



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 24 June 2008.

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DÁIL ÉIREANN

Dé Máirt, 24 Meitheamh 2008.

Tuesday, 24 June 2008.

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Ceisteanna — Questions.

Public Service Reform.

1. **Deputy Eamon Gilmore** asked the Taoiseach when he expects to receive the report from the OECD on reform of the public service; and if he will make a statement on the matter. [14621/08]

2. **Deputy Enda Kenny** asked the Taoiseach when the OECD review of the public service will be completed; and if he will make a statement on the matter. [17129/08]

3. **Deputy Enda Kenny** asked the Taoiseach the remit of the task force he has appointed to implement the recommendations of the OECD report on the public service; and if he will make a statement on the matter. [20808/08]

4. **Deputy Enda Kenny** asked the Taoiseach the structures in place in his Department to support the implementation of the OECD report on the public service; the cost in each case; and if he will make a statement on the matter. [20809/08]

5. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the remit and membership of the task force to develop a new action plan for the public service of the 21st century; and if he will make a statement on the matter. [20939/08]

6. **Deputy Joan Burton** asked the Taoiseach if he is considering the addition of members to the task force from relevant civil society groups; and if he will make a statement on the matter. [21973/08]

The Taoiseach: I propose to take Questions Nos. 1 to 6, inclusive, together.

On 28 April, I launched Towards an Integrated Public Service, the review of the Irish public service by the Organisation for Economic Co-operation and Development, OECD. This report, which benchmarks the public service in Ireland against other comparable countries and makes recommendations as to the further direction of public service reform, is the culmination of over 16 months of extensive consultation and analysis by the OECD. It is an authoritative assess-

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ment of the Irish public service which confirms the many strengths of the system and identifies challenges which need to be addressed.

While there are a number of initiatives in place which are already addressing many of the challenges identified by the OECD, I intend to pursue a comprehensive programme of renewal which integrates these initiatives and moves us towards a world-class public service equipped to meet the challenges of today and tomorrow.

Last month, I announced the appointment of a task force to develop an action plan for the public service to give detailed consideration to the OECD's recommendations and findings. This task force, which has met twice to date, is chaired by the Secretary General to the Government. Its membership includes four external members, namely, Mr. Mark Ryan, country managing director, Accenture, Mr. John Maloney, group managing director, Glanbia PLC, Ms Breege O'Donoghue, director, Penneys Primark and Mr. Paul Haran, Principal, College of Business and Law, UCD, as well as the Secretaries General to the Departments of Finance, Health and Children, the Environment, Heritage and Local Government and Education and Science.

The OECD report takes account of the significant and unprecedented levels of extensive consultation held during 2007 and 2008, including the public consultation process. We now need a small team to advance implementation of the OECD's recommendations. The main reason for the establishment of this task force, therefore, is to develop an action plan to guide the implementation of the recommendations set out in the OECD report. Clearly, there are some key stakeholders concerned with the shape of this implementation phase, including in particular the public service trade unions.

The task force will consider how the principle of partnership with public servants and their representatives should be reflected in the course of implementation. I am sure that engagement with other stakeholders will also form part of the implementation strategy.

The terms of reference for the task force are to prepare for consideration by the Government a comprehensive framework for renewal of the public service which takes into account 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, and to recommend, in particular, how best to secure an overarching policy for an integrated public service that enables increased flexibility, mobility and staff development and supports the competencies and practices necessary for new networked ways of working within and across the broader public service and the basis for determining the contribution which a senior public service could make to an integrated and cohesive public service.

The task force is also being asked to outline a set of criteria to inform the way in which the business of Government is structured and organised with a strategy to enable necessary changes to be planned and implemented successfully, the benefits of greater use of shared services across all sectors of the public service and an appropriate framework for the establishment and operation and governance of State agencies.

It is also being asked to develop a strategy by which e-Government delivers coherent and citizen-focused services and more closely supports greater efficiency in administrative processes and an implementation plan specifying the tasks and responsibilities necessary for the successful implementation of the renewal agenda, including the ways in which the principle of partnership with public servants and their representatives will be applied.

It is not anticipated that there will be any significant costs associated with the task force. External members of the task force are participating on a *pro bono* basis. The secretariat to

the task force will be provided by the public service modernisation division in my Department. It will complete its work by the end of the summer and I look forward to the report.

Deputy Eamon Gilmore: The Taoiseach said he has established a task force to advance the recommendations. I understand that this task force is due to report by the end of the summer. Can the Taoiseach confirm if that is still the target date for the task force to report? Can he give some indications as to when we will have a report from the task force?

He mentioned that there would be a process of consultation with the public service trade unions as one of the stakeholders in this, and this is quite proper and appropriate. Can he tell us by what means the other stakeholders in respect of public service reform and the delivery of public services, particularly the wider public which consumes public services, is to be consulted? By what means are their opinions to be taken into account in advancing this area?

In respect of some of the areas commented on in the OECD report, the report identifies that decentralisation will result in a 90% turnover of staff in some areas which are to be decentralised. How on earth are public services to be efficiently delivered if there is a 90% turnover of staff in some areas which are to be decentralised? Does it make sense, particularly in the new economic circumstances in which we find ourselves and the new circumstances surrounding the public finances, for the State to spend €900 million decentralising offices all over the country and then spend additional money paying travelling expenses to civil and public servants in the various areas to which they have been decentralised who will meet each other on the road when they travel to and from meetings in Dublin? Arising from the OECD report, will there be a Government review of its plans in respect of decentralisation?

Will the Government accept the report's recommendation in respect of the Freedom of Information Act? The report recommended that the charges for making applications under the Act be abolished to give the public added access to information. What is the position regarding State agencies? I understand that on the day this report was launched, the then Taoiseach said something to the effect that we had double the number of State agencies we needed. The current Taoiseach gave strong indications that he planned to reduce the number of State agencies and rationalise the situation. What is the current state of thinking in that regard?

The Taoiseach: The OECD report does not criticise decentralisation policy or say it was a bad idea. Deputy Gilmore continually characterises decentralisation as a bad idea, despite the fact that the many people I meet who have decentralised to various parts of the country are very happy with their move. The decentralisation implementation group has always been aware of the business issues surrounding the relocation programme. With that in mind, each organisation participating in the programme is asked to prepare detailed implementation plans, including risk mitigation plans. I do not agree with the Deputy that decentralisation is not a good thing, nor do many of his backbenchers.

On the matter of agencies and their governance, there are recommendations in the report on how to proceed in that regard, namely, along the principles of partnership. This is something on which we must work. The stakeholders, as part of the implementation process, will be consulted in due course. What we are talking about now is putting a shape on how we proceed with the implementation of the various recommendations set out in the report.

The task force has met on only two occasions so far and, therefore, it cannot indicate, except in general terms, when it expects to finalise its report. It says it will be the end of the summer and there is no reason to change that timeframe. It is undertaking important work and I look forward to its report, which should provide us with the means by which we can proceed with implementation, which is the next priority now that this report has been received.

Deputy Eamon Gilmore: I never said decentralisation was a bad idea. Decentralisation cannot be judged solely on whether there are staff who are willing to decentralise to certain offices and whether they are happy when they do so. I have no doubt they are. No doubt, there are staff who want to relocate to other locations and there are staff who are very happy when they do so. That is not the issue. The issue here is whether in the new climate in which we find ourselves the Government's decentralisation plan, which as I understand it has not been changed from a policy point of view since it was announced by the then Minister, Mr. McCreevy, represents value for money for the public, which is paying for it. The projected cost of the entire decentralisation plan is approximately €900 million. I suggest that in the new circumstances in which we find ourselves, where, as we were told today, there has been a turnaround of approximately €10 billion in Government finances, it is not a good idea to proceed with spending €900 million in relocating civil and public servants all over the country, particularly in circumstances where there will be a continuing cost to the public purse for civil servants travelling this way to one meeting and that way to another and meeting each other half way along the road.

The OECD may not have criticised the decentralisation proposal, but it is interesting that it was not asked to comment on it. However, it volunteered a comment, one which is not complimentary about the plans being put through. It says that in some areas of the public service that are to be decentralised, in order for the decentralisation to be effective it will be necessary to have a 90% change in the staff. By implication, it suggests that will be bad for delivery of the service. Everybody knows, particularly with regard to specialised areas in State agencies or the Civil Service, that if it is necessary to have a 90% turnover in people dealing with a particular service, there will be, at the very least, a disruption in the quality of service being delivered to the public, on top of the cost incurred in trying to achieve decentralisation. The Taoiseach has received the OECD report that comments on decentralisation plans. The Taoiseach may not agree with my take on decentralisation. Is the Government conducting a review of the decentralisation plan or is this the same plan as that announced originally by the former Minister, Charlie McCreevy?

The Taoiseach: I do not agree with Deputy Gilmore's characterisation of the decentralisation plan. He continues to denigrate it by suggesting that it is all about people meeting half way in cars on their way to meetings.

Deputy Eamon Gilmore: That is happening.

The Taoiseach: The factual position is that the decentralisation programme has been an unmitigated success for those who have decentralised in terms of quality of life, work environment and a range of issues, including the efficiency with which they deliver services. If Deputy Gilmore can identify any decentralised office in which there has been a reduction in the provision of service to the public as a result of decentralisation, I would like to hear about it. In fact, the contrary is the case because we are providing these services in a more localised environment, services which were less accessible to people in the regions than is now the case. The Deputy does not have the evidence to back up the idea that people will proceed with the decentralisation programme unwittingly, or in the absence of proper business efficacy and organisation, because all the decentralised offices that have been completed are successful.

The programme is voluntary for State agencies. Considerable industrial relations issues arose and a specific case was taken with regard to FÁS. When Deputy Gilmore raised this issue before I asked everyone to sit down, work out and scope the issues, to see what can and cannot be done. Until that scoping is done and interaction takes place, we are being unfair on the 1,000 people from State agencies whose applications are in the central applications facility and

who have indicated a willingness to relocate. We must consider the future of the organisation, those who do not wish to relocate and cannot and will not be forced to relocate, and those who wish to relocate. The problem is that we are getting no engagement. Some 20% of the total programme relates to State agencies. We have seen many examples of success in respect of decentralisation of various aspects of Departments. There is no gainsaying in continuing to denigrate the programme as Deputy Gilmore and others do because the evidence does not stack up.

We will continue to seek to implement the programme in a prudent and proper way, working in partnership with staff organisations and trade unions, as has been the case up to now. We seek to build on the success of decentralisation in the past, not the reputed failure Deputy Gilmore tries to attribute to it.

Deputy Enda Kenny: With respect, the Taoiseach did not answer the question asked by Deputy Gilmore. Deputy Gilmore did not denigrate the decentralisation policy.

The Taoiseach: He certainly did, with a smart comment.

Deputy Eamon Gilmore: There was no smart comment.

The Taoiseach: It was uttered for a cheap headline.

Deputy Enda Kenny: All over the country there is evidence of the value of a well-managed decentralisation programme from Letterkenny, Sligo, Ballina to Tralee and the Taoiseach's area of Tullamore. The Taoiseach sat on the Government benches when then Minister, Charlie McCreevy, read out his Budget Statement, which referred to moving 10,000 public servants to 53 locations inside three years. That is a very long time ago. The OECD refers in its report to this being administrative relocation, with no power being transferred, merely the movement of public servants and offices to different locations. The OECD offered the critique that continuing in this way will fragment the quality of the public service being provided. The report points this out specifically and makes the point that the internal documents of the Department of Communications, Energy and Natural Resources show that decentralisation has negatively affected the roll-out of national broadband services, which are so critical to industrial and business development around the country. The unholy mess of the way the decentralisation project is being managed is having a direct impact on this.

What is the current position on the Department of Education and Science's move to Mullingar? Has the land been bought? Has planning permission been sought? When will building start? Many senior civil servants stated they are willing to transfer and relocate in the knowledge they will be retired by the time decentralisation will become a reality. It is now seven years since the statement was made in this House that 10,000 public servants would move to 53 locations within three years.

Is it still Government policy to move State agencies where clearly there is no voluntary willingness to move? Given the nature of the job involved in some cases, it is unsuitable to move people. Does the Government still want to relocate State agencies on the basis of what was stated in the original statement by the then Minister for Finance, Mr. McCreevy? Can we have an up to date report on this? The former Minister of State, Mr. Parlon, used to be on the radio every day explaining something else which had happened and that there was a little movement here and there.

The concept of decentralisation has always been valued but only where it is well managed and well delivered and where the numbers and categories stack up with regard to voluntary movement. This has turned into a shambles. The cost referred to is €1.27 billion. Given the

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other problem the Taoiseach faces with a Minister for Finance who seems to be an unwilling workhorse in that Department, what is the story with regard to the timescale for the decentralisation of public offices? Is it still the Government's intention to move State agencies where the staff do not want to move?

The Taoiseach: It is interesting that six questions were tabled on the OECD report on the reform of the public service and we are discussing one third of a paragraph of a 400 page report. However, I will answer the question if this is as much as people want to discuss.

Deputy Enda Kenny: I will ask another question in a minute.

The Taoiseach: With regard to decentralisation, the policy remains the same. It is a voluntary programme. The decentralisation implementation group has published at least five reports since the original budget announcement which confirm that because of industrial relations issues and the consultations which much take place, the target of three years was not attainable or possible. We moved from this position long ago. Decentralisation implementation group reports which are at least three years old confirm this and coming forward with this idea at this stage suggests Deputy Kenny is trying to regurgitate something. We have passed this point long ago.

The policy still includes State agencies. Deputy Kenny mentioned "voluntary willingness". I am not aware of a concept of "involuntary willingness". They will move according to the principles set out in the programme as has always been the case. As I mentioned to Deputy Gilmore, and in replies to previous questions on this matter, industrial relations issues require us to engage. I met with various trade union leaders on this matter to confirm to them we want to move forward by engaging. In fairness to those who wish to move as well as those who indicated they do not wish to move, we must have engagement. We have passed the point where an issue had to be resolved within the industrial relations process. It has been clarified and the Government accepts it. This is the position with regard to this aspect of the programme.

As Deputy Kenny stated, the programme cannot move ahead without the willingness and co-operation of everybody. It is far better to scope the issue and deal with all of these outstanding questions to establish as to what extent the programme can be implemented taking into account business efficacy and everything else on the basis of engagement rather than non-engagement. This is my simple point. No one will be forced to go anywhere. Surely, everyone in the House will agree that engagement should take place to establish how to proceed. In fairness to those who wish to move, this remains our position. I have answered the other parts of the question.

Deputy Enda Kenny: An announcement was made in the Chamber, one of the few which was, to move 10,000 public servants to 53 locations in three years. It was done without any consultation. It is a bit Irish if the Taoiseach is coming into the House six or seven years later saying the Government cannot move anybody because it wants to consult people. The Government did not consult anybody in the first place.

The Taoiseach: We are moving people.

Deputy Enda Kenny: The former Minister for Finance, Mr. McCreevy, announced in the House 10,000 staff would move to 53 locations.

The Taoiseach: It was a voluntary programme from day one.

Deputy Enda Kenny: The only person who happened to know this was happening was the former Minister of State at the Department of Finance, Mr. Parlon, who had signs up in Laois-Offaly the evening before the announcement.

The Taoiseach is now saying nobody will move unless he or she is willing to do so. I do not have any evidence of reality here or of people in State agencies who are settled in Dublin, for instance, with their families, school connections and so on wanting to move voluntarily to locations mentioned in the programme. The Taoiseach referred to involuntary willingness but this is many years after the announcement and it is a bit Irish to say the Government wants everybody to understand it is negotiating fully with them.

An Ceann Comhairle: A question, please.

Deputy Enda Kenny: The Taoiseach said this referred to a half paragraph in the OECD report. Members are perfectly entitled to raise these issues in the House because they are of considerable importance to the livelihoods, careers and the basis on which people join the public service in the first place.

I refer to quangos. The Government is aware of the proliferation of quangos it set up — 200 in ten years. The OECD referred to the proliferation of agencies in Ireland and, specifically, to their tremendous freedom in setting policy objectives, which has led to mission creep, unsustainable in the long run, and large scale duplication of roles. Deputy Varadkar set out a detailed document some months ago on the basis of reduction of costs, creation of efficiency and a reduction in quangos. The Government has quangos for everything. It has quangos to quangos, all set up under the Taoiseach as Minister for Finance and with the full approval of Government. No responsibility is vested in the House anymore. Ministers will hive off responsibility for every issue to somebody else. Has the Government examined this? What are the requirements necessary to set up a new quango? In other words, in what circumstances will they be set up? What is the programme for the reduction in the number of existing quangos, be they in local authorities or subsections of agencies of Departments and so on?

The OECD referred to waste management, for which there is clearly no palpable sense of a plan. There is no regional cohesion regarding landfills and the Minister for the Environment, Heritage and Local Government has proposed to burn all around him to deal with landfill sites, except in his own constituency, where he has a problem. What is the Government plan in respect of waste management, which is criticised by the OECD? The Government has allowed for the curtailment of private sector services which were supported by tens of thousands of people and the provision of what they consider to be an inferior public service. There seems to be a lack of co-ordination in this area, which is costing the taxpayer money. In respect of the criticism by the OECD of waste management, what is the Government's plan and programme? Why is there no cohesion between regional authorities in respect of landfill sites? Where stands the Government's incineration programme?

The Taoiseach: The OECD report examined a number of agencies and made a number of recommendations regarding governance and improving the performance of agencies. The task force on public service will examine all issues set out in the report and specific actions to address these recommendations will be set out in its comprehensive response. It is, however, simplistic to say that reducing the number of agencies improves services. If the OECD recommendations are carefully read, it instead is indicating that a properly established, well governed agency can be effective and can lead to improvements in service delivery. The next phase of public service reform will need to examine further how existing agencies are governed, the dialogue and accountability arrangements in place

3 o'clock

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between parent Departments and their agencies and whether there is scope for agencies to merge with other agencies or whether there is an ongoing need for the service they provide.

With regard to the establishment of new agencies, all proposals to Government will have to be carefully examined and critically assessed to see whether the task can be done by an existing agency instead. Where there is a need to create an agency, we will ensure that appropriate governance and reporting mechanisms are put in place and focused on delivering services to maximise benefits to citizens and provide effective value for money.

The real issue in respect of agencies is guaranteeing better outcomes for the public. The newly appointed task force will examine this issue and how best to implement the OECD's recommendations so as to do this in the proper way. The report also indicates that progressing the public service reform and modernisation agenda lies not solely in changing the institutional architecture or the allocation of responsibilities between Departments, offices, agencies and levels of Government, but in getting the different parts of the system working differently with a greater focus on collaboration, achieving wider societal goals and ensuring that the reforms introduced are appropriately sequenced. The OECD cautions against trying to reorganise functions across levels of Government in favour of trying to have organisations and individuals behave differently and in collaborative ways.

It is a question of how to get existing organisations to work better beyond their remits and how they interact. That is the purpose of the reform. In terms of shared services, the question is how to reduce costs. There have been some good examples in the public service in that area, specifically as regards waste management. Generally speaking, there has been an impressive improvement in the reduction of waste to landfill as a proportion of total waste produced. Recycling and other initiatives have been working very well in recent years. The remediation of landfills that do not meet the required EU standards is a major cost input with which we must deal, a legacy of our past.

The report relates to the task force sequencing the way in which reform should take place, determining how to work and interact with other stakeholders, such as trade union representatives, in getting across the message of how the new culture they are trying to establish will avoid fragmentation and set in place an integrated senior public service across Departments and agencies so that we can better provide services for the public.

Deputy Enda Kenny: I have a question.

An Ceann Comhairle: I must allow Deputy Ó Caoláin to speak, but I will come back to Deputy Kenny.

Deputy Caoimhghín Ó Caoláin: I want to address the composition of the task force. Will the Taoiseach confirm that one of the aims and objectives of the new task force in preparing an action plan is to see an improvement in the delivery of services through the public service? If that is the case — other questioners have raised the issue of engagement with other sectors — does the Taoiseach not agree that the restrictive composition of the task force — the Secretary General to the Government, Secretaries General of a number of Departments and a number of representatives of private sector interests — means it lacks something that would undoubtedly help the work and focus of the task force, namely, direct access to those who represent the consumer, the ordinary citizen, representatives of the trade union sector and non-governmental organisations?

Will the Taoiseach consider expanding the number of people who will be directly involved in the work of the task force? I do not mean that tongue-in-cheek, but there was mention here

previously of consumer groups and their representatives. Does the Taoiseach see a role for such a representative in this matter? In this Deputy's opinion, they would have a contribution to make. By being confined particularly to the Secretaries General named and representatives of the private sector, the task force will not do its job as thoroughly as it might. I hope and expect it has a much wider brief. Will the Taoiseach rectify this?

At a time of ever-straitening economic circumstances and cutbacks, will the Taoiseach assuage fears that the task force might be used as a vehicle, particularly with its current membership, towards seeking contraction in the public service in the period ahead? Can the Taoiseach assuage any fear that prevails in the House and externally that the task force might be so misemployed in the course of its work over the short period that it has been tasked to address these issues?

The Taoiseach: An extensive consultation process has been undertaken by those who authored the report over a 17 to 18 month period. We do not now need another report on a report on which there was already consultation. Having had the recommendations comprehensively set out and having had all that consultation with various stakeholders in the preparation of the report, the job now is to sequence an implementation agenda as to how we implement and make the vision set out in the report happen. The vision is quite radical in the sense that it seeks to move beyond examining the provision of the service in terms of Departments working within their own remit. The whole idea is to try to establish a senior public service cohort of people at senior management level who can ensure the delivery of the service is best guaranteed by a reorganisation that will deliver these services in a way that meets the expectations of our people. That is the purpose of the public sector reform idea. There is a recognition that our public service has considerable strengths, but it also obviously has many challenges. We need to proceed with a reform process along the principles of partnership which have served us well up to now. We have already had various initiatives. This process involves pulling all that together. The issue is not a question of the need for further consultation in that respect.

In regard to those who are employed in the task force, they are people who have been involved in change management issues, namely, senior managers within the public service who are aware and understand the personnel issues involved, who have an intimate acquaintance with how the service is organised, where the responsibilities reside and how services are implemented and have been developed. Therefore, they come with a collective expertise of public sector involvement and private sector experience. They bring that discipline to the table to examine what way we can assist in ensuring that the reform of the public sector is one that provides a better service, better outputs and a more co-ordinated and integrated approach ensuring that we organise the service in such a way as to meet the more challenging economic environment in which we will have to operate in the years ahead, regardless of the phase of the economic cycle in which we are currently. Having regard to our demographics and a range of other issues, the whole premise behind even health sector reform is governed by the demographics, specialisation, the need for reform of how work is organised, work practices, the need to provide greater discretion at the front line and the need to develop community services. A series of ideas must be brought together in a way that enables people to manage the existing service and also to change it for the future to ensure we can a sustainable level of services provided as efficiently and effectively as possible in, for example, the health sector, although one could examine a range of other challenges in other areas of public policy.

For those reasons, this task force should be allowed to get on with its work. It will report at the end of the summer, probably in the early autumn, and we can debate it in the House and see where we will go from there with it, but at least we will have moved it on to a phase where we can start to see how we would go from A to Z, or even from A to D or A to F in starting

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this process of public sector reform, which is a complex issue. We have seen sectorally how complex and complicated it is and it is no less complex in terms of the service generally.

An Ceann Comhairle: I will call Deputy Ó Caoláin and then Deputies Shortall and Kenny. I ask the Deputies to be brief given the limited time allowed for these questions.

Deputy Caoimhghín Ó Caoláin: I accept that.

Having heard how the Taoiseach responded, I am still not convinced the cadre of people who have been appointed have any monopoly on the wisdom of how an action plan could be outworked in terms of the development of a better public service to ensure the delivery of services to the ordinary citizen which should be its central objective. I ask again whether the Taoiseach will give consideration to the expansion of its numbers to include the elements I have suggested, including citizens, trade unions and non-governmental organisations.

Will the task force consider international experiences and examples of best practice? For instance, will consideration be given to what are accepted as exemplary public services? I am sure all such have their warts and all, but there is an acknowledgement that the Nordic experience in terms of the delivery of public services is among the most superior and has certainly helped to crystallise a fairer society. Will there be an examination of so-called best practice or better practice in other jurisdictions in order to inform the work of the task force in the period ahead?

Deputy Róisín Shortall: The Taoiseach speaks about reform in the public service as if it were merely a matter of improving management. Does he not accept there is a need for a clear shift towards a strong consumer focus? In that context, it makes sense that consumers should be represented on the task force. It should not represent an insiders' view of what the public service is about.

In regard to the calibre of people in the Civil Service, there have been dramatic changes in the last 20 years. Most young people now go on to third level education and most people in the jobs market who are applying for administrative posts have degrees. Why have we not moved towards the situation which exists in the United Kingdom, for example, where public service management visits universities in an effort to recruit the best and brightest? Why are there not greater opportunities for graduates to join the public service? Surely we should be trying to attract the best people.

In regard to promotions at senior level, why are we not meeting the targets set in terms of opening promotional posts to people from outside the public service? What does the Taoiseach intend to do about this?

Deputy Enda Kenny: Going back to what I said about decentralisation in respect of the broadband scheme, the information obtained from the Department of Communications, Energy and Natural Resources under the freedom of information provisions shows the cost has increased because the Department had to hire consultants to implement the programmes because public servants were unwilling to decentralise. That is the point I was making.

The OECD is critical of the operation of quangos, particularly in regard to local authorities. We have a situation where, in many cases, the local authority is both regulator and service provider. This causes a clear conflict of interest, is inefficient and does not provide taxpayers with the service they expect for the taxes they pay. This is a central element of the issue and the task force should examine it and make recommendations to sort it out. However, we appear to be in a position where we have action plans, reports and task forces but the situation is drifting on and getting worse by the month.

The Taoiseach: A consultative panel was appointed which was representative of a range of interested parties, including trade union representatives and those working in consumer advocacy agencies. The task force did not work in a vacuum but in consultation with this consultative panel, which had a range of expertise available to it.

Deputy Róisín Shortall: Should those individuals not be represented on the task force?

The Taoiseach: It is always a matter of judgment who is included on such bodies. I do not suggest that the task force has a monopoly of wisdom. Many of its members work in the front line of social partnership, while others have been involved in major change management within companies, do so regularly as part of their job or have an expertise in this area. The objective is to set out an implementation plan similar to that which followed from the Culleton report on industrial policy, where a task force was set up under Paddy Moriarty. We took a task oriented approach in that instance which allowed us get on with implementing what people were agreed should happen. Because of the broad and comprehensive nature of the report and how it interacts and suggests change on all fronts, one needs to devise an action plan as to how to go about it. Those who are on the task force are well qualified to do that job. That job is not completed when they bring forward a task force report. One then gets engaged in very detailed discussions and progress with others who are at the front line in the delivery of these services. It is not that it begins and ends by the end of summer. This is a process that will require a very dedicated approach over a period to bring about the changes. Everyone in social partnership is signed up to 2016 document in which we are prepared to put the citizen at the centre of our concern, to see how we can build services around the citizen in the various life cycle approaches outlined in that report and move away from the traditional service provided model where the provider explains how the service is provided and the citizen has to try to fit into that model. We are saying we are prepared to deconstruct and reconstruct, where necessary, the provision of public services and have different models of public service delivery in an effort to improve how those services are being accessed by citizens and to use e-Government and other technology. There have been some good instances of the use of such technology in the public service. For example, the Revenue Commissioners have given an excellent example of what can be achieved by a good e-Government approach by transforming the relationship for the consumer in the important matter of tax compliance.

Deputy Róisín Shortall: It is one of the few.

The Taoiseach: It may be one of the few but it shows what can happen with the right leadership, the right approach and the right methodology. It can be done. While it may not be uniform across the service it is more prevalent in the service than it is given credit for. By the same token, it is not uniform and is not to the same standard and imagination as the good examples one can provide. That is the benchmark by which every other public service agency, organisation and Department needs to raise their game because that is the way in which we confirm our commitment to public service. That is the way in which we persuade people that the public service delivery mechanism is the best one available. In the absence of being able to meet the expectations of consumers in that respect, people demand other means of providing the service if they are not getting it. The reality has to meet the rhetoric and all of us have to work for that.

Social partnership can raise itself to this challenge on the basis we are all committed to getting the same outcome. It is just a question of applying ourselves to it and setting out a means by which we can do it, based on the very good experience we have had thus far as to how social partnership has been the means by which we have solved many problems, which in the past were regarded as insoluble because people were taking up positions which might be fine in terms on one sectional interest but which did not solve the problem. That is what is at

[The Taoiseach.]

the heart of this process and will determine its success or failure. I do not suggest it is simply a question of the calibre of the management strata of the service that dictate the outcome. Far from it, but without it taking its responsibility to lead, bring people into the process and work with them co-operatively and get the necessary changes to bring benefits to everybody, including those who deliver the services — some in crisis management areas — it is not possible to improve the work environment for those who provide the service in the same way as it is not possible to improve the service for the citizen. These are the challenges. This task force is well equipped to provide a pathway for progress in these areas and get into the business of moving from recommendations to changes on the ground and changes in work organisation and work practice which will be to the benefit of those who work in the public service and provide a renewed sense of direction in regard to where public services are going.

Priority Questions.

Tourism Industry.

62. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism his views on the Irish Tourism Industry Confederation's recent report into the challenges facing the Shannon and western region; the action he will take in respect of the recommendations that fall directly under his remit; and if he will make a statement on the matter. [24542/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The recent Irish Tourism Industry Confederation's report reviews the factors impacting on the short-term outlook for tourism through Shannon Airport and Ireland generally. It highlights how external factors, such as the economic slowdown in some of our key markets, the relative strength of the euro against the US dollar and sterling, high oil prices and difficulties in the airline industry, present particular challenges this year for Irish tourism. The report also highlights that the Irish tourism industry is in a healthy state and is better positioned to withstand any downturn than in the past as the fundamentals of the industry remain strong.

In terms of specific recommendations under my remit, the report calls for continued funding of Discover Ireland's Wonderful West campaign and other marketing support to maximise opportunities provided by direct services to Shannon. The Government has allocated €50 million, the largest amount ever, for the overseas marketing of Ireland as a tourist destination this year, including an additional €3 million specifically for Discover Ireland's Wonderful West campaign overseen by Tourism Ireland. The campaign, which was developed by Tourism Ireland in consultation with local industry interests, is well under way, focuses on ease of direct access and the good value fares and packages available. I understand the campaign has generally been very well received to date and that is acknowledged in the ITIC report.

Furthermore, I am aware that Tourism Ireland is planning a major autumn campaign in North America to promote travel to Ireland during the autumn and winter period and in 2009. Tourism Ireland will continue to work with carriers to develop opportunities presented by new routes and existing routes of strategic importance. The provision of additional funding for marketing campaigns in the future will be a matter for discussion with the Minister for Finance in the upcoming and future Estimates process. Other tourism-related recommendations, such as the need to improve competitiveness and to improve the range of visitor attractions, are matters for everyone working together in tourism enterprises as well as in the State agencies.

The tourism agencies continue to monitor our competitiveness as a tourism destination and to assist enterprises in responding to changing conditions through the provision of marketing,

human resource development and product development supports. I am assured that the tourism agencies will take into consideration the recommendations of the ITIC report in planning for the balance of this year, 2009 and beyond.

Deputy Olivia Mitchell: I question whether the fundamentals of the industry are as good as they might have been when the report was written. If one was writing the report today it might be a different one. The report described the issues impacting on the industry in the west generally as the perfect storm. The potential of the open skies policy has been negated by the economic downturn and the price of oil among other factors. The concentration has been on the North American market where we thought the potential lay for next year but we should accept that may not be the case. I do not know whether the Minister is aware that in recent months six American airlines closed for business completely and a seventh airline sought protection under chapter 11. Perhaps we should turn our attention to marketing the new Air France route and the variety of Ryanair-provided routes into Europe.

A steering group was set up to carry out a feasibility study on a conference centre for the west of Ireland. It seems there is huge potential for business tourism for a medium-sized conference centre. We will have to concentrate on specific areas. The west can attract niche business, as is the case in the rest of the country. Has the feasibility study been completed and what has happened to it? Although the study was promised at the time the open skies deal was done, it appears to have fallen off the agenda.

I am sorry that the questions are so long. No matter what question I ask about the customs and border protection facility I cannot seem to drag any information from the Government about it. The provision of that facility here is important as it would give us penetration into other American cities. When will the facility be provided? Is it possible to bring the necessary legislation forward so that we can fast-track that facility? Is the reason for the delay the lack of physical infrastructure at the airports to carry out border checks or what is the hold-up? My two questions are on the conference centre and the customs and border control facility.

Deputy Martin Cullen: In general, the figures for the first quarter of the year are telling in that they show a 4.5% growth again. I do not expect that level of growth will be sustained throughout the year but it is a good start and it will be helpful in terms of overall figures. Having breached the 8 million barrier last year the indications are that the figure will be about the same again this year. That would be a remarkable achievement given that it is more or less double the population of the country.

