even then, the proposal can only be blocked with the support of the European Parliament or the Council. Anyone who is familiar with the workings of the European Parliament will be aware that months can pass before the Parliament takes a formal view of controversial proposals. I have come from a meeting of the Joint Committee on Justice, Equality, Defence and Women's Rights, which just received a proposal sent on 1 April for report by the committee. This proposal has not even been discussed by the Oireachtas.

The idea that eight weeks is sufficient time to scrutinise proposals, build a coalition of 14 member states and achieve the support of the European Parliament or the Council is ludicrous. Of course, the power to block a proposal is completely subject to securing support from an EU institution. Thus, when one considers the details of the protocol on member state parliaments, it is clear they do not offer any meaningful form of intervention into the legislative process. They merely provide a cumbersome procedure that is unlikely to be used successfully to block Commission proposals.

If the drafters of the Lisbon treaty were serious about bringing citizens closer to EU institutions, they would have designed democratic, transparent and effective forms of member state intervention. Instead, they are offering something that is weak, cumbersome and completely opaque. The protocol on the parliaments of member states gives the EU nothing new or meaningful with which to address the democratic deficit. On that basis, it cannot form any part of a credible argument for supporting the Lisbon treaty.

A better deal is possible. All states should retain a permanent Commissioner and voting strength at the Council should reflect the fact that states come to it as equals. Member state parliaments and citizens must be given meaningful forms of participation in the legislative process, including, in this State, the absolute right for citizens to have the final say in any significant changes to EU treaties in the future. Key strategic vetoes on public services and taxation should be strengthened. The Irish people can secure a better deal if they vote "No" on 12 June. The Government will be given a strong mandate in the new negotiations with our European partners as a result of such a "No" vote.

Tá mé ag impí ar muintir na Stáit seo teacht amach ar Déardaoin, 12 Meitheamh chun a vótaí a chaitheamh. Creidim gur féidir, trí vóta "Níl", margadh níos fearr a fháil d'Éireann agus cuir leis an cumhacht atá ag an Pharlaimint seo agus parlaimintí eile na hEorpa. Tá mé ag caint go háirithe mar gheall ar an tír bheag seo, le daonra beag. Ba cheart dúinn an chumhacht vótála bheag atá againn a láidriú. Is ina mhalairt de threo atá chonradh Liospóin ag dul, in ainneoin an méid atá sa tuairisc seo. Tá mé ag cuir in aghaidh an tuairisc seo. Diúltaim é in ainm na baill ar fad den choiste. Níor thacaigh mé leis. Ní raibh aon deis agam mo sheasamh a chuir ann. Is ait liom nach bhfuil an tuairisc seo ar fáil go dhátheangach, in ainneoin Acht na dTeangacha Oifigiúla 2003.

Deputy Seán Connick: I wish to share time with Deputy Dooley.

[Deputy Seán Connick.]

As Vice Chairman of the Joint Committee on European Scrutiny, I welcome this opportunity for Members to discuss the findings of the recently published special report on the enhanced role for national parliaments in the Lisbon reform treaty. I also wish to take this opportunity to compliment the Chairman, Deputy Perry, other members and officials of the joint committee on the work they did to deliver this timely and informative report.

The nature and responsibilities of the Joint Committee on European Scrutiny will be greatly enhanced under the provisions of the reform treaty. In light of the increased responsibilities the committee will assume if the referendum is passed, it has devoted a great deal of time to examining the enhanced role envisaged for the Oireachtas in the Lisbon reform treaty. Like the other members of the committee who were involved in the publication of this report, I look forward with interest to hearing the views of other Deputies on its contents and on how they foresee the role of the Oireachtas developing under the reform treaty.

The increasing importance of the relationship between the Oireachtas and the European Union was recognised last year when the Joint Committee on European Scrutiny was established. Prior to this, EU scrutiny was dealt with by a mere sub-committee of the Joint Committee on European Affairs. Since its establishment, the Joint Committee on European Scrutiny has examined every item of proposed European legislation. This not only serves to ensure that both the Government and the public are aware of the likely impact that any proposed European legislation will have on Ireland's interests, it also imposes a layer of accountability onto the Government when it is negotiating legislation at European level.

It has been clear for some time that there has been a distance between the institutions of the European Union, on one hand, and the national parliaments and citizens of member states, on the other. This distance has been regularly characterised as a democratic deficit in the EU. While Ireland has been to the forefront of trying to remove this deficit through initiatives such as the establishment of the National Forum on Europe, the Lisbon reform treaty is the first real attempt by the European Union to address this issue.

In the context of the report under discussion, the attempt to remove the democratic deficit in the EU is characterised by the proposals to increase the powers and involvement of national parliaments in the European legislative process. For the first time, national parliaments will have a direct role in the legislative process and this will be enshrined in European law.

Following detailed study of the Lisbon reform treaty and the effects it would have on the relationships among the national parliaments and the European Union, the Joint Committee on European Scrutiny reached a number of conclusions which should be examined in the context of this debate. The joint committee strongly supports the provisions in the Lisbon treaty to enhance the role of national parliaments in the EU political process. For the first time, the role of national parliaments in the EU legislative process will be recognised as a right and they will be entitled to make a contribution throughout the entire legislative process rather than when legislation is presented as a *fait accompli*. These measures have been strongly welcomed by other national parliaments within the EU. They will strengthen the independence of individual member states and will help remove the divide between the institutions of the EU and the citizens of member states.

The committee welcomes the new subsidiarity policing role for national parliaments, which should lead to better legislation within the EU. The principle of subsidiarity, which states that legislation should only be introduced through the EU when it cannot be successfully implemented at local or national level, has been established in previous EU treaties. Under the Lisbon treaty, however, national parliaments are, for the first time, being accorded a policing role to ensure adherence to the principle of subsidiarity. The yellow and orange cards

will allow the Oireachtas and other national parliaments to give a warning to the EU if they are of the view that particular items of legislation do not adhere to the principle of subsidiarity. If sufficient numbers of other national parliaments use this warning system regarding an item of legislation, it must be reviewed. This is the first time national parliaments have been given this level of power over the EU decision-making process. As national parliamentarians, we must welcome this development.

The joint committee also recognises that, for the first time, the role of national parliaments in EU affairs will be separate to that of their national governments. This development will not only increase the power and influence of national parliaments at EU level, it will also strengthen the role of parliaments locally. Separating the roles of parliaments and governments will also allow parliaments to act as watchdogs on governments that are negotiating legislation in Europe. This will ensure that governments act in the best interest of their citizens.

Although the report only examines one element of the Lisbon treaty, the issues outlined in it show how positive the treaty can be for Ireland. The enhanced roles of national parliaments will add to the powers of the Oireachtas, give us a new role in the European legislative process and strengthen our country's place in Europe. These gains for Ireland will be lost if the people of Ireland vote against the Lisbon treaty next week. Having examined these aspects of the Lisbon treaty as part of the joint committee's preparation in drafting this report, I am more convinced than ever that it is in Ireland's interests that the referendum to be passed. I call on the public to vote "Yes".

As Vice Chairman of the Joint Committee on European Scrutiny, I thank the Leas-Cheann Comhairle for the time that has been accorded to the members of that committee to present the report to the House. The issues we have highlighted show the potential to strengthen Ireland's democracy through the Lisbon treaty. I look forward with interest to hearing the views of other Members on the report.

Deputy Timmy Dooley: I welcome the opportunity to contribute to this important debate. As a member of the Joint Committee on European Scrutiny, I welcome the provisions of the Lisbon treaty. I hope that members of the public will find it within their capacity to vote "Yes" on Thursday next in order to give effect to the provisions outlined in the report. I accept that there are many other important elements to the Lisbon treaty. However, those which provide more power to national parliaments will begin to tip the balance in favour of citizens. For far too long people have referred to the feeling of a distance between the institutions of Europe and its citizens.

I welcome the mechanism that will allow member states, through their parliaments, to object to any breach of the principle of legislating in the most appropriate forum. This is obviously guided by the necessity to retain the development of legislation in the forum that remains closest to the citizen. This matter was alluded to by previous speakers when they referred to the principle of subsidiarity. The mechanism to which I refer, in conjunction with the other elements of the treaty that set out how national parliaments can have a greater role, is extremely important.

Like other Members, I canvassed extensively in respect of this matter in recent weeks. People have informed me that they do not want Europe to be given the opportunity to generate more and unnecessary legislation. They believe there is a disconnect between the institutions and citizens and also that there is a lack of democracy and transparency. The passage of the Lisbon treaty will help to redress the balance in this regard. The elements as they are set out clearly do that. It also provides the first step towards shifting the balance back towards the citizen, which citizens have been demanding for some time.

[Deputy Timmy Dooley.]

The same principle applies in the reduction of the number of Commissioners. Clearly, with the passage of the Lisbon treaty, together with some of the provisions set out in the Nice treaty, there was a clear decision to reduce the number of Commissioners. The Nice treaty does not set out how to do this but the Lisbon treaty sets the process by which this would be achieved. This is important as it eliminates more of the bureaucracy and removes unelected people from the central decision-making process. It also shifts the balance back towards elected representation, whether it is in the European Parliament or national parliaments.

The “No” camp is telling us the EU has too much of a role in our lives and for that reason it suggests we should vote “No”. On the other hand, one of the other reasons it tells us we should vote “No” is the loss of our Commissioner. The truth is they cannot have it both ways. There would be too many Commissioners at 27 and people are in positions generating, in my mind, unnecessary legislation and directives. By removing such people from the process, we provide a greater element of control to the elected representation and dispense with the bureaucracy that many of our citizens speak about. If the “No” camp was honest, the answers to the arguments they are advancing are provided in the Lisbon treaty referendum.

To my mind, national parliaments will be fully recognised as part of the legislative process of the EU, which is very positive. Surveys have shown that the citizens are feeling a level of disconnect from the EU decisions, which they view as very negative. For that reason, the report is very welcome.

The increase in the co-decision process, which will give a greater role to the directly elected Members of the Parliament, is also a very positive element. In terms of how we transpose this particular process into the workings within these Houses, we will need to discuss the issue over the next number of months.

I recognise the input of the Chairman of the Joint Committee on European Scrutiny, Deputy John Perry, in what he has tried to do in evaluating the type of scrutiny carried out in other member states. The next step in the work he has set out in that regard is vital. Other member states have some very good processes in place and I have no doubt the next report before the House will set out how we should deal with such processes. I welcome that development.

Deputy Charles Flanagan: I propose to share time with my colleague, Deputy Durkan.

I speak as an ordinary Member of the House flanked by two eminent chairmen of august committees, Deputy John Perry of the Joint Committee on European Scrutiny and Deputy Bernard Durkan of the Joint Committee on European Affairs. My comments will be brief.

Deputy Bernard J. Durkan: The Deputy is in safe hands.

Deputy Seán Connick: They are two extraordinary men.

Deputy Charles Flanagan: The Lisbon treaty proposes to give the parliaments of member states eight weeks after publication to vet a proposal and offer an opinion. Under the terms of the treaty, if a number of national parliaments object, the proposal must be reviewed. Each national parliament has two votes, with the Dáil and Seanad having one each. The review must take place if a third of the national parliaments request this and the treaty would give national parliaments a specific role in the proposed changes to the treaty.

While I believe that giving national parliaments a role in EU decision making is welcome, I strongly feel this will be a meaningless gesture unless appropriate resources are provided. The Joint Committee on Justice, Equality, Defence and Women’s Rights, of which I am a member,

has been considering a wide range of EU proposals in recent months. Many of these are complex and technical.

For example, today we dealt with a motion on convictions in member states in the course of new criminal proceedings, co-operation between the special intervention units of the member states in crisis situations, protection of personal data processed in the framework of police and judicial co-operation in criminal matters and the stepping up of cross-border co-operation, particularly in combating terrorism and cross-border crime. That was just this afternoon and by any standards, it is a most significant workload, particularly when combined with other portfolio responsibilities and constituency work.

Ministers enjoy a range of resources and have a veritable raft of people to draw on should they wish to clarify any aspect of a proposal. In contrast, ordinary Members are starved of resources. If this Parliament is to play a significant role in EU affairs and be more than an uninformed rubber-stamping mechanism, it is imperative all Members have access to objective legal expertise in regard to EU matters coming before the Houses from time to time.

Briefings must take place in a structured manner and provide Members with sufficient time to consider matters before dealing with them in a meeting. I recently wrote to my colleague, Deputy John Perry, outlining my concern in this regard. Following my correspondence, a number of Department officials contacted me, offering to brief me on the context of appropriate motions. While I appreciate that my correspondence resulted in some action, as well as the courtesy and professionalism of the officials involved, I object to the *ad hoc* nature.

What is required is a comprehensive briefing for Members by experts in EU law attached to or contracted by the Oireachtas. If we want this House to be respected by the citizens of this State and our colleagues in other member states, we must take our responsibility seriously and show that appropriate levels of professionalism in regard to these matters is at all times evident.

Steamrolling motions through committees with guillotines and very little time for debate is a wholly unsatisfactory way for this Parliament to operate. I appeal to Government to take immediate action in this regard. Members of this House must be resourced, as well as committees.

I appeal to every office holder present in this regard. Deputy Chris Andrews and I are the only two Deputies present at this debate now who are not office holders, although Deputy Joe Costello probably has aspirations in that regard.

Deputy Bernard J. Durkan: Naturally.

Deputy Charles Flanagan: It is important scrutiny is carried out by national parliaments and committees, and that committees are not a rubber stamp and tool of Government.

Deputy Bernard J. Durkan: I thank my colleague for sharing his time and I concur with what he has just said. He made a very important point in that if national parliaments do not do the job they will be given under the Lisbon treaty, we will have nobody to blame but ourselves.

Deputy John Perry: The job is ours.

Deputy Bernard J. Durkan: The job will be ours and it is a matter of doing it. This is something we predicted at least ten years ago. It became obvious to some of us on the committees dealing with European and foreign affairs that a great improvement in resources would be necessary if national parliaments were to do the expected job effectively. For example, there is a notion in some quarters of this House that Oireachtas committees are extensions of Departments. They are not; they are extensions of the Parliament instead, which is important. That must be clarified very quickly.

[Deputy Bernard J. Durkan.]

I congratulate my colleague, Deputy John Perry, on the production of the report from the Joint Committee on European Scrutiny. I thank him for his help in compiling our report from the Joint Committee on European Affairs, as he travelled around the country with us when we brought to the people the trappings of Parliament for the first time in an outreach programme. Deputy Costello also did so. It was an effort to bring to the people the dialogue and facts relating to the Lisbon treaty.

We found much confusion and we still hear people say they are confused. I am not surprised people are confused because there is so much contradictory information being poured from all corners in this country; I have never seen the like of it in my life. The people concerned must have read *The Catcher in the Rye* because there are so many conspiracy theorists out there, one could write several books from the information.

I find it difficult to understand how, with a Parliament where the vast majority espouse a “Yes” vote in this referendum, any time we speak here and throughout the country there is reportage of the number of people who spoke on the opposite side. If such people have not spoken, they must be found and there should be “balanced debate”. I find it very difficult to understand how that would be a balanced debate as the vast majority of the 166 Deputies in this House, for example, espouse one side. I would have thought there should be some reflection of that numerical strength in the amount of coverage.

There is room for a change in legislation that must take place in the not too distant future. If this does not happen, it will make life extremely difficult and we will have this contradictory debate at all times throughout the country. People say they cannot read the treaty, while others have no difficulty doing so. I cannot understand how this is the case because the facts are there in black and white. The crucial fact is that most of what is contained in the Lisbon treaty has already been passed in previous treaties. Some of those who complain about elements of the treaty have already voted for them in the Nice treaty. It is extraordinary.

We must pay attention to the work of the committees. We cannot afford to allow our concentration to lapse for one moment. There is a great responsibility involved in this and resources must be provided by the Government or the work will not be possible.

I want to concentrate on two points raised by previous speakers. Much has been said about the loss of our Commissioner but every one of the 27 member states can say the same. It was never intended that a member state should regard a Commissioner as its own. It was always intended that the Commission would represent the entire European Union. The agriculture Commissioner, whoever he or she may be, represents Irish, UK, Danish and French interests, with those of all other member states. The same goes for the trade Commissioner, the financial services Commissioner and all other Commissioners. Unfortunately, as other speakers have noted, Commissioners were created in order that every country could state “we have our Commissioner”. That is what occurred with Mr. Mandelson. He saw himself as “their” Commissioner and set off on a world tour that, I hope, will not be as successful as he wished. If it is, it will have serious consequences for food producing countries in the European Union, not only Ireland.

An Leas-Cheann Comhairle: The Deputy has one minute left.

Deputy Bernard J. Durkan: It is one minute to midnight. A great deal of damage can be done in one minute but the Leas-Cheann Comhairle will be glad to learn I will not do this. Instead, after all of the talk, action and conspiracies, I will quote from the report of the Joint Committee on European Affairs. It states:

The committee has come to the conclusion that the Lisbon reform treaty achieves its objectives of enhancing the efficiency, democratic legitimacy, transparency and accountability of the enlarged Union, as well as the coherence of its external action in order to allow it to respond to the needs of its citizens as they face the challenges of the 21st century. It protects Ireland's vital interests and it allows Ireland to remain at the heart of the EU, thereby ensuring that we continue to benefit from our membership of the Union.

Deputy Chris Andrews: I thank the Leas-Cheann Comhairle for the opportunity to speak on this important issue. I pay tribute to the Chairman of the Joint Committee on European Scrutiny, Deputy Perry. As a member of the committee, I have seen him close up and know that he runs a professional, enthusiastic and efficient committee, on which I compliment him.

A recent Eurobarometer opinion poll showed that a large majority supported our EU membership but the difficulty was only one quarter believed their opinions counted when the European Union made decisions. The challenge facing us as public representatives is to not only widen the areas covered by the European Union's structures but to strengthen those structures. We have a responsibility to build a bridge between what is considered a distant European Union and the day-to-day lives of the citizens we meet and represent during our working week. The way to build this bridge is to make the European Union more efficient and relevant. This can be done through committees such as the Joint Committee on European Scrutiny and by giving more power to the Houses of the Oireachtas, the Seanad and the Dáil.

The only way to give more power to the Oireachtas is to vote "Yes" to the Lisbon treaty. The treaty will make a difference by enhancing the role of the Seanad and the Dáil in a way separate from the role of the Government. I find it difficult to understand how the likes of Deputy Finian McGrath and Senator Norris who have long been advocates of reform of the role of the Houses of the Oireachtas can advocate a "No" vote having seen this opportunity to enhance the role of the Houses. I am sure that after the referendum on the treaty, we will hear them speak eloquently about the need to enhance the role of the Seanad and the Dáil, yet they are not taking this opportunity and are advocating a rejection of the benefits of the treaty.

The Lisbon treaty will ensure compliance with the principle of subsidiarity. In layman's terms, this means that the Dáil and the Seanad will have key roles in the decision-making process. New measures that will be introduced should the treaty be passed will mean this Parliament will receive documents directly from the Commission, giving it more time to react to proposals and an opportunity to involve itself in the legislative process at the earliest stage. Our MEPs will have increased involvement due to the increased power of co-decision in up to 40 new policy areas. The European Parliament will have the right to elect the President of the Commission; currently it only has the power of assent.

There are measures that we in the Houses of the Oireachtas can take to build on the positive aspects of the Lisbon treaty, should it be passed. There must be reforms. Deputy Perry, as Chairman of the Joint Committee on European Scrutiny, proposed that one day a month should be given over to consideration of European business. I acknowledge that this is only a start and that MEPs should be allowed to contribute in the Dáil Chamber on specific issues relating to the European Union. This would help strengthen the connection between the Union and the citizens we represent.

Ireland is at a crossroads in terms of its relationship with the European Union. We have contributed a great deal and made a huge positive input in developing the Union. In the past 35 years Ireland has also benefitted hugely from its involvement in the Union. For this reason, I am disappointed that the "No" side is running what I deem to be a self-interested, isolationist campaign. This campaign does no one justice, as Ireland has been a shining light for the rest

[Deputy Chris Andrews.]

of the Union and further afield. When one considers all we have received from it, it is amazing to think some wish to pull up the drawbridge on other countries which are in the same position we were in 35 years ago. It is disappointing that people pretend to care about the European Union when, in fact, they only wish to pull down the shutters, keep what we have and make sure nobody else benefits as we did.

Many have questioned the motives of the “No” campaign and its leaders. Some wonder why, after years of doing business with the US military, some involved in the “No” campaign have suddenly found an interest in defending Irish sovereignty and political structures. Personally, I welcome Libertas’s concern for Irish political structures but I am more interested in who ignited this concern and who would gain most from a “No” vote. The United States does not want a strong European Union, as it does not suit its interests. I am not usually a believer in conspiracy theories but the contributions of Oliver North and other US military luminaries in Central America give cause for grave concern. It seems the US military establishment would be happiest with a “No” vote, and I am concerned that Declan Ganley is the political wing of the US military generals. This is a dangerous and sinister situation. I thank the Acting Chairman for his forbearance.

10 o'clock

Estimates for Public Services 2008: Message from Select Committee.

Acting Chairman (Deputy Brian O’Shea): The Select Committee on Justice, Equality, Defence and Women’s Rights has completed its consideration of Votes 19, 20, 21, 22, 23, 36 and 37 for the year ending 31 December 2008.

Adjournment Debate.

Hospital Accommodation.

Deputy Joe Costello: This is an important issue and I would like a straightforward response from the Minister.

Last week we heard that 100 jobs were being lost at Our Lady’s Children’s Hospital in Crumlin. This was basically because of mismanagement; the money had run out and people had to be let go. That is no way to run a hospital. Obviously no hospital could provide a full service with such a sudden reduction in staff numbers. The hospital is now starved of resources and it will be difficult to provide the services required.

The Children’s University Hospital in Temple Street, like the hospital in Crumlin, does sterling work. However, it is located in antiquated residential buildings which are a couple of hundred years old and it now has a bevy of outhouses, extensions and prefabs. Thus, it too is totally unsuitable for the job it is supposed to do as a children’s hospital. For a quarter of a century Temple Street hospital has been promised a new building on a designated site at the Mater hospital. However, every time a solution seemed to be in sight it was dashed within a short space of time. Finally, in 2002, the national development plan seemed to provide the perfect remedy by allocating €400 million towards the redevelopment of Temple Street hospital on a designated site in the Mater campus. At last we thought we had a result.

More than €50 million was spent on the design, preparation and planning process. However, in December 2006, at the eleventh hour, as tender for the construction of the project was about to be opened, the Department of Health and Children countermanded the instruction. The project was not opened to tender and instead, inexplicably, the Minister for Health and Children appointed a number of consultants to consider the feasibility of the project. The outcome

of this was the McKinsey report, in which it was decided, strangely, after a quarter of a century of considering the redevelopment, that this was the wrong way to go entirely. It was instead suggested that a new national children's hospital should be built to replace all the children's hospitals in the country. This occurred after the expenditure of €50 million on the project. A task force was then established to determine the optimum location for the hospital. It decided on the Mater site, which was much against the wishes of the consultants in Crumlin, who threatened legal action.

That was the decision of the Department, the Minister and the HSE. However, unfortunately, we have not heard a single word about the project since then. No master planners have been tendered for and no planning application has been considered. All the work that was done on the original children's hospital project has been jettisoned. At present, permission for redevelopment has been applied for by the new adult hospital at the Mater. All of this is happening in a vacuum, without reference to how the proposed national children's hospital will fit into the integrated campus.

It seems there is no will within the Department of Health and Children or the HSE for the project to continue. Worse still, it seems also that there is unlikely to be any money to continue with the project even if the will was there. One could say that in the absence of a national children's hospital what we do have is a national disgrace. The existing hospitals are being starved of the facilities, resources and staff they require. The hospitals are inadequate in terms of carrying out the work they are expected to do. In the last analysis, it is the sick children of the country and their parents who are suffering and will continue to suffer in the absence of the new children's hospital.

I ask the Minister for a straightforward answer on what is to happen with the proposed national children's hospital. When are we going to hear something about it?

Minister for Education and Science (Deputy Batt O'Keeffe): I will take this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

The development of the national paediatric hospital is a priority project for the Government. The objective is to provide a world-class specialist paediatric service for children in this country. The National Paediatric Hospital Development Board, which was established in May 2007, has statutory responsibility for planning, designing, building, furnishing and equipping the new hospital. The board is made up of representatives from transferring paediatric hospitals, the faculty of paediatrics of the Royal College of Physicians of Ireland, the public and the HSE. The executive is working closely with the development board in progressing the project. The board is in the process of recruiting a number of key personnel, including a chief officer and a medical director, to allow the project to progress to the next stage. The Department is advised that the development board hopes to be in a position to make these appointments shortly. The board is also procuring professional project management support services. Tenders for a business adviser service are currently being evaluated by the board.

Following the recruitment of the support teams, the next stage of the project will involve the preparation of a detailed development brief for the new hospital by the hospital management team. This will build on the work undertaken for the HSE by RKW, an established UK-based health care planning company, which involved the preparation of a high-level framework brief for the hospital. The target of the board is to have the development brief completed by the end of the first quarter of 2009. The brief will be converted into a detailed design, outlining the exact dimensions and specifications for the new hospital, to allow the project to proceed to tender for construction.

[Deputy Batt O'Keeffe.]

The legal requirements to enable the transfer of the designated site to the HSE have been agreed and the Department has been advised that the transfer of the site to the HSE has now been finalised. I am sure the Deputy will be pleased to hear this. I look forward to continuing progress on this important development.

Schools Building Projects.

Deputy Charles Flanagan: I thank the Minister for being here in person to deal with this matter, on which I hope we will see progress. This is a long outstanding problem which in recent times has descended into a farce. The situation with regard to primary school accommodation in Portlaoise is now a fiasco. It is likely that 80 to 100 pupils will have no school place in September. The Government still has not signed contracts to allow work to commence on a site purchased by the parish, at no cost to the State, at Summerhill on the Stradbally Road in Portlaoise. This would allow the long-awaited amalgamation of three town-centre primary schools, Scoil Mhuire, Sacred Heart and St. Paul's. Coinciding with this we will see the extension of a school on the west side of the town, Scoil Bhríde, Knockmay, and there is also the long-outstanding matter of the gaelscoil. Sadly, progress has been slow and I ask the Minister to intervene. The parish has invested €2.25 million in the project whereas the Department has not spent one cent. Rather than consulting stakeholders about its future, it has tried to force the gaelscoil into a half-built building at the site of the vocational school following the site's rejection by other primary schools in the area. This is a serious development and matter. Who is in charge?

Portlaoise's primary schools are beginning to resemble a prefab shanty town. More than 80% of the students of Scoil Bhríde, Knockmay, are taught in prefabs, but the school is being denied an extension. No one in the town has been consulted by the Department's officials, for which reason we find ourselves in this chaotic situation. Who is in charge and what plan is in force? The area is developing, but some of its children will not have educational facilities next September. Supposedly, this matter has been under way for ten years, but nothing is occurring. After this debate, will the Minister visit the town and meet me and my colleagues, Deputies Moloney and Fleming? If not in the town, will he meet us here? The situation cannot be allowed to continue. The Department seems to be shuffling paper from one section to another and avoiding decision making. Meanwhile, parents, pupils and all interested parties in Portlaoise do not know what will occur in September.

Deputy Batt O'Keeffe: I thank the Deputy for raising this matter as it provides me with the opportunity to outline to the House the Government's strategy for capital investment in education projects and to outline the current position in respect of the Department's long-term plan for Portlaoise in general.

Deputy Charles Flanagan: I seek specifics, not generalities.

Deputy Batt O'Keeffe: Funding to address the capital investment requirements of approximately 3,200 primary and 730 post-primary schools is ongoing. The Government has dramatically increased investment in the school building programme from just over €90 million in 1997 to €586.2 million this year. During the lifetime of the national development plan, almost €4.5 billion will be invested in schools, an unprecedented level of capital investment that reflects the Government's commitment to continue its programme of sustained investment in primary and post-primary schools.

As the Deputy is aware, a developing areas unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas. The main emphasis in

2008 is on providing sufficient school places in developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

Regarding Portlaoise generally, the developing areas unit has identified the town as an area of rapid development. In this regard, a decision has already been taken to provide three new post-primary schools and to amalgamate and expand primary provision to meet the area's growing needs. Educational provision at post-primary level needed to be addressed first and a new VEC school building has already been delivered. Two other post-primary school building projects are due to go on site this year and are being delivered by way of public private partnership. Each will cater for 850 pupils.

Now that the accommodation requirements of the town at post-primary level are well on their way to being addressed, it is proposed to deal with the primary school requirements. Approval in principle has been given for three large-scale primary building projects in Portlaoise, which will improve conditions for the schools concerned and provide much needed extra school places. Two new greenfield site schools will be built to facilitate the amalgamation of Scoil Náisúnta an Chroí Naofa, St. Paul's primary school and Scoil Náisúnta Mhuire. The new facilities will be configured as a junior and senior school and will cater for 1,600 pupils. The school authorities were given approval to appoint design teams and my Department is currently considering the nominees for ratification.

The third project is the extension of Scoil Bhríde, Knockmay, to create a 32-classroom school catering for 800 pupils. The school authorities were given approval to appoint design teams and my Department is also currently considering the nominees for this project for ratification. Progress on these proposed works will be considered on an ongoing basis in the context of the Department's multi-annual school building and modernisation programme

Due to the level of demand for pupil places in the Portlaoise area, the need to make further provision at primary level in addition to that outlined is being kept under continuous review by my Department. I am confident the measures outlined will assist in alleviating the immediate demand for pupil places in the area and I thank the Deputy for allowing me the opportunity to outline my Department's position on school provision in the Portlaoise area.

Deputy Jan O'Sullivan: Parents in Kilfinane, County Limerick will withdraw their children from school on Friday. They took this decision out of despair at the Government's failure to keep its promise. They are entitled to be told why the construction of their school has not been given the go ahead for this summer. No one has been able to explain why. Is it because they do not have enough political clout? The Minister stated that €586.2 million will be spent on schools this year, but not a penny will be spent on Kilfinane. There is no transparency about how the decision was made to build other schools, but not this one.

Kilfinane national school is at the bottom of the INTO's list of substandard schools, which Mr. John Carr, INTO general secretary, stated on radio this morning. It has been given numerous promises, has planning permission, has gone to tender and is the generic model for schools of its size, but the plug has been pulled. My colleague, Mr. James Heffernan, who lives in Kilfinane and is a past pupil of the school, tells me that people cannot believe they are being bypassed, given the school's condition. The children must queue in the yard to go to the toilet. The reason for the queue, shown on the front of yesterday's *Irish Examiner*, is that the teachers cannot let them go to the toilet when they need to because the teachers cannot, for health and safety reasons, let them out alone to cross the yard. Nor can they leave the rest of the class alone. Hail, rain or snow, young children must go to the toilet on cue using an outdoor toilet.

[Deputy Jan O'Sullivan.]

We need answers. While the Minister is new to the job, this is the Government's responsibility. If the contract is not signed by the end of June, the tendering process will have to start again. It will inevitably cost more. The children will have more than one more winter of queuing in all weather. They need a date when construction can start. Of all the billions of euro in the State's capital budget, surely two and a half million can be found so that children will not have to queue in the rain. Given this year's spend of €586.2 million, why can €2.5 million not be found for the worst national school in the country? I urge the Minister to find the money for Kilfinane national school.

Deputy Dan Neville: I take this opportunity to support the call for a new school at Kilfinane. In 2002, the school was promised for the following year. It was also promised before the last election, after which there was an expectation that the contracts would be signed. However, word came through last November that the school would not be built. Angry citizens, a broad representation of the people, not just teachers and parents of school children, attended a public meeting in Kilfinane. I understand the Minister visited the area last week to announce that the school would not be built this year.

Deputy Batt O'Keeffe: That is not correct.

Deputy Dan Neville: I was not present, but I was informed of the announcement in several telephone calls. There is an urgent need for a new national school in Kilfinane. Various promises were made since 2001 and there is deep concern that the school was not included in the most recent announcement on schools building projects last January. It was indicated to us at Easter but that did not happen either. The Department of Education and Science commissioned a feasibility study for this school as far back as 1999 and recommended that a new school be built on a greenfield site. The project has advanced to tender and construction stage and planning permission was granted in 2007. The existing school still has an outside toilet which has always been a significant cause of concern to parents, guardians and school staff. The board of management and staff continually strive to put measures in place to ensure pupils' safety at all times. It is becoming increasingly difficult to guarantee that safety, particularly in the wake of a sinister event that occurred during the summer regarding the children. This incident highlighted the vulnerability of pupils when they leave the school buildings to use toilets and has struck fear in the hearts of parents, guardians and staff. Nothing will allay this fear other than the construction of a new school.

The present building was constructed as a church in the 19th century and remodelled as a school in 1887. The last major refurbishment was undertaken in 1909. The classrooms are cramped, with three measuring only 35 m² and there is no room for sinks. The learning support and resource teacher and the secretary work in cubicles partitioned off the classrooms which is totally unacceptable. There is no indoor physical education facility and the high windowsills reduce visibility for teachers and pupils. There are continuous ventilation and heating problems despite the remedial works to address this. The glass and timber partitions between classrooms lead to significant noise interference.

I urge the Minister to immediately sign the contract to have this school constructed.

Deputy Batt O'Keeffe: I thank both Deputies for raising this matter as it provides me with the opportunity to outline to the House the position with regard to the proposed building project for Kilfinane — I had understood the name to be pronounced as spelled though others call it "Kilfennan" —

Deputy Jan O'Sullivan: It is pronounced "Kilfennan". The Minister should not listen to RTE.

Deputy Batt O’Keeffe: Kilfinane national school in County Limerick has a current enrolment of 126 pupils. It has a staffing of a principal, four mainstream assistants, one permanent resource teacher and one permanent learning support teacher, the latter post shared with another school.

Originally, the school board of management applied for capital funding to the Department for an extension project. A feasibility study was commissioned to examine the merits of upgrading and extending the existing building as opposed to the provision of a new school on a greenfield site. The Department took a decision in favour of the greenfield option on the basis of the outcome of this study and for reasons of cost effectiveness. A site was identified, inspected and found to be generally suitable for the construction of a new school. This has been purchased by the diocese.

It is intended to provide long-term accommodation in the new building for a principal, five mainstream assistants and the full range of ancillary accommodation appropriate to a school of this size. The project was included among those announced by my predecessor on 29 November 2006 to proceed to tender-construction stage. Tenders have been received and the project is now awaiting approval to proceed to construction.

I share fully the concerns of the school community in Kilfinane about their school building, particularly in the matter of the outdoor toilets. The Deputies will be aware that I visited the school recently at the request of my colleague, Deputy John Cregan, and I spoke directly to the pupils, teachers and parents. I assured them that this situation must be remedied as soon as resources are available.

Deputy Dan Neville: The Minister must make them available.

Deputy Batt O’Keeffe: However, the Deputies will appreciate that I am not — and I indicated this when I visited the school — in a position to give the go-ahead for any more projects to proceed to construction at this time, including that for Kilfinane. I do not want to mislead this school or indeed any other school in the same situation by making any suggestions to the contrary.

I indicated quite clearly to the community that I am currently reviewing with my officials the Department’s spending plans for this year, that I am in the middle of this process, that it will not be complete for some time and that I will not be making any decision on any further capital expenditure until that process is completed.

Under the last national development plan, more than 7,800 building projects were delivered to provide new and modernised educational infrastructure but the reality is that not all needs can be met together. They must be met incrementally and in order of priority.

Deputy Jan O’Sullivan: Surely outside toilets are a priority.

Deputy Batt O’Keeffe: This is why my Department consulted the education partners with regard to prioritisation criteria for the allocation of large scale capital funding and why these criteria are published. They are clear and unambiguous and they bring an openness and transparency as to how projects are selected for inclusion in the school building and modernisation programme. Not alone has their introduction improved the management of the building programme but they also ensure a clear-cut selection process and an orderly advancement, over time, of all school building projects, with the most urgent need being addressed first. They are subject at all times, however, as is the project for Kilfinane, or any other project, to the availability of funding.

[Deputy Batt O’Keeffe.]

I will continue my review and I assure both Deputies, as I assured Deputy Cregan, that I am quite concerned that we progress this matter as soon as possible but I will not be making any decision on this progress until such time as I have completed the review. I have asked the parents——

Deputy Dan Neville: We heard all that four years ago.

Deputy Batt O’Keeffe: ——the teachers and everybody involved to give me an opportunity to carry out that review to ensure that I do not make any promises that I cannot fulfill and for which the proper funding is not in place to ensure that the project can be completed. As soon as my review is finished, Kilfinane will certainly continue to be a priority for me.

Deputy Jan O’Sullivan: I cannot understand why outside toilets are not a top priority.

Deputy Batt O’Keeffe: They are a priority but I cannot and will not spend money when I am not aware of what I have. I gave that commitment to the parents of Kilfinane. I ask the Deputies to allow me the opportunity to go through my envelope for 2008 and if I can accommodate Kilfinane at the end of that review I will certainly do it and it remains a priority for me.

Deputy Jan O’Sullivan: I thank the Minister.

Special Areas of Conservation.

Deputy Mary Alexandra White: I am delighted that my debate was selected because I am very concerned about what is happening in special areas of conservations, SACs, particularly in my own area, the Blackstairs Mountains on the Carlow-Wexford border, and also on the upland areas of County Wicklow. Quads, sports utility vehicles and scramblers are using these beautiful upland commonage areas for recreational use. These lands are farmers’ fields. They use the lands for commonage grazing and they collect financial payments for that. Unfortunately, some people using quads, SUVs and scramblers are destroying the habitat on which these farmers graze their sheep. Under the EU habitats directive, farmers will be penalised, and I believe the Government will be also penalised unless it brings in by-laws or national legislation to protect these wonderful upland commonages. They are the most magnificent habitats, not only for sheep but for a wide diversity of flora, fungi and extraordinarily beautiful grasses.

I am concerned that unless we do something to protect these habitats we will be in trouble with Europe. I know that the national parks and wildlife service has conservation rangers who patrol the area Monday to Friday and in some areas they do so 365 days a year, particularly in the Wicklow uplands. Unfortunately much of this damage takes place at weekends and bank holidays. While a person must have a licence and must tax a quad, a SUV or a scrambler while it is in use on public roads, when such vehicles are used on the upland commonages many are without tax designation. Nobody knows who owns them and it is very hard to track down these people.

I am delighted there is ranger cover in some of the national parks but there is a need for by-laws where there is no cover. We know that there are by-laws in parts of County Wicklow and County Louth but I believe there is a specific need for a dedicated area for the use of quads in order to get them away from these wonderful areas, the SACs. The drivers could then indulge in their sport in a safe way that will not impact negatively on the uplands nor impinge on the farmers’ livelihood.

Coillte has a recreational policy position but I do not believe that such on its own is enough to address this issue. Coillte in its recent recreational policy document took a position. However this is not sufficient to address the issue. There must be, in tandem with the legislation, visible signals and a willingness to enforce the legislation. Otherwise our habitats will suffer and we could be left open to a charge from the European Union for not protecting these special landscapes. I live in one of these landscapes. There are penalties for unauthorised activities including the seizure of vehicles, fines of up to €3,000 and imprisonment of six months. However, detection and identification are virtually impossible. There are no prosecutions pending, although notices of special area of conservation designation have been served on several users. We need a concerted effort to protect our mountains and habitats. The Minister for the Environment, Heritage and Local Government, Deputy John Gormley, launched a position paper on protecting our bio-diversity, the loss of which would be significant. EU Directive No. 43 of 1992 obliges Ireland to protect these uplands.

In parts of England there are quad bike liaison groups which have done tremendous work in tandem with users and local authorities and have cut the unauthorised use of quad bike in SACs, mostly in sand dune areas. We should examine the option of this type of partnership the success of which was spectacular. I ask the Minister, Deputy O’Keeffe, if there are funds available to increase the number of wildlife rangers. Will the Minister encourage local authorities to enact by-laws or is there a form of national legislation that could protect these wonderful upland commonage areas? We owe it to farmers who graze sheep there and to the landscape to protect it from improper, recreational use of quads, scramblers and sports utility vehicles.

Deputy Batt O’Keeffe: I thank the Deputy for raising this matter. The Minister for the Environment, Heritage and Local Government, Deputy John Gormley, and convey apologies for his absence as he has another engagement. I welcome the opportunity to address the issue of the use of off-road vehicles in upland areas. This is an issue of concern because of the damage that such vehicles can cause to sensitive upland habitats, including such places as the Wicklow Mountains National Park and, in particular, to designated habitats.

New powers were taken to address this issue in the European Communities (Natural Habitats) (Amendment) Regulations 2005. These regulations make it an offence to bring onto, or place in, a designated area, any object, or carry out any activity, likely to damage such a site and includes powers of arrest and seizure in the event of non-co-operation by the offender.

The use of such vehicles is a “notifiable action” in upland heath and bog habitats designated as special areas of conservation under the habitats regulation. This means the specific consent of the Minister for the Environment, Heritage and Local Government is required.

The use of off-road vehicles sometimes involves driving in some of the most remote and rugged parts of the mountains, through fragile upland peatlands. This can cause soil erosion and damage to blanket bog and heath. Disturbance to wildlife may also occur. For example, I understand many quad bike riders seek to scale Lugnaquilla, the highest mountain in County Wicklow and barriers erected to prevent entry at certain locations have been damaged and knocked down.

While the Department of the Environment, Heritage and Local Government’s National Parks and Wildlife Service organises enforcement patrols, the sheer extent of these upland areas, numerous access points, lack of identification marks on off-road vehicles and their high mobility, make it very difficult to apprehend the offenders. Even if putative offenders are apprehended in such places as forestry car parks, it is generally not possible to establish that a particular person or vehicle was involved in the committing of an offence.

[Deputy Batt O’Keeffe.]

The Department is drafting amendments to the habitats regulations, which are planned to be put in place later this year. It is envisaged these regulations will contain measures to make the control of such vehicles and activities more effective. In this context, consideration is also being given to the introduction of registration and licensing requirements for recreational off-road vehicles.

In the meantime, anyone with information on where and when such activity is occurring should contact the relevant regional office of the National Parks and Wildlife Service.

The Dáil adjourned at 10.35 p.m. until 10.30 a.m. on Thursday, 5 June 2008.

Written Answers.

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

Questions Nos. 1 to 9, inclusive, answered orally.

Questions Nos. 10 to 72, inclusive, resubmitted.

Questions No. 73 to 81, inclusive, answered orally.

Tax Code.

82. **Deputy Seán Sherlock** asked the Minister for Finance if he will introduce an exemption on excise duty to make it viable for producers of energy crops for biofuel here to sell their product to the Irish market; and if he will make a statement on the matter. [19644/08]

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.

Under the scheme, biofuel produced under projects approved by the Department of Communications, Energy and Natural Resources are exempt from excise duty. This serves to reduce the additional costs associated with the production of biofuels and consequently allows them to compete with conventional fossil fuels. This fiscal incentive was 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 biofuels to be reduced from 21% to 13.5%.

Furthermore, Budget 2007 provided funding for a national top-up of the EU energy crop payment from €45 per hectare to €80 per hectare. This payment is operated by the Department of Agriculture, Fisheries and Food and provides farmers with a further incentive to grow energy crops.

The Deputy might wish to note that there are additional non-fiscal measures that can be used to promote biofuels. To provide further market certainty and encourage projects of scale, the Government has signalled its intention to move to a Biofuels Obligation by 2009 which will

[Deputy Brian Lenihan.]

require all fuel suppliers to ensure that biofuels represent a certain percentage of their annual sales. I understand the Minister for Communications, Energy and Natural Resources will shortly be launching a public consultation on the proposed biofuels obligation.

Household Indebtedness.

83. **Deputy Seán Barrett** asked the Minister for Finance his views regarding the high and rising levels of household debt. [21860/08]

Minister for Finance (Deputy Brian Lenihan): As the Deputy may be aware, within the implementation of the overall legislative and policy framework for financial services, household credit growth and debt levels are, in the first instance, a matter for the Central Bank and the Financial Services Authority of Ireland (CBFSAI). This follows from its role as part of the European System of Central Banks and its functions as the Financial Regulator, in relation to the prudential supervision of financial institutions and the Financial Regulator's statutory mandate to protect the interests of consumers of financial services.

It is important that growth in private sector credit and the increase in household indebtedness in Ireland over recent years are seen in the context of the strong economic performance, the achievement of record employment levels, sustained increases in after-tax incomes and low levels of interest rates in historic terms following Ireland's entry into EMU. Also, increases in household debt over recent years need to be seen against the background of the very significant increase in household assets over the same period. Furthermore, according to the most recent CBFSAI statistics, growth in private sector credit in the economy continues to moderate.

As far as safeguarding the interests of individual borrowers is concerned, the function of Government is to provide an appropriate legislative framework for effective and efficient regulation of the financial services sector, one that is both comprehensive and robust. I am satisfied that, on foot of the progress made over recent years, through such measures as the establishment of the Financial Regulator and the Financial Services Ombudsman, we have such a framework in place in Ireland.

In this context, the introduction of the Financial Regulator's Consumer Protection Code last year represents a major step in promoting the interests of consumers. The Code places obligations on regulated entities that provide credit which includes the requirement to act in their customers' best interests, to seek appropriate information about the consumer and ensure that the products and services provided are suitable to the consumer. They must also treat their customers fairly and have adequate procedures in place to handle complaints and arrears. These obligations are additional to the statutory prior information and warnings required under the Consumer Credit Act, 1995.

The Financial Regulator has prioritised the provision of information for consumers about the potential risk of excessive debt and has also drawn attention to the need for consumers to choose the right type of loan for their needs while developing a number of specific initiatives to help consumers make informed choices in terms of the financial products they choose, the amount of risk they take on and the cost of financial products.

In conclusion, I endorse the requirement consistently highlighted by my predecessor for responsible behaviour by both borrowers and lenders and in particular the need to factor into their financial decision making the effects of potential future changes in economic and financial conditions.

Question No. 84 answered with Question No. 79.

Tax Code.

85. **Deputy Phil Hogan** asked the Minister for Finance if he expects legislation to be introduced in 2008 on carbon tax; and if he will make a statement on the matter. [21196/08]

Minister for Finance (Deputy Brian Lenihan): As the Deputy will be aware the Carbon Tax issue is being examined by the Commission on Taxation. The Commission are due to report by September 2009, at the latest. It is open to the Commission if they wish to report prior to that date. However it seems reasonable to assume that there is unlikely to be legislation introducing a carbon tax in 2008. Notwithstanding that, as Minister for Finance, I will keep all options open in the context of preparations for Budget 2009.