There may be some changes in strategy on the American market. Deputy Mitchell correctly highlighted the significance of the dollar value against the euro for American tourists. That has clearly impacted on Americans travelling not just to Ireland but to Europe in general. As I highlighted in my response, the extra funding for the Wonderful West campaign, which was developed in consultation with local interest groups, and the targeting of the North American market in particular in the autumn was believed to be the way to go, not alone with the overall fund but with the €3 million additional spend allocated by the Government for the west of Ireland.

I have had discussions with some of the tourism bodies and they have informed me that there is also a strong concentration on the United Kingdom market to try to maintain the numbers that come to Ireland and to grow the market. The tourism bodies, which are in the best position to do so, are planning to realign some of the spend and they have realigned and moved forward some of the spending concentration to the market in the UK. Tourism Ireland and the local tourism authorities are and will be in discussion with each other specifically on the tourism campaign in the west.

[Deputy Martin Cullen.]

I do not have any specific detail on a conference centre in the west. Clearly, the big priority is to get the first major national conference centre completed in Dublin.

Deputy Olivia Mitchell: That was not the commitment. A feasibility study was promised and it was not dependent on finishing the conference centre in Dublin.

Deputy Martin Cullen: I did not say that, what I said is that we have been waiting so long for a conference centre that I am anxious, as I am sure everybody is, to get the conference centre in Dublin finished. I will revert to the Deputy as I do not have any specific information on the matter. I appreciate the value of conference facilities, given the size of that market and the tourism potential that flows from bringing people to the country for conferences.

The second point related to custom and border protection facilities. I have some familiarity with this matter as I dealt with it when I was Minister for Transport. The Deputy is also familiar with the area. There was an absolute commitment to have the facility located in the two big centres in Ireland, one in Shannon and one in Dublin Airport. It was agreed to proceed with the Shannon project much more quickly because the facility in Dublin was affected by the reorganisation and rebuild there. There simply was not the space to put it in but it is being planned and built into the new facilities in Dublin. It was my understanding that an investment of €50 million to €60 million was required and the Dublin Airport Authority, in conjunction with the Shannon Airport Authority, was happy to make that commitment. Such a facility will make a unique selling point, especially for the west as it will be up and running before the one in Dublin. It will have a certain attraction in terms of building a customer base in Shannon.

I am aware discussions took place between the appropriate authorities in Shannon and the American authorities, who have a significant role in the matter as they man and control the border control centres. I do not have information in my note on the matter but I will pass on the Deputy's concerns to my colleague, the Minister for Transport. I agree it is an important element for the development of Shannon and Shannon Airport. Even with the limited facilities in Shannon, I understand that for the sake of convenience many people come from the UK to Ireland to get pre-clearance to travel to the United States. It is important that the facilities are fully rolled out. I understand the Americans do not have plans to put the pre-clearance facilities anywhere else.

Deputy Olivia Mitchell: While it would be great to have the facility in both Dublin and Shannon, to give Shannon the advantage it clearly needs — that will become increasingly obvious in the coming months — it is important to fast-track the facility in Shannon as I do not believe such a significant build is involved in Shannon as in Dublin.

Deputy Martin Cullen: When I was in that Department it was certainly my intention that Shannon would get the advantage of starting first, simply because it was possible to proceed with it, whereas this was not the case in Dublin. I will certainly communicate with the Minister for Transport to ascertain the status of the matter.

Departmental Reports.

63. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the number of reports that have been commissioned by his Department that are awaiting publication; the reason for the delay in publication in each case; the cost of each report; and if he will make a statement on the matter. [24585/08]

Deputy Martin Cullen: No report that has been commissioned by the Department is awaiting publication. However, as the Deputy will appreciate, a number of reports are completed or nearing completion under the Department's value for money programme, which will be published in the short to medium term. Reports on the Department's swimming pools programme and on the Irish Film Board have been finalised and a report on the Irish Sports Council will be finalised shortly.

In addition, a report by the tourism strategy implementation group, appointed to oversee the implementation of the outstanding recommendations in the report of the tourism policy review group, *New Horizons for Irish Tourism: An Agenda for Action*, and to address other matters, has been completed in recent weeks. I intend to bring this report to Government shortly with a view to publication subsequently.

Deputy Mary Upton: I welcome the fact that no reports are awaiting publication. However, my question also sought details of the cost of each report and I would welcome some information in that regard. I raised that point based on previous information I received regarding reports commissioned by outside consultants. In summary it appears that approximately €305,000 was devoted to those reports. The Minister has said they have been published. However, in reality they are not available to Members of the House for the most part and in a number of cases there seems to be no action on them. I seek two further pieces of information, the cost of the reports as requested in the question and when they will be made available so that we might get some action on them.

Deputy Martin Cullen: In response to a recent parliamentary question I gave the Deputy details of consultants commissioned by the Department since 2006. As some of these reports are not finished I do not have the invoicing and costing in place. If there is more up-to-date information than the information already provided to the Deputy I will certainly make it available to her. I have no new information to add to the information I gave her.

Deputy Mary Upton: Regarding the arts in education report which involves the Department of Education and Science, a game of ping-pong appears to have been going on for some time. I acknowledge that I received a letter from the Arts Council informing me that at the most recent meeting of the council it was decided to publish the report in the coming weeks, which I welcome as we have been seeking it for some time. Would it be possible to expedite these reports in some way such that one Department would take responsibility for implementing the reports' proposals? This issue has been passed back and forth between the Departments of Education and Science and Arts, Sport and Tourism. I recognise the need for that interaction and I would be the first to seek co-operation between the Departments, but in reality there is a game of ping-pong going on between the two Departments with nobody taking responsibility.

Deputy Martin Cullen: I am well aware of the report. The Deputy is correct in that the report will be launched within the next week or two. I am committed to and see the direct benefit of arts in education. It would be wrong to suggest that because a report has not been published nothing is happening in this area. As the Deputy may be well aware — I have witnessed this in many schools that I visited in the recent past — the development of arts programmes in schools is significant. We would all accept there is enormous direct benefit to the students in participation in various arts programmes. I have particularly seen that in a number of primary schools I have visited recently. I accept this new report is important. I have discussed it with the Minister for Education and Science and, while I will not speak for him, I know he is very much in favour of the arts in education. We need to ascertain how we can continue to enhance the development of arts in schools. We will see whether that will happen.

National Theatre.

64. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the progress on the provision of a new building for the National Theatre; and if he will make a statement on the matter. [24543/08]

Deputy Martin Cullen: In 2006 the Government decided to proceed with the redevelopment of the Abbey Theatre by way of a public private partnership on a site at George's Dock, on a build, finance and maintain basis. This site was chosen following an extensive search exercise conducted by the Office of Public Works.

Arising from the Government decision, an inter-agency steering committee was established to oversee the project. The committee is chaired by the Department and comprises representatives of the National Development Finance Agency, the Office of Public Works, the Abbey Theatre and Dublin Docklands Development Authority. At its first meeting the steering group decided, *inter alia*, that the Office of Public Works should prepare the documentation necessary for holding an international design competition for the new Abbey Theatre. An international design competition was one of the conditions of the offer of the site by the Dublin Docklands Development Authority.

A project team, chaired by the Office of Public Works and comprising representatives of the same agencies as the steering group, has also been established and is overseeing the executive and procedural arrangements for holding the international design competition and advancing the PPP process. The Office of Public Works has asked the Royal Institute of the Architects of Ireland to organise the competition. The competition regulations are nearing finalisation. The technical documentation for the competition must be very carefully specified, in particular the detailed technical and accommodation brief for the new theatre. Work on this is nearing completion.

A jury for the international design competition was appointed late last year. In the meantime, the Office of Public Works is also working on drafting output specifications in collaboration with the Department, the Abbey Theatre and the National Development Finance Agency. Technical, legal, insurance and financial advisers have been appointed to guide and advise the inter-agency teams in the procurement of this epochal and crucial project. A theatre consultant and acoustic consultant have also been appointed. Furthermore, a process auditor is in place in accordance with Department of Finance guidelines.

The project is complex and there is a myriad of technical, procedural and legal factors to address in making progress on it. The successful delivery of this project is a priority for the Government in the programme for Government and the national development plan. When a winning design has been chosen, the National Development Finance Agency will oversee the PPP procurement process in accordance with PPP guidelines. I am confident that when the international design competition is complete we will have a world-class design for a new iconic landmark building for the city and the new quayside theatre will be a dynamic structure reflecting Dublin's growing reputation as a global capital of culture and creativity. The market is well aware that this project is on the way and the international competition for the design of the theatre should get under way formally before the summer is over.

Deputy Olivia Mitchell: This is one of those sagas that highlights the difficulty the Government has in driving any major project to completion. It was in the programme for Government in 2002 to celebrate the centenary of the Abbey Theatre in 2004. In 2006 the Ceann Comhairle, who was then Minister for Arts, Sport and Tourism, approved the design competition. More than a year later the then Minister, Deputy Brennan, announced that he had selected the design team. Another year later we now hear that we have only reached the stage where the regu-

lations for the design competition are nearing completion. If the design competition regulations have taken this long, how long will the design competition take? How long will the design take? Will this project happen in our lifetime? What timescale does the Minister envisage for the building of the theatre? The crucial issue is that this was designed to be provided by means of a PPP.

Acting Chairman (Deputy Seamus Kirk): I remind the Deputy that we have limited time for Priority Questions.

Deputy Olivia Mitchell: I realise we are running out of time. The Minister spent a long time saying nothing to me. A PPP may no longer be a realistic proposition. As he rightly said, it is a complex specialised building. Is it realistic that the Government will find a partner to provide a theatre on this site or will we need to find another method of funding? Will the whole project go back to the drawing board? I ask the Minister to give us a definite date. It is ludicrous that we have only reached the stage where the regulations for the design competition are nearing completion.

Deputy Martin Cullen: I have been involved in a range of these projects and they are not as simple as the Deputy suggests. In the conclusion of my remarks I said the market is well aware this project is on the way and the international competition for the design of the theatre should get under way formally before the summer is over. As the Deputy knows, we have just successfully launched the total rebuild of the National Concert Hall, which is a major project, more or less equivalent in scale to this one. That is also a PPP and it has finally got off the mark. There are issues between those trying to make the property work on the site and do the technical specification. Some changes were made on that which reconfigured the building. These things happen when one is trying to get to the stage where one can go formally to the market. One has to have the technical specification correct. The design will be done through an international design competition, so the OPW and Department are not designing the building.

Deputy Olivia Mitchell: That is my point. They are not designing the building, only a competition.

Deputy Martin Cullen: The Deputy would know that to go to the market, one has to be very specific on the parameters and technical specification for the project. All the key people, down to the experts on acoustics required for a theatre of this magnitude, are already on board. They are finalising all that technical work and it should go the market this summer. I am anxious to see this project proceed. I was pleased to get the National Concert Hall under way very quickly. That has happened and the next big project to get under way is the Abbey.

Acting Chairman: We must move on.

Deputy Olivia Mitchell: By when do the designs have to be submitted?

Deputy Martin Cullen: I do not have that information here but given the scale of the project, if we get to the market before summer, I would imagine a six-month timeframe.

Deputy Olivia Mitchell: The Minister is allowing six months to design the building while the Department got two years to design the competition.

Deputy Martin Cullen: I would say it will certainly take that amount of time.

Deputy Olivia Mitchell: I see no opening night in sight.

Deputy Martin Cullen: One does not design a €200 million project on the back of a postage stamp. It is a huge project.

Deputy Olivia Mitchell: That is precisely my point. The Minister is giving them six months while his Department had more than two years.

Acting Chairman: We must move on to Question No. 65.

Deputy Martin Cullen: I am answering the Deputy from experience that it will be at least six months. It may be more than that. I will come back to her when that timeframe has been decided. I am not deciding the timeframe as it is being done by those involved in the project management from the OPW and the National Development Finance Agency.

Sports Funding.

65. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism when it is envisaged that the second round of the local authority swimming pool grant scheme will be initiated; and if he will make a statement on the matter. [24544/08]

Deputy Martin Cullen: A sum of €184 million has been provided in the National Development Plan 2007-2013 for supporting existing projects in the local authority swimming pool programme and for new projects to be selected following the launch of a new round of the programme. The terms and conditions of a new round will be devised taking into account the recommendations of the value for money and policy review report on the existing programme which has been completed by my Department and which will be published shortly. The launch of the new programme will be a matter for discussion as part of the Estimates process which will start shortly between this Department and the Department of Finance.

Deputy Olivia Mitchell: I thank the Minister. I submitted this question because I was shocked to find out through a freedom of information request that the then Minister for Finance, the Taoiseach, Deputy Cowen, refused the Minister's predecessor permission to announce a new round. This will come as devastating news to the local authorities around the country which, far from providing new pools, are closing pools because of the absence of finance. Applications for the current scheme closed in 2000. It is eight years since any local authority could apply for funds, never mind to build a pool or to refurbish one. As the Minister knows, pools that are not refurbished become unhygienic, cannot be used and must be closed.

It is crucial to realise that, in an island nation, although swimming is on the primary and secondary school curricula, we do not have pools in which these children can learn to swim. With the local authority programme in England every citizen, adult and child, has access at very reasonable rates to a local authority swimming pool. The objective to coincide with the 2012 Olympics is to have free swimming available to every citizen in Britain. Could we at least provide the pools in which our children may learn to swim? It is ludicrous. Apart from the fact that where pools are available they are often privately owned and children in national schools pay huge sums of money for swimming lessons, large numbers of children never have access to a swimming pool. What contact has been made with the new Minister for Finance to see if this programme can be reopened? It is vital. It is ludicrous that we cannot have a swimming pool programme and that no applications have been accepted since 2000. It is unacceptable.

Deputy Martin Cullen: That is a very distorted way of looking at the programme. Total expenditure of €120 million has gone in and this has leveraged approximately €378 million. Since 2002, some 57 new projects are being dealt with under the programme. This is a phenomenal number of direct pool projects. Some 45 projects have been allocated grant aid of which

34 have already been completed. I opened three of these in the past few weeks. The delivery of this programme has been ongoing at quite a pace.

Deputy Olivia Mitchell: Those were mainly refurbishments.

Deputy Martin Cullen: Some 34 have been completed, 11 more are under construction and 12 others are at various stages, two preparing tenders, seven preparing contract documents and three are preparing preliminary reports. The scale of the programme over the past number of years has been extremely significant. I agree with the Deputy. If the resources are available to me, I would like to open a second round of swimming pool programmes. That will be a matter for discussion between me and the Minister for Finance as part of the Estimates process.

Deputy Olivia Mitchell: The money was nominated in the national development plan but has been refused by the former Minister for Finance, now the Taoiseach. Clearly this is not a priority.

Acting Chairman: We must move on. We are way behind time.

Deputy Martin Cullen: That was in the context of a new Government being formed within a matter of weeks.

Sport and Recreational Development.

66. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism when he will enact legislation to give official recognition to the institute of sport as envisaged in the Athens and Sydney reports; and if he will make a statement on the matter. [24584/08]

Deputy Martin Cullen: The Irish institute of sport has been in operation since 2006 as a unit within the Irish Sports Council with its own specially selected board. The executive chairperson, supported by a senior management team, which includes a director of sports science, director of sports medicine, director of athlete services and a director of technical services, has been working with the national governing bodies of sport and the elite athletes in ensuring that they have available to them the most up-to-date supports as they prepare to represent Ireland at international events. The budget of the institute for 2008 is €3.9 million compared to its first full year budget in 2007 of €1.4 million.

The Department has been working on a Bill to enable the Irish Sports Council to establish subsidiaries such as the Irish institute of sport. At the launch of the institute, the intended corporate governance structure was that it would be a wholly owned subsidiary of the Irish Sports Council. As the Irish Sports Council legislation did not have provision for the council to set up a subsidiary, amending legislation is required. I have already indicated to the House that issues have arisen during the course of the drafting of the Bill which are under discussion between the Department, the Department of Finance, the Irish Sports Council and the Office of the Attorney General. I also indicated to the House that I do not necessarily take the view that the continued creation of new bodies is the way to go every time. In addition, I am cognisant of the recently published OECD review of the structure and governance of State agencies and I will bear that in mind in my consideration as to how best to proceed. In the interim, the institute is getting on with its work and the absence of a statutory base for the institute at this time is not preventing it from delivering its much sought after services.

Deputy John O'Mahony: I thank the Minister. This is an ongoing saga. It is important that there is the best support for our athletes and elite athletes. I keep returning to this and have asked it in a number of different ways. It was envisaged that it would be autonomous. It was

[Deputy John O'Mahony.]

recommended in the Athens and Sydney reports. Would the Minister agree that while he says the work is ongoing, the chief executive and staff he mentioned are working in limbo because they are not in a position to make any autonomous decisions? It is a subsidiary of the Irish Sports Council. Does the Minister agree that in the short term — we are on the eve of the Beijing Olympics — this institute of sport needs to be either put on a legislative footing or abolished? It has a board, staff and chief executive but is not able to make any real decisions without the authority of the sports council.

Deputy Martin Cullen: I do not agree. The institute has been established as a unit within the Irish Sports Council. That is a very independent and autonomous body. They can and do make decisions working together within the remit of the institute of sport. They have directors of sports science, sports medicine, athletes' services and technical services. The issue of whether this body should be independent and statutory is a moot point. I want to examine the various aspects of the Irish Sports Council's remit and see whether it is in the best interests of all that the institutes be separated from it. While I have not come to a conclusion on that, I am loath to go down the road of simply creating more and more bodies. The Sports Council is a body of great importance and one that is hugely familiar with the entire remit of sports in this country. At present, the Irish institute of sport is working well within that body.

Deputy John O'Mahony: It was initially the Government's idea to create this. When will the Minister come to a decision on whether he will put it into legislation? Will he let it continue as it is, as he suggested?

Deputy Martin Cullen: The point is that the Irish institute of sport has been set up and is working efficiently and well. The Deputy asks whether it should be on a statutory basis and independent.

Deputy Olivia Mitchell: It was a Government decision.

Deputy John O'Mahony: It was its decision.

Deputy Martin Cullen: I have just given a very clear indication to the Deputy that I am reviewing that. I do not necessarily take the view that the creation of more and more bodies in all areas is in the best interests of the people we are trying to serve. I have no indication at this stage——

Deputy John O'Mahony: When will that review be concluded?

Deputy Martin Cullen: I will bring it to a conclusion fairly soon. We will need to move on and whether we move forward by setting up the Irish institute of sport entirely on its own and independent or keep it within the Sports Council is a decision that needs to be made in the near future.

Other Questions.

Arts in Education.

67. **Deputy Dan Neville** asked the Minister for Arts, Sport and Tourism his views on the study published by the National Association of Principals and Deputy Principals, Creative Engagement; the plans his Department's officials have to meet officials from the Department

of Education and Science with a view to promoting arts in education; and if he will make a statement on the matter. [24507/08]

Deputy Martin Cullen: The Creative Engagement, The Art in Our Schools pilot programme, was set up by the National Association of Principals and Deputy Principals, NAPD, in 2004, co-funded by the Department of Education and Science and the Department of Arts, Sport and Tourism, to encourage students to engage with the arts. The NAPD is a well established body with close links to the Department of Education and Science.

In September 2004, the Department of Arts, Sport and Tourism provided €60,000 to the NAPD under this initiative to develop a programme of art activities in approximately 20 schools. A further €69,000 was allocated in 2006 for a continuation of the programme, which supported programmes in 32 schools. Recently, the NAPD has produced an extensive evaluation of the programme, focusing on the 32 schools in the 2006-07 scheme as part of the agreement with the NAPD underpinning its grant conditions.

From a preliminary examination of the conclusions, it is clear that there is a strong recommendation to have an arts in education ethos more embedded within the school curriculum. Furthermore, more formal support from the two Departments and the Arts Council is also sought. On completion of the examination of the report by my Department, I will raise the issues with my colleague, the Minister for Education and Science.

Deputy Olivia Mitchell: I will not go into any great detail on this issue because it has been discussed somewhat with Deputy Upton's priority question. I would point out that arts in education was a Department of Arts, Sport and Tourism initiative. Apparently, the Minister's predecessor's last word on the subject was that he had referred back to the Arts Council for practical recommendations as to how it should be brought forward. Have those practical recommendations been provided and what steps are envisaged on foot of them?

With our economy perhaps not doing as well as it was, we need formal arts education in our schools not only to grow audiences for the future but to grow independent, creative thinkers, which is essential. As the Minister rightly said, there are some good projects and Creative Engagement was a pilot project. What we need is to have a formal embedded arts programme within the schools. If there is to be progress in this area, it will not come from the Department of Education and Science. The Minister for Arts, Sport and Tourism will have to drive it.

Deputy Mary Upton: This report is welcome and positive and we are very enthusiastic about arts and education. However, on the one hand, this report has come forward and, on the other, there is the arts in education report. The body which wrote up the arts in education report, the Arts Council, is also responsible for the other report, or at least had an input into it. Is this tied into the arts in education report? Is this not another case of the right hand talking to the left hand? How do they mesh together?

Deputy Martin Cullen: It is a fair point. They mesh extremely well. The report to which I referred in my reply was specific because of the 32 schools that were supported. It has only come into the Department in the past week or so and its assessment is only being carried out at present. The indications are that it has a very positive impact.

It is important to point out that a whole range of bodies in Departments, agencies, local authorities, libraries and so on are engaged with all the schools and there is a depth of arts activity taking place in the schools through various bodies. Clearly, the major report states that we want a more focused approach in terms of arts in education. That can only be positive for the development of our children.

[Deputy Martin Cullen.]

Obviously, there are pressures on the other side and from the Department of Education and Science's perspective the school curriculum can only be so big. It is a question of trying to find space for all the demands that exist within the programme, which is a fair point. However, I am heartened because we would all admit, given the evidence we find in visiting schools, as we do, that the uptake in recent years in terms of general interest in arts and arts activity among primary school students in particular has increased significantly. What we want to do is capture all that good effort, formalise it and get it active in all the schools throughout the country. That is what I will be discussing with my colleague, the Minister for Education and Science.

Tourism Industry.

68. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the plans there are to review the national development plan and its targets for tourism development; and if he will make a statement on the matter. [19801/08]

95. **Deputy Seán Sherlock** asked the Minister for Arts, Sport and Tourism his views on whether the Government should increase its financial commitment to the tourism industry to maintain and improve the industry here in view of the fact that the total revenues generated by tourism exceed €6.5 billion a year and the industry employs more than 250,000 people; and if he will make a statement on the matter. [24583/08]

Deputy Martin Cullen: I propose to take Questions Nos. 68 and 95 together.

The National Development Plan 2007-2013 includes the largest ever Government investment programme for development of Irish tourism, providing €800 million in investment for the following: an international marketing sub-programme of €335 million to promote the island of Ireland in key international markets; a product development and infrastructure sub-programme of €317 million to upgrade and supplement tourism attractions and activities around the country and to deliver the national conference centre in Dublin; and a training and human resource development sub-programme of €148 million for education and training, and improving management capability.

The NDP investment is planned within the strategic policy framework in *New Horizons for Irish Tourism: An Agenda for Action*, the 2003 report of the tourism policy review group. This set ambitious targets for the period 2003 to 2012 of doubling overseas tourism revenue to €6 billion and increasing visitor numbers from 6 million in 2002 to 10 million in 2012.

The tourism strategy implementation group was set up in 2006 for a two-year period to follow up on the recommendations of *New Horizons*, to review the targets in light of performance to 2006 and to recommend a possible framework for a mid-term review in 2008. I recently received the report of the group and I will bring it to the attention of my Government colleagues shortly. It is my intention to publish the report and to put in place arrangements for the mid-term review as soon as possible thereafter.

The NDP provides a financial framework within which Departments and agencies can plan and deliver the implementation of public investment. The Government remains firmly committed to the progressive delivery of the investment priorities to be financed under the NDP, which will be subject to a comprehensive mid-term review in 2010. In the meantime, priorities for Exchequer investment will be considered in the annual Estimates process in the normal way. In line with the NDP, in 2008 the Government increased the tourism services budget by 10% compared with the outturn in 2007, bringing the allocation to almost €170 million, the largest ever Exchequer budget for Irish tourism.

There is no doubt that 2008 will be very challenging for Irish tourism in the context of global economic uncertainty and pressure on consumer confidence in key markets. I believe the strategic approach taken to tourism in recent years by the public and private sectors has given the sector the capacity to withstand such cyclical external challenges and to sustain its performance in the coming years.

Deputy Denis Naughten: I thank the Minister for his reply. There is no doubt that in recent years we have seen increases, year on year, in the number of tourists coming to this country. There will be a significant curtailment this year, but to what level we will have to wait and see.

I wish to ask the Minister about the regional element of tourism because the difficulty is that my part of the country, namely the midlands, has been ignored when it comes to tourists. There is probably a greater opportunity to see a dodo than there is to see a tourist in the area, unless he or she happens to be passing through. Are there any plans to re-examine the situation whereby the River Shannon is being used as a barrier to tourism development rather than an asset with a region built around it? With regard to the clustering of attractions, will we see a repeat of what has happened in the past, whereby investment goes to the seaboard counties? We need investment in the midlands, where there has been a lack of tourism development.

4 o'clock
What element of funding will be put in place for signposting, which is consistently raised by tourists as being hugely problematic, particularly in the midland counties where there has not been any significant investment? The one tourism asset in the midlands region is angling but it has only been given lip service in the current national development plan. In the previous national development plan, €21 million was committed to angling but was not spent on the sector. Can the Minister give any assurance that specific investment will be made to develop angling projects in the counties that have the least developed tourism sectors?

Deputy Martin Cullen: I do not agree that any particular part of the country is being ignored when it comes to spending on tourism. Tourism Ireland's marketing strategy is such that it markets the entire island of Ireland as a destination for tourists, which has clearly benefitted every part of the country. However, the dynamic of the regional tourism boards certainly comes into play and it is obvious that very good people are working in some boards, while in others, the people are not as good, are not able to develop the product as well as they could and should and do not seem to have the same commitment as others.

Tourism numbers exceeded 8 million last year. I do not believe we will see a massive downturn this year because, as I have said already, the first quarter of this year shows growth of 4.5%. While I do not expect that growth to be maintained throughout the year, I hope we will be able at least to sustain the levels of last year. Whether the time spent in the country by tourists is the same remains to be seen and any changes in that regard will have revenue implications.

Clearly, the tourism horizons programme that was laid out for the development of tourism has worked extremely well for the entire island. There has been enormous growth in tourism development in all parts of the country. Fáilte Ireland and Tourism Ireland are in constant contact with the regional tourism boards regarding developing tourism products and the Department has provided funding, through various agencies, for investment in tourism products. We must continue to develop our tourism products to be attractive and we must also be imaginative in such development.

I do not have specific information on signage to hand but if the Deputy tables a parliamentary question, I will obtain the relevant data. I know from my time in the Department of Transport that there was a big effort made and considerable funding was provided through the

[Deputy Martin Cullen.]

NRA to local authorities for signage improvements generally. I am not aware that my Department has specific resources at its disposal for signage but I urge the Deputy to table a parliamentary question, which I will endeavour to answer. It is through the local authorities, the Department of Transport and the NRA that the bulk of the budget for signage is delivered.

Deputy Mary Upton: Following up on the issues of transport and traffic, I wish to comment on the city of Dublin. Clearly, Dublin is hugely important from a tourism point of view but the specific criticisms we encounter relate to the lack of integrated ticketing and appropriate transport, as well as gridlock. I urge the Minister to co-operate with his colleagues in the Department of Transport on those issues because tourists have repeatedly referred to them as barriers to visiting what is a very expensive city.

In order not to incur the wrath of Deputy Naughten, I wish also to raise the matter of access from the city of Dublin. We must examine how to more effectively transport people from Dublin to other regions.

Deputy Denis Naughten: Hear, hear.

Deputy Mary Upton: While I do not want to lose tourists from Dublin and from my constituency by any means, access to other parts of the country is very important.

In the context of more imaginative tourism attractions, to which the Minister referred, we must look at the changes in rural Ireland and perhaps place more emphasis on agri-tourism. Furthermore, with the Olympic Games due to be held in Britain in 2012, sports tourism should be developed in the coming years.

Deputy Denis Naughten: The fundamental flaw regarding the issues I have raised is that no one is articulating a view on behalf of the counties that are least developed. Surely it would make sense to have a regional body promoting the single biggest waterway in the country, the River Shannon, rather than the current situation where the river is used as a dividing line between the various regions.

Deputy Martin Cullen: I do not believe it is used as a dividing line between the regions, although the Deputy is correct in saying that the River Shannon is one of the biggest natural assets in the country. I would have thought there is good co-operation between the different elements in tourism and local authorities within the area, although I suppose nothing is so perfect that it cannot be improved upon. Perhaps that is the point Deputy Naughten is making, that more enhanced co-operation among the different elements——

Deputy Denis Naughten: When they are clustering, they cluster away from the Shannon, rather than towards it.

Deputy Martin Cullen: ——might be mutually beneficial, if not of benefit to everybody in the region. As I do not come from Dublin, I am very conscious of the regions and understand some of the frustrations that exist regarding the dominance of the capital city. Having said that, we need a strong, thriving capital city in order for the rest of the country to benefit. In that context, a balance must be struck.

Regarding Deputy Upton's point on access, massive investment is being made in improving access to the regions, including in the five motorways that will be completed in two years. There has also been significant upscale investment by Iarnród Éireann in its rolling stock and in the rail track and there has been massive investment in bus transport, both public and private. While all the projects are not complete and there are still some difficulties, it is

important to acknowledge that massive investment in recent years is already paying dividends. Within the next two to three years, we will literally transform accessibility into and out of Dublin, to the benefit of everybody in the country.

Deputy James Bannon: The time has come to have a fresh look at the way we promote tourism, in particular at the structures that are currently in place. The regional tourism boards have outlived their usefulness. Greater emphasis should be placed on the county tourism committees because members of such committees take great pride in their own area and are anxious to promote it to the best of their ability. The committees operate on a voluntary basis but should be given more teeth to promote the local tourism product.

We must also examine the marketing of tourism throughout the country. In particular, funding for marketing is insufficient. We are not getting our message across in Europe and fewer visitors are coming here as a result. I know we have the honey pots but they have been in place for many years.

Acting Chairman: The Deputy has made his point well. I ask him to allow the Minister to respond.

Deputy James Bannon: Other areas should be promoted and developed.

Deputy Martin Cullen: Very substantial changes to the tourism structures and bodies have been made in recent years. Tourism Ireland was established and is working on an all-Ireland basis, with buy-in from our colleagues in Northern Ireland. Fáilte Ireland also has expanded its remit quite substantially. Clearly, it is not possible for every county to promote itself internationally. The funding required for that would be way beyond the capacity of any county. Therefore, it is important the programmes being shaped in the tourism agencies are developed in a holistic way and are successful in attracting people to the island of Ireland.

Many of the local tourism bodies do an excellent job in producing high-quality brochures which invite tourists to their areas, where high-quality products are available. They are also targeting specific markets. For example, we see growth in walking tourism and hill climbing, which is a massive business compared to what it was a few years ago. The Deputy is correct that sports tourism is also growing. We discussed earlier the potential in terms of conferences coming to this country. We could do much more in that area.

The review of the plans for the next few years is indicative of the fact that things have been going very well because the targets that were set up to last year were well achieved. We went through the 8 million tourist barrier in 2007 for the first time, which is double the population and a magnificent achievement. The spend in total revenue is around €5.8 billion to €6 billion so it is a very important industry to this country. Approximately 240,000 people are employed in the total hospitality area so it is probably one of the largest employers in the country, if not the largest. I agree with the Deputy that we need to keep the tourism and marketing spend well focused to continue to develop and enhance the tourism numbers to the country and to have the ability to be flexible, as we need to be this year when there are serious international pressures on people's ability to travel, unlike in previous years.

Departmental Agencies.

69. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism 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. [20596/08]

Deputy Martin Cullen: In his 2008 budget speech of 5 December 2007, the Minister for Finance announced that the Government had agreed to an efficiency review of all administrative spending across the entire public service. Under this review, my Department was required to examine all its administrative spending and that of the agencies under its aegis and report to the Department of Finance on the outcome. Departments were asked to pay particular attention in their reviews to inefficiencies which might arise due to the multiplicity of boards and agencies, the scope for efficient sharing of certain services and the scope for efficiencies in management, travel and consumables in general. The review was specifically precluded from identifying measures which would jeopardise the maintenance of front line services.

The Department established an efficiency review group to conduct the review. It examined the Department's spending from its administrative budget on back-office services which incorporate the finance unit, the human resources unit and the IT unit and front line services which, in the Department of Arts, Sport and Tourism, comprise the capital grant programmes in the sports and arts areas. A review was carried out within each of the agencies under the aegis of the Department along the same lines as that carried out in the Department. These reviews also examined both the front and back-end services. The report of the review was sent to the Department of Finance earlier this year. My understanding is that the Department of Finance is reviewing the report for my Department and for all other Departments and it is anticipated that the outcome of the review will have a bearing on the 2009 Estimates.