86. **Deputy James Bannon** asked the Minister for Finance if he foresees any threat to the Irish corporation tax regime; and his plans to mitigate the possible effects. [21857/08]

Minister for Finance (Deputy Brian Lenihan): I want to assure the House that the Government's position on our corporate tax regime is unambiguous. It is clearly stated in the Programme for Government that the 12.5 per cent rate of corporation tax will remain.

Corporate taxation matters are and will remain within the competence of Member States. Our corporation tax system is protected, in an EU context, by the principle of unanimity in taxation matters. This principle is underpinned in the Reform Treaty, so that Treaty will not undermine our national discretions in this regard in any way.

Although the Deputy does not specify what threats to the Irish corporate tax regime he has in mind, he may be referring to the Commission's technical work on a common consolidated corporate tax base (CCCTB) which has been the subject of much recent discussion.

It is important to note that there has been no political decision taken on the CCCTB at the level of the Council of Ministers. The Commission is currently undertaking an economic impact assessment of a CCCTB and I understand that a decision on whether or not to bring forward a proposal to Council will not be taken until that impact assessment has been completed later this year.

As there has not been a formal proposal, it is very difficult to assess the impact of a CCCTB on Ireland and the EU overall. The Irish position on the CCCTB is well known and I will continue to highlight the difficulties I believe such a proposal could cause for individual Member States and overall EU competitiveness. There is, I know, increasing and widespread scepticism among Member States as the Commission's technical work continues.

87. **Deputy Seymour Crawford** asked the Minister for Finance the cost of not plugging the avoidance scheme on stamp duty; and the reason this was deemed an appropriate policy boost tool for the housing sector. [21879/08]

Minister for Finance (Deputy Brian Lenihan): Section 110 of the Finance Act 2007 made provision for a charge to stamp duty where license agreements and other such arrangements are used when land is purchased for development without conveyance or transfer. The provision ensured that these arrangements will incur a Stamp Duty charge where a landowner receives a payment amounting to 25% or more of the market value or consideration concerned. Section 110 is subject to a commencement order on the basis that it would be prudent to consider the state of the housing and property market before the provision is put into place.

For this reason, my predecessor commissioned an independent study of the potential effects that such a provision may have on the market.

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The Report is available for download on my Department's website at: <http://www.finance.gov.ie/documents/publications/reports/2008/S110Report.pdf>.

As these transactions, under current law, do not involve a liability to Stamp Duty, there is no requirement to present any documentation to the Revenue Commissioners for stamping and there is therefore no specific data on which to accurately estimate any revenue gains from commencing the provisions.

The Report also makes the point that there are no official data sources on the value of development land sales. It, therefore, gives an indicative estimate of the total value of the development land market in 2006 at c. €7bn to €8bn. Based on a technical assumption that 40% of land transactions using these arrangements, the Report estimated a potential revenue gain in 2006 of c. €251m if the provisions had been in place at that time. However, this estimate is based on the levels of activity in 2006 and, as a result, is not indicative of the revenue gain that would occur following commencement of the provisions at a later date. A more realistic figure for the revenue accruing from the provisions is in the order of €50m per annum.

It should be noted, however, that the Report recommended that, on balance the section should not be commenced at this time. In this regard, it indicates that Section 110 would have led to a rise in land prices, with a knock-on increase in house prices, especially for first-time buyers, and possibly risked exacerbating the down-turn in the property market. In addition, the Report highlighted that Section 110 would also have raised the cost to the State of PPP projects because of increased land prices.

The commencement of Section 110 of the Finance Act 2007 is kept under constant review and any further consideration of this issue has to take into account the prevailing circumstances in the housing and property markets.

Departmental Estimates.

88. **Deputy Olivia Mitchell** asked the Minister for Finance if he plans to alter the process of Estimate formation for 2009. [21919/08]

Minister for Finance (Deputy Brian Lenihan): I have no plans to alter the process for the 2009 Estimates at this stage. The wide-ranging reforms introduced by my predecessor in 2008 seem to have worked well and I would like to see them bedded down before embarking on further change. In addition, the priority for next year will be on further controlling the rate of increase in spending rather than on the process.

Price Inflation.

89. **Deputy Michael D'Arcy** asked the Minister for Finance if he has analysed the source of Ireland's faster rate of inflation in recent years and its implications for public policy. [21884/08]

Minister for Finance (Deputy Brian Lenihan): I would like to reassure the Deputy that my Department monitors inflation developments on an ongoing basis.

As measured by the Harmonised Index of Consumer Prices (HICP), annual inflation in Ireland was 3.3% in April 2008. Using the domestic measure — the Consumer Price Index (CPI) — the annual inflation rate was 4.3%.

The pick-up in inflation in recent years has been driven primarily by external developments, namely the global rise in oil and food prices and increases in interest rates. In the year to April 2008, food costs rose by some 8.4%, contributing 0.9 percentage points to the annual increase in prices while the cost of energy rose by 7.3%, contributing 0.6 percentage points. If the effect

of last year's interest rate increases were removed, CPI inflation in the 12 months to April 2008 would have been 3.5%.

The Deputy will recall that my predecessor increased the ceiling on mortgage interest relief for first-time buyers in Budget 2008 to address the CPI inflation impact of last year's interest rate increases.

In addition, I would expect that there should be a moderation in Ireland's inflation rate later this year as the recent depreciation in Sterling is passed through.

Achieving a moderate rate of inflation is a key economic policy priority given its importance in helping to restore national competitiveness. In recognition of this, the Government is taking positive action to control inflation. Over the short to medium-term this includes implementing responsible fiscal policies and promoting competition and increased price transparency through the work of the Competition Authority and the National Consumer Agency.

Over the longer term, the considerable investment in public infrastructure that the Government is undertaking as part of the National Development Plan will enhance our ability to produce more goods and services, which by improving the economy's efficiency should help to keep inflation in check.

Finally, from a competitiveness perspective, I would stress the importance of ensuring that the externally-driven price increases that we are currently experiencing are not exacerbated by internally-generated second-round effects. Securing a sensible and sustainable outcome to the current round of pay talks will have an important role to play in this respect.

Public Private Partnerships.

90. **Deputy John Deasy** asked the Minister for Finance his views on the concerns expressed by the Comptroller and Auditor General regarding reliance on public private partnerships. [21887/08]

Minister for Finance (Deputy Brian Lenihan): I presume the Deputy is referring to the comments that Mr. John Purcell, the former Comptroller and Auditor General (C&AG), made during his recent appearance on a television programme. Speaking after his retirement, Mr. Purcell noted that Public Private Partnerships (PPPs) are not a panacea for all of our infrastructure requirements and that PPP procurement suits appropriate projects. In the 2008 Public Capital Programme, the Government set targets for PPP investment that average 16% of total capital investment per annum for the period 2008 to 2012. Hence, the majority of public capital projects will continue to be delivered using conventional public sector procurement.

The former C&AG also noted at a recent hearing of the Committee of Public Accounts on April 17th 2008 that "it is not the case that PPP is good and traditional procurement is bad, or vice versa" but rather that "certain situations are more suitable to PPP solutions." I agree with these views. PPPs are one of the options available to government to serve the objectives of government and I have no plans to abandon that option.

Naturally, there are a variety of PPP models that can be applied in the procurement of projects. In choosing to adopt the PPP approach for a particular project, Departments and Agencies must assess, in conjunction with their advisers, the optimum structure to use, including whether or not to include private finance. In this regard, State authorities have access to the financial expertise of the National Development Finance Agency (NDFA) to assist them in determining the optimum means of financing public investment projects in order to achieve value for money. The NDFA will also advise State authorities on all aspects of financing, refinancing and insurance, including risk analysis.

Appointments to State Boards.

91. **Deputy Michael Noonan** asked the Minister for Finance if he will ensure that all of his appointments to State bodies will be tabled for consideration by the Joint Committee on Finance and the Public Service. [21923/08]

101. **Deputy Leo Varadkar** asked the Minister for Finance if there are Government procedures, protocols or ethical guidelines in relation to public appointments made by Members of the Government; if he will introduce same, if there are none currently in operation; and if he will make a statement on the matter. [17122/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 91 and 101 together.

The arrangements for appointments to the boards of State bodies are normally set out in the legislation establishing the bodies in question and are designed to ensure the efficient management of the organisation. Appointments to the boards are generally made by the Minister with responsibility for the body in question, subject to the consent of the Minister for Finance.

In making appointments, Ministers seek to ensure that the people appointed bring a diverse range of relevant skills and experiences to the body. Ministers also take account of any specific legislative or policy requirements such as those contained in the Workers Participation (State Enterprises) Acts or the Government's policy on gender balance on the boards of State bodies.

Where appropriate, Ministers may also consider representation from the different strands of society such as the business community, consumers, trades unions or the other social partners.

I am generally happy that the present arrangements, which follow the practice of previous Governments, work well and that people with the required skills and experience are appointed to State boards. Nevertheless I recognise that it might be useful to give some thought to involving committees of the House in appointments to some boards. This is an issue that some of my colleagues have been looking at in relation to boards under their remit.

National Development Plan.

92. **Deputy Liz McManus** asked the Minister for Finance his views on the assessment of the National Economic and Social Council that the Exchequer should borrow up to the EU limits in order to finance key infrastructure projects under the National Development Plan such as stepping up capital investment in education; and if he will make a statement on the matter. [21957/08]

Minister for Finance (Deputy Brian Lenihan): I assume the Deputy is referring to a recent newspaper report attributing this view to an unpublished National Economic and Social Council (NESC) Economic Report. Given that NESC have not published this report, I do not intend to comment as to its content.

The implementation of the National Development Plan is key to enhancing Ireland's competitiveness. However it was prudent management of the public finances by my recent predecessors that has allowed us to undertake this massive investment in our country's future in the first place. I will not deviate from that course and will only borrow for capital projects where there is a clear benefit to the country, all the while remaining within the parameters agreed within the EU Stability and Growth Pact. This Pact requires Ireland to adhere to its medium-term budgetary objective of a structured budget of close to balance.

Flood Relief.

93. **Deputy Denis Naughten** asked the Minister for Finance the steps he is taking to address the summer flooding in the Shannon Callows; and if he will make a statement on the matter. [19794/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): As indicated in reply to the Deputy's Question of 29 April 2008 (Ceist 94), the Office of Public Works has carried out vegetation removal at the Shannon Cut to reduce the level of summer flooding in the Callows. The OPW is currently revising its proposals for removal of silt from the channel at that location to address concerns raised by the Department of the Environment, Heritage and Local Government in response to OPW's initial application.

The OPW will consider, in conjunction with other stakeholders, whether similar work in other areas, or a review of the river's water management regime, would be beneficial.

The Catchment Flood Risk Assessment and Management Study of the River Shannon Catchment, which the OPW will commence within the next couple of years, will produce a comprehensive long-term flood management plan for the river. All interested parties will have the opportunity to contribute to the Study.

Question No. 94 answered with Question No. 78.

Departmental Agencies.

95. **Deputy Leo Varadkar** asked the Minister for Finance if his Department will complete an efficiency review and audit of all State agencies and bodies under the responsibility of his Department; if he has plans to merge or abolish any State agencies or bodies; and if he will make a statement on the matter. [20593/08]

Minister for Finance (Deputy Brian Lenihan): In line with my predecessor's Budget 2008 announcement, the Department of Finance has engaged in the efficiency review exercise on the same basis as all other Government Departments, with a view to identifying possible savings on administrative spending. The exercise has included the bodies within the aegis of my Department. I am now considering the various responses my Department has received under the Efficiency Review initiative with a view to reverting to Government on the matter in the near future. Any issues concerning State agencies and bodies would also be considered by the Government in that overall context.

Fiscal Policy.

96. **Deputy Damien English** asked the Minister for Finance his latest estimate for Exchequer borrowing in 2008. [21893/08]

Minister for Finance (Deputy Brian Lenihan): At Budget time, an Exchequer deficit of €4,866 million was projected for this year.

At end-April, my Department published information which showed that overall tax receipts for the first four months of the year were €736 million, or 5.3 per cent, behind target. At the time it was indicated that it was not expected that the tax shortfall would be recouped. Later today, as is the norm, my Department will publish detailed information in relation to the Exchequer position at end-May. In relation to tax revenue, these numbers will show a further deterioration in taxes and as previously indicated the shortfall is not expected to be recouped later in the year. My Department monitors tax receipts and expenditure on an ongoing basis

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and an updated view on the expected Exchequer position in 2008 will be presented at the end of this quarter.

While the fiscal position has weakened from that envisaged at Budget time, this has to be considered in the context of the strong position of the public finances such as our low debt to GDP ratio.

Economic Competitiveness.

97. **Deputy Terence Flanagan** asked the Minister for Finance if he has had cause to revise the projections for the public finances set out in the run-up to the general election; and if he will make a statement on the matter. [21901/08]

Minister for Finance (Deputy Brian Lenihan): The relevant projections for the public finances in the run-up to last year's election were the three year projections published in Budget 2007 on 6th December 2006. Based on GDP growth of 4.6% for 2008 and a projected stronger fiscal position in 2007 than materialised, an Exchequer deficit of €1,559 million was anticipated for 2008. Since then revised projections were published on 5th December 2007 in Budget 2008 and an Exchequer deficit of €4,866 million was projected for this year. At this time an economic growth rate of 3.0 per cent in GDP terms was forecast for 2008. A number of specific risks to that forecast were highlighted and these are now materialising. While my Department has not published new forecasts, I would point out that the current market consensus forecasts for growth now average around 2 per cent for this year. More modest growth has implications for the evolution of the public finances.

At end-April, my Department published information which showed that overall tax receipts for the first four months of the year were €736 million, or 5.3 per cent, behind target. At the time it was indicated that it was not expected that the tax shortfall would be recouped. Later today, as is the norm, my Department will publish detailed information in relation to the Exchequer position at end-May. In relation to tax revenue, these numbers will show a further deterioration in taxes and as previously indicated the shortfall is not expected to be recouped later in the year. My Department monitors tax receipts and expenditure on an ongoing basis and an updated view on the expected Exchequer position in 2008 will be presented at the end of this quarter.

While the fiscal position has weakened from that envisaged at Budget time, this has to be considered in the context of the strong position of the public finances such as our low debt to GDP ratio.

Programmes for Government.

98. **Deputy Joe Carey** asked the Minister for Finance the reason he is unwilling to provide a costing of the proposals in the Programme for Government 2007 to 2012. [21868/08]

Minister for Finance (Deputy Brian Lenihan): The Programme for Government is a five year programme in which a number of guiding principles in relation to economic and budgetary matters have been set out.

As the Deputy is aware, the first instalment of the delivery of this five year Programme for Government — Budget 2008 — was published in December last. Budget 2008 announced all new spending and taxation measures in a single, unified way and was a significant reform providing for greater transparency. The costs associated with the decisions made were set out at Budget time.

Taking account of the overall macroeconomic and fiscal environment, further instalments will be made in the subsequent Budgets over the lifetime of this Government.

Credit Union Regulation.

99. **Deputy Bernard Allen** asked the Minister for Finance if he is satisfied with the progress being made to find a satisfactory system for deposit protection in credit unions. [21856/08]

Minister for Finance (Deputy Brian Lenihan): The Irish League of Credit Unions (ILCU) has since 1989, operated a savings protection scheme (SPS) for credit unions. The SPS aims to protect the individual savings of members by ensuring that credit unions are financially and administratively sound and provides for savings protection for each individual credit union member. It is important to note that under the SPS regime no member of a credit union has experienced any loss of shares and deposits and no credit union has become insolvent. The SPS has only been called upon in a very limited number of cases and it has never been necessary to make savings protection payments to individual credit union members.

Section 46 of the Credit Union Act 1997 provides for approval of savings protection schemes by the Registrar of Credit Unions. Initial ILCU proposals for reform of the SPS were the subject of discussions in 2007 between the Registrar and ILCU resulting in the submission of detailed revised proposals for the reform of SPS in November 2007.

Following the Registrar's assessment of these revised proposals he identified to ILCU in April 2008 outstanding issues which remained to be considered more fully relating to independence of the proposed company, funding of the scheme, stabilisation, regulation of the fund, regulatory powers and the need for consensus among credit unions.

As far as progress in finalising savings protection arrangements for credit unions is concerned, the Registrar of Credit Unions has recently advised my Department that he will make every effort to reach an agreement with ILCU on the basis of the resolution of the issues he has highlighted in relation to their reform proposal which would enable approval of the SPS under the provisions of Section 46 of the Credit Union Act, 1997. This is consistent with the objective in the Financial Regulator's Strategy Statement to conclude work during 2008 with a view to having an approved SPS in place as soon as possible.

The Deputy will wish to note that discussions between the Registrar and ILCU on the outstanding SPS issues commenced on 12 May last. While important issues remain to be determined it is hoped that the discussions will be concluded shortly with a view to having approved savings protection arrangements in place for credit unions under the provisions of the Credit Union Act comprising both savings protection for credit union savers and stabilisation arrangements for individual credit unions in appropriate circumstances.

Tax Yield.

100. **Deputy John Perry** asked the Minister for Finance his estimate of the extra VAT raised from oil products to date in 2008 as a result of the rise in international oil prices. [21933/08]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the only monthly information available as a basis for estimating the extra VAT generated as a result of the rise in international oil prices is the monthly clearances of Oil Products on which Mineral Oil Tax has been paid to the end of April.

The estimates of the additional VAT yield, provided below, are based on the monthly indicative prices as shown on the National Average Prices Index produced by the Central Statistics Office and comparing them to the corresponding prices in December 2007.

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On that basis the estimated additional VAT yield generated to the end of April 2008 is as follows:

Estimated Additional VAT

	€ million
Petrol	0.98
Diesel	0.33
Marked Gas Oil	0.88
Kerosene	0.71
Total	2.90

I am also informed that VAT returns do not require the yield from a particular sector or sub-sector of trade to be identified and therefore the VAT yield in 2008 to date on oil products cannot be provided. The figures provided in this reply for monthly VAT receipts are estimates of the amount of VAT yield that would be generated by the volume of clearances of oil products up to the end of the period in question. Mineral Oil Tax is paid in the month of clearance of the product but, depending on the nature of the registration status of a trader, VAT returns can be made monthly, bi-monthly, quarterly, half yearly or annually. This will dictate the point in time when VAT on sales will actually be paid to Revenue.

It should also be noted that the VAT content of purchases of Auto-Diesel, Marked Gas Oil and Kerosene is a deductible credit for business in the Irish VAT system. The additional VAT raised on LPG is negligible as sales of this product are very low.

Question No. 101 answered with Question No. 91.

Gambling Regulations.

102. **Deputy Ciarán Lynch** asked the Minister for Finance the position regarding consultations which have taken place with respect to changes to the gambling legislation; if he will bring forward legislative proposals in this regard; if he has had discussions with the Department of Justice, Equality and Law Reform on the matter; and if he will make a statement on the matter. [21954/08]

Minister for Finance (Deputy Brian Lenihan): The Casino Regulation Committee, established in 2006 by the then Minister for Justice, Equality and Law Reform, in undertaking its work examined the issue of gambling.

As the Deputy will be aware, in my previous capacity as Minister for Justice, Equality and Law Reform, I informed the House on 17 April that the whole issue of regulating gaming in Ireland was best addressed through the publication of the Casino Regulation Committee's report *Regulating Gaming in Ireland* and by referring it to an informal All-Party Committee for consideration. While the report deals primarily with the regulation of gaming in Ireland, it is clear that the complex issues involved have implications for other areas of gambling including sports betting. Therefore, the issue of legislative reform for gambling as a whole should not arise until the complexities of the report have been considered fully.

Responsibility for considering the Casino Regulation Committee's report now rests with my colleague the Minister for Justice, Equality and Law Reform, Dermot Ahern, TD. Minister Ahern, on 28 May, informed the House that while he had not yet had the opportunity to consider how to best advance the complex issues involved, he intended to move quickly and

that he was conscious of the need to ensure that the widest possible range of views was canvassed and brought to bear on settling public policy in this area. I support Minister Ahern's approach.

Tax Code.

103. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will confirm the reported decision of the Commission on Taxation to defer consideration of carbon taxation; if so, if the commitments on this form of taxation in the Programme for Government are now defunct; and if he will make a statement on the matter. [21948/08]

Minister for Finance (Deputy Brian Lenihan): The Carbon Tax issue is being examined by the Commission on Taxation. The Commission is due to report by September 2009, at the latest. The Deputy will appreciate that how the Commission organises its work is a matter for the Commission itself.

The Programme for Government includes a commitment to introduce a carbon tax/levy over the lifetime of the Government and that remains the position.

General Election Expenses.

104. **Deputy Joanna Tuffy** asked the Minister for Finance the returning officers who still have outstanding claims for expenses in relation to the 2007 general election; and the amount of such claims. [20780/08]

Minister for Finance (Deputy Brian Lenihan): There are no outstanding claims to hand in respect of the expenses for the 2007 General Election. My Department has completed examination of most of the accounts submitted by the Returning Officers. As a result of this examination, in a number of instances Returning Officers were asked to repay outstanding balances, being the difference between the amount advanced and the actual cost. Most of the balances have been recouped and those remaining are small in value terms.

Economic Competitiveness.

105. **Deputy Jan O'Sullivan** asked the Minister for Finance his views on the fall in the ESRI consumer confidence index to its lowest level since the index was first introduced and by the 2.1% year on year fall in retail sales, the first fall in retail sales since 2004; the expected effect on VAT returns for 2008 compared to the VAT profiles prepared by his Department in late 2007; and if he will make a statement on the matter. [21963/08]

Minister for Finance (Deputy Brian Lenihan): I am aware of the recent decline in consumer sentiment as measured by the Consumer Sentiment Index, which is prepared by the ESRI in conjunction with a commercial bank. The Consumer Sentiment Index aggregates consumer views on present economic conditions and their perception of prospects over the next 12 months. This year the economic environment has become more challenging. There are a number of international factors which will weigh upon the economic outlook. The downturn in the U.S. economy is of particular concern, as is the appreciation of the euro against both the dollar and sterling. International financial market difficulties also represent a downside risk to the economy. Rising prices for oil, food and some other commodities is dampening real income growth in most of our major trading partners. Domestically, a further decline in new house building is expected this year which will also impact upon our economy.

Against this background retail sales data for first quarter of 2008, as published by the CSO, show a year-on-year inflation-adjusted decrease of -0.2 per cent in retail spending on the corre-

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spending period last year. Excluding car sales, retail sales rose by 2.1 per cent in the first quarter. VAT receipts for the first four months of 2008 were €277 million or 5.4 per cent behind profile.

106. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if his Department has revised the forecast rate of unemployment and the growth rate in employment contained in Budget 2008. [21937/08]

108. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if his Department has given consideration to the impact of rising unemployment on the tax take, both in terms of income tax revenue and revenue from spending taxes. [21936/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 106 and 108 together.

On Budget day, my Department projected that unemployment, based on the classification used in the CSO Quarterly National Household Survey, would average 5.6 per cent for this year, a pick-up of 1 per cent compared to the 4.6 per cent average unemployment achieved in 2007. While employment would continue to rise — an increase of 1.1 per cent was forecast — this was expected to be considerably weaker than experienced in recent years. My Department, as always, continues to monitor the emerging labour market position, including developments in terms of the Live Register, which measures on a weekly basis those signing on for social welfare entitlements.

Tax revenues are forecast on a disaggregated individual tax-head basis using relevant macro-economic drivers and, where appropriate, certain elasticity factors. When preparing the Department's forecasts, changes in employment, earnings and consumption patterns are taken into account. In the tax data published to date, the weakness in revenue is mainly associated with the weaker property market.

National Development Plan.

107. **Deputy Ulick Burke** asked the Minister for Finance if he plans to review the National Development Plan to identify priority elements. [21866/08]

Minister for Finance (Deputy Brian Lenihan): The NDP will be subject to a comprehensive mid-term review in 2010 in respect of the first three years' implementation from 2007 to 2009. Any possibilities for reprioritisation of investment that arise from the review will be considered at that juncture. In the meantime, priorities for Exchequer investment will be considered in the annual estimates process in the normal way.

Question No. 108 answered with Question No. 106.

Public Private Partnerships.

109. **Deputy Pat Rabbitte** asked the Minister for Finance the public private partnership projects which his Department has identified as being at risk from withdrawal by the private sector contractor; the extent of these perceived risks; the steps being taken to ensure these projects reach completion; and if he will make a statement on the matter. [21978/08]

Minister for Finance (Deputy Brian Lenihan): I have no list of projects that may or may not be subject to the risk referred to in the question. Individual Ministers are responsible for the

projects in their area and apart from the one recent case in the media, I have not been notified of any concerns in this regard.

Freedom of Information.

110. **Deputy Michael D'Arcy** asked the Minister for Finance if he has plans to abolish fees for Freedom of Information requests in view of the recent recommendation of the OECD which concluded that such charges imposed by State Departments and agencies were a disincentive to greater openness; and if he will make a statement on the matter. [18022/08]

Minister for Finance (Deputy Brian Lenihan): With regard to the fees that apply under the Freedom of Information Act, I am aware of the OECD's recommendation and I do not agree that the fees for FOI requests are a disincentive to greater openness. The application fee of €15 was first introduced in 2003 and has not been increased since then. FOI requests for non-personal information, to which a fee applies, have gone down from 7,216 in 2003 to 3,044 in 2007. At the same time, the number of applications for personal information, for which no fee is applied, have also gone down from 10,842 in 2003 to 7,558 in 2007. These figures clearly indicate that the application fee is not the primary driver in the reduction in application levels. In these circumstances, I am satisfied that the fees currently in operation strike the appropriate balance between the cost of administering the FOI Act and the right to access information.

National Centre for Science and Discovery.

111. **Deputy Mary Upton** asked the Minister for Finance when the National Centre for Science and Discovery is expected to open; the estimated cost of this project; and if he will make a statement on the matter. [17676/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The National Centre for Science and Discovery, or Exploration Station, as it is known is currently scheduled to be housed in a building on the Heustongate development site in Kilmainham.

It is planned to bring the Heustongate development to the market and have the Exploration Station building provided to the State as part of the 'community gain' provision set out in the planning permission attached to the site.

As the development will be offered for development in a public tender process, the estimated cost figure for the Exploration Station building is commercially sensitive information and cannot be released at this time.

A definitive date for the opening of the facility cannot be given at this time as no decision has yet been made as to the exact date on which Heustongate will be offered to the market due to the current market uncertainties.

Tax Yield.

112. **Deputy Jim O'Keeffe** asked the Minister for Finance the average take to the Exchequer from each new house which is built; and if he has proposals to encourage an increase in house building in view of the present downturn. [21944/08]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that, generally speaking, the direct yield of taxation to the Exchequer on the sale of new houses relates to VAT which is charged at the reduced VAT rate of 13.5%.

According to the Department of the Environment, Heritage and Local Government statistics, the average price of a new home in 2007 was €322,634. The amount of VAT included in that price would be €38,375.

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Regarding stamp duty, the yield from residential stamp duty arises mainly from the sale of second-hand houses. New houses purchased by owner occupiers are exempt from stamp duty where the floor area is less than 125m². In the case of larger homes, the stamp duty is computed on the greater of the site value or a quarter of the property value exclusive of VAT. However, in the case of investors purchasing new houses, stamp duty is applied at the same rate as that charged on second-hand houses. First-time owner-occupying purchasers of new or second-hand residential property are exempt from stamp duty.

The Government and its agencies have worked to support a level of housing output that meets market demand over recent years. As a result, more people have been able to purchase a home. The Government will continue to support investment in infrastructure to deliver the required level of housing and improve affordability. The quality and affordability of housing is vital to both the country's social cohesion and its competitiveness.

The level of construction of private housing is ultimately driven by market forces and neither I nor the Minister for the Environment, Heritage and Local Government have proposals at this time to intervene to influence the output of housing.

Pay Awards.

113. **Deputy Pat Breen** asked the Minister for Finance if he is satisfied with the operation of performance related pay. [21861/08]

Minister for Finance (Deputy Brian Lenihan): Following a decision by the Government on the implementation of recommendations in Report No. 38 of the Review Body on Higher Remuneration in the Public Sector, schemes of performance-related awards were introduced for the levels of Deputy Secretary and Assistant Secretary in the civil service, the Deputy Commissioner and Assistant Commissioner ranks in the Garda Síochána and the ranks of Brigadier General and Major General in the Defence Forces.

The schemes of awards are based on performance by reference to demanding targets. The pool for performance awards is 10% of the pay bill for the group concerned. Within that overall limit individuals can receive payments of up to 20% of pay (although payments at that level would be very rare).

I have no role in the decisions on awards. Decisions on awards are made by the Committee for Performance Awards (CPA), which includes a majority of private sector members. The main roles of the Committee are to monitor the application of the scheme of performance-related awards and to bring independent judgement to bear in approving objectives for the persons covered by the scheme and in approving recommendations for awards.

Details of the procedures, the numbers covered by the schemes, the range of awards and the total amounts paid in Departments are outlined in the annual reports of the Committee (available on the website www.finance.gov.ie). The annual reports provide a commentary on how the schemes have operated each year and the CPA make suggestions about how aspects of the scheme can be improved.

The performance related pay schemes are monitored by an independent body — the CPA — and I am satisfied that the CPA is fulfilling its remit in relation to the schemes.

There are separate schemes of performance-related awards for senior staff of local authorities and the health service. The Committee for Performance Awards in the Local Government sector deals with the assessment of performance for senior managers in local authorities. For senior managers in the health service, the board of the HSE/relevant agency makes awards

based on the agreed criteria. The scheme is quality assured by the PRA Oversight Committee which is chaired by the Secretary General of the Department of Health & Children.

Schemes of performance-related pay can also apply to the Chief Executive Officers of non-commercial State sponsored bodies (and in some cases, to the second tier of management). The Review Body considered that certain conditions should be in place non-commercial State-sponsored bodies before schemes of performance-related awards were introduced for the CEOs of those bodies. Where these conditions are met, the Board of the body concerned can submit a scheme to the parent Department and, subsequently, my Department for approval. These schemes are also based on the achievement of stretched targets and provide for a maximum bonus of 20% of pay. The guidelines provide that awards of between 15% and 20% should arise only in the most exceptional situations where performance has surpassed all reasonable expectations and has resulted in the achievement of a major goal of the body. Decisions on the level of payment to be awarded are the responsibility of the Board of the body concerned.

Revenue Investigations.

114. **Deputy Jan O'Sullivan** asked the Minister for Finance if he will confirm recent reports that the Revenue Commissioners intend to carry out an investigation into large cash deposit holders; the details of any such proposed investigation; the way it is to be carried out; if his attention has been drawn to the concerns expressed by the many compliant taxpayers, many of whom are older people who may have received significant tax free lump sums upon retirement; and if he will make a statement on the matter. [21962/08]

Minister for Finance (Deputy Brian Lenihan): Under recently introduced regulations certain financial institutions (Banks, Building Societies and the Post Office Savings Bank) are required to submit to Revenue details of interest earned on accounts where that interest exceeded €635. For the years 2005 and 2006 the information will be submitted to Revenue by the 15th September 2008, and for the year 2007 by the 31st October 2008.

In advance of the 15th of September, Revenue has recently launched a voluntary disclosure initiative, focused on holders of larger accounts who have not been tax compliant. It applies to persons who held aggregate funds in excess of €100,000, in one or more interest bearing accounts in these financial institutions and who have previously undeclared tax liabilities. Under the initiative, persons who fall into this category have the opportunity to give notice to Revenue, before the 15th of September next, of their intention to make a qualifying voluntary disclosure and to subsequently pay the outstanding liabilities. Those who avail of this opportunity will pay reduced penalties and will not have the settlement details published in Iris Oifigiúil. This is in line with the approach outlined in the Code of Practice for Revenue Auditors which provides for the making of a voluntary disclosure prior to the commencement of an investigation or enquiry.

I am also advised that the Revenue Commissioners are very conscious that the majority of deposit account holders for whom reports will be provided will have no outstanding tax issues because the moneys on deposit will have come from sources such as previously taxed income or gains, lump sums on retirement and similar tax free amounts. Therefore, persons who hold such accounts and who are tax compliant are not within the scope of the Revenue initiative and are not required to give any notice, or make any disclosure to Revenue.

Comprehensive information, including Frequently Asked Questions have been placed on the Revenue website www.revenue.ie giving further details of Revenue's initiative.

Tax Yield.

115. **Deputy Seán Sherlock** asked the Minister for Finance the amount raised from excise duties on petrol and diesel respectively for the years 2005, 2006, 2007 and to date in 2008; the amount raised from VAT on petrol and diesel respectively for the years 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [21968/08]

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 these products for the years 2004 to 2007 and the first four months of 2008 are as follows:

Mineral Oil Tax

	2004	2005	2006	2007 Prov	2008 (Jan to Apr) Prov
	€m	€m	€m	€m	€m
Petrol	970.7	1,001.9	1,026.4	1,051.3	382.4
Auto Diesel	870.7	920.5	1,016.7	1,075.8	392.6
Marked Gas Oil	70.9	72.9	68.8	68.4	26.2
Kerosene	33.5	33.7	18.0	0.0	0.0
Total	1,945.8	2,029.0	2,129.9	2,195.5	801.2

Estimated VAT Yield

	2004 Est.	2005 Est.	2006 Est.	2007 Est.	2008 (Jan to Apr) Est.
	€m	€m	€m	€m	€m
Petrol	342	393	440	465	177
Auto Diesel	38	46	53	57	23
Marked Gas Oil	48	65	73	70	31
Kerosene	51	69	79	77	46
Total	479	573	645	669	277

Note: The VAT yield from petroleum products 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.

Decentralisation Programme.

116. **Deputy David Stanton** asked the Minister for Finance further to Parliamentary Question No. 135 of 8 April 2007 the further progress that has been made in decentralisation to Youghal in particular in the sourcing of suitable temporary accommodation to allow the early decentralisation of some staff of the Public Appointments Service; and if he will make a statement on the matter. [21946/08]

Minister for Finance (Deputy Brian Lenihan): The Public Appointments Service (PAS) will decentralise one hundred (100) posts to Youghal. Arrangements are proceeding in accordance with their Decentralisation Implementation Plan. In accordance with the indicative timescale set out in the Decentralisation Implementation Group's Report to Government in July 2007

the PAS is working towards decentralisation to Youghal in the 3rd quarter of 2009. Eleven (11) staff are currently in posts in Dublin awaiting a transfer to Youghal.

I am informed that the Commissioners of Public Works have agreed to purchase a site comprising 1.21 hectares/ 2.98 acres from Cork County Council at Youghal for the sum of €1.8 million. The intention is to build new offices on the site to accommodate 100 staff from the Valuation Office and 100 staff from the Public Appointments Service under a design/build process which will be initiated once the purchase is completed.

The purchase terms were agreed with the Council in late 2006, but the draft Contract for Sale was not received from Cork County Council's Solicitors until October 2007. The draft Contract is still under negotiation with the Council on a number of title related issues.

The Public Appointments Service has indicated that it would locate approximately 10 staff in an advance office in Youghal, if the Commissioners of Public Works could source suitable short-term office accommodation. However, no suitable accommodation has been identified to date.

Financial Services Regulation.

117. **Deputy Joan Burton** asked the Minister for Finance if, in view of the turmoil in the international financial markets and consequent concerns about probity in Irish financial markets, he is satisfied that the regulation of financial markets here is sufficiently robust and thorough, particularly in view of a recent Supreme Court ruling that the executive chairman of a major Irish company used insider information to trade illegally, has only recently resigned following the Irish Association of Investment Managers stating that it is inappropriate for them to remain in office; and if he will make a statement on the matter. [21984/08]

Minister for Finance (Deputy Brian Lenihan): I should first explain that policy responsibility for market abuse legislation is a matter for my colleague, the Tánaiste and Minister for Enterprise, Trade and Employment.

It is important to emphasise that the statutory framework for financial regulation in Ireland is largely shaped by a detailed and comprehensive EU template, which applies across the Union. The Irish financial services industry is also supported by a strong and credible regulatory system. Our principles-led regulatory system maintains the highest standards and the recent OECD economic survey of Ireland gave high marks to the Irish regulatory system, acknowledging in particular the important forward-looking actions taken by the Financial Regulator in advance of the market turmoil in the latter part of 2007. The International Monetary Fund in its assessment of the stability of Ireland's financial system also commented very favourably on the progress achieved in strengthening the regulatory and supervisory framework in Ireland.

The case to which the Deputy refers occurred prior to the enactment of the legislation which currently governs market abuse. The legislative framework which now applies to market abuse issues is S.I. No. 342 of 2005, the Market Abuse (Directive 2003/6/EC) Regulations, 2005. These regulations apply to all financial instruments admitted to trading on the main market of the Irish Stock Exchange and reflect the provisions of the EU Market Abuse Directive which embodies best practice international standards to guard against insider trading and market manipulation.

Responsibility for the day-to-day administration of this legislation is a matter for the Financial Regulator. Since it took on this function, the Financial Regulator has introduced additional market abuse rules. I understand that the Financial Regulator has also been working throughout 2007 and continues to work on strategic plans to strengthen significantly its supervisory

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role in relation to the financial markets. Furthermore it has substantial powers available to it to compel evidence and to impose administrative sanctions.

Consequently, I am satisfied that Ireland has a strong legislative framework for financial regulation, including in relation to market abuse, and that this is complemented by a robust supervisory regime.

With regard to the particular case referred to by the Deputy, it would not be appropriate for me to comment on an individual case in respect of which the Director of Corporate Enforcement has applied for the appointment of High Court inspectors.

Credit Union Regulation.

118. **Deputy Liz McManus** asked the Minister for Finance if he has plans to introduce a list of restricted risky investments which credit unions will be advised against purchasing; and if he will make a statement on the matter. [21956/08]

Minister for Finance (Deputy Brian Lenihan): As Minister for Finance, my role is to ensure that the legal framework for credit unions is appropriate for the effective operation and supervision of credit unions. The Registrar of Credit Unions is responsible for administering the system of regulation and supervision of credit unions provided under the Credit Union Act, 1997 with a view to the protection by each credit union of the funds of its members, and the maintenance of the financial stability of credit unions generally.

Under the legislative framework set out in the Credit Union Act the primary function of credit unions is to offer savings and loans services to its members. In view of the very significant growth over recent years in shares and deposits in many credit unions over and above what is required for their lending activities, significant resources have been available for investment by credit unions to generate a return for members. Credit union investments are governed by Section 43 of the Credit Union Act, 1997 which restricts investments to those which trustees are authorised to invest in under the Trustee (Authorised Investment) Order 1998. The Registrar of Credit Unions also has powers under Section 87 (3) (b) of the Credit Union Act to give a regulatory direction to a credit union, if he deems it appropriate in the interest of members, to limit investments of a specified class or description.

The Board of Directors of each individual credit union is responsible for ensuring that its investment policy is prudent and responsible and conforms to what is legally permissible under the Credit Union Act. In order to assist Boards in effectively discharging this important function, in October 2006 the Registrar of Credit Unions issued a detailed Guidance Note on Investments to help safeguard the risk profile of credit union investments and ensure that members' savings continue to be protected. This provides the basis for monitoring the investment activities of credit unions by the Registrar. Following the changes in financial market conditions for investments since August 2007 the Registrar of Credit Unions on foot of a request from my Department has initiated a process, including consultation with stakeholders, with a view to revising the existing investment framework. This review will be informed by such factors as recent market developments and an assessment of the investment activities of credit unions overall. The Registrar has undertaken to keep my Department informed of progress.

Economic Competitiveness.

119. **Deputy Jack Wall** asked the Minister for Finance his views on reports of significant reductions in the number of high street shoppers around the country and that the Cental

Statistics Office has recently recorded the first year on year fall in retail sales since 2004; the impact this will have on consumer spending and VAT returns for 2008; and if he will make a statement on the matter. [21967/08]

Minister for Finance (Deputy Brian Lenihan): The main source of short-term trends on consumer spending is the monthly retail sales data series, published by the CSO. The latest data relate to the first quarter of 2008, and show a year-on-year inflation-adjusted decrease of -0.2 per cent in retail spending on the corresponding period last year. Excluding car sales, retail sales rose by 2.1 per cent in the first quarter. It is clear that consumer confidence has deteriorated recently, as the outlook for the economy and employment has become less benign. This would appear to be impacting upon people's spending decisions.

The Budget day forecasts for VAT receipts this year are partly based on this more modest rate of consumer spending. VAT receipts in the opening months of the year are behind profile. Later today, as is the norm, my Department will publish detailed information in relation to the Exchequer position at end-May.

Data Protection.

120. **Deputy Ciarán Lynch** asked the Minister for Finance if he will introduce legislation as a matter of urgency to ensure that Irish banks are compelled to come clean about security breaches in relation to personal data as soon as they become apparent; and if he will make a statement on the matter. [21955/08]

Minister for Finance (Deputy Brian Lenihan): I should first explain that legislative and policy responsibility for data protection is a matter for my colleague, the Minister for Justice, Equality and Law Reform. Also, enforcement of data protection legislation is the responsibility of the Data Protection Commissioner. As Minister for Finance, I have, therefore, no statutory function in relation to the matter raised by the Deputy in his question. Hence, pending consideration of this matter by the relevant Minister it would not be appropriate for me to make any substantive comment as to the case for legislation to compel holders of personal data which, the Deputy will appreciate, involves far more entities than simply banks, to disclose security breaches.

This issue does however serve to highlight once again the absolute necessity for all organisations in the public and private sector to take their data protection responsibilities seriously. In particular, all organisations should have appropriate security measures in place to protect the personal data for which they have responsibility including as necessary any portable devices on which personal data may be stored. If a need is found, appropriate security measures such as encryption should be put in place immediately.

As far as the financial sector in particular is concerned, as the Deputy may be aware the Financial Regulator has recently stressed the requirement for financial institutions to comply with all aspects of the law and regulatory requirements including in relation to compliance with Data Protection Regulations. The Financial Regulator and the Data Protection Commissioner have confirmed that they are co-operating in respect of any specific issues relating to confidential personal information held by financial institutions.

Tax Code.

121. **Deputy Jack Wall** asked the Minister for Finance if he will propose changes in the treatment of people who are non-resident for tax purposes but in effect live in Ireland, assisted in particular by the Cinderella rule whereby if they leave the country by 12 midnight, it does not count as a day for tax residency purposes; and if he will make a statement on the matter. [21966/08]

Minister for Finance (Deputy Brian Lenihan): A person is regarded as resident in the State for tax purposes in a tax year if he or she spends:

- (a) 183 days in the State in that year, or
- (b) 280 days in aggregate in that tax year and the preceding tax year.

An individual who is present in the State for 30 days or less in a tax year will not be treated as resident for that year unless he or she elects to be resident. Also, a day will only count if the individual is present in the State at the end of the day.

The tax residency rules were last updated in the 1994 Finance Act and they are similar to the rules that apply in many other developed countries. As with other areas of taxation, the rules are constantly kept under review.

Departmental Estimates.

122. **Deputy Emmet Stagg** asked the Minister for Finance if he will bring forward revised spending estimates for 2008 in view of the steeper than expected decline in Exchequer returns, the steeper than expected increase in the live register and higher than expected inflation; and if he will make a statement on the matter. [21972/08]

Minister for Finance (Deputy Brian Lenihan): The 2008 spending plans were set out in detail in the Revised Estimates for Public Services 2008 which were published on 21 February 2008. The Estimates provide for total gross expenditure of just under €62 billion made up of approximately €53 billion current expenditure and €9 billion capital expenditure. These are the settled spending allocations with which all Government Departments and Agencies must comply.

The end-April Exchequer returns showed that expenditure was broadly on target for the first four months of 2008. The question of bringing forward revised spending plans for 2008 does not arise.

Local Authority Funding.

123. **Deputy James Bannon** asked the Minister for Finance his views on sharing general tax revenue with local authorities. [21858/08]

Minister for Finance (Deputy Brian Lenihan): Local Authorities are multi-purpose bodies responsible for an extensive range of services. The annual budget of local authorities is formulated under eight main programme groups, including housing, water services, waste management, etc. In 2007, total expenditure by local authorities amounted to some €10 billion.

Capital expenditure is financed largely by State grants with the balance being funded from development levies and borrowings and own internal resources and property sales. Current expenditure is funded from a variety of sources, including charges for goods and services (31%), rates (26%) Government Grants and Subsidies (22%) and the Local Government Fund (20%).

The Local Government Fund (LGF) is a special central fund which was established in 1999 under the Local Government Act 1998. It is financed by the proceeds of motor tax and an Exchequer contribution. The Exchequer Contribution in 2008 amounts to €545m. The Fund provides local authorities with the finance for general discretionary funding of their day-to-day activities and for non-national roads, and funding for certain local government initiatives.

In March 2006, the then Minister for the Environment, Heritage and Local Government published an independent report on local government financing. The main recommendations, contained in the Report, included the introduction of more locally based sources of funding, the economic charging for local authority services generally, the imposition of a contribution

for commercial properties not currently covered by commercial rates, the extension of water charges and the introduction of a new tax on non-primary private residences.

The extent to which the Exchequer contributes to the Local Government Fund is determined in the context of the Public Service Estimates each year. As the Deputy is aware, the Commission on Taxation, established by my predecessor in February 2008, is reviewing the structure, efficiency and appropriateness of the Irish taxation system. Under its terms of reference, the Commission is specifically charged with considering options regarding the future financing of local government. I will consider this matter further in the context of the Commission's findings.

Economic Competitiveness.

124. **Deputy Eamon Gilmore** asked the Minister for Finance the position regarding the deterioration of the Exchequer position over the first five months of 2008; if he has plans to present an updated profile of Government revenues for 2008 in view of the fact that he has acknowledged that the Exchequer is unlikely to recoup in the second half of 2008 the shortfall from the first five months of 2008; and if he will make a statement on the matter. [21960/08]

Minister for Finance (Deputy Brian Lenihan): The most recent projections for the public finances were set out at Budget time when an Exchequer deficit of €4,866 million was projected for this year. At this time an economic growth rate of 3.0 per cent in GDP terms was forecast for 2008. A number of specific risks to that forecast were highlighted and these are now materialising. While my Department has not published new forecasts, I would point out that the current market consensus forecasts for growth now average around 2 per cent for this year. More modest growth has implications for the evolution of the public finances.

At end-April, my Department published information which showed that overall tax receipts for the first four months of the year were €736 million, or 5.3 per cent, behind target. At the time it was indicated that it was not expected that the tax shortfall would be recouped. Later today, as is the norm, my Department will publish detailed information in relation to the Exchequer position at end-May. In relation to tax revenue, these numbers will show a further deterioration in taxes and as previously indicated the shortfall is not expected to be recouped later in the year. My Department monitors tax receipts and expenditure on an ongoing basis and an updated view on the expected Exchequer position in 2008 will be presented at the end of this quarter.

While the fiscal position has weakened from that envisaged at Budget time, this has to be considered in the context of the strong position of the public finances such as our low debt to GDP ratio.

125. **Deputy Ruairí Quinn** asked the Minister for Finance if, in view of significant increases in the live register during the first quarter of 2008 and projected increases over the remainder of 2008, he will outline the impact such increases will have on the Exchequer in terms of increased social welfare payments and reduced income tax receipts; and if he will make a statement on the matter. [21965/08]

Minister for Finance (Deputy Brian Lenihan): I am aware of the recent pressure on the Live Register. The Government is closely monitoring the emerging position.

The 2008 expenditure allocation for the Exchequer social welfare Jobseekers Allowance scheme is almost €1,020 million. However, Jobseekers Allowance is only one of a number of demand led schemes that are funded from the Vote of the Department of Social and Family Affairs. The expenditure trend on the Jobseekers Allowance scheme, and also on the other social welfare Exchequer funded schemes, will, as I said, be closely monitored by Government

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during the course of the year. While it is still too early to reach a firm conclusion, there are indications that such pressures will not pose significant difficulties for the Social and Family Affairs Vote as a whole. Expenditure on the Jobseekers Benefit scheme is met from the Social Insurance Fund and does not fall on the Exchequer.

Regarding income tax, at the end of April receipts were up 2.8% compared to the same period last year and just 0.3% below expectations. Despite the Live Register pressure, this is a welcome indicator of the resilience of the Irish economy and my Department will continue to closely monitor overall tax performance over the coming months as a clearer trend emerges.

126. **Deputy Jim O’Keeffe** asked the Minister for Finance if he proposes new measures in 2008 to stimulate the economy; and if he will make a statement on the matter. [21945/08]

Minister for Finance (Deputy Brian Lenihan): While there are a number of challenges facing the economy, the fundamentals are still good. For instance, we have one of the lowest levels of public debt in the euro area, our markets are flexible allowing us to respond efficiently to adverse developments, we have a dynamic and well educated labour force, we have a pro-business outward looking society and the tax burden on both labour and capital is low.

Budget 2008 represented a stimulus to the economy and should help boost economic activity.

Sustained investment in our core economic infrastructure, as provided for in the National Development Plan, remains a key priority for the period ahead.

In this context, the Government is also committed to education, training and life-long learning in order to ensure that those losing their jobs can acquire the necessary skills to gain employment in expanding sectors of the economy.

Through the social partnership process, the Government is also supporting improvements in competitiveness by promoting sensible wage developments as well as reforming the public sector.

We are also committed to maintaining flexibility in our economy and to maintaining a low burden of taxation of capital and labour in order to reward work and enterprise.

Tax Yield.

127. **Deputy David Stanton** asked the Minister for Finance further to Parliamentary Question No. 159 of 27 May 2008 the breakdown of moneys accrued by the Exchequer for each month respectively in 2007 and to date in 2008 by way of excise duty, VAT and other such payments through the sale of respective petroleum products including home heating oil, petrol, diesels and so on; and if he will make a statement on the matter. [21947/08]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the amounts of tax revenue collected from Mineral Oil Tax on petroleum products for each month respectively in 2007 and the first four months of 2008 are set out in the following Appendix A and Appendix B.

VAT returns do not require the yield from a particular sector or sub-sector of trade to be identified and therefore the VAT yield in each month on petroleum products cannot be provided. The figures provided in this reply for monthly VAT receipts are estimates of the amount of VAT yield that would be generated by the volume of clearances of oil products up to the end of each month. Mineral Oil Tax is paid in the month of clearance of the product but, depending on the nature of the registration status of a trader, VAT returns can be made monthly, bi-monthly, quarterly, half yearly or annually. This will dictate the point in time when VAT on sales will actually be paid to Revenue.

It should also be noted that the VAT content of purchases of Auto Diesel, Marked Gas Oil, Kerosene and Fuel Oil is a deductible credit for business in the Irish VAT system. There are no VAT receipts for Heavy Fuel Oil, as this type of residual oil is used only by registered traders and any VAT paid is reclaimed.

The yield from excise, as excise is set at a nominal amount, does not increase as the price of fuels increase. On the other hand, the yield from VAT, as VAT is set as a percentage of the price, increases as the price of fuels increase. However, in this regard it should be borne in mind that to the extent that spending in the economy is re-allocated to petrol and other oil products, and away from other VAT liable spending, and to the extent that the overall level of economic activity is reduced by higher oil prices, there may be little or no net gain to the Exchequer.

Appendix A: Mineral Oil Tax

	Petrol	Diesel	Fuel Oil	MGO	Auto LPG
	2007 Prov	2007 Prov	2007 Prov	2007 Prov	2007 Prov
	€m	€m	€m	€m	€m
Jan	122.5	111.3	0.8	8.1	0.006
Feb	80.6	85.5	0.8	6.4	0.005
Mar	88.5	91.3	0.6	6.6	0.006
Apr	86.4	87.8	0.9	5.5	0.003
May	93.4	96.4	0.9	5.7	0.008
June	88.4	90.7	0.8	5.6	0.003
July	87.7	89.9	0.6	4.9	0.006
Aug	94.6	93.1	0.6	5.7	0.006
Sep	84.0	88.1	0.7	5.7	0.007
Oct	94.4	98.2	0.8	5.5	0.004
Nov	85.8	93.1	0.5	6.2	0.006
Dec	45.0	50.4	0.4	2.5	0.005
Total	1,051.3	1,075.8	8.4	68.4	0.07

	2008 Prov	2008 Prov	2008 Prov	2008 Prov	2008 Prov
	€m	€m	€m	€m	€m
Jan	123.2	113.7	0.6	7.2	0.004
Feb	83.2	91.0	0.5	6.4	0.005
Mar	84.9	88.3	0.5	5.6	0.005
Apr	91.1	99.6	0.6	7.0	0.003
Total	382.4	392.6	2.3	26.2	0.02

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Appendix B: Estimated VAT Receipts.

	Petrol	Diesel	Kerosene	MGO	Auto LPG
	2007 Estd	2007 Estd	2007 Estd	2007 Estd	2007 Estd
	€m	€m	€m	€m	€m
Jan	54.2	5.9	14.3	8.3	0.009
Feb	35.6	4.5	10.0	6.5	0.007
Mar	39.2	4.8	8.8	6.8	0.009
Apr	38.2	4.7	3.8	5.6	0.005
May	41.3	5.1	3.4	5.8	0.012
June	39.1	4.8	2.5	5.7	0.005
July	38.8	4.8	2.9	5.0	0.009
Aug	41.8	4.9	3.1	5.8	0.010
Sep	37.2	4.7	6.1	5.8	0.010
Oct	41.8	5.2	8.7	5.6	0.006
Nov	38.0	4.9	8.5	6.3	0.010
Dec	19.9	2.7	4.8	2.6	0.008
Total	465.0	57.0	77.0	70.0	0.10

	2008	2008	2008	2008	2008
	Estd	Estd	Estd	Estd	Estd
	€m	€m	€m	€m	€m
Jan	57.3	6.7	15.2	8.7	0.007
Feb	38.1	5.2	11.3	7.2	0.009
Mar	39.6	5.1	10.8	6.7	0.011
Apr	42.0	6.0	8.7	8.4	0.007
Total	177.0	23.0	46.0	31.0	0.03

Public Transport.

128. **Deputy Joe Costello** asked the Minister for Finance if he has plans to allow commuter buses to use the Phoenix Park on a regular basis; the plans if they exist; if consultations will be carried out with local people as to the desirability of such a development; and if he will make a statement on the matter. [21982/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): As confirmed in a reply to a similar question on 5 February 2008 (Ceist 214) the position is as follows. In line with the recommendation outlined in the Phoenix Park Transportation Study published in September 2006, I wish to confirm that the OPW has so far agreed to facilitate a limited year round public transport service through the Park, and is assisting the relevant agencies in this regard. The Phoenix Park Transportation Study was produced following an extensive public consultation process with residents groups, Local Authorities, public representatives and other interested parties. A number of presentations on the completed Study were subsequently held for these groups.

Social Partnership Agreements.

129. **Deputy Arthur Morgan** asked the Minister for Finance his views on the ICTU economic outlook for 2008, in particular its assertion that the cost of living will continue to rise in 2008; his views on whether this will have an impact on the current round of pay talks. [16607/08]

Minister for Finance (Deputy Brian Lenihan): I am aware of the Economic Outlook publication prepared by the Irish Congress of Trade Unions. This set out their analysis of the Irish economy as the national pay talks got underway. I acknowledge that there has been a recent increase in the rate of consumer price inflation but this is primarily due to external factors. At a recent plenary session of the social partnership pay talks, my Department gave an update as to economic and fiscal developments. At the time it was pointed out that the current market consensus is that inflation, as measured by the CPI, will average 4 per cent this year and moderate to an average of 2.5 per cent in 2009. Any new agreement will have to take account of the economic and budgetary realities and the need to improve our competitive position.

Finally, from a competitiveness perspective, I would stress the importance of ensuring that the externally-driven price increases that we are currently experiencing are not exacerbated by internally-generated second-round effects. Securing a sensible and sustainable outcome to the current round of pay talks will have an important role to play in this respect.

Departmental Expenditure Reviews.

130. **Deputy Róisín Shortall** asked the Minister for Finance the purpose and extent of the efficiency reviews of public expenditure as cited in the OECD's 2008 Economic Survey of Ireland; the terms of reference of these reviews; the person who is carrying out these reviews; when he expects these reviews to be completed; if and when these reviews will be published; and if he will make a statement on the matter. [21970/08]

Minister for Finance (Deputy Brian Lenihan): In my predecessor's 2008 Budget Statement before this House on 5th December 2007, he announced the Government's agreement to an efficiency review of all administrative spending across the whole public service. In the Summary of Budget Measures, he set out his intentions as to how the review process should proceed.

In essence, all Government Departments and Offices were required to examine all administrative spending within their area, including spending by state bodies under their aegis, and to report back to my Department by March 2008 with specific proposals to maximise administrative savings in their area. The results of this exercise would then be reviewed within the Department of Finance, and the savings identified would be used in reducing the cost of the existing level of services for 2009 and subsequent years.

In setting out the parameters of the Efficiency Review, no requirements were laid down as to the persons who should be involved in conducting the examinations within each Department, nor as to the specific terms of reference that would guide the examination exercise in each case, as these are matters to be determined by the Head of Department or Office in each case. However, in the Summary of 2008 Budget Measures, particular areas of interest identified included possible inefficiencies due to the multiplicity of Boards and Agencies; the need for better sharing of certain services; and efficiencies in management, travel and consumables in general. It was also indicated that the measures identified would not jeopardise the maintenance of front-line services.

The Efficiency Review process has been completed in all Departments at this stage and my Department is reviewing the results at present. I anticipate that the outcomes of the exercise

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will have a bearing upon the preparations for the 2009 Pre-Budget Expenditure Estimates, which are due to be published in October this year.

As indicated in the 2008 Summary of Budget Measures, each Secretary General will be required to advise their relevant Oireachtas Committee of the savings agreed by Government arising in the Efficiency Review and be examined on these. The question of making the outcomes of the Efficiency Review exercise available to the Committees and public will naturally arise in that context.

Fiscal Policy.

131. **Deputy Willie Penrose** asked the Minister for Finance his views on the serious decline in tax receipts which are running €736 million below target for the first four months of 2008; if he anticipates being in a position to meet all the spending commitments set out in Budget 2008; the implications the revenue shortfall is expected to have for the remainder of 2008 and on the spending commitments set out in Budget 2008; and if he will make a statement on the matter. [21952/08]

136. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance the steps, in view of the fact that tax revenues to date in 2008 are significantly behind compared with the same period in 2007, he will take to ensure that the Exchequer has the revenue to meet public spending demands. [21938/08]

151. **Deputy Bernard Allen** asked the Minister for Finance his views on the implications of the shortfall in tax receipts to date in 2008 for public policy. [21855/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 131, 136 and 151 together.

At Budget time, an Exchequer deficit of €4,866 million was projected for the year with tax revenue growth of 3½ per cent forecast. At end-April, my Department published information which showed that overall tax receipts for the first four months of the year were €736 million, or 5.3%, behind target. At the time it was indicated that it was not expected that the tax shortfall would be recouped. Later today, as is the norm, my Department will publish detailed information in relation to the Exchequer position at end-May. In relation to tax revenue, these numbers will show a further deterioration in taxes and as previously indicated the shortfall is not expected to be recouped later in the year. My Department monitors tax receipts and expenditure on an ongoing basis and an updated view on the expected Exchequer position in 2008 will be presented at the end of this quarter.

While the fiscal position has weakened from that envisaged at Budget time, this has to be considered in the context of the strong position of the public finances such as our low debt to GDP ratio.

Tax Evasion.

132. **Deputy Pat Rabbitte** asked the Minister for Finance if, in view of the recent surge in the number of protective notifications, he sees scope for further enhancing the Revenue Commissioners powers to crack down on aggressive tax avoidance schemes; and if he will make a statement on the matter. [21979/08]

Minister for Finance (Deputy Brian Lenihan): The protective notification regime, provided for by section 811A of the Taxes Consolidation Act 1997 (TCA 1997), was introduced by

Finance Act 2006 and was amended in Finance Act 2008 with a view to making it more effective. Section 811A is, in effect, a companion provision to the general anti-avoidance provision, contained in section 811 of the TCA 1997, which was introduced in 1989 after the Courts had declined to strike down certain artificial tax avoidance schemes.

Section 811 acts as a back-stop provision, designed to prevent tax avoidance arrangements, which circumvent the broad purpose of tax law to impose a charge to tax while staying within the letter of the law, from being effective in reducing tax liabilities. Under section 811 the Revenue Commissioners can seek to withdraw the tax advantage from the arrangements concerned by invoking the general anti-avoidance provision. The Revenue Commissioners can, of course, only challenge these artificial arrangements if and when they come to their attention.

Clearly, it is vital for the overall effectiveness of the tax system that the Revenue Commissioners be aware of the tax avoidance strategies being used by taxpayers. The primary purpose of the protective notification regime is, therefore, to encourage taxpayers and their advisers to be open with Revenue in relation to transactions that may be tax avoidance transactions within the meaning of section 811. The reason for revisiting the issue in this year's Finance Act was that the response to the original 2006 initiative had been very disappointing with only 8 notifications received and all of these emanating from the same group of companies. In this context, it was clear that the initiative needed to be reconsidered.

It was against that background that Finance Act 2008 increased the section 811A surcharge from 10% to 20% of the tax reinstated where a transaction is ultimately determined to be a tax avoidance transaction, introduced a "reasonableness test" on any appeal to the Appeal Commissioners and the Courts, and, by way of a positive incentive for the taxpayer to make a protective notification, introduced a two year time limit on the Revenue Commissioners forming an opinion that a transaction is a tax avoidance transaction from the date a notification is made.

A taxpayer can still get full protection from the surcharge, interest on the unpaid tax and the reasonableness test on appeal, and can obtain the certainty and finality of a two-year time-limit on Revenue forming an opinion that a transaction is a tax avoidance transaction, by the simple expedient of voluntarily making a protective notification to the Revenue Commissioners on a wholly non-prejudicial basis.

It is encouraging that the changes made in the 2008 Finance Act are already having some impact, with 53 new protective notifications received by the Revenue Commissioners since its enactment. In that regard, however, I am advised by the Revenue Commissioners that the significant increase in the number of protective notifications does not translate into a similar increase in the number of tax avoidance schemes or arrangements coming to their attention, as many of these notifications relate to the same scheme.

That said I am, nonetheless, heartened by the fact that it appears that taxpayers and their advisers are now treating the provisions of section 811A seriously and taking the opportunity to avail of the protections afforded by the section. When the enhancement of section 811A was announced earlier this year, my predecessor indicated that if it transpired that taxpayers and their advisers did not use this opportunity to be open with Revenue, there would be no hesitation in revisiting the issue again and proposing such further changes as may be necessary to ensure the provision's effectiveness. To this end my Department, together with the Revenue Commissioners, will monitor the effectiveness of section 811A over the next year to assess if it requires any further adjustments.

Departmental Expenditure Evaluation.

133. **Deputy Richard Bruton** asked the Minister for Finance his views on giving the

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Oireachtas the power to initiate an evaluation of spending programmes under the value for money initiative. [21863/08]

Minister for Finance (Deputy Brian Lenihan): I think it is important that the Oireachtas should engage with evaluation of spending programmes under the Value for Money Initiative, and in this regard the Deputy will be aware that the Orders of Reference for the Select Committees of the 30th Dáil specifically encompass consideration of the reviews completed under this initiative. The Deputy will also be aware that my predecessor wrote to the Chairpersons of all Dáil Select Committees on 1st February this year encouraging them to ensure that the Committees schedule time to consider Value for Money and Policy Reviews in detail, and where appropriate, to discuss the Reviews and their conclusions and recommendations with the relevant Department.

In my view this approach combined with the submission of Annual Output Statements to the Select Committees facilitates enhanced scrutiny and evaluation of the Estimates by the Dáil and ensures accountability for what is being achieved with the moneys approved.

Financial Services Regulation.

134. **Deputy Bernard J. Durkan** asked the Minister for Finance if he is satisfied that sufficient structures, guidelines and regulations are in place and operational to safeguard the stability of the banking and financial services with particular reference to lending and borrowing policies, insider dealing, money laundering or other activities likely to have a knock-on effect or implications for the wider economy; if specific changes are proposed; and if he will make a statement on the matter. [21942/08]

180. **Deputy Bernard J. Durkan** asked the Minister for Finance if he is satisfied that adequate protective procedures and practices exist to protect the integrity of banking and financial services from unscrupulous operators, from within and outside the system; and if he will make a statement on the matter. [22289/08]

181. **Deputy Bernard J. Durkan** asked the Minister for Finance if steps were taken by banking international services here to prevent the occurrence here of financial scandals similar to those in other jurisdictions; and if he will make a statement on the matter. [22290/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 134, 180 and 181 together.

The role of the Minister for Finance as regards financial regulation is to develop policy and bring forward proposals to the Oireachtas for the regulation of the financial services sector. Once that legislation has been enacted, the task of implementing and applying it on a day-to-day basis rests with the Financial Regulator, which is independent in the exercise of its function.

The most important safeguard of financial stability is the existence and effective operation of the financial regulatory and supervisory regime. The Central Bank and Financial Services Authority of Ireland integrates within a single institutional structure both the supervision of individual financial firms by the Financial Regulator and the monitoring of overall financial stability which is the independent responsibility of the Governor of the Central Bank. This structure yields significant advantages in terms of monitoring and maintaining financial stability in ensuring effective and timely co-ordination of these two key functions.

The assurance of financial stability is, of course, an ongoing task. To this end, both entities maintain an ongoing and open dialogue with the domestic credit institutions to review issues

affecting the domestic financial system. As far as the current financial market environment is concerned, the most important point that needs to be made in the national context is that Ireland's banking system is well-capitalised, profitable, liquid and soundly regulated in this regard.

It is important to emphasise that the framework for financial regulation here is shaped by a detailed and comprehensive template, which applies across the EU. There have been a number of positive assessments of the effectiveness of our system of financial supervision. The recent OECD economic survey of Ireland gave high marks to the Irish regulatory system. The International Monetary Fund and the World Bank in their assessment of the stability of Ireland's financial system also commented very favourably on the progress achieved in strengthening the regulatory and supervisory framework in Ireland.

There are obviously important lessons to be learned from recent events in international financial markets. This process of review and examination has been underway for some time. The Deputy may be aware that arising from an Ecofin Council meeting in October 2007, EU Finance Ministers agreed on a set of common principles and a roadmap of further actions to enhance financial stability arrangements and the ability of authorities to respond to serious disturbances in EU financial markets. A further detailed set of conclusions on financial stability and financial supervision in the EU were adopted following the Ecofin Council meeting last month. Ireland is of course participating fully in this ongoing work to ensure that there is an effective EU-wide system to maintain financial stability taking into account the important cross-border linkages that now exist in EU financial markets. My Department is also continuing to work closely with the Central Bank and Financial Services Authority of Ireland to oversee national financial stability planning arrangements in line with EU requirements.

As regards protecting a bank against fraudulent or unscrupulous operators, both internal and external, I would remind the Deputy that the primary responsibility for managing a bank lies with the management of that institution. No regulatory authority can put in place a supervisory regime to ensure that a financial institution can never be a victim of fraudulent or reckless trading activity from within. It is up to management to have appropriate controls to prevent or detect such activity. The Financial Regulator works closely with the financial institutions which it supervises to ensure that they remain focused and alert to these risks and have robust and effective controls in place.

International Agreements.

135. **Deputy Brendan Howlin** asked the Minister for Finance if he agrees with the Consultative Committee of Accountancy Bodies of Ireland that unilateral tax credit arrangements with other countries is preferable to a series of double taxation agreements; if he proposes to pursue such an approach to international taxation agreements; and if he will make a statement on the matter. [21975/08]

Minister for Finance (Deputy Brian Lenihan): Ireland has generous provisions in its tax code for granting relief from double taxation in respect of income of Irish residents that has suffered tax in a foreign country. Generally this allows for foreign tax paid by an Irish resident taxpayer to be credited against the Irish tax on the same income. Normally credit relief is only granted in respect of tax suffered in countries with which Ireland has concluded a double taxation treaty. The relief is granted based on the elimination of double taxation article in the relevant treaty.

In certain cases Ireland has gone further and provided unilateral credit for foreign tax paid in countries for which there is not a double taxation treaty in place. This is provided for in

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relation to certain foreign dividends and interest of Irish companies. There are also similar provisions covering foreign branch profits of Irish companies.

Granting credit unilaterally in respect of income from countries with which Ireland does not have a double taxation treaty in place is potentially more expensive for the Irish Exchequer and this is a matter that must be considered in the context of any consideration of an extension of the Irish unilateral credit provisions. Furthermore, the granting unilaterally of benefits that are normally only given on a reciprocal basis in double taxation treaties may impact on the priority that non-treaty countries give to requests from Ireland to enter into negotiations for a double taxation treaty.

Question No. 136 answered with Question No. 131.

Financial Services Regulation.

137. **Deputy Bernard J. Durkan** asked the Minister for Finance if he is satisfied that the strength of the Euro is adequately and accurately reflected in all trans-national transactions, both in the financial services and the commercial sector, having particular regard to the need to ensure that consumers and the economy here are not disadvantaged by restrictive practices applied here or abroad; and if he will make a statement on the matter. [21943/08]

175. **Deputy Bernard J. Durkan** asked the Minister for Finance if he directly or through the regulator has taken steps to ensure that Irish consumers in the financial services and outside receive the full benefit of the increased strength of the Euro; and if he will make a statement on the matter. [22284/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 137 and 175 together.

As the Deputy will be aware the general issue of the pricing of UK goods in Ireland on the basis of the increased strength of the euro has been the subject of recent discussions between my colleague the Tánaiste and Minister for Enterprise, Trade and Employment and the Chief Executive Officer of the National Consumer Agency. The main issue highlighted in that context was the importance for consumers to consider their options when it came to their weekly shopping basket and the Agency's engagement with Retail Ireland to discuss the delays in passing on the benefits accruing from the appreciation of the euro.

As far as the financial sector is concerned, international survey evidence indicates that the price and availability of financial services in Ireland, in general, compares favourably to other EU Member States. This reflects increased competitive pressures in the Irish market on account of, for example, new market entrants and initiatives such as the development of the Financial Regulator's consumer information role and the introduction of the bank switching code. Exchange rate changes would not, in any event, be expected to exert any particular significant influence on the cost of retail financial services in Ireland as compared to such factors as changes in official interest rates and funding costs for financial institutions in the current market environment.

In terms of the promotion of competition in the banking sector the Deputy may wish to note that significant progress has been made in implementing the recommendations contained in the Competition Authority's 2005 report to strengthen competition between financial institutions. The establishment of the Single Euro Payment Area (SEPA) in the EU is also designed to increase competition in the financial sector by eliminating barriers to cross-border payments

which will facilitate consumers in opening and operating bank accounts in other EU Member States.

Consumer information and awareness has a very important role to play in boosting competitive pressures in the retail financial sector. The Financial Regulator encourages all consumers to shop around before purchasing any financial product and has developed a number of specific initiatives to help consumers to make informed choices in terms of their purchase of financial products. These initiatives have been developed through the framework of the Financial Regulator's "It's Your Money" campaign and have involved publishing consumer guides on credit products, fact sheets and cost surveys on personal loans, all of which are intended to assist borrowers in making the most appropriate credit decisions given their circumstances. This information is available through its publications, help-line and website. In view of the recent trends in exchange rates, it would of course be important for consumers to shop around for the best rates available for the purchase of foreign currency.

As regards exchange rate charges, relevant charges (which includes margins and spreads) in respect of Bureau de Change Businesses must be approved by the Financial Regulator under S149 or S149A of the Consumer Credit Act, 1995 (as amended). On an annual basis the Financial Regulator conducts a nationwide survey of foreign exchange charges being imposed by credit institutions and bureaux de change on consumers for retail foreign exchange transactions. The purpose of this is to confirm whether these providers of foreign exchange facilities imposed these charges in accordance with relevant legislation. In 2007, the Financial Regulator visited a total of 75 outlets of 10 foreign exchange providers (5 credit institutions and 5 bureaux de change). The survey focused primarily on the costs imposed by these financial service providers on consumers when converting euro denominations to Sterling, US Dollars, Polish Zloty and Czech Koruna and conversely when converting these currencies to Euro. Overall the findings showed a high level of compliance among foreign exchange providers. Where issues were identified, the Financial Regulator has followed up with the relevant institution to ensure these issues were addressed in an appropriate and timely manner.

Capital Expenditure Programmes.

138. **Deputy Kathleen Lynch** asked the Minister for Finance if he has met with Government Departments regarding commitments in respect of proposed new capital spending on projects such as school and hospital building and refurbishment; and if he will make a statement on the matter. [21951/08]

Minister for Finance (Deputy Brian Lenihan): As Minister for Finance, I continually meet my Ministerial colleagues on matters of Government policy generally, including as regards progress on implementing the various capital programmes provided for in the annual Estimates. I envisage I will have more such meetings in the run up to the Budget. There is nothing exceptional about this.

Question No. 139 answered with Question No. 79.

Price Inflation.

140. **Deputy Eamon Gilmore** asked the Minister for Finance his views on the fact that inflation remains persistently high; if he proposes measures to bring down the inflation rate; if he has or intends to instruct the National Consumer Agency to take specific steps to tackle inflation and predatory pricing; if he will take steps to protect the real incomes of workers during the upcoming national pay talks; and if he will make a statement on the matter. [21959/08]

Minister for Finance (Deputy Brian Lenihan): As measured by the Harmonised Index of Consumer Prices (HICP), annual inflation in Ireland was 3.3% in April 2008, the same as the Euro area average. Using the domestic measure — the Consumer Price Index (CPI) — the annual inflation rate was 4.3% in April 2008. This represents an improvement on the CPI inflation rate of 5.0% recorded a month earlier.

The pick-up in inflation in recent years has been driven primarily by external developments, namely the global rise in oil and food prices and increases in interest rates. In the year to April 2008, food costs rose by some 8.4%, contributing 0.9 percentage points to the annual increase in prices while the cost of energy rose by 7.3%, contributing 0.6 percentage points. If the effect of last year's interest rate increases were removed, CPI inflation in the 12 months to April 2008 would have been 3.5%.

Achieving a moderate rate of inflation is a key economic policy priority given its importance in helping to restore national competitiveness. In recognition of this, the Government is taking positive action to control inflation. Before I outline the nature of this action, I would first draw the Deputy's attention to the fact that as a small open economy, Ireland is largely a price-taker which means that there are few direct measures we can use to reduce the inflationary impact of recent external developments.

Notwithstanding this, the Government is committed to doing what it can. This includes implementing responsible fiscal policies and promoting competition and increased price transparency through the work of the Competition Authority and the National Consumer Agency. As the Deputy is aware, the Tánaiste and Minister for Enterprise, Trade and Employment met with the Chief Executive of the National Consumer Agency on May 21 to discuss a range of issues, from which a series of follow-up actions resulted. More recently, the Tánaiste met with IBEC and its affiliated body 'Retail Ireland', and is scheduled to meet with further retailers this week.

In terms of protecting the real income of workers, I note that pay increases under partnership agreements combined with tax reductions have resulted in the disposable income of the average Irish worker being the second highest in the EU. In the years ahead, the best way to protect the real incomes of ordinary workers is to pursue policies that sustain competitiveness and employment. To this end, I would stress the importance of ensuring that the externally-driven price increases that we are currently experiencing are not exacerbated by internally-generated second-round effects. Securing a sensible and sustainable outcome to the current round of pay talks will have an important role to play in this respect.

International Monetary Institutions.

141. **Deputy Michael D. Higgins** asked the Minister for Finance the reforms the Government or the EU favour in relation to affording more accountability on the part of the Bretton Woods institutions. [16848/08]

Minister for Finance (Deputy Brian Lenihan): In recent years the Bretton Woods Institutions have taken a number of steps to bolster their accountability, including the reform of quota and voice within the institutions, improved transparency and evaluation and in the case of the IMF, budgetary reform.

The IMF's 2005 Medium-Term Strategy included a broad programme of modernisation. Subsequently, the IMF has embarked on a process of reform of its governance structures, including its accountability. This involves adjusting quota shares to reflect better the relative weight of members in the world economy and enhancing the voice and participation of low-income members within the Fund. On April 28 last, the Board of Governors of the IMF, including Ireland and other EU Member States, voted in favour of changes to the quota and voting share

structure of the institution that will do just this. The changes will also entail a tripling of basic votes, thus enabling each of the two Executive Directors representing African constituencies to appoint an additional Alternate Director.

In terms of the World Bank, its Development Committee's Communiqué of April 2008 encouraged the Bank to advance work on all aspects of voice and participation. The Committee looked forward to a process that is inclusive and consultative among shareholders and to reaching consensus on a comprehensive package of enhancements effecting all developing and transition countries in the Bank, by the 2009 Spring meetings.

Accountability also denotes transparency. In terms of the IMF, it now publishes the bulk of its research and a considerable amount of documentation regarding its work with individual countries on its website. Like the IMF, the World Bank has expanded its transparency in recent years. Its disclosure policies and much documentation are now available on the institution's website.

In addition, both institutions have independent evaluation offices, which conduct independent and objective evaluations of their respective policies and activities.

In terms of budgetary reform, a new income and expenditure framework has been agreed at the IMF. The strategic plan that forms the backbone of the budget is focused on five goals: strengthening multilateral surveillance, sharpening bilateral surveillance, refocusing work on low-income countries, streamlining capacity building, and modernizing the Fund.

Ireland is supportive of these ongoing reforms and will continue to monitor progress on their implementation.

Financial Services Remuneration Policy.

142. **Deputy Michael D. Higgins** asked the Minister for Finance his views on the concerns expressed by a number of European Union Finance Ministers that one of the causes of the difficulties being experienced by banks and other financial institutions is the bonus culture of very large sums being paid to people in financial services regardless of the high levels of risk undertaken; if he has plans to curtail this phenomenon; and if he will make a statement on the matter. [21981/08]

Minister for Finance (Deputy Brian Lenihan): As Minister for Finance, I have no role in relation to the pay of senior executives of financial institutions, or indeed, any other private sector companies. Remuneration policies are ultimately a matter for the board of the directors of the institution concerned and should, in line with good corporate governance, be subject to oversight and approval by shareholders.

As the Deputy may be aware, the question of pay levels of top international executives was a matter for discussion by eurozone Finance Ministers at their May meeting, at which it was decided that the issue will be considered again in the course of the year. A significant issue highlighted in that context was the requirement that remuneration packages at top management levels be consistent with sustainable long-term performance of the firms concerned and be in line with EU-wide objectives for pay moderation in line with productivity and other performance targets.

In the financial sector, it is of course essential that pay structures at top management levels underpin prudent and responsible business practices, effective risk management and the stability of the financial system overall. The steps that might be required to ensure that remuneration policies in the financial sector conform internationally to this standard are being considered in relevant international fora.

Proposed Legislation.

143. **Deputy Seán Barrett** asked the Minister for Finance if he plans to extend the Freedom of Information Act 1997. [21859/08]

Minister for Finance (Deputy Brian Lenihan): The scope of the Freedom of Information Act has been extended on a number of occasions and the Act now applies to over 500 bodies across the public sector. My Department is currently involved in making arrangements for a further extension of the Act which I expect to implement before the end of 2008.

Tax Code.

144. **Deputy Martin Ferris** asked the Minister for Finance his view of the French call on the EU to sanction a reduction in VAT on fuel in order to alleviate the increased costs imposed on fishermen and farmers. [21941/08]

150. **Deputy Martin Ferris** asked the Minister for Finance his views on whether changes could be made in relation to taxation and VAT which might provide relief for fishermen currently feeling the impact of rising fuel prices. [21940/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 144 and 150 together.

The increase in oil prices is an international phenomenon which is impacting across all sectors of the economy and of society.

I would draw to the Deputy's attention that, in terms of excise duties, fuel used by fishermen and farmers is already treated favourably compared to fuel used by other sectors. It should also be noted that the VAT content of purchases of auto-diesel and marked gas oil (MGO or green diesel) used in the course of business is a deductible credit for business in the Irish VAT system.

In relation to providing assistance to industries to compensate for the increase in oil prices, at the Informal ECOFIN in September 2005, the Ministers agreed that distortionary fiscal policy interventions, in response to changes in prices, that prevent the necessary adjustments should be avoided. This continues to be the appropriate policy response.

Public Private Partnerships.

145. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if his Department is concerned or if other Departments have raised concerns with him regarding the future viability of public private partnership projects in view of the recent collapse of the PPP between Dublin City Council and a developer (details supplied). [21939/08]

Minister for Finance (Deputy Brian Lenihan): Apart from the one case referred to in the media, no similar concerns have been raised with me. The Government remains committed to the use of PPPs in appropriate circumstances as an option in delivering certain public investment projects.

National Development Plan.

146. **Deputy Ulick Burke** asked the Minister for Finance the additional current expenditure required in 2009 to 2012 over and above the cost of maintaining existing services to deliver the commitments of the National Development Plan. [21865/08]

Minister for Finance (Deputy Brian Lenihan): The National Development Plan 2007-2013 (NDP) sets out a seven year financial framework within which Government Departments and agencies could plan the delivery of public investment and expenditure, including existing levels of service and enhancements of service. The great bulk of projected NDP investment comes from the Exchequer and this is particularly true of current expenditure. Statutory approval for Exchequer expenditure under the NDP can only be conveyed through the approval by the Dail of the annual estimates.

As the Deputy is aware, the first instalment of the delivery of NDP current expenditure took place in the Estimates approved by the Dail for 2007. The second instalment of NDP current expenditure was included in Budget 2008 last December. Budget 2008 announced all new spending and taxation measures in a single, unified way and was a significant reform providing for greater transparency. The costs associated with the decisions made were set out at Budget time. Full details of NDP projected expenditure for 2007 and 2008 (both current and capital) were set out in Appendix 3 of the Revised Estimates Volumes for 2007 and 2008. The first Annual Report on NDP Implementation, covering 2007, will shortly be submitted to the Oireachtas.

As previously indicated, further instalments for the NDP will be made in the subsequent Budgets over the lifetime of this Government. The Stability and Growth Pact Up-date for 2007 to 2010 was set out in the Budget Booklet published in December 2007. This gives detailed data on the economic and fiscal projections for the period ahead and also provides relevant data on the NDP to which the Deputy might wish to refer.

Tax Yield.

147. **Deputy Pat Breen** asked the Minister for Finance if he has had discussions with Ministers from other Member States regarding opposition to the common corporate tax base. [21862/08]

Minister for Finance (Deputy Brian Lenihan): Both my predecessor and officials from my Department have regularly engaged with colleagues from other Member States within the EU on a whole range of policy issues, including tax issues and the common consolidated corporate tax base (CCCTB) and I will, of course, be making this a priority for my own term as Minister for Finance.

The Deputy will be pleased to learn that it is clear from these contacts that there is widespread scepticism among Member States about the notion of a CCCTB. I would point out that, as yet, there is no formal proposal from the European Commission on this issue and Ireland's position on the matter is very clear, and EU Ministers understand this.

Tax Collection.

148. **Deputy Brendan Howlin** asked the Minister for Finance the change to the Revenue Commissioners approach to collecting tax from businesses in view of the markedly less benign economic climate and recent reports that the Revenue Commissioners are prepared to show firms some latitude in this regard; if the Revenue Commissioners will engage proactively with businesses to ward off problems at a later date; and if he will make a statement on the matter. [21977/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that there is no change to their approach to collecting tax from business. The reports to which the Deputy has referred was a reaffirmation of Revenue's long standing message to businesses of the importance of early engagement with Revenue where a business is experiencing diffi-

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culties in paying its tax debts. Revenue is not alone in urging such early engagement. Tax practitioners and business representative bodies support the importance of early diagnosis of the problems being faced by a business and timely engagement with Revenue. That encouragement is also something of which I am fully supportive.

Like every other creditor, Revenue wants to be paid what it is owed and on time and will pursue any tax owed with vigour. As the Irish tax and customs administration, Revenue plays a critical role in securing and delivering most of the financial resources required by Government to provide the range of services, facilities and supports that it does. Excellent progress has been made by Revenue in improving tax compliance levels and reduction of the overall level of tax debt, especially in the last ten years. Revenue has assured me of its continuing focus on maintaining that momentum and of its on-going readiness to work with businesses in that process.

149. **Deputy Joan Burton** asked the Minister for Finance if he will estimate the number of investment properties in the State for which no rental income is declared; if he will estimate the annual cost to the Exchequer of undeclared rental income on investment properties; the details and the scope of the national investigation of undeclared rental income; and if he will make a statement on the matter. [21980/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that, as with all categories of undeclared income, they are not in a position to provide an estimate of the number of investment properties in the State for which no rental income is declared, or the cost to the Exchequer of undeclared rental income on such properties. This is because Revenue can only provide data on the basis of the information that is known to them. While the Revenue Commissioners are not in a position to reliably estimate the level of undeclared rental income, they are satisfied that their compliance programmes cover all economic sectors, including rental income.

For a number of years now, the strategy of the Revenue Commissioners has been to focus compliance resources on the cases with the highest risk, and to do this, they have been developing a risk analysis and profiling system. In the context of rental income, relevant third party information is included in the risk analysis, such as information on property acquisitions from stamp duty data and rental payment information from the Department of Social and Family Affairs. Property letting is also included in “sectoral” compliance programmes carried out by Revenue units from time to time.

I am satisfied that this risk-based approach by Revenue is the correct one.

Question No. 150 answered with Question No. 144.

Question No. 151 answered with Question No. 131.

Departmental Strategy Statements.

152. **Deputy Richard Bruton** asked the Minister for Finance if he has issued new policy directions since taking up his post as Minister for Finance. [21864/08]

Minister for Finance (Deputy Brian Lenihan): Since taking up office, I have been acquainting myself with the economic, budgetary and other policy issues which are the responsibility of the Minister for Finance. As the Deputy is aware, new policy directives are normally made principally in the context of the annual Budget and Estimates cycle. I have not found it necessary as yet to issue formal policy directives. However, I am evaluating the current changing economic

situation and I will shortly be bringing my Budget Strategy memoranda to Government as is normal at this time of the year.

Tax Collection.

153. **Deputy Willie Penrose** asked the Minister for Finance the number of letters that have been sent by the Revenue Commissioners to Irish investors seeking information about their overseas property; the number of such letters expected to be sent in total; the number of these letters that have received a response; the number of those letters to which a response has been received and are expected to be the subject of further investigation; his views on introducing a robust compulsory disclosure mechanism whereby Irish tax-payers must declare overseas properties which they own; and if he will make a statement on the matter. [21953/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that a dedicated unit within their organisation, the Offshore Assets Group, is tasked with identifying Irish residents who have assets located abroad, including overseas property. This area is considered to be of considerable tax risk because of the possibility that some individuals may fund such acquisitions with untaxed income or gains, it is also recognised by the Commissioners that many purchasers of foreign properties have no tax issues.

To date, the work of this unit had identified around 2,000 Irish residents holding offshore properties who, on the basis of an initial examination appear to have tax issues. This information is being matched to individual returns and enquiry letters are issuing where discrepancies are discovered or clarification is required. As these enquiries are part of the overall audit programme, no separate statistics are currently available within Revenue to quantify the number enquiry or audit letters relating to offshore properties.

Details of the acquisition of a property, whether domestic or offshore, are required to be returned to Revenue by taxpayers when completing their annual return of income (Form 11).

National Monuments.

154. **Deputy Enda Kenny** asked the Minister for Finance his Department's involvement in the purchase by the State of the Battle of the Boyne site; and if he will make a statement on the matter. [21734/08]

155. **Deputy Enda Kenny** asked the Minister for Finance the costs that accrued to his Department in respect of the purchase by the State of the Battle of the Boyne site; and if he will make a statement on the matter. [21735/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 154 and 155 together.

Negotiations for the purchase of the Battle of the Boyne site were conducted by the Commissioners of Public Works. The Department of Finance sanctioned the expenditure of £7.85m (€9.97m) on the purchase of the property, which was completed in August 2000.

Official Engagements.

156. **Deputy Paul Kehoe** asked the Taoiseach the programme for his recent visit to Cardiff; the date on which this visit was decided upon; the names and titles of each of the persons who accompanied him; the mode of transport used; the cost of the visit; and if he will make a statement on the matter. [21731/08]

The Taoiseach: On 24 May, I travelled to Cardiff to meet with the First Minister of Wales, Rhodri Morgan. I also attended the European Rugby Cup Final between Munster and Toulouse the same day. This visit was decided upon on 16 May.

The delegation for the visit was as follows:

- Mr Brian Cowen, TD, Taoiseach
- Mr Micheál Martin, TD, Minister for Foreign Affairs
- Mr Martin Cullen, TD, Minister for Arts, Sport and Tourism
- Mr Eoghan O Neachtain, Government Press Secretary
- Mr Martin Fraser, Assistant Secretary, Department of the Taoiseach
- Mr David Feeney, Taoiseach's Private Secretary
- Mr Michael Cleary, Security Officer

The delegation travelled by Government Jet. No costs have yet arisen for my Department in respect of this trip.

Departmental Strategy Statements.

157. **Deputy P. J. Sheehan** asked the Taoiseach if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start up date of each project; the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22070/08]

The Taoiseach: Four pilot schemes / projects are being funded, overseen and/or supported by my Department. Details of these are outlined below.

It should be noted that three of the projects indicated below (the Senior Helpline/Curam volunteer assistance software, The Wheel (eEnablement) ASC ref: 2007/103 and ePlanning — Planning RSS (LGCSB — Local Government Computer Services Board)) are being funded under the eInclusion fund, provided in this Department's Vote in the 2008 Estimates, which will be transferring to the Department of Communications, Energy and Natural Resources.

(1)	Name	Pilot phase of the Organisational Review Programme
	Purpose	To assess the capacities, procedures, structures and leadership of Government Departments beginning with the Departments of Agriculture, Fisheries and Food, Enterprise, Trade and Employment and Transport.
	Start up date	Preparatory work commenced in Summer 2007.
	Time Scale	Underway at present.
	Projected completion date	July, 2008.
	Completion date when report will be available	Report of the pilot phase due to be published in July 2008.

(2)	Name	Senior Helpline/Curam volunteer assistance software.
	Purpose	Curam Software to develop, in consultation with Senior Helpline volunteers, a prototype software system as a demonstrator project for use by Senior Helpline volunteers to enable them to meet the needs of their vulnerable clients with a view to resultant product(s) being made commercially available.
	Start up date	14 January, 2008.
	Time Scale	Estimated that requirements, project design and development be completed 6 June, 2008. Full user acceptance test expected to complete 6 July, 2008 .
	Projected completion date	Expect to deploy in a “live environment” in July 2008.
	Completion date when report will be available	December, 2008.

(3)	Name	The Wheel (eEnablement) ASC ref: 2007/103
	Purpose	To pilot in 10 community and voluntary organisations a new model and framework to facilitate them providing a better service to their clients and to serve as demonstrators of the benefits of ICTs. This will entail development of a technical and operational framework for hosting back office solutions to allow C&V groups to use ICT to significantly leverage their capacity to deliver services to their clients.
	Start up date	October, 2007.
	Time Scale	Ten months.
	Projected completion date	July, 2008.
	Completion date when report will be available	August, 2008.

(4)	Name	ePlanning — Planning RSS(LGCSB — Local Government Computer Services Board).
	Purpose	To add functionality to the online planning group of products. The new prototype will explore the issuing of planning information in an RSS format.
	Start up date	20 December, 2007.
	Time Scale	12 months.
	Projected completion date	A working prototype is complete and was presented to the board of the LGCSB in March 2008 and to a meeting of heads of Information Systems in local authorities in April. Work is continuing to progress it further.
	Completion date when report will be available	On completion of the pilot.

Motor Taxation.

158. **Deputy Liz McManus** asked the Minister for Finance his views on amending the recently announced system in order to permit motorists purchasing new vehicles with low emissions before July 2008 to avail of the lower rate of VRT in the future; and if he will make a statement on the matter. [22018/08]

Minister for Finance (Deputy Brian Lenihan): As announced in the 2008 Budget Statement the revised VRT system to take greater account of CO₂ emission levels will be introduced on 1 July 2008. I have no plans to amend the scheme for people who register cars prior to 1 July 2008.

Tax Code.

159. **Deputy Brian Hayes** asked the Minister for Finance if there are alternative methods for low income pensioners to claim back on their medical expenses in the same way as tax-payers are allowed to claim against their income tax; the way they can be accessed; and if he will make a statement on the matter. [22054/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that while pensioners may claim tax relief on health expenses incurred, the amount of relief is available at the taxpayers marginal rate and cannot exceed the tax paid in any year of assessment. It follows that if no tax is paid in the year of assessment (because the income in the year of assessment is below the exemption limit or is already fully covered by other allowances or credits) there is no method by which relief for medical expenses can be claimed under the tax system.