There are a number of agencies in each of the areas of arts, sport and tourism which are under the aegis of my Department, all of whom are making a significant contribution to the implementation of Government policies in their sectoral area. I have no plans to merge or abolish any of these agencies.

Deputy Olivia Mitchell: I am sure the Minister is aware that a number of the bodies under his remit came up for consideration by the Comptroller and Auditor General so it is essential that not only are the various agencies under the aegis of the Department of Arts, Sport and Tourism audited and reviewed, but also that changes take place as a result of those reviews and that there are improvements in governance as a result of any review that takes place. Bord na gCon is one of the bodies coming up for consideration this coming week but it is only one of a number of bodies.

In respect of the intention to abolish bodies, I do not want to cut across any of my colleagues but it seems that the Minister has very little to do in his Department, that everything is being done by bodies and that all he has to do is give out national lottery money. The reality is that there is a rash of bodies looking after tourism. At every level, simply meeting and talking to one another and reading each other's reports must be a hugely inefficient way to do business. I am sure there are very valid historical and regional reasons for the rash of bodies administering tourism but it seems that the Minister should give some thought to rationalising the number of bodies in this area. Is this the intention?

Deputy Mary Upton: Due to the fact that there is a plethora of organisations and State bodies responsible to the Minister, when we put down parliamentary questions in respect of arts, sport and tourism, I could paper the walls of my office with the number of rejections I get in respect of the question not being appropriate and a matter for, for example, Fáilte Ireland.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Mary Upton: In other words, they are not accountable to this House. Will the Minister comment on that and how they can be made accountable?

Deputy Martin Cullen: All of the bodies are accountable to the various Ministers in the Department who are accountable to the Dáil. This afternoon, I have given a very full and frank explanation of all of the different bodies in place. Interestingly, we had a discussion earlier where I made the point that I was not minded to create new agencies and add to the myriad agencies we have and I do not intend to do that during my time in the Department.

There may well be an opportunity to look at closer co-operation between various agencies under the different aspects within the Department, be they tourism, sport and arts. This review is being completed by the Department of Finance. We have submitted all of the relevant information to it. As we go forward, we will look at all of those issues. I certainly want to ensure that the agencies are giving the full value for every euro they get on behalf of the taxpayer and I will continue to do so.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Ulick Burke — the urgent need for the Minister for Education and Science to indicate his plans for the provision of a new school at Cahergal in view of the long history of delay in the provision of this much needed school where there is serious overcrowding and health and safety are serious issues following the announcement made early in 2007 on this matter; (2) Deputy Thomas McEllistrim — that the Minister for Justice, Equality and Law Reform establish a special squad in the Garda Síochána to deal with anti-social behaviour and public disorder and introduce this squad on a pilot basis in Tralee town; (3) Deputy Pat Breen — the closure of the Civil Service crèche in Ennis, County Clare, the manner in which the closure was communicated to the parents and staff — two weeks notice is not good enough for the parents of the 47 children to find alternative child care and is not adequate notice for the 16 skilled staff who are faced with unemployment, many without a redundancy programme — and the need for the Minister for Finance to review this decision and permit the temporary operator to remain in place until October when a permanent operator can be put in place; (4) Deputy Joe Costello — the need for the Taoiseach to outline Government plans for commemorating the centenary of the 1916 Rising; (5) Deputy Andrew Doyle — the issue of Government funding of research for the treatment of muscular dystrophy particularly in respect of UK exon skipping trials; (6) Deputy Ciarán Cuffe — the need to discuss the current political situation in Zimbabwe following the collapse of the presidential run off and the actions taken by the Minister following the all party motion passed by Dáil Éireann on 15 May 2008; (7) Deputy Brian Hayes — the need to provide a school place for an eight-year-old child; (8) Deputy James Bannon — the situation regarding a new school building for Athlone Community College; (9) Deputies Seán Sherlock and Ciarán Lynch — cuts in funding in respect of disabled person's grant, housing aid for the elderly grant and housing adaptation grants; (10) Deputy David Stanton — funding restrictions at the Cork School of Music; (11) Deputy Caoimhghín Ó Caoláin — the need for the Minister for Education and Science to ensure that full and complete information about the fate of the late Michael Flanagan who suffered abuse in Artane Industrial School is given to his family by the Commission to Inquire into Child Abuse; (12) Deputy Catherine Byrne — the need for the Minister for Education and Science to address the serious problem of illiteracy which still exists in this country today, and which was highlighted in the RTE TV documentary series, "Written Off", over the past eight weeks, in today's society, the fact that people are trying to live their daily lives without being able to read or write is a real injustice and must be urgently addressed; and (13) Deputy Seymour Crawford — that the Minister for Education and Science consider the urgent need for a top-up grant towards the

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extension and alterations at Lisdoonan national school, Carrickmacross, County Monaghan, where serious unforeseen additional costs have occurred.

The matters raised by Deputies Brian Hayes, James Bannon, Seán Sherlock and Ciarán Lynch and David Stanton have been selected for discussion.

Leaders' Questions.

Deputy Enda Kenny: There are no prizes for knowing what the question will be today. The Taoiseach said in this House six months ago that the economy would grow by 3% in 2008, that over 24,000 new jobs would be created and that inflation would be held to 2.4%. He was wrong on the first, second and third counts. The economy will shrink this year, we are losing hundreds of jobs every day, there are an extra 40,000 people on the dole since last Christmas and prices are now rising by 4.5%. The Minister for Finance is astonished at the mess he has been left to clean up. We are now hearing talk about prudent action, resoluteness, comprehension and detailed activity from the Government to sort out this problem.

In advance of using all the rhetoric, it would help if the Taoiseach actually identified what the problem is. In that regard, can I ask him a straight question? Are we in a recession?

The Taoiseach: The ESRI believes there will negative growth of 0.4% this year. That would be the most negative forecast we have heard in recent times. The consensus is that we will have some growth. Obviously, we will be providing our half yearly figures from the Department of Finance next week and will make an assessment based on the most up-to-date data we have. By their nature, forecasts are essentially just that — forecasts.

Six months ago, I set out the possibility of 3% growth in the economy but I also set out various downsides and risks that will affect that forecast, all of which have now materialised. Twelve months ago, Deputy Kenny suggested the economy might grow by 4%. Forecasts are forecasts based on various assumptions. Since then, we have had a change in the global economic environment that affects Ireland in the same way as it affects everyone else. Allied to that has been a correction in the domestic housing market in addition to an increase in commodity and oil prices. All of this has an effect and drag on growth. The ESRI has made its prediction that there may be negative growth this year. There are other economists who are not quite as pessimistic. One thing we can be sure of is that now the downside risks have materialised, we will not have the sort of growth in the economy we were entitled to predict earlier in the year and last year. We, as Government, must address that situation. We must work within the budgetary parameters we have set out and set a course for a budgetary strategy that will be sustainable.

Deputy Enda Kenny: I remember a time when the Taoiseach used to come into the House and was the ultimate straight talker. He would answer a question like the one he has been asked by saying “Yes, we are in a recession” or “No, we are not in a recession”. Now we have Department of Finance figures of speech surrounding his responses.

The Taoiseach said a number of months ago that it is wrong to talk ourselves down into a depressionary or recessionary cycle and that this was inappropriate because the economy was still performing strongly. It is untrue to say that what is happening is all due to international circumstances. There have been warning signs, which were pointed out by Deputy Bruton over the past two years and by others, but the Taoiseach did not take cognisance of those when Minister for Finance. We are now in a position where the former straight talking Minister, the Brian Cowen of old, is no longer present in the Chamber. He is now a Taoiseach constrained by the current circumstances. I go so far as to say that he has demonstrated and proven over

the past number of years, in his capacity as Minister for Finance, that he was neither qualified nor able to run the economy in the way people expected.

Deputies: Hear, hear.

Deputy Thomas Byrne: Deputy Kenny cannot even run a party.

Deputy Enda Kenny: It is not just I who says this. The ESRI has said that the Government blew the finances from a boom everybody knew would be temporary. It is now in a position where it has gone from boom to bust in a short period and has turned a substantial surplus into a €7 billion or €8 billion deficit.

The Taoiseach is in denial and a delusion has been perpetrated on the electorate that all is well and rosy with the economy. However, the people on the street are not deluded. They can see frontline services being cut back, see and feel cost of living increases and feel economic pressures from a whole range of areas. The 580 blue chip jobs which were announced yesterday as being lost to India are the very kind of jobs that we heard Minister after Minister blowing trumpets about and rightly putting abroad as being the mainstay of our economy. However, it was left to the hapless Minister for Enterprise, Trade and Employment, the Tánaiste, to respond to this loss. She said she offered her regrets to the 580 people whose jobs are being transferred to India.

Will regret put anything on the tables of those 580 people? Is regret all the Government has to offer when 580 blue chip jobs are transferred to India? Is regret all it can offer when many of those families are mortgaged to the hilt? In view of the fact that we are getting devastating news following devastating news, will the Taoiseach admit that there is only delusion coming from Government in respect of the real economic situation? What else has the Government to offer our hundreds of thousands of workers in these uncertain times and circumstances other than regret?

The Taoiseach: The delusion is very much on the part of the Fine Gael spokesperson on enterprise and employment who suggested that the changes we see in the economy currently mean we are back into the 1980s and worse. The ESRI does not say that. It says, that despite the negative short-term forecast, the economy is better placed to emerge from the current difficulties than it was in the past. The ESRI's medium-term assessment of the economy is that it has the capacity to grow at an average annual rate of approximately 4% if we take the right decisions now. That is what we intend to do.

Deputy Enda Kenny: The Government blew the boom.

The Taoiseach: To portray the difficulties we have as a repeat of the 1980s is delusional on the Deputy's part.

Deputy Enda Kenny: The Government blew the finances.

The Taoiseach: I do not accept that.

Deputy Paul Kehoe: The Government caused the recession.

The Taoiseach: Do the Deputies want to hear the answer? I listened in silence to what Deputy Kenny had to say, although there was not much content to it, but I will answer it.

Deputy Bernard J. Durkan: There is not a whole lot of content in what the Taoiseach has to say.

Deputy Paul Kehoe: The recession was caused by the Government.

The Taoiseach: With regard to our budgetary policy, in good times we have surpluses and in more difficult and stringent times we have deficits. That is what is called a counter cyclical budgetary policy. That is how one is supposed to run the economy. As a result of running our economy in that way over the past decade, we have created hundreds of thousands of jobs.

There is a challenge for the economy today and we must work within sustainable budgetary macro-economic policy. We will do that. Fine Gael fought the last election on the basis it and Labour would spend more than we said we would. We said we would moderate the rate of current expenditure in the coming years on the basis of a more benign economic scenario, which was shared by the Opposition. Now that we have a global environment which has deteriorated, affecting everybody including us, we will take whatever corrective measures are necessary to ensure we have a sustainable budgetary policy. The question I have for the Opposition is: Will it support the corrective measures that are necessary to maintain macro-economic stability?

(Interruptions).

Deputy Eamon Gilmore: The Taoiseach talks about managing the economy, yet he has been managing the economy as Minister for Finance since 2004. He has just led the country into a recession. What we need to establish now is what he proposes to do to lead us back out of that recession. There is no point saying it is due to global circumstances. Of all the OECD countries, none of the rest is in a recession, as demonstrated in a survey this month.

The Taoiseach spoke about a correction in the housing market. That was caused by him directly. He was the Minister who made the mess of the stamp duty issue, which changed the slowdown that was happening in housing construction to what the Minister for Finance described last Friday as a shuddering halt. The Minister for Finance is bemoaning his bad luck at having been appointed to succeed the Taoiseach in the Department of Finance. I wonder how he would feel if he was one of the 580 employees of Hibernian Insurance whose jobs are being relocated to Bangalore.

How would he feel if he was an employee of any other company, looking at what is happening in the economy? They may say they saw what was coming in terms of the slowdown in construction and have some understanding of that. They may say too that they can understand manufacturing jobs being relocated for cost reasons and so on. However, we are now seeing the very jobs we thought would be part of the solution to our economic problems, the financial services end or higher end, being relocated as well.

We are in a serious situation. Recessions do not happen every day or year. The last one was 25 years ago and the previous one was in the 1960s. The situation now is serious. Talking about waiting for other forecasts is a bit like waiting for the weather forecast when it is already raining and the storm is already blowing up. The Minister for Finance was on radio today and said that when the mid-year revenue figures are available next week, he will discuss with his colleagues the decisions needed to be taken. I presume the mid-year revenue figures will not come as an entire shock or surprise to him. I presume he, the Taoiseach and the other Members of the Cabinet have a good idea of what the mid-year revenue figures will show. We need to know what corrective measures the Taoiseach is considering taking.

Is the Taoiseach talking about introducing a mini budget? Will we see a new budgetary statement from the Government? When we raised questions on this last week, the Taoiseach threw cold water on them. We need to know the consequences of these figures and the mid-year revenue figures that will be received. Will the Taoiseach make a statement to the House

or the country about the state of the public finances and the economy and give people a sense of confidence? We can go on forever blaming the Taoiseach for this but that will not get us very far. We need to know what the Taoiseach will do to get us out of this and he must tell us. The people need to have a sense of confidence that the Government has a handle on this. We need an assurance that the corrective measures will not be applied to those least able to bear them, the poor and the weak in our society.

The Taoiseach: A correction is taking place in the housing market, as Deputy Gilmore says. That has a drag of about 4% on growth this year, according to the ESRI. I will not go over the history of it but the uncertain tax cuts proposed by the Labour Party over an uncertain period during which we needed to bring buoyancy into the market and bring prices down to affordability levels, by what we subsequently did, is a matter that the people decided upon 12 months ago. I stand over my arguments in respect of that.

The Government intends to proceed with the budget and expenditure programmes in line with its plans for this year. A reduction in our tax revenue is forecast which means that our deficit will be greater this year than we had planned. For 2009 and 2010 we must devise a budgetary strategy to ensure we maintain sustainable services. Our room for manoeuvre is less than would otherwise be the case, but we must make sure we prioritise our expenditure and we will do so in the context of our Estimates campaign. In the meantime, when Deputy Gilmore refers to maintaining confidence, that will not be done if the Opposition critique is that we go back to the 1980s. That is not the critique of the ESRI or anyone else from whom the Deputy is trying to find support for his position. That is not the position and the ESRI does not say that. We are not back to the position in which we were in the 1980s—

Deputy Simon Coveney: We did not say that to the Taoiseach.

The Taoiseach: —because we are in a much better position to deal with the situation than we were then due to our debt reduction policies in the course of the good times. The contention that windfall revenues were used on current expenditure is not correct. Over 70% of those windfall revenues, above what was projected, went towards debt reduction. Some 80% of our expenditure relates to health, education and social welfare. Will the Opposition detail what pension increases were too high for pensioners and what number of nurses who were put into frontline services was too many for the hospital service?

Deputy James Bannon: What about the money squandered on PPARS?

The Taoiseach: What number of special needs assistants and extra teachers should we not have put into schools? Those reflect the increases in expenditure. We are also proceeding with a capital programme that is 12% higher than last year and which we would like to maintain. We are confident in increasing the productive capacity of the economy when the upturn comes. An upturn in the world economy will come if not next year, the year after or the following year, and we will be ready for that upturn. In the meantime we must manage the economy and our finances sensibly in a way that maintains and sustains services as we have built them up.

Deputy Paul Kehoe: The Government should have done that in the past few years.

The Taoiseach: The Opposition cannot have it every way. It suggests that the Government should not run a deficit in bad times, which, I understood, is the reason that one should run a deficit, having run surpluses in 11 of the past 12 budgets during good times. If it should not run a deficit, what areas of policy does the Opposition want me to cut?

Deputy James Bannon: The Government wasted billions of taxpayers' money.

The Taoiseach: The Granard school of economics has just spoken.

Deputy Charles Flanagan: The Clara school is not much better.

The Taoiseach: The basic point is that we are facing challenges.

Deputy Paul Kehoe: He would have done a better job than the Taoiseach.

The Taoiseach: Obviously he did not, he was not in government at the time. The challenges remain the same. I stand over my budgetary policy in respect of providing a fiscal impetus this year to the tune of 1.5%, which was the right thing to do. In terms of current expenditure I refused to put the brakes on completely, which was accepted by most economists as the right thing to do. We will continue to moderate the increase in public expenditure. It will be more significant as a result of reduced growth rates this year compared to what was predicted and hoped for. We cannot be immune from global developments. We must carry on responsibly and prudently and we will do that.

Deputy Eamon Gilmore: The ESRI did not say that we are going back to the 1980s and nobody wants to do so. As a country we have come a long way from the 1980s. We must move forward and out of the difficulty we are in now. The ESRI has stated that we can get out of this recessionary period but it is down to the Government. The report is clear that this is Government responsibility, as it is Government responsibility for having landed us in the sand in the first place. One of the ESRI suggestions relates to a public sector pay freeze, which is obviously a matter the Taoiseach will discuss with the social partners. Will the Taoiseach repudiate the ministerial pay rise the Cabinet got last year? It would not add a lot to the overall state of the public finances but it would be a signal of where the Taoiseach intends to go.

There is no point in the Taoiseach engaging in great banter here about what the Opposition is suggesting. The Taoiseach is in government and he was the Minister for Finance. The Taoiseach is only giving us generalities in response to the news that there is a recession — sustainable this, moderation that and so on. I want to see the colour of it, I want to know exactly what the Taoiseach is talking about. The Taoiseach is talking about cuts in some public services or reductions or freezes in pay. Perhaps the Taoiseach is talking about taxation measures. I do not know, but we must have it on the table. I ask the Taoiseach how he will handle this. Will he go into conclave for a few months and will we see the measures in the autumn? Will he introduce a mini-budget? Will he make a comprehensive and intelligible statement about the state of the economy and the public finances? The responsibility of the Taoiseach is to restore confidence in the economy.

The Taoiseach: To maintain it.

Deputy Eamon Gilmore: We will not contribute to eroding confidence in the economy. The Opposition did nothing like what the Minister for Finance did last Friday. If we had our own currency last Friday, I wonder where he would have landed it. It is the job of the Taoiseach to restore confidence in the economy and give a steer to where things are going economically. The Taoiseach is responsible for us ending up in a recession. There is not much to be gained by continuing the blame game. People need to know how to take us out of it. To date, the Taoiseach has not given me a sense of where he is going with it, nor confidence that he knows where he is going with it, and the sooner he can give us the steer, confidence and assuredness that, having led us into a recession, he has some handle on how to lead us out of it, the better.

The Taoiseach: With respect, I have done so and will continue to do so. I accept the acknowledgement that we are not in a 1980s situation. Hopefully other Opposition parties will also do

so. At the same time as I provide Deputy Gilmore with a critique as I see it of where we go from here, let the Opposition put its critique on the table, but it must be coherent.

Deputy Richard Bruton: The Taoiseach is a great man to lecture the Opposition.

The Taoiseach: That is the first point.

Deputy Paul Kehoe: He is in government to govern.

The Taoiseach: The direction of the Government is clear.

Deputy Seymour Crawford: To who?

The Taoiseach: If Deputies want to hear the answer, I will tell them. We will work within the budgetary parameters we have set for this year.

Deputy Seymour Crawford: By cutting home help.

The Taoiseach: We will try to come forward next year with a sustainable budgetary position, which will obviously moderate the level of increase in current expenditure because we are anxious to maintain capital programmes that provide the building blocks and increase the productive capacity of the economy to take the upturn when it comes. That is our basic position and we will do that in a way that ensures sustainable policies in the future. It a challenge, with growth rates lower than expected due to the global economic environment. As we proceed to do that, we will do so on the basis of taking the correct course now, as the ESRI said, to resume growth in the economy as soon as possible thereafter when the upturn comes. This involves making a temporary adjustment now to avoid permanent damage. This will be done by the Government in the context of the upcoming budget, Estimates and our plans for next year. In the meantime, we will not succumb to the panic of some who suggest it is back to the 1980s or others who critique that they want us to cut expenditure and at the same time increase money for programmes. Members of the Opposition cannot have their way all of the time. We will continue to do our job, based——

Deputy Ulick Burke: Same old way.

The Taoiseach: ——on the performance of the Government over the past decade which has seen hundreds of thousands of jobs created.

Deputy Paul Kehoe: Different coloured pen.

The Taoiseach: As regards the challenges we face this year, Enterprise Ireland has exceeded its targets in its annual report. The IDA will confirm that more than 114,000 major investments will come to the country this year with a total investment of more than €2.5 billion.

Deputy Paul Kehoe: More promises.

The Taoiseach: All of this is important. A total of 40% of IDA investment is by companies already situated, located and trading here. This is what we will continue to do and provide a robust analysis of this situation.

To portray that suddenly from being a very successful economy we are an unsuccessful economy is——

Deputy Eamon Gilmore: We are in recession.

The Taoiseach: —obviously an absurd proposition. The position for us is how do we resume growth as quickly as possible. We can only do so by taking the necessary corrective measures now and this is what we will do.

Requests to move Adjournment of Dáil under Standing Order 32.

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

Deputy Michael D. Higgins: I seek the adjournment of the House under Standing Order 32 to discuss the following matter of urgent public concern, namely, the ongoing and worsening crisis in Zimbabwe and the need for the matter to be fully debated in Dáil Éireann so as to discuss the urgent and appropriate action that Ireland, its partners in the European Union and the African Union should take and such actions as are appropriate in response to the most recent statements of the United Nations.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the threat to our competitiveness caused by the Government's failure to tackle the deficit in broadband provision allied with the sham and hollow echoes of the Government's next generation strategy to be announced next week claiming that Ireland will enjoy broadband speeds which will be among the highest in Europe by 2012 with, as we know, basic broadband roll-out still outstanding in many areas, including my own.

Deputy Catherine Byrne: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the serious problem of illiteracy which still exists and which was highlighted recently on RTE with the programme "Written Off?" which ran over eight weeks. The fact that people are trying to live their daily lives in today's society without being able to read or write is a real injustice and must be urgently addressed.

Deputy Thomas P. Broughan: I seek the adjournment of the Dáil under Standing Order 32 to raise the following important matter, namely, that the Minister for Transport will urgently bring the long-promised reform of the 1932 bus licensing legislation before Dáil Éireann prior to the end of this Dáil session given the recent collapse of the Celbridge and Lucan Circle Line bus services and the ongoing licensing and operational difficulties for a number of bus companies, including Dublin Bus and Bus Éireann, due to the complete failure of the Minister and his predecessors to reform the 1932 legislation.

Deputy Noel Dempsey: I look forward to Deputy Broughan's support.

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

Order of Business.

The Taoiseach: It is proposed to take No. 3, Prison Development (Confirmation of Resolutions) Bill 2008 — Order for Second Stage, Second and Subsequent Stages; No. 19, Nuclear Test Ban Bill 2006 — Order for Report, Report and Final Stages; and No. 4, Intoxicating Liquor Bill 2008 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than 10 p.m.; the proceedings on the

Second Stage of No. 3 shall, if not previously concluded, be brought to a conclusion at 6.40 p.m., the opening speeches of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party and the Labour Party, who shall be called upon in that order, shall not exceed 15 minutes in each case, the speech of each other Member called upon shall not exceed ten minutes in each case, Members may share time and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; and the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 7 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform.

Private Members' business shall be No. 5, Victims Rights' Bill 2008 — Order for Second Stage and Second Stage, and shall be taken for 90 minutes at 7 p.m. or on the conclusion of No. 3, whichever is the later, and the proceedings on the Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 25 June 2008.

An Ceann Comhairle: There are three proposals to be 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 No. 3 agreed? Agreed. Is the proposal for dealing with Private Members' business agreed? Agreed.

Deputy Enda Kenny: The Government has sought consensus on a range of matters which have arisen such as cancer issues. The Victims' Rights Bill promoted by Deputies Shatter and Charles Flanagan has a broad measure of support and is an area in which the previous Minister for Justice, Equality and Law Reform had a real interest. It is now the subject of division with the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern. The Government received the consensus it sought during the past two and a half months with regard to the Lisbon treaty. Could the Government state the basis and fundamentals of the Victims' Rights Bill are broadly in line with what it proposed itself, accept the Bill and amend it on Committee Stage? As the Government sought consensus from the Opposition parties it might be appropriate for it to show consensus itself.

When will we see a package on Dáil reform from the Government Whip? This has gone on for five or six years. The Government has received recommendations from Fine Gael, the Labour Party and both parties combined. It has received recommendations from the former Chief Whip, Deputy Tom Kitt. This is clearly ineffectual. When does the Chief Whip, Deputy Pat Carey, propose to table his proposals for Dáil reform?

An issue which clearly showed up during the campaign on the Lisbon treaty was the implementation of legislation and directives by Irish officials across a myriad of areas. As the Taoiseach knows, this caused people to vote "No" for reasons which had nothing to do with the treaty. Does the Taoiseach intend to carry out a trawl of the transposition of European directives into Irish law and how their implementation affects people here? To retain the essence of a directive but showing flexibility where it can be shown would demonstrate the Government in some sense understands the frustration of people across an extremely broad range of sectors with how it is done.

Does the Taoiseach have an update on the fair deal with regard to long-stay institutions? On a number of occasions, Deputy Reilly asked the Taoiseach what intentions he has to introduce measures in its place in the interim period if it will not see the light of day prior to the end of this year.

The Taoiseach: We try to achieve consensus on matters on which we can agree. We debate matters on which we cannot agree and sometimes the House divides. The issue with regard to

[The Taoiseach.]

Private Members' business will be debated this evening and I am not sure as to the possibility of avoiding a vote. It will not stop us having the debate or people articulating their views.

The Bill on nursing homes will not be published this side of the recess. The best I can state is that it will be during the course of the break.

Deputy Enda Kenny: What about in the meantime?

The Taoiseach: We need to find a new legal basis on which to organise it. It cannot be simply done without changing the legal basis of the current arrangements. We need legislation and I do not see a way around that. I do not see an interim arrangement other than legislation that meets the requirements of the situation.

With regard to the transposition of directives and regulations, there are many issues about which we all heard during the campaign, some of which were not germane to the treaty. We must analyse the result and take into account all considerations to see what we can do to assist people at home and elsewhere in reducing their anxiety, concerns or perceptions about the implementation of directives. In most cases, they are transposed and the principles of proportionality and subsidiarity apply. We can examine specific issues that came up to see if there is room to manoeuvre other than what we have been able to establish so far. There is not in many cases but we need to try to be practical in the application of some directives.

Discussions on Dáil reform are ongoing. The Government Chief Whip is only six weeks in office and I am sure he will take on board many of the proposals made previously to see if progress can be made.

Deputy Eamon Gilmore: I wish to raise four matters. The first arises from the Taoiseach's reply to Deputy Kenny. I understood him to say the nursing homes legislation would not be introduced until later in the year at the earliest. Where does that leave all the families who have made plans on the basis that the new legislation would come into effect and who are now caught in a situation where some nursing homes have increased their charges in anticipation of the legislation and families have made plans? Will a Supplementary Estimate be introduced by the Department of Health and Children to address the issue?

Second, the heads of the civil partnership Bill have been posted on the Department of Justice, Equality and Law Reform's website. I welcome that but we must study them. Will the Taoiseach confirm the commitment given by the Minister for Defence on "Questions and Answers" last night that the Bill will be published within the next three weeks?

Third, when will the Government introduce legislation to regulate management companies for private housing estates and private apartments?

Fourth, will the Government introduce legislation to amend the Youth Work Act 2001 arising from the decision to transfer responsibility for youth services from the Department of Education and Science to the Department of Health and Children following the appointment of my constituency colleague, Deputy Barry Andrews, as Minister with responsibility for children? When will it be published?

The Taoiseach: I will take the last question first. I am not aware of legislative consequences in respect of this transfer. I will have to check it out and come back to the Deputy. To my knowledge, the Department of Finance has not received a request for a Supplementary Estimate.

The civil partnership issue was discussed at Cabinet earlier and proposals have been published. I will have to check with the Minister about when the Bill will be published.

Deputy Eamon Gilmore: Is that the Minister for Justice, Equality and Law Reform or Defence?

The Taoiseach: The Minister for Justice, Equality and Law Reform is the line Minister.

Deputy Willie O’Dea: The Department of Justice, Equality and Law Reform is the sponsoring Department.

Deputy Eamon Gilmore: The Minister for Defence knows when it will be published.

The Taoiseach: The management company Bill will not be published before the end of the session.

Deputy Emmet Stagg: Three Bills are promised.

Deputy Arthur Morgan: Legislation relating to basic protection of employment rights was promised four years ago and it is still urgently required. The trade union movement is pressing for it. I refer to the Employment Rights Compliance Bill, which was published in March. Will it be before the House during this session?

The Taoiseach: It will not be with us this term.

Deputy Bernard J. Durkan: Apropos of the matter discussed earlier, what steps are being taken to address the issue of competitiveness in the economy? It is difficult to find legislation relating to competitiveness or investment but I refer to the collective investment schemes consolidation Bill, which could provide the House with an opportunity to discuss the issue.

As of today, on the basis of advertisements in newspapers and on radio, persons who have more than one repeat provisional licence will be put off the road. I did not hear a qualification of that to the effect that persons who are carers and providing an essential service——

An Ceann Comhairle: That is not relevant to the Order of Business.

Deputy Bernard J. Durkan: There is legislation on this subject.

An Ceann Comhairle: What is it?

Deputy Bernard J. Durkan: Persons who are cared for——

An Ceann Comhairle: No legislation is promised in this area.

Deputy Bernard J. Durkan: ——and who are dependent almost entirely for their daily well-being on the graciousness of somebody who is driving on a provisional licence——

An Ceann Comhairle: The Deputy is out of order.

Deputy Bernard J. Durkan: Perhaps the Taoiseach could clarify this issue in the context of the road traffic Bill, which covers other issues but which could address this.

The Taoiseach: The road traffic Bill will be taken later this year. There is no date for the collective investment schemes consolidation Bill.

Deputy Bernard J. Durkan: No word about the poor, unfortunate carers.

Deputy James Bannon: Given the valuable role the VEC plays as the only fully funded State second level education provider, there is no justification for the delay in bringing forward the

[Deputy James Bannon.]

education (patronage) Bill, which would allow it to expand its role into the primary sector. When will the Bill come before the House?

The Taoiseach: The earliest we will have that is late this year.

Deputy Joan Burton: The Government has agreed to a debate on the national development plan, NDP, during the week for which the session has been extended. Will the Department of Finance or the Government make arrangements to provide Opposition parties and spokespersons with information about where the NDP is at? I do not know whether the Whips have had an opportunity to discuss this but it is a complete waste of time to come into the House for a generalised discussion without information. For instance, many Department of Finance officials are saying metro north will be dumped in the review of the NDP.

Deputy Denis Naughten: Derailed.

An Ceann Comhairle: We cannot go into that now.

Deputy Joan Burton: If we are to have a serious debate that is not a joke, can we have, for instance, a briefing by the Department of Finance for Opposition spokespersons regarding where the plan is at? The Taoiseach is asking us to give indications about his performance. How can we do that if we have no information?

The Taoiseach: I do not agree there is no information regarding the NDP.

Deputy Joan Burton: The information is almost meaningless.

The Taoiseach: I do not agree. The annual report on the NDP was published in the past few weeks.

Deputy Joan Burton: The Taoiseach acknowledged earlier that the financial situation had changed dramatically. The report published a few weeks ago does not address the issues of the changes in funding and, in particular, whether certain projects in the plan are “must dos” and priorities or whether a number of them have a longer range label on them.

An Ceann Comhairle: The Deputy can only ask about the briefing and the arrangements for a debate. She cannot go into a detailed discussion on it.

Deputy Joan Burton: We need an indication, otherwise it is a joke coming into the House without those statements.

Deputy Billy Timmins: The Taoiseach will be aware of the deteriorating situation in Zimbabwe.

An Ceann Comhairle: There is not a hope the Deputy can raise that.

Deputy Billy Timmins: Is there anything the Government can do to assist in addressing the difficulties there or——

An Ceann Comhairle: We cannot have a debate now. I cannot set a precedent like that.

Deputy Billy Timmins: It is frustrating. In fairness to the Government, it provided time for statements.

An Ceann Comhairle: The Deputy will have to find another way to raise the issue.

Deputy Joanna Tuffy: My question is related to the issue raised by Deputy Kenny earlier. Last week I checked the number of Bills passed this year. While this may have changed since last week, my information is that six Bills have been passed this year. Approximately 50 were passed annually between 1999 and 2007. The end of this year's second session is close with only one remaining. If the House is not seen to be legislating, is it any wonder the public is insecure about powers going to Europe?

An Ceann Comhairle: We cannot have a discussion on this matter now.

Deputy Joanna Tuffy: What will the Taoiseach do in terms of drafting to ensure the House legislates?

Deputy Micheál Martin: We do not want over-regulation.

Deputy Joanna Tuffy: The people must know that we are exercising our powers.

Deputy Billy Timmins: Did the Minister get a response to the statement?

An Ceann Comhairle: Deputy Tuffy is beguiling.

Deputy James Reilly: I wish to raise two issues. Regarding the fair deal, Deputy Kenny asked whether the Taoiseach would put a temporary measure in place. The Taoiseach indicated that would require legislation, but it does not. At the Joint Committee on Health and Children, the Minister for Health and Children indicated the subvention could be increased without legislation being enacted. For those in financial difficulty, the cost of nursing home care is important. Is it the Taoiseach's intention to yield to the HSE, which has planned to increase subventions for people in nursing homes, a welcome temporary relief, instead of allowing the money to be subsumed across the board?

5 o'clock

An Ceann Comhairle: This matter cannot be discussed.

Deputy Denis Naughten: The question relates to Supplementary Estimates.

Deputy James Reilly: Under other pending legislation, it was stated at last week's meeting of the Committee of Public Accounts that forthcoming claims relating to the MRSA epidemic in our hospitals could amount to €500 million. HIQA has issued a report in this regard.

An Ceann Comhairle: Does the Deputy have questions on legislation? We are on the Order of Business.

Deputy James Reilly: Tá sé ag teacht.

An Ceann Comhairle: It is coming a long time.

Deputy James Reilly: Will the forthcoming HIQA legislation give HIQA teeth to enforce its recommendations on hygiene in hospitals?

An Ceann Comhairle: We cannot deal with the content of legislation. The Deputy can ask when the legislation is forthcoming.

The Taoiseach: I must speak with the Minister to determine when the legislation will be before the House.

Deputy Caoimhghín Ó Caoláin: With obvious deferrals of planned investment in areas covering people with disabilities, the elderly and children and cutbacks already biting, what—

An Ceann Comhairle: What is the legislation in question?

Deputy Caoimhghín Ó Caoláin: —efforts are the Taoiseach and his colleagues taking to introduce the eligibility for health and personal social services Bill?

The Taoiseach: It will be published next year.

Deputy Mary Upton: This afternoon in my constituency, there was a drive-by shooting.

An Ceann Comhairle: We cannot go into that issue.

Deputy Mary Upton: What plans are in place? A woman was seriously injured and the incident was damaging to the community. The majority of its members are law-abiding. Are plans in place to control the criminal gangs to ensure they do not have access to firearms?

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: We cannot discuss this.

Deputy Mary Upton: Will the Taoiseach review the local police forum to ensure it can address such issues?

Deputy Bernard J. Durkan: It is an important issue.

Deputy Mary Upton: My question was on promised legislation, the Criminal Justice (Miscellaneous Provisions) Bill.

The Taoiseach: It is hoped to have that legislation before the House so that these issues can be discussed further.

Deputy Pádraic McCormack: It should be done before the next trigger is pulled.

Deputy Olivia Mitchell: In recent months, three private bus operators in my constituency went out of business.

An Ceann Comhairle: We cannot discuss private bus operators.

Deputy Olivia Mitchell: Circle Line, the most recent of the three, went out of business as a result of Government policy, the bureaucracy of the licensing system——

An Ceann Comhairle: Does the Deputy have a question?

Deputy Olivia Mitchell: ——the blatantly anti-competitive practices of the State provider and the system of providing grants and subsidies to the State provider but not private operators. When will legislation provide a level playing field and a decent bus service in Dublin?

An Ceann Comhairle: What is the legislation?

Deputy Olivia Mitchell: It has been promised for years.

An Ceann Comhairle: Is legislation promised?

Deputy Olivia Mitchell: I am referring to the Road Transport Act 1932.

The Taoiseach: It will be published after the Dublin Transport Authority Bill has been passed.

Deputy Charles Flanagan: Regarding the conclusion of the debate on No. 3, the Prison Development (Confirmation of Resolutions) Bill 2008, on today's Order Paper, it is clear the word processor in the Chief Whip's office has been geared up for the sharpening of the guillotine.

Concerning No. 4, will the Taoiseach inquire of his Chief Whip whether sufficient time will be available? Some 40 Fine Gael Deputies behind me are anxious to speak on the Intoxicating Liquor Bill 2008. Will the Taoiseach assure the House that adequate time will be made to deal with this important measure instead of subjecting it to a guillotine on Second or Committee Stage, which the Government is anxious to take before the end of the session? In the context of co-operation, no all-party consensus will be forthcoming due to the behaviour of the Minister for Justice, Equality and Law Reform since occupying his position six weeks ago.

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: We cannot discuss this matter now.

Deputy Charles Flanagan: It is on the Order of Business.

An Ceann Comhairle: It is, but——

Deputy Charles Flanagan: Each Deputy who wishes to speak on legislation should be entitled to do so.

The Taoiseach: Every effort will be made to accommodate as many Deputies as possible on Second Stage. Time will be available this evening, tomorrow and Thursday. Everyone will have ample opportunity to give his or her basic opinions.

Deputy Thomas P. Broughan: Last October, the House was promised the graduated driver licensing Bill within a few months. Deputy Durkan attempted to raise this matter earlier. While next Monday will be a famous anniversary for the Minister for Transport, the Bill will still not be available. What happened to it?

Would it be possible to include a small section on licensing in the Dublin Transport Authority Bill, which will be on the floor next week? This matter is driving all of the bus companies crazy, including Dublin Bus and Bus Éireann.

The Taoiseach: The issue was dealt with by way of regulation.

Deputy Noel Dempsey: Last October.

The Taoiseach: There is no need for such a Bill.

Deputy Joe McHugh: When is it envisaged to introduce a pro-active job creation element in the merchant shipping Bill? It would provide an opportunity to retrain redundant fishermen, namely, deck hands, skippers and first mates, as officers of the watch. I am offering advice on how to retrain fishermen who are lying about their houses to work for oil companies or merchant cargo ships or to become officers of the watch.

An Ceann Comhairle: We cannot discuss people lying about at home.

Deputy Joe McHugh: The Taoiseach is about to rise to answer.

Deputy Pádraic McCormack: He is about to rise to debate.

The Taoiseach: I am always anxious to accommodate Deputy McHugh. The Bill will be published later this year.

Deputy Joe McHugh: Will the Taoiseach consider the retraining element?

Deputy Denis Naughten: I must be in the Ceann Comhairle's blind spot. Both of my questions are in order. Given the Minister for Health and Children's comments last week, a Supplementary Estimate will address the issue raised by Deputy Reilly. Will the Taoiseach confirm this?

On promised legislation, four months have passed since the closing date for sports capital grants applications. When will the grants be announced?

An Ceann Comhairle: That question is not in order.

Deputy Denis Naughten: In the context of the public health miscellaneous provisions Bill, will provision be made in the grant aid to ensure all sports groups have defibrillators?

The Taoiseach: We do not have a publication date for the public health Bill.

Deputy Denis Naughten: What of the Supplementary Estimate?

The Taoiseach: I must check with the Minister, as I do not know.

Victims' Rights Bill 2008: Order for Second Stage.

Bill entitled an Act to make provision for the rights of victims of crime and anti-social behaviour; to give effect to the European Union Council Framework Decision of the 15th March 2001 on the standing of victims in criminal proceedings; to specify information to be given to victims; to provide for the proper treatment of victims; making provision for the furnishing to the courts of victim impact statements; providing for specific notices to be furnished to victims relating to alleged and convicted offenders; providing for the establishment of the Commission for the Support of Victims of Crime; providing for the adoption of a victims' charter; making provision for the procedures applicable to address the violation of victims' rights; providing for the making of Protection of Person's Orders to prohibit the intimidation by an alleged offender of victims of alleged offences; and to provide for matters connected therewith.

An Ceann Comhairle: As this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Charles Flanagan: I move: "That Second Stage be taken in Private Members' time."

Question put and agreed to.

Prison Development (Confirmation of Resolutions) Bill 2008: Order for Second Stage.

Bill entitled an Act to confirm the resolutions passed by the Houses of the Oireachtas in respect of the development of a prison in the District Electoral Division of Kilsallaghan in the county of Fingal.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I move: "That Second Stage be taken now."

Question put and agreed to.

Prison Development (Confirmation of Resolutions) Bill 2008: Second Stage.

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

The confirmation Bill to confirm the resolutions passed by both Houses of the Oireachtas is a requirement of section 26 of the Prisons Act 2007. This Act provides that where the Minister for Justice, Equality and Law Reform decides to proceed with the construction of a prison using the consent development process provided for in the 2007 Act, a resolution of both Houses of the Oireachtas approving that proposal is required. To proceed with the development, an Act of the Oireachtas confirming those resolutions is also required. This Act provides that confirmation and is the final stage in the process.

Deputies will be aware that the resolutions providing for the development of the prison were passed in the Dáil on 17 June and in the Seanad on 18 June. The resolution was debated in detail in Committee in both Houses before being passed by both Houses. These resolutions contain all the detail and were discussed in this House on 27 May and 17 June. They were also discussed in detail by the Joint Committee on Justice, Equality, Defence and Women’s Rights on 4 and 17 June.

The Bill is straightforward and contains only two sections. Section (1) confirms the dates that the resolutions were passed by the Dáil and Seanad. Section (2) provides the Short Title to the Act.

Turning to the development, the construction of this new prison is an essential development if we are to deliver real and substantive improvements in our prison system. Mountjoy Prison must be replaced. It is a Victorian prison built in 1850 for short-term convicts awaiting transportation to Tasmania. In simple terms, the accommodation is substandard; there is no in-cell sanitation. It is overcrowded and the constrained size of the site restricts the development of prisoner programmes.

A number of Deputies have drawn attention to particular problems facing the prison system. The building of a new prison development at Thornton Hall is an essential part of the solution. It will do away with slopping out in Mountjoy, substandard accommodation and overcrowding, and provide state of the art prison accommodation and facilities for education, training and rehabilitation. The design of the new prison will gain the maximum rehabilitative benefit from having a collection of small institutions but it will also maximise the operational benefits associated with having one perimeter wall and one central stores and maintenance service.

Each new prisoner will be assessed on their committal, to determine what risk they pose and what is the most appropriate regime to manage their future integration into society. The most dangerous and violent prisoners will be assigned to the high security facilities, while those who pose less risk will benefit from a lower security regime. As they progress, prisoners will move on to step down facilities in a more appropriate prison regime. The capacity of the new development will allow ringleaders and rival gang members to be easily segregated from one another. This is essential to lower the potential for inter prisoner violence.

The physical lay out of the prison also means we can provide a much safer and more secure environment than exists in Mountjoy. Because of its structure, there are difficulties in introducing mobile phone blocking in Mountjoy. Furthermore, the location of Mountjoy in the middle of an urban setting and on a crowded site makes it more difficult to stop illicit materials entering the prison.

Access to the new prison development will be through a dedicated road running from the old N2 main road. Extensive car parking and visitor facilities will be provided. A dedicated bus service will also be provided.

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A range of different facilities will be provided. Separated from the male adult prison and from one another, there will be a female facility and a dual purpose block that is reserved on a contingency basis for 16 and 17 year old males. As well as a central administration centre and stores there will be work training facilities and a library, health care facilities, a gym and playing fields.

In the 1990s because of pressure of numbers, the so-called revolving door mechanism was introduced with many prisoners being given temporary release simply to make room for new committals. In 1996, 20% of the prison population were out on temporary release. I am proud to say that this and previous Governments of which I have been a member took action and today this figure is down to a more reasonable 6%. If Thornton is not built, our prison system will simply not have the capacity to deal with future needs.

The capacity of Thornton is based on projected prisoner numbers for the period up to 2015. Even though the projections envisage an increase in numbers, they predict our prison population rate per 100,000 inhabitants will reduce as our overall population increases faster than our prison population.

The development is designed for 1,400 prisoners in single cell occupancy. However, we must allow for the unforeseen and, after all, Mountjoy Prison has remained in use for more than 150 years. Therefore, the cells in the new development are designed to be large enough for double occupancy and the services are designed to cope with up to 2,200 prisoners without any major structural change. For the purpose of an environmental impact assessment it was necessary to take the most extreme scenario and, hence, the EIA cites a figure of 2,200 prisoners. However, I again emphasise that the intention for the foreseeable future is to operate the prison with no more than 1,400 prisoners.

I want to state clearly that the new development at Thornton is not intended to be a signal that prison is viewed as the only or even the most desirable sanction to be imposed in respect of criminal behaviour. It is the courts which ultimately decide on the numbers committed to prison. The Executive has no direct say in the matter and the Irish Prison Service must accept and implement the decisions of the courts. The vast majority of persons convicted of criminal offences do not receive a custodial sentence. The courts make liberal use of alternative sanctions to custody. These include fines, probation, compensation orders, supervision orders and community service orders. As a result, when one compares the prison population rate per 100,000 inhabitants, Ireland has one of the lowest rates in Europe and only half that of England and Wales. The Government's commitment to non-custodial sanctions is evidenced by a 30% increase in the size of the probation service, the establishment of the National Commission on Restorative Justice, a review of the community service scheme and the bringing forward of legislative proposals on fines.

The misleading impression is frequently given that our prisons are full of people imprisoned for non-payment of fines. It is simply not true. For example, on 23 May this year, out of over 3,500 prisoners only seven people were in prison solely for the non-payment of fines. We need to recognise that the numbers are so small they do not have any real effect on the overall prison population.

Similarly, it is simply not true to say that if we build more prison spaces, they will be automatically filled. When one examines the rate of committals to prison since the foundation of the State, one will see that there is no link between increases and decreases in committals and prison spaces. The rate of committals to prison is determined by the courts and they make their decisions without regard to prison capacity.

Specific concerns have been raised about the Dóchas Centre. It is a comparatively recent building and very well designed. Its success is proof of what the Irish Prison Service can achieve in a modern purpose built prison setting. However, we must recognise that since its opening in 1999 there has been a serious issue with overcrowding there. It has reached the stage that it is the most overcrowded prison in the State. On 1 May prisoner numbers exceeded bed capacity by 30%. That is not sustainable. It would be neither operationally nor economically effective to maintain the Dóchas Centre in Mountjoy and provide for a second women's prison at Thornton. The design of Thornton takes full advantage of all the best lessons we have learnt from the Dóchas Centre and applies them on a larger but still moderate scale. It will have single occupancy domestic style accommodation based around courtyards. It will comprise three separate sections so that women on remand will be kept separate from sentenced prisoners. I also point out that at Thornton women prisoners will be further away from male prisoners than they are at present in the Mountjoy complex and will be completely segregated from male prisoners. Women constitute a very small proportion of our total prisoner population, less than 4%, and I do not envisage any significant rise in that percentage.

The most common situation where a person may be detained for immigration reasons is the case of persons refused permission to enter the State or pending deportation. There is a strict limit on the period for which they may be detained. At present, such persons are detained in a prison, normally Cloverhill, along with other prisoners. The facilities at Thornton will be such that people detained for immigration control reasons will be accommodated completely separate from remand or sentenced prisoners in line with best international practice.

At present 16 and 17 year old male prisoners are held in St. Patrick's Institution, which is part of the Mountjoy complex. Like Mountjoy, this facility has outlived its useful life. The Government is committed to ensuring that persons under the age of 18 are not kept in the same institution as adult prisoners.

In March of this year the Government approved plans to develop facilities at Oberstown, Lusk, County Dublin to provide detention facilities for 16 and 17 year olds. If the new facilities at Oberstown are not ready in time, rather than leaving 16 and 17 year old prisoners in dilapidated and poorly serviced accommodation in St. Patrick's Institution, we will, as a contingency measure, move them temporarily to brand new purpose built accommodation at Thornton. They will be completely isolated from adult prisoners in a manner which complies with our international obligations.

As I mentioned at the outset, we are dealing with the approval of a major prison development under special procedures set out in the Prisons Act 2007. This is, in many respects, a more open, transparent and democratic procedure than the normal planning procedure for prison development. Before the 2007 Act, all prison developments were governed by Part 9 of the Planning and Development Regulations 2001 under which the Minister is the deciding authority. The new procedure introduced by the 2007 Act includes the requirement for an environmental impact assessment and public consultation. The new procedure also vests final approval with the Houses of the Oireachtas.

The rapporteur received 130 submissions and his report identifies the main points raised in those submissions. All the relevant documentation has been laid before each House of the Oireachtas. Great care has been taken to ensure all the correct procedures have been followed and that due regard has been had to the environmental impact assessment and to the results of the public consultation, particularly as set out in the report of the rapporteur.

Although the prison system is an essential part of our social and rehabilitation structures, the siting of a new prison is seldom welcomed by local residents. Alterations were made, where appropriate, to address the concerns expressed by those who made submissions. After

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consideration and the review of expert advice, it was decided that the alterations were not material in the sense envisaged by section 24 of the Prisons Act 2007. The changes had little effect on the overall development but are of significant benefit to local residents.

The development conditions included in the resolution are partly in response to the submissions made to the rapporteur. They include prioritisation of the construction of the access road; prioritisation of the construction of those sections of the boundary wall near local residents to minimise the impact of construction work; restriction on the use of the R130; creation of a construction environmental plan for the development; use of visually treated concrete in the wall to make it less obtrusive; erection of timber fences, 3 m in height, around the car parks on the west of the site; redesign and adjustment of the car parks and a reduction in light fixtures therein; widening of planting areas; increased planting of larger and mature trees; and relocation of the wall further back by up to 10 m along portions of the exterior. These development conditions represent a balanced and considered response to the issues raised during the public consultation process and reported by the rapporteur.

The Thornton Hall development allows us to provide vastly improved facilities in small-scale institutions but with the better services and economies of scale associated with clustering those institutions on one site. The development at Thornton Hall will radically improve our prisons by doing away with prison overcrowding and substandard accommodation and significantly increasing prisoner safety. This development will make society safer.

Deputy Charles Flanagan: I welcome the opportunity this legislation affords to revisit the specific matter of the Thornton Hall development and the general issue of prison policy. However, the introduction of the legislation at this time, only a week after we debated the resolution in committee and put several questions to the Minister on matters of concern to the Opposition, shows up the defects in our parliamentary system. In the intervening period between the passing of the resolution and the introduction of the legislation, we hoped the Minister might be in a position to report progress in dealing with the issues raised at meetings of the Oireachtas Committee on Justice, Equality, Defence and Women's Rights by local interested parties and groups concerned with prison policy.

Instead, we are proceeding once again on the basis of Dáil numbers rather than with a view to meeting those concerns. It is regrettable that the Minister's approach has been characterised by intransigence and a refusal to engage meaningfully with the many stakeholders and concerned parties which have made representations at committee meetings and by way of submissions. In recent weeks, for example, the committee has heard the views of the Irish Penal Reform Trust and the Rolestown and St. Margaret's Action Group. Events and briefings have been organised by bodies such as the Irish Mental Health Coalition highlighting the flaws and dangers inherent in the Government's approach. Only yesterday, Professor Ian O'Donnell, respected director of UCD's institute of criminology, criticised the Government for the lack of knowledge and informed debate that is driving its policy on super-prisons such as Thornton Hall. He observed that the Government is clinging to the Thornton Hall project "despite substantial reservations about the scale, location and composition of the proposed cluster of institutions."

Despite the chorus of concern from experts in the areas of penal policy and mental health policy, the Minister refuses to budge from his entrenched position. He has not budged since we first had an opportunity to debate the motion in plenary session of this House before it went to committee. Aside from his party colleagues, the Minister would have trouble finding anyone to agree with a prison scheme that proposes to detain asylum seekers in contravention of international best practice and to take women prisoners from Dóchas, which is considered

the only functional prison in the State and for which there has been a capital spend of more than €33 million, and relocate them to a super-prison. I am sure the Minister has few supporters outside his party for his proposal to remove the mentally ill from the existing special facility in Dundrum and to house them on the same campus as serious criminals. He will find little support for his proposal to incarcerate minors in a prison complex designed for adults, which is a breach of international law. I recently heard him reiterate his intention to construct the proposed buildings at Lusk. However, in these times of changed finances, the Minister saw fit to tell us there was not a red cent for a capital project in the HSE north-eastern area. Can he assure us that the necessary funding is secured and ring-fenced for the youth offenders project at Lusk? If he cannot, we are facing a considerable breach of international law and considered best practice.

However, despite the reservations raised, the Minister proceeds to steamroll this legislation through. Despite the absence of support from outside the Fianna Fáil Party, he insists on ploughing on. The Green Party's view is on record, as are the comments of some Fianna Fáil backbenchers. We know what Deputy Finian McGrath, who enjoys favoured status with Fianna Fáil, thinks of this issue. The Minister's combative approach is not the way to deliver good policies or good law. It is a pity he has not adopted a more open-minded and consensus driven approach. That would have resulted in a more acceptable proposal than the one before the House today.

The manner in which successive Ministers for Justice, Equality and Law Reform have handled issues of prison policy in the past decade does not inspire confidence. This country has been embarrassed on more than one occasion when respected international monitors such as the Council of Europe's Committee for the Prevention of Torture have examined our prisons and found them to be dangerous and Dickensian. Next month, the United Nations will examine the State's progress in implementing an international covenant on civil and political rights. The findings are unlikely to reflect positively on Fianna Fáil's prison policies in the past decade. Just this week the failure of the Government's much vaunted "drug-free prison" policy was highlighted in a report published yesterday. According to the drug policy action group, Government policy in respect of drugs in prisons has been an abject failure. In fact, since this policy was introduced there has been an increase in drug abuse in prisons combined with a significant rise in drug-related violence and intimidation.

I recall, as I am sure all Members will, the statements of former Ministers for Justice, Equality and Law Reform, Mr. Michael McDowell, and the Minister, Deputy Brian Lenihan, that the eradication of drugs within the prison regime was a priority of Government. In February last, *The Irish Times* reported that prisoners had tested positive for drugs 40,000 times over the past three years and detection rates were as high as 75% in some of our prisons.

In its most recent annual report, the prison chaplains state: "The misuse of drugs continues to be a major problem in most of our prisons. Many people will in fact have been introduced to drugs initially while they were in prison." It is a shocking indictment of our prison system that people who enter without a drug problem can actually acquire one and be dependent on drugs by the time they are released into the community.

The prison chaplains further point to the fact that drug offences are actually the reason many are incarcerated in the first place. What the Minister is proceeding with today, as he was proceeding with last week in the committee, is the bricks and mortar solution of building bigger prisons and providing more spaces. It is all concrete and bricks and mortar and nothing in terms of a change in policy from within and the manner in which those who are sentenced to terms of imprisonment are treated.

[Deputy Charles Flanagan.]

The limited and *ad hoc* availability of drug treatment programmes within prisons is a national disgrace. At present, only nine prisoners at a time can avail of a special six-week addiction treatment programme in Mountjoy. Prisoners seeking drug-free landings to help combat their addictions are denied the facility. It cannot be provided. Has the Minister indicated that in the new super prison the regime will be any different? What increase in services will be provided in the new super prison? What increased resources will be committed to ensure there will be education, training, rehabilitation, medical facilities and drugs detox? What is lacking is an enlightened approach.

A realistic and enlightened approach to dealing with the drug problem would have been an increase in security measures and rehabilitation places, but instead we have a few empty gestures in terms of security and drug rehabilitation places which are in a disgracefully short supply. The rates for habitual criminals are shocking as the Minister's officials will inform him. I hope they are the same officials who were spinning last week about legislation borrowed from other jurisdictions. I doubt if those people, respected senior officials in the Department of Justice, Equality and Law Reform, were spinning political lines on the Minister's behalf. We will return to that issue before the night is out.

Half of all prisoners re-offend within four years of release, while 27% are back in prison within one year of release. In effect, the taxpayer is footing a bill of just under €100,000 per prisoner per annum to maintain the current system and the Minister's response is bricks and mortar. Our current prisons are in breach of international human rights standards with particular reference to violence and over-crowding. Figures published last year indicate that more than 700 prisoners were under protective custody for their own safety in prisons out of a total prison population of less than 3,500. Yet, while the Minister is proceeding with the new Thornton Hall development, there is no indication that any of these issues will be addressed.

Mr. Justice Kinlen's report has been referred to here time and again. There has been no response on the part of the Government to his stated view that the prison system is dysfunctional and lacking in appropriate psychiatric, educational and rehabilitation services. The penal system over which the Minister is presiding is a total failure. That is not according to me but to national and international monitors, yet we are expected to trust the Minister's approach to Thornton Hall, with which few agree and one that is less than inspiring.

I cannot accept that we will build Thornton Hall to turn it into a super-sized crime academy where prisoners are locked away with no effort made to persuade them away from a life of crime. Thornton Hall must be part of a new approach to prisoners, characterised by a major focus on rehabilitating serious criminals. The new prison must not become a place where the current trends will continue but in a rural setting and behind the mature trees, of which the Minister speaks.

It is regretted that the Minister has, once again, failed to deal with the local concerns. He mentioned the Farrelly report, which we read having been furnished with a copy by the Department. The Farrelly report is merely a list of complaints; it does not offer any recommendations or solutions. It merely lists what we already know, that is, the submissions. To say that Mr. Farrelly acted objectively in all of this may have been the case, but his terms of reference were so narrow and deficient that all he did was summarise the observations as received.

The Minister said a small number of people are in prison for non-payment of fines, but the fact is that there are more people in prison for theft and shop-lifting than for violent crimes. While I do not disagree with the figures for civil matters, such as non-payment of fines, there is a serious issue with our prisons being populated by people for shop-lifting and theft and other offences that in the scale of things can be regarded as less than serious.

It is most regrettable that in the new process introduced a few years ago we did not engage in the type of debate that legislation should have facilitated and, perhaps, would have facilitated if there was a will on the part of the Government to engage. Rather than engage, the Minister stubbornly refuses to acknowledge the role of the stakeholders and the comments of the local people. I ask the Minister at this late stage to revise his approach which, in the circumstances, is less than helpful.

Deputy Pat Rabbitte: Deputy Charlie Flanagan referred to the conference of yesterday and today and to the remarks of Professor Ian O'Donnell who highlighted again why experts in penal policy and criminology do not think very much of the course we have taken. I would like to advert to a different speaker at yesterday's conference, a paragraph of whose contribution I wish to put on the record. That is the contribution made by an assistant secretary of the Department of Justice, Equality and Law Reform, who said:

The first priority of the Department is to keep the existing criminal justice system operating. This is a major logistical exercise in itself involving the management of 20,000 people and €2 billion per year.

Up to 60% of the energy of the headquarters of the Department is spent accounting to Parliament and responding to media inquiries. A crisis often generates a need for an instant policy change. It is only in a very small number of circumstances that the Department has an opportunity to take a considered and measured approach to new policy formulation.

That is one of the most remarkable statements I have ever heard from a senior official of a Department. I do not know whether to thank him for his frankness or whether it is a blatant comment that he is spending too much time responding to Parliament. Taking him and his remarks at face value, it is not often that a senior official of the Department makes such a blunt and frank assessment of the state of the Department in terms of policy. Let me remind the Acting Chairman of what he said. He referred to the huge logistical task of managing 20,000 people. I do not know what he means by that. Is he talking about the prisoners or the staff? He must be talking about the prisoners. He also referred to the spend of €2 billion per year. He indicated that up to 60% of the time of headquarters is spent accounting to Parliament or responding to the media. I am flummoxed. If the Minister cannot organise the Department in such a fashion that it can respond to Parliament and the media without expending 60% of its energy we are in a very serious place. The official went on to say that a crisis often generates an instant change of policy. That sentence also requires more forensic time than we can give it here. He then stated it is only in a very small number of circumstances that the Department has an opportunity to take a considered and measured approach to new policy formulation. What does the Minister have to say about that? It is unprecedented for somebody as senior as an assistant secretary to say it is only in a very small number of circumstances that the Department has the opportunity to reflect on policy formulation. That is exactly what Professor Ian O'Donnell and other critics have been saying; that the Department has not been engaging, that it does not want to engage, and now this man is saying that the Department does not have the time to engage. The Minister has decided on this juggernaut and he is driving it on no matter what obstacles he meets on the road irrespective of what arguments are advanced. He is driving full speed ahead.

Deputy Dermot Ahern: The assistant secretary had time to go to the conference.

Deputy Pat Rabbitte: It is good that he went to the conference. I wish there was more of that and that the Minister would take on board some of the conclusions from such conferences.

Deputy Dermot Ahern: We do.

Deputy Pat Rabbitte: There is little evidence of it in this particular regard. I am reminded of the remark by the late Mr. Justice Kinlen when he said that rather than an Inspector of Prisons and Places of Detention what we need is an inspector of the Department. It seems to me that there is probably some merit in what he said.

To return to where we started, namely, the question of the Houses of the Oireachtas being entrusted with approval of the measure, I am concerned about whether the Houses of the Oireachtas have discharged their responsibilities in that regard. The manner in which we structured our affairs did not permit us to engage in the kind of detail that was envisaged. Let us take, for example, the Jimmy Farrelly report. I hope nobody on either side of the House would suggest that we took that report, which was a synthesis of the objections raised, and went through it in any kind of systematic fashion. We did not. When the Minister went to the Seanad he did not allow the overworked Senators to make contributions on it at all and some of them were rearing to go. One House was entirely excluded from commentary on the matter. The motion was merely put to the House. It seems to me that if somebody is so-minded, that probably invites judicial review.

As I indicated on a previous occasion, the Minister then excluded advocates of reform who did not think the same way as the Department. They were shut out. I learned that the Irish Penal Reform Trust and the Jesuit Centre for Faith and Justice were invited in today for a presentation on Thornton Hall. That seems to me to be the ultimate in cynicism, that after the decision was made and as we are about to affirm it in this one-paragraph Bill today, we invite in the troublemakers and ask them what they think and tell them what the story is.

Deputy Dermot Ahern: We were responding to what was said at the committee.

Deputy Pat Rabbitte: Mr. McDowell bought the land many years ago——

Deputy Dermot Ahern: That was raised at the committee.

Deputy Pat Rabbitte: ——and the Minister is responding to what was said.

Deputy Dermot Ahern: I asked my officials to meet with these people in response to what came up at the committee.

Deputy Pat Rabbitte: If that is what happened it is a very positive step. I am delighted to see the Minister is more responsive than the two people who held the office prior to him. If we are dealing in logic does he not accept in turn that it is hardly a big deal to involve them now that the decision has been made? I am sure they found the presentation very informative but all we are doing today is reaffirming in a one-paragraph Bill the motion that has already been passed by both Houses of the Oireachtas. Depending on where one is coming from, I find that a bit late in the day, if not cynical in the extreme. If it was an initiative of the new Minister then I accept it at face value.

I am less critical than my colleague, Deputy Charlie Flanagan. I should say I would express it differently from him when he said we asked several questions of the Minister but we did not get any answers. That is not quite true. In his speech the Minister sought to deal with some of the issues we raised, for example, Dóchas, the issue of 16 year olds and 17 year olds and asylum seekers among others. Where I agree with Deputy Charlie Flanagan is that the answers are not very meaningful. I should give the Minister credit for the fact that he is new to the job. As the matter has progressed I have been struck by how little the Minister bothered to inform himself about it. It is only as we have gone along that we have extracted answers from him to

central issues that we have raised but in fairness to the Minister, he has attempted to answer some of the questions in his speech. I presume the reference in his script to the fact that at present 16 and 17 male prisoners are held in St. Patrick's should read that 16 year old and 17 year old prisoners are held in St. Patrick's. The Minister's answers are not very convincing. We never recommended that Dóchas should be retained at Mountjoy and that there should be a new Dóchas centre in Thornton Hall. Nobody ever argued that point, which is the one addressed in the script. It seems to us that the reason Dóchas is being knocked down is two-fold; one, that the Department bought so much land at Kilsallaghan that the Minister needs to put something on it, and second, that the development potential of the site at Mountjoy would be impacted on if Dóchas was not knocked down.

Acting Chairman (Deputy Johnny Brady): The Deputy has one minute remaining.

Deputy Pat Rabbitte: That is a shame. If an assistant secretary in the Department of Agriculture, Fisheries and Food, who are not noted for their frankness, were to make a statement like the one made by the assistant secretary in the Department of Justice, Equality and Law Reform, one can imagine what the IFA response would be. If an assistant secretary in the Department of Enterprise, Trade and Employment made that kind of comment one can imagine what the response of IBEC and the others would be. I take it at face value. It seems to confirm that it is very difficult to engage the senior policy-making people in the Department of Justice, Equality and Law Reform with any views that are not born in St. Stephen's Green, which is regrettable.

It would have been very helpful to have had a cost-benefit analysis of this super-prison as compared with a configuration of smaller prisons and an investment in non-custodial alternatives. We have yet to get from the Minister a statement of his philosophy on non-custodial alternatives. The Minister refuses to engage with us on penal policy. He will talk to us about the prison, the access road, how many prisoners we have and all the rest, but he will not engage with us on penal policy. I refer Members to the last paragraph of his script in which he promises to provide "vastly improved facilities in small-scale institutions." I have long marvelled at and complimented the Civil Service on its capacity to master language. We are no longer dealing with a super-prison.

Deputy Dermot Ahern: We never said it was a super-prison. It is a prison on a super site.