Any pensioner who has a liability to tax may claim the tax relief for medical expenses: by completing Form Med 1 and submitting it to their local Revenue Office; or via Revenue's Online Service (ROS) at www.revenue.ie.

It should be noted that tax relief is only one means through which the State may provide significant support to those in need of medical services. Account should also be taken of supports provided through the direct expenditure route and funded through the Vote of the Health Service Executive (HSE) such as the Drugs Payments Scheme, the Medical Card Scheme, etc.

Ombudsman Report.

160. **Deputy Ulick Burke** asked the Minister for Finance when he will publish the Ombudsman report Lost At Sea; the reason for the delay in doing so as it has been completed for some time; and if he will make a statement on the matter. [22112/08]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Ombudsman that in any case where the Ombudsman conducts an investigation into a complaint it is a matter for the Ombudsman to decide if she wishes to publish a report or not at the conclusion of such an investigation. I have been advised that the investigation in question is ongoing.

Public Private Partnerships.

161. **Deputy Richard Bruton** asked the Minister for Finance if he is reviewing the operation of public private partnership contracts in view of recent developments. [22281/08]

Minister for Finance (Deputy Brian Lenihan): The Government remains committed to the use of the Public Private Partnership (PPP) process as a viable procurement option for appropriate projects within the overall parameters set out for public investment in infrastructure and public services.

My Department has the same role in relation to PPP projects as it does in relation to capital investment projects generally, in terms of setting the overall capital investment framework and the basic principles to be observed for the appraisal, assessment, procurement and evaluation of projects. Individual Ministers and their agencies are responsible for the projects and programme in their areas, within that overall framework.

I understand that recent developments in respect of certain housing projects reflect wider housing market developments and do not have a bearing on the use of PPP procurement, generally. Of course, my Department reviews all of these matters on an ongoing basis. PPP procurement is one option to be used alongside traditional approaches for the delivery of public investment projects. In choosing to adopt the PPP approach for a particular project Departments and Agencies must assess, in conjunction with their advisors, including the National Development Finance Agency, as appropriate, the optimum model to use in the prevailing circumstances. There is a wide variety of possible PPP models provided for in legislation and elaborated on in central guidance issued by my Department. Within these models the form of the deal entered into would be specific to each project.

Garda Stations.

162. **Deputy John O'Mahony** asked the Minister for Finance the plans for the refurbishment or building of new Garda stations in 2008 in the Garda Division of Mayo; and if he will make a statement on the matter. [21714/08]

Minister for Finance (Deputy Brian Lenihan): The following is the up to date position regarding the significant refurbishment and for building of new Garda stations in Mayo in 2008.

Claremorris: A new district headquarters is being built in Claremorris and is expected to be completed in Autumn 2008.

Ballyvary: The tender process for the construction of a new basic unit Garda Station will commence shortly.

Ballyhaunis: Planning documentation has been submitted to Mayo County Council for the refurbishment of Ballyhaunis Garda Station. Tenders for the refurbishment will be issued following the completion of the planning process.

National Drugs Strategy.

163. **Deputy John O'Mahony** asked the Minister for Finance his proposals to designate moneys seized from drug dealers in a particular area to the provision of services for persons with drug abuse problems in that area; and if he will make a statement on the matter. [21715/08]

Minister for Finance (Deputy Brian Lenihan): In accordance with the requirements of Article 11 of the Constitution, revenues accruing to the State, including those seized from drug dealers through the functions of the CAB, are paid into the Central Fund, from which the Government draws for expenditure on all necessary public services and investment. There are no proposals to alter these arrangements.

With certain exceptions, earmarking revenues for a specific expenditure programme would, in general, constrain the government in the implementation of its overall expenditure policy. Furthermore, if certain revenues were earmarked for particular projects within the overall fight against drug abuse, any projects thus funded would be dependent on actual revenue collected from that source. Therefore, a fall in revenue generated by that source could imply a fall in expenditure on such projects.

However, the Deputy should note that the Government is allocating considerable resources to the fight against drug abuse by a range of Government Departments and State Agencies as well as the Community and Voluntary Sector. Under the National Development Plan 2007-2013, some €319 million was allocated to the National Drugs Strategy Sub-Programme over

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the Plan period to support the fight against the causes and consequences of the abuse of illegal drugs.

Tax Collection.

164. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare is in receipt of all of their entitlements; if there is a tax rebate due to the applicant; and if he will make a statement on the matter. [21761/08]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that the taxpayer may have entitlement to additional tax credits in respect of the one-parent family tax credit and rent relief. Explanatory leaflets incorporating claim forms in respect of both tax credits were issued to the taxpayer on 28 May 2008.

Following the processing of any claims to these credits, a revised certificate of tax credits and standard rate cut-off point for the year 2008 will be issued. Any refund of tax overpaid by the taxpayer since commencing employment in the State in March 2008 will be made by the taxpayer's employer.

Tax Code.

165. **Deputy Seán Fleming** asked the Minister for Finance if a person (details supplied) in County Laois can obtain the exemptions in respect of stamp duty and mortgage interest relief as a first time buyer in respect of a house purchase even though the individual would have previously been involved in the joint purchase of a house but has actually never lived in the house and took their name off the house without ever taking up residence in it; and if he will make a statement on the matter. [21844/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the exemption in respect of stamp duty — first time purchaser relief, will apply to a person who, has not, either individually or jointly with any other person previously purchased another dwelling house or apartment. Based on the information provided by the Deputy, first time purchaser relief would appear not to apply, as the person concerned has previously been involved in the joint purchase of a house.

In the circumstances outlined by the Deputy, the person concerned is eligible for mortgage interest relief as a first time buyer. Revenue is responsible for administration of the Tax Relief at Source and will be making contact with the person concerned regarding the arrangements for getting the relief.

Flood Relief.

166. **Deputy Dara Calleary** asked the Minister for Finance the position regarding an Office of Public Works project (details supplied) in County Mayo. [21995/08]

Minister for Finance (Deputy Brian Lenihan): The Office of Public Works will carry out a survey during June to identify potential options to address the problem in Co. Mayo.

Public Sector Employment.

167. **Deputy Michael McGrath** asked the Minister for Finance the residency requirements a person must comply with to be considered for employment in the Irish public sector. [22000/08]

Minister for Finance (Deputy Brian Lenihan): As Minister for Finance I have responsibility for appointments to positions in the Irish civil service. Such appointments are governed by the terms of Article 39(4) (formerly Article 48(4)) of the EC Treaty as interpreted by the European Court of Justice. Citizens of non-European Economic Area (EEA) States are not eligible to compete for general service posts.

The EEA consists of the member states of the European Union along with Iceland, Norway and Liechtenstein. Special conditions may apply to citizens of Bulgaria and Romania following their recent entry to the European Union and their eligibility to work must be confirmed by the Department of Enterprise, Trade and Employment.

The EEA citizenship requirements do not apply to professional and technical positions in the civil service. If a candidate from outside the EEA is being considered for a position they are advised that they must have a legal right to work in Ireland (appropriate residency status; employment permit) in order that an appointment can proceed. In certain circumstances the employing Department may have to apply to the Department of Enterprise, Trade and Employment on their behalf for an employment permit. I would point out that I do not have statutory responsibility for appointments in the wider public sector. The appointing authority varies from sector to sector.

Departmental Strategy Statements.

168. **Deputy P. J. Sheehan** asked the Minister for Finance if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start up date of each project; the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22065/08]

Minister for Finance (Deputy Brian Lenihan): The details requested by the Deputy in relation to pilot schemes or projects which my Department is overseeing are contained in the following table.

Scheme name	Purpose	Start Date	Projected Completion Date	Evaluation
Improved access to public service identity data	To examine technical mechanisms to enhance identity data quality across the public service, while facilitating easier compliance with Data Protection requirements	June 2008	Summer 2009	Late-Summer 2009

Concert Events.

169. **Deputy Joe Costello** asked the Minister for Finance the procedures used by the Office of Public Works to give permission to promoters to hold large and small scale music and other commercial events in the Phoenix Park; and if he will make a statement on the matter. [22074/08]

170. **Deputy Joe Costello** asked the Minister for Finance if a fee is charged to promoters for the use of the Phoenix Park for commercial music concerts and other events; if so, the amount that is charged; if the money is being channelled directly back into the care and upkeep of the Phoenix Park; and if he will make a statement on the matter. [22075/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 169 and 170 together.

A number of large-scale concerts — in excess of 100,000 — have been staged in the Park in the past, but in recent years, only relatively small-scale concerts have taken place. These have been confined to the Visitor Centre area, with the objectives of minimising any adverse impacts both on the Park environment and on local communities.

Each application for a commercial concert or event, is considered on its merits, in the context of the Phoenix Park Act 1925, the Phoenix Park Management Plan 1986, and the 1997 Policy Framework Document governing large scale events. Fees are normally payable for use of the Park for commercial concerts and events, the amount of which varies in each case depending on a number of factors, including for example, the scale of a concert and whether it is commercial or free. In accordance with Government Accounting procedures, fees from such events are returned directly to the Exchequer, as Appropriations-in-Aid.

Oil Prices.

171. **Deputy Pat Breen** asked the Minister for Finance his views on the high cost of oil and the affect that this continuing hike in prices is having on the economy here; his views on whether the application of the improved rate of exchange namely the differential between the US Dollar and the Euro is being passed on to the Irish consumer; and if he will make a statement on the matter. [22080/08]

Minister for Finance (Deputy Brian Lenihan): The rise in the price of oil mainly reflects stronger demand from emerging countries where living standards are rising.

The spot price of oil has traded at around \$125 per barrel in recent weeks, although it has traded above that level at times. This is roughly double the level this time last year. From the perspective of the Irish consumer, this increase has been mitigated somewhat by the appreciation of the euro against the dollar. In euro terms the price of a barrel of oil is currently around €82, compared to approximately €48 this time last year. Higher oil prices restrain economic growth by dampening purchasing power, reducing profitability and lowering growth in our major trading partners.

Higher oil prices are clearly beyond our control. In this context, it is vital that we do not try to compensate ourselves for these increases. To do so would result in a further loss in competitiveness

Departmental Properties.

172. **Deputy Terence Flanagan** asked the Minister for Finance the rent arrears for a building (details supplied) in Dublin 5; the procedures in place to follow up on rent arrears owing to the State; and if he will make a statement on the matter. [22107/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): I refer the Deputy to my reply of 15th April 2008 (Ceist a 118). Because of the transfer of the site from Dublin City Council to OPW has yet to be finalised, it is not possible to formalise occupancy details, including rent. However the tenants have been advised at the outset of indicative rents. The rents can only be formalised when the legal formalities have been completed and at that stage, all outstanding amounts will be sought.

Fiscal Policy.

173. **Deputy Bernard J. Durkan** asked the Minister for Finance if action has been taken or

will be taken to ensure that the strength of the euro is reflected in all financial transactions to the advantage of the Irish economy having particular regard to the purchase of goods and services from countries with weaker currencies; and if he will make a statement on the matter. [22282/08]

174. **Deputy Bernard J. Durkan** asked the Minister for Finance if the increased purchasing power of the euro is reflected to the advantage of the Irish consumer in all transactions; and if he will make a statement on the matter. [22283/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 173 and 174 together.

In the year to April 2008, Sterling has depreciated sharply against the euro, falling by around 15%. Over the same period, the Dollar has also depreciated significantly. Given that approximately two-fifths of imports to Ireland are from the UK and the US, it is expected that these exchange rate developments should exert some downward pressure on cost bases and prices here, to the benefit of our economy.

The Government is in no doubt as to the importance of this issue and I would like to reassure the Deputy that we are taking positive action to address it. Such action includes the promotion of competition and increased price transparency through the work of the Competition Authority and the National Consumer Agency. In addition, my colleague, the Tánaiste and Minister for Enterprise, Trade and Employment, has been actively engaging with those concerned to see what steps can be taken to resolve the matter. The Tánaiste met with the Chief Executive of the National Consumer Agency on May 21 to discuss a range of issues, from which a series of follow-up actions resulted. More recently, the Tánaiste met with IBEC and its affiliated body 'Retail Ireland', and is scheduled to meet with further retailers this week.

As the depreciation in Sterling and the Dollar is passed through, I would expect that there should be a moderation in Ireland's inflation rate later this year. I am disappointed that, so far, this does not seem to have happened.

Question No. 175 answered with Question No. 137.

Motor Fuels.

176. **Deputy Bernard J. Durkan** asked the Minister for Finance if the cost of diesel oil indicates the need for adjustment in terms of VAT or excise duty having particular regard to the need to encourage the use of more eco-friendly fuels; and if he will make a statement on the matter. [22285/08]

Minister for Finance (Deputy Brian Lenihan): While the promotion of biofuels is primarily a matter for the Minister for Communications, Energy and Natural Resources, the Deputy will be aware that the Finance Act 2006 provided for significant tax measures to promote biofuels in Ireland.

Under the scheme, biofuel produced under projects approved by the Department of Communications, Energy and Natural Resources are exempt from excise duty. This serves to reduce the additional costs associated with the production of biofuels and consequently allows them to compete with conventional fossil fuels. This fiscal incentive was 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%. Furthermore, Budget

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2007 provided funding for a national top-up of the EU energy crop payment from €45 per hectare to €80 per hectare. This payment is operated by the Department of Agriculture, Fisheries and Food and provides farmers with a further incentive to grow energy crops.

Regarding VAT, it is important to note that the VAT content of purchases of auto diesel is a deductible credit for business in the Irish VAT system. In relation to a reduced rate of VAT for eco-friendly fuels, there is no mechanism which would allow for reducing the rates solely for such fuels. The VAT Directive does not make any distinction between different types of fuels. The supply of fuels including environmentally friendly ones, is therefore chargeable at the standard VAT rate of 21%. Any change in the standard rate would apply to the sale of all fuel and indeed products at the standard rate. A reduction in the standard rate would cost the Exchequer in excess of €483 million and have little effect on price.

The Deputy might wish to note that there are additional non-fiscal measures that can be used to promote biofuels. To provide further market certainty and encourage projects of scale, the Government has signalled its intention to move to a Biofuels Obligation by 2009 which will require all fuel suppliers to ensure that biofuels represent a certain percentage of their annual sales. I understand the Minister for Communications, Energy and Natural Resources will shortly be launching a public consultation on the proposed biofuels obligation.

177. **Deputy Bernard J. Durkan** asked the Minister for Finance if he will reduce VAT or excise duty on diesel in view of the recent increase in its price; and if he will make a statement on the matter. [22286/08]

178. **Deputy Bernard J. Durkan** asked the Minister for Finance the urgent steps he can take to address the spiralling increase in the price of diesel in view of the extent of excise duty or VAT accruing to the Government from the inflated prices; and if he will make a statement on the matter. [22287/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 177 and 178 together.

The increase in fuel prices generally, and the increase in the price of diesel, is an international phenomenon. Fuel prices are driven by a number of factors including the price of oil on international markets, exchange rates, production costs and refining costs. The rise in oil prices over recent periods reflected additional factors such as geopolitical uncertainty, supply disruptions and strong economic growth in countries such as China.

Excise duty rates in Ireland for both auto-diesel and petrol are €368.05 and €442.68 per 1,000 litres of fuel respectively. These rates are lower than the EU 15 average, and our main trading partners particularly our nearest neighbour, the UK. I would also like to point out that excise rates for both diesel and petrol have not been increased in the last four Budgets.

The Exchequer yield from excise, as excise is set at a nominal amount, does not increase as the price of fuels increase. On the other hand, the yield from VAT, as VAT is set as a percentage of the price, increases as the price of fuels increase. However, in this regard it should be borne in mind that to the extent that spending in the economy is re-allocated to petrol and other oil products, and away from other VAT liable spending, and to the extent that the overall level of economic activity is reduced by higher oil prices, there may be little or no net gain to the Exchequer.

In relation to the rate of VAT applicable to auto-diesel, the position is that the VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. Auto-diesel is subject to the standard VAT rate which in Ireland is 21%. It

would not be possible to reduce the VAT rate applicable to auto-diesel without reducing the rate for all goods and services subject to the standard VAT rate. A decrease of 1 percentage point in the standard VAT rate would cost the Exchequer €483 million per annum. Such a reduction would have little or no impact on the price of fuel.

It should also be noted that the VAT content of purchases of auto-diesel, kerosene, marked gas oil (MGO or green diesel) and fuel oil used in the course of business is a deductible credit for business in the Irish VAT system.

In so far as calls for reduced taxes are concerned, given the impact high oil prices can have on growth rates, the Informal ECOFIN in September 2005, discussed the issue of appropriate policy response to the then price increases. The Ministers agreed that distortionary fiscal and other policy interventions that prevent the necessary adjustments should be avoided. This continues to be the appropriate policy response.

Alternative Energy Projects.

179. **Deputy Bernard J. Durkan** asked the Minister for Finance if he proposes further incentives to encourage bio-fuel production; and if he will make a statement on the matter. [22288/08]

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. Under the scheme, biofuel produced under projects approved by the Department of Communications, Energy and Natural Resources are exempt from excise duty. This serves to reduce the additional costs associated with the production of biofuels and consequently allows them to compete with conventional fossil fuels. This fiscal incentive was 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%. Furthermore, Budget 2007 provided funding for a national top-up of the EU energy crop payment from €45 per hectare to €80 per hectare. This payment is operated by the Department of Agriculture, Fisheries and Food and provides farmers with a further incentive to grow energy crops.

The Deputy might wish to note that there are additional non-fiscal measures that can be used to promote biofuels. To provide further market certainty and encourage projects of scale, the Government has signalled its intention to move to a Biofuels Obligation by 2009 which will require all fuel suppliers to ensure that biofuels represent a certain percentage of their annual sales. I understand the Minister for Communications, Energy and Natural Resources will shortly be launching a public consultation on the proposed biofuels obligation.

Questions Nos. 180 and 181 answered with Question No. 134.

Economic Competitiveness.

182. **Deputy Bernard J. Durkan** asked the Minister for Finance if action has been taken or is contemplated to improve the competitiveness of the economy through the financial and banking services; and if he will make a statement on the matter. [22291/08]

Minister for Finance (Deputy Brian Lenihan): Competitiveness is a very broad topic and many factors contribute to national competitiveness. However, since the Deputy has specifically referred to the banking and financial sector, I might focus on that sector in this reply. I am

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satisfied that my Department has actively sought to improve the competitiveness of the Irish economy through the financial sector in Ireland. It has done this by recognising market conditions and responding accordingly. This is demonstrated through timely transposition of EU Directives relating to the capital requirements of credit institutions, investment funds, asset covered securities, etc.

I would also point out that the financial and banking services sector in Ireland operates under a modern and up to date legislative framework and tax environment which is focused on the realities of international finance and the requirements of international best practice. Ireland's corporate tax system is clear and deliberately transparent through maintaining a low general corporation tax rate of 12.5%. A system of full exchange of information, positive rates of tax and 44 tax treaties is also in place.

The Irish financial and banking services industry is also supported by a strong and credible regulatory system. The principles-led regulatory system maintains the highest standards and recognises the importance of being responsive and accessible to initiatives supporting the development of the sector. Indeed, the Deputy may be aware that recent assessments by reputable international bodies such as the IMF and the OECD have confirmed that the Irish system of financial regulation complies with best international practice.

As regards the funds side of the financial services sector, Ireland has become a major international funds jurisdiction, with links into the funds industry worldwide. In addition to becoming a major location for the domicile of investment funds, Ireland has also developed a strong niche activity in servicing non-domiciled funds here, providing back-office administrative services to such funds. In terms of the competitiveness of the banking sector in Ireland, there has been good progress since the 2005 report of the Competition Authority on competition in the banking sector. It issued 25 recommendations directed largely at the industry, its representative bodies, the Financial Regulator and Central Bank.

Points addressed for the attention of the Minister for Finance included the issues of stamp duty, the regulation of banking charges and the question of improvements in the area of cheques and mortgages. Measures had already been taken, through the Finance Act 2005, to eliminate a double stamp duty charge on switching of financial cards. The stamp duty charge on financial cards was recently reduced in Budget 2008. These measures along with measures introduced by the Financial Regulator and the industry, such as the introduction of a switching code for both personal customers and the business sector, have increased competition in the Irish banking sector. The Financial Regulator has also proactively informed consumers on types of banking products available and cost comparisons between them. Other factors that have increased competition include new entrants that have entered the Irish market in recent years. All of these factors will ultimately benefit consumers through increased choice, innovative products, lower prices and better service.

By way of concluding, Ireland is a small open economy and we must compete in the global economy. We must look at our competitiveness and make sure that we take the actions necessary to ensure that we are competitive in the future. The financial sector plays a pivotal role in the economy in terms of recycling savings and thus providing the credit for investment and economic activity generally. I can assure the Deputy that my Department is proactive in seeking to ensure the competitiveness of the banking and financial services sector.

Price Inflation.

183. **Deputy Bernard J. Durkan** asked the Minister for Finance the action he has taken or proposes to take to combat inflation; and if he will make a statement on the matter. [22292/08]

Minister for Finance (Deputy Brian Lenihan): Achieving a moderate rate of inflation is a key economic policy priority given its importance in helping to restore national competitiveness. Before outlining the Government's actions to achieve this objective, I would first draw the Deputy's attention to the fact that recent price developments have been driven primarily by external factors, namely the global rise in oil and food prices. It should be recognised that as a small open economy; Ireland is largely a price-taker which means that there are few direct measures we can use to reduce the inflationary impact of the global rise in commodity prices.

However, I would expect that there should be a moderation in Ireland's inflation rate later this year as the recent depreciation in Sterling is passed through. In addition, I would like to reassure the Deputy that the Government is committed to doing what it can to control inflation. In the short to medium term, this includes implementing responsible fiscal policies and promoting competition and increased price transparency through the work of the Competition Authority and the National Consumer Agency.

Over the longer term, the considerable investment in public infrastructure that the Government is undertaking as part of the National Development Plan will enhance our ability to produce more goods and services, which by improving the economy's efficiency should help to keep inflation in check.

Finally, from a competitiveness perspective, I would stress the importance of ensuring that the externally-driven price increases that we are currently experiencing are not exacerbated by internally generated second-round effects. Securing a sensible and sustainable outcome to the current round of pay talks will have an important role to play in this respect.

Economic Competitiveness.

184. **Deputy Bernard J. Durkan** asked the Minister for Finance if he is satisfied that economic growth projections for 2008 are expected to be achieved; the extent to which revenue from taxation is expected to be affected by fluctuations; and if he will make a statement on the matter. [22293/08]

Minister for Finance (Deputy Brian Lenihan): On Budget day, GDP was forecast to rise by 3% this year, with GNP forecast to rise by 2.8 %. However, in framing these forecasts a number of downside risks to the economic outlook were identified. These risks included the possibility of a sharper slowdown in the US, the possibility of adverse exchange rate movements, the possibility that financial market difficulties could persist for longer than assumed and the possibility of a sharper contraction in new house building.

It now appears that most of these risks have materialised and in this regard other economic commentators that produce forecasts on a more frequent basis have revised their forecasts downwards. The current market consensus is for GDP growth of around 2 per cent this year. My Department continues to monitor developments and advises accordingly.

More modest growth has implications for the evolution of the public finances. At end-April, my Department published information which showed that overall tax receipts for the first four months of the year were €736 million, or 5.3%, behind target. At the time it was indicated that it was not expected that the tax shortfall would be recouped. Later today, as is the norm, my Department will publish detailed information in relation to the Exchequer position at end-May. In relation to tax revenue, these numbers will show a further deterioration in taxes and as previously indicated the shortfall is not expected to be recouped later in the year. My Department monitors tax receipts and expenditure on an ongoing basis and an updated view on the expected Exchequer position in 2008 will be presented at the end of this quarter.

Disabled Drivers.

185. **Deputy Bernard J. Durkan** asked the Minister for Finance when it is expected to implement the recommendations of the inter-Departmental group dealing with the disabled drivers disabled passengers tax concession 1994 regulations; and if he will make a statement on the matter. [22294/08]

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.

The Deputy might wish to be aware that 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.

Garda Stations.

186. **Deputy Bernard J. Durkan** asked the Minister for Finance when the new Garda station at Leixlip, County Kildare is expected to open; the full extent of the accommodation provided; and if he will make a statement on the matter. [22295/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The construction of the new Garda Station in Leixlip, Co. Kildare is progressing well, and is due for completion in Autumn 2008. Accommodation is being provided for An Garda Síochána in line with the Garda Brief of Requirements for the particular category of station, i.e. city-type station.

Decentralisation Programme.

187. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which the original proposals in respect of decentralisation have been achieved to date; the costs involved; and if he will make a statement on the matter. [22296/08]

191. **Deputy Kieran O'Donnell** asked the Minister for Finance the status on the decentralisation programme; the number of persons decentralised by Department and agency to date and from 1 January 2008 to date in 2008 in tabular form; the number of persons to be decentralised by Department and agency; the expected date of each decentralisation; and the cost involved with each decentralisation. [22311/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 187 and 191 together.

A progress report by the Decentralisation Implementation Group (DIG) was submitted to me and published on 8th October last. The Group reported that implementation of the civil service element of the Decentralisation Programme is progressing satisfactorily.

Over eleven thousand civil and public servants have applied to relocate under the Programme. Of these, over 6,000 or 55% are currently based in Dublin. The Central Applications Facility (CAF) remains open and continues to receive applications.

To date, decentralising organisations have a presence in 34 towns. Approximately three thousand four hundred civil service staff have been assigned to decentralising posts and over 2,200 of these are currently in their new locations, while the remainder are being trained in advance

of decentralisation to a new location, as soon as accommodation becomes available. Taking account of both posts moved and assignments approximately 50% of the civil service posts have already moved or have staff in place with a commitment to move. Property or sites have been acquired or are well advanced in a total of 38 locations.

In addition, the OPW have been very efficient in securing suitable advance or temporary accommodation in over 20 locations to facilitate the early phasing of the transfer of business units. The October DIG report, which can be accessed at <http://www.decentralisation.gov.ie>, provides the OPW timeframes for the expected completion of permanent accommodation at that time. The DIG are currently updating the position in relation to property with the OPW and early indications are that there are now likely to be some shifts in the completion dates for permanent accommodation caused by property selection and acquisition issues, brief and design issues, tendering periods, planning issues and contractual arrangements.

The DIG is currently examining the position in relation to progressing the relocation of the State Agencies and I expect a report on this matter later in the summer. I understand that the DIG will also provide an update on timeframes for the Programme generally at that time.

I can also confirm that the Government has recently asked the Implementation Group of Secretaries General to deal with the Governmental and cross-Departmental issues arising from Decentralisation of the Headquarters of Government Departments and the need to provide facilities for Ministers, Ministers of State and officials while in Dublin on business. A sub-group of the Implementation Group has been established to progress these issues.

The estimated gross cost of the property aspects of the original decentralisation programme was €900m at the outset of the programme (2004 prices). This was based on provision of accommodation for 10,300 staff outside of Dublin.

The overall number of staff for which accommodation is required has increased since the announcement of the programme due to additional bodies and locations being added to the programme, changes to business functions of certain organisations, additional space required for work-sharing staff, planned future expansion etc. and consolidation of certain existing regional offices into new buildings). Based on costs incurred to date, a recent update of the financial model by the OPW anticipates that the direct cost of providing accommodation is now approximately €960m in 2004 terms (NPV).

While the majority of posts have not yet moved from Dublin, the OPW has been able to dispose of property in Dublin being held for future needs because the announcement of the decentralisation programme clarified that most future expansion of Civil Service accommodation would not be in central Dublin. Total income from such property disposed of between January 2004 and December 2007 was €387.5m. In addition property valued at €75 million was transferred to the Affordable Homes Partnership. In addition OPW has agreed joint venture redevelopment schemes with a minimum value of circa €125m up to the end of 2007 and further ongoing large property disposals are planned having regard to progress with staff moves.

As expected, non-property costs have been increasing since the beginning of 2007 as more advance accommodation is in place, staff training has increased and actual moves have taken place. At end September, 2007, the other costs incurred in implementing the programme amounted to approximately €8.4m. Of this total, it is estimated that approximately €3.9m are once off costs associated with the moves e.g. office machinery, office premises expenses, consultancy, etc. In addition, property costs of €1.4m have been incurred which are not captured in the OPW expenditure, giving total additional expenditure of €9.7m.

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Details of the organisations and the number of posts due to be decentralised by the various Departments and agencies are set out in appendix A, together with details of those who were decentralised at end May 2008.

Details of the specific costs incurred to date by decentralising organisations are a matter for the individual Minister and I have asked the various Departments to provide this information directly to the Deputy.

Town	No. of posts to be relocated	Organisation	Number of Staff moved to End May 2008
Arklow	124	National Standards Authority of Ireland	
Athlone	92	Education & Science	14
Athlone	64	Higher Education Authority	
Athy	250	Revenue Commissioners	53
Ballina	62	Road Safety Authority	62
Ballinasloe	110	National Roads Authority	
Birr	400	FÁS	14
Buncrana	118	Social & Family Affairs	
Carlow	288	Enterprise Trade & Employment	99
Carrickmacross	85	Social & Family Affairs	
Carrick-on-Shannon	220	Social and Family Affairs	120
Carrick-on-Shannon	54	Central Fisheries Board	
Cavan	300	Communications Energy & NR	45
Cavan		HIQA* all HIQA posts shown for Cork — to be divided between Cavan, Galway and Cork	
Charlestown	165	Community Rural & Gaeltacht Affairs	101
Claremorris	142	Office of the Public Works	29
Clifden	42	Pobal	25
Clonakilty	80	Agriculture Fisheries & Food	80
Clonakilty	95	BIM	
Clonakilty	47	Sea Fisheries Protection Authority	22
Cork City	80	National Consumer Agency	
Cork City	180	Health Information and Quality Authority	34
Curragh	413	Defence Forces Staff	
Donegal	258	Social & Family Affairs	
Drogheda	37	Department of Transport	
Drogheda	216	Social & Family Affairs	
Drogheda	255	Social & Family Affairs — ICT	
Drogheda	49	Citizen's Information Board	
Drogheda	9	Railway Safety Commission	
Drogheda	101	Local Government Computer Services Board	
Dundalk	38	Sustainable Energy Ireland	19
Dungarvan	206	Ordnance Survey Ireland	
Edenderry	18	National Qualification Authority of Ireland	
Edenderry	34	Higher Education Training and Awards Council	
Edenderry	44	Further Education Training and Awards Council	
Enniscorthy	76	Bord Bia	
Fermoy	100	Agriculture Fisheries & Food	

Town	No. of posts to be relocated	Organisation	Number of Staff moved to End May 2008
Galway City		HIQA* all HIQA posts shown for Cork — to be divided between Cavan, Galway and Cork	
Gweedore	30	Foras Na Gaeilge*	
Kanturk	88	Office of the Public Works	
Kildare	30	Finance — CMOD	
Kildare	380	Revenue Commissioners	
Kilkenny	62	Environment Heritage & Local Govt	
Kilkenny	49	Arts Council	
Killarney	123	Arts Sports & Tourism	70
Killarney	31	Irish Sports Council	
Kilrush	57	Revenue Commissioners	57
Limerick	124	Foreign Affairs — DCI	57
Listowel	52	Revenue Commissioners	52
Longford	141	Irish Prison Service	110
Loughrea	10	Transport — Road Haulage	
Loughrea	40	Road Safety Authority	50
Macroom	100	Agriculture Fisheries & Food	
Mallow	167	Fáilte Ireland	
Mitchelstown	200	CIE Group	
Monaghan	25	Combat Poverty Agency	
Mullingar	313	Education & Science	
Na Forbacha	13	Community Rural & Gaeltacht Affairs	11
Naas	15	Irish Auditing & Accounting Supervisory Authority	9
Navan	39	Garda Civilian HR Unit	36
Navan	10	National Property Services Regulatory Authority	6
Navan	40	Coroners Agency	
Navan	18	Office of the Director of Probation Service	1
Navan	100	Revenue Commissioners	91
New Ross	125	Environment Heritage & Local Government	
Newbridge	247	Defence, C An A & Defence Forces	
Newcastle West	52	Revenue Commissioners	50
Portarlington	23	Data Protection Commissioner	24
Portarlington	42	Equality Tribunal	
Portarlington	14	National Educational Welfare Board	
Portarlington	37	National Council for Curriculum and Assesment	
Portlaoise	203	Agriculture Fisheries & Food ICT	259
	392	Agriculture Fisheries & Food	
Roscommon	230	Property Registration Authority	75
Roscrea	55	Equality Authority	13
Roscrea	22	Garda Siochana Ombudsman Commission	
Shannon	300	Enterprise Ireland	60
Shannon	102	Irish Aviation Authority	
Sligo	88	Social & Family Affairs	72
Thomastown	110	Health and Safety Authority	28
Thurles	66	Garda Central Vetting Unit	68
Thurles	121	Fixed Charge Processing Section	65

[Deputy Brian Lenihan.]

Town	No. of posts to be relocated	Organisation	Number of Staff moved to End May 2008
Tipperary	186	Irish Naturalisation & Immigration Service	
Tipperary	48	Private Security Authority	31
Trim	333	Office of the Public Works	28
Tullamore	130	Finance	121
Waterford	225	Environment Heritage & Local Govt	
Wexford	270	Environment Heritage & Local Govt	40
Wexford	63	National Building Agency	
Youghal	100	Valuation Office	
Youghal	100	Public Appointments Service	
	10793		2201

Flood Relief.

188. **Deputy Bernard J. Durkan** asked the Minister for Finance the position in relation to his proposals directly or in conjunction with Kildare County Council for the alleviation of flooding at Leixlip, County Kildare; and if he will make a statement on the matter. [22297/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works and Kildare County Council agreed a programme of works to alleviate flooding on the Silleachain River at Mill Lane, and on the Rye River, including the Dún Carraig estate and works commenced in these areas in September 2007.

The first phase of works on the Silleachain River is now substantially complete, and re-instatement works are currently being carried out on landowner's properties adjacent to the river. Embankment works on the Rye River have been completed and works are on-going at Distillery Lane in relation to the Bridge and the retaining walls in this area. It is envisaged that the works on the Rye River will be substantially completed by the end of the year.

Economic Competitiveness.

189. **Deputy Kieran O'Donnell** asked the Minister for Finance the measures he is putting in place to restore consumer confidence in the Irish economy. [22309/08]

Minister for Finance (Deputy Brian Lenihan): I am aware of the recent decline in consumer confidence as measured by the Consumer Sentiment Index. While there are a number of challenges facing the economy, we face them from a position of strength. For instance, we have one of the lowest levels of public debt in the euro area, our markets are flexible allowing us to respond efficiently to adverse developments, we have a dynamic and well educated labour force, we have a pro-business outward looking society and the tax burden on both labour and capital is low. This Government, through the implementation of policies aimed at securing our prosperity and future economic growth will assist in restoring consumer confidence.

Budget 2008 represented a stimulus to the economy and should help boost economic activity. Sustained investment in our core economic infrastructure, as provided for under the National Development Plan, remains a key priority for the period ahead. In this context, the Government is also committed to education, training and life-long learning in order to ensure that those losing their jobs can acquire the necessary skills to gain employment in expanding sectors of the economy. Through the social partnership process, the Government is also supporting

improvements in competitiveness by promoting sensible wage developments as well as reforming the public sector.

We are also committed to maintaining flexibility in our economy and to maintaining a low burden of taxation of capital and labour in order to reward work and enterprise. Hence, once we surmount the short-term difficulties, the outlook is for a pick-up to more sustainable rates of growth. It is of note that others, including the ESRI, share my assessment as evidenced by their recently published Medium Term Review.

House Completions.

190. **Deputy Kieran O'Donnell** asked the Minister for Finance if, in view of recent predictions on significantly reduced housing completions for 2008 and 2009, he will be revising his current Budget forecasts for these years. [22310/08]

Minister for Finance (Deputy Brian Lenihan): On Budget Day, my Department forecast that housing completions for 2008 would ease to around 55,000 units. This easing in the level of completions was broadly in line with market consensus forecasts.

However, as evidenced by the weaker conditions in the opening months of this year there has been a sharper than expected slowdown in the house building sector. The current market consensus is for completions in the region of 45 — 50,000 housing units this year and stabilising around this level next year. As is normal practise, my Department will publish revised four year macro-economic and fiscal forecasts in the Pre-Budget Outlook in the Autumn.

Question No. 191 answered with Question No. 187.

Health Service Staff.

192. **Deputy Jack Wall** asked the Minister for Health and Children the number of behavioural therapists employed by her Department in the Kildare west Wicklow area and the Carlow/Kilkenny area; the mechanism available to a parent to obtain an appointment with such therapists; and if she will make a statement on the matter. [22088/08]

234. **Deputy Jack Wall** asked the Minister for Health and Children the number of behavioural therapists employed by the Health Service Executive in the Kildare west Wicklow area; the mechanism or arrangement that a parent has to use to obtain an appointment with such a therapist; the number of therapists seconded to her Department; and if she will make a statement on the matter. [22089/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Question Nos. 192 and 234 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

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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.

There are no behavioural therapists seconded to the Department.

Health Services.

193. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding an application for home help for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [21707/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

194. **Deputy Jack Wall** asked the Minister for Health and Children the reason the funding of a home care package grant to persons (details supplied) in County Kildare has been reduced; and if she will make a statement on the matter. [21708/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

195. **Deputy John O'Mahony** asked the Minister for Health and Children the average time a person must wait from being approved for home help and receiving the assistance; and if she will make a statement on the matter. [21716/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

196. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a person (details supplied) in Dublin 5. [21728/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): I understand from the Health Service Executive that a further letter has issued to the Deputy on the 30th May 2008.

197. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support Dóchas in 2008 (details supplied). [21729/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): 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. A further €50m investment 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 Services.

198. **Deputy Ciarán Lynch** asked the Minister for Health and Children if public treatment clinics for hip dysplasia in Dublin and Cork are to be discontinued from the end of May 2008; if this treatment will in future be provided to private patients only; the number of children availing of the service; the number of patients who will be affected by this withdrawal of service; and if she will make a statement on the matter. [21732/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Nursing Homes Repayment Scheme.

199. **Deputy Phil Hogan** asked the Minister for Health and Children when a decision will be made regarding an application (details supplied) under the health repayment scheme; and if she will make a statement on the matter. [21740/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Health Service Allowances.

200. **Deputy James Bannon** asked the Minister for Health and Children the reason a person (details supplied) in County Longford who is paralysed on one side due to a stroke in teenage years has had a mobility allowance withdrawn as the health and financial profile of this person is unaltered; and if she will make a statement on the matter. [21744/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): Mobility Allowance cases are reviewed financially on an annual basis and medically where appropriate. If the review process results in an unfavourable determination, formal notification

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must issue to the client informing him or her of their formal Right of Appeal and indicating where he/she should send the appeal.

As 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 my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Services.

201. **Deputy Michael Ring** asked the Minister for Health and Children the reason surgery for a person (details supplied) in County Mayo has been cancelled for the third time. [21750/08]

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 Aids and Appliances.

202. **Deputy Edward O'Keefe** asked the Minister for Health and Children if her attention has been drawn to the fact that a person (details supplied) in County Cork who needs a replacement hearing aid has been informed that they can not receive a hearing aid as there are none available at present; and if she will arrange to have aids supplied to meet demand in respect of medical card holders. [21754/08]

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.

Medical Cards.

203. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a person (details supplied) in Dublin 9. [21769/08]

Minister for Health and Children (Deputy Mary Harney): As the Health Service Executive has the operational and funding responsibility for the medical card benefit, 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.

Hospitals Building Programme.

204. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a project (details supplied) in Dublin 3. [21770/08]

Minister for Health and Children (Deputy Mary Harney): The Government's sustained high level of investment in healthcare has enabled the completion and commissioning of numerous new facilities in both the acute and the non-acute sectors. This year, overall capital funding of approximately €594m has been provided to the Health Service Executive. The HSE has con-

firmed that the project in question will deliver an additional 64 beds and is being developed in two phases at a total cost of €16.6m. Phase 1, comprising 32 additional beds, was completed earlier this year and is now operational. The second phase is currently under construction and due for completion by mid-2009.

Hospital Services.

205. **Deputy Alan Shatter** asked the Minister for Health and Children if he will sanction the provision of combined decongestive therapy for lymphoedema for a person (details supplied) in County Dublin; if he will sanction the therapy for all other patients suffering from lymphoedema; and if she will make a statement on the matter. [21776/08]

Minister for Health and Children (Deputy Mary Harney): The specific question raised by the Deputy relates to the management and delivery of health and personal social services, which are the responsibility of the HSE under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in this regard.

Medical Redress Scheme.

206. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if she will respond to the communication received from a group (details supplied); and if she will make a statement on the matter. [21777/08]

Minister for Health and Children (Deputy Mary Harney): An Inquiry into the practice of peripartum hysterectomy at Our Lady of Lourdes Hospital, Drogheda, was established by the Government following the decision of the Medical Council to remove the name of Dr. Michael Neary from the Register of Medical Practitioners after finding him guilty of professional misconduct. The Inquiry was chaired by Judge Maureen Harding Clark. Following the publication of the Inquiry Report in February 2006, Judge Clark was requested by the Government to advise on an appropriate scheme of redress. In April 2007 the Government approved the establishment of an ex-gratia scheme of redress for former patients of Dr Neary who underwent an unplanned obstetric hysterectomy or bilateral oophorectomy which in the opinion of a Consultant Obstetrician was medically unwarranted. Judge Clark was appointed to oversee the operation of the Redress Scheme.

Contributions were sought by Judge Clark from indemnifiers and a total of €7.7m was received. No contribution was received from the Medical Defence Union of which Dr. Neary was a member. The work of the Redress Board is at an advanced stage and Judge Clark will furnish a final report to the Minister on the operation of the Redress Board on completion of her work. I have met with the patient advocacy group referred to by the Deputy on a number of occasions to discuss issues of concern to them. The issues raised are under consideration and I will revert to the group as soon as possible.

Health Service Staff.

207. **Deputy John Perry** asked the Minister for Health and Children her plans to appoint a permanent consultant child and adolescent psychologist in the north west region in view of a growing crisis in child and adolescent mental health services in this region; and if she will make a statement on the matter. [21796/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): Operational responsibility for the management and delivery of health and personal social services

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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 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.

208. **Deputy Catherine Byrne** asked the Minister for Health and Children the number of clerical staff and general operatives employed by the Health Service Executive from outside of this country; the location where they are employed; and if she will make a statement on the matter. [21815/08]

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.

Health Service Property.

209. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of Health Service Executive owned buildings in Donegal that are vacant; and the locations of same. [21819/08]

Minister for Health and Children (Deputy Mary Harney): Responsibility for the management and delivery of health and personal social services including estate management was assigned to the Health Service Executive under the Health Act 2004. Therefore the Executive is the appropriate body to investigate the particular matter raised by the Deputy.

Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

210. **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. [21821/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): 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.

211. **Deputy John Deasy** asked the Minister for Health and Children if her attention has been drawn to the fact that chiropody services are not available to medical card holders in County Waterford; if the legislation being prepared by her Department to clarify and update existing legislation on eligibility for health and personal social services will define specific eligibility of medical card holders for chiropody services; when that legislation will be published; and if she will make a statement on the matter. [21822/08]

Minister for Health and Children (Deputy Mary Harney): I would like to bring to the Deputy's attention the fact that there is no statutory obligation on the Health Service Executive to provide chiropody services to medical card holders. However, in practice, arrangements have been made in several regions to provide these services. Before the establishment of the HSE the nature of any arrangements for community chiropody services and the level of service provided were a matter for individual health boards and so a degree of variation in practice developed over time.

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.

Hospital Services.

212. **Deputy Seán Fleming** asked the Minister for Health and Children when a hip operation will be carried out for a person (details supplied) in County Kildare. [21825/08]

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.

213. **Deputy Lucinda Creighton** asked the Minister for Health and Children the reason it took so long for a person (details supplied) in Dublin 4 to receive results from the hospital laboratory; and if she will make a statement on the matter. [21840/08]

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.

Pharmacy Regulations.

214. **Deputy Denis Naughten** asked the Minister for Health and Children when she will

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introduce legislation to recognise UK trained pharmacists; and if she will make a statement on the matter. [21841/08]

Minister for Health and Children (Deputy Mary Harney): The Pharmacy Act 2007 allows for the removal of the derogation under Article 2.2 of Council Directive 85/433/EEC which prevents pharmacists educated in other EU or EEA countries owning, managing or supervising a pharmacy in Ireland that is less than three years old.

The Pharmacy Act is being commenced in three stages. The first stage of the process involved the establishment of a Council of the new Pharmaceutical Society of Ireland, the second stage will put in place a new registration regime for pharmacists and pharmacies, and the third stage will deal with complaints, inquiries and fitness to practice provisions. A three stage process is necessary given the complexity and number of new policies and procedures that the new Pharmaceutical Society of Ireland Council must have in place to accommodate each stage.

The removal of the derogation will occur as part of the second stage of implementation. The necessary regulations are at an advanced stage of preparation, including notification to the EU as appropriate. I expect to have the regulations in place in September, at which time the derogation will be removed.

Housing Aid for the Elderly.

215. **Deputy Pat Breen** asked the Minister for Health and Children when an application will be finalised for a person (details supplied) in County Clare; and if she will make a statement on the matter. [21988/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. The Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

216. **Deputy Pat Breen** asked the Minister for Health and Children when a decision will be made on an application for a person (details supplied) in County Clare; and if she will make a statement on the matter. [21989/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. The Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

217. **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. [21990/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

218. **Deputy Michael McGrath** asked the Minister for Health and Children the maximum subvention that can be paid in the area of the Health Service Executive south in relation to the nursing home charges of a person in a private nursing home; and if she will make a statement on the matter. [22001/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

219. **Deputy Liz McManus** asked the Minister for Health and Children the number of speech therapists available in County Wicklow; the reason children in a school (details supplied) in County Wicklow have been refused access for an assessment by a speech therapist; her views on whether refusing assessments to children in Greystones and elsewhere between the ages of six to eighteen is detrimental to the development of children in need of speech therapy; the action she will take to rectify this situation; and if she will make a statement on the matter. [22003/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): 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. A further €50m investment was announced in the 2008 Budget.

The Deputy's question refers to services which fall within the remit of the Health Service Executive. 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.