Deputy Pat Rabbitte: We are dealing with facilities in small-scale institutions. What is in Kilsallaghan now is a combination of small-scale institutions. I would have welcomed engagement with the Minister at an earlier stage of this process to talk more about these small-scale institutions and how they will be configured on the new Kilsallaghan site. However, we did not get that. We have not got a statement from the Minister on his approach to penal reform, philosophy on imprisonment etc., or his contention that building more prison places does not mean that they will automatically be filled. I believe that in 1887 it was decided that there should be one person to one cell. However, by adverting to the fact that we could double up here, the Minister can subsequently say that he has the approval of Parliament for doubling up on the new site in Kilsallaghan if necessary.

I hope we will get the opportunity to raise some other issues I wanted to deal with. We did not mention the difficulties raised by the residents' association, which as recently as today has again sent in a submission listing the areas not addressed as this debate has proceeded from discussion in the joint committee to here. It raised a number of issues about the imperfections of the EIA and of matters it felt were not taken on board. I would like to hear the Minister

[Deputy Pat Rabbitte.]

give a more detailed response to the Rolestown and St. Margaret's Action Group before we conclude this debate.

Deputy Bernard J. Durkan: This prison was originally the brainchild of the predecessor to the Minister's predecessor, when it was announced gloriously some years ago as the centre of excellence in terms of prison accommodation. We have become accustomed to centres of excellence in other contexts in recent times. When one repeats the same mantra again and again, one begins to worry about it. The Minister said in his speech that it would "provide state of the art prison accommodation and facilities for education, training and rehabilitation". That is very laudable, but as Deputy Rabbitte said there was not a great deal of consultation about the matter in the first instance. There is a considerable amount of opposition to the project in its location. There is a major debate as to whether this is the ideal location for a combined prison and mental health facility. I cannot understand how modern thinking could come up with that proposal.

The Minister went on to say: "The design of the new prison will gain the maximum rehabilitative benefit from having a collection of small institutions but it will also maximise the operational benefits associated with having one perimeter wall and one central stores and maintenance service." That is a profound statement. That is the answer we have been awaiting all these years. He continued: "Each new prisoner will be assessed on their committal, to determine what risk they pose and what is the most appropriate regime to manage their future integration into society." I listened to a debate last night arising from another report which appears to indicate the system as it stands is not working and that drugs are rife within our prisons. I do not know why that is happening and why the problem has not been tackled because the Minister's predecessor's predecessor also made much about that subject when he was in this House to the effect that drugs would be completely excluded from prisons.

The Minister mentioned that by comparison with other jurisdictions Ireland has a very low prison population. I am not surprised because many of them are out on bail, in many cases after they have committed serious crimes. Recently I received information on foot of parliamentary questions inquiring into the number of serious crimes committed by people while on bail — perhaps this was what the assistant secretary was concerned about. Many people do not believe that is serious. I believe it is a very serious issue that is fundamental to the protection and safety of our society, yet nobody seems to care. Over a five-year period approximately 97,000 offences were committed by people on bail, which is an extraordinary number. While that may not be the exact number, it is in that region. In those circumstances I am not surprised. Half of those who are awaiting trial and are on bail are outside the system, walking around, committing other crimes and seemingly free to do so. It is extraordinary. I do not know what it does for our prison population. It certainly does not do much for law and order.

The considered opinion seems to be that rather than one big location, having a number of locations is the way to control the prison system to the best of our ability. This would be the reverse of that. Based on the Minister's speech there is very serious disorder within our prisons, where serious criminal gangs attack, intimidate and extort from each other. They are on a continual spree of atonement and attrition within the service. What are they doing there in the first place? If they are free to do all these things, serious questions are to be asked about how effective our prison service is. In addition, it is well known that the really serious criminals are now organising their businesses from within prisons with impunity. There seems to be no break in that whatever. They make international contact and set up contracts with each other on a worldwide basis. This is a very serious matter.

In recent times some commentators have been prone to suggest that Ireland has a very low crime rate in comparison with other countries. We may have a low crime rate — I do not know whether we do — but recent television footage showed a certain part of the country had whole blocks of houses vacated where their occupiers had been burnt out or intimidated. The whole place was left like a scene from a film set in the Second World War. That is an appalling indictment of our society and it is crazy to think that is acceptable. In no part of this country, city or province, or any other province, can we tolerate a situation whereby ordinary families are intimidated out of their homes and have to either leave or indulge in a gang war to compete with those who carry out extortion and intimidation.

The Minister's predecessor's predecessor closed down two prisons, Spike Island and the Curragh. Maybe they are still closed. We are short of space but I recall the Minister at that time saying we had too many prison places and that there was plenty of space for everybody. What has happened in the meantime? Why are our prisons overcrowded? Why is there overcrowding in various cells? Will this stop when we move to Thornton Hall? I do not think so. The regime that operates this service will have to operate the new service, and how much better will it be?

Wheatfield is a relatively new prison and those who have visited it will know that it seems to be very secure. I cannot understand how drugs get in there. It is not excusable that somebody who comes out on a visit to hospital or the courts should return with pockets full of drugs. I cannot understand why that is happening. There must be some reason for it. Why has it not been tackled? In Wheatfield the visiting facilities are such that is impossible to bring drugs into the prison. I do not know how much longer society will tolerate what is happening in this country. A Minister says we have too many prison spaces and we must close some of our prisons and move to one big centre of excellence into which we will pour everything despite the fact that considered opinion has repeatedly said we need a number of smaller places where the really serious criminals can be isolated from other inmates.

Notwithstanding the tongue-in-cheek remark by my colleague Deputy Rabbitte, all those involved, including the Garda, prison officers, courts and public representatives, know it causes some concern for various assistant secretaries in all Departments when the pretentious members of Parliament ask questions. Is that not just awful? How dare the Members of the Dáil and Seanad ask questions? I remind these assistant secretaries that it is our job, and it is tough, but that is how it has to be. The Minister's Department generally answers our questions. Not all Departments suffer from that same affliction and we note it. Sooner or later the time will come when all Departments and Ministers will have to answer all the questions they are asked regardless of whether they belong, as the Minister might see it, to some subdivision or quango created to deflect attention from himself or herself. Then they will be totally accountable. I have serious concerns about any embedded thinking in Departments to suggest it might be wrong to ask questions of Ministers. If that culture exists I advise the Minister to examine it carefully. That is not in the interests of the Minister any more than it is in the interests of the Opposition or Parliament. It is essential that everybody involved in this Administration, in all Departments, recognises that we should all be accountable. We in the Opposition must be accountable. As we are in opposition the public demands us to respond, to be proactive and reactive.

I saw the Acting Chairman looking at me with that oblique, sidelong look and I wondered what was in his mind. I was afraid he was going to tell me my time is up. I would love to have more time to discuss this issue. We do not spend enough time discussing such issues in the House. We spend a long time promising it, we spend a great deal of time with it on the Order Paper before anything happens, and when it finally gets to the House the Government spends a long time suggesting to the Opposition that sufficient time and consideration has not gone into it since its inception and that it could leave us with difficulties in the future.

Deputy James Reilly: I oppose this Bill because of its intention to co-locate the Central Mental Hospital, currently based in Dundrum, with the prison. We had a debate last week when I outlined very clearly and strongly why I disagree with this, and it might seem like I am repeating myself. However, when a group of people cannot speak for themselves it is important that those who can speak do so loudly and strongly. I have already outlined that many working in the area are opposed to this. An article by Dr. Harry Kennedy in *Irish Medical News* this week again states clearly his discomfiture at this move. It is wrong and will stigmatise people with mental illness. It is bad enough that mental health has been the Cinderella of our health services for so long. It is bad enough that, as I have mentioned before, we have Dickensian conditions in St. Ita's Hospital in Portrane where 23 men in one ward and 23 women in another ward have one bank of three toilets, one shower and one bathroom for each ward. Acutely ill men and women going into hospital face this in 2008. This is what they see as their first contact with our health service. It is a disgrace. We will further damage them by stigmatising them as criminal when this is clearly not the case. It is wrong. There is no need to do it. This is about trying to get better value from a site. We have already discussed in this House the money paid for that site. Let us get value from it some other way, but not at the cost of the mental well-being of those who suffer mental health problems.

It has come to my attention today, and not for the first time, that many who go into prison on soft drugs end up on hard drugs. They seem to be more freely available. There is hard information that indicates that more people come out of prison on drugs than went in. How will the new prison address this issue? Will it have a detox unit? Will it have rehabilitation as part of its mission statement? Will it aim to reduce the number of people who come out of prison on drugs rather than increase the number? I refer specifically to men going into prison who may have smoked cannabis in the past but come out having smoked heroin and other drugs. Drugs seem to be the currency in prison. It is difficult to understand that within a controlled environment we are not able to monitor people more closely. As I mentioned earlier, I know of one case of a young man who went into prison having smoked marijuana in the past now lying in hospital virtually paralysed down one side with his right arm and leg swollen and without the use of either after smoking heroin, or what was supposed to be heroin, in prison. I want to alert people again that what people buy on the street cannot be stood over. This has nothing to do with prisons. People think they are buying an ecstasy tablet, heroin or cocaine but they are buying God knows what, with all sorts of dreadful consequences. I mentioned before an idea suggested by a journalist that the Garda should take samples of drugs available on the streets on a weekly or fortnightly basis and let the public know what they find in them. We must keep in the front of the public mind that taking drugs in a recreational fashion, as some people describe it, is a very dangerous pastime which can have lifelong and disastrous consequences. People need to be made aware of this at every available opportunity. While one could say much action has been taken by drugs task forces and so on, the reality is that this area needs to be revisited time and again. Several people died last year as a consequence of taking drugs containing all sorts of impurities. We need to remind people of this, particularly the young.

To come back to the issue of the hospital move, I believe it is a retrograde step and I have explained my reasons to the Minister on a number of occasions. It will impede rehabilitation, increase stigmatisation and the location is totally unsuitable. It is out in the countryside where there is no natural community to be rehabilitated into. Dundrum grew up around the hospital and there is no issue with community acceptance of it but the situation at Thornton Hall is entirely different. It will also result in terrible inconvenience to patients, families, relatives and friends.

I referred last week to the issue of the skills set being lost. Many staff living on the southside of the city close to Dundrum or further south and perhaps even in Wicklow have their lives

planned out. They will now be asked to travel to Thornton Hall. We will suffer the loss of key skills sets if this move goes head.

The main issue, however, is the isolation of patients from their families. This flies in the face of Government policy and contradicts the principles and recommendations of A Vision for Change, the Government's agreed policy on future mental health services. It specifically contradicts the following principle: "Priority should be given to the care of individuals with severe and enduring [mental] illness, in the least restrictive environment possible." How can it be claimed that an institution in the middle of the countryside could possibly meet those requirements? It will be very restrictive and will hugely limit the amount of freedom patients can have and the opportunity to let them out for weekends or half-days.

A further principle states: "Forensic mental health units need to be clearly identified as being intervention and rehabilitation facilities that operate in particular conditions of security rather than facilities offering mainly containment." I cannot see what other message the Government is giving to people other than containment by co-locating this hospital with a prison, which is primarily about containment. It is also stated that forensic mental health services should have a strong community focus but there is only a very small and disparate community in the area. We know this goes against best international practice. The consultation with users and their families has still not been completed. This is probably all very boring for the Minister but it is a matter of grave concern to the families concerned and their loved ones.

The lack of cost-benefit analysis is a further issue. A study was carried out which suggests there is an opportunity to redevelop the hospital on its own grounds. This would meet all the requirements I have outlined and would still yield money for the Government because valuable property would remain to be sold. The group to which I referred, the Central Mental Hospital carers' group, asked that redevelopment of the existing site at Dundrum would be considered. It referred to selling off 14 acres of the current site, reinvesting the capital raised from that sale to redevelop the remaining 20 acres and providing a modern Central Mental Hospital, all of which would be revenue neutral.

This is an opportunity to show leadership. It is bad enough that the co-located hospital in Beaumont is now to be planted on the site for which planning permission was granted for the psychiatric unit for Dublin North, which was supposed to replace the temporary building built in the 1960s. It is bad enough that the Government gives that signal but to also do this gives a powerful signal to those who suffer with mental illness and those who care for them. That signal is simply this — money matters more than patients, nowhere moreso than when it comes to mental health.

I ask that the Minister conduct a cost-benefit analysis on all the options before he takes this decision. We are at a time of economic downturn, as we all realise. We need to get value for money but we need to get it in a way that delivers value to the patient, not just euros to the Exchequer. I ask that the Minister reconsider this matter. I ask him not to co-locate this hospital at this site. I ask him to consider those with mental illness and to try, for once, to give them a signal that this Government does care, will do more than talk and will take action that shows real compassion for real people with real problems.

Deputy Aengus Ó Snodaigh: Tá áthas orm an deis labhartha seo a bheith agam. The Minister stated in his opening contribution that "the resolution was debated in detail in committee in both Houses". It was not debated in detail because there is very little detail. When I have raised this point, the Minister has said that the Prisons Act precludes details being disclosed. It does not. It only prevents disclosure of details which would prejudice security. I guarantee the Minister that within a few hours of prisoners being put on that new prison site, they will have more details about the layout of the prison than the architect who built it.

[Deputy Aengus Ó Snodaigh.]

My point about details is that we do not at this stage have exact sizes, for example, the sizes of the kitchens or the rooms where prison staff will congregate, hold meetings and enjoy their time off. We do not have the ratio of accommodation to rehabilitation facilities and we do not know the size of the hospital, the health care wing of the prison, the washing facilities or the recreational facilities. None of this is available to us.

I am not looking for information on the thickness of the wall or the foundations. If others wish, they can seek that information. I want to make sure that what is being planned is the best prison possible, if it is to go ahead, but I am opposed to this type of prison going ahead. Given the way this legislation is structured, Deputies have a duty to act as a planning authority and also to act on behalf of the public to ensure we get value for money. If this planning application, which is what it is, were sent to a local authority, it would be rejected outright and declared invalid for containing no detail, or perhaps it would be referred back to the applicant for more information. An Bord Pleanála would have a field day if this came in front of it, and it would reject it. We in this House, however, are asked to debate and decide on something of which we only have a very brief outline sketch.

We needed and, even at this stage, we need more specifics with regard to the development as listed in the notice provided by the Minister. It is not good enough that we will not be given those specifics due to security considerations. Part of the concern of the local residents related to the height of the wall and the fact it was so close to their houses, yet an internal wall is the same height as the walls of new prisons being built in Britain. Also, there is a *cordon sanitaire* which is quite wide for this day and age considering the vast array of electronic surveillance which would cover that area, meaning it does not need to be as wide as it is. We know there will be eight blocks or separate prisons within a single prison, each with its own security, surrounding walls and so forth.

More details could have been given, not only to Members of this House but to the local community. Some of those details concern issues not covered by the development proposal but which should have been tied to it, such as the Garda station, for example, which requires planning permission. The planning application should have been submitted at this stage if the station is to appear at all. A new court house is required for a prison facility of this scale. The Minister has argued in the past that a new court house is not required, but if there is an incident in the prison and inmates are charged, they should be brought to court within the prison complex. However, that facility will not be available. The bus service is another issue of concern, as is the relocation of the Central Mental Hospital. There is no detail about the community building, which is nicely drawn in the development sketches.

What are the proposed standards for the visitor centre? Again, we have no detail on that but it is an important issue, especially considering the state of visitor facilities in various prisons in the country and the disgraceful way in which people were expected to sit in squalor while visiting their relatives. We deserve to know what standards will be applied to the visitor centre. I hope it will be of a high standard, considering the extra journey the Minister will impose on families trying to support their relatives in prison and trying to encourage them to use the facilities of the prison to rehabilitate themselves. We do not know what training, rehabilitation and recreation facilities will be available to prisoners. How many high-dependency units will there be for prisoners who are at risk?

We do not know the answer to these questions, which illustrates the disgraceful and farcical nature of the approach taken by the Department of Justice, Equality and Law Reform to this project, from start to finish. One needs only to look at the purchase of the site, all the skullduggery involved and the questions about which have never been answered. Now we have the secrecy around the actual plans. Why is there a plan to allow this prison to substantially increase the prison population? At the moment, the capacity of Mountjoy and its associated prisons is

approximately 1,000 but the new prison at Thornton will be able to facilitate 2,200 prisoners. That in itself has consequences.

Does the prison have the capacity to deal with 2,200 prisoners, in terms of kitchens, recreation facilities, health care units, washing facilities and so forth? Will the Minister ensure that prison staffing levels are increased to deal with the contingency of having 2,200 inmates? Given the history of prisons, the very fact of being able to increase to that size means that the prison at Thornton will be filled to capacity and we will be back in this House in the future, seeking the development of more prisons. Instead, we should concentrate our efforts and the taxpayer's money on ensuring that those who can be rehabilitated within in the community are, while those who need to be locked up are imprisoned in secure accommodation.

Will the Minister outline whether the Irish Prison Service and the Department examined the possibility of extending the Dóchas centre, given the excellence of that facility and the praise it has received, rather than moving it out into the beyonds, away from families and those who give support to its inmates? Most people dealing with prison policy would argue that smaller, self-contained prison units are more conducive to the good management of offenders and of the service itself but one of the Minister's predecessors closed a number of small prisons. Another aspect of concern regarding this development is the threat to imprison young people there if the facility at Lusk is not built. I ask that the Minister, even at this late stage, give a commitment that no prisoners under 18 years of age will be imprisoned at Thornton Hall and that until such time as the Lusk centre is completed, such prisoners will be housed in other appropriate accommodation and not in an adult prison.

There are other issues of concern we have not managed to tease out because at every stage in this process, the debate has been guillotined. We have not even dealt with prison policy but have only been able to deal with this specific application. The Minister has not addressed the concerns of local residents and the issues they raised. Their concerns are not even adequately reflected in the report of the rapporteur, in terms of the volume of submissions made and the enormous amount of work put into them. Not only does the rapporteur deal with two filing cabinets of submissions in a couple of hundred words, the Minister ignores them completely. That says it all regarding this process. It is a steamrolling exercise with the pretence of democratic accountability, of which there is none. It is a living disgrace that we have not been able to properly debate this matter, which is solely the fault of the Minister, who did not allow adequate time for debate nor supply the necessary details.

Another major concern, on which I do not have time to elaborate fully, is the privatisation of public services through the public private partnership process. That, in itself raises major questions about value for money. It has been proven in the area of education that public private partnership projects are 8% to 13% more expensive than the traditional funding methods for schools. The same will be true of this prison development.

I oppose this Bill and hope that, even at this late stage, the Minister will withdraw it and allow for proper investigation and scrutiny of the proposals.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer to something Deputy Rabbitte said regarding a civil servant from my Department. I understood there is a convention in this House that people are not to be referred to who do not have the opportunity to respond. Deputy Rabbitte may say he did not attack a civil servant but on reflection, he may wish to consider what he said or what inferences he was making about the person in question. I have experience in several Departments and this Department is as good as the best I have been in, from what I have seen to date. I understand the civil servant was at a conference but Deputies referring to assistant secretaries being at conferences and what they may have said could very well constrain them from further participating in open conferences. I believe it is something that, on reflection, Deputy Rabbitte should consider. The reality is that the

[Deputy Dermot Ahern.]

Department of Justice, Equality and Law Reform is very policy driven and is an excellent Department.

Thornton Hall is more than bricks and mortar. It is a regime-driven design and all prisoners will have access to work training, education, medical services, recreation and in-reach services. It is referred to as a super prison but it is not a super prison. The reality is that it is a prison on a super site.

Deputy Charles Flanagan: At super cost.

Deputy Dermot Ahern: It has eight separate blocks within the campus using shared services. Economies of scale indicate that it is better to do that than have separate prisons all over the place. The maximum numbers in a block will be fewer than 200. There will be about 48 in any one wing and there would be approximately 24 on a landing.

The design, as I said at the Oireachtas Committee on Justice, Equality Defence and Women's Rights, has been driven by contributions from governors, prison staff, teachers, health care staff, work training staff, chaplains, the probation service and users right across the Prison Service. I assure Deputies that the design will conform with best international practice.

The cost-benefit analysis was requested. At the committee, I referred to the situation where under the Department of Finance guidelines, a detailed business case and a budget — the public sector benchmark, as it is called — were prepared. The NDFA will advise and has advised the Department in respect of value for money matters. This project can only proceed on the confirmation from the NDFA that it is value for money. These are the Department of Finance procedures that will be followed.

In respect of local residents' concerns, I asked departmental officials to meet a number of people who were referred to at the committee. I also gave a commitment in respect of the liaison committee which will be set up between members of the Prison Service, Fingal County Council, the local residents' association and people directly affected.

Deputy Charles Flanagan: Has it happened?

Deputy Dermot Ahern: In response to the request from the Rolestown and St. Margaret's action group, we received this document yesterday. I assure the group that I hope to establish the liaison group as quickly as possible. The Prison Service has a good neighbour mission statement which supports active liaison with local residents. It covers the issue of communications, protection, security, safety and a number of other matters. I hope the liaison committee will respond to that.

In respect of the Central Mental Hospital, when the Thornton site was purchased the Government decided to set aside 20 acres for the development of the new Central Mental Hospital. Obviously, that is a matter for the Department of Health and Children. If it is to be built there, it will have its own separate entrance and will be distinct from the Thornton Hall prison.

In respect of the Dóchas centre, I cannot stand over a situation where, on occasions, the figures for occupancy in recent times have gone over 130%. I gave the figures for some other occasions. It makes no sense to leave a prison in effect on an island in Mountjoy in the middle of the city when these prisoners could be facilitated out in Thornton Hall. It would be better to move everyone out to Thornton Hall where they can share the services.

At any one time, there are between 3,500 and 3,600 people in the prisons. Obviously, we must provide the space for them. It is not us who decide how many people will be in prisons. We just react to what the Judiciary and courts determine in respect of who goes to prison and who does not. However, there are a myriad other possibilities which — to be fair to them —

the Judiciary has used. We have a very low percentage rate of prisoners in respect of our population in comparison with similar types of societies, which is as it should be. I assure the House that we will make every effort, particularly in respect of restorative justice. We have already received the first report from the committee dealing with restorative justice. I told my Department that this is something I would like to push.

Question put.

The Dáil divided: Tá, 73; Níl, 59.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gallagher, Pat The Cope.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.

Hector, Máire.
 Kelleher, Billy.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 Mansergh, Martin.
 Martin, Micheál.
 McEllistrim, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.

Níl

Bannon, James.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 D'Arcy, Michael.
 Deasy, John.

Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Kenny, Enda.

Níl—continued

Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O’Keeffe, Jim.
 O’Shea, Brian.
 O’Sullivan, Jan.

Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.

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

Question declared carried.

Prison Development (Confirmation of Resolutions) Bill 2008: Committee and Remaining Stages.

SECTION 1.

Question proposed: “That section 1 stand part of the Bill.”

Deputy Charles Flanagan: By force of numbers, it appears that this matter will proceed. It is a pity that, over the course of the weeks in which this was debated, the Minister has not addressed the issues. I refer to the timescale, assuming that this is the last opportunity to do so. What is the timescale for building the super prison? Dates of 2011 and 2010 have been mentioned.

The Minister has indicated that the public private partnership is a done deal. It is expected that documents will be signed but the principle has been agreed. Is this a *fait accompli*? Can the Minister refer to the target dates and the likely cost of the development?

Deputy Pat Rabbitte: I refer to the timescale and the fact that the preferred bidder is Mr. Bernard McNamara. Regarding the recent controversy in respect of Dublin City Council and five housing projects, we sought an assurance from the Minister that he had examined the reasons Mr. McNamara’s company withdrew from the housing projects in the city and that the Minister is satisfied that Mr. McNamara has the capacity to deliver on this project. The reason advanced for pushing through this motion and Bill before the summer recess was that the Minister wanted to get on with construction. When will construction work start?

I take the opportunity of addressing the section to refer to the Minister’s remarks made about the fact that I quoted an assistant secretary in his Department delivering a paper at a criminology conference yesterday. I have endeavoured to give the Minister advice, which he is free to reject, not to be so prickly in his dealings with the Opposition. The proposition that a paper delivered to an open conference by an assistant secretary of the Minister’s Department cannot be adduced in this House to support a point is absurd.

Deputy Michael D. Higgins: Hear, hear.

Deputy Pat Rabbitte: There will be a meeting at midnight of senior mandarins in his Department because of the remarks I made, which were not attacking the official, whom I did not name. The official said that the Department is dysfunctional. I can read it out again if the Minister wishes. That was the import of what he said. The proposition that the paper can be quoted in learned journals on criminology but that a Member cannot say what was in it and ask the Minister to respond is untenable. Instead, the Minister gave me a lecture on the inappropriateness of my mentioning that in the House. I meant no attack on the official concerned or the officials in the Department. It is clear that they are so preoccupied firefighting that they have no time to devote to policy formulation. That was the point we were making.

I refer to the juggernaut purchased by Mr. McDowell, driven a bit along the road by the Minister's predecessor, and driven into the loading bay by the Minister. That the Minister was not prepared to engage with advocates of penal reform or this House and has pushed it through to finality seems to bear out what the assistant secretary concerned said. I was saying that and no more.

Deputy Aengus Ó Snodaigh: Would the Minister consider amending the section at this late stage to prevent the incarceration of young offenders in Thornton Hall, which the Minister has suggested will be the consequence of the suggested timeframe to which the Minister envisages Mr. Bernard McNamara and his company sticking? This is due to the fact that the Department has not succeeded in lodging the planning application for the Lusk centre for young offenders.

The Minister stated that he could not stand over the over-incarceration of up to 130% in the Dóchas centre. However, material produced on this prison suggests over-incarceration of up to 160% because it is being built for 1,400 inmates but the Minister has stated several times that it will hold up to 2,200.

The Minister said this prison was driven by the best possible design and best practice. Since we do not have sight of the design we do not know if it lives up to his claims until it is completed, people are housed in it and the staff move in. I do not know how the Minister can stand over those claims since we do not have sight of the design or the particulars.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Regarding the building of this prison and the procedure in the Houses, there has been no more consultation about any prison in the history of the State than about this prison. It is a lot better than the procedure heretofore, in respect of the exemption under Part 9 of the Planning and Development Regulations 2001.

Deputy Michael Creed: The Department bought the land without consulting anybody.

Deputy Dermot Ahern: Regarding the figures of 1,400 and 2,200, as I said on Committee Stage, we were expected to give a worst case scenario on the ultimate capacity of the prison for the environmental impact statement. It is not the intention for the foreseeable to go beyond the capacity of 1,400 prisoners, with single cell occupancy. This may occur in exceptional circumstances. Mountjoy Prison was designed for a certain number but 150 years later it holds many more people.

The Government has given approval to proceed on Oberstown. If that is not finished in time, rather than continuing to incarcerate the 16 year old and 17 year old offenders in St. Patrick's Institution, it would be better to have them housed separately within one of the units in Thornton Hall when it is up and running.

If this Bill is passed, the negotiations with the preferred bidder can proceed. The preferred bidder is McNamara, Barclays Private Equity and GSL, which is part of Group 4 Securicor. If Oireachtas approval is given this week, negotiations will be finalised and construction will start

[Deputy Dermot Ahern.]

in the latter part of the year. It is expected that construction would start immediately and the prison would be ready for occupancy in 2011.

It is unfair that Deputy Rabbitte referred to a civil servant who is not here to defend himself. I understand this has been the convention. As I stated, Deputy Rabbitte may state he did not attack him but I had messages from the particular civil servant and I understand the Deputy has been putting a spin on what he stated.

Deputy Pat Rabbitte: That is not something the Minister would do.

Deputy Bernard J. Durkan: That would be totally unusual for the other side of the House.

Deputy Dermot Ahern: The Deputy is showing his colours.

An Ceann Comhairle: As it is now 7 p.m. I am required to put the following question in accordance with an order of the Dáil of this day: “That each of the sections undisposed of is hereby agreed to and the Title is hereby agreed to, that Report Stage is hereby completed and the Bill is hereby passed.”

Question put.

The Dáil divided: Tá, 73; Níl, 60.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Flynn, Beverley.
 Gallagher, Pat The Cope.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.

Kelleher, Billy.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 Mansergh, Martin.
 Martin, Micheál.
 McEllistram, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.

Nil

Bannon, James.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Kenny, Enda.

Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Keefe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.

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

Question declared carried.

Private Members' Business.

Victims' Rights Bill 2008: Second Stage.

Deputy Alan Shatter: I move: "That the Bill be now read a Second Time."

I wish to share time with Deputy Charles Flanagan.

I express my appreciation to all the groups that assist victims of crime, some of which are represented in the Visitors' Gallery. They do tremendous work behind the scenes, often generally unknown to the public, and they have supported this legislative proposal. There is a common perception that criminals have more rights than their victims. This Bill would give to the victims of crime, for the first time, comprehensive statutory rights in Irish law and make statutory provision for a victims' rights charter.

Under the Bill, the State and State agencies will be required to inform victims of crime of the appropriate and necessary services available to them and of the legal remedies they can utilise to obtain personal protection when necessary. Victims will be kept informed of progress made in the investigation of a crime reported by them; of the progress before the courts of any prosecution initiated; and of the outcome of any court proceedings relating to an alleged or convicted offender. With regard to physical or sexual violence, child trafficking and the sexual exploitation of children, various new rights are afforded to victims. These include the right of

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the victim to furnish to the court his or her view of a bail application made by the alleged offender; to be informed of a release on bail of alleged offenders; and to be given reasonable notice of a convicted offender's escape or of early release and a proposal of the Minister for Justice, Equality and Law Reform to grant early release or to make a deportation order in respect of an offender. For the first time, victims of crime will be entitled to make submissions to the parole board on a convicted offender's applications for parole and release. The board will be required to have regard to both such submission and any victim impact statement furnished to the court following conviction and it will be required to factor in the resulting information available to it in determining whether the specific offender should be granted the parole sought.

In an adversarial system of justice, the victims of crime can be too easily forgotten. For the first time in Irish law, all victims of crime will be given a voice and the recognition they deserve. They will also, for the first time, be entitled to have any violation of their rights investigated and reported upon, and as a consequence, there will be greater transparency and accountability in our criminal justice system.

Six months was spent in the preparation of the Bill. Research was undertaken of existing victims' rights legislation in various parts of the world and assistance in this regard was obtained from one of the legally qualified researchers attached to the Houses of the Oireachtas library and research service to whom I pay tribute. Specific regard was had to the State's international obligations and the entitlement of citizens of the State and victims of crime who visit the State to have extended to them the same rights and services as apply in other states and, more particularly, member states of the European Union. The legislation is influenced by international best practice as set out in the United Nations General Assembly Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 together with the annex accompanying it and, in particular, having regard to the European Council framework decision of 15 March 2001 on the standing of victims in criminal proceedings and the criticism of Ireland's record in applying standards laid down in the European Framework Decision, as assessed by the European Commission in its 2004 evaluation report. Particular regard was also had to the Council of Europe's recommendation of the committee of Ministers to member states on assistance to crime victims, which was adopted by the committee of Ministers on 14 June 2006.

An essential principle underpinning the legislation is an acceptance that victims of crime have civil rights that require recognition and respect in our law and an acknowledgement that, under our current law, they are neither recognised nor adequately protected and that this State does not properly comply with international human rights standards in this area. Fine Gael believes such recognition and protection can be afforded to victims of crime without undermining fundamental constitutional principles, which are central to our criminal justice system and which ensure those accused and convicted of offences receive a fair trial and also have their constitutional rights properly protected.

Section 5 requires that victims of crime be treated with courtesy and compassion and their dignity and privacy be respected. The principles are subject to the proviso that their application does not infringe on the constitutional rights of an alleged or convicted offender. The entitlement of a victim to be as fully informed as possible of the rights and remedies available to him or her, of his or her role in the criminal justice process with regard to any criminal proceedings taken and of the general availability of health and social services or other appropriate assistance that may be required is recognised. It is stated that a victim has a duty to co-operate with An Garda Síochána and any other relevant law enforcement authority in the investigation of crime.

Section 7 prescribes the rights of victims to information about services and remedies available to them and imposes particular obligations on An Garda Síochána, the Courts Service Board, the Criminal Injuries Compensation Tribunal, the Departments of Health and Children and Justice, Equality and Law Reform and the Health Service Executive. Also included is an obligation to advise victims of any national or local accessible voluntary agency that provides help to victims.

Section 11 of the Bill provides that a victim's residential or home address may not be disclosed in court where a court is satisfied that such disclosure "is likely to cause prejudice to the victim's interests or harm to the victim" and "the likely prejudice or harm outweighs the evidential value of the information or any assistance it may provide in enabling the court or a jury to reach a fair determination".

Sections 12 to 16, inclusive, of the Bill provide comprehensive new provisions concerning victim impact statements. Under the Criminal Justice Act 1993, upon sentencing courts are only required to have regard to victim impact statements where an offender is convicted of a sexual offence or an offence involving violence. The Bill provides for a more comprehensive use of victim impact statements in the sentencing of offenders. In the context of all criminal prosecutions, it imposes an obligation on the prosecution authorities to make all reasonable efforts to ensure that a victim impact statement is available to the court when sentencing any offender and the court, when imposing sentence, is required to take into account the effect of the offence on the victim or victims. Where necessary, a court can not only receive a victim impact statement, but may hear evidence from a victim of the effect of a crime on him or her. In certain circumstances, the courts are obliged under the Bill to hear the oral evidence of the victim in respect of an offence where a victim impact statement has been made if the offence concerned is a sexual offence, involves violence or a threat of violence to a person or any other kind of offence that has led to the victim having ongoing fears on reasonable grounds for his or her physical safety or security or for the physical safety or security of one or more members of his or her immediate family.

For the first time, formal statutory provision is made for the surviving family members of a homicide victim to make a victim impact statement. The law in this area has to date been developed by the Judiciary. It has no statutory foundation and whether permission is given to make such statement depends on the discretion of the individual trial judge.

The Bill addresses the difficulties highlighted in the trials resulting from the tragic deaths of Robert Holohan and Siobhan Kearney. Following the conviction for murder of Siobhan Kearney's husband, the trial judge earlier this year, as he was entitled to do under the present law, declined to hear a victim impact statement presented by a bereaved family member. Consequently, the statement was delivered to a media scrum outside the courts. The Bill confers a statutory right on a member of a bereaved family of a homicide victim to make such a statement in court. If enacted, there will be no repetition of what occurred following the murder conviction of Brian Kearney. This provision, which obliges the trial judge following a homicide conviction to receive and hear a victim impact statement, implements a recommendation contained in a recently published research paper jointly commissioned by Support After Homicide and Advic, voluntary agencies that assist victims of crime. The report was written by Dr. Joanne Cooper and drew on the experiences of the immediate family members of 31 recent homicide victims.

Substantial controversy arose as a consequence of Majella Holohan, the bereaved mother of Robert Holohan, making unfounded allegations in her victim impact statement against Wayne O'Donoghue following his conviction for Robert's death. The Bill addresses the dilemma posed by such behaviour by conferring a jurisdiction on the courts to direct the media not to report

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such allegations. It has been suggested by some members of the Judiciary that, where a victim so behaves, the victim should be liable to imprisonment for contempt of court. Fine Gael does not believe this to be appropriate and recognises the enormous strains and pressures that impact on victims of crime, particularly where a life is lost. We welcome the fact that, shortly after publication of this Bill, the Director of Public Prosecutions publicly stated the need for such a change in our law.

Section 20 prescribes particular directions that can be given or conditions imposed by a court on the disclosure or distribution of victim impact statements. Such directions or conditions may be necessary to protect the victim's physical safety, security, emotional welfare or privacy and can be given provided they are not inconsistent with the constitutional rights of an offender. For example, secrecy may be required in respect of a victim's residential address. Moreover, where it is in the interests of justice to protect an offender from unfounded allegations as previously mentioned, the court is empowered to prevent their disclosure, dissemination or publication. In doing so, the court cannot prevent the disclosure and publication of information concerning the impact on the victim or victims of the offence for which an offender is convicted. These provisions are of importance to uphold the integrity of our criminal justice system.

Part 4 of the Bill provides for the establishment of the Commission for the Support of Victims of Crime on a statutory basis and for the publication of a victims' rights charter. The commission, which was established by the Minister for Justice, Equality and Law Reform on a non-statutory basis in March 2005 for a period of three years, had its life extended by a recent ministerial announcement. The Bill extends its functions and renders it statutorily independent. Under the Bill, the commission will be required to promote the interests of victims, encourage good practice in the treatment of victims, devise, periodically review and, where required, update any appropriate support framework for victims, disburse funding for victim support and assistance measures and draft a victims' charter. The commission will also be required to publish an annual report detailing all services provided to victims by the State, State agencies and non-governmental organisations and highlight deficiencies in services where necessary. It will be required to review the charter, which will only be published having been first reviewed by the Houses, and publish an annual report detailing subsequent necessary changes. The commission will also be able to fund research.

The current non-statutory victims' charter published in 1999 is nearly ten years out of date and has no mandatory status. It is an information and not a rights document and its deficiencies have been substantially criticised. The commission established in 2005 commenced a review of the charter some time ago. It is clear from the framework document of the commission of 25 April 2008 published last Thursday by the Minister that the review is not yet complete, but it is unclear why this is so. The Bill provides a statutory basis for such a review and requires the preparation of a new draft victims' rights charter through a transparent and democratic process.

The Bill provides a complaints mechanism for victims whose rights are not respected. If the rights of a victim of crime are violated, a complaint can be made to the Ombudsman established under the Ombudsman's Act 1980, the Garda Síochána Ombudsman Commission or the Ombudsman for Children, whichever is relevant. The body is to investigate in accordance with its statutory provisions any such complaint received that falls within its remit. Any complaints received by the commission established under the Bill must be forwarded by it to the appropriate body for investigation. A victim whose rights are violated may also complain to the person who, under the Bill, is required to accord the victim particular rights. Failure to respect a victim's rights prescribed in the Bill or charter does not of itself entitle a victim to claim compensation in any civil action. Existing rights to bring any form of court action as a con-

sequence of any negligence or wrongdoing on the part of the State or any State body remain unaffected.

The DPP's office has published its own victims' charter and has made clear its commitment to victims in its statement of general guidelines for prosecutors. However, organisations representing victims of crime and victims generally have sought a more proactive role on the part of the DPP's office in dealing with victims and their families, particularly in terms of providing information. This is highlighted in the excellent report entitled, *A Better Deal: The Human Rights of Victims in the Criminal Justice System*, completed by the Irish Council for Civil Liberties on victims' rights. The Fine Gael Bill requires that victims be kept informed of the progress of any prosecution taken and of events that occur in the courts. Moreover, there is a specific obligation imposed on the DPP to keep victims informed of any charges laid in a case and to explain the charges. The DPP is also required to inform victims of any final decision made not to charge an alleged offender.

The European Commission's report of 2004 on the implementation of the European framework decision details practices adopted in France, Luxembourg and Spain that correspond to its right to information objectives under which those involved in the criminal process, being either the senior investigative officer or the prosecutor, are required to inform victims of their rights and of the possible steps that may be taken with regard to a prosecution. The Crown Prosecution authorities in England have put in place guidelines to ensure victims of crime are kept informed and to facilitate explanations being given to victims in circumstances where prosecutions are not taken.

The European Court of Human Rights in the case *Jordan v. the United Kingdom* considered the failure of the DPP in Northern Ireland to give reasons for a decision made not to prosecute as being in violation of the European Charter on Human Rights. Currently, the DPP operates a blanket policy of not giving reasons for not prosecuting. It is clear that our law in this area may now be incompatible with the European Convention on Human Rights. Recognition of this in the Fine Gael Bill envisages the giving of such reasons. They can be given within a framework which does not prejudice the possibility of a successful future prosecution or violate the constitutional rights of third parties. I welcome the fact that since publication of our Bill, the DPP has commenced a consultative process on this issue. I also welcome the recommendation of the Irish Council for Civil Liberties that reasons should be given to a victim when a decision is made not to prosecute unless there are compelling reasons not to do so.

This Fine Gael Bill was published on 22 January 2008. At its launch, we called on the Government to support its passage on Second Stage and expressly stated that we would be happy on Committee Stage to take on board any constructive amendments proposed by the Government or other Opposition parties that could improve the Bill and provide to victims of crime the rights and protections to which they are entitled. I engaged in preliminary discussions subsequently with the then Government Chief Whip, Deputy Tom Kitt, and the then Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, proposing that the Government accept the general principles of the Bill and that Committee Stage be taken in the autumn, thereby affording to the Government a substantial period of time to prepare any amendments it considered necessary to ensure the Bill's proper workings. Rarely is a Bill published by a Minister that does not require amendment. The Immigration, Residence and Protection Bill currently before the Select Committee on Justice, Equality, Defence and Women's Rights is the subject of more than 300 amendments tabled by the Government.

There was no conclusion to these discussions prior to the recent ministerial reshuffle. Two weeks prior to the Lisbon treaty referendum, I had detailed discussions with the current Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, and briefed him on the

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extensive work undertaken in the preparation of this Bill. In the course of doing so, I specifically mentioned to him that we had particular regard to current legislation in New Zealand, which had been on the Statute Book for some years and was particularly comprehensive. I also advised him that the Bill reflected principles contained in the European Council Framework Decision previously mentioned.

Following the Bill's publication in January 2008, Fine Gael deliberately delayed the taking of Second Stage to give the Government an opportunity to consider its contents so that the needs of victims of crime would not become the subject of petty party political bickering and in the hope that a constructive bipartisan approach could be adopted. We originally intended taking Second Stage in May but postponed doing so due to the change in Government personnel. I informed the Minister, Deputy Dermot Ahern, we were proposing to take Second Stage on Tuesday and Wednesday of the week immediately preceding the Lisbon treaty referendum. Two days after my discussion with the Minister, Deputy Dermot Ahern, it was clear from a telephone conversation with him that the Government intended to block the progress of this Bill. As a result, Fine Gael delayed the taking of Second Stage as, in the national interest, we did not wish to have an acrimonious debate with the Government on this important Bill a week prior to the Lisbon treaty referendum with the Government engaging in conduct which would inevitably alienate Fine Gael voters.

On Sunday, 1 June 2008, the Minister's bad faith became clear with the publication in the *Sunday Independent* of an alleged exclusive by the reporter, Jerome Reilly, outlining the Minister's plans for "ground breaking legislation" to provide a statutory basis for the next-of-kin of homicide victims making victim impact statements. This "badly needed legislation", according to the Minister's source, as reported by Jerome Reilly, was identical to the provisions contained in the Bill published four months previously by Fine Gael and which is now before the House. From a conversation I subsequently had with Jerome Reilly, two things were clear. One, sometime late on Saturday afternoon of that weekend, he was furnished with this bogus story either by the Minister or by one of his handlers and, two, he was not informed of the existence of this Bill which was already published. The Minister's motives for misleading a reporter in this way can only be an arrogance and overweening ego which renders him incapable of working with others to implement, with all possible speed, reforms badly needed in our criminal justice system for the benefit of victims of crime.

It is worth quoting an extract from Jerome Reilly's report. It states:

. . . sources close to Justice Minister Dermot Ahern told the *Sunday Independent* the family of a homicide victim is almost voiceless at present. Yes, they can stand in the rain outside a Court and speak about their loved ones to the media, but they have no rights at present to voice their loss in the Court itself.

In some instances, judges at their discretion allow the next-of-kin to address the court but some do not. The report stated that the Minister intends introducing legislation which will place the victim at the heart of the criminal justice system.

The report continues:

By giving them a statutory right to a victim impact statement, loved ones will have a right to speak of their loss, its devastating impact on their lives and paint in what is often the missing picture at the trial — the victim of the crime. Such tragedies never have closure [the Minister's source said] but by providing for a court statement, families of loved ones might find some comfort and feel that they had some role in the court process. They will also be

able to take comfort from being able to place the victim at the centre of the process [the source said].

Further on in the article it is stated that under the Minister's plan:

The statement would be given in court after a verdict is reached but, crucially, before sentence is passed. It means the statement could not influence the jury but could be taken into account by the sentencing Judge. If there is a murder conviction, a life sentence is mandatory. In cases where a manslaughter "guilty" verdict is handed down, the Judge has sentencing discretion.

The report concludes, again referring to a source "close to the Minister" as stating that "refusing a family the opportunity to have their say in Court could prolong their suffering". Of course, when the Minister, either himself or through a third party, orchestrated the publication of this story, he was unaware that Fine Gael had decided not to move a Second Stage Reading of this Bill the following week. Nothing further was heard from him on this issue until 11 a.m. on Thursday last by which time he was aware that Fine Gael had decided to move the taking of Second Stage of this Bill in the Dáil this week.

Deputy Dermot Ahern: No.

Deputy Alan Shatter: In accordance with the exclusive given to Jerome Reilly, the Minister announced at Thursday's press conference that "in the spring" — it is not clear whether this is the spring of 2009, 2010 or 2011- he would present to the Dáil a Bill to reform the victim impact statement mechanism in order to grant some status to next-of-kin in homicide cases. He made other announcements which essentially boiled down to continuing the current life of the Commission for the Support of Victims of Crime as a non-statutory body and promised the creation of a victims of crime consultative forum representing victims' interests to liaise with the commission and presumably to describe to the commission all the difficulties currently experienced by victims of crime which require redress and which are comprehensively dealt with in the Bill before the House.

The hasty last minute announcement on Thursday of the creation of a victims of crime consultative forum was simply a re-announcement of a proposal contained in An Agreed Programme for Government published in June 2007 and a repeat of the content of an interview given by the former Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, to RTE on 15 June 2007 and of the content of a speech delivered by him on 17 July 2007 to the Magill Summer School in Glenties. Interestingly, on that occasion, the Minister, Deputy Brian Lenihan, stated that "one of my first acts as Minister was to direct that we should move ahead as quickly as possible to get a Victims Support Agency up and running". Apparently the agency that he directed should move ahead as "quickly as possible" in June or July 2007, the Minister, Deputy Dermot Ahern, has now re-announced as a promise to be implemented some time in 2009 or later. Sadly, yet again, the Government manipulated well-meaning reporters who knew nothing of the history of this issue into making bogus presentations of new ministerial initiatives, writing editorials in praise of the Minister and misleading the public into believing something meaningful was taking place for the benefit of victims of crime.

The truth is that the Bill before the Dáil contains the provisions necessary to address the difficulties currently experienced by bereaved family members following a homicide and fully meets the specifics of what the Minister promised to do in the *Sunday Independent*. The truth is it provides for the statutory establishment of the Commission for the Support of Victims of Crime with far greater powers than are vested in the current commission. The truth is that the Fine Gael legislation before the House is substantially more detailed than that promised by

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the Minister and provides the comprehensive rights-based law to which victims of crime are entitled.

The sad and pathetic truth is that the Minister, for reasons best known to himself, feared that his stature or importance was being in some way threatened or diminished by a major piece of legislation coming before the Dáil addressing an area that falls within his ministerial brief. The tragedy is the Minister lacked the vision and insight to realise that accepting, in principle, the Fine Gael Bill and in the autumn, as we had suggested, introducing amendments that he considered appropriate and necessary, would have increased and not diminished his stature. The truth is that for reasons of party political rivalry and personal ego, the Minister intends to block the progress of this Bill. For his own selfish reasons, therefore, he intends to prolong the suffering of families of homicide victims by refusing them the opportunity to have their say in court, something to which he feigned a commitment in the so-called “exclusive” three weekends ago in the *Sunday Independent*.

Regrettably, on Thursday afternoon last, the Minister chose to engage in the worst type of petty and small-minded politics, behaviour which should be below the dignity of a Minister or any official attached to the Department of Justice, Equality and Law Reform. Having been informed by me that some sections of the Bill reflected New Zealand legislation, the Minister arranged for journalists to be widely briefed that I had simply plagiarised a New Zealand Act and had in some way engaged in improper conduct. The Minister carried what was an intended smear into a debate with me on LMFM on Friday morning last. Subsequently, his handlers similarly briefed the Sunday newspapers.

The Minister knows that in the preparation of legislation by Government, it is best practice to examine similar legislation operating in other parts of the world and to enact into Irish law legislation working well elsewhere in a form designed to address the State's particular needs and problems. This approach is adopted not only by his Department but by every Department, by the Attorney General's office and by the Law Reform Commission. The latter has, in its multiplicity of reports, regularly surveyed legislation in existence across the world and proposed the enactment of similar appropriate legislation in this State. The Minister and his departmental handlers have been touting victims' rights legislation from New Zealand and expressing hostility to Fine Gael's Bill because it reflects some provisions in New Zealand law, as if New Zealand is some alien state with which we have nothing in common and which forms part of the axis of evil.

It is a particular personal irony that when first working on victims' rights legislation in 2001, I visited New Zealand in September of that year with members of the Joint Oireachtas Committee on Justice, Equality and Women's Rights subsequent to its completion of Committee Stage of the Children Act 2001. We made the trip because some of the provisions contained in that Act, as piloted by the Government, replicated legislation already in existence in New Zealand which was working reasonably well. It was the committee's considered view that it would be helpful to visit New Zealand for briefings from Government officials, and we were encouraged to do so by the then Minister of State with special responsibility for children, Deputy Hanafin, who was the lead Minister on the Bill. We went there to discover how Zealand's children's laws were working in practice and to feed this information into the new administrative arrangements and children's services required to implement our new Act. Ironically, it was on this visit that I was briefed on the laws then in place in New Zealand relating to victims of crime and on new legislation being enacted by the New Zealand Parliament to update those laws.

The then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, was clear on the Government's approach to the Children Bill enacted in 2001. Speaking in the Dáil on 12 April 2000, he stated:

It took almost two and a half years to bring a new Bill before the House. There were sound reasons for that. First, we had to learn from international best practice how best to proceed. In that regard, the then Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, went to New Zealand to examine the situation there. He and his officials studied it in great depth and reported back to me. I was satisfied on hearing their report that amendments were required.

The amendments to which he refers were those to the original Bill as published. Prior to that, in May 1999, the then Minister of State, Deputy Fahey, described to the House in reply to a Dáil question how he spent 12 days in New Zealand being briefed on different aspects of juvenile law. He was accompanied on that visit by a principal officer from the Department of Justice, Equality and Law Reform and an assistant principal officer from the Department of Health and Children.

Curiously, it was appropriate for the Fianna Fáil-PD Government to enact legislation in 2001 based on New Zealand's laws and for a joint Oireachtas committee to visit New Zealand to be briefed on the operation of that legislation. Yet, according to the Minister, Deputy Ahern, it is plagiarism for a Fine Gael Bill to take account of some aspects of New Zealand law that are working well in an area in respect of which there is no existing Irish legislation.

Deputy Michael Creed: The Minister should apologise.

Deputy Dermot Ahern: I do not know what the Deputy is talking about.

Deputy Michael Creed: The Minister is a disgrace.

Deputy Alan Shatter: I have, over the years, drafted and published more than 20 Private Members' Bills, four of which have been directly enacted into law, with appropriate Government amendments, and which have radically changed areas of law the Government failed to prioritise. Most of the others, within one to three years of publication, resulted in similar Government legislation being introduced and enacted. In recent years, the growing arrogance of those in the Government has resulted in the automatic blocking of almost all new legislation published by Opposition Deputies or Senators.

I have done some research on this. Between January 2002 and June 2007, 87 Private Members' Bills were published. These included 18 published by the Green Party, 23 by the Labour Party and 29 by the Fine Gael Party. Of the 87 published, only one passed beyond Second Stage, Deputy Rabbitte's Coroner's (Amendment) Bill 2005, comprising only three sections, which was enacted on 21 December 2005. It seems the Government is determined to prevent elected members of Dáil Éireann and Seanad Éireann from playing an innovative role as legislators. In so doing, it has undermined the credibility of both Houses of the Oireachtas and has made the enactment of legislation a monopoly Government power in circumstances in which the Government lacks the capacity within a reasonable timeframe to bring forward legislation in a broad range of areas.

The legislative programme published by the Government in April 2008 made no reference to the legislation the Minister promised last Thursday to bring forward some time in the future. Unless the Fine Gael Bill is accepted, there is no possibility that the Minister will enact legislation to confer extensive rights on victims of crime within a reasonable timeframe. However, rather than allowing the Bill to progress, the Minister has shown a preference to engage in gombeen politics. In a grotesque act of bad faith, he refuses to acknowledge that it reflects best legislative practice to facilitate recognition of the rights of the forgotten victims of crime. He has sought to contaminate the political landscape by attacking my personal good faith and

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reputation by accusing me of some form of plagiarism. In so doing, he has placed his own Department in the embarrassing position of having to reinvent the wheel every time it produces legislation to ensure no language is used which reflects legislation operational in other countries for fear of a similar charge being levelled against him or his officials.

As he has done today, the Minister sat in this House last Thursday smiling and sneering as if he had achieved some sort of political coup. The truth is he has exhibited the intellectual capacity for which Homer Simpson has become famous. It is my hope, although I know it is in vain, that the Minister's colleagues in Government will reconsider the approach he proposes to take to this Bill by tomorrow night and that Second Stage will be agreed. The Government expects Fine Gael bipartisanship in helping it resolve the difficulties created by its abysmal failure properly to explain and campaign for the Lisbon treaty. The Government should not take Fine Gael for granted. While we fully support the Lisbon treaty, we will not be railroaded into a bipartisanship commitment once again to stand alongside an arrogant, out of touch and incompetent Government. In the interests of victims of crime, an issue of major public concern, the Government should apply a bipartisan approach to the enactment of this Bill and stop playing foolish, dishonest and irrelevant party political games.

Deputies: Hear, hear.

Deputy Charles Flanagan: Following publication of this Bill by Deputy Shatter in January last, it received strong support from victim support groups such as AdVIC, Rape Crisis Network Ireland and the Irish Council for Civil Liberties. Further approbation came from the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Conor Lenihan, who observed on "Prime Time" on 22 May that Deputy Shatter has the best record of any Deputy in having successfully introduced Private Members' Bills into legislation and that the Government was "looking very carefully at his Bill because we believe it has a lot of merit in it".

The only criticism of the Bill came from the egotistical Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern. Having been shown up in the Dáil last Thursday for his contempt of the critical motion on the Offences against the State (Amendment) Act 1998, he threw a public tantrum and claimed that Deputy Shatter's Victims' Rights Bill was legislation by Google. This was an ill-informed and ill-judged comment from a small-minded, partisan Minister whose arrogance and conceit are unequalled in this House.

One would expect that after almost 20 years in ministerial office, he would have realised that much of our legislative programme, particularly in the justice area, relies heavily on experience and practice in countries which share a common law tradition. The Minister's unworthy comments have drawn laughter and derision as well as annoyance and frustration from Members in this House and victims' campaigners and families in the wider community. The new Minister has demonstrated the vacuum in his knowledge of legal systems, jurisprudence and the workings of his own Parliamentary Counsel. To suggest that reflection on other legal systems in making new law or recommendations is somehow erroneous and flawed shows how out of touch he is.

Even more damaging was an attempt by his spin doctors to implicate officials in the Department of Justice, Equality and Law Reform, who were reported as leading the charge against the Fine Gael Bill. Who are these officials? I challenge the Minister to name them. The truth is they are hired hands the Minister has brought in to foster and promote the nakedly opportunistic manner of his behaviour since his appointment to his new portfolio. He and his merchants of spin got to work to save his skin in the heat of an embarrassing situation. The Minister's predecessors sought and received co-operation on an all-party basis from this party and others

on justice measures, while he has shown by his disgraceful antics that if he wants co-operation he will have to earn it.

The Law Reform Commission in every report it publishes, invests significant effort in examining the legal systems in other common law countries. Judges of the High and Supreme Courts invest significant effort in considering the arguments of judges in other common law countries. The keynote speaker at the public consultation on the third programme for law reform was none other than Judge Michael Kirby of the Australian High Court who spoke about how we in Ireland should approach law reform in this country, based on his experience as chairman of the Australian law reform commission. Our legal systems, as the Minister is well aware, are inextricably linked and are based on learning from each other and developing laws in tandem with emerging principles in similar states.

There is a simple reason for this, that is, we are a small country. In the same way we open our markets and business we open our minds to the other systems where they do things better, more successfully and more efficiently. The Minister's Department officials know this well and he might have consulted them before he threw this public wobbly. If the Minister had asked his officials, they could have told him that many Bills of his own Government have significant links with international precedents. The Immigration Bill 2008, published earlier this year by his predecessor, Deputy Brian Lenihan, is directly informed by the Immigration Bill 2007 published in the New Zealand Parliament. The e-Commerce Act is exactly similar to Australian e-commerce legislation. Most company law Acts here come directly from UK company law. In fact when the Copyright and Related Rights Act 2000 was first published it was such a close copy of its sister UK 1988 Act that large chunks of it had to be redrafted for it to make sense in the Irish context. This is perfectly normal. It makes common sense to learn from the developments and approaches in other common law countries particularly for a small jurisdiction such as ours. This is evidenced by the frequency with which lawyers, judges, law reform commissions, legal academics and even the Government's statutory draftsmen have referred to principles of law in other jurisdictions.

This is the first time criticism of this kind has been levelled at Irish legislation. Not only is it illogical, it is utter nonsense and it says more about the person making the allegations and their competence than anything else. We are witnessing a Minister and a Government who refuse to accept that the source of legislation can be from a forum other than Government. This long overdue legislation will not be on the Statute Book, as the Minister said, for at least 18 months.

This legislation is about victims. It is about ensuring that victims and their families can be given centre stage in our legislation. The sensible approach is to accept the Bill this evening, carry out improvements, deal with amendments in the normal way, have an all-party committee dealing with the issue and the Bill, as amended, could become law by October. The Bill, as amended if necessary, would improve the position of the vulnerable men, women and children who have already been significantly hurt by crime. The Minister's careless attitude and delaying tactic is another example of how the Government puts narrow partisan political interests ahead of victims and their families. He now has an opportunity to accept this Fine Gael legislation and to deal with any difficulties he may have on Committee Stage. He should put victims and their families and improvements in the criminal justice system before his own ego.

Acting Chairman (Deputy Jan O'Sullivan): We cannot allow applause from the Public Gallery.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Government and I can agree fully with the sentiments expressed in regard to the needs of victims of crime, innocent people who, through no fault of their own, have suffered hurt, isolation and unbear-

[Deputy Dermot Ahern.]

able trauma, all because something completely outside their control happened. We, as a society, must help them cope and, where possible, overcome this. The impact of their experience can be immense and life-changing. It behoves us to champion their needs.

To that end the Government is advancing the initiative I announced last Thursday. I did not realise the Fine Gael Party was going to bring forward its Bill. Such a Bill is never put down until Friday, as it was on this occasion when it was indicated to the Chief Whip on Friday. I got Government consent on Tuesday of last week to the most far-reaching and radical set of proposals for victims of crime since the foundation of the State, which I announced on Thursday. I intend to bring forward my Bill. Deputy Shatter can put a spin on it by saying it could be any spring, the reality is that it will be next spring. The proposals which I have announced go far beyond the scope of the Fine Gael Bill are ones which I believe will work. They will be in line with *Bunreacht na hÉireann* and will do far more for victims and their families — and that, after all, is what this is all about.

While I agree with the sentiments behind the Bill, there are major problems with this latest Fine Gael effort, as presented. There are practical problems at its core which could undermine what it seeks to create. These major defects leave the Government with no option but to oppose the Bill. A more comprehensive, radical and executable legislative and administrative response is needed for victims and their families. The justice for victims initiative is that response. It is the next phase in our national response to the needs of the victims of crime.

I am glad to see there are representatives in the Public Gallery from the groups that work with victims of crime. All of us in this House unite with them in their objective, which is to promote and improve the position of victims of crime in the criminal justice system. We are committed to this. I am personally committed to it because during my time as a solicitor I was acutely aware of the difficulties victims put up with in regard to offences committed against their families.

We are implementing improvements to support their work and through the new arrangements I am implementing, including the establishment of a victims of crime consultative forum, we are providing them with an avenue for putting forward their views.

It is appropriate for me to avail of this opportunity to thank those volunteers at local level who work tirelessly and largely unrecognised to provide a service to the victims of crime. Their sense of responsibility and support to the community deserves the praise, admiration and support of society in general and the Government and this House in particular.

That is why the Government has been active in promoting and developing the supports for victims of crime. That is why we are bringing forward more radical and far-reaching proposals than those advanced by my colleagues on the benches opposite.

Addressing crime victims' issues is in *An Agreed Programme for Government* commitment and a priority for me, as Minister. I made it a priority immediately I went into the Department some weeks ago. That is what the justice for victims initiative, which I announced on Thursday, is all about. It goes much further than anything provided in the Fine Gael Bill.

At the core of the initiative are legislative proposals to be contained in a new ground breaking Bill addressing justice for victims of crime. These proposals will reform the victim impact statement mechanism in order to grant victim status to next of kin in homicide cases, introduce new mechanisms to deal with an acquittal where compelling new evidence of guilt emerges after the acquittal, enable cases to be re-opened where an acquittal arises from an error in law by the judge, provide for new prosecutions where there is evidence the original acquittal was tainted by interference with the trial process, including intimidation of witnesses, and introduce measures to restrict unjustified and vexatious imputations at trial against the character of a

deceased or incapacitated victim or witness. None of the proposals I have indicated I am bringing forward, are contained in the Bill before the House.

On my instruction, work on the drafting of this Bill has commenced in my Department. It is my intention to have it presented to the Oireachtas in the spring. A key principle will underpin the Bill, namely, the need to secure a balance, which is absolutely necessary under our Constitution, in the criminal process that recognises the position of the victim, while at the same time not interfering with the presumption of innocence to which the accused is entitled.

The Bill will provide mechanisms in cases where an acquittal arises that will allow those cases to be re-opened in exceptional circumstances, subject to appropriate safeguards. The circumstances where cases may be re-opened may arise from an error in the interpretation of the law by the judge, or where compelling evidence of guilt emerges post-acquittal, or where evidence emerges that the acquittal was tainted by interference with the trial process. Again none of those issues is indicated in Deputy Shatter's Bill. That is the reason the Government's Bill will progress this issue much further.

The Bill will also reform the law on victim impact statements and will, in particular, extend the range of persons entitled to make a victim impact statement to the court on the effect of the crime on them. Currently, only the direct victims of sexual crimes or crimes involving violence or the threat of violence are entitled to make such statements. The most obvious deficiency in the current law is that the next of kin of a deceased victim is allowed to make a statement only at the discretion of the court. The effect of my Bill will be that those most directly affected by the offence — not just the direct victim — will be entitled to make such a statement. In cases of homicide, that would most likely be the next of kin of the deceased victim.

8 o'clock

Deputy Alan Shatter: That is in the Bill before the House tonight also.

Deputy Dermot Ahern: My Bill will also include measures to restrict unjustified and vexatious imputations at trial against the character of a deceased or incapacitated victim or witness. It will also provide additional protection for victims at pre-trial stage. I believe the courts should have stronger powers, for example, to order an accused to refrain from contact with the victim, his or her family and other parties in the period leading up to the trial. Those measures are based on the recommendations in the 2007 report of the Balance in the Criminal Law Review Group — the Hogan report. I suggest to Members of the House, and to some of the people in the Gallery whom I know have victims at the core of their interests, to examine the Hogan report, which is excellent. When I first came to the Department and examined the issue, that report was one of the reasons I decided not just to examine the issue of victim impact statements, but to go further to produce the most radical criminal law proposals ever to be brought before the Oireachtas in examining double jeopardy. Those measures will go a long way towards redressing such imbalances as may exist by enabling victims to feel they are fairly treated by the criminal justice system at a difficult time in their lives, while at the same time not interfering with the essential fairness of the trial process to which the accused is constitutionally entitled.

In addition to the legislative proposals, the justice for victims initiative will also contain an administrative package to include the establishment of a new executive office of the Department of Justice, Equality and Law Reform to support crime victims, focusing on the co-ordination of delivery of services; a reconstituted Commission for the Support of Victims of Crime — with a role to distribute funding to groups working with crime victims, as well as to provide general oversight of services and to promote awareness; and a victims of crime consultative

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forum, representing victims' interests, through which they will be able to liaise and feed into policy with the commission.

The proposals flow from the framework document, Recommendations for Future Structures and Services to Victims of Crime, prepared by the Commission for the Support of Victims of Crime, which I published last week. The portent of my press conference was to indicate what I intended to do from a policy point of view to assist victims. The framework document examines the current supports that are available to victims and outlines how they might be strengthened and co-ordinated to ensure that victims receive adequate assistance in the aftermath of crime. I believe the framework document to be well-considered and I have accepted the recommendations of the commission. The commission's main role will continue to be the distribution of funding to groups working with crime victims, but it will also have an important role in contributing to strategy on victims of crime and promoting awareness of the services available to victims of crime. I will also set up a victims of crime consultative forum, which will represent victims' interests and which will engage with the commission. It is the Government's position that any major additional changes to the law in this area should await the outcome of the third programme of the Law Reform Commission, LRC, which includes a commitment to examine the victim and the criminal justice system. That project will involve a general review of the interaction between victims of crime and the criminal justice system.

I acknowledge that on a first reading the Fine Gael Bill appears reasonable. The Bill was originally introduced in 2002. It is just the 2002 Bill with the 2002 struck out and replaced with 2008—

Deputy Alan Shatter: The Minister knows that is complete nonsense. If there was sincerity in anything he has said, he would support the Bill.

Deputy Dermot Ahern: —with additions relating to the setting up of a statutory authority. The Bill has been resurrected six years later with the additional provision for a commission for the support of victims of crime, which has been reproduced from the Fianna Fáil manifesto and our agreed programme for Government.

Deputy Alan Shatter: The Minister was in Government for five years since 2002 and did absolutely nothing.

Deputy Dermot Ahern: That is the only addition the Deputy has made to the so-called Bill. The truth is that the Bill appears reasonable because it is, in essence, a replication of New Zealand's Victims' Rights Act 2002. Virtually every section, line by line and word by word, is a replication of the New Zealand Act.

Deputy Alan Shatter: The Minister did not put that in his script because he knows it is not true but if it had been, would that matter?