220. **Deputy James Reilly** asked the Minister for Health and Children if combined decongestive treatment is available for patients with lymphoedema; if it is available for public patients and patients under the GMS scheme; if it is not available, if she will direct the relevant section in her Department or the Health Service Executive to make arrangements to make it available as the use of this therapy can aid in deterrence of infections which involve hospitalisation and

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the use of hospital beds that could be used for other urgent procedures; and if she will make a statement on the matter. [22026/08]

224. **Deputy Olivia Mitchell** asked the Minister for Health and Children when combined decongestive therapy will be made available to Irish patients suffering from lymphoedema; and if she will make a statement on the matter. [22035/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 220 and 224 together.

The specific questions raised by the Deputies relate to the management and delivery of health and personal social services, which are the responsibility of the HSE under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputies in this regard.

221. **Deputy Mary Upton** asked the Minister for Health and Children the arrangements that will be in place to ensure that the patients at Our Lady's Hospital for Sick Children will not be compromised because of the proposed cuts in staffing, that the number of referrals will not be reduced and that the waiting time for treatment will not be extended; and if she will make a statement on the matter. [22029/08]

Minister for Health and Children (Deputy Mary Harney): Our Lady's Children's Hospital, Crumlin provides acute secondary and tertiary hospital services for children. The hospital receives a significant proportion of its funding from the Exchequer via the Health Service Executive. In 2008, the hospital has an allocation of €137m, up from €128m in 2007. The hospital's budget has increased by over €38m since 2004, a 39% increase.

Each hospital funded by the HSE is required to deliver services within the financial allocation provided. The HSE is fully aware of the financial challenges being faced by the hospital. It is involved in ongoing discussions with hospital management regarding its 2008 financial allocation and Service Plan. The Hospital has an overrun of €10m from last year, and a projected overrun of €14m for this year.

As part of the discussions on the budgetary position, the HSE has made an agreement with the Hospital, on a once off basis, to deal with last year's overrun of €10 million and to provide a further €7 million this year. However, the additional funding arrangement is contingent on the hospital working within its budget which will be amended from €137 million to €144 million for this year. The hospital must achieve savings of €7 million from the projected overrun of €14 million for 2008.

The priority of the HSE and hospital management is to ensure that services for children at the hospital are maintained at an optimum level.

There has been an increase in activity at the hospital in 2008. The hospital is ahead of its Service Plan targets. The number of day cases is up by 12.3%, outpatient activity is up by 7.7% and the number of inpatients treated has increased by 1.6%.

The number of staff employed at the Hospital has increased by 433 whole time equivalents (WTE) since 2004. At the end of March the number of WTEs employed at the hospital was 282, or 20%, above the approved employment ceiling.

The initial focus of the discussions between hospital management and the HSE is on ensuring that all areas of non-pay expenditure are critically examined.

Pay costs represent over 70% of the hospital's expenditure. The hospital has indicated that there will be a need to reduce the number of temporary and agency staff numbers but it is not in a position at this point to confirm the number of posts involved.

Significant investment has been put into developing services at the Hospital in the last number of years in areas such as Cardiac, Haematology/Oncology and MRI Services. Discussions are also at an advanced stage to create additional Intensive Care facilities at the Hospital.

My Department has asked the Parliamentary Affairs Division of the Executive to revert to the Deputy on the operational issues raised.

Pharmacy Graduates.

222. **Deputy Richard Bruton** asked the Minister for Health and Children if she is satisfied with the number of pharmacists being trained; if she has records of the percentage of graduates who successfully find employment here; and if she will make a statement on the matter. [22030/08]

Minister for Health and Children (Deputy Mary Harney): The Bacon Report, “Assessing Supply in Relation to Prospective Demand for Pharmacists in Ireland”, and the subsequent Report of the Higher Education Authority Forum on Pharmacy Education in 2000 both outlined the need for additional undergraduate pharmacy places in order to address the severe manpower shortage in the profession. There has been a significant increase in investment by the State in the education and training of pharmacists. Undergraduate pharmacy courses are now provided by University College Cork and the Royal College of Surgeons, in addition to the course provided by Trinity College Dublin. In the 2005/2006 training year 72 pre-registration graduates undertook training. This number increased to 125 for the 2006/2007 year, to 144 for 2007/2008 and will be in the region of 180 for 2008/2009. The total number of undergraduate and pre-registration students under the accreditation programmes of the Pharmaceutical Society of Ireland (PSI) in 2007 was in the order of 800.

Neither my Department, or the PSI, maintain records on the percentage of pharmacy graduates who are currently employed.

Health Services.

223. **Deputy Finian McGrath** asked the Minister for Health and Children if she will assist a person (details supplied). [22033/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 224 answered with Question No. 220.

Consultancy Contracts.

225. **Deputy Denis Naughten** asked the Minister for Health and Children the funding spent in each of the past five years by her Department on outside consultants; the cost of each project; the plans for the appointment of consultants in 2008; the proposed projects and the projected cost of same; the corresponding data from the Health Service Executive; and if she will make a statement on the matter. [22036/08]

Minister for Health and Children (Deputy Mary Harney): My Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to have this matter

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investigated and to respond directly to the Deputy. The information regarding this Department is currently being compiled and will be forwarded to the Deputy as soon as possible.

Services for People with Disabilities.

226. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a group (details supplied). [22044/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): 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. A further €50m investment was announced in the 2008 Budget.

The Deputy's question refers to services which fall within the remit of the Health Service Executive. 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.

Departmental Projects.

227. **Deputy P. J. Sheehan** asked the Minister for Health and Children if she will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by her Department; the purpose of each project; the start up date of each project; the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if she will make a statement on the matter. [22067/08]

Minister for Health and Children (Deputy Mary Harney): The information requested by the Deputy is currently being collated within my Department and will be forwarded as soon as it becomes available.

Hospital Procedures.

228. **Deputy John Perry** asked the Minister for Health and Children the number of breast cancer surgical procedures, as recorded by the hospital in-patient enquire database for Sligo Hospital for the years 2005, 2006 and 2007 and in the case of the figure for 2007 the percentage of the cases processed; and if she will make a statement on the matter. [22076/08]

Minister for Health and Children (Deputy Mary Harney): The number of breast cancer surgical procedures, as recorded by the Hospital In-patient Enquiry (HIPE) System for Sligo General Hospital are as follows:

- 2005 — 65
- 2006 — 57
- 2007 — 79

The National Quality Assurance Standards for Symptomatic Breast Disease, which are approved by the Health Information and Quality Authority, recommend that specialist breast

centres should provide care/service to more than 150 newly diagnosed patients with primary breast cancer per year.

HIPE data are coded by staff based in each hospital and returned to the Economic and Social Research Institute (ESRI). Hospitals were due to return all HIPE data for 2007 by 31st March 2008. The figure for 2007 is based on HIPE data made available to the ESRI at the end of April. It is estimated that the coverage for Sligo at this stage was 97.4%.

The data refer to the total number of the following procedures which were carried out on women with a principal diagnosis of breast cancer:

- Excision of lesion of breast
- Re-excision of lesion of breast
- Subcutaneous mastectomy, unilateral
- Subcutaneous mastectomy, bilateral
- Simple mastectomy, unilateral
- Simple mastectomy, bilateral

Cancer Treatment Services.

229. **Deputy John Perry** asked the Minister for Health and Children if she will provide a citation or reference for the three most relevant primary scientific studies from the 250 articles referenced by her (details supplied) that support the strategy of centralising breast cancer care services; and if she will make a statement on the matter. [22077/08]

230. **Deputy John Perry** asked the Minister for Health and Children if she will provide a citation or reference to a primary scientific study for the statement she made on local radio (details supplied) that a specialist unit like that proposed for Galway can deliver a 20% better outcome for breast cancer patients than the existing unit in Sligo; and if she will make a statement on the matter. [22078/08]

Minister for Health and Children (Deputy Mary Harney): The reference to 20% improved outcome can be found in the summary of the Report on the Development of Services for Symptomatic Breast Disease (2000). This document is the Report of the Sub Group to the National Cancer Forum. The Report was prepared by Professor Niall O'Higgins, Dr Ann O'Doherty and Dr Bernadette O'Keeffe. The Report was approved by the National Cancer Forum, which was chaired by Professor James Fennelly.

Professor O'Higgins subsequently chaired the group which produced the National Quality Assurance Standards for Symptomatic Breast Disease Services (2006) which were approved by the Health Information and Quality Authority (HIQA). These standards recommend that specialist breast centres should provide care/service to more than 150 newly diagnosed patients with primary breast cancer per year. This is in keeping with European Society of Breast Cancer Specialists (EUSOMA) guidelines on the requirements of a specialist breast centre.

I have full confidence in the work of Professor O'Higgins and other leading experts who have assisted and advised in the preparation and implementation of the Strategy for Cancer Control in Ireland. This group included a range of specialists covering all regions of the country and all relevant disciplines.

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In relation to scientific studies supporting the strategy of centralizing breast cancer care services, there is a wealth of evidence to support this from Irish experts such as Professor O'Higgins and the other experts who informed the National Cancer Forum and also from many international sources. Professor O'Higgins' first report on "The Development of Services for Symptomatic Breast Disease" cites over 90 scientific references for various aspects of breast cancer services, some of which relate to specialist centres.

From recent debates and media coverage on the management of breast cancer services there has been very strong support for the concept of a specialist centre where a woman can be guaranteed that her initial diagnosis and treatment will be managed by a multidisciplinary team, which should predict complications and be familiar with all relevant investigations and treatment for the disease. Women attending the centres will know that they are in the hands of highly-skilled consultants and nurses who have access to all the resources necessary to achieve the best results possible in terms of survival rates.

The National Library of Medicine in the US is the primary source of evidence from scientific studies in health care. It can be accessed through the PUBMED gateway. A search using the key words breast cancer survival surgical volume identifies close to 200 papers. Professor O'Higgins has cited many other publications not included in this source, such as consensus guidelines from bodies including the British Association of Surgical Oncologists and the National Institute for Health and Clinical Excellence in the UK.

Cancer Incidence.

231. **Deputy John Perry** asked the Minister for Health and Children the number of new breast cancer patients reported to the cancer registry in Cork by Sligo Hospital for the years 2005, 2006 and 2007; and if she will make a statement on the matter. [22079/08]

Minister for Health and Children (Deputy Mary Harney): Statistics in relation to cancer incidence are collated by the National Cancer Registry. My Department has asked the Director of the Registry to examine these matters and to reply directly to the Deputy.

Health Services.

232. **Deputy Catherine Byrne** asked the Minister for Health and Children the reason medical card holders, including old age pensioners, are obliged to pay top-up fees to chiropodists; if it is intended for the full cost of this care to be covered under the GMS scheme; and if she will make a statement on the matter. [22081/08]

Minister for Health and Children (Deputy Mary Harney): There is no statutory obligation on the Health Service Executive (HSE) to provide chiropody services to GMS patients; however in practice arrangements have been made in several regions to provide these services. Before the establishment of the HSE the nature of any arrangements for community chiropody services and the level of service provided were a matter for individual health boards and so a degree of variation in practice developed over time. I understand that priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. In several regions the service is provided by private chiropodists by arrangement with the HSE.

I consider that it is inappropriate for private chiropodists who are providing services on behalf of the HSE to charge patients a top-up fee, and I have conveyed this view formally to the HSE. My Department requested the HSE to review the fee arrangements in place for the

provision of chiropody services, with a view to ensuring that such additional fees will no longer be levied on persons in receipt of this service.

I have been advised by the HSE that it will shortly be in a position to contact chiropodists offering them contracts to provide services and advising them of the revised fees payable for such services. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the Deputy advised when this has been accomplished.

Hospital Services.

233. **Deputy Finian McGrath** asked the Minister for Health and Children if she will clarify the situation on a case (details supplied) in Dublin 5. [22083/08]

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.

Question No. 234 answered with Question No. 192..

Nursing Homes Repayment Scheme.

235. **Deputy Bernard Allen** asked the Minister for Health and Children the reason a person (details supplied) in County Cork has been refused a refund under the nursing home repayment scheme for their brother. [22104/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Hospital Waiting Lists.

236. **Deputy Joe McHugh** asked the Minister for Health and Children the average waiting time for an appointment with each specialist located at a hospital (details supplied) in County Donegal; and if she will make a statement on the matter. [22109/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular 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 Areas.

237. **Deputy Jack Wall** asked the Minister for Health and Children if the boundaries that determined the dispensed old health board areas are still recognised by her, her Department and the Health Service Executive in organising services for autistic children such as occupational therapists and speech and language therapists, behavioural therapists and so on if

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there are plans to alter or change such boundaries; and if she will make a statement on the matter. [22111/08]

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. A further €50m investment was announced in the 2008 Budget.

The Deputy's question refers to services which fall within the remit of the Health Service Executive. 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.

238. **Deputy Liz McManus** asked the Minister for Health and Children the number of Health Service Executive frontline posts vacant in April 2008 in County Wicklow; the type of posts involved; the timeframe for filling vacant posts; and if she will make a statement on the matter. [22122/08]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

239. **Deputy Willie Penrose** asked the Minister for Health and Children the reason the sexual assault unit which was to be in operation by the end of April 2008 at the Midland Regional Hospital, Mullingar has not commenced operating; if the resources are available to allow it to be fully staffed to enable it to open; if, in view of the importance of this unit she will ensure that it will be opened without further delay; and if she will make a statement on the matter. [22127/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): 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 Medical Services Scheme.

240. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if payment can or will be offered through the GMS scheme for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [22299/08]

Minister for Health and Children (Deputy Mary Harney): As the Health Service Executive has the operational and funding responsibility for the General Medical Services (GMS) Scheme, 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.

Fishing Vessel Licences.

241. **Deputy Seán Fleming** asked the Minister for Transport if it is possible for a fishing vessel to simultaneously hold a licence to carry passengers while also holding a sea fishing boat licence; and if he will make a statement on the matter. [21791/08]

Minister for Transport (Deputy Noel Dempsey): Due to the need to ensure the safety of passengers it is not permitted for a vessel to hold both a sea fishing vessel safety certificate and a passenger boat licence. This is because the safety record of fishing vessels is not as good as that for passenger boats. Fishing vessels carry on-board fishing nets, lifting equipment and other equipment, which can endanger the safety of passengers. Fishing vessels frequently operate in rough seas and in poor weather conditions; they are often subject to operational damage and experience high degrees of wear and tear. This is not compatible with the higher levels of safety required for the carriage of passengers. Passenger boats are required to be maintained to a higher standard and are only permitted to operate in favourable weather.

There have been some tragic incidents where fishing vessels carrying passengers sank with tragic consequences. The most notable one being the loss of the “MFV Pisces” which sank with the loss of five lives in 2002. The Pisces was a sea fishing vessel, which was being used to carry passengers.

Noise Pollution.

242. **Deputy David Stanton** asked the Minister for Transport the measures his Department is taking to deal with cars with excessively noisy exhausts; and if he will make a statement on the matter. [21758/08]

Minister for Transport (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No 477 of 2006) this is a matter for the Road Safety Authority.

Airport Security.

243. **Deputy Pat Breen** asked the Minister for Transport the level of security audits undertaken to monitor compliance with national and international aviation security standards by airlines, airports and other entities at each of the three main State airports at Cork, Shannon and Dublin for 2007; the number and frequency of those audits undertaken at each of the

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airports; if he has satisfied himself with the level of security at all three airports; and if he will make a statement on the matter. [21768/08]

Minister for Transport (Deputy Noel Dempsey): Aviation security at EU airports is governed by EU Regulation (EC) No. 300/2008 of the European Parliament and of the Council, which came into force on 29 April 2008. This Regulation repealed Regulation (EC) No. 2320/2002 which established common Community rules in the field of civil aviation security and which had been in force since January 2003. This Regulation and a series of supplementary implementing Regulations have been adopted into our National Civil Aviation Security Programme (NCASP). All Irish airports with regular commercial flights are required to comply with the requirements of the EU Regulations and the National Civil Aviation Security Programme.

I am satisfied that aviation security practices and procedures implemented at Irish airports conform to European Union common rules and to the highest standards internationally. These practices and procedures are subject to monitoring by my Department and are also the subject of periodic reviews by international organisations, such as the EU Commission and the International Civil Aviation Organisation (ICAO).

It is not the practice to comment on specific security measures in place or that may be implemented at the State's airports or on monitoring activities carried out by my Department; however, aviation security arrangements at Irish airports are kept under continuous review by my Department and the National Civil Aviation Security Committee, which is chaired by a senior official from my Department. The Committee comprises representatives of Government Departments, State Airports, airlines, An Garda Síochána, the Defence Forces, Customs and Excise, An Post, Irish Aviation Authority, the Irish Airline Pilots' Association and the Regional Airports.

Port Development.

244. **Deputy Andrew Doyle** asked the Minister for Transport the reason for the decline in vessel numbers entering Arklow Port (details supplied); the Government policy regarding Arklow harbour; and the development plan for Arklow port. [21778/08]

Minister for Transport (Deputy Noel Dempsey): The Government's Ports Policy Statement, which was launched in 2005, states that the continued operation of many of the regional harbours under the outdated provisions of the Harbours Act 1946 is unsustainable on the grounds of good governance. The Policy Statement reiterated the view that these harbours would best achieve their potential through their transfer to local authority ownership or, where this is not possible, the option of sale of the harbours will be considered. In harbours where significant commercial traffic exists consideration will be given to bringing them under the control of a port company.

My Department is working with the Department of the Environment, Heritage and Local Government to advance the implementation of the Ports Policy Statement with regard to the transfer of the designated regional harbours to their respective local authorities, where appropriate, and to proceed individually in conjunction with the relevant local authorities and harbour authorities, having regard to local requirements in each case.

Arklow Harbour is a candidate for transfer to local authority control. The day to day business of Arklow Port is a matter for the Harbour Commissioners.

Rural Transport Services.

245. **Deputy Áine Brady** asked the Minister for Transport the policies the Government is

adopting to sustain and develop the rural transport programme including its input into Transport 21; and if he will make a statement on the matter. [21786/08]

Minister for Transport (Deputy Noel Dempsey): While the Rural Transport Programme (RTP) is not part of Transport 21, it operates in parallel with it and supports the aims of that transport investment framework.

Some €9 million was provided for the RTP in 2007, which led to an increase in the frequency of a number of existing services, extended area coverage, and additional groups of passengers accessing rural transport.

€11 million has been allocated for the Rural Transport Programme in 2008 to: support the continued expansion of RTP services and wider area coverage; prepare the ground for further development and consolidation of the RTP in line with commitments in the various Government economic and social policy documents including Towards 2016 and the National Development Plan 2007-2013 which commits some €90 million to the RTP over its full term; and implement pilot cross-border rural community transport services between Fermanagh, south Tyrone and Cavan in line with a recent decision of the North South Ministerial Council.

Road Network.

246. **Deputy Seán Fleming** asked the Minister for Transport the cost to the State regarding the goodwill payment of €5,000 per acre paid to landowners in respect of compensation regarding roadway projects under the agreement signed by the Department of the Environment, Heritage and Local Government, the National Roads Authority and the Irish Farmers Association from the years 2001 to 2006. [21851/08]

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, including the acquisition of land is a matter for the National Roads Authority (NRA) under the Roads Act, 1993 in conjunction with the local authorities concerned.

247. **Deputy Seán Fleming** asked the Minister for Transport the average compensation price per hectare required for road projects throughout Ireland; the costing of the replacements of farm buildings and fencing arrangements which are provided for under the agreement signed by the Department of the Environment, Heritage and Local Government, the National Roads Authority and the Irish Farmers Association. [21852/08]

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, including the acquisition of land and property is a matter for the National Roads Authority (NRA) under the Roads Act, 1993 in conjunction with the local authorities concerned.

248. **Deputy Seán Fleming** asked the Minister for Transport the gross annual income from tolls on roads; and the proportion of this income accrued to the State. [21853/08]

Minister for Transport (Deputy Noel Dempsey): 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) under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007).

Driving Licences.

249. **Deputy Billy Timmins** asked the Minister for Transport the number of occasions an individual can be issued with a provisional driving licence; the length of time each one is in date for; if it is necessary to be accompanied by a qualified driver if one is driving on a provisional licence; what a provisional licence entitles one to drive; when and the way it can be used; and if he will make a statement on the matter. [21854/08]

Minister for Transport (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No 477 of 2006) this is a matter for the Road Safety Authority.

Road Network.

250. **Deputy Denis Naughten** asked the Minister for Transport the cost of advertising associated with his proposed order for the declaration of motorways with the closing date for submission on 28 March 2008; the roads involved; and if he will make a statement on the matter. [22019/08]

Minister for Transport (Deputy Noel Dempsey): The National Roads Authority applied to me under Section 8 of the Roads Act 2007 to re-designate elements of the N6, N7, N8 and N9 from dual carriageway to motorway status.

The specific sections of each route were:

	Sections
N6	Kinnegad to Kilbeggan Kilbeggan to Athlone
N7	Castletown to Nenagh Nenagh to Limerick
N8	Cashel Bypass Urlingford to Cashel Cashel to Mitchelstown Mitchelstown to Fermoy

The total printing and advertising expenses incurred by my Department for advertising in relation to the NRA application in question is €37,704.69.

As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. Sections 17 and 19 of the Roads Act, 1993 places specific responsibility for the provision of roads signage on the National Roads Authority.

Departmental Advertising.

251. **Deputy Joe McHugh** asked the Minister for Transport the amount of money that has been spent on the advertising campaign for Transport 21; the purpose of the advertisement; the value for money offered to the Irish taxpayer; and if he will make a statement on the matter. [22046/08]

Minister for Transport (Deputy Noel Dempsey): Transport 21 represents the largest capital investment commitment ever made by Government to the development of transport infrastruc-

ture 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 television, 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.

Departmental Projects.

252. **Deputy P. J. Sheehan** asked the Minister for Transport if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start up date of each project; the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22071/08]

Minister for Transport (Deputy Noel Dempsey): The information requested is contained in the following table.

Pilot schemes/projects	Purpose	Start up date	Time-scale	Projected completion date	Date that a report evaluating the project will be completed
Green Schools Travel Module	Recognising the need to achieve significant modal shift, the Minister has made €2 million available in 2008 (with similar funding projected in the years 2009 to 2012) to enable a significant expansion of support by DTO (running on a pilot basis to date) to An Taisce's Green-Schools Travel Module. The Module aims to reduce dependency on car transport for journeys to and from school (and create a life-long culture of using alternatives to the car) and will be an important element of the Sustainable Travel and Transport Action Plan. It would also link to a National Cycle Policy.	2008	2008 to 2012	2012	
German Irish Chamber of Commerce-	The Department is supporting a pilot project in conjunction with the German-Irish Chamber of Industry and Commerce to promote the use of 100% pure plant oil (PPO) in heavy goods vehicles and buses.	November 2006		December 2007	
Evaluate new bus type	Dublin Bus are leasing, with financial support from my Department, a prototype hybrid electric double-decker bus in 2008 on a trial basis. It is estimated that this vehicle can achieve 34% less fuel consumption than a standard bus. Dublin Bus will consider the further acquisition of hybrid electric vehicles as part of future fleet replacement	2008	2 years	2010	2010
Pilot Cross Border Rural Community Transport Exercise	To examine the potential for cross border rural community based transport initiatives to address social exclusion in border areas arising from unmet public transport needs and to identify the costs associated in providing them.	November 2008	12 Months	November 2009	December 2009

Traffic Management.

253. **Deputy Dinny McGinley** asked the Minister for Transport his views on allowing hackneys and other public service vehicles to use bus corridors in Dublin; if previous applications have been made in relation to this matter; and if he will make a statement on the matter. [22082/08]

Minister for Transport (Deputy Noel Dempsey): The current rules governing use of bus lanes were established through the Road Traffic (Traffic and Parking) Regulations 1997-1998. These regulations restrict the use of bus lanes to buses or minibuses operating under a public service licence, as well as allowing taxis and pedal cycles to use bus lanes which are with-flow (as opposed to contra-flow).

Over the years requests received from a variety of individual operators, individual members of the public and various organisations seeking access for hackneys/limousines to use bus lanes have been turned down by my Department.

Last year, I received a request from the Commission for Taxi Regulation to amend regulations so as to permit the use of bus lanes by hackneys and limousines. In considering this request, I have received the views of several interested bodies. However, a case is pending before the High Court in which a limousine operator is challenging the provisions of the existing regulations. I intend to await the outcome of this case before making a final decision on the Taxi Regulator's request.

Judicial Powers.

254. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if the European Union Court of Justice has more power than Ireland's Supreme Court. [21702/08]

Minister for Foreign Affairs (Deputy Micheál Martin): The Supreme Court is the final arbiter on all questions of Irish law, under the terms of Bunreacht na hÉireann.

It is clear that the ultimate source of sovereignty remains with the Member States and their national constitutions, with the jurisdiction of the Court of Justice applying only to those areas where the Member States have conferred powers on the Union. In this regard, the Lisbon Reform Treaty expressly recognises that the EU can only exercise the powers given to it by the Member States, who must act in accordance with their own constitutional requirements in conferring such powers.

UN Conventions.

255. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs if Ireland is the only EU State not to ratify the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters; if the treaty was laid before Dáil Éireann; if, close to the tenth anniversary of the treaty, Ireland is the sole European Union country that has not ratified the Convention; and if so, the reason this is the case. [21790/08]

Minister for Foreign Affairs (Deputy Micheál Martin): 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. All other EU Member States are parties to the Convention.

Amending legislation is required in order to complete the remaining steps necessary for ratification by Ireland. This will deal with the consent procedures in relation to: the Fisheries

[Deputy Micheál Martin.]

Act 1980; the Foreshore Act 1993; the Dumping at Sea Acts 1996 to 2006; and the Arterial Drainage Acts 1945 and 1995.

The Minister for the Environment, Heritage and Local Government is working with the concerned Ministers on the outstanding issues, which will be finalised at the earliest possible date. Once the necessary legislative provisions are in place, Government approval for the ratification of the Convention will be sought.

Citizenship Applications.

256. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the position in relation to an application for citizenship by a person (details supplied); if in view of the fact that they are here and would like to stay for the summer, a visa extension will be granted and their application for citizenship dealt with as a matter of urgency; and if he will make a statement on the matter. [22028/08]

Minister for Foreign Affairs (Deputy Micheál Martin): I am pleased to inform the Deputy that the application for Irish citizenship, through entry in the Foreign Births Register, by the person to whom he has referred has been approved by the Consulate General in New York. The certificate confirming the applicant's Irish citizenship has been issued by the Consulate-General, and, as a result, she does not now require a visa to remain in Ireland.

Departmental Projects.

257. **Deputy P. J. Sheehan** asked the Minister for Foreign Affairs if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start up date of each project; the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22066/08]

Minister for Foreign Affairs (Deputy Micheál Martin): There is only one 'pilot project' currently being undertaken within my Department. This involves redirecting telephone queries relating to visa applications to an outside operator. This project was initially undertaken in our Embassy in London in January 2007, and was extended to our Missions in the United States in July 2007. The purpose of the project is to offer a high-quality information service for customers with routine visa enquiries to some of our busiest Missions overseas. At the same time, it enables officers to focus even more on substantive issues such as vetting. This service is not funded by the Department; rather the cost of the telephone call pays for the service. An interim review of the project took place in December 2007. Given its ongoing nature, there is no formal completion date, but discussions are continuing with the provider as to the possible geographic expansion of the project in the future.

Under a number of its programmes, my Department provides funding to organisations for a variety of projects, some of which are 'pilot' in nature. These include:

Communicating Europe Initiative

In April 2008, under the Communicating Europe Initiative, my Department allocated €27,000 to the Environmental Education Unit of An Taisce. The Environment Education Unit (EEU) was set up in 1993 to deliver, sustain and develop programmes such as the nationwide Green Schools Programme. The allocation made by my Department to An Taisce was specifically to develop a pilot "European & Global Citizenship" module as a theme within the Green Schools

Programme. It is intended that the pilot module will be rolled out in a small number of schools, in the academic year 2008-09 and will be appropriately evaluated.

Reconciliation Fund

Under its Reconciliation Fund, the Department of Foreign Affairs assists community groups and organisations involved in reconciliation and outreach projects, between North and South, and between Ireland and Britain. The total number of projects approved for assistance in 2007 was 103.

A number of the projects funded by the Reconciliation Fund would be in the nature of pilot schemes, though not necessarily described as such.

Irish Aid

Through Irish Aid, the Government's Development Aid programme, my Department provides funding to hundreds of projects, some of which would be in the nature of pilot schemes though not necessarily described as such. Some specific examples of pilot funding include support for a pilot tourism project in Limpopo, South Africa and the establishment of Traidlinks, which followed from an earlier pilot initiative. Traidlinks is an independent, not for profit, NGO focussed on harnessing the expertise of the Irish business sector to support the development of the private sector in Africa.

Irish Aid operates a comprehensive evaluation and audit role in regard to all of these projects.

Diplomatic Representation.

258. **Deputy Pat Breen** asked the Minister for Foreign Affairs if, in view of the fact that the Ukraine has opened an Embassy here he will reciprocate by opening a fully accredited Irish Embassy in the Ukraine; and if he will make a statement on the matter. [22072/08]

Minister for Foreign Affairs (Deputy Micheál Martin): Ireland has a network of 75 resident diplomatic and consular Missions abroad, as well as the British-Irish Intergovernmental Secretariat in Belfast and the North-South Ministerial Council Joint Secretariat in Armagh. While the opening of new Embassies abroad is considered by the Government on an ongoing basis, any expansion of our diplomatic network can only be undertaken having regard to clear priorities and available resources.

The current position vis-à-vis the Ukraine is that our Ambassador to the Czech Republic is also accredited as Ambassador to the Ukraine on a non-resident basis. In addition, Ireland's Honorary Consul in Kiev, Mr Volodymyr Say, continues to provide a satisfactory service. There are no plans at present to change this arrangement.

Visa Applications.

259. **Deputy Willie Penrose** asked the Minister for Foreign Affairs the position in relation to an application for work visas by a person (details supplied) in County Westmeath who is seeking same to go to Australia; when these applications will be finally processed; and if he will make a statement on the matter. [22141/08]

Minister for Foreign Affairs (Deputy Micheál Martin): Requirements for entry into Australia are the exclusive responsibility of the Australian authorities. In the circumstances, I would suggest that in the case of applications for work visas, as raised in the Deputy's question, the people concerned should seek clarification directly from the Australian High Commission,

[Deputy Micheál Martin.]

Department of Immigration and Citizenship, Australia House, Strand, London WC2B4LA, telephone 00449065508900, www.immi.gov.au.

While Australia does have a resident Embassy in Dublin, I understand that it is their High Commission in London that deals with visa applications from Irish citizens resident in Ireland. At the same time the Australian Embassy in Dublin may be able to provide helpful advice. Its contact details are: 7th Floor, Fitzwilton House, Wilton Terrace, Dublin 2, telephone 016645300, www.ireland.embassy.gov.au.

Fiscal Policy.

260. **Deputy Kieran O'Donnell** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures in view of the 16% appreciation of the Euro against Sterling over the past twelve months, she is taking to ensure that this is passed onto consumers here in reduced prices on imported goods. [22308/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I share the Deputy's concern that the benefits of the euro's appreciation against sterling are passed on to consumers.

I have taken a number of steps to bring my and the Government's concerns about this matter to the attention of retailers. On 28 May, I met with the Director General of IBEC and the Director of Retail Ireland to outline these concerns and to hear their views. I am having a further meeting on the issue today with a number of prominent retailers who are members of Retail Ireland. While it is not my function to fix prices for retailers, responsible businesses must recognise the need to deal fairly with consumers. I intend to continue my active engagement with retailers with a view to securing progress on the issue.

I have met also with the Chief Executive of the National Consumer Agency on this matter. As a result of these discussions, the Agency has agreed to undertake further price surveys, including surveys comparing the price of grocery and non-grocery items in a range of sectors in the Republic and Northern Ireland. More and better consumer information and awareness, and a willingness by consumers to act on that information, has an important contribution to make on this particular issue and in the development of a more competitive marketplace generally.

Community Employment Schemes.

261. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a review will be complete on policy regarding the continuation of participants on community employment schemes aged 55 years or over; when the review will be published; and what her recommendations will be. [21700/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. The programme helps unemployed people to progress to the open labour market by breaking their experience of unemployment through a return to work routine and assists them in enhancing/developing both their technical and personal skills.

This Government will continue to support the positive role of CE in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. In this regard, we are keeping the operation of the Scheme under constant review.

County Enterprise Boards.

262. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if any of the county enterprise boards has sought an increase in funding of the annual funding allocated to each board due to the fact that their funding has already been allocated by today's date in 2008; and if she will make a statement on the matter. [21706/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The allocation of individual budgets to the thirty-five County and City Enterprise Boards is carried out by the CEB Central Coordination Unit (CCU), which has been set up within Enterprise Ireland to carry out a number of functions in respect of the CEBs, which had been previously undertaken by my Department. Such functions include the allocation of 2008 budgets to individual CEBs and the effective management of available resources to the CEB network in order to maximise sustainable development in the micro-enterprise sector.

In determining the 2008 allocations for individual CEBs, the CCU adopted a systematic approach to ensure the maximum degree of objectivity and equity of treatment. It is a matter for individual CEBs to determine how they will use allocated funds as well as the funds available to them from repayable grants in the most effective manner possible (subject to meeting the appropriate eligibility criteria and a number of limits and thresholds that are in place). Some Boards may choose to commit all of their available funding as projects present themselves, even if this means that their funding is exhausted relatively early in the year, while others may choose to reserve some funding until later in the year so that they are in a position to support high quality projects that emerge at that time. It is expected that Boards should manage the delivery of associated financial interventions and management capability development programmes on the basis of their allocated amount over the year as a whole. This is a fundamental operating principle which all Boards are expected to adhere to. As with all State-funded assistance CEBs are expected to prioritise and manage available funding in a targeted and effective manner as it is not possible for a CEB to provide financial assistance to every eligible project that may qualify for support.

I understand that some Boards have indicated to the CCU that they could utilise additional funds. As part of the CCU's on-going management of available funding for 2008, the Unit intends to conduct a review of CEB spending in late summer. It is generally the case that a number of Boards are not in a position to spend all of their annual allocations. Accordingly, should surplus funding become available, this will be reallocated by the CCU to any Boards that are in a position to spend additional funds. It will be in the context of this process that any additional funding requests from individual Boards will be considered.

Health and Safety Regulations.

263. **Deputy John O'Mahony** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of inspections carried out by the Health and Safety Authority in primary and post-primary schools in 2006 and 2007; the number of such inspections in each county; and if she will make a statement on the matter. [21713/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): This is essentially an operational matter for the Health and Safety Authority. However, I am advised that the total numbers of inspections by the Authority of schools in 2006, both as educational establishments per se and in relation to construction, maintenance and allied work, are set out in the following table.

[Deputy Billy Kelleher.]

I have been advised that the corresponding data for 2007 could not be collated in the time available and I have asked the Authority to forward any further data on the matter that may be available, to me and to the Deputy as soon as possible.

2006

County	Primary Schools	Secondary Schools	Vocational/ Technical Schools	Total
Dublin	11	4	6	21
Clare	0	2	0	2
Cork	0	1	0	1
Galway	1	0	1	2
Kildare	3	0	3	6
Kilkenny	0	0	7	7
Kerry	0	0	14	14
Limerick	1	3	7	11
Monaghan	0	5	0	5
Mayo	1	2	1	4
Offaly	0	1	0	1
Sligo	0	0	1	1
Waterford	2	0	1	3
Westmeath	2	0	1	3
Wicklow	0	0	5	5
Wexford	0	0	1	1
Totals*	21	18	48	87

*In addition to the above, over 30 inspections of asbestos removal contractors working on school premises were carried out in 2006.

Work Permits.

264. **Deputy Michael Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will instruct the work permit section to re-issue a work permit in respect of a person (details supplied) as the permit which issued had the incorrect date of birth on it. [21733/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Employment Permits Section of my Department informs me that it cannot consider the re-issue of a permit in this case. It understands from the Department of Foreign Affairs that the visa application in respect of the above named has been refused and upheld on appeal and the original of the permit has been returned to the Section by that Department for cancellation.

Industrial Relations.

265. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to a previous parliamentary question (details supplied), if she is satisfied that the Association of Electrical Contractors in Ireland, which is party to this agreement, represents the majority of electrical contractors in this country with particular reference to Section 45 of the Employment Law Compliance Bill of 2008, which is intended to support and enhance monitoring and inspection activity in respect of compliance with the Registered Agreement in the Electrical Contracting Industry. [21779/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I confirm that I have no function in relation to the decision making process of the Labour Court under the Industrial Relations Acts 1946 to 2004 as regards the registration or variation or cancellation of Registered Employment Agreements. The Labour Court is a separate statutory body which acts independently of the Minister in carrying out its functions. Accordingly, it is a matter for the Labour Court to consider any question about the representative status of the Association of Electrical Contractors of Ireland which is a party to the Registered Employment Agreement in the electrical contracting industry.

With regard to the Employment Law Compliance Bill 2008, as the Deputy knows the Bill awaits consideration by Dáil and Seanad Éireann. Section 45 is intended to support and enhance monitoring and inspection activity in relation to compliance with the Registered Employment Agreement in the Electrical Contracting Industry.

FÁS Training Programmes.

266. **Deputy Pádraic McCormack** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has plans to correct the anomaly whereby people on FÁS training courses who had not been in receipt of unemployment assistance but who signed on for credits while on the course are not now eligible for employment under the community employment schemes whereas the criteria for VTOS courses accepts signing on for credits as proof of long-term unemployment; and if she will make a statement on the matter. [21793/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons (including those with a disability) with an opportunity to engage in useful work within their communities on a fixed term basis.

The eligibility criteria and participation limits for CE are set by the Department of Enterprise, Trade and Employment (DETE). The qualifying criteria for participation are intended to facilitate the movement of participants through CE, allowing new participants who may not otherwise have such an opportunity, to avail of the programme.

One of the qualifying eligibility criteria is that time spent on recognised training courses can count towards the qualifying period, but the person must still meet the other criteria including being in receipt of an actual payment from Social Welfare.

The Vocational Training Opportunities Scheme (VTOS) is a European Social Fund supported intervention in the Irish labour market to enable unemployed people who have been on the Live Register for at least six months to access education and training with a view to progression to employment. The qualifying criteria for the VTOS are a matter for the Department of Education and Science.

County Enterprise Boards.

267. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 292 of 20 May 2008, the conditions in place in CEBs to recover grant and aid allocated to businesses that then cease to operate; if all grants and aid must be refunded in such cases; if she will provide a breakdown of the amount of moneys recuperated by each of the CEBs each year respectively from 2003 to 2007; and if she will make a statement on the matter. [22051/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Procedures dealing with the recovery of grant aid form part of the terms and conditions included in the grant agreement between the Boards and relevant project promoters. Boards may revoke, cancel, recover or abate grant aid in the event of a number of scenarios including the cessation of business. In deciding what appropriate action should be taken to retrieve allocated monies from project promoters Boards would take due cognisance of any financial or legal considerations that may apply in individual cases and whether there is a realistic prospect of retrieving the funding.

It is a matter for individual Boards to satisfy themselves that appropriate mechanisms are in place to allow for the recovery of grant aid should the need arise. This is a day to day matter for the Boards and my Department does not collect or retain information on the amount of monies recuperated by CEBs arising from grant aid allocated to businesses who then cease to operate.

Departmental Projects.

268. **Deputy P. J. Sheehan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by her Department; the purpose of each project; the start-up date of each project; the timescale for each project; the projected completion date for each project; the date on which a report evaluating the project will be completed; and if she will make a statement on the matter. [22063/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Having checked with officials in my Department, I can confirm that, at present, there are no such pilot schemes or pilot projects being funded, overseen, or in any way supported by my Department or its Offices.

In relation to the Agencies of my Department, this is a day-to-day operational matter for the Agencies concerned and one in which I have no function.

Work Permits.

269. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will take steps to have a decision regarding an application by a person (details supplied) in County Westmeath for an employment permit under the Employment Permits Act 2006, reviewed; if in particular, she will take into account the additional information furnished by the employer, which will clarify the issues as set out in her Department's correspondence of 7 April 2008; if same will now be granted; and if she will make a statement on the matter. [22142/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Employment Permits Section of my Department informs me that a renewal permit has now issued in this case.

Sports Capital Programme.

270. **Deputy Tony Gregory** asked the Minister for Arts, Sport and Tourism the amount given to a club (details supplied) in County Leitrim under the sports capital programme 2007; and the purpose of this grant. [22306/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Under the Sports Capital Programme, which is administered by the Department, funding is allocated to sporting and

community organisations at local, regional and national level throughout the country. The aim of the Programme is to maximise participation in sport through the provision of modern high quality, safe, well-designed and sustainable facilities and sports equipment. The provision of such facilities allows for increased numbers to participate in sport.

The specified club was allocated €4,000 under the 2007 Sports Capital Programme in respect of sports equipment, specifically the purchase of clay target launchers. As the project is located in an area designated as disadvantaged under the Clár Programme, a further €800 was allocated to the club by the Department of Community, Rural and Gaeltacht Affairs. To date €4,054 has been paid to the club, €3,254 under the Sports Capital Programme and €800 from the Department of Community, Rural and Gaeltacht Affairs.

271. **Deputy Noel J. Coonan** asked the Minister for Arts, Sport and Tourism the number of applications received for funding under the 2008 sports capital programme with a breakdown of applications received from County Tipperary; and the timeframe as to when these applications will be finalised. [21720/08]

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.

Applications for funding under the 2008 programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29 February for paper-based applications and 7th March for on-line applications. All applications received before the deadline are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

In this regard, sixty four applications have been received from County Tipperary requesting grant aid totalling just over €10 million for projects to the value of over €20.8m.

272. **Deputy Paul Connaughton** asked the Minister for Arts, Sport and Tourism when a decision will be made on an application under the 2008 sports capital programme by a club (details supplied) in County Galway; and if he will make a statement on the matter. [21829/08]

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.

Applications for funding under the 2008 programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29 February for paper-based applications and 7th March for on-line applications. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

273. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism if he will confirm that the Chief State Solicitor's Office have received all outstanding documents relating to a club (details supplied); if in order, when will the deeds will be available; and if he will make a statement on the matter. [21831/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Under the Sports Capital Programme, which is administered by the Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The aim of the Programme is to maximise participation in sport through the provision of modern high quality, safe, well-designed and sustainable facilities and sports equipment. The provision of such facilities allows for increased numbers to participate in sport.

A grant of €100,000 was provisionally allocated to the project in question under the 2007 Sports Capital Programme, bringing the total allocated to the club under the Programme since 1996 to €232,700. The grant allocation was subject to the terms and conditions of the Programme, which included the execution of a deed of covenant and charge.

A deed of covenant and charge provides, *inter alia*, for a refund of the grant in the event of the facility not continuing to be used for the purpose for which the grant was allocated. The Department's legal adviser, the Chief State Solicitor's Office — CSSO — deals with the grantee's solicitor in executing this deed. I understand that the CSSO recently received documentation regarding the case from the solicitors representing the organisation dated 8 May. The documentation submitted has been examined by the CSSO, who last week wrote to the grantee's solicitor requesting further documentation to execute the deed.

The position yesterday (3 June) remained that the CSSO awaits the submission of the outstanding documentation and has undertaken to examine it expeditiously upon receipt. If the documentation is in order then the deed of covenant and charge can be executed and a grant payment will follow.

Departmental Projects.

274. **Deputy P. J. Sheehan** asked the Minister for Arts, Sport and Tourism if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start-up date of each project; the timescale for each project; the projected completion date for each project; the date on which a report evaluating the project will be completed; and if he will make a statement on the matter. [22058/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Currently my Department has one pilot scheme underway. The Pilot Scheme for Mobility of Collections is aimed at facilitating the movement of artefacts held in the National Cultural Institutions to appropriate Local or regional Museums, either designated by the National Museum of Ireland under the National Cultural Institutions Act 1997 or participating in the Heritage Council's Accreditation Standards scheme.

The scheme will operate in 2008 and up to €100,000 is available should suitable applications be made and an evaluation will be carried out in early 2009.

Departmental Staff.

275. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs the position of a person (details supplied) on the transfer panel. [21833/08]

277. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs the place of a person (details supplied) on the priority list and when the applicant in question was placed on the priority list. [21835/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 275 and 277 together.

The position in relation to the person in question is as outlined to the Deputy by written correspondence on 18 February 2008 and remains unchanged.

The deployment of staff is a matter for the head of my Department and the Department of Finance and it would not be appropriate for me to intervene in the matter.

276. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs the number of clerical officers who have been transferred to the General Registrar's Office since December 2006. [21834/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Since 1st December 2006, 1 Clerical Officer has transferred in to the General Registrar's Office (GRO). The post was filled by reference to the Central Applications Facility (CAF), established to record applications for decentralisation, as this Clerical Officer vacancy arose due to decentralisation.

Question No. 277 answered with Question No. 275.

Social Welfare Benefits.

278. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of people refused the back to education allowance for each of the past five years with a breakdown of the reasons people were considered ineligible for the allowance; and if she will make a statement on the matter. [21747/08]

279. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if she will provide a breakdown of the social welfare benefits which back to education allowance recipients are in receipt of; and if she will make a statement on the matter. [21748/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 278 and 279 together.

Details of the qualifying social welfare schemes payments in respect participants on the back to education allowance scheme (BTEA) for the 2006/ 2007 academic year are set out in the table below. Records are not maintained as to the number refused entry to the scheme.

The BTEA scheme is a second chance education opportunity designed to remove the barriers to participation in second and third level education. It encourages and facilitates people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The objective of the scheme is to enhance the employability skills of vulnerable groups who are distant from the labour market.

The scheme enables qualified people who have been getting a social welfare payment to continue to receive a payment while pursuing an approved full-time education course. The allowance is paid at a standard weekly rate equivalent to the maximum rate of the relevant social welfare payment that qualifies the applicant for participation in the scheme. It essentially replaces their existing social welfare income and in addition an annual €400 cost of education allowance is payable. This will be increased to €500 from the beginning of the academic year 2008/2009.

There are two education options available under the BTEA scheme; A Second Level Option (SLO) and a Third Level Option (TLO). Under the Second Level Option, a person may attend a second level course of study at any community, comprehensive, secondary or vocational school. Under the Third Level Option, a person may attend an approved third level course of study at any university or third level institution.

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Table — BTEA participants and qualifying payments

Back to Education Allowance (BTEA) 2006/2007 Academic Year

Qualifying social welfare payment	SLO	TLO	Total
Jobseeker payment	2,532	3,154	5,686
One-Parent Family Payment	492	1,055	1,547
Disability Allowance	261	357	618
Invalidity Pension	25	87	112
Illness Benefit	33	61	94
Carer's Allowance	14	15	29
Incapacity Supplement	2	2	4
Total	3,359	4,731	8,090

280. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo who had been in receipt of illness benefit has been told that they do not qualify for it when they applied for disability allowance. [21781/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Disability Allowance is a weekly allowance paid to people with a specified disability who are aged 16 or over and under age 66. This disability must be expected to last for at least one year and the allowance is subject to both medical suitability and a means test.

The medical criteria that must be satisfied to qualify for payment of Disability Allowance specify that the person must be suffering from an injury, disease, congenital deformity or physical or mental illness or defect which has continued or may reasonably be expected to continue for at least one year and as a result of that condition, the person is 'substantially restricted' in undertaking work which would otherwise be suitable having regard to the person's age, experience and qualifications.

The person concerned applied for Disability Allowance on the 4 April 2008. The Medical Assessor determined that an examination was necessary in order to establish the person's medical suitability to disability allowance. The person concerned was examined on 20 May 2008 and the Medical Assessor expressed the opinion that he was not medically suitable for disability allowance.

The disability allowance claim for the person concerned was refused on 22 May 2008 on the grounds that he was deemed to be not medically suitable for Disability Allowance. A letter issued to him advising him of this decision and of his right of appeal to the Social Welfare Appeals office.

281. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be granted the arrears of carer's allowance which is due to them. [21784/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned applied for Carer's Allowance on 1 December 2006. Following investigation her application was refused on 12 March 2007 on the grounds that full time care and attention was not required in this case. The person was notified of this decision, the reasons for it and of her right to appeal to the Social Welfare Appeals Office.

The person concerned appealed this decision, and an oral hearing was held on 13 December 2007. Based on the available evidence the Appeals Officer decided, on 2 May 2008, that the person was entitled to Carer's Allowance for a period of one year from 1 December 2006.

The person concerned is awarded Carer's Allowance at the maximum weekly rate (180 Euro per week from 7 Dec. 2006 increased to 200 Euro per week from 4 Jan 2007) in respect of one care recipient for the period 7 December 2006 to 5 December 2007. Arrears of Carer's Allowance due for this period will issue within the next week. If further medical evidence is received for this person, her entitlement will be reviewed. 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.

Pension Provisions.

282. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs if she will deal with a matter in relation to a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [21812/08]

283. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs the reason there is a delay in the pension of a person (details supplied) in Dublin 5 being reviewed; and if she will make a statement on the matter. [21813.08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 282 and 283 together.

The person concerned entered insurable employment in 1958. He has a total of 103 full rate social insurance contributions paid to 1967 and 273 for the period 2002 to 2007. From late 1967 to the end of 2001 he was employed in the public service and paid contributions at the modified rate which gave cover only for a limited number of schemes which do not include State Pension (Contributory).

In addition to 376 paid full-rate contributions, his record includes a total of 149 credited contributions over the periods 1958 to 1967 and 2002 to 2007. The total of 525 paid/credited contributions gives a yearly average of 11 which qualifies him for a 50% State Pension (Contributory) of €186.10 (€111.70 personal rate and €74.40 Qualified Adult) per week with effect from his 66th birthday. Based on his insurance record, this is the maximum pension payable.

Social Welfare Benefits.

284. **Deputy John Deasy** asked the Minister for Social and Family Affairs when the living alone allowance was last increased; the amount of the payment now; if it has been raised in line with inflation since the date of the last increase; if she will undertake to increase same to at least compensate for inflation; and if she will make a statement on the matter. [21823/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The living alone increase is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people who are under 66 years of age who are living alone and receiving payments under one of a number of invalidity type schemes. The payment was last increased in 1996.

The policy in relation to support for older people has been, for many years, to give priority to increasing the personal rates of pension in addition to enhancing the Household Benefits Package which includes TV Licence, Telephone, Electricity/Gas and the Fuel Allowance rather than supplements like the living alone increase. The objective is to use resources to improve

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the position of all pensioners to the fullest extent possible rather than focusing on particular groups. Under this policy the rate of contributory pension has increased from €95.23 per week in 1996 to €223.30 per week in 2008 and the non-contributory pension has increased from €81.90 per week to €212.00 per week.

285. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the way a person (details supplied) in County Mayo was assessed for disability allowance; if she will provide a full and total breakdown of all the income for the household; if there is anything that was not taken into consideration which would allow them to be approved even a nominal payment.

[22049/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned originally applied for Disability Allowance on 19 February 2008. She was assessed with weekly means of €383.28 based on her spouse's earnings, derived as follows: Gross weekly pay year to date (per payslip): €744.33; less PRSI, Union & Superannuation — €45.51; insurable Employment Disregard — €60.00; total — €638.82; weekly Means @€0.60 per €1 — €383.28. As this exceeded the statutory limit of €377.10 per week for payment of Disability Allowance, her claim was refused.

The provisions governing the assessment of means for Disability Allowance purposes are contained in Part 1 & 2 of Schedule 3 of the Social Welfare Consolidation Act 2005 and Articles 141 to 158 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations, 2007 S.I. No. 142 of 2007, as amended. Means are assessed on the claimant's own means and that of their spouse/partner subject to certain exceptions laid down in legislation. A letter issued to the person concerned on 19 May 2008 notifying her of this decision and giving her the option of appeal to the Social Welfare Appeals Office within 21 days. Should her financial circumstances change in the future, the person concerned can notify Disability Allowance Section and her entitlement will be re-assessed.

Departmental Projects.

286. **Deputy P. J. Sheehan** asked the Minister for Social and Family Affairs if she will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by her Department; the purpose of each project; the start up date of each project; the timescale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if she will make a statement on the matter. [22069/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There are currently no pilot schemes or pilot projects being undertaken by the Department currently. I can further confirm that the Department has no plans at present to engage in any pilot schemes or projects.

Social Welfare Benefits.

287. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs if her Department will pay one parent allowance retrospectively where a person (details supplied) in Dublin 5 suffered postnatal illness and never realised their entitlement to claim the allowance, as a result of which their claim was made six years after the original entitlement accrued; and if she will make a statement on the matter. [22073/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Social welfare legislation requires that people must claim their entitlements within a specified period from the date on

which their entitlement arises. The prescribed time for making a claim is specified in Article 102 (c) of Statutory Instrument 417 of 1994. In the case of one-parent family payment, the prescribed time for making a claim is within 3 months of the date of entitlement.

Section 241 (2) (c) of the Social Welfare Consolidation Act 2005 states that where a person fails to make a claim for one-parent family payment within the prescribed time, he or she will be disqualified for payment in respect of any period before the date on which the claim is made. The following section (3) states that where a claimant proves to the satisfaction of a deciding officer or an appeals officer that they were entitled to the payment and that there was a good cause for the delay in making the claim, that the claim can be backdated for a period not to exceed 6 months.

According to the records of the Department, the person concerned made a claim for one-parent family payment on 15 September 2005. Payment was awarded from that date. The person applied for a retrospective payment, backdated to the date of birth of her child — 18 June 2000. In accordance with social welfare legislation, a deciding officer awarded retrospective payment for 6 months which resulted in payment of arrears of €3,180.60 for the period 17 March 2005 to 14 September 2005.

The person appealed the deciding officer's decision. An appeals officer upheld the deciding officer's decision. The person concerned was informed on 20 July 2006 of the appeals officer's decision. An appeals officer's decision is final in the absence of new facts or fresh evidence.

Social Welfare Appeals.

288. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if her attention has been drawn to the delays in providing dates and locations for oral hearings for appeals of social welfare claims; the reason for the delay in same; and if she will make a statement on the matter. [22096/08]

289. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the average waiting time for oral hearings of appeals for social welfare payment types; and if she will make a statement on the matter. [22097/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 288 and 289 together.

The social welfare appeals system is quasi-judicial and the procedures involved are, by virtue of that fact, designed to ensure that every appellant gets full and satisfactory consideration.

I am advised by the Social Welfare Appeals Office that oral hearings are granted at the discretion of the Appeals Officer usually in circumstances where there is a conflict in evidence presented by the parties to the appeal or where an oral hearing is requested by the appellant in order to present his or her case. During 2007, the average time taken to process such appeals was in the order of 30 weeks.

The processing time for appeals covers all phases of the appeal process including the submission by my Department of its comments on the grounds for the appeal, further examination by my Department's Medical Assessors in certain sickness related cases, the arranging and holding of the hearings and the investigation of further issues which may arise during the course of the oral hearing. Oral hearings are held every week at venues around the country as convenient as possible to the appellant. The selection of locations to be visited is based on the number of appeals on hand in a particular area in a given week. In general, those who are waiting longest can expect to be scheduled for hearing when next an Appeals Officer is in the area. A small number of cases are given priority when exceptional circumstances arise.

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Improving processing times of all aspects of the appeals process is a major objective of the Social Welfare Appeals Office. However, it is necessary at all times to ensure that progress in this regard is achieved in a manner which is not in conflict with the demands of natural justice and the requirement that every appeal be fully investigated and examined on all its merits.

Designated Areas.

290. **Deputy James Bannon** asked the Minister for Community, Rural and Gaeltacht Affairs when he will extend the RAPID areas within Athlone to include estates (details supplied); and if he will make a statement on the matter. [21745/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I refer the Deputy to my response to Question 200 of 14 May 2008.

Proposed Legislation.

291. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs when the section of an Act (details supplied) will be implemented. [21785/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The legal advice available to me is that the matter raised by the Deputy does not fall within the scope of the section of the Act to which he refers. It is not possible for me to answer the Question more fully within the parameters of the conventions of the House in relation to a Question asked on a “details supplied” basis.

Grant Payments.

292. **Deputy Áine Brady** asked the Minister for Community, Rural and Gaeltacht Affairs the financial supports provided by his Department for community groups to provide community facilities for their communities; and if he will make a statement on the matter. [21798/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will appreciate, my Department has responsibility for a wide range of programmes and schemes that support the sustainable and inclusive development of both urban and rural communities. It is possible that elements of the following programmes and schemes may provide financial support to community groups to provide facilities for their communities: Grants for Locally- Based Community and Voluntary Organisations; Local and Community Development Programmes; RAPID and CLÁR Programmes; Leader; Young People’s Facilities and Services Fund; Dormant Accounts funded schemes; Gaeltacht Infrastructural Improvement Schemes; and Capital grants for economic and social development on offshore islands.

Details of these and all the programmes and schemes operated by my Department, including funding available, can be accessed on the Department’s website at www.pobail.ie.

Departmental Projects.

293. **Deputy P. J. Sheehan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start up date of each project; the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22060/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, my Department operates a wide range of programmes, measures and schemes and provides funding and support to many projects, pilot schemes and pilot projects. Details of all the programmes and schemes operated by my Department can be found on my Department's website at www.pobail.ie.

Given the significant amount of pilot projects and initiatives funded and supported by my Department, it would not be feasible to readily compile the wide data relating to such projects that the Deputy has requested.

If, however, the Deputy is interested in seeking information on a specific project, pilot scheme or pilot project funded by my Department, I will arrange for that information to be provided to him as soon as possible.

Cruthú Fostaíochta.

294. **D'fhiafraigh** Deputy Dinny McGinley den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na tionscnaimh a fuair tacaíocht ó Údarás na Gaeltachta i nGaeltacht Iardheisceart Dhún na nGall le cúig bliana anuas, cén fhostaíocht a cruthaíodh i ngach ceann acu agus cé na hiarrachtaí atá á ndéanamh faoi láthair breis fostaíochta a chruthú sa cheantar sin. [22140/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Tugtar léargas cuimsitheach ar chúrsaí fostaíochta sa Ghaeltacht i dTuarascáil Bhliantúil agus Cuntais Údarás na Gaeltachta a leagtar faoi bhráid Thithe an Oireachtais gach bliain agus a bhíonn ar fáil ar an suíomh idirlíon www.udaras.ie

Dírím aird an Teachta chomh maith ar an bhfreagra a thug mé ar Cheist Dála Uimh 295 ar 13 Samhain 2007 agus ar an eolas cuimsitheach maidir le fostaíocht sa cheantar atá luaite ag an Teachta, a thug an tÚdarás dó ar iarratas uaim i mí na Samhna 2007.

Mar atá curtha in iúl cheana, bíonn iarrachtaí leanúnacha ar siúl ag Údarás na Gaeltachta chun deiseanna fostaíochta agus forbartha a chruthú i ngach ceantar Gaeltachta, ceantar Iardheisceart Dhún na nGall ina measc.

Departmental Staff.

295. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of field inspectors working for his Department; the number of farmers nationwide registered with his Department to be inspected; and if he will make a statement on the matter. [21709/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I assume the Deputy is referring to inspections carried out under the Single Payment Scheme.

The Integrated Controls Division of my Department will be conducting 6,217 field inspections in 2008 from an expected 126,000 SPS applicants, some of whom are also Disadvantaged Area, REPS and Suckler Welfare Scheme applicants. 109 field officers will undertake these inspections.

In conducting these inspections, and, at the request of the farming bodies, my Department endeavours to limit the inconvenience to farmers by combining, as far as possible, the various inspections to be undertaken, thereby minimising the number of visits to farms.

Grant Payments.

296. **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 in view of

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the fact that they have submitted the required soil sample; and if he will make a statement on the matter. [21752/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The soil samples requested by my Department in October 2007 have still not been received and, consequently, further processing of the payment application cannot take place.

Coastal Protection.

297. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the concerns he has regarding the removal of shore crabs in the Suir Estuary (details supplied); and if he will make a statement on the matter. [21802/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): It is the policy of my Department to strive for both economically viable and environmentally compatible fisheries which take account of other interests in any given area of activity. In this regard we employ the appropriate tools and take the appropriate measures to achieve this.

With reference to the specific question on shore crabs in the Suir estuary, I have asked BIM to examine the issue and await their advice on the matter.

Grant Payments.

298. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food if the review of the case of a person (details supplied) has been finalised; the decision reached; and if he will make a statement on the matter. [21805/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned has lodged an appeal in this case with the Agriculture Appeals Office. He will be notified of the outcome as soon as possible.

Milk Quota.

299. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Cork who received additional milk quota from the tribunal on the basis of a disease problem has had his appeal on this issue further considered in view of their excess production over the allocated quota; the outcome of this appeal; and if he will make a statement on the matter. [21828/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Allocations of milk quota from the National Reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The Tribunal examines and makes recommendations on applications for additional quota from individual producers. The named person submitted an appeal against the original recommendation of the Tribunal for the temporary allocation of 32,000 litres of quota, for his benefit, on foot of an application under the animal disease category. This appeal was heard at a meeting on 22 May 2008 at which the Tribunal recommended an additional allocation of 9,976 litres from the National Reserve. Notification in this regard has been issued to the named person and his Co-op.

Departmental Projects.

300. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start up date of each project;

the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22057/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department currently operates one pilot scheme, the Scheme of Investment Aid for Demonstration of On-farm Waste Processing Facilities. Applications for the scheme were accepted between June and December 2006. The purpose of the scheme is to facilitate the introduction/development of up to 10 demonstration projects relating to on-farm waste processing around the country. The Department will engage with the successful applicants on an ongoing basis to evaluate the progress of the projects.

Full details of all the main schemes operated by my Department are provided in my Department's main information booklet "Schemes & Services 2008". Copies are available from the local offices of my Department and from Teagasc offices. The booklet is also available on the website *www.agriculture.gov.ie*.

Food Safety.

301. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food further to Question No. 205 of 21 May 2008 if under the regulations there are guidelines on where beehives should be sited in a residential area and how close they should be to another person's boundary; and if he will make a statement on the matter. [22098/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The current regulations do not provide specific guidance on locating beehives in residential areas. However, most Irish beekeepers are members of the Federation of Irish Beekeepers Associations (FIBKA). FIBKA provides guidance on this matter in the Frequently Asked Questions part of their website, *www.irishbeekeeping.ie*.

On-farm Investment Schemes.

302. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the amount of money available in the 2008 Estimates for each of the on-farm investment schemes operated by his Department; and if he will make a statement on the matter. [22114/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The amount of money allocated in 2008 to each on-farm investment scheme operated by my Department is as follows:

Scheme	Amount
	(€m)
Aid Control Farm Pollution	0.001
Aid Dairy Hygiene	0.001
Alternative Enterprises Scheme	1.000
Control Farm Pollution Scheme	0.031
Dairy Hygiene Scheme	8.000
Farm Improvement Programme	0.001
Farm Improvement (Horticulture)	0.040
Farm Improvement Scheme	15.000
Farm Waste Management Scheme	150.604
Installation Aid Scheme	6.400
National Dairy Hygiene Scheme	0.001

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Scheme	Amount
	(€m)
Pig Welfare Scheme (NDP)	2.000
Pig Welfare Scheme (RDP)	3.000
Pilot Waste Processing Scheme (NDP)	1.600
Waste Processing Facilities Scheme (RDP)	0.800
Young Farmers' Installation Scheme	3.600

303. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the amount of money paid or approved for payment in 2008 from 1 January to 1 May 2008 under each of the on-farm investment schemes operated by his Department; and if he will make a statement on the matter. [22115/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The amount of expenditure under each of the on-farm investment schemes operated by my Department during the first four months of 2008 was as follows:

Scheme	Amount
	(€m)
Aid Control Farm Pollution	—
Aid Dairy Hygiene	—
Alternative Enterprises Scheme	0.279
Control Farm Pollution Scheme	—
Dairy Hygiene Scheme	1.685
Farm Improvement Programme	—
Farm Improvement (Horticulture)	—
Farm Improvement Scheme	0.705
Farm Waste Management Scheme	67.952
Installation Aid Scheme	1.881
National Dairy Hygiene Scheme	—
Pig Welfare Scheme (NDP)	0.463
Pig Welfare Scheme (RDP)	—
Pilot Waste Processing Scheme (NDP)	—
Waste Processing Facilities Scheme (RDP)	—
Young Farmers' Installation Scheme	1.050

Fisheries Protection.

304. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food if he will change the regulations to permit the landing of monkfish, with appropriate notification to the Sea Fisheries Protection Authority, in the home port of the fishing vessel owner as well as at designated ports in view of the huge inconvenience and cost to many fishermen resulting from the present system. [22134/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The landing of monkfish is currently allowed in the following designated ports Greencastle, Killybegs, Ros an Mhíl, An Daingean, Castletownbere, Union Hall, Ringaskiddy in the Port of Cork, Dunmore East,

Kilmore Quay, Rosslare Harbour and Howth. At the request of industry my department is currently preparing a Statutory Instrument that will add Kinsale and Schull to this list.

The rationale behind port designation is to provide a system whereby landings of certain fish species may be better validated through effective monitoring and inspection. The legislation is predicated on the premise that effective control and monitoring of fish landings can be achieved where fishing vessels are obliged to land their catches into a restricted number of ports thereby allowing the control services in these Member States to have appropriate resources in place to effectively control and monitor the fish landings.

Allowing vessels to land monkfish in their home ports would effectively nullify the designated port system and would undermine previous commitments, given to the EU Commission in the wake of infringement proceedings against Ireland, to strengthening our fisheries control regime.

Notwithstanding that, the entire system of designated ports is currently being reviewed by the Sea-Fisheries Protection Authority in consultation with industry representatives and my department. The aim of this review is to create a more effective and efficient system that would maximise the number of ports to be designated while allowing the Sea-Fisheries Protection Authority to deliver effective control in line with Ireland's obligations under the Common Fisheries Policy.

Site Acquisitions.

305. **Deputy Seán Fleming** asked the Minister for Education and Science the reason for the delay in a site acquisition for a school (details supplied) in County Donegal; if this issue will be resolved; and if he will make a statement on the matter. [21792/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The Office of Public Works (OPW) which acts on behalf of my Department in relation to site acquisitions generally has been requested to source a suitable site for the school in question. The OPW identified a site and my Department instructed the OPW to open negotiations on this site. The acquisition of this site was almost complete however, the OPW advised my Department that the Vendor could not offer good Marketable Title to the property. My Department, based on legal advice, was not prepared to accept Title as offered for this site and instructed the OPW to re-advertise.

The OPW have recently advised that there is a potential alternative proposal and this is currently under consideration by my Department. The further consideration of the site acquisition will be considered in the context of the Department's Multi-annual School Building and Modernisation Programme.

Pupil-Teacher Ratio.

306. **Deputy Michael McGrath** asked the Minister for Education and Science if his attention has been drawn to the fact that a primary school (details supplied) in County Cork has classes with pupil numbers in the mid to high 30s; and if he will make a statement on the matter. [21703/08]

Minister for Education and Science (Deputy Batt O'Keeffe): Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups. The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 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.

[Deputy Batt O’Keeffe.]

Posts allocated on the basis of this staffing schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

Data submitted to my Department by the Board of Management of the school referred to by the Deputy, indicates that the enrolment in the school on 30 September 2006 was 319 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on my Department’s website at *www.education.ie*, the mainstream staffing in the school for the 2007/08 school year is a Principal and 12 mainstream class teachers.

According to data submitted by the Board of Management the enrolment on 30 September 2007 was 326 pupils. In accordance with the staffing schedule (Circular 0010/2008), which is also available on my Department’s website at *www.education.ie* and a hard copy of which has been issued to all primary schools, the mainstream staffing in the school for the 2008/09 school year will remain at a Principal and 12 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 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 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 took place on 20 May 2008. Further meetings will be held in June and October 2008. The closing dates for receipt of appeals are 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.

School Accommodation.

307. **Deputy Michael Ring** asked the Minister for Education and Science if the deed of partial surrender for a school (details supplied) in County Mayo has been executed. [21704/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the Chief State Solicitor’s Office were instructed to draft a deed of partial surrender for a portion of land on the grounds of the school referred to. I am advised that the Deed of Partial Surrender has been signed, sealed and forwarded by the Chief State Solicitors Office to the school’s solicitors for their attention.

Educational Disadvantage.

308. **Deputy John O'Mahony** asked the Minister for Education and Science his plans to widen and improve access to third level education for marginalised groups including students from low income backgrounds, mature and part-time students and students from minority groups; and if he will make a statement on the matter. [21712/08]

Minister for Education and Science (Deputy Batt O'Keeffe): Over the seven years of the National Development Plan (NDP) €13 billion will be invested under the Human Capital Priority to develop the capacity of the higher education sector to meet a number of key national objectives, including that of increasing the numbers of students participating in the sector. The focus will continue from the previous NDP on measures targeting the increased participation of under-represented student groups, such as those from disadvantaged areas and older learners.

The recurrent grant to higher education institutions supports the core activities and services of all state-aided third level institutions, including the development of access programmes, the objective of which is to encourage and support the increased access and retention of young people and adults from disadvantaged schools and communities. Funding also supports measures targeting the progression of learners from the further and community education sector, people with a disability and members of the traveller community.

It has been over a decade since targeted access funding was introduced to the budgets of third level institutions. While the investment is, by its nature, a long-term one it is fair to say that so far there have been some very positive outcomes. For example, since 1998 the semi and unskilled manual group, who are a long-standing priority target group have increased their participation by at least 10%. An estimated one-third of young people from these backgrounds now enter higher education.

In addition to the core funding of institutions, innovative new initiatives on the part of third level institutions to increase levels of access and lifelong learning are also being supported by the Strategic Innovation Fund (SIF). Over the course of the NDP it is planned that €510 million will be allocated to third level institutions through this fund. As a first step, in 2007 an allocation of €42 million was made and in 2008 under the second cycle of funding a further €130 million was allocated.

This funding is supporting some interesting new collaborations on the part of networks of higher-education institutions focusing on the needs of learners from disadvantaged communities. A number of projects aim to significantly increase part-time and flexible learning opportunities for adults who wish to develop their levels of education and skills. Having invested in infrastructure and strategies to ensure a more diverse and representative student body, it is equally important to ensure that those students are adequately supported in their participation. The Social Inclusion Priority of the NDP commits that €2 billion will be dedicated over the period 2007-13 to address inequities in participation by students from socio-economically disadvantaged groups (including members of the travelling community and refugees); students with a disability and mature students. This funding underpins the allocations that will be made through the Higher Education Grant scheme as well as the significant reforms to that scheme that are proposed by the Student Support Bill. This priority also encompasses the Third Level Access Sub-Programme, which includes the annual allocations through three funds: the Fund for Students with a Disability, the Student Assistance Fund and the Millennium Partnership Fund. This measure also supports the work of the National Office for Equity of Access to Higher Education which manages these three funds on behalf of my Department and advises national policy on access to higher education for under-represented groups.

[Deputy Batt O’Keeffe.]

A new “access plan”, which will run concurrently with the National Development Plan (from 2008-2013), is currently being prepared. The plan will examine emerging issues and challenges, including progression from further to higher education. It will highlight ongoing and new areas of action, including work with institutions on the development of an ‘access plan’ as an integral element of the overall strategic planning process.

School Enrolments.

309. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a school (details supplied) in Dublin 5. [21724/08]

325. **Deputy Richard Bruton** asked the Minister for Education and Science the pupil enrolment figures for a school (details supplied) in Dublin 5; and the teachers appointed for each of the past five years. [22010/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 309 and 325 together.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Data submitted to my Department by the Board of Management of the school referred to by the Deputies indicates that the pupil enrolment figures on 30 September for the past five years are as follows:

Year	Number
2002	398
2003	386
2004	384
2005	381
2006	382

In accordance with the relevant staffing schedules which are available on my Department’s website at www.education.ie, the mainstream staffing in the school for the school years 2003/04, 2004/05, 2005/06, 2006/07 and 2007/08 is a Principal and 14 mainstream class teachers. According to data submitted by the Board of Management the enrolment in the school on 30 September 2007 was 388 pupils. In accordance with the staffing schedule (Circular 0010/2008), which is also available on my Department’s website at www.education.ie and a hard copy of which has been issued to all primary schools, the mainstream staffing in the school for the 2008/09 school year will remain a Principal and 14 mainstream class teachers.

The school also has the services of three Learning Support/Resource Teachers and one Resource Teacher for Special Needs Pupils. 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 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 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 staffing of the school for the 2008/2009 school year was considered by the Appeal Board on 20 May 2008. The Board, having considered the appeal with regard to the criteria outlined in Circular 0024/2007, was satisfied that a departure from the staffing schedule is not warranted in this case. The Board of Management of the school was notified in writing of the decision of the Appeal Board on 22 May 2008.

School Staffing.

310. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support schools (details supplied) in Dublin 13. [21725/08]

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 the Department by the Board of Management of the school referred to by the Deputy indicates that the enrolment in the school on 30th September 2006 was 233 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on my Department's website at www.education.ie, the mainstream staffing in the school for the 2007/08 school year is a Principal and 9 mainstream class teachers.

According to data submitted by the Board of Management of the school the enrolment in the school on 30th September 2007 was 231 pupils. In accordance with the staffing schedule (Circular 0010/2008), which is also available on my Department's website at www.education.ie and a hard copy of which has been issued to all primary schools, the mainstream staffing in the school for the 2008/09 school year will be a Principal and 8 mainstream class teachers.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

An independent appeal board is now in place to decide on any appeals on mainstream staffing in primary schools. Details of the appeal procedure are outlined in the staffing schedule and also in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on the Department's website.

The first meeting of the Appeal Board for Mainstream Staffing in primary schools took place on 20 May, 2008 at which an appeal on behalf of the school in question was heard. I understand that the Appeal Board deferred a decision on the appeal application pending receipt of further information. When this process has been completed the Board of Management will be notified of the outcome of the appeal.

The Appeal Board operates independently of the Department and its decision is final.

311. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a proposal in relation to schools (details supplied). [21726/08]

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 the Department by the Boards of Management of the schools in question indicate that the enrolment in the school on 30th September 2007 had decreased from that of 30th September 2006. In accordance with the staffing Schedule (Circular 0010/2008), which is available on my Department’s Website at www.education.ie, and a copy of which issued to all Primary Schools, the reduction in enrolment in all of these schools did not justify the retention of staffing at their current levels.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

An independent appeal board is now in place to decide on any appeals on mainstream staffing in primary schools. Details of the appeal procedure are outlined in the staffing schedule and also in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on the Department’s website.

The first meeting of the Appeal Board for Mainstream Staffing in primary schools took place on 20 May, 2008. Further meetings will take place in June and October 2008.

The Appeal Board operates independently of the Department and its decision is final.

Schools Refurbishment.

312. **Deputy Brian O’Shea** asked the Minister for Education and Science the reason a school (details supplied) in County Waterford was refused emergency funding to repair a serious leak in the roof; and if he will make a statement on the matter. [21741/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department received an application for Emergency Funding for roof works from the school in question.

Emergency works grants are made available to schools most in need of resources as a result of unforeseen emergencies of a capital nature that may arise during the school year. Following assessment of the application from this school and in light of the large number of projects seeking funding from my Department for works of this nature from the budget allocated, it was not possible to provide funding under the Emergency Works Scheme on this occasion for the works sought.

It is open to the school authorities to use the annual minor works grant to fund these works.

School Accommodation.

313. **Deputy Brian O’Shea** asked the Minister for Education and Science when a decision will be made in regard to the application by a school (details supplied) in County Waterford for classroom furniture; and if he will make a statement on the matter. [21742/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to inform the Deputy that my Department recently approved grant-aid for furniture for the school in question.

Special Educational Needs.

314. **Deputy Pat Breen** asked the Minister for Education and Science further to Parliamentary Question No. 214 of 22 May 2008, the number of the 315 autism classes which have been approved in primary and post primary schools that are up and running; the level of funding provided for those classes; the number of those classes which have been approved for County Clare; the number in County Clare that are up and running; and if he will make a statement on the matter. [21766/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Deputy will be aware of the Government’s commitment to ensuring that all children with special educational needs, including those with autism, can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum.

The establishment of a network of autism-specific special classes in schools across the country to cater children with autism has been a key educational priority in recent years. In excess of 315 classes have now been approved around the country at primary and post primary level, including many in special schools. All but 33 of these special classes are now up and running, with the unopened classes expected to commence in September this year. 12 of the approved classes are in Co. Clare with 10 of them already open. The remaining classes are due to open in September ’08. 6 of these special classes are attached to special schools, while one is attached to a mainstream post-primary school. Once-off special grants of €7,135 are available to schools on the establishment of a special class, while children in a special class qualify for an enhanced capitation rate of €880. Children in these classes may also qualify for transport and escort grants.

Children in these classes benefit from having fully-qualified teachers who have access to training in a range of autism-specific interventions, including Applied Behavioural Analysis, the Treatment and Education of Autistic and Related Communication Handicapped Children and the Picture Exchange Communication System. These students have the option, where appropriate, of full/partial integration and interaction with other pupils. Funding is also provided for assistive technology and specialist equipment as required and special school transport arrangements may also be put in place.

Teacher Training.

315. **Deputy Pat Breen** asked the Minister for Education and Science further to parliamentary Question No. 214 of 22 May 2008, the details of the training programme for teachers in autism specific interventions including TEACCH, PECS and ABA through the Special Education Support Service; the number of teachers who have undertaken the programme to date; the qualifications criteria for the trainers of the programme; and if he will make a statement on the matter. [21767/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The SESS provides a dedicated support team of expert teachers delivering a range of supports to schools through seminar delivery and individual school visits. In 2007, 5521 training places were funded by the SESS

[Deputy Batt O’Keeffe.]

to enable teachers access a range of autism training. This training encompassed a variety of interventions and courses in the area of Autism including inter alia:

- Applied Behaviour Analysis
- TEACCH
- PECS
- Social Stories
- Management of Challenging behaviour
- Sensory integration
- Pivotal response training
- Online courses in Autism and Applied behaviour analysis
- Floor Time
- Hannen training
- PEP 3
- Lámh

From the 08/09 academic year, teachers may also avail of a programme of accreditation for courses undertaken in the area of ASD. This programme, offered by, St Angela’s College, Sligo is a Post-Graduate Certificate/Diploma Programme in the area of Autistic Spectrum Disorders (ASDs), in collaboration with the Special Education Support Service (SESS). The programme is accredited by NUI, Galway. This programme is being made available on a modular basis specifically for teachers of pupils with ASDs. The aim of the programme will be to develop teachers’ knowledge, understanding and skills in working with pupils with ASDs.

In terms of qualification criteria for trainers in these programmes, all trainers involved in delivering continuing professional development through the Special Education Support Service are required to have relevant qualifications, expertise, experience, knowledge and skills in the specific areas in which they are delivering CPD. These are determined on an individual basis with reference to the specific CPD programme that is being delivered. The SESS is concerned to ensure that all of the CPD which it supports is of a high quality and impacts positively on developing teachers’ knowledge, skills and expertise in meeting the needs of all pupils with special educational needs. To this end, the SESS consistently reviews and monitors the quality of all of its programmes of CPD. In addition, all SESS CPD is evaluated by participants in order to assess its benefits as they relate to the learning and teaching of all pupils with special educational needs.

In addition, my Department provides accredited post-graduate courses, which are available annually. Some 475 places are available annually on these courses. It is a central feature of all these courses that teachers are given the necessary skills and expertise to meet the needs of students with ASD and special educational needs in general.

School Enrolments.

316. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a person (details supplied) in Dublin 9. [21771/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department’s main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of Education Act 1998 to appeal that decision to the Secretary General of my Department. It is only where an appeal under Section 29 is upheld that the Secretary General of my Department may direct a school to enrol a pupil.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Schools Building Projects.

317. **Deputy Denis Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 789 of 2 April 2008, the status of the application; and if he will make a statement on the matter. [21773/08]

Minister for Education and Science (Deputy Batt O’Keeffe): 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. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

The particular emphasis in 2008 is on providing sufficient school places in developing areas, while also showing the Government’s commitment to delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

318. **Deputy Denis Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 790 of 2 April 2008, if a final determination of the long term accommodation needs of the school has been made; the timetable for completion of this process; when a decision will be made on the provision of a new greenfield site or a site extension for the school; and if he will make a statement on the matter. [21774/08]

Minister for Education and Science (Deputy Batt O’Keeffe): An application for capital funding towards the provision of an extension has been received from the school authority referred to by the Deputy. An assessment of projected enrolment trends, demographic trends and housing developments in the area will be required in order to determine the long term projected enrolment figure on which the school’s accommodation needs will be based.

Once the long term projection has been determined and agreed with the school authorities the required building project will be considered on an ongoing basis in the context of my Department’s multi annual School Building and Modernisation programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

[Deputy Batt O’Keeffe.]

The particular emphasis in 2008 is on providing sufficient school places in developing areas, while also showing the Government’s commitment to delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

School Funding.

319. **Deputy Emmet Stagg** asked the Minister for Education and Science if he will urgently review the start-up grant for a new school (details supplied) in County Kildare in view of the inadequate funding provided and the urgent necessity for the school to open. [21803/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am aware of the funding pressures on schools generally including also those in relation to the setting up of new schools.

It is a key priority for Government to improve funding for the day-to-day running costs of schools to help address these funding pressures. Specific commitments in relation to improving school funding form a central part of the education provisions of the Programme for Government. These commitments are a direct follow on from the clear thrust of Government policy over recent years to improve the position of primary schools in particular.

All Programme for Government commitments to improve public services including those relating to improving school funding are contingent on the economic and budgetary environment and the need for prudent expenditure and fiscal management. Even since the presentation of Budget 2008 last December there have been significant alterations in the external and domestic environment. The Government will continue to prioritise further improvements on school funding, including also for new schools, and this approach is the best way of sustaining the substantial improvements into the future.

I want to assure the Deputy that this Government has a track record of significantly increasing funding for schools and we will continue to build on this and deliver on our Programme for Government commitment.

School Staffing.

320. **Deputy Joe McHugh** asked the Minister for Education and Science the way he can justify the fact that his Department have removed two posts from a school (details supplied); if it is his Department’s policy to increase class sizes; and if he will make a statement on the matter. [21817/08]

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.

Posts allocated on the basis of this staffing schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

Data submitted to my Department by the Board of Management of the school referred to by the Deputy, indicates that the enrolment in the school on 30th September 2006 was 179 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on my

Department's website at www.education.ie, the mainstream staffing in the school for the 2007/08 school year is an Administrative Principal and 7 mainstream class teachers.

According to data submitted by the Board of Management of the school, the enrolment in the school on 30th September 2007 was 171 pupils. In accordance with the staffing schedule (Circular 0010/2008), which is also available on my Department's website at www.education.ie and a hard copy of which has been issued to all primary schools, the mainstream staffing in the school for the 2008/09 school year will be 6 mainstream class teachers — one of which is a Teaching Principal.

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 staffing of the school for the 2008/2009 school year was considered by the Appeal Board on 20 May 2008. The Board, having considered the appeal with regard to the criteria outlined in Circular 0024/2007, was satisfied that a departure from the staffing schedule is not warranted in this case. The Board of Management of the school was notified in writing of the decision of the Appeal Board on 26 May 2008.

The Appeal Board operates independently of the Department and its decision is final.

Special Educational Needs.

321. **Deputy Michael McGrath** asked the Minister for Education and Science when a communication device will be provided to a special needs child (details supplied) in County Cork. [21838/08]

Minister for Education and Science (Deputy Batt O'Keeffe): As the Deputy will be aware, the National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers (SENO) for allocating resource teachers and special needs assistants to schools to support children with special needs. SENOs also make recommendations where assistive technology is required.

I can confirm that an application for a communication device in respect of the pupil in question has been received in my Department. Officials in my Department are liaising with the SENO and the Health Service Executive (HSE) in the context of the device being funded through the HSE Aids and Appliances grant scheme.

Schools Refurbishment.

322. **Deputy Seán Fleming** asked the Minister for Education and Science when major refurbishment will be carried out on a school (details supplied) in County Kildare. [21849/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The project at the school referred to by the Deputy is at an advanced stage of architectural planning.

[Deputy Batt O’Keeffe.]

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. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

The particular emphasis in 2008 is on providing sufficient school places in developing areas, while also showing the Government’s commitment to delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

Special Educational Needs.

323. **Deputy Billy Timmins** asked the Minister for Education and Science the situation with regard to a matter (details supplied); and if he will make a statement on the matter. [21987/08]

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 (SENOs), for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs. All schools have the names and contact details of their local SENOs. 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.

As the Deputy may be aware, SNA support in schools is intended to address the care needs of pupils with special educational needs. The criteria for the provision of SNA support envisages that such support is sanctioned where a child has a significant medical need, a significant impairment of physical or sensory function or where the child is a danger to themselves or other pupils. It would be expected that very often this level of care should diminish as the child matures and consequently the level of SNA support required in the school will diminish also.

There is no automatic system of transfer of SNA support from one school to another. The Board of Management of the school is the SNA’s employer and the employment contract is a matter between the individual Board of Management and SNA.

Where a child with SNA support moves school or moves on to post-primary, and no other child with special needs enrolls in the school, then the resource — resource teaching hours and/or special needs assistant support — is withdrawn from the first school and, if still warranted by the child’s needs, is sanctioned for the new school. In considering applications for SNAs, the SENOs take account of the needs identified in the professional report and decide whether the circumstances come within the Department’s criteria. They then consider the resources available to the school to identify whether additionality is needed or whether the school might reasonably be expected to meet the needs of the pupil from its current level of resources. A child needing occasional assistance with toileting may, for example, only require a limited amount of an SNA’s time which may be available within the school.

324. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the number of schools in County Kildare offering teaching to children with autism; the extent to which the full potential of such facilities are being achieved or are achievable; and if he will make a statement on the matter. [21996/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Deputy will be aware of the Government’s commitment to ensuring that all children with special educational needs, including those with autism, can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates

access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum.

The establishment of a network of autism-specific special classes in schools across the country to cater children with autism has been a key educational priority in recent years. In excess of 315 classes have now been approved around the country at primary and post primary level, including many in special schools. 27 of these classes are in Co. Kildare; 25 of these classes are now open with the remaining two due to open in September 2008. Of the 25 classes already open, 16 are in mainstream primary schools, 5 are in special schools, 3 are in second-level schools and one is a pre-school class based in a primary school. Of the two classes to open next September, one will be in a mainstream primary school and the other will be in a second-level school.

Children in these classes benefit from having fully-qualified teachers who have access to training in a range of autism-specific interventions, including Applied Behavioural Analysis (ABA), the Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH) and the Picture Exchange Communication System (PECS). These students have the option, where appropriate, of full/partial integration and interaction with other pupils. Funding is also provided for assistive technology and specialist equipment as required and special school transport arrangements may also be put in place.

The Deputy may be aware that in order to support teachers my Department has put in place a training programme for teachers in specific interventions associated with autism including TEACCH, PECS and ABA through the Special Education Support Service. A recent initiative has been the expansion of this service to enable it to recruit a behavioural specialist support team.

Question No. 325 answered with Question No. 309.

Pupil-Teacher Ratio.

326. **Deputy Noel J. Coonan** asked the Minister for Education and Science his policy in respect of reducing class sizes; the average class size in north Tipperary including the pupil teacher ratio; and if he will make a statement on the matter. [22012/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Class size data for primary schools for 2007/2008 are currently being compiled by my Department and is not yet available. The source of this data is the Annual Census of Primary Schools. Data will become available when returns for all schools have been processed.

The Programme for Government sets out the overarching policy position in relation to the provision of additional teachers and on reductions in class size over the life of the Government.

The Programme contains a commitment to increase the number of primary teachers by at least 4000 and on that basis to make further progress on reducing class sizes.

Budget 2008 provided my Department with €4.6 billion or €380 million extra for teacher pay and pensions. This was a very substantial level of additional investment in the terms of the economic environment on which the budget was based. That allocation provides for paying for over 2000 extra primary teachers more than the number in schools when the Government took office last Summer. It covers the additional teachers that went into schools last September for the previously announced reduction to a 27 to 1 based staffing schedule along with additional teachers this school year and in the coming school year to meet increasing enrolments, to provide for special needs and the language requirements of newcomer children.

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This means that in terms of the overall commitment to provide at least 4000 additional teachers the Government in its first two years in office will be well ahead of target.

All Programme for Government commitments to improve public services including those relating to class size are contingent on the economic and budgetary environment and the need for prudent expenditure and fiscal management. Even since the presentation of Budget 2008 last December there have been significant alterations in the external and domestic environment. In that context any reasonable observer would regard the fact that the Government has already taken measures that will see the allocation of over 2000 additional teachers to primary schools as a considerable investment all things considered.

Similarly the commitment in relation to improving class size in second level schools can only be looked at and considered in the context of the overall economic and budgetary position that might prevail in the coming years and the competing priorities for available resources.

Special Educational Needs.

327. **Deputy Michael Creed** asked the Minister for Education and Science further to his reply to Parliamentary Question No 217 of 22 May 2008 (details supplied), if he will reconsider this case as the request relates to the academic year 2009/2010; and if he will make a statement on the matter. [22013/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy is aware, special schools funded by my Department are intended to cater for children and young persons with special educational needs from 4 years until the end of the school year in which they reach their 18th year.

At that point, the Department of Health and Children/Health Service Executive assumes direct responsibility for young adults with special educational needs who are over 18 years. My Department, at that stage, may allocate resources towards an education component of such provision.

I understand that the student in question will reach age 18 in March 2009 and will remain in his present school for the 2008/2009 school year. My Department is not in a position to make a decision beyond the next school year at this time.

School Funding.

328. **Deputy Liz McManus** asked the Minister for Education and Science the amount allocated for start up grants for new primary schools; if it is satisfactory that a new school in Greystones, County Wicklow is only eligible for a figure of €6,348 when it has been calculated that the cost of opening a new primary school is estimated in excess of €30,000; his views on whether the financial burden of setting up a new school should fall on a small voluntary group; and if he will make a statement on the matter. [22015/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am aware of the funding pressures on schools generally including also those in relation to the setting up of new schools.

It is a key priority for Government to improve funding for the day-to-day running costs of schools to help address these funding pressures. Specific commitments in relation to improving school funding form a central part of the education provisions of the Programme for Government. These commitments are a direct follow on from the clear thrust of Government policy over recent years to improve the position of primary schools in particular.

All Programme for Government commitments to improve public services including those relating to improving school funding are contingent on the economic and budgetary environment and the need for prudent expenditure and fiscal management. Even since the presentation of Budget 2008 last December there have been significant alterations in the external and domestic environment. The Government will continue to prioritise further improvements on school funding, including also for new schools, and this approach is the best way of sustaining improvements into the future.

Site Acquisitions.

329. **Deputy Liz McManus** asked the Minister for Education and Science the position in relation to finalising a new site for the new Gaelscoil at Blacklion, Greystones, County Wicklow; and if he will make a statement on the matter. [22016/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The legalities of finalising the site acquisition at Blacklion are at an advanced stage. It is the intention of my Department to provide accommodation for the school on the site in Blacklion for September 2008.

Schools Refurbishment.

330. **Deputy Dinny McGinley** asked the Minister for Education and Science if an extension and refurbishment has been sanctioned for a school (details supplied) in County Donegal; if he will provide details of the extension and refurbishment; if the tendering process has been completed; the date the tendering process was completed; if approval has been given for work to commence; and if he will make a statement on the matter. [22017/08]

Minister for Education and Science (Deputy Batt O’Keeffe): A tender report for the project referred to by the Deputy has been received by my Department. The contract for the project has not yet been awarded.

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered on an on-going basis in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Higher Education Grants.

331. **Deputy Edward O’Keeffe** asked the Minister for Education and Science if an education grant is available to a person (details supplied) in County Cork who wishes to pursue a one year post-graduate course. [22025/08]

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 assessing authority, and remains of the view that the body has not interpreted the schemes correctly

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in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department.

Pharmacy Graduates.

332. **Deputy Richard Bruton** asked the Minister for Education and Science if he is satisfied with the number of pharmacists being trained; if he has records of the percentage of graduates who successfully find employment here; and if he will make a statement on the matter.

[22031/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The HEA published a study on the demand and need for graduates in Pharmacy in November 1999. The study was undertaken on behalf of the HEA by Peter Bacon and Associates, Economic Consultants. At the time, the only course was in Trinity College Dublin and provided 70 graduates per annum. The Bacon report recommended that at least 50 extra graduates per annum would be required to fill the positions that would exist in the medium term.

Following the Beacon Report 80 new places in pharmacy were allocated. The RCSI course commenced in 2002/03 with an intake of 50 students. This intake was reduced to 30 in 2003/04 when the UCC pharmacy course commenced with an intake of 50 students. There are now 150 places in undergraduate pharmacy for Irish/ EU students.