Deputy Dermot Ahern: The only two sections Deputy Shatter did not reproduce are the second section that outlines that the New Zealand Act is subject to royal assent—

Deputy Alan Shatter: The Minister did nothing at all.

Acting Chairman: Deputy Shatter, the Minister should be allowed to speak without interruption.

Deputy Dermot Ahern: —and section 6, which states that when passed the New Zealand Act will be binding on the crown.

Deputy Alan Shatter: The Minister is filling his caricature that I outlined previously in my speech.

Deputy Dermot Ahern: They are the only two sections Deputy Shatter did not include in his Bill. The truth is that, in effect, the Bill is a replication of the New Zealand Victims' Rights Act. I urge Members of the House to examine the contents of that Act. In New Zealand, the legislation is credited with having improved the position of crime victims in that jurisdiction and I have no doubt it is appropriate to the circumstances there. However, the legislation before the House must——

Deputy Alan Shatter: Does the Minister think victims in Ireland are different?

Deputy Dermot Ahern: ——demonstrably be appropriate to this jurisdiction.

Deputy Alan Shatter: Is there any logic in that?

Deputy Dermot Ahern: One cannot just import legislation from another jurisdiction, which is part of a different legislative, never mind social and cultural framework——

Deputy Alan Shatter: That is a sad and pathetic criticism.

Deputy Dermot Ahern: ——no matter how appropriate that legislation may be in that jurisdiction. There is no such thing as a single transferable Act between jurisdictions and Deputy Shatter should know that better than most.

Deputy Alan Shatter: So the Department is not going to engage in any comparative legal studies from now on.

Acting Chairman: The Minister should be allowed to speak. Deputy Shatter had his turn.

Deputy Dermot Ahern: A report from December 2007 in New Zealand called for a review of the 2002 Act after six years. That is the very same Act Deputy Shatter has produced today.

Deputy Alan Shatter: The Minister introduced no legislation.

Deputy Dermot Ahern: A parliamentary committee of the legislature in New Zealand has asked for that legislation to be reviewed.

Deputy Charles Flanagan: We are now living in De Valera's island again. We will not look outside our shores and we will do it all ourselves.

Deputy Dermot Ahern: Lest one think that other jurisdictions are more committed to the rights of victims than we are, I draw attention to the fact that the New Zealand legislation does not create enforceable rights of victims. Where Fine Gael has deviated in the Bill from the New Zealand legislation, it has hardly been radical or far-reaching.

Deputy Alan Shatter: That gives the lie to the Minister's criticism of the Bill.

Deputy Dermot Ahern: It has substituted the word "shall" for "should" in sections 5 and 6 of the Bill.

Deputy Alan Shatter: The Minister cannot have it both ways.

Deputy Charles Flanagan: The Minister is contradicting himself all the time.

Deputy Dermot Ahern: Section 5 provides that any person who deals with a victim shall treat the victim with courtesy, compassion and respect for dignity and privacy. Section 6 provides that a victim shall have access to services that are responsive to needs in so far as resources are available. The equivalent provisions in the New Zealand legislation use the word “should”.

Deputy Alan Shatter: Has the Minister compared that to the United Nations declaration and the European framework treaty?

Deputy Dermot Ahern: That is the only change Fine Gael made.

Deputy Alan Shatter: The Minister thinks victims should not be treated with respect.

Deputy Dermot Ahern: Most important, the “original” sections of the Fine Gael scheme do not even require legislation in Ireland. It is the Government’s aim — through the Garda Síochána, in particular, and also through the national crime victims helpline, which is supported and promoted as a first port of call for victims of crime by the Commission for the Support of Victims of Crime — that victims of crime should have access to the services they need. The helpline is one of the many NGOs supported by the commission, which provides support and assistance for all victims of crime. The services that victims can expect from the criminal justice system are detailed in the victims’ charter, which is now being revised by the Commission for the Support of Victims of Crime. In saying that, I wish to make it clear that I am completely open to any proposals that have the effect of furthering these aims and even though New Zealand has had victims legislation going back to 1987, it appears that there are still issues that need to be addressed there, as indicated by the Justice and Electoral Committee’s report of its inquiry into victims’ rights in 2007. The conclusion was that the Act, which is replicated in the Bill before the House, should be reviewed six years on. The committee has called for a review and change of some of the sections Fine Gael has replicated in its Bill. That illustrates the complexity of the topic.

Deputy Alan Shatter: It is so complex that even though Fianna Fáil has been in government for 11 years it has not enacted legislation.

Deputy Dermot Ahern: In a recent speech on 19 April, my counterpart, the Justice and Police Minister, Annette King, said,

This year, a victims’ charter will be developed to build awareness of the standard of service that victims can expect from government agencies. The victims’ charter will be a significant step in ensuring that victims of crime are aware of their rights under the Victims Rights Act.

We in this country have had a victims’ charter since 1995. We are a step ahead of New Zealand in that respect——

Deputy Alan Shatter: This Bill provides for a statutory victims of crime charter.

Deputy Dermot Ahern: ——with a revision of the earlier charter being carried out in 1999, which provides a written framework of entitlements against which crime victims can measure the level and standard of treatment received in their dealings across all sections of the criminal justice system. The fact New Zealand is now turning its attention to a victims’ charter shows that each jurisdiction must choose its own route according to its circumstances and that legislating in this area is not necessarily the most effective or only way to proceed.

Deputy Alan Shatter: The Bill provides for a statutory victims of crime commission. The Minister cannot have it both ways.

Deputy Dermot Ahern: It is better to provide flexible structures which can be responsive to the needs of victims of crime and to bring real substantive improvements to the law, which is what we are doing.

Deputy Charles Flanagan: The Government is not doing anything.

Deputy Dermot Ahern: Moving on from the unsatisfactory genesis of this Bill, the Government has serious difficulties with the provisions of the Bill, as presented. The Bill goes beyond the requirements of the European framework decision on the standing of victims in criminal proceedings, which it purports to be transposing into Irish legislation. Ireland is already compliant with the framework decision, by virtue of our administrative and legislative arrangements. Our compliance in this regard has been so reported to the EU Commission.

Deputy Alan Shatter: The Commission did not take that view. The Minister took that view about it himself.

Deputy Dermot Ahern: The framework decision identified a number of rights for victims as follows: the right of the individual to be treated with respect for his or her dignity; the right to provide and receive information; the right to understand and be understood; the right to be protected at various stages of the proceedings; and the right to have allowances made for the disadvantage of living in a different member state from the one in which the crime was committed.

There are serious practical and technical difficulties with some of the provisions of the Fine Gael-New Zealand Bill before us. The requirement not to accept a lesser plea without informing the victim and explaining his or her reasons would seriously encroach on the independence of the DPP. Similarly, placing a requirement on the DPP to consult with the victim on the grant of bail, in cases of serious sexual and violent assault, and the requirement to inform the court of the victim's views would impact on the DPP's independence and may have constitutional implications.

The sections relating to victim impact statements purport to provide for their more comprehensive use. Section 5 of the Criminal Justice Act 1993 provides that a court must take into account the effect of a crime on a victim and allows it, where necessary, to receive evidence or submissions about the effect of that crime in the case of serious violent and sexual offences. A victim is also allowed to give oral evidence in the matter. The reform I announced last week will address the long-standing criticism of the existing statutory provisions, namely, that they should not be restricted to the direct victim only but should apply to other categories of persons affected by the crime such as, in the case of a homicide, the immediate family members of the deceased victim.

Deputy Charles Flanagan: Those provisions are in the Bill.

Deputy Dermot Ahern: In order to avoid any possibility of inappropriate statements the amended provisions will empower the court to prohibit the broadcasting or publication of all or part of such a statement.

Deputy Alan Shatter: The Minister is plagiarising the Bill.

Deputy Dermot Ahern: The Deputy did not include any of the Hogan proposals. He is way behind. This proposal will implement one of the main recommendations of the Hogan report on balance in the criminal law regarding victim impact statements.

Deputy Alan Shatter: That provision has been in the Bill since January.

Deputy Dermot Ahern: I spent the first weekend after my appointment as Minister for Justice, Equality and Law Reform reading the Hogan report. I would strongly suggest to Members and those outside the House with an interest in the matter to read that report.

Deputy Alan Shatter: Why did the Minister not tell the *Sunday Independent* journalist that what he is now promising was already contained in the Fine Gael Bill?

Deputy Dermot Ahern: We are proposing to put into law the Hogan report proposals on victims.

Deputy Alan Shatter: Why did he deceive the *Sunday Independent* readers?

Acting Chairman: I ask Deputy Shatter to allow the Minister to speak without interruption.

Deputy Dermot Ahern: As I understand it, the provisions put forward by the Deputies, particularly under section 16(2) of their Bill, place no restrictions on the type of offences involved in the case where written evidence or submissions on the impact of the crime on the victim are to be heard in court. I am concerned that the obligation being placed on both the DPP and the Garda Síochána to prepare victim impact statements in the sentencing of offenders generally is too broad and would slow down the prosecution process.

There are a range of other issues which need to be fully examined and researched before expanding and consolidating the use of victim impact statements within a statutory framework. Victim impact statements fulfil a number of roles relating to the sentencing process and the important aspect of victims having their say. More extensive changes, beyond the justice for victims initiative regarding the victim impact statement provisions should await the deliberations of the Law Reform Commission.

Section 8 of the Bill obliges the agencies of the criminal justice system to provide information to all victims and not just to those who ask for it, which is the requirement under the European framework decision on the standing of victims in criminal proceedings. This would place an onerous obligation on the Garda and DPP to keep victims informed at all stages of the criminal process, which would be unworkable and would have significant resource implications. To be workable, the Bill would need to differentiate between serious offences and minor offences, which it does not do.

Furthermore I am not convinced that the level of detail set out in section 8 dealing with the information to be given to victims is appropriate to legislation. Almost all of the provisions are contained in the victims' charter and in view of the constant need to improve, develop and enhance the level of detail involved, this area is a primary candidate for listing outside of primary legislation. The requirement that all victims of all offences, including victims of anti-social behaviour offences, be informed of every aspect of the investigation and prosecution of an offence, including explanation of a decision not to prosecute, goes far beyond the requirements of the European framework decision. I accept fully that victims have a legitimate expectation to be informed about services available and about the progression of a case. To that end, I am asking the Commission for the Support of Victims of Crime to explore with the agencies involved how the needs of victims in regard to information might best be met.

The requirement to give reasonable prior notice of the intention of the parole board to review the case of a convicted offender for parole and to make submissions to the parole board is already available to those victims who ask for this and, as I said above, the issue of the victim impact statement being available at the parole stage, as recommended by Dr. Hogan, will be addressed in the Government Bill. In addition, the book of evidence is now available to the

parole board. The requirement to be given reasonable notice of a convicted offender's escape or early release is also already available to those victims of serious offences who ask for it.

A significant part of the Private Members' Bill relates to the provision for a statutory Commission for the Support of Victims of Crime. The sections outlining the tasks of the commission are useful as a checklist and I have no difficulty with them in principle. However, on taking office I was presented with the Commission for the Support of Victims of Crime framework document, which I have just published. It is my intention to implement these recommendations immediately in their entirety. They do not seek the establishment of a statutory agency. However, in light of the recent OECD report, *Towards an Integrated Public Service*, I do not want at this stage to establish a statutory office but rather to meet this function through an executive office within my Department, which will also have the role of providing the secretariat. Despite its stated policy on the proliferation of statutory State bodies, Fine Gael is calling on us to establish yet another statutory authority and yet people like Deputy Varadkar and others are abusing the Government over statutory agencies.

Deputy Alan Shatter: The commission already exists. It was set up in 2005.

Deputy Dermot Ahern: Fine Gael claims there are too many of them and yet it is calling for another one. The bottom line is that from a victim's perspective it does not matter whether a commission is established on a statutory basis, as long as the service is delivered. In putting these structures in place, I am honouring the commitment given in the programme for Government. The strengthening of the administrative structures through these recommendations will provide a general basis for consolidating progress and moving forward to address the concerns identified by the Commission for the Support of Victims of Crime such as inconsistent levels of service provision to victims of crime across the country.

The establishment of a new victims office, along with a reconstituted commission and victims' of crime consultative forum will bring renewed energy, drive and direction to the whole area of supporting victims of crime. Along with the Bill that I will bring forward next year, this package of administrative measures is a more sustainable, focussed and flexible way to proceed than through the wide-ranging and unworkable measures contained in the Victims' Rights Bill 2008. The measures I have announced affirm my personal determination to ensure that victims of crime receive a high standard of service from the agencies within the criminal justice system and from the NGOs providing support for victims of crime, funded by the Commission for the support of victims of crime.

I urge the House to reject the Bill. The initiative I have announced for which I received Government consent last week indicates that we are going much further than this Bill. If necessary, I can produce a comparison between the two Bills. The Bill before us is the replication of an outdated Bill from New Zealand virtually word for word and line for line just localised for Irish circumstances.

Deputy Charles Flanagan: New Zealand is not North Korea or Albania.

Deputy Dermot Ahern: It is on the other side of the world. It is a different jurisdiction. I regard my role as a legislator as a solemn role given to me by the people. This is not a classroom where Members cog homework.

Deputy Alan Shatter: The Minister is pathetic.

Deputy Dermot Ahern: This is a sovereign Parliament where we determine our own legislation. We do not cog it from other jurisdictions as Fine Gael has done.

Deputy Alan Shatter: The Minister is not fit for the office he has been given. He is a disgrace.

Acting Chairman: I call Deputy O'Shea.

Deputy Alan Shatter: The Children Act copied legislation from New Zealand. The Minister is an absolute disgrace.

Deputy Dermot Ahern: It is lazy legislation.

Deputy Alan Shatter: We would be better off with New Zealand legislation *simpliciter* than no legislation at all.

Deputy Dermot Ahern: It is lazy legislation, which is out of date already according to the those in New Zealand.

Deputy Alan Shatter: The Minister is a total disgrace. What makes it even more pathetic is that he does not realise it. He does not realise how pathetic he sounds.

Deputy Brian O'Shea: Táim ag iarraidh mo chuid ama a roinnt leis na Teachtaí Ó Snodaigh agus Rabbitte. Molaim na Teachtaí Shatter agus O'Flanagan as ucht on Bille caoithiúil seo, An Bille um Chearta Íosparteach 2008, a thógaint os comhair na Dála. Tá athas orm seans a fháil labhairt sa díospóireacht ar an Dara Chéim den Bhille.

This Bill is timely and I compliment Deputies Flanagan and Shatter on bringing it before the House. Last year, I came across a case in my constituency where a woman had been physically assaulted by a stranger with serious consequences for her. It took a long time to get the case to court, where the defendant was convicted and a prison sentence imposed. Subsequently, there was an appeal, but to the best of my recollection the victim had no idea this appeal was taking place. The appeal did not relate to the conviction but to the severity of the sentence. As a result, the defendant, on payment of €2,000, could have the sentence suspended for 18 months. The outcome of the appeal was worse for the victim, who went through very considerable trauma.

The issues that arose in that instances were keeping the victim informed and sentencing. Many people have grave concerns about sentencing. I will not go into recent cases but it is an issue. As a democrat and a legislator I have a major concern because the level of sentencing in some high profile cases undermines people's confidence in the judicial or legal system. We are failing in many instances.

I have listened to the acrimony in the House, but the genesis of this Bill does not matter at the end of the day. Either it is fit for purpose or it is not. It does not matter where it came from. There should be a greater spirit of co-operation here in solving a major problem in society. All this agro does not enhance the view of people who are aware of it and in terms of how committed this Legislature is to making proper provision for many of the issues.

As I said, the Bill is timely. In many ways it is in line with the Labour Party's position. My party holds the view that victims and their needs should be at the heart of the justice system. The rights of victims to information, advice and other appropriate assistance should be met effectively and efficiently. That is covered in this Bill. I read the explanatory memorandum and was impressed with it — I am not a legal person. The Minister raised legal issues and made a statement last week, aspects of which were very welcome. Has the Minister looked at how to get to where we want to be? We want legislation that addresses the problems in this area to go through the Oireachtas and be signed into law by the President. The Minister talked about publishing a Bill in the spring. However, given the Government's record on producing legislation, one would have to be less than confident that this will happen.

Does it matter where legislation comes from? It does not. It may offend the Government's pride that legislation comes from the Opposition benches, but the real issue is to provide for victims and the Bill is a very large forward step in looking after the rights of victims. The agro is wasteful, with people endeavouring to score points off one another. We are here to serve the people. A basic right is security and the State has a responsibility to provide for it. There are too many victims who, rightly, feel they have not been properly treated by the system. We will not rectify all that is wrong overnight, but until we have legislation and we begin to implement and develop it, we are going nowhere.

We must get away from the criminal justice system treating victims of crime as just another potential witness. The Labour Party's position is that the Garda should maintain adequate contact through identified liaison officers with victims of crime and report progress on investigations and prosecutions. There is nothing between the Minister and the proposers of the Fine Gael Bill on these issues. I do not see that much difference here except that there are questions about the genesis of the legislation. It came from another jurisdiction where some aspects of law are quite different. However, let us start getting around these issues rather than arguing about them. It serves no useful purpose for the Government to oppose the Bill. What does it achieve? If the Government, at an early stage, presents superior legislation, as long as we are meeting the needs of victims of crime, as this Bill seeks to do, that is all that matters. That is what we are paid for and why we are elected. Tonight's bickering backwards and forwards does not edify this institution. Let us get on with the job, do what we are elected to do and dispense with the altercations across the floor. Altercations serve no purpose, least of all for the people who elected us.

The Labour Party believes a victims' fund should be established to award compensation to victims of crime outside the loss and expense individuals and businesses are normally insured against. The expenses of the fund would be met by fines paid by offenders. There is much in the Bill that is attractive, pertinent and needs to be brought forward and put into legislation. If there are major additions to what is there, or basic problems, that is fine, but the Minister should not stop it because what is proposed is not repugnant to the interests of victims. That is not where we are — far from it.

The Minister acknowledged where the proposals of this Bill came from and was complimentary about it. However, I return to the point that democracy is not something that maintains itself but must be looked after. In this country, and in many western economies, people are less inclined to cast their vote. They are not coming forward to vote in the numbers they did in the past.

For some time, I have formed the view that we must be clearly seen to be doing what we should be doing in the House and addressing the problems that exist, which do not get any easier. For example, the economy is now in recession. We need to spend much less time hopping off one another in here and get down to dealing with those issues that are really important to the people. In many ways, we saw elements of this in the recent referendum campaign. I firmly believe there was a considerable anti-politician element in the "No" vote and we must work to remedy this.

Much has happened to the reputation of politicians given what has emerged in tribunals and so on. We have an obligation to resurrect the good name of the whole profession of politics. As we know, the vast majority of people in politics and in these Houses are of fine calibre and they come here to look after the interests and concerns of the people who elect them. We need to be clearly seen to address the issues which are important.

I again ask the Government to reconsider its opposition to the Fine Gael Bill because, as I said, it serves no useful purpose. Fine Gael and the two Deputies involved should be compli-

[Deputy Brian O'Shea.]

mented on the Bill. They brought it to us and no one can in any way say it is not pertinent and urgent, or that it is not important that these issues are addressed.

The Minister is to bring in his Bill in the spring, if it happens then. However, it is incumbent on the Minister to keep this House, particularly the justice spokespersons, well informed as to what is happening so we all know exactly the position of the Bill and when we can look forward to having a large measure of agreement to get it through the House.

Deputy Aengus Ó Snodaigh: Gabhaim buíochas as an deis labhairt agus gabhaim buíochas leis an Teachta Brian O'Shea as ucht a chuid ama a roinnt liom. Cuirim fáilte roimh an Bille seo. Is tábhachtach an rud é go bhfuil sé os ár gcomhair anois. Is fíor annamh a chloiseann éinne mise ag tacú le nó ag moladh Bille dlí agus cirt a thagann ó Fhine Gael, ach tarlaíonn rudaí ait anois agus arís. Sa chás seo, is Bille maith é agus tuigim go ndéanann sé iarracht tabhairt faoi cheist atá ag feitheamh le blianta ar an Rialtas chun rud a dhéanamh faoi. Bliain in ndiaidh bliana, dúirt Rialtais éagsúla go dtabharfadh siad faoi an cheist seo, ach ní dhearna siad beart de réir a mbriathar go dtí gur fhoilsigh Fine Gael a Bille. Go tobann ansin labhair an Aire agus dúirt sé go raibh sé réidh chun a Bhille fhéin a chur os ár gcomhair.

Aontaím le cuid mhór de na moltaí sa Bhille seo. Dar ndóigh, d'fhéadfadh sé a bheith níos foirfe. Sin an jab atá againne agus ag an Rialtas, agus feabhas a chur air. Sin an fáth gur cóir ligint don Bhille dul chomh fada le Céim an Choiste, ionas gur féidir linn Bille níos foirfe a dhéanamh de ionas gur féidir linn uilig tacaíocht leis. Táimid uilig sa Teach aontaithe go bhfuil gá le reachtaíocht cheart a thugann cosaint le cearta íobartaigh. Seo tús le sin. Tar éis an reachtaíocht a chur i bhfeidhm, bhíú filleadh rudaí eile. Ar a laghad, ba chóir don Rialtas tús a chur leis an phróiseas, agus an cheist seo a thapú. Go minic tapaíonn an Rialtas ceisteanna eile, conas ceartanna a bhaint uainn agus conas dlíthe a dhéanamh níos láidre. Is buntaist é an Bille seo don todhchaí agus ba chóir don Rialtas a léiriú go bhfuil siad sásta bheith níos tógtha leis an cheist seo nó mar atá siad. Léirigh an méad a bhí le rá ag an tAire nach bhfuil meas aige ar iarrachtaí an bhFreasúra chur chuige cheart a dhéanamh ar ceisteanna móra mar seo. Níor dhein sé aon mhaitheas san slí a bhí sé ag caitheamh anuas ar an mBille. Is cuma an ón Nua-Shéalainn, Ceanada nó pé áit ón ar dtagann na bun-smaointí más féidir costaint a thabhairt do íobartaigh. Ba cheart dúinn tabhairt faoi na cosaintí agus iad a mhúnlú dúinn féin. Sin an fáth a mbíonn Céim an Choiste ann.

The Government should show some maturity, although there is faint hope of that, especially given the reaction today of the Minister for Justice, Equality and Law Reform and his antics last Thursday with his non-appearance, appearance and reappearance on the Offences Against the State Act motion. He apparently did that to upstage this Bill by holding a press conference outlining his own half-baked proposals on the legislation he was promising for spring of next year. When we reach spring of next year it will probably then be the spring of the following year or the year after that. That said, I cannot let the opportunity pass to deplore the failure of Fine Gael to oppose the continuing renewal of the Offences Against the State Act on that occasion.

It is essential in considering the Victims' Rights Bill that we not only recognise but also legislate for the implementation of rights for victims of crime. The first priority must be crime prevention and community safety in all its aspects. If we get it right, and I do not believe we have done so in any shape or form, far fewer people will become victims of crime or will become criminals, which should not be forgotten. However, the reality is that we are surrounded by crime in our communities, particularly violent crimes against people.

Again today, in my constituency, there was another shooting where a woman was shot in the shoulder. This kind of crime is all too prevalent at present and has many victims, in this case

not only the woman but her family, the witnesses and the community as a whole. Crimes in that area in particular are a result of the drugs trade and a feud between warring drugs gangs.

Not enough has been done to protect the victims or the witnesses to these crimes. Very few witnesses come forward because they do not have faith in the system or faith that the State will protect them and their families in the event of them coming forward. It is the same with some of the victims of crime, who are too afraid to explain the full horror of what has happened to them. I appeal again to the Government to look properly at this issue and use the opportunity to try to progress this Bill through Committee Stage.

Under the Good Friday Agreement, a Bill of Rights forum was established and it examined the issue of the rights of victims and witnesses to fair treatment. That forum's final report made two key recommendations, the first of which states:

Everyone who is a victim of or witness to a crime or a human rights violation is entitled to support and assistance in the criminal and civil justice system to enable him or her to give the best possible evidence, free from intimidation and harassment and from fear of victimisation. In particular, a victim of sexual crime, child abuse and/or domestic violence has the right to be treated with respect and sensitivity by appropriately trained justice officials.

There are many practical steps which can be taken, both inside and outside the courts, to assist victims and witnesses. Such people have already gone through a traumatic time through being victims or witnesses to a crime and the delays in the court system often compound this. The fact of a spotlight being on the cases often makes people anxious and the court cases themselves vividly reawaken the memories of what befell them. That can be traumatic and the State must ensure such people have the required supports so they can give proper evidence in court, without fear of intimidation.

The other recommendation of the forum was that:

Following any conviction in a trial for a serious offence and prior to sentence being delivered, a victim has the right to make a statement orally or in writing in open court indicating the impact of the crime on himself or herself and to close relatives and associates.

Principal issues raised in criminal justice and victim's working groups of the forum included the following:

- victims' rights include the right: to be treated with courtesy, respect, fairness and dignity; to be heard; to receive accurate and timely information; to privacy and protection; to support, reparation and compensation; to an effective and efficient investigation of the crime; and to timely processing of criminal or other appropriate proceedings following the arrest of the accused.
- it was noted that the particular circumstances of Northern Ireland have also seen the development of information and restorative statutory and nonstatutory processes in which it is important to secure victims' rights.

In all of this, it is vitally important to protect the rights of accused persons who are innocent until proven guilty. Obviously, this Bill and every other Bill will have to be tested on that score but at least we have a Bill in front of us to examine. The Minister unveiled a series of proposals and promised legislation at his press conference last Thursday. His half-baked proposals prompted the Irish Council for Civil Liberties to state that "The changes that the Minister has proposed would diminish the rights of accused people without improving——

Deputy Dermot Ahern: The Deputy should read the Hogan report. They are not half-baked.

Deputy Aengus Ó Snodaigh: I am simply quoting what another organisation has said. If the Minister was not so busy chatting to his colleague, he might have heard the context in which I was speaking.

Deputy Dermot Ahern: I did hear it and the proposals are not half-baked.

Deputy Aengus Ó Snodaigh: Which organisation was I quoting?

Deputy Dermot Ahern: They are not half-baked.

Deputy Aengus Ó Snodaigh: The Minister does not have a clue because he did not have the manners to sit and listen. The organisation which commented on the Minister's proposals was the Irish Council for Civil Liberties. I will quote the council again, if the Minister so wishes:

The changes the Minister has proposed will diminish the rights of accused people without improving life for victims of crime. It is a fallacy that taking liberties from accused persons can enhance the lives of victims. If the Government is genuinely interested in advancing the situation of victims then it must adopt a rights-based approach, including a statutory charter for victims of crime.

We owe it to the victims of crime that the State takes the required steps to protect them, to encourage them to rebuild their lives, to have faith in the justice system, to put them at ease when dealing with the justice system, the Garda Síochána and the courts and to keep them informed.

Sa lá atá inniu ann, ba cheart go mbeadh fhois ag gach duine faoi cad atá ga tarlú i ngach stad den chóras — níl aon leithscéal i leith seo — agus sna chúirteanna. Tá ghrupaí eile ag tabhairt tacaíocht don Bhille, agus ba chóir dúinn éist leo agus an spreagadh a thabhairt chun déileál i gceart leis an cheist seo. Ba cheart dúinn an Bille seo a chur chuig coiste chun déileál le aon athraithe nó píosáí briese a chur leis, gan fanacht leis an Rialtais.

Iarraim ar an tAire díriú ar seo agus gan é a dhiúlú, an Bhille a thabhairt os comhair choiste agus tacaíocht a thabhairt leis an mBille, agus é a athrú nó cur leis ag Céim an Choiste ionnnas go mbeidh Bille foirfe againn ag deireadh an próiseais, seachas fanacht le Bille an tAire an blian seo chugainn.

Intoxicating Liquor Bill 2008: Order for Second Stage.

Bill entitled an Act to amend and extend the Licensing Acts 1833 to 2004, the Courts of Justice Acts 1924 to 1961, the Registration of Clubs Acts 1904 to 2004 and the Criminal Justice (Public Order) Act 1994, and to provide for related matters.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I move: "That Second Stage be taken now."

Question put and agreed.

Intoxicating Liquor Bill 2008: Second Stage.

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

I thank the House for agreeing to deal with the Intoxicating Liquor Bill as an urgent matter and I look forward to the co-operation of both Houses in having the legislation enacted before the summer recess.

There is broad recognition in this House and beyond that legislative reforms are needed to tackle public disorder and alcohol-related harm resulting from excessive alcohol consumption. We routinely see evidence of this need on our streets and in the accident and emergency departments of our hospitals. We see it on our television screens and in the newspapers. The problem is not confined to large urban centres but affects small and medium-sized towns across the country as well.

This is a relatively short but ambitious Bill that will give effect to reforms recommended by the Government alcohol advisory group. I take this opportunity to thank the Chairman of the group, Mr. Gordon Holmes, and its members for their work and especially for submitting their report and recommendations within the very tight time limit set by Government. Moreover, I thank the 200 or so organisations and individuals who took the time to make submissions to the group and to outline their particular concerns and priorities.

The advisory group submitted its report to my predecessor, Deputy Brian Lenihan, on 31 March. The action taken by the Government by way of very early publication of this Bill is a measure of the urgency and seriousness with which the Government wants to deal with the alcohol-related problems identified in the group's report. I urge the House to give favourable consideration to the proposals in the Bill.

The strategy underpinning this Bill is also one which tackles the increased visibility and availability of alcohol through retail outlets with off-licences, while tightening the conditions under which premises with on-licences qualify for special exemption orders permitting them to remain open beyond normal licensing hours. The Bill places renewed emphasis on enforcement of licensing law, particularly in relation to underage drinking.

The Bill also strengthens public order provisions by including measures to curtail alcohol consumption in public places, especially by those under 18 years, and allowing gardaí to seize alcohol. The Garda Síochána will also have powers to seize alcohol from any person, regardless of age, where the consumption of alcohol in a public place is causing, or likely to cause, annoyance or nuisance or a breach of the peace.

The factors which influenced the advisory group in framing its recommendations are explained in the report and I do not propose to enter into the detail today. It is worth recalling, however, that Ireland has one of the highest alcohol consumption levels in the European Union. Average consumption of pure alcohol per person over 15 years of age in 2006 was 13.36 litres. This means that each person aged 15 and over consumed an average of 20.8 standard units of alcohol per week. Since the recommended maximum weekly consumption levels are 14 units for women and 21 for men, this means that many people are drinking more than the recommended limits. Moreover, when account is taken of the fact that up to 20% of adults do not consume alcohol at all, the amount consumed by those who do is even greater and this increases the likelihood of alcohol-related harm and public order offences.

Ireland also stands out as having a particular problem with binge drinking. The 2007 Eurobarometer survey found that 34% of Irish drinkers consumed five or more alcoholic drinks in one sitting compared with the EU average of 10%. When asked about the frequency of consuming five or more drinks on one occasion, 54% of respondents in Ireland stated that they did so at least once a week. This was the highest figure recorded in the survey.

Regrettably, abuse of alcohol is also common among those aged under 18. The 2006 national study of health behaviour in school-age children found that half of those aged 15 to 17 reported being current drinkers and over a third reported having been "really drunk" in the previous 30 days.

The harmful effects of excessive consumption of alcohol have been well documented in recent health research findings. The 2007 report by the Health Research Bureau entitled

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Health-Related Consequences of Problem Alcohol Use gives a good overview of the current situation. More recently, the HSE report on alcohol-related harm in Ireland brought together various data to illustrate the consequences of alcohol abuse on health and other areas. It makes for uncomfortable reading. For example, 28% of all injury attendances in accident and emergency departments in acute hospitals are alcohol-related, alcohol was a contributory factor in 36% of all fatal crashes, alcohol was involved in a quarter of severe domestic abuse cases and 46% of those who committed homicide were intoxicated at the time.

Workplaces are not immune either. A survey by IBEC reported that alcohol and alcohol-related illnesses were cited by 12% of companies as a cause of short-term absenteeism from work by males and by 4% of companies as a cause of short-term absenteeism by women. There are serious public order issues arising from excessive alcohol consumption. Adult offences for intoxication in a public place have doubled in the period 1999-2005 and juvenile offences have almost trebled during the same period. While assault offences peaked in the period 2000-02, public order offences, the majority of which are alcohol-related, continue at unacceptably high levels. I am sure that all of us in this House in our role as public representatives know families who have direct experience of loss of life, sickness, injuries, threats and abuse caused by excessive alcohol consumption.

It was against this background that the Government established the Government alcohol advisory group in January last. The group was asked to examine key aspects of the law governing the sale and consumption of alcohol with particular reference to public order issues. It was specifically requested to examine the following matters and to report to the Minister with its assessment of the best way forward by 31 March 2008. The issues were as follows: the increase in the number of supermarkets, convenience stores and petrol stations with off-licences and the manner and conditions of sale of alcohol products in such outlets, including below unit-cost selling and special promotions; the increasing number of special exemption orders which permit longer opening hours being obtained by licensed premises around the country; and the use, adequacy and effectiveness of existing sanctions and penalties, particularly those directed towards combating excessive and under-age alcohol consumption.