Fás published a ‘Healthcare Skills Monitoring Report’ in August 2005 which reviewed the demand for healthcare professionals. In relation to pharmacy, the report stated that the current number of university places, along with re-entry to the market of registered but non-practising pharmacists and immigration will ensure demand keeps pace with supply. The following table shows the First Destination of Graduates of Pharmacy.

First Destinations of Pharmacy Graduates	TCD	RCSI
	%	%
In Employment — Ireland	96	100
In Employment — Overseas	0	0
Work Experience Schemes	0	0
Seeking Employment	4	0
Unavailable for Work/Study	0	0
Total	100	100

Notes

FDR Data relates to the situation of 2006 graduates as of April 2007.

UCC’s Pharmacy course has yet to produce graduates (commenced 2003/04).

Third Level Qualifications.

333. **Deputy Paul Connaughton** asked the Minister for Education and Science the number of in-service teachers at primary level, second level and further education level who are holders of a masters degree, a Ph.d degree or any postgraduate qualification; the number in respect of each of these areas of in-service teachers who are receiving salary increments commensurate with their qualifications; and if he will make a statement on the matter. [22038/08]

Minister for Education and Science (Deputy Batt O’Keeffe): All fully qualified post-primary teachers in Voluntary Secondary, Community and Comprehensive schools are in receipt of a primary degree and post-graduate qualification allowance. Two thousand six hundred and forty

serving teachers are in receipt of a Masters Degree allowance, and two hundred and fifty five serving teachers are in receipt of PhD allowances. One hundred and thirty nine serving teachers are in receipt of a post-graduate Diploma in Special Education allowance.

The information in relation to teachers employed by VECs is held by them individually and is not available in my Department. All qualified primary teachers are paid a qualification allowance in respect of their degree qualification. The number of serving teachers at primary level who are in receipt of additional qualification allowances are as follows:

- Masters Degree 2,183
- Doctors Degree 41
- Diploma in Special Education 918

Departmental Projects.

334. **Deputy P. J. Sheehan** asked the Minister for Education and Science if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start up date of each project; the timescale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22062/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The information sought by the Deputy is being compiled by officials in my Department and will be forwarded to him as soon as possible.

Irish Language.

335. **Deputy Olwyn Enright** asked the Minister for Education and Science his views on whether second level support for Irish will increase the competency levels in Gaeilge labhartha; and if he will make a statement on the matter. [22090/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has implemented a range of measures aimed at improving outcomes in Irish language learning and proficiency. One of these measures was the establishment of a subject-specific support service for second-level schools. The service forms part of the Second Level Support (SLSS) which provides programme and subject specific curricular support, and support for teaching and learning generally in second-level schools.

The support service for Irish has been designed to provide professional development support to second-level teachers of Irish generally. One of the primary objectives of the service is to support the use of Gaeilge as a communicative language in schools and classrooms. The programme of professional development has been designed to:

- promote the importance of oral skills as an integral part of the Junior and Leaving Certificate syllabuses
- enable teachers develop a range of teaching and learning strategies that will promote oral language proficiency, as recommended in Circular 0042/2007
- build on the strengths of the Revised Curriculum for Primary Schools.

The service is delivered by a dedicated team comprising a National Coordinator and six regionally-based development officers. The team is managed by the Steering Committee of the SLSS and its work is directed by a professional advisory group.

336. **Deputy Olwyn Enright** asked the Minister for Education and Science if he envisages an increase in the number of students taking the optional beal scrúdú Gaeilge at junior certificate level; the projected uptake he envisages; and if he will make a statement on the matter. [22091/08]

337. **Deputy Olwyn Enright** asked the Minister for Education and Science the progress that has been made with trade unions to support the beal scrúdú Gaeilge; and if he will make a statement on the matter. [22092/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 336 and 337 together.

The assessment of Irish for the Junior Certificate includes provision for an optional oral examination which is conducted by the class teacher in accordance with guidelines issued by the State Examinations Commission. The decision on whether, or not, to avail of this option is taken at school level. The syllabus for Junior Certificate Irish focuses strongly on developing communicative skills. Oral work is critically important in improving students’ competence and confidence in this regard and it should be a key component of day-to-day teaching of the language from the beginning of junior cycle.

In March 2007, my predecessor announced significant changes to the proportion of marks awarded for oral Irish in both the Junior Cert and Leaving Cert exams. These changes will apply to students enrolling in First Year in 2007 and will mean that, in 2010, there will be 40% of marks available for the optional oral Irish examination in the Junior Certificate, and with effect from 2012, 40% of marks will be available for oral Irish in the Leaving Certificate.

The intention of the increase in marks for oral assessment is to promote a significant shift in emphasis towards Irish as a spoken language, where students can communicate and interact in a spontaneous way, and where Irish is spoken every day in schools. I believe that the increase in the marks for the optional oral component in the Junior Certificate from 20% to 40% from 2010 will be an incentive for more schools to provide this option. Given the critical importance of oral competence in language learning, all schools have been encouraged to avail of this option in the Junior Certificate. A support service with a national co-ordinator and 6 regional support staff has been put in place to support the change.

I am conscious that the model of oral examination in place for the Leaving Certificate examination is not replicable at Junior cycle. Issues of examiner supply and school disruption mean that implementing Junior and Leaving certificate oral examinations through a totally externally based approach would be unsustainable. I recognise the need to explore the scope for a different approach at Junior cycle, where the stakes are not so high, and my Department is engaging with the teacher unions on the issue.

There is no basis for projecting the uptake of the optional oral examination at Junior Cert level, but I am confident that, with the support of all education partners, the numbers will increase over to the coming years. I believe that the opportunity to avail of an oral examination would be a significant incentive for students to improve their proficiency in oral Irish.

338. **Deputy Olwyn Enright** asked the Minister for Education and Science his views on supporting the funding of Irish language courses for Irish teachers as part of their continuing professional development; and if he will make a statement on the matter. [22093/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has implemented a range of measures aimed at improving outcomes in relation to Irish language learning and its proficiency. The Tús Maith initiative at primary level currently has thirty one

cuiditheoirí on the team. The dual purposes are to improve the teaching of Irish and to improve teachers competence and confidence in the Irish language. Tús Maith cuiditheoirí provide a range of support to teachers including in-class support, whole school support and after school workshops and language based activities. The team is currently working with 527 Spriocscóileanna, (Target Schools), providing intensive sustained support leading to high levels of impact.

At post primary level a subject-specific support service for Gaeilge has been established since September 2007. The service forms part of the Second Level Support (SLSS) which provides programme and subject specific curricular support, and support for teaching and learning generally in second-level schools. The support service for Irish provides professional development support to second-level teachers of Irish generally and support for the teaching and learning of all aspects of the Irish syllabuses. The service has a dedicated team comprising a National Coordinator and six regionally-based development officers. There are also a number of courses aimed at increasing proficiency in Irish through the “Cúrsaí Samhraidh” programme run through the education centre network and a number of these take place in the Gaeltacht.

Special Educational Needs.

339. **Deputy Jack Wall** asked the Minister for Education and Science the plans or programmes in place or planned to assist with the integration of children into mainstream education and the community (details supplied); and if he will make a statement on the matter. [22101/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Deputy will be aware of my Department’s commitment to ensuring that all children including those with special needs can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum with the option, in line with each child’s ability, of full/partial integration and interaction with other pupils.

My Department’s policy is to provide for children with special educational needs to be integrated into mainstream schools unless such a placement would not be in their best interests or the interests of the children with whom they are to be educated. This does not necessarily mean that every child needs to be fully integrated. Some children may be better supported in a special class attached to a mainstream school. These students have the option, where appropriate, of full/partial integration and interaction with other pupils. Other children may have such complex needs that they are best placed in a special school. Students with special educational needs have access to a range of support services including additional teaching and/or care supports.

As the Deputy will be aware, the National Council for Special Education (NCSE) was set up to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. The Council, with its network of up to 80 Special Educational Needs Organisers (SENOs), is providing a structure for the delivery of an effective and speedy education service to children and families coping with disability on a daily basis. Working locally on the ground, the SENOs are a focal point of contact for parents and schools. Parents can contact their local SENO directly to discuss their child’s special educational needs, including any issues or queries they may have in relation to the integration of their child into mainstream education, using the contact details available on www.ncse.ie.

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The SENOs are responsible for ensuring that all special educational needs in their areas are addressed in an effective manner. They are charged with facilitating access to, and co-ordinating education services for children with special needs in their areas. They will do this by liaising between local providers of educational services, appropriate ancillary services, the council, the Department and parents.

Schools Amalgamation.

340. **Deputy Paul Connaughton** asked the Minister for Education and Science the position regarding the proposed amalgamation of schools (details supplied) in County Galway; if a site has been purchased; if his attention has been drawn to the fact that the first school is likely to lose its playing fields due to a major commercial building project and should the proposed amalgamation not be proceeded with immediately the loss of such amenities would be a disaster to the efficient running of that particular school; and if he will make a statement on the matter. [22105/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware an agreement was reached by the respective Patrons to rationalise provision of post-primary provision in the Tuam area to establish a single girls’ school. The OPW have received a proposal for a site for the school which is currently with my Department for consideration and further instruction to the OPW. The further consideration of the site acquisition will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme.

Teacher Training.

341. **Deputy Dinny McGinley** asked the Minister for Education and Science the levels of funding for 2008 for the three part-time teacher education centres in the Gaeltacht; the reason the three part-time centres serving Gaeltacht areas consistently receive the least level of funding to part-time education centres in the years 2001 to 2006 as reported in his Department’s value for money assessment of programmes managed by the teacher education section; and if he will make a statement on the matter. [22108/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The three part time education centres in the Gaeltacht areas of Dingle, Conamara & Arainn and Gortahork have been allocated funding of €8,889 each for 2008. In addition to this funding a part-time administration post has been sanctioned for each of the three full-time centres whose catchment area encompasses the three part time teacher education centres in the Gaeltacht namely Tralee, Galway and Donegal Education Centres. This position of administrator has specific responsibility with regard to all administration in respect of the part-time centres in its catchment area and any other business requirements through the medium of Irish.

As mentioned in my Department’s value for money report the Centres closest to urban areas and thereby serving a larger teaching population would have a higher level of activity. The funding of part-time Education Centres would be based on the level of activity in relation to courses. Therefore those Part Time Centres who are close to or are in urban areas would receive a higher level of funding than those serving non urban areas.

The part-time Education Centre covered by the Deputy’s question is part of a network of twenty-one full-time and nine part-time Education Centres which are located throughout the Country. Education Centres provide continuous professional development and support for teachers and the wider education community through meeting locally researched and identified

teacher and school community needs. They also provide this continuous professional development and support through involvement in national in-service programmes, involving either curricular reform or support on specific issues such as special needs.

Special Educational Needs.

342. **Deputy Jack Wall** asked the Minister for Education and Science the programme training or qualifications a person must adhere to before their qualification is accepted by his Department (details supplied); if there is a need for Garda clearance in each case; and if he will make a statement on the matter. [22110/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The responsibility for the recruitment and employment of individual special needs assistants is a matter for each school authority. The appointment procedures are outlined in Circular 03/03 — copy set out below. The current educational requirements specify that candidates for appointment to the post of special needs assistant must have been awarded Grade D (or pass) at least, in Irish, English and Mathematics in the Junior Certificate Examination, in the Day Vocational Certificate Examination or in an examination of equivalent standard. It is the responsibility of the relevant school authority to ensure that any proposed new appointee is vetted. The procedures for the vetting of teaching and non teaching staff are outlined in Circular 0094/2006 — copy also set out below.

Circular 0094/2006

To: The Management Authorities of all Primary Schools, The Management Authorities of Secondary, Community and Comprehensive Schools, The Chief Executive Officer of Each Vocational Education Committee

New arrangements for the vetting of teaching and non-teaching staff

1. Introduction

The Minister for Education and Science, Mary Hanafin, T.D. wishes to advise the authorities of all primary and post-primary schools and of Youthreach, VTOS, Junior Education or Traveller Training Centres of expanded arrangements for the vetting of persons with unsupervised access to children and vulnerable adults arising from the recommendations of the report of the Inter-Departmental Committee on Garda Vetting.

1.2 Vetting procedures are already in place for special needs assistants and bus escorts. The procedures for the vetting of such staff are being revised and the new arrangements are set out below. In addition, vetting is being introduced for the 2006/07 school year for new teachers and any other new appointees who will have unsupervised access to children and vulnerable adults. It will be extended to others later on.

2. Vetting arrangements for the 2006/07 school year

2.1 The Department, in consultation with the Garda Central Vetting Unit (GCVU), has decided that, as a first step in the expansion of the vetting services of the GCVU, the vetting of new teachers and ancillary staff to be employed in schools should be given priority. Vetting will apply initially to all new staff being recruited with effect from 1st September, 2006 or later.

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2.2 New staff are defined as those referred to above who have not been employed in a recognised primary or post-primary school, in a Youthreach, VTOS, Junior Education or Traveller Training Centre, in this State at any time since 1st September, 2003. Where a person was employed in a school or centre listed above in the past, but not within the last three years, he/she must be vetted.

2.3 It is the responsibility of the relevant school authorities (Board of Management or Vocational Education Committee as appropriate) to ensure that any proposed new appointee, who has/may have unsupervised access to children or vulnerable adults, is vetted. However, school authorities should ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of employment. Applications should not be sought prior to a decision being taken to offer appointment. Applications need not be submitted in respect of newly qualified teachers who are dealt with in the process set out in Paragraph 3.1 below.

2.4 The appropriate application form, together with guidelines on its completion, will be issued directly on request to registered Authorised Signatories by the GCVU. The proposed employee must give his/her consent to his/her being vetted. A person, who refuses to provide his/her consent, may not be appointed in any capacity.

3. Application process

3.1 New Teachers

As part of the process of registering new teachers for the first time, the Teaching Council has agreed that it will submit vetting applications in respect of such teachers to the GCVU. It will then have regard to the outcome of this vetting in making its decision in relation to registration. This will obviate the need for schools to directly approach the GCVU in respect of vetting of such newly qualified teachers.

It is expected that formal registration of teachers will not take place before the commencement of the 2006/07 school year. However, the vetting process will have commenced in advance of that and the Teaching Council will issue a letter to individual teachers indicating the outcome of the vetting application in respect of them. Schools should ensure that they request a prospective employee to present for inspection the letter from the Council **before** a decision to appoint is taken or a formal offer of appointment is made.

3.2 Non-Teaching Staff

In the case of non-teaching staff, the applications should be submitted by the Authorised Signatory (see Paragraph 4).

In the case of schools under Catholic patronage some Diocesan Offices have indicated that they will co-ordinate the submission of vetting requests from Authorised Signatories. Accordingly, those school authorities should contact the Central Office of the Catholic Primary Schools Management Association and the relevant Diocesan Office in relation to the procedure to be followed with regard to the submission of applications for vetting

The Church of Ireland Board of Education, has agreed to co-ordinate vetting applications for the schools that it represents. Accordingly, all applications from those schools should be for-

warded by the Authorised Signatory to the Board of Education, for onward transmission by its nominated official to the GCVU.

Otherwise Authorised Signatories should submit vetting applications to the GCVU. The current practice of submitting applications for vetting in respect of special needs assistants and bus escorts via the Department is being discontinued.

3.3 The address of the Garda Central Vetting Unit (GCVU) is:

Racecourse Road, Thurles, Co. Tipperary.

4. Authorised signatories

4.1 Each Board of Management or VEC, as appropriate, must nominate one person as the Authorised Signatory. That person's signature will be required to authenticate an application from the school or VEC.

5. Timely submission of applications

5.1 In order to be in a position to definitively offer a prospective employee a post arising from 1st September, 2006 onwards, school authorities should ensure that the vetting process has been satisfactorily concluded in good time. If the process is not satisfactorily completed before 1st September, 2006, or the effective date of appointment if later than that, the offer of a post can only be made on a provisional basis. The prospective employee should be formally notified of this and should confirm acceptance of this condition. If, on receipt of the result of the vetting application, the school authorities consider that the person concerned is not suitable for appointment, the provisional appointment should be terminated.

6. Training of Boards of Management

6.1 The GCVU is anxious to ensure that the vetting system operates as efficiently and effectively as possible. In order to achieve this, the GCVU is organising training sessions for persons engaged in the operation of the system. Training is being given to persons nominated by the Management Bodies who in turn will organise the necessary training for the nominees of the schools and centres.

7. Issue of result of vetting application

7.1 In response to each application, the GCVU will issue a statement directly to the Teaching Council, the Church of Ireland Board of Education or the Authorised Signatory as appropriate setting out the result of the search for criminal convictions made against its records. All convictions will be disclosed as part of this process.

8. Queries in relation to vetting

8.1 Queries in relation to vetting should be raised with the relevant management authority in the first instance. In the case of schools represented by the CPSMA, queries should be raised with the Diocesan Office in the diocese concerned.

9. Decision based on outcome of application

9.1 It is a matter for the Board of Management to determine whether any conviction disclosed as a result of the vetting application would render a prospective employee unsuitable for employment by the school. It is for the Board to make a judgement as to the person's suitability.

[Deputy Batt O’Keeffe.]

9.2 Vetting should not take the place of normal recruitment procedures, such as seeking and following up of references and ensuring that any unexplained gaps in employment are satisfactorily accounted for. Proper recruitment procedures are an essential element of child protection practice. Vetting is to be used as an addition to those procedures.

Because of the importance of child protection, school authorities should be conscious of their responsibilities in this regard when requested to furnish a reference in respect of a particular individual.

9.3 The fact that a person has a conviction does not automatically render him or her unsuitable for work with or access to children or vulnerable adults. A person’s suitability should be looked at as a whole in the light of all the information available including the relevance of the nature of the offence in the context of child protection.

10. Dissemination of Circular

10.1 Please provide a copy of this circular to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

This circular may be accessed on the Department of Education and Science website at www.education.ie

Johnny Bracken,
Principal Officer.
June, 2006.

Circular SNA 03/03

DEPARTMENT OF EDUCATION AND SCIENCE

PAYROLL DIVISION

TO BOARDS OF MANAGEMENT, PRINCIPALS AND SPECIAL NEED ASSISTANTS IN PRIMARY SCHOOLS

Appointment Procedures for Special Need Assistants

(Updated August 2007)

1. Introduction:

1.1 The Minister for Education and Science wishes to inform management authorities that this Circular — SNA 03/03 has been updated in August, 2007 and now sets out revised appointment procedures for Special Need Assistants in primary schools.

1.2 Boards of Management, in accordance with the guidelines hereunder, are responsible for the appointment of Special Need Assistants in primary schools. Any such appointment is subject to the prior approval of the school’s Patron.

1.3 A Special Need Assistant shall only be appointed to a post which is to be filled within the allocation of posts approved by the National Council for Special Education (NCSE).

2. Advertising a Special Need Assistant Post:

2.1 A Special Need Assistant post must be advertised in a local newspaper. The advertisement shall invite applications from eligible persons to be submitted by a specified date to the Chairperson of the Board of Management.

2.2 Subject to any exceptions permitted by the Employment Equality Acts, 1998 and 2004 the advertisement must not indicate an intention to discriminate or contain information in any form which might reasonably be understood as indicating an intention of this kind.

3. Details that must be included in the advertisement:

- i. The name and address of the school.
- ii. The date of commencement of the post.
- iii. State if the post is full time or part time and the number of part time hours.
- iv. A general description of the duties of the post.
- v. The latest date for receipt of application.
- vi. State that a curriculum vitae must be submitted with the application.
- vii. State that references or the names and addresses of referees are required.
- viii. State that a list of suitable applicants may be set up from which future vacancies may be filled (valid for the duration of the school-year).

4. Selection Board for Appointment of Special Need Assistants:

4.1 The Selection Board shall consist of the Chairperson of the Board of Management, the Principal of the school and one other person nominated by the Patron.

4.2 The Selection Board must include at least one male and one female.

4.3 If any member of the Selection Board, including the Chairperson, stands in a relationship to a person who is a candidate for employment in the school, s/he shall withdraw from the Selection Board and the Patron shall nominate another Chairperson or member in his/her place.

5. Functions of the Selection Board:

5.1 The Selection Board, prior to interviewing the candidates shall establish in writing the criteria for assessment of applications, having regard to appropriate legislation and the requirements of the post. Established criteria of the Board shall take account of the Employment Equality Acts, 1998 and 2004 and the Code of Practice of the Equality Authority.

5.2 The Selection Board shall meet within a reasonable period after the closing date for receipt of applications to determine those applicants to be called for interview.

[Deputy Batt O’Keeffe.]

5.3 The Chairperson of the Selection Board shall keep a record of the criteria used.

6. Interviews:

6.1 While the Selection Board may decide to limit the number of applicants called for interview, a minimum of three eligible applicants must be called. If less than three applicants have applied for the post, all of the eligible applicants must be invited to interview.

6.2 The Selection Board must adhere to the agreed criteria for the assessment of applicants.

6.3 The Chairperson of the Selection Board must keep a record of the agreed criteria and of the scoring used to assess applications and interviews.

6.4 When interviewing applicants, particular caution must be taken to ensure that no questions, comments or statements might be construed as discriminatory e.g. on grounds of gender or marital status.

7. Appointing the Successful Candidate:

7.1 Schools are reminded that the minimum qualification necessary for appointment as a Special Need Assistant is an award of Grade D (or pass) in Irish, English and Mathematics in the Intermediate Certificate/Junior Certificate or the Day Vocational Certificate Examination or in an examination of equivalent standard.

7.2 Having interviewed such applicants as present themselves, the Selection Board shall submit a written report to the Board of Management, nominating

- a) the applicant whom it considers most suitable for appointment and
- b) a list of candidates in order of merit suitable for appointment to any further post arising in the school over the course of the school-year.

7.3 The Board of Management shall meet and appoint the candidate nominated by the Selection Board unless it has good and sufficient reason not to do so, in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board.

7.4 The Board of Management shall also retain the list of candidates deemed suitable for appointment. This list will be effective for the duration of the school-year in question in respect of any appointment to posts of Special Need Assistants which may arise in the school.

7.5 If two or more Special Need Assistants commence duty on the same day, the Board of Management shall establish the order of seniority based on the order that the Special Need Assistants were listed as a result of the interview process i.e. the Special Need Assistant who was ranked highest following the interview process should be given the higher seniority rating. Please refer to **Circular 0059/2006 — Seniority of Special Need Assistants** which is available on the Department’s website at www.education.ie under Education Personnel/Special Need Assistants.

8. Medical Certification:

8.1 The Board shall obtain from the successful candidate, prior to appointment, a certificate of medical fitness that s/he is fit to undertake the duties of the post. A sample form is attached as Appendix A.

8.2 While the medical practitioner shall be nominated by the Board of Management, any costs incurred shall be borne by the successful candidate.

9. References:

9.1 Before notifying the successful candidate the Board of Management shall check his/her references.

10. Vetting:

10.1 It is the responsibility of the Board of Management to ensure that any proposed new appointee as Special Need Assistant is vetted. However, school authorities shall ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of employment. Applications should not be sought prior to a decision being taken to offer appointment.

10.2 Please refer to **Circular 0094/2006 –‘New arrangements for the vetting of teaching and non-teaching staff’** which is available on the Department’s website at www.education.ie under Education Personnel/Special Need Assistants.

11. Contracts of Employment

11.1 New appointees must be offered a contract of employment in accordance with the terms outlined in **Circular SNA 15/05 –‘Contract of Employment for Special Need Assistants’** which is available on the Department’s website www.education.ie under Education Personnel/Special Need Assistants.

12. Notification of the appointment to the Department of Education and Science:

12.1 On completion of the appointments procedure as outlined above, Boards of Management shall complete and submit the form “Notification of Appointment — Special Need Assistant”, which is available on the Department’s website www.education.ie under Education Personnel/Special Need Assistants, to

Non Teaching Staff (NTS) Payroll,

Payroll Division,

Department of Education and Science,

Cornamaddy,

Athlone,

Co Westmeath.

13. Queries

13.1 If you have any query in relation to this circular please e-mail your query to sna_pay@education.gov.ie or telephone 090 648 4136.

[Deputy Batt O’Keeffe.]

13.2 This circular should be retained for future reference in the school. It may also be accessed on the Department’s website www.education.ie under Education Personnel/Special Need Assistants.

P. Maloney,
Principal Officer.
August, 2007

Appendix A

Certificate of fitness to commence employment as a Special Need Assistant

To be completed by a Medical Practitioner nominated by the Board of Management.

Surname: _____

Forename: _____

I certify that I have examined the above named and found that s/he is fit to undertake duties as a Special Needs Assistant.

Signed: _____

Date: _____

Stamp or Seal

School Funding.

343. **Deputy Ulick Burke** asked the Minister for Education and Science if he will provide grant assistance to a school (details supplied) in County Galway for the provision of off-road, set down and parking facilities in the interest of safety for school children and road traffic at this school; and if he will make a statement on the matter. [22113/08]

Minister for Education and Science (Deputy Batt O’Keeffe): There is no record in my Department of an application from the school referred to by the Deputy for funding for the works in question.

Site Acquisitions.

344. **Deputy Joan Burton** asked the Minister for Education and Science if his Department has ever sought to acquire school sites either directly, through the local authority or through the Office of Public Works using compulsory acquisition powers or other statutory powers; if they have ever informed landowners or developers that if they were unwilling to sell necessary or reserved sites to his Department or its agents that such statutory powers would or could be utilised to acquire the land; the details of any instances where such communications have taken

place over the past five years with respect to the acquisition of school sites in Dublin 15; and if he will make a statement on the matter. [22117/08]

Minister for Education and Science (Deputy Batt O’Keeffe): In general, the Office of Public Works (OPW) procures sites on behalf of my Department. In certain circumstances my Department liaises directly with landowners on the acquisition of sites. More recently, my Department has begun interacting directly with several local authorities in relation to acquiring sites, particularly in rapidly developing areas.

My Department in communications, in April 2007 with Fingal County Council indicated that a reserved site at Annfield, Diswellstown, Dublin 15 should be acquired using their statutory powers if necessary. The question of the use of Compulsory Purchase Order (CPO) is a matter for the relevant Local Authority in the first instance.

345. **Deputy Joan Burton** asked the Minister for Education and Science the number of sites for schools and the name and location of same in the Dublin 15 area where the initial development of the site was commenced by his Department by having a licensing agreement with the landowner or licence to build on the site in advance of the expected completion of purchase of the land; and if he will make a statement on the matter. [22118/08]

347. **Deputy Joan Burton** asked the Minister for Education and Science if his Department has sought, or is seeking to establish, any licensing agreement in respect of land to be acquired or used as a school site, whether by rent, lease, purchase or other means; the location of such sites; when such agreements were entered into or are expected to be entered into; and if he will make a statement on the matter. [22120/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 345 and 347 together.

In certain circumstances, particularly in rapidly developing areas where the provision of additional school places are required urgently, my Department may request a landowner to enter into a Building Licence Agreement to allow for the construction of a school pending the finalisation of the conveyancing process.

To date, in respect of 2008, my Department has entered into one such arrangement for a school in the Dublin 15 region. Due however to the commercial sensitivities attached to site acquisitions it would not be appropriate for me to expand further on the specifics of the site location at the present time.

Schools Building Projects.

346. **Deputy Joan Burton** asked the Minister for Education and Science when, in respect of the proposed primary school at Annfield/Kellystown in Dublin 15, where site works are under way, planning permission for the school site was obtained; the details of the contractual arrangement between his Department or its agents with the relevant landowner or landowners; the persons who are the principal contractees to this agreement; when according to this contractual agreement, the purchase of the land will be completed; the actual cost of the use of the land in advance of the purchase; the estimated cost, or contractually agreed cost, of purchasing the land; and if he will make a statement on the matter. [22119/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy may be aware, the Department is progressing the acquisition of a number of sites under the Fingal School Model Agreement.

[Deputy Batt O’Keeffe.]

The Fingal School Model is an agreement reached with Fingal County Council and is a partnership approach to fast-track the delivery of schools and community facilities throughout the Fingal Area. The intention is that the agreed approach will match the rapid pace of housing development in the area with the delivery of schools while at the same time providing important facilities for community use.

A site has been identified in Porterstown/Kellystown for the delivery of phase one of the primary provision to be made for the area and the Department intends to relocate an existing school in temporary accommodation to the new school 16 classroom school building in Porterstown for September 2008 to meet the demand for school places.

A number of sites being acquired under the Fingal School Model are at varying stages of acquisition including this site and, as the Deputy will appreciate, due to commercial sensitivities relating to site acquisition, I am not in a position to comment further at this time.

Question No. 347 answered with Question No. 345.

Teachers’ Remuneration.

348. **Deputy Dara Calleary** asked the Minister for Education and Science the number of primary teachers employed in either temporary or permanent posts who have served more than seven years outside of the EU and are therefore denied incremental credit for that time worked abroad in contrast to teachers who have worked within the EU and are not subject to such restrictions. [22121/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The information requested by the Deputy is not available in my Department. The terms of award of incremental credit to teachers are determined by the Conciliation Council for Teachers, which is the forum for the discussion by representatives of the management and staff sides of claims, terms and conditions of employment.

Arrangements for the award of incremental credit for primary teachers are outlined in Circular 10/01, and any changes in arrangements would have to be negotiated through the Conciliation Council for Teachers. In this context, if the matter is to be considered by the Council, it should be raised by the teachers’ union.

Schools Recognition.

349. **Deputy Michael McGrath** asked the Minister for Education and Science his views on the application for formal recognition of a proposed new secondary school (details supplied) in County Cork. [22123/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that my Department is in receipt of a submission from the patron body to which he refers for the establishment of a new secondary school in County Cork. This submission is currently being examined and my Department will be in touch with the proposers on completion of the examination.

The submission for establishment of the new school will be considered in the overall context of provision of secondary school places in the area of Cork, to which the Deputy refers.

Schools Building Projects.

350. **Deputy Denis Naughten** asked the Minister for Education and Science if a school

(details supplied) in County Roscommon is on the list of schools in developing areas; when the funding for the school extension will be released; and if he will make a statement on the matter. [22124/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy has experienced an increase in enrolments in recent years; however, it is not considered to be in a rapidly developing area. A tender report for the project is currently under examination by my Department. The contract for the project has not yet been awarded.

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. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Departmental Funding.

351. **Deputy Willie Penrose** asked the Minister for Education and Science the position regarding the appeal by Westmeath VEC against a decision of his Department to refuse to formally sanction funding for a project (details supplied); if his Department will give the go-ahead to enable this important project to proceed; and if he will make a statement on the matter. [22125/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The proposal from Co. Westmeath VEC to which the Deputy refers was considered by officials of my Department and funding was not approved. This decision was upheld on appeal, and my Department wrote to the Chief Executive Officer on 26 May 2008 advising him of the position.

Higher Education Grants.

352. **Deputy Willie Penrose** asked the Minister for Education and Science the level and type of student grants available to a person who is a mature student and who already has secured a primary degree (details supplied) and who wishes to pursue a post graduate degree in health and safety at one of the universities; and if he will make a statement on the matter. [22126/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Under the terms of my Department’s Third Level Maintenance Grant Schemes, which are administered on behalf of my Department by the Local Authorities and the Vocational Education Committees, the provision is that, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. An approved course for the purpose of the Schemes means a full-time undergraduate course of not less than two years duration and a full time postgraduate course of not less than one year’s duration pursued in an approved institution.

Under the terms of the Schemes a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether a grant was paid previously. The Schemes also provide that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification. Notwithstanding this condition, candidates who already hold a postgraduate qualification and are progressing to a further postgraduate course which represents progression from the level at which the previous postgraduate qualification(s) was attained, may be deemed eligible for grant aid.

[Deputy Batt O’Keeffe.]

The decision on eligibility for third level grants is a matter for the relevant Local Authority or VEC.

Schools Refurbishment.

353. **Deputy Leo Varadkar** asked the Minister for Education and Science the arrangement that will be made for the refurbishment of science laboratories in view of the fact that no summer works will be done in 2008 and that this work cannot be done during the academic year; and if he will make a statement on the matter. [22145/08]

354. **Deputy Leo Varadkar** asked the Minister for Education and Science if he will provide funding for the refurbishment of the science laboratories in a school (details supplied) in Dublin 15; and if he will make a statement on the matter. [22146/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 353 and 354 together.

As part of the multi-annual school building programme, the Government has invested heavily in the modernisation of school facilities throughout the country including science facilities in post-primary schools. Provision of science facilities is an intrinsic part of many school building projects at post-primary level. Typically this investment involves the provision of modern science facilities in new post-primary schools or the upgrading of science facilities in existing schools either as part of a school building project or as a dedicated investment to facilitate the teaching of science.

Schools have also received funding under the Summer Works Schemes 2004 -2007 to refurbish science laboratories. Over 60 schools were approved for funding in 2006 and 2007 under my Department’s Summer Works Scheme to enable them to get science laboratories refurbished on a devolved basis.

Additionally, the Government has funded the provision of class materials, basic general equipment and chemicals for practical work for the Sciences. My Department also spent in excess of €13m in 2004 to facilitate the introduction of a revised Junior Science syllabus. Schools received a basic grant of €3500 per science laboratory to enable them to provide the new curriculum. Additional funding was made available to schools where other specified equipment was required. In addition, certain schools identified in a 1998 national survey as needing new or refurbished science laboratories received funding.

The authorities of the school referred to by the Deputy applied for funding under the 2008 Summer Works Scheme to renovate/upgrade the science and home economics facilities in the school at an estimated cost in excess of €1.6m. Since the Scheme was introduced in 2004, over 3,000 projects costing in excess of €300 million have been completed. With so many smaller projects having been completed over the past few years, my Department is focusing on delivering as many large projects as possible in 2008. Accordingly, there is no Summer Works Scheme for 2008. However, it is intended to have a Summer Works Scheme in 2009 and projects involving the upgrade of science laboratories will be considered for funding under the scheme in 2009.

Defence Forces Strength.

355. **Deputy Jimmy Deenihan** asked the Minister for Defence the official establishment

number for the Army Ranger Wing; the number serving in the ARW in 2006, 2007 and to date in 2008 respectively; and if he will make a statement on the matter. [21699/08]

Minister for Defence (Deputy Willie O’Dea): The strength of the Army Ranger Wing (ARW) as a percentage of its establishment is in the region of 90% and has been so for the period in question. The strength is sufficient to meet anticipated operational requirements. For security and operational reasons it has not been military practice to publicise exact details of the establishment or actual strength of the ARW.

There is an existing policy of ongoing recruitment to maintain strength levels and the delivery of required military capabilities. The unit recruits from all services with a continuous advertising campaign by means of road shows and seminars in Brigades/Corps, Naval Service and Air Corps conducted by ARW personnel and advertising in the Defence Forces Connect magazine and An Cosantoir journal.

Induction is by ARW selection courses run on an annual and bi-annual basis as required. Interest from Permanent Defence Force (PDF) personnel in joining the ARW remains at a very high level. All serving members of the PDF are entitled to apply, provided they are medically fit and have attained the rank of at least 3 Star Private (or equivalent). Successful passing of the selection course demands the highest levels of fitness, motivation and competency.

There is a continuous review of criteria for entry. However, it is critical that the high standards required for entry into the ARW are maintained in order to deliver the strategic capabilities and specialized response required by the Government.

Defence Forces Reserve.

356. **Deputy Brian O’Shea** asked the Minister for Defence the proposals, in regard to Reserve Defence Force members taking part in overseas operations, he has in regard to those members’ income being maintained while overseas; and if he will make a statement on the matter. [21723/08]

Minister for Defence (Deputy Willie O’Dea): The White Paper on Defence outlines the blueprint for a new Reserve Defence Force. This blueprint outlined a new Reserve with a clearly defined role, an enhanced relationship with the PDF, better equipment and training and opportunities for reservists to serve on overseas peace support missions.

An Implementation Plan has been developed that will ensure the realisation of the White Paper vision. The Plan is being rolled out over the period to the end of 2009. There has been significant progress to date in implementing the detailed recommendations of the Plan e.g. new organisation structure implemented, major improvements in clothing, equipment, training and resourcing. In addition, the Reserve is now organised along similar lines to the PDF and the development of the integrated element of the Reserve is in its second year. All of these changes are enhancing the capabilities of the Reserve as well as improving interoperability with the PDF. These factors are significant enablers in facilitating future participation by Reserve personnel in overseas missions.

There are no plans for participation by members of the Reserve in overseas missions in the current year. However, it is hoped that a small number of Reservists will be available to serve overseas by the end of next year. As specified in the Plan, any such participation by members of the Reserve is likely to be in specialised areas such as medical, transport, engineering and communications and information services. This will also be subject to personnel having suitable

[Deputy Willie O’Dea.]

qualifications, their personal availability and appropriate advance training. Any such commitment to overseas service by personnel from the Reserve will be on a voluntary basis.

As the numbers of personnel from the Reserve who are likely to serve overseas will be small, it is anticipated that the required numbers of Reservists can be met, for initial deployments, from personnel with personal circumstances that enable them to commit to such service. The conditions on which these initial personnel serve overseas will be established before any deployment takes place.

There may be a variety of factors that impact on the availability of some members of the Reserve to commit to overseas service, including concerns regarding their employment. All options that impact on achieving the required numbers of Reservists with appropriate skill-sets for overseas service, will be considered on foot of the lessons learned from initial overseas deployments.

357. **Deputy Jimmy Deenihan** asked the Minister for Defence if the reservists in integrated units will be trained in the use of heavy artillery and all other military equipment; and if he will make a statement on the matter. [21830/08]

Minister for Defence (Deputy Willie O’Dea): The Reserve Defence Forces Review Implementation Plan provides for the development of an Integrated Army Reserve. A pilot scheme for the Integrated Reserve was commenced in 2007 and this scheme has been extended into 2008.

The military authorities have advised me that members of the RDF are trained in all military equipment appropriate to their corps and rank in accordance with the Annual Training Directive and the relevant corps syllabi as issued by Director of Defence Forces Training. Reservists in integrated artillery units are trained in artillery weapons.

Defence Forces Equipment.

358. **Deputy John Deasy** asked the Minister for Defence the name of the company which is contracted by his Department to transport the Irish Army’s equipment from Cameroon to the EUFOR Base in Chad; and when the contract arrangements were finalised and signed. [22042/08]

Minister for Defence (Deputy Willie O’Dea): I am advised that the name of the contractor engaged by the Defence Forces to transport Defence Forces equipment from Cameroon to Chad is SDV Bolllore, a French company. The contract was awarded in early April following a tender competition and the transportation of the equipment commenced in mid April 2008 and is due to be completed by the end of this week.

Departmental Projects.

359. **Deputy P. J. Sheehan** asked the Minister for Defence if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start up date of each project; the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22061/08]

Minister for Defence (Deputy Willie O’Dea): The Reserve Defence Forces Review Implementation Plan provides for the re-organisation and development of the Reserve Defence

Forces on a phased basis up to the end of 2009. The development of an Integrated Army Reserve is included in the Plan. A pilot scheme for the Integrated Reserve was run in 2007 and while numbers participating were small (180 completed training), very valuable lessons were learned. The pilot scheme has been reviewed by the Military Authorities and lessons learned have been taken into account in the development of the Integrated Reserve in the current year.

Asylum Support Services.

360. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the plans he has to support the Health Service Executive Together We Play, Learn and Understand resource pack on integration; and if he will make a statement on the matter. [21810/08]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Conor Lenihan): The resource pack referred to by the Deputy appears to be a useful example of how diversity issues can be mainstreamed by State agencies and line Departments. The HSE has done extremely good work in this area.

I was pleased to attend the launch earlier this year of the HSE intercultural strategy.

The HSE along with other State agencies e.g. An Garda Síochaná and various sporting bodies have followed approaches that I am happy to recommend to other agencies.

My office has not received a request for funding for this particular initiative.

Immigration Policy.

361. **Deputy Darragh O'Brien** asked the Minister for Justice, Equality and Law Reform the additional measures in relation to immigration and asylum seekers that would come about with the ratification of the Lisbon Treaty. [22022/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Title V of the Treaty on the Functioning of the European Union or Lisbon Treaty provides for an Area of Freedom, Security and Justice and contains the new measures in the fields of immigration and asylum. In particular, Article 78 of the Treaty deals with the common policy on asylum and contains measures for a common system on temporary protection, common procedures for granting asylum or subsidiary protection status, standards for the conditions for reception and cooperation with third countries for the management of the inflows of persons seeking protection. Article 79 deals with the common immigration policy and contains measures to standardise entry and residence to Member States including family reunification, defining the rights of third country nationals residing legally in a Member State, tackling illegal migration and combating human trafficking, in particular of women and children.

362. **Deputy Darragh O'Brien** asked the Minister for Justice, Equality and Law Reform the measures in place to monitor and restrict if necessary immigration to Ireland from EU States, including Romania and Bulgaria, and non-EU States; and if those measures can be altered in line with economic activity and needs here. [22023/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In terms of immigration procedures and controls, all European Union citizens coming to Ireland, including Bulgarian and Romanian nationals, are covered by the European Communities (Free Movement of Persons) (No.2) Regulations 2006 (S.I. No. 656 of 2006) which are available at www.inis.gov.ie. Those Regulations transposed into Irish law the European Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

[Deputy Dermot Ahern.]

EU citizens can enter Ireland on production of their passport or national identity card. They are not required to register with the Garda National Immigration Bureau.

The only restriction on Bulgarian and Romanian nationals, in contrast with other EU citizens, is that in accordance with the Government decision of 24 October 2006 they continue to require employment permits in order to participate in the Irish labour market unless they were already granted the right to work here for an uninterrupted period of 12 months or longer and availed of that right, or are otherwise exempt.

In contrast, in the case of a non-EEA national, entry to the State or residence within it is not a right. Each person seeking entry must obtain permission from an immigration officer. For nationals of visa-required countries a visa will be required before that person can travel to Ireland. In relation to permission to reside, save in exceptional cases, non-EEA nationals remaining in the State for longer than 3 months are required to register with the Garda National Immigration Bureau.

In terms of Ireland's general approach to immigration it is open to the State to adjust its policies on admission and residence in the light of economic or other circumstances. The State's discretion in this area is exercised by the Minister for Justice Equality and Law Reform.

Prisoner Transfers.

363. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform further to his response to Parliamentary Question No. 249 of 22 May 2008, the length of time each of the prisoners transferred from Cork to Shelton Abbey between 17 December 2007 and 19 May 2008 had been sentenced for; the amount of time each prisoner had spent in Cork Prison; the length of time each individual prisoner subsequently spent in Shelton Abbey; and if he will make a statement on the matter. [21698/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The offence type and length of sentences of the 77 persons referred to in Question No. 249 of 22 May 2008, are set out in the table below. The prisoners concerned were deemed suitable for transfer to an open centre having, in each case, taken into account a wide range of factors including the nature of their offence, length of sentence, engagement with the therapeutic services and behaviour while in custody.

Description of Offences	< 3 Months	3 to < 6 Months	6 to < 12 Months	1 to < 2 Years
Manslaughter				
Drug Offences		2	5	3
Assault/Violent Disorder	1	1	5	2
Robbery				2
Larceny				
Burglary / Theft	3	2	2	1
Firearm Offences				
Criminal Damage			4	3
Road Traffic Offences	2	5	6	
Other Offences	2	4	6	1
Total	8	14	28	12

Description of Offences	2 to < 3 Years	3 to < 5 Years	5 to < 10 Years	10 + Years	Total
Manslaughter	1				1
Drug Offences		1			11
Assault/Violent Disorder	4				13
Robbery	1		1		4
Larceny				1	1
Burglary / Theft			1		9
Firearm Offences	1				1
Criminal Damage	1				8
Road Traffic Offences	1				14
Other Offences	1	1			15
Total	10	2	2	1	77

I am not in a position to provide the extra information requested by the Deputy, as its collation would require an inordinate amount of staff time and effort which cannot be justified in current circumstances where there are other significant demands on resources.

Anti Social Behaviour.

364. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the number of anti-social behaviour orders issued to date; and if he will make a statement on the matter. [21717/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act, relating to anti-social behaviour by children, was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the Children's Court.

I am informed by the Garda authorities that up to 30 April, 2008, 624 behaviour warnings were issued to adults and 279 to children. There have been nine formal good behaviour contracts, which are used only in the case of children, agreed.

In setting up the regime, the intention was that these warnings or good behaviour contracts would themselves address the problem behaviour. It is only if they fail that a court order will be applied for. In any case, it inevitably takes time to reach the stage where a court order itself might be sought. No significance therefore should be attached to the fact that the stage has not yet been reached in the process where a court order has been issued. Where warnings or good behaviour contracts do not succeed in altering a person's behaviour, however, they will culminate in a court order being sought by the Garda authorities from the courts.

Proposed Legislation.

365. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the concerns raised in a case (details supplied). [21730/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): This issue relates to provisions in the Intoxicating Liquor Bill 2008 which was published earlier today. I look forward to detailed discussions on the Bill in the coming weeks, including discussion of the issue raised by the Deputy.

Asylum Applications.

366. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of applications for subsidiary protection that have been granted in each of the past ten years; the number to date in 2008; and if he will make a statement on the matter. [21757/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I presume the Deputy is referring to applications for Subsidiary Protection made on foot of the European Union Council Directive 2004/83/EC of 29 April 2004 to which one of my predecessors gave effect in Irish Law on 10 October 2006 by way of Statutory Instrument No. 518 of 2006 — European Communities (Eligibility for Protection) Regulations, 2006.

The statistics requested by the Deputy are as set out in the table below.

Year	Subsidiary Protection granted
1999	n/a
2000	n/a
2001	n/a
2002	n/a
2003	n/a
2004	n/a
2005	n/a
2006	None
2007	2
2008 (until 31 May)	2
Total	4

Garda Deployment.

367. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the number of Garda bicycle units in place across the country; the number of Gardaí trained to man such units; his plans to increase the number of such units; and if he will make a statement on the matter. [21759/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that there are currently 359 Garda mountain bikes deployed nationwide on operational duties, with 1,050 members of the Garda Síochána trained and equipped for mountain bike duties.

I am further informed that approximately 150 additional mountain bikes will be delivered by the end of June 2008 and these will be allocated by the Garda authorities within the twenty-seven Garda Divisions on the basis of operational requirements. Training and equipping of members is ongoing, on a phased basis, including the training of additional members.

Garda Divisions.

368. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the

changes that are planned in the organisation of Garda divisions in County Cork; when these changes are due to come into effect; and if he will make a statement on the matter. [21760/08]

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. The Plan also includes the relocation of the Divisional Headquarters in Cork North from Fermoy to Mallow and the amalgamation of Watercourse Road and the Mallow Road Garda Stations to provide improved facilities for the future policing in these areas of Cork city.

I am advised by the Garda authorities that Project Boards have been established in each division to develop implementation plans including time scales for the roll-out of the agreed changes.

Asylum Applications.

369. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the legal status of a person (details supplied) in County Cork. [21772/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): This applicant applied for asylum on 14 September 2004. Her application was refused by the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. A Deportation Order was made in respect of her on 6 September 2005. Judicial Review proceedings were initiated by the applicant on 18 October 2005 challenging the decision to make a Deportation Order.

Further representations were submitted by the applicant as part of an application for temporary leave to remain in the State. These representations were considered under section 3 of the Immigration Act 1999 (as amended) and section 5 of the Refugee Act (as amended) and the Deportation Order was affirmed on 1 March 2007.

The applicant subsequently submitted an application for Subsidiary Protection under the European Communities (Eligibility for Protection) Regulations 2006 (Statutory Instrument No. 518 of 2006) on 19 July 2007. This application was considered; however, it was determined that the applicant is not a person eligible for subsidiary protection.

The Judicial Review proceedings taken by the applicant challenging the decision to make a Deportation Order were settled between the parties on 17 December 2007 and the Deportation Order made in respect of this applicant was revoked on 15 January 2008. As part of the settlement terms the applicant was invited to submit fresh representations under section 3(3)(b) of the Immigration Act 1999.

Representations were submitted by the applicant and considered under section 3 of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act (as amended). The applicant's eligibility for Subsidiary Protection under the European Communities (Eligibility for Protection) Regulations 2006 (Statutory Instrument No. 518 of 2006) was also further considered. A further Deportation Order was subsequently made in respect of this applicant on 24 January 2008.

Further Judicial Review proceedings were initiated on 29 January 2008 challenging the decision to make a Deportation Order in respect of this applicant and accordingly, as this matter is *sub judice*, it would not be appropriate for me to comment further.

Garda Strength.

370. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the number of Gardaí from all ranks who have been stationed in the Mayo Garda division in 2006 and 2007; and if he will make a statement on the matter. [21794/08]

371. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the number of Gardaí from all ranks who have retired from An Garda Síochána Mayo division in 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [21795/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 370 and 371 together.

The personnel strength of the Mayo Garda Division, broken down by rank and including retirements, as at 31 December 2006 and 31 December 2007 was as set out in the below table.

Mayo Division, 31 December 2006						
C/Supt	Supt	Insp	Sgt	Gda	Total	Retirements
1	6	3	46	223	279	11
Mayo Division, 31 December 2007						
1	6	5	51	250	313	4

The personnel strength (all ranks) of the Mayo Division on 30 April 2008 was 321 and there have been 2 retirements in 2008 from the Division.

Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the public.

Proposed Legislation.

372. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the communication he has received from the office of the Minister of State for integration regarding the Immigration Residence and Protection Bill 2008; the date it was received; the issues raised in the communication; and if he will make a statement on the matter. [21809/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It would not be appropriate for me to divulge the details of any communications with colleagues on the Bill, which is at Committee Stage.

Citizenship Applications.

373. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the position in relation to the application for naturalisation on humanitarian grounds in relation to a person (details supplied) resident in County Roscommon since 2002. [21836/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Officials in the Citizenship Section of my Department inform me that having checked their records, no trace of an application for a certificate of naturalisation for the person referred to in the Deputy's Question can be found.

Legal Costs.

374. **Deputy Seán Fleming** asked the Minister for Justice, Equality and Law Reform if individuals can have their legal costs awarded in respect of criminal proceedings taken against them where the individuals are found not guilty in the Circuit Court; and if he will make a statement on the matter. [21845/08]

375. **Deputy Seán Fleming** asked the Minister for Justice, Equality and Law Reform if individuals can have their legal costs awarded in respect of criminal proceedings taken against them where the charges are struck out in the Circuit Court; and if he will make a statement on the matter. [21846/08]

376. **Deputy Seán Fleming** asked the Minister for Justice, Equality and Law Reform if individuals can have their legal costs awarded in respect of criminal proceedings taken against them where the individuals are found not guilty in the District Court; and if he will make a statement on the matter. [21847/08]

377. **Deputy Seán Fleming** asked the Minister for Justice, Equality and Law Reform if individuals can have their legal costs awarded in respect of criminal proceedings taken against them where the set charges are struck out in the District Court; and if he will make a statement on the matter. [21848/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 374 to 377, inclusive, together.

The Deputy will appreciate that I am not in a position as Minister for Justice, Equality and Law Reform to offer legal advice in response to Parliamentary Questions. However, I can say by way of general information that in criminal cases covered by the Criminal Justice (Legal Aid) Act 1962, the costs of both the prosecution and defence are borne by the State. In criminal cases not covered by the 1962 Act, it is only in rare instances that a court will award costs to either side. Where the prosecution is successful and the defendant is found guilty the State is generally required to pay its own costs. The defendant will also have to pay his or her legal advisers' fees. In some cases where the defendant is acquitted, the trial judge has a discretion to award costs against the State. In a summary prosecution in the District Court, rules of court provide that costs may never be awarded against a member of the Garda Síochána acting as prosecutor in discharge of his or her duties.

Garda Deployment.

378. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will put in a safety and security plan at a location (details supplied) in Dublin 5. [21998/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the location referred to is in Coolock Garda District and is patrolled by foot and mobile patrols from that Garda station. Members of the local Community Policing Unit allocated to this area liaise with the local community providing crime prevention and security advice.

I am further informed that local Gardaí attended an incident at the location referred to and this is the subject of an investigation. As this is an ongoing Garda investigation, it would be inappropriate for me to comment further at this time.

Additional uniform and plain clothes Garda patrols, including patrols by the District Detective and Drug Units, the Community Policing Unit, the Mountain Bike Unit, the Divisional

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Crime Task Force and Traffic Corps personnel have been directed to pay particular attention to this area, with a view to ensuring a visible Garda presence.

Current policing policy in the area is predicated on the prevention of crime, including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

Citizenship Applications.

379. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the position in respect of an application for Irish citizenship through naturalisation by persons (details supplied) in County Cork; and when the applications will be adjudicated upon. [22002/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship Section of my Department in August 2007.

Officials in that Section are currently processing applications received in late 2005 and have approximately 12,900 applications on hand to be dealt with before that of the persons concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. It is likely, therefore, that further processing of both applications will commence in early 2010.

380. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the case of persons (details supplied). [22034/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship Section of my Department in May 2008.

Officials in the Citizenship Section inform me that the applications have not been examined in detail. Examination of the residency requirement will take place in the near future and the persons concerned will be contacted at that time informing them when their applications will be further examined or, of any shortfall in their residency.

Visa Applications.

381. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform when a holiday visa will be granted to a person (details supplied). [22047/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am pleased to inform the Deputy that the visa application referred to has been approved.

Residency Permits.

382. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Dublin who seeks family reunification for their mother, spouse and daughter. [22048/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my previous answer to Question Number 1008 put down for answer on 26 September, 2007 and Question Number 1192 put down for answer on 30 January 2008.

I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in May 2007.

The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation has been 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 approximately 24 months to process.

Departmental Funding.

383. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform the amount of funding given to each youth diversion project in each year for the past ten years; and if he will make a statement on the matter. [22050/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Garda Youth Diversion Projects (GYDPs) are community based, multi-agency crime prevention initiatives which seek to divert young people away from criminal and/or anti-social behaviour by providing suitable activities to facilitate personal development and promote civic responsibility. The first two GYDPs were established in 1991 and by 2001, the number had reached 64. There are currently 100 of these type of projects operating throughout the country and this number will be extended over the next few years to 168, in line with the commitment in the Agreed Programme for Government.

The information requested by the Deputy is too detailed to provide in Parliamentary Answer format and will be forwarded directly to him. I have however provided below a yearly summary of the detail requested.

Year	Total allocation to GYDPs
	€
1998	675,000
1999	1,296,500
2000	1,743,192
2001	3,215,080
2002	4,490,151
2003	5,066,936
2004	4,904,656
2005	5,182,798
2006	6,432,747
2007	7,270,141

The allocation for Youth Diversion Projects in 2008 is €11,909,000.

Residency Permits.

384. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Westmeath who seeks subsidiary protection. [22056/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 476 of Tuesday 11 March 2008 and the Reply to that Question.

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The person concerned arrived in the State on 16 November 2004 and applied for asylum on her own behalf and on behalf of her two children. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner. The person concerned then lodged Judicial Review Proceedings in the High Court challenging the determination of the Office of the Refugee Applications Commissioner that she not be declared to be a refugee. These Proceedings were successful. The person concerned was afforded a fresh consideration of her asylum claim by the Office of the Refugee Applications Commissioner. This further consideration took place but again the Office of the Refugee Applications Commissioner concluded that the person concerned did not meet the criteria for recognition as a refugee. The person concerned appealed this recommendation to the Refugee Appeals Tribunal who affirmed the earlier recommendation.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 13 February 2008, that the Minister proposed to make a deportation order in respect of her and her children. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of deportation orders or of making representations to the Minister setting out the reasons why she and her children should be allowed to remain temporarily in the State. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is to be passed to me for decision.

Departmental Projects.

385. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start-up date of each project; the timescale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter.
[22068/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will appreciate, given the extent of my Department's remit, the number of projects, pilot or otherwise, which are directly or indirectly funded by the Department and its associated agencies is quite considerable. These projects range from very modest schemes and activities which receive financial assistance from the Department or its agencies under various programmes up to major multi-annual IT and capital projects. It would represent a disproportionately expensive use of staff resources to collate all such possible funding instances into a single document. I can, however, inform the Deputy that if there is a specific project or category of funding which he is interested in, it might be more feasible to supply such information.

Grant Payments.

386. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform if it is the policy of his Department not to provide funding for men's gender equality groups; his views on whether this is consistent with the Government's commitment to equal treatment; if he will therefore reconsider his decision and grant funding to a group (details supplied); and if he will make a statement on the matter. [22100/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The group concerned received a special grant payment of €50,000 in 2006 from my Department on the clear understanding that it was a "one-off" payment to enable the organisation to establish itself on a firmer footing.

Warrants Statistics.

387. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if he has instituted a system for monitoring the extent to which warrants taken out against individuals remain unexecuted; the extent to which such persons engage in repeat offences; and the initiatives he proposes to stamp out the experience where individuals with multiple warrants out against them, or who are on bail, are still free to engage in vicious assaults. [22103/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is inevitable in any criminal justice system that at any given time there will be a significant number of warrants awaiting execution. It should be borne in mind too that the vast majority of the outstanding warrants relate to financial penalties, and not to violent crime. The Gardaí continue to give priority to the enforcement of warrants arising in serious cases. Aside from the large volume of warrants being issued, there can also be unavoidable reasons why warrants can take time to execute or, indeed, prove ultimately unenforceable. It is the case that many individuals would be subject to multiple warrants, and many are trying to evade Garda attention through moving to different addresses.

The Garda authorities are committed to strengthening the warrants enforcement process. The Commissioner has raised the issue of the execution of warrants with each Regional Assistant Commissioner and a range of measures, aimed at reducing the number of warrants on hand, have been identified and are being implemented. These measures include the re-assignment of additional Gardaí to this function. I understand that the position is being closely monitored by senior Garda management and consideration is also being given, at an organisational level, to further measures to address the situation.

I am also taking a number of steps to deal with this issue. A particular difficulty is that cases relating to the non-payment of fines clog up the courts system, since the Gardaí have to seek warrants to enforce their payment. A pilot project was introduced by my Department, under which outstanding fines were in effect pursued in terms of debt collection by an outside agency, rather than moving directly to the stage where the Gardaí seek a warrant. The result of the pilot suggests that as an alternative method of fine collection this proved successful. My Department, in consultation with the Gardaí and the Courts Service, is considering how best to take this forward.

The Third Programme of Law Reform of the Law Reform Commission has been approved by Government and is now underway. It includes an examination of the enforcement of court orders and the service of proceedings in both civil and criminal cases, in particular the procedure for the execution of bench warrants and search warrants. This topic was included because it is recognised that there are significant difficulties in this area at present and that the procedural problems in this area have resulted in inefficient use of resources.

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I am aware of the importance of an efficient warrants process and will continue to monitor the operation of the system particularly with a view to making whatever changes may be necessary to improve its operation.

In relation to offences committed by persons on bail, the law already takes a serious view of such offences. The Criminal Justice Act, 1984 provides for mandatory consecutive sentences to apply where a person is convicted of an offence committed while on bail. In addition, the law provides that the fact that an offence was committed while on bail must be treated as an aggravating factor at sentencing and that the court shall impose a sentence that is greater than that which would have been imposed otherwise, unless there are exceptional circumstances.

The granting of bail is a matter for the courts. The Director of Public Prosecutions, who is, of course, independent in the performance of his functions, represents the State for the purposes of dealing with such applications. It would obviously not be appropriate for me to comment on the circumstances in which bail may have been granted — or, indeed, refused — in particular cases.

Prior to the Sixteenth Amendment of the Constitution bail could be refused essentially only on the grounds that a person would be likely to abscond or interfere with witnesses. The Bail Act, 1997, which gave effect to the terms of the Sixteenth Amendment of the Constitution, provides for the refusal of bail to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person.

There have been concerns at how, in practice, our bail laws have been operating. These led to the inclusion in the Criminal Justice Act, 2007 of a series of new provisions designed to tighten up on the granting of bail. Those provisions have been in operation for just 12 months and their effectiveness will be reviewed. In addition I intend to keep all aspects of the operation of our bail law under review to see whether further changes are necessary.

While I accept that, in the operation of our bail laws, due regard has to be had to the presumption of innocence, regard has to be had too to the need to protect the community.

Registration of Title.

388. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he will take steps to contact the Land Registry to have an application for the completion of a registration (details supplied) expedited, as this is a voluntary organisation, and wish to proceed to carry out a much needed development on the property, and need to raise finance by way of a loan to do so; and if he will make a statement on the matter. [22128/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I understand that the Property Registration Authority has advised the Deputy directly, via the arrangements it has in place for providing information to TDs and Senators, that the application in question was completed on 3 June, 2008 and that a Notice of Completion has issued to the lodging solicitors.

Visa Applications.

389. **Deputy Peter Power** asked the Minister for Justice, Equality and Law Reform the status of a visa application for a person (details supplied); and if he will make a statement on the matter. [22135/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The application referred to by the Deputy, for a “Join Spouse” visa was lodged at the Irish Embassy, Paris on the 14 May 2008 and has been referred to the Visa Office, Dublin for decision.

As a general rule, where all the required documentation has been submitted, the process takes four to six weeks from receipt in the Visa Office, Dublin.

Citizenship Applications.

390. **Deputy Peter Power** asked the Minister for Justice, Equality and Law Reform the status of an application by a person (details supplied) in County Limerick to receive Irish citizenship; and if he will make a statement on the matter. [22136/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the reply to Parliamentary Question 503 on 4 March 2008. The position remains as stated.

391. **Deputy Peter Power** asked the Minister for Justice, Equality and Law Reform the status on an application by a person (details supplied) in County Limerick for naturalisation; and if he will make a statement on the matter. [22137/08]

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 September 2007.

Officials in that Section are currently processing applications received in late 2005 and have approximately 13,500 applications on hand to be dealt with before that of the person concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants.

However, I understand that the person in question is married to an Irish national and every effort is made to ensure those applications are dealt with as quickly as possible.

392. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for naturalisation in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [22300/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Parliamentary Question 711 on 26 June 2007 and Parliamentary Question 1207 on 30 January 2008. The position remains as stated.

Residency Permits.

393. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if temporary residency status can be awarded while awaiting decision in the case of a person (details supplied) in Dublin 1 who has lived here for five years; and if he will make a statement on the matter. [22301/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions No. 224 of Thursday 6 March 2008, No. 185 of Thursday 8 November 2007, No. 99 of Thursday 26 April 2007, No. 200 of Wednesday 22 November 2006, No. 93 of Thursday 9 November 2006, No. 440 of Wednesday 27 September 2006 and No. 240 of Thursday 25 May 2006 and the Replies to those Questions.

The person concerned arrived in the State on 24 February 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, 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 13 September 2005, that the Minister proposed

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to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were submitted on behalf of the person concerned.

Following consideration of his case under Section 3 of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of *refoulement*, as an exceptional measure and subject to certain stated conditions, the person concerned was granted temporary leave to remain in the State for a three year period until 13 May 2011. The person concerned was notified of this decision by letter dated 14 May 2008.

Crime Statistics.

394. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to his reply to Parliamentary Questions Nos. 587 and 588 of 17 April 2008, when it is expected a full response will be available to this Deputy in this regard; and if he will make a statement on the matter. [22302/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed that a reply has been sent by the Central Statistics Office to the Deputy.

Water and Sewerage Schemes.

395. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to a recent report presented to Kildare County Council (details supplied) regarding water and sewerage projects already approved by his Department which the council now claims will be significantly delayed as a result of Circular Letter L5/08 6 May 2008; his views on whether the level of delay is justifiable; if the situation will be re-assessed in view of the essential nature of the projects involved; and if he will make a statement on the matter. [22381/08]

425. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent of funding required by Kildare County Council to undertake the provision of water schemes, sewerage schemes, group sewerage schemes and group water schemes; if all or any of such amounts will be drawn down in 2008 or thereafter; if he has issued instructions in this regard; if he has sanctioned any or all pending schemes; if he has imposed restrictions in regard to the tendering process; if he has deferred or authorised expenditure on such schemes since his appointment as Minister; if he has revised or proposes to revise the tendering process; the extent to which this will slow or expedite the delivery of various schemes; and if he will make a statement on the matter. [22298/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 395 and 425 together.

Capital funding of €207.3m has been committed to approved water services schemes in Co. Kildare under my Department's Water Services Investment Programme 2007-2009 which is available in the Oireachtas Library. In addition, I have allocated a block grant of €1.886m to Kildare County Council for 2008 under the devolved Rural Water Programme. Funding under both Programmes may be drawn down by the Council as required.

In October 2006, the Department of Finance, which is responsible for public procurement rules, issued instructions requiring all traditional public works projects to use new forms of

construction contracts from February 2007 onwards. The new forms of contract were introduced to achieve greater cost certainty, better value for money and more timely and efficient delivery of publicly funded projects. However, at that time contracting authorities were given the option of either switching over to the new forms of contract or completing any contract documents on which detailed drafting was already underway. I understand that Kildare County Council opted to complete the contract documents it was working on for a number of its schemes.

This interim arrangement has recently been brought to a conclusion by the Department of Finance. All public works contracts must now be awarded using the new forms of contract. Kildare County Council has been informed accordingly.

Local Authority Funding.

396. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 622 of 12 February 2008 and No. 551 of 20 May 2008, the reason for the shortfall of nearly €3 million in funding for the promised refurbishment plan for an area (details supplied) in County Meath; the way he will address this shortfall; when his Department will finance Meath County Council for the full amount promised; and if he will make a statement on the matter. [21705/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): On 8 February 2008, my Department issued approval to Meath County Council to proceed with the works in question. The Council has indicated that the contract for the project will begin in July 2008 and is due to be completed by the end of 2009. The approved budget for the project is €5,462,702 of which €2.5m has been allocated this year, with the remaining costs to be met from the 2009 allocation. It is now a matter for the Council to progress this project.

Environmental Regulations.

397. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government if he has plans to ban the sale of lagarosiphon major also know as African pond weed; and if he will make a statement on the matter. [21711/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department is examining the appropriate regulatory measures to be taken to control the possession and dispersal of ecologically harmful and invasive species of plants (including Lagarosiphon major) and animals in Ireland. I expect to address this issue in regulations to be made under the Wildlife Acts 1976 and 2000 later this year.

Planning Issues.

398. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government when the Environmental Protection Agency draft guidelines in relation to site suitability will be adopted by his Department and issued to local authorities. [21722/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I assume that the Question refers to the Environmental Protection Agency (EPA) draft Code of Practice on Wastewater Treatment Systems serving Single Houses.

As indicated in the reply to Question Nos. 96 and 99 of 27 May 2008, the EPA is currently finalising a revised edition of the Code of Practice in consultation with all interested parties, including my Department.

[Deputy John Gormley.]

Part H of the Building Regulations (Drainage and Waste Water Disposal) sets out the requirements for the treatment of effluent from wastewater systems. The relevant Technical Guidance Document H provides guidance on how to comply with the requirements of Part H and incorporates, inter alia, Irish Standard Recommendation SR:6 of 1991 — Recommendations for Domestic Effluent Treatment and Disposal from a Single Dwelling House, issued by the National Standards Authority of Ireland (NSAI).

A new European Standard for small wastewater treatment plants has been introduced and will come into force on 1 July 2009. The need for new systems to comply with this standard, together with recommended performance levels for treatment systems, has been brought to the attention of Local Authorities by Circular Letters from my Department in November 2006 and January 2008 respectively.

I understand that the EPA Code of Practice on Wastewater Treatment Systems, when finalised, will refer to relevant European Standards and that the NSAI propose to withdraw SR6: 1991, in favour of this Code of Practice. I will amend Technical Guidance Document H to include the Code of Practice in the guidance document. In accordance with established practice, my Department will also issue a Circular Letter to the 37 local Building Control Authorities to draw their attention to the amended guidance document.

Public Private Partnerships.

399. **Deputy Cyprian Brady** asked the Minister for the Environment, Heritage and Local Government his plans, in relation to the proposed public private partnerships in the Dublin Central constituency of O'Devaney Gardens, Dominick Street flats, Infirmary Road and Sean McDermott Street, to proceed with these developments; the negotiations that have taken place between his Department and Dublin City Council; and when an announcement will be made in relation to these developments. [21751/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Question No. 88 of 27 May 2008. As previously indicated, the City Council remains committed to the regeneration of these areas, and my Department will continue to engage with the Council as it endeavours to move the process forward as quickly as possible.

Departmental Funding.

400. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he will grant funding to an organisation (details supplied) in County Roscommon under the civic structure grant scheme; and if he will make a statement on the matter. [21775/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Applications for funding under the Civic Structure Grant Scheme, which is administered by my Department, are assessed and rated by an Independent Advisory Panel of conservation experts under the following headings: the Architectural Heritage significance of the structure; the priority or urgency of the proposed works in its own terms and in relation to all other applications; and the overall quality of the proposed project as presented in the application.

I understand that the project referred to was considered under the 2008 Civic Structure Grant Scheme but did not score highly enough to be awarded grant assistance under this year's scheme. My Department is willing to provide feedback to the applicant on the proposal and,

as the scheme is an annual scheme, it is open to the applicant to submit a new application under the 2009 scheme.

Environmental Policy.

401. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the amount raised by the plastic bag levy for each year since its commencement with a detailed description of the way these funds have been spent for each year; and if he will make a statement on the matter. [21797/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The net amount remitted to my Department in 2007 in respect of the plastic bag levy was €22,211,727. Copies of the Environment Fund's Annual Accounts up to and including 2006 are available in the Oireachtas library and detail the amount received in respect of the plastic bag levy for years prior to 2007. The 2007 Annual Accounts will be lodged in the Oireachtas library in due course after they have been audited by the Office of the Comptroller and Auditor General.

As receipts from both the plastic bag levy and the landfill levy are lodged into the Environment Fund it is not possible to give a detailed breakdown of how funds from the plastic bag levy alone are distributed.

However funding provided under the Environment Fund can only be used for activities that support the environment. It has been used to support activities such as: operational costs of running civic recycling facilities; enforcement of the Waste Management Acts; North / south waste initiatives such as the award winning all-island scheme for the management of waste fridges and freezers; waste awareness campaigns; a very successful "Green Schools" initiative; and the provision of waste management infrastructure including civic recycling facilities and bring centres.

More detail in relation to expenditure from the Environment Fund is provided in the Annual Accounts.

Departmental Schemes.

402. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government his views on correspondence (details supplied); and if he will make a statement on the matter. [21800/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The correspondence appears to relate to the Department's low cost sites scheme and difficulties obtaining mortgage finance from banking institutions.

The low cost sites scheme is subject to phased claw-back arrangements designed to prevent short term profiteering by owners of subsidised sites. My Department is aware of an issue which has arisen whereby some applicants who have bought sites under the low cost sites scheme have experienced difficulties in obtaining mortgages from certain financial institutions. This arises where a financial institution objects to a local authority having the first charge on the property for clawback purposes. My Department has advised authorities where this problem has arisen that it is not a requirement of the scheme that the authority has a first charge and that it should enter into discussions with the financial institutions involved at local level with a view to seeking a resolution to the issue.

[Deputy Michael Finneran.]

My Department is looking at issues arising in relation to the operation of the scheme with a view to considering the need for any supporting legislative changes in the context of the forthcoming Housing (Miscellaneous Provisions) Bill.

Low cost sites may be provided with the help, if necessary, of the other social housing measures including shared ownership, local authority house purchase loans, mortgage allowance, etc. It is open to the applicant to contact the housing authority directly in relation to such assistance.

Planning Issues.

403. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the position regarding An Taisce's role in relation to developments carried out by a local authority or on planning applications made to a local authority or draft county development plans or local area plans; and if he will make a statement on the matter.
[21820/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Section 33 of the Planning and Development Act 2000 provides that regulations regarding applications for planning permission may be made requiring, inter alia, that planning authorities must notify prescribed bodies of the receipt of applications for certain classes of development. Article 28 of the Planning and Development Regulations 2001 lists the bodies prescribed for this purpose, and these include An Taisce in circumstances where it appears to the planning authority that the proposed development might impact on matters such as areas of special amenity, protected structures, national monuments or nature conservation. Article 82 of the Regulations lists An Taisce as a prescribed body requiring notice when a local authority is undertaking development under Section 179 of the Act (Local authority own development).

Section 11 (2) of the Act requires the local authority to give notice to prescribed bodies of its intention to review and prepare a new development plan for its area. The list of prescribed bodies, which includes An Taisce, is listed under Article 13 of the Regulations.

Section 20(3) of the Act states that a planning authority shall, following consultation with the public and, where necessary, Údarás na Gaeltachta, send notice of a proposal to make, amend or revoke a local area plan to the prescribed authorities. An Taisce is not a prescribed authority for the purpose of this section; however they may submit an observation at the public consultation stage.

An Taisce is also a prescribed body under the Act for the purposes of: section 24 (consultation regarding regional planning guidelines); section 55 (procedure for making additions or deletions — to the record of protected structures); section 85 (special planning control scheme); section 106 (appointment of ordinary members — of An Bord Pleanála); section 169 (making of planning scheme); and section 175 (environmental impact assessment of certain development carried out by or on behalf of local authorities).

An Taisce is an independent, voluntary, non-governmental organisation and is responsible for regulating its own activities.

World Heritage Status.

404. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government when he will publish the interim report, prepared by UNESCO, on the Skellig

Michael, World Heritage Site, which his Department received in February 2008; and if he will make a statement on the matter. [21824/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Following consultations with UNESCO's World Heritage Centre, a UNESCO expert was invited by my Department to undertake a mission to Skellig Michael between 26-28 November 2007 to examine the state of conservation of the monastic remains at the Site. The report of the mission will be released following its presentation and formal endorsement at the 32nd Session of the World Heritage Committee which takes place from 2 to 10 July 2008 in Québec City, Canada. At that stage, the Report will be posted to UNESCO's World Heritage website at *whc.unesco.org* and will also be made available on my Department's website at *www.environment.ie*. My Department, in agreement with the World Heritage Centre, made a brief media statement following completion of the mission, which concluded that "whilst the works have transformed the appearance of these remains, they are justifiable and that the Outstanding Universal Value of the site remains intact".

Water and Sewerage Schemes.

405. **Deputy Seán Fleming** asked the Minister for the Environment, Heritage and Local Government the names of the trustees in respect of a group water scheme (details supplied) in County Laois. [21850/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): These schemes were grant aided by my Department prior to the devolution of responsibility for the Rural Water Programme to local authorities in 1997. The relevant files are being retrieved from storage and the information requested will be forwarded to the Deputy as soon as possible.

406. **Deputy Dara Calleary** asked the Minister for the Environment, Heritage and Local Government the progress of sewerage schemes (details supplied) in County Mayo. [21993/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Kiltimagh Sewerage Scheme and the combined Belmullet and Foxford Sewerage Scheme are included in my Department's Water Services Investment Programme 2007-2009 as schemes to start construction in 2008 and 2009 respectively.

My Department approved Mayo County Council's Contract Documents for the treatment plant and collection system for Kiltimagh in January and May 2007, respectively. The Council's Preliminary Reports for the Belmullet and Foxford scheme were approved in February 2007. The Council's brief for the appointment of consultants to prepare Tender Documents for the wastewater treatment plants for Belmullet and Foxford is being examined in my Department and is being dealt with as quickly as possible. Contract Documents for the collection networks are awaited from the Council.

In October 2006, the Department of Finance, which is responsible for public procurement rules, issued instructions requiring all traditional public works projects to use new forms of construction contracts from February 2007 onwards. The new forms of contract were introduced to achieve greater cost certainty, better value for money and more timely and efficient delivery of publicly funded projects. However, at that time contracting authorities were given the option of either switching over to the new forms of contract or completing any contract documents on which detailed drafting was already underway.

[Deputy John Gormley.]

This interim arrangement has recently been brought to a conclusion by the Department of Finance. All public works contracts must now be awarded using the new forms of contract. Mayo County Council has been informed accordingly.

The wastewater treatment plants in these cases are being procured under Public Private Partnership arrangements and are not affected by the requirement to use the new forms of contract.

407. **Deputy Dara Calleary** asked the Minister for the Environment, Heritage and Local Government the progress on water schemes (details supplied) in County Mayo. [21994/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I assume the question refers to the Ballina Regional Water Supply (Storage/Mains) Scheme and to the extension of the Lough Mask Regional Water Supply Scheme to Kiltimagh. Both schemes are scheduled to begin construction under my Department's Water Services Investment Programme 2007-2009.

I approved Mayo County Council's Contract Documents for the Ballina scheme in November 2007, subject to agreement between my Department and the Council on the non-domestic contribution. The Council has submitted a Design Review Report and Contract Documents to my Department in respect of the Kiltimagh Scheme.

In October 2006, the Department of Finance, which is responsible for public procurement rules, issued instructions requiring all traditional public works projects to use new forms of construction contracts from February 2007 onwards. The new forms of contract were introduced to achieve greater cost certainty, better value for money and more timely and efficient delivery of publicly funded projects. However, at that time contracting authorities were given the option of either switching over to the new forms of contract or completing any contract documents on which detailed drafting was already underway.

This interim arrangement has recently been brought to a conclusion by the Department of Finance. All public works contracts must now be awarded using the new forms of contract. Mayo County Council has been informed accordingly.

Housing Grants.

408. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government if local authorities should be applying the increased income threshold of €28,001 for mortgage subsidies as set out in Circular HPS 10/05 to loans approved prior to 1 January 2006; and if he has plans to introduce further changes to provide relief for loans approved after 1 January 2006. [21999/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The current income bands and subsidies under the mortgage subsidy scheme are set out under the Housing (Mortgage Subsidy) Regulations 2005 and in associated Circular Letters HPS 10/05 and 1/06, and apply to all transactions completed on or after 1 January 2006. The previous income bands and subsidies apply to transactions completed before this date.

The matters referred to are under review and I hope to be in a position to indicate the outcome of that review shortly.

Turbary Rights.

409. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to a previous parliamentary question, when he will meet with the existing recognised representatives of turf cutters on the issue of turf cutting on all designated bogs from 2009 onwards; and if he will make a statement on the matter. [22004/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 129 of 27 May 2008. The position is unchanged.

Local Authority Housing.

410. **Deputy Noel J. Coonan** asked the Minister for the Environment, Heritage and Local Government the capital allocation given to North Tipperary County Council in 2007 for housing repair and refurbishment works; the schemes under which the allocation was given; if he will compare this to the amount allocated in 2008 and schemes under which that funding was given; and if he will make a statement on the matter. [22011/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): In 2007 North Tipperary County Council received an allocation of €1.5m to undertake remedial works on its rural cottages, preliminary works for a number of other schemes across the county, and its central heating programme. This year's allocation of €3.8m is a significant increase on the 2007 allocation and represents my Department's ongoing commitment to the support of the Council's ambitious programme, which includes remedial works schemes at Borriskane, Cloughjordan, and Ballina/Portroe, as well as support for the installation of central heating and insulation measures across a number of local authority estates. The management and delivery of these schemes within the annual allocation is, however, a matter for the Council, within the approved project budgets agreed with my Department.

Housing Grants.

411. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government the funding allocated to South Tipperary County Council to operate the housing aid for the elderly grant and the housing adaption grant for people with disabilities; the number of articles facilitated under the scheme to date; and if he will make a statement on the matter. [22014/08]

418. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the amount of money allocated by his Department to a county council (details supplied) for the funding of the disabled persons grant for the past five years; the amount of money to be allocated in 2008 for same; and if he will make a statement on the matter. [22094/08]

419. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the amount of money allocated by his Department to a county council (details supplied) for the funding of the disabled persons grant for the past five years; the amount of money to be allocated in 2008 for same; and if he will make a statement on the matter. [22095/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 411, 418 and 419 together.

The combined capital allocations notified to South Tipperary County Council, Offaly County Council and Laois County Council for the payment of the Housing Adaptation Grant Schemes for Older People and People with a Disability, in 2008, are as follows:

Local Authority	2008 Allocation
	€
South Tipperary County Council	1,343,550
Offaly County Council	1,292,910
Laois County Council	1,678,000

These allocations, notified to local authorities in May 2008, do not represent capital grants, but the total amount which authorities are authorised to spend on the Schemes in the year in which the allocation is made.

The combined expenditure under the Disabled Persons and Essential Repairs Grant Schemes by Offaly County Council and Laois County Council for the past five years is set out in the table below:

Year	Offaly County Council	Laois County Council
	€	€
2007	1,292,903	2,601,255
2006	1,234,792	2,323,185
2005	1,383,403	1,983,919
2004	641,940	2,632,074
2003	788,979	814,707

The most recent information received from South Tipperary County Council regarding activity under the Housing Adaptation Grant Schemes for Older People and People with a Disability indicates that 15 approvals have been made under the Housing Adaptation Grant Scheme for People with a Disability.

Motor Taxation.

412. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government his views on introducing a fairer method of motor taxation and amending the recently announced system in order to permit motorists purchasing new vehicles with low emissions before July 2008 to avail of the lower rate of motor tax in the future; and if he will make a statement on the matter. [22018/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The question of retrospection of the new CO₂ based motor tax system for new cars was the subject of detailed debate in the House resulting in an amendment of the Bill to cater for new cars registered before the 1 July 2008. Under the Motor Vehicle (Duties and Licences) Act 2008 new cars registered between 1 January 2008 and 30 June 2008 will initially have their motor tax charged on the basis of engine size. If it is beneficial for these cars to switch to the CO₂ based motor tax system, this will happen on the first renewal of motor tax after 1 July

2008. New cars which are registered in the first 6 months of 2008 whose tax would be higher under the CO2 based system will continue to pay motor tax on the basis of engine size.

Hunting Licences.

413. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government the number of hunts that have been registered for the coming season for the north Cork area; and if he will make a statement on the matter. [22027/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): There are no provisions for the registration of hunts under the Wildlife Acts. However, the Wildlife Acts provide that I may grant licences for a number of hunting activities including licences authorising the hunting of deer by a pack of hounds, the hunting of hares outside the open season by a pack of beagles or harriers and the hunting of protected wild birds for the purpose of either training gun dogs or holding gun dog trials. There are no current licences in place in relation to the north Cork area.

Water and Sewerage Schemes.

414. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 1013 of 2 April 2008, when he expects his Department to finalise its examination of the preliminary report for the Carrigaholt sewerage scheme in County Clare and issue its findings to Clare County Council; when this scheme will start construction; and if he will make a statement on the matter. [22037/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department's examination of Clare County Council's Preliminary Report Review for the Carrigaholt element of the scheme and Design Review Report for Labasheeda will be finalised shortly.

Planning Issues.

415. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the plans submitted for a church (details supplied); when a decision will be made by him; and if he will make a statement on the matter. [22039/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department met with Dublin City Council on 30 May 2008 and it was agreed that this project could proceed to the planning/design phase.

Architectural Heritage.

416. **Deputy Brian Hayes** asked the Minister for the Environment, Heritage and Local Government if grant schemes are available for reconstruction work taking place in an effort to conserve listed structures; the way they can be accessed; and if he will make a statement on the matter. [22043/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Details of the relevant grant schemes which are funded through my Department's Built Heritage Capital Programme are set out in the following table:

[Deputy John Gormley.]

Grant Scheme	2008 Provision	Description
	€million	
Civic Structures Conservation Grant scheme 2008	4.4	The scheme is administered directly by the Department of the Environment, Heritage and Local Government. It provides grants for the restoration and conservation of buildings of significant architectural heritage merit and which are in public ownership or open to the public generally.
Local Authorities Conservation Grants Scheme	7.0	The scheme is administered by the local authorities on behalf of the Department of the Environment, Heritage and Local Government. It provides grant assistance for the conservation of protected buildings i.e. those buildings which are on the local authority's list of Protected Structures.
Buildings at Risk Scheme	1.2	The scheme is administered by the Heritage Council on behalf of the Department of the Environment, Heritage and Local Government. This scheme provides grant assistance to carry out essential repairs to buildings of architectural significance — much of the funding is committed to projects for the repair of the roofs of such buildings.
Irish Walled Towns Scheme	2.0	The scheme is administered by the Heritage Council on behalf of the Department of the Environment, Heritage and Local Government. The scheme funds conservation works on Irish Medieval Walled Towns.

Departmental Projects.

417. **Deputy P. J. Sheehan** asked the Minister for the Environment, Heritage and Local Government if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start-up date of each project; the timescale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22064/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The detailed information sought in the question is not readily available and its compilation would involve a disproportionate amount of time and work.

Some €3.1 billion is provided in my Department's estimate for 2008, which will be disbursed over 36 expenditure subheads. From this provision, my Department funds and supports a wide range of schemes and projects undertaken directly and through local authorities and other bodies. These schemes and projects cover such areas as housing, social inclusion, community and cultural development services, water services, environmental services, natural and built heritage services.

Questions Nos. 418 and 419 answered with Question No. 411.

Social and Affordable Housing.

420. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the way the new equity mortgage which is under consideration will make it easier for persons on average incomes who find that they still do not have enough income to be approved for an affordable house in the Dublin area; if he has set a date by which it is hoped

that this new scheme will be introduced; and if he will make a statement on the matter. [22102/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My predecessor initiated a study to identify measures that would assist in responding to the targets set for affordable housing in Towards 2016. The study is now completed and the resultant report, *Increasing Affordable Housing Supply*, has been published by the Affordable Homes Partnership for public consultation. Following the completion of the consultation process, it is intended that proposals will be brought to Government for consideration this summer. The full text of the report is available on the Department's website (www.environ.ie).

Turbary Rights.

421. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government if, in the context of restrictions being placed on turf cutting and the utilisation of bog by a sufficient number of bog users at Lilliput Bog, Dysart, Mullingar, County Westmeath, he will take steps to relax the restrictions which come into force in January 2009 pursuant to the special area of conservation designation in order to permit these people who harvest turf for domestic use to continue to secure their fuel requirements in this way, particularly in view of the current escalating price of fuel; and if he will make a statement on the matter. [22129/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that the Question refers to Nure Bog, Co. Westmeath, which is a Natural Heritage Area designated in 2004 and where, under the normal 10 year derogation, cutting for domestic purposes by turbary owners may continue until 2013.

Water and Sewerage Schemes.

422. **Deputy Áine Brady** asked the Minister for the Environment, Heritage and Local Government the status of the Liffey valley sewerage scheme; the time-line for the project; and if he will make a statement on the matter. [22131/08]

423. **Deputy Áine Brady** asked the Minister for the Environment, Heritage and Local Government the progress to date on increasing the capacity of the Osberstown waste water treatment plant in County Kildare; and if he will make a statement on the matter. [22132/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 422 and 423 together.

The Upper and Lower Liffey Valley Sewerage Schemes, in addition to expanding the Osberstown Wastewater Treatment Plant, will also upgrade and improve wastewater services in a number of towns in Kildare. In December 2006, my Department approved Kildare County Council's Preliminary Report for the expansion of the Osberstown plant under the Upper Liffey Valley Scheme. In August 2007, I approved the Preliminary Report for the upgrading of the collection networks in Clane, Johnstown, Kilcullen, Kill, Naas, Newbridge, Prosperous and Sallins as part of the same scheme. It is now a matter for Kildare County Council to draw up Contract Documents for these works.

In January 2007, my Department approved Kildare County Council's Contract Documents for sewer network upgrading in Celbridge, Kilcock, Leixlip and Maynooth under the Lower Liffey Valley Scheme. Under devolved procedures it is a matter for the Council to seek tenders and advance these works to construction. Sewer upgrading in Straffan was completed in 2006.

[Deputy John Gormley.]

My Department has also authorised the Council to prepare Contract Documents for the expansion of the Leixlip wastewater treatment plant as part of the same scheme.

Turbary Rights.

424. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government the reason a person (details supplied) in County Westmeath who accepted an offer from his Department in respect of the purchase of raised bog on 19 September 2006, has to date not received any moneys in respect of the said transaction; if his attention has been drawn to the fact that all the necessary documentation to enable the said contracts to be finalised is on his Department's side; if he will take steps to have same expedited and the appropriate cheques furnished without further delay; and if he will make a statement on the matter. [22143/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that the Chief State Solicitor's Office is currently in contact with the vendor's solicitors with a view to closing this sale.

Question No. 425 answered with Question No. 395.

Election Management System.

426. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government his views on allowing members of enclosed religious orders a postal vote. [22307/08]

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. Postal voting is provided for in electoral law in respect of certain categories of person who are entered in the register of electors. The Electoral Act 1992 provides for postal voting by wholtime members of the Defence Forces, members of the Gardaí, and Irish diplomats serving abroad and their spouses.

Subsequent legislation enacted by the Oireachtas has extended postal voting to other categories: electors living at home who are unable to vote because of a physical illness or a physical disability (the Electoral (Amendment) Act 1996); electors 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 — in these cases, the law provides for completion of the necessary voting documentation at a Garda station (the Electoral Act 1997); full-time students registered at their home who are living elsewhere while attending an educational institution in the State (the Electoral Act 1997); certain election staff employed at the poll outside the constituency where they reside (the Electoral (Amendment) Act 2001); and electors who because of the circumstances of their detention in prison pursuant to an order of a court are likely to be unable to go in person on polling day to vote (the Electoral (Amendment) Act 2006). While electoral law is subject to ongoing review, there are no proposals to alter the existing arrangements along the lines referred to in the Question.

Telecommunications Services.

427. **Deputy Pat Rabbitte** asked the Minister for Communications, Energy and Natural Resources if the 999 service has been put out to tender; if the tender has been awarded; the

person to whom it was awarded; the location of same; the staffing implications of this decision; and if he will make a statement on the matter. [21843/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of the emergency call answering service has been put out to tender. The closing date for receipt of tenders was in December 2007. The bids are currently being evaluated and it is expected that I will be in a position to announce the results shortly.

Remediation of Mining Sites.

428. **Deputy Noel J. Coonan** asked the Minister for Communications, Energy and Natural Resources the plans his Department has in relation to the clean up of a site (details supplied) in County Tipperary; if and when the resources necessary to complete the clean up will be made available; if that amount will exceed the €10.6 million already allocated; and if he will make a statement on the matter. [22052/08]

429. **Deputy Noel J. Coonan** asked the Minister for Communications, Energy and Natural Resources the spending and work that will take place on the clean up of a site (details supplied) in County Tipperary in 2008, 2009 and 2010; the work that will be completed in that time; the procurement procedures being used for the work; and if he will make a statement on the matter. [22053/08]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power): I propose to take Questions Nos. 428 and 429 together.

As I indicated in my reply to Parliamentary Question No. 5 of 29th May 2008, in 2006, following a competitive tendering process, North Tipperary County Council (NTCC) appointed Golder Associates to finalise the design and manage the implementation of the rehabilitation programme as set out in earlier conceptual plans. The initial focus of the rehabilitation project at Silvermines is being placed on those sites that contain hazardous waste, Gortmore Tailings Management Facility and the waste facility at Garryard.

Planning permission was granted by NTCC on 17th September 2007 for the design of rehabilitation work at the Gortmore Tailings Management Facility. A tender notice was advertised in the EU Journal on 21st January 2008, following which seven companies were short-listed and invited to submit a tender for the first phase of the rehabilitation works. Tenders were received from all seven companies on 21st April 2008 and subsequently assessed by Golder Associates. On 21st May 2008, the Department of Communications, Energy and Natural Resources authorised NTCC to issue a letter of intention to accept the tender of a construction firm for the first phase of the remediation works at Gortmore. I understand that this letter was issued by the Council on 22nd May and it is expected that works will commence on site in June, subject to the contractor producing insurances, bond and tax clearance. These procurement procedures were in accordance with the latest guidelines issued by the Department of Finance for Government Departments and Local Authorities.

The sum of €10.6m allocated by Government in June 2005 to remediate the former mining sites in the Silvermines area was on the basis of the earlier conceptual study, and that it might be necessary to revise this estimate on foot of the more detailed studies. On the basis of the latest information, it is clear that the cost of remediation of all the sites will exceed the provision of €10.6m. The Minister for Communications, Energy and Natural Resources expects to brief the Government on the revised costs of the project in the near future. The works planned for 2009 and 2010 at the Gortmore site include further capping and associated works as well as

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vegetation and upgrading of wetland areas. Provision is included in the Department's Budget 2008 capital envelope for these works.

Departmental Projects.

430. **Deputy P. J. Sheehan** asked the Minister for Communications, Energy and Natural Resources if he will list and number the pilot schemes or projects that are being funded, overseen, or in any way supported by his Department; the purpose of each project; the start-up date of each project; the time-scale for each project; the projected completion date for each project; the date that a report evaluating the project will be completed; and if he will make a statement on the matter. [22059/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In the time available, it has not been possible to identify and assemble the information requested. My Department is in the process of identifying and assembling the information and I will revert to the Deputy as soon as possible.