As I mentioned already, Dr. Gordon Holmes acted as chairman of the group and the membership included a professor of criminology, a public health specialist, a senior member of the Garda Síochána and representatives from the Departments of Justice, Equality and Law Reform, and Health and Children. The group was, therefore, able to draw on a considerable level of knowledge and expertise in the course of its work.

Following extensive consultations and discussions with interested parties, the group submitted a report containing 31 recommendations, the majority of which advocate reform of the licensing laws and public order legislation. These are the recommendations which form the basis of the Bill before us. The group's remaining recommendations are the subject of further discussions with Departments and the Garda Síochána. Preparatory work on their implementation has already commenced.

The proposals in the Bill, taken together, represent a coherent and carefully balanced package of practical measures and reforms which are designed to reduce access to alcohol, including its visibility within retail outlets, while at the same time strengthening measures to tackle public disorder and anti-social behaviour on the streets and in our communities.

I know that the group's chairman, Dr. Holmes, had an exchange of views at an early stage of the consultation process with the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights and that the various views expressed by members on that occasion informed the group's subsequent work. In addition, following publication of the general scheme

of the Bill in late April, my predecessor, Deputy Brian Lenihan, presented the proposed contents of the legislation to the select committee. I understand that committee members were broadly disposed towards the Government's intentions.

A Bill to curtail the abuse and excessive consumption of alcohol would not be complete if it did not address the public order problems that are so often associated with excessive consumption. The Bill, therefore, identifies two specific areas where action is both possible and necessary.

The first of these areas concerns the possession of alcohol by young persons under 18 years and its removal by gardaí. The second concerns situations where the presence of alcohol is likely to result in annoyance, nuisance or a breach of the peace. In such cases, gardaí are given powers to seize the alcohol and move on the persons concerned.

Provisions relating to persons under 18 years are set out in section 13 of the Bill. They apply to situations where persons under 18 years are found in possession of alcohol in a place other than a place used as a private dwelling. This could encompass a public street, a river bank, an unoccupied or derelict dwelling or a building site.

Part IV of the Intoxicating Liquor Act 1988 already makes it illegal for a person under 18 to buy alcohol or to consume it in any place outside the home or in another person's home where they are present by right or with permission. Section 13 adds a new section — section 37A — to Part IV. Under the new section, where a garda suspects that a person is under 18 years and that the person or anyone accompanying that person is in possession of alcohol for the purpose of consuming it in a place other than in a place used as a private dwelling, the garda may seek an explanation and if not satisfied with the reply, he or she may seize the alcohol.

A number of steps are required. The garda will first ask that the alcohol be handed over voluntarily. Where that does not happen, the garda will give a warning that he or she may arrest the person and seize the alcohol and may use such force as is necessary to do so. A person who fails to co-operate in either handing over the alcohol or in giving details of his or her name, address and age may be arrested and charged with an offence. On conviction, section 37A provides for a fine of up to €500. The garda must make and retain a record of any alcohol seized and disposed of.

Section 18 provides for the second major element of the public order aspects of the Bill. It amends the Criminal Justice (Public Order) Act 1994 by inserting a new section — section 8A — into that Act. The new section is intended to deal with persons of any age who are in possession of alcohol in a place other than a place that is used as a private dwelling and who the garda believes are causing or are likely to cause a nuisance or annoyance to others or there is or there is likely to be a danger to persons or property or a breach of the peace.

In these circumstances, the Bill gives the garda powers to seize the alcohol and authority to direct the persons to desist from their activities and to move on. In this section, "place" has the same broad meaning as in the new section 37A. The procedures to be followed by the garda are the same as those in section 37A which I have already outlined. As in the new section 37A, failure to co-operate with a request to hand over the alcohol or to give a name and address is an offence with a maximum fine of €500. The maximum fine in the case of a failure by an individual to comply with a direction to desist from his or her activities or to move on, is €1,000.

Powers of entry for the purposes of operating the new sections 37A and 8A are set out in the new sections 37B and 8B, respectively. In this instance, we are talking about entry into, for example, unoccupied houses and flats, derelict sites or building sites. As Deputies will be aware, our Constitution makes very clear provision on the inviolability of a domestic residence. The powers being granted here take full account of that provision but also ensure that gardaí are given a clear basis on which they can use the powers granted by the new sections 37A and 8A.

[Deputy Dermot Ahern.]

A garda must have reasonable grounds for believing that section 37A or 8A applies before exercising the entry powers under section 37B or 8B as the case may be. Of course, it may not become clear until after entry has been completed whether it is section 37A — a person is under 18 years — or section 8A which applies. The entry provisions are framed to deal with that situation by requiring that the garda be satisfied before entry that one or other or perhaps both sections are applicable. There are a few additional points I want to make about the new Garda powers to seize alcohol. Firstly, these new powers are in addition to existing powers to deal with public order offences. Indeed, the real benefit of the new powers is that they will permit early intervention by gardaí and will, therefore, help to prevent offences taking place.

Where the parties co-operate with gardaí, the matter ends there. The question of arrests and prosecutions arises only where there is resistance or a failure to co-operate. These new powers will, therefore, not only assist gardaí in responding to and preventing unacceptable behaviour but they have the potential to enable gardaí to achieve that end, while reducing the time-consuming activities connected with prosecutions and court appearances. From the offender's perspective, he or she will avoid a criminal record where he or she co-operates with gardaí in the exercise of these new powers.

Deputies will note that the procedural requirements to be followed, including the warnings to be given by the garda, are set out in a detailed manner in the two sections. I attach considerable importance to this aspect of the new provisions. The explicit description of the procedural steps to be followed is intended to ensure that even where the opportunity for judicial supervision does not arise, for example, when the parties concerned co-operate with gardaí and, as a result, no court proceedings are involved, we can nevertheless be reasonably satisfied that due process has been observed.

Sections 11 and 17 introduce revised definitions of “bottle or container” for the purposes of the 1988 and 1994 Acts. This will ensure a consistent approach. In respect of public order matters, I am also pleased to inform the House that in line with another of the advisory group's recommendations, I am making arrangements to introduce fixed charge penalties for offences under sections 4 and 5 of the Criminal Justice (Public Order) Act 1994. Provision was already made for these charges in section 184 of the Criminal Justice Act 2006, but certain technical amendments are required with regard to the administration of the fixed charges, for example, arrangements for payment of the charges. My aim is to ensure the new charges will be introduced to coincide with the commencement of the relevant provisions of this Bill.

It is important that we recognise the significance of the introduction of fixed charges in this area. Although they have applied for some time now in the case of certain road offences, this is the first time we have applied them to public order offences. The arrangement has potential benefits for all concerned. The offender avoids a criminal record and pays a charge that is significant but, in all probability, lower than the fine that might have been imposed by the court.

An offender who disputes the charge retains his or her right to go to court and to have the matter settled there. Needless to say, an offender who fails to pay the charge will be prosecuted for the original offence. The system also has benefits for the Garda and the courts. It provides gardaí with an additional option, which may be more appropriate in many cases, while remaining a deterrent. It will reduce administration time and time spent in court. I fully support this new departure and think it has potential for further development. However, it will be necessary to evaluate these first, albeit limited, steps before considering any expansion.

There has been a significant increase in the number of supermarkets, convenience stores and petrol stations with off-licences in recent years. At the same time, there has been a remarkable

increase in the scale and frequency of alcohol promotions and price discounts. The result has been a marked increase in alcohol availability and visibility within these mixed trading premises.

There are basically three types of off-licence, which correspond with the three main categories of alcohol products, namely, spirits, beer and wine. Specialist off-licences, supermarkets and many convenience stores hold all three licences and can, therefore, sell all types of alcohol. Other retail outlets may have a licence to sell wine only.

To obtain the necessary off-licences to sell spirits and beer, an applicant must apply to the District Court for a certificate which, if granted, is then presented to the Revenue Commissioners. Revenue then issues the licences, subject to tax compliance requirements. The District Court will not issue the required certificate unless the applicant satisfies the court that an existing licence holder, usually the holder of a public house licence, is willing to extinguish an existing licence when the new licences are issued. Grant of the certificate is also dependent on the court not accepting an objection on any of the grounds on which an objection can be lodged. Neither a District Court certificate nor extinguishment of an existing licence is required to obtain a wine only off-licence. These are issued directly to applicants by the Revenue Commissioners.

In 2001, the Revenue Commissioners issued off-licences permitting the sale of spirits and beer to more than 790 outlets. This had increased by about 70% to more than 1,300 outlets by 2007. The number of wine only off-licences almost trebled over the same period. More than 3,600 wine only off-licences were issued in 2007. This is the background against which the advisory group formulated its recommendations to restrict both the supply and visibility of alcohol in mixed trading premises.

Section 4 of the Bill proposes to restrict off-sales of alcohol to the period between 10.30 a.m. and 10.00 p.m. and 12.30 p.m. to 10.00 p.m. on Sundays and St. Patrick's Day. This new restriction will apply to premises with on-licences as well as off-licences. It also means the existing provision, which permits the sale of alcohol from 7.30 a.m. in mixed trading premises such as supermarkets, convenience stores and petrol stations, will be repealed. This proposal will reduce the time during which mixed trading premises may sell alcohol by 29 hours per week. Existing prohibitions on the sale of alcohol on Christmas Day and Good Friday will remain in place.

Section 5 provides that an applicant for a wine off-licence will in future require a District Court certificate. As already mentioned, this requirement already applies to applications for spirits and beer off-licences. Section 6 provides for the possibility of lodging an objection to the grant of a District Court certificate for an off-licence on any of the following grounds: the character of the applicant; the appropriateness of the premises; the needs of persons residing in the area; and the adequacy of the number of licensed outlets already in the area.

Currently, objections to certificates for spirits and beer off-licences are generally limited to the character of the applicant and the suitability of the premises. The new provisions will permit gardaí or local residents to object, on the grounds that an off-licence is not required to meet the needs of residents or because there are already enough off-licences in the neighbourhood. Subsection (2) provides that the District Court may require the installation or operation during licensing hours of a closed circuit television system on granting a certificate. This is intended to deter people from loitering in the vicinity of off-licences and to combat secondary purchasing, namely, where under-age persons try to persuade or pressurise adults to purchase alcohol for them.

The result of the implementation of sections 5 and 6 is that the same grounds for objections will in future apply to on-licences and off-licences. It will remove differences of treatment

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between premises seeking on-licences and those seeking off-licences, and between off-licences selling all alcohol products and those selling wine only. Section 7 is a technical proposal which gives jurisdiction for granting the certificate for a wine retailer's off-licence to the District Court and provides for the giving of advance notice of applications for such licences.

Section 8 provides for the separation of alcohol products from other products in premises which are engaging in mixed trading, for example, supermarkets, convenience stores and petrol stations. It provides that alcohol shall be displayed and sold in a separate area of the premises to which access is controlled. Where a structural separation is not feasible, for example because of the size of the premises, alcohol products must be displayed and sold from a part of the premises where public access is prohibited, for example from behind a counter. Subsection (3) provides that structural separation will not apply to specialist off-licences or to duty free shops. As implementation of the structural separation provisions may require structural alterations within premises, the Bill provides for delayed implementation of section 8.

The advisory group's recommendation for structural separation of alcohol products was motivated by its concerns that the display and sale of alcohol side by side with ordinary foods served to create the impression that alcohol is an ordinary retail product. It also exposes children to alcohol products at an early age. Restricting sale and display to a separate area will emphasise the difference between products which require a licence for sale and those which do not require any such authorisation.

On Friday last, I held detailed discussions with the trade bodies representing supermarkets and convenience stores on the structural separation proposals in section 8, and their impact. During these discussions, the bodies concerned offered to implement an agreed voluntary code of practice as an alternative to implementation of section 8. The code would cover issues such as the location and display of alcohol within premises, signage, warning signs, in-store advertising, as well as staff training standards. Implementation would be overseen and enforced through an independent audit and verification mechanism. I am currently awaiting details of the proposed code.

If agreement can be reached on its contents and the necessary level of support for its strict implementation across the mixed trading sector, if I am satisfied the proposed code would achieve in effect what we have set out to achieve through structural separation and if the code is subject to independent verification on an annual basis, I would be disposed to deferring implementation of section 8 for the present. If independent verification of compliance were to show the code is being implemented effectively across the country, and achieving in effect what we have set out to achieve through structural separation, it may not be necessary to commence section 8. If not, I will not hesitate to do so.

Following last week's discussions, I intend to table an amendment on Committee Stage to exempt wine from the requirement that in cases where structural separation is not possible, the sale of all alcohol products shall be confined to a part of the premises from which the public are excluded. This will permit customers to continue to browse while purchasing wine.

Section 9 amends existing statutory provisions under which the District Court may grant "special exemption orders" which permit extended opening hours for special occasions. The conditions under which such orders can be made are being amended to require the operation of a CCTV system at venues where the public are admitted, for example, nightclubs and late bars. The public order ground on which objection may be made by the Garda to the granting of such orders is also strengthened. Moreover, the District Court shall not grant such orders in future unless satisfied that the premises concerned comply with fire safety standards under the Building Control Act 1990. I understand that some courts already insist on compliance with

such standards, but I now propose that it will apply in all cases. In future, all applicants for special exemption orders will need to present certification by an appropriately qualified person that the premises comply with the relevant fire safety standards to the District Court.

Section 10 deals with the sale of alcohol in premises with theatre licences. Under existing rules, such licenses may be obtained from the Revenue Commissioners without a court certificate and the normal licensing hours do not apply. In theatres, the sale of alcohol is permitted both before and after performances. The result is that premises with theatre licences often remain open until 3.30 a.m. or 4.00 a.m., long after other premises operating on the basis of special exemption orders have closed their doors. This has created a strong incentive for night-clubs and other late-night venues to obtain theatre licences and thereby circumvent the special exemption order provisions. For these reasons, there has been a very significant increase in their number in recent times. In 2006 and again in 2007, a total of 76 theatre licences were issued by the Revenue Commissioners. So far this year, 80 have been issued in Dublin alone, with 20 further applications pending. This is a serious problem that must be addressed.

The reforms contained in section 10 will mean that the sale of alcohol before and after performances will only be permitted during normal licensing hours, or during extended opening hours under a special exemption order granted by the District Court. This will enable the Garda Síochána to object to any such orders on public order grounds and will also ensure compliance with fire safety standards. It is intended that there will be equality of treatment for all premises operating as late night venues.

The advisory group did not confine its examination of extended opening hours to late night opening. It recommended repeal of the provision which allows supermarkets and convenience stores to sell alcohol from 7.30 a.m. This recommendation is given effect in section 4.

The group also proposed repeal of the general exemption order provisions contained in the Intoxicating Liquor Act 1927 Act which permit the early opening of licensed premises located in the vicinity of fairs and markets. This exemption from normal licensing hours was mainly intended to cater for people travelling long distances to fairs and markets and to ensure that they could receive food and refreshment when they reached their destination. Also, sailors who had not been on shore for some time might obtain refreshment if their boat docked in the early hours of the morning.

The advisory group considered that changes in our society rendered this type of arrangement redundant and recommended its abolition on the ground that it is now used mainly by late night revellers on their way home and by problem drinkers.

Deputy Pat Rabbitte: The Minister lives a very sheltered life.

Deputy Dermot Ahern: Following separate discussions last week with the Garda Commissioner and the vintner organisations, I am disposed to allowing premises already availing of such orders to continue to apply for them in the normal way. However, no general exemption order shall be granted in respect of premises unless a general exemption order was in force in respect of the premises on 30 May 2008, that is, the date of publication of the Bill.

Deputy Charles Flanagan: The fair days are coming back.

Deputy Dermot Ahern: It is a reprieve. I also intend to table an amendment on Committee Stage which will mean that off-sales of alcohol will not in future be permitted during periods covered by general exemption orders, from 7.30 a.m. to 10.30 a.m. in those early houses.

Section 13 provides for the introduction of test purchasing of alcohol products in the new section 37C to be inserted in the Intoxicating Liquor Act 1988. It provides that the Garda

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Síochána will be permitted to send a person aged 15, 16 or 17 into licensed premises for the purpose of seeking to purchase or being permitted to consume alcohol. Parental or guardian consent in writing will be required in all cases and all reasonable steps must be taken to protect the young person concerned. Test purchasing will apply to all categories of licensed premises and is intended to assist the Garda Síochána in its efforts to combat under age consumption of alcohol. I am hopeful that this measure will also lead to greater use of the Garda age card and to a stronger culture of compliance with provisions regarding under age persons.

Sections 12 and 14 provide, as recommended by the advisory group, for a minimum two day closure period for temporary closure orders made by the District Court on the conviction of licensees for certain licensing offences. The relevant offences include the sale of alcohol to a person under 18 and permitting drunkenness and disorderly conduct on the premises. At present, the law provides that the closure period may not exceed seven days in respect of a first such offence but it does not specify any minimum period. The advisory group refer in its report to cases where closure orders for periods of a few hours were imposed by the courts. Such closure orders do not represent an effective deterrent.

Section 15 provides for the making of regulations which may prohibit or restrict the advertising, promoting, selling or supplying of alcohol at reduced prices in order to reduce the risk of a threat to public order as well as health-related risks arising from excessive consumption of alcohol. Reduced price in this context will include the award, directly or indirectly, of bonus points, loyalty card points or any similar benefits and the use of such points or benefit to obtain alcohol, or any other product or service, at a reduced price or free of charge. Permitting excessive consumption of alcohol at events held anywhere other than in a private residence is also covered by this provision. The making of regulations at a later date to deal with these matters will facilitate advance communication of draft provisions to the European Commission under the EU standards directives.

Section 16 provides for increases in fines for certain licensing offences set out in Schedule 1. These include fines for the sale of alcohol to a person under 18, the provision of alcohol to a person under 18 years of age, for being drunk, and for permitting drunkenness and disorderly conduct on licensed premises. Section 19 provides for increases in the fines levels in the Criminal Justice (Public Order) Act 1994 set out in Schedule 2.

This short but strategic Bill is intended to tackle public disorder and health-related harm resulting from excessive alcohol consumption. It is a package of measures based on the reforms identified by the Government alcohol advisory group and recommended in its report. I commend the Bill to the House.

Deputy Charles Flanagan: I welcome the Bill, which Fine Gael will support. The Minister indicated he expected the Bill to pass all Stages and be enacted before the summer recess but there could be a difficulty with that. On a number of occasions on the Order of Business I asked the Taoiseach and the Chief Whip about the arrangements for this. I would be anxious for every Member to have an opportunity to speak on this debate. It is not clear what function the Select Committee on Justice, Equality, Defence and Women's Rights might have on this. It was reported that Committee Stage may be held in a plenary session. Only two more weeks remain in this session.

There used to be a long-standing protocol that there would be a considerable lapse of time between the completion of Second Stage and the introduction of Committee Stage to allow for amendments to be prepared and a period of reflection between the two Stages. I would be surprised if that long-standing tradition is not upheld. If the Minister or the Chief Whip could

tell us the proposals we could discuss it. I hope the Minister can provide us with an idea of his proposals at the completion of Second Stage.

We are into the last few weeks of the session and guillotining legislation without adequate debate means that the House may have to revisit it. Earlier this year a special measure on bail was undertaken. We were required to revisit it because we did not have sufficient time.

There is broad consensus that legislation to curb intoxicating liquor consumption is long overdue. There is a compelling case in the context of public health and public safety to limit the widespread availability of alcohol. This is not an argument in favour of a nanny State, it is an acknowledgement that the Government must protect the common good of the citizens by legislating in a responsible way. Since the beginning of this decade, the *laissez-faire* approach adopted by Fianna Fáil, with undoubted support from the Progressive Democrats, has been a failure when viewed through the prism of public health and public disorder.

The hands-off approach of Government is evidenced by a 29% increase in theatre licences in the past five years. There were 59 in 2002, 76 in 2007 and the Minister states that there were 80 in 2008, with a further 20 pending. In view of this the traditional character of what constitutes a theatre has changed significantly over the years. I was surprised to hear a High Court judge accept that a licensed premises where there is a disc jockey with access to a record player or a CD unit that is turned on can be regarded as a theatre for the purposes of the Act.

Deputy Pat Rabbitte: Younger Members of the House do not call them record players anymore.

An Ceann Comhairle: What about gramophones?

Deputy Michael D'Arcy: They are making a comeback.

Deputy Charles Flanagan: It is a farcical situation that any piece of music equipment connected to a loudspeaker, even a gramophone, is sufficient for a premises to be considered a theatre. Over the same period we have seen an 11% increase in special exemption orders, from 81,933 in 2002 to 91,157 in 2007. This figure is probably heading for record proportions in 2008, if I can use the word "record" in the presence of Deputy Rabbitte. The number of off-licences has trebled in the past seven years, and there is now one off-licence for every 750 adults with a total of 4,300.

We have seen a dramatic rise in alcohol consumption which, as the Minister stated, increased by 17% between 1995 and 2006. We have all witnessed the explosion in alcohol-fuelled public order offences which shot up by 60% in the past five years. The CSO figures for the past four years show a 57% rise in public order offences, with 40,380 last year; a 26% rise in assaults, from 8,248 to 10,423; and a 30% rise in four categories of assault, from 49,700 to 65,000.

In the meantime, it is remarkable the traditional public house as we know it, which for generations has provided a controlled and safe environment for people to have a social drink, has gone into serious decline and we have seen approximately 1,000 public houses close in the past three years.

We need only visit an accident and emergency unit any night of the weekend and we will see the strain being put on our already over-stretched hospital services as a consequence of abuse of alcohol. Walk through Temple Bar on a Sunday morning and witness the trail of destruction. Stand outside a nightclub before the streets have been cleaned and see the blood stains on the footpath and broken glass everywhere. Pick a secluded scenic area in any town or city and one will see piles of empty alcohol cans. Recently, in my home town of Portlaoise, the county council had to embark on the removal of park benches from all of the green areas

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in the town because they were being used as areas of resort where alcohol was abused not only on a nightly basis but on a daily basis. The evidence of a languid and lazy Government approach towards this matter is visible everywhere.

On St. Patrick's Day, parts of west Dublin provided a rather spectacular example of where we are thanks to the ineptitude of the Executive. A total of 17 people were arrested following a day of disturbances during which seven cars were burnt, a van was petrol-bombed and a car was hijacked and its driver pulled out of the vehicle and subjected to a vicious assault.

Speaking at the Association of Garda Sergeants and Inspectors annual conference the following week, the Minister of State, Deputy Seán Power, stated that drink had played a "considerable role" in the west Dublin violence. He stated, "I'd be very concerned about what happened in Finglas. Very young kids, 11 and ten year olds, seemed to have indulged in alcohol." The Minister admitted, "We have a problem with binge drinking in this country. This is leading to public disorder and antisocial behaviour."

Tackling underage drinking is not something high on the Government's list of priorities as the figures will testify. Only 96 prosecutions were taken in five years against off-licences, shops, pubs and restaurants for illegally supplying alcohol to under-18s while last year only 14 prosecutions were brought compared with 26 in 2003. We know young people purchase alcohol from off-licences and pubs as surveys by bodies such as the Mature Enjoyment of Alcohol in Society have shown.

The response in this Bill includes tightening up and the concept of test purchasing. This will only work if the matter of an identity card is reviewed. I see the Minister again reinforced his confidence and that of the Government in the Garda scheme. I wonder whether this is sufficient. Should we examine the concept of a national identification card scheme for every citizen of the State irrespective of age? We can revisit this matter on Committee Stage.

I am pleased to hear the Minister engaged in a U-turn on his proposal to abolish so-called "early houses". What evidence existed to support the view that early houses contribute to civic disorder in the State? I have never seen any research, and I sought some in recent weeks, to stand up what the Minister stated and what the heads of the Bill seem to substantiate. I have not even heard much anecdotal evidence to suggest that consigning early houses to the history books will address the issues that are supposed to be informing this Bill.

Legislation allowing for early houses may sound antiquated, referring to "fairs and markets", and it is true fairs and markets are no longer the feature of Irish cultural life they were, even in the Ceann Comhairle's constituency. However, as the Minister will have been told and as his officials will have researched in recent times there remain many who work on night-shifts and I contend this is most likely a demographic pattern which is growing rather than shrinking.

I met with many people and groups of varying views to hear their thoughts on this proposed legislation and those who wished to retain early houses made a reasonable case. I am glad the Minister has taken on board the submissions made to him and that he has revisited the issue. Hard evidence did not exist and targeting early houses in the Bill was a soft touch.

The Minister mentioned late-night revelling turning into early morning revelling but this belied the fact that to my knowledge those who operate early morning licences, and few enough of them exist throughout the State, have a strict policy in dealing with debs balls and the Trinity Ball in particular. I could not find much Garda evidence to suggest that late night revellers cause difficulties in areas formerly used by people indulging in fair or market activity, be it in the inner city of Dublin or elsewhere. It was a concern and I am pleased the Minister indicated his intention not to go there.

Another concern addressed by the Minister was that of smaller retailers who feel they are being blamed for all of the ills befalling the country where alcohol is concerned. A certain bewilderment exists with regard to some of the proposals contained in the Bill. Justified concerns were raised about the logistics of partitioning the premises, particularly when it may be a small corner shop in the first instance. I am pleased the Minister will revisit the proposal as outlined in section 8 of the Bill. The cost of such partitioning is a factor, particularly for those whose profit margins are tight. A significant and justified concern was raised that retailers would not be able to pay staff as a consequence.

The issue of planning was also raised as was the important consideration of the fire officer as well as the fact the legislation is somewhat unclear as to whether all premises would be subjected to the type of partition envisaged in the Bill. We will have an opportunity to deal with this on a line by line basis on Committee Stage. I would be most concerned if the legislation were subjected to a guillotine or jackhammer as we approach the summer recess. These are important issues upon which all Members of the House have a view. I contend these views should be heard.

An issue which the Minister did not clarify, and perhaps he will do so on closing Second Stage, is the question of penalties. I note there will be further development in terms of closure orders and temporary closure orders. What is not clear is whether, in the event of a closure order being made, it applies to the entire premises or to the portion of the premises in which alcoholic drink is sold. For example, practically every petrol station sells alcohol. If a temporary closure order is granted against a premises, does that mean the Texaco station will close in its entirety, thus preventing the sale of fuel, or will the order apply to the partitioned area? Given the Bill is being watered down and the partitioned area may not become a reality, where then will lie the application of the order? It probably should apply to the partitioned area but it appears the entire building is licensed and not just a portion of the premises. That is why I had the opportunity, when the advisory addressed the joint committee, to suggest consideration could be given to providing for a maximum floor area in all retail outlets in which alcohol might be sold. It should be promoted on the basis of a percentage of the floor area of the unit rather than the entire area. However, we will seek clarification on this issue of whether the partitioned area or the entire petrol station or supermarket would have to close.

There was concern about the absence of clear criteria for making an objection to an off-licence application and worry that legislating that alcohol could not be sold after 10 p.m. in stores that remain open beyond that time will lead to pressure on staff by irate customers, particularly given the proposal to partition the premises is not as it first seemed. I accept the Minister's reference to an exemption for the sale of wine and that perhaps wine might not be subject to the same controls as other alcohol products. Evidence should be adduced to show wine is fuelling civic disorder. I would not have thought so but if there is evidence to suggest this, perhaps we might hear it. Alcopops, spirits and cans are the issue rather than bottles of wine.

We must examine another issue mentioned by the Minister, which is the definition of a "specialist off-licence". The Minister made reference to the different licences and it is acknowledged that specialist off-licences are not affected by the legislation because it is reckoned they are specialist outlets that engage in an exclusive form of retailing, which is the alcohol. However, these lines are heavily blurred when one considers that the law might accept such off-licences can sell cheeses, biscuits and canned foods. One can only expect that it would be a short time before they were selling bread, butter and other consumer goods in the same way as supermarkets, corner shops or average retail outlets. I am not sure if it is fair in law to describe a specialist off-licence as such. It means one has a general off-licence but it is difficult to differentiate such an off-licence from a corner shop in the context of the products for sale.

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Small retailers are concerned about their livelihood and they are concerned they will be hardest hit by the new provisions, particularly those who have expended between €150,000 and €200,000 on a licence, which is the cost at current rates. The common theme in representations I received is a concern about the lack of detail in the Bill regarding the logistics and the ramifications of what it proposes. That is why I ask that debate on the legislation should not be curtailed as we approach the summer recess. It is essential the Minister takes these concerns on board and provides comprehensive and clear detail in respect of its provisions and what it will mean when enacted. It is not unreasonable that these questions be asked. We can deal with the detail of the regulation and lead in time. At first reading, it is fine but detailed consideration will highlight difficulties.

Training of those who work in this sector and who are permitted to sell alcohol might have been a more straightforward matter to address. The advisory group recommended that adequate staff training standards be introduced and that the grant and renewal of licences be made conditional on compliance with such standards. The group said the minimum age for selling alcohol in off-licences and mixed trading premises should be increased to 21 years because it was felt if there is a considerable age gap between young persons seeking to illegally obtain alcohol and those selling it, the pressure applied to a person aged over 21 selling alcohol might not be same as that applied to someone who has just turned 18 years. The group also recommended provisions permitting the employment of 16 and 17 year olds in bars of licensed premises be reviewed. These three recommendations were totally ignored in the legislation and I would like the Minister to explain why they were not followed.

I am aware, on the basis of my former work in the courts, of the onerous workload on the District Court, in particular. Is there concern about the significant additional demands this proposed legislation places on the courts system? Taking certain licensing responsibilities away from the Revenue Commissioners and giving them to the courts makes sense in theory and I support this, but I wonder whether an examination of the ramifications of such a move has been conducted in the context of the additional resources that the District Court will require. It is vital the new responsibilities are matched by improved resources and I expect this will be acted on.

The Minister referred to public order and the Garda. With regard to the jurisdiction of the District Court to deal with licensing matters, a licensing sergeant should be appointed in each court division. Gardaí from different divisions could sit in court waiting for applications to be heard. Licensing matters could be addressed to a designated officer in each division and he or she could deal with objections and have responsibility in court for such cases.

The Minister did not address the issue of night clubs in the Bill or in his contribution. Why was the introduction of sequential closing for nightclubs not included in the Bill? It will have to be addressed in detail. There is broad support within the industry and it is logical and sensible not to have all night clubs closing their doors at the same time, giving rise to a scenario where thousands of people spill on to the streets at the same time. Sequential closing is common practice in several European countries. Current practice, particularly at weekends, is to allow tens of thousands of people to spill out onto our streets simultaneously, resulting in large queues for taxis, pressure being placed on take aways and fast food outlets, trouble and difficulty.

An Ceann Comhairle: The Deputy has five minutes remaining.

Deputy Charles Flanagan: The emergency services and the Garda are bearing the brunt. I am surprised that something like sequential closing has been overlooked. If the clubs, pubs,

theatres and so on close at 2.30 a.m., 2 a.m. or earlier, difficulties will arise. The Minister is aware that the intolerable situation in Glasgow of the 1a.m. spill-out into the streets needed to be revisited. Sequential closing must be examined. In the context of tackling civic disorder, I regret that this option has not been explored. We should revert to the issue.

Fast food outlets pose a difficulty. While I accept that they do not fall under this Bill's remit, the Minister must liaise with the Minister for the Environment, Heritage and Local Government in this respect. Irrespective of the time at which pubs close, difficulties will remain if people can continue their night's revelling by filling those outlets and chippers.

Another issue overlooked relates to schemes allowing consumers to gain bonus points for purchasing alcohol. Rewarding people for purchasing alcohol when the purpose of the Bill is to restrict availability should be constrained.

Departments do not have a co-ordinated approach, which will be necessary if we are to tackle alcohol abuse. We are unlikely to succeed unless the Minister engages with other Departments, particularly the Departments of Health and Children, Education and Science, the Environment, Heritage and Local Government and Arts, Sport and Tourism, which is a movable feast. We need a programme of facilities for young people. Failure to tackle boredom in society, particularly among young people, will give rise to a situation in which the best alternative available is to resort to drink. This week in my town of Portlaoise, a skating facility for young people that had been years in the developing was removed from the local authority to house prefabs for a primary school. The school did not have adequate facilities, but where did the prefabs arrive after ten years of the Department's broken promises? They arrived on the skating facilities. This example neatly encapsulates the chaotic approach to relatively straightforward issues. I request co-ordination between the Departments of Justice, Equality and Law Reform, Education and Science, Arts, Sport and Tourism and Health and Children because such an initiative is essential.

While I welcome the legislation overall and it will be supported by Fine Gael on Second Stage, we need an opportunity to address the points raised line by line. I look forward to revisiting them on Committee Stage.

Deputy Pat Rabbitte: I confess to being a sceptic on this Bill. It is designed as an interim high-profile response to the public disorder resulting from binge drinking on our streets and public places. It is true that public disorder and anti-social behaviour are worse now than ever before and it is probably true that alcohol abuse is a major contributing factor to this phenomenon. Is more legislation the answer and is this legislation in particular warranted? A more considered sale of alcohol Bill is promised and it may have been wiser to await its production.

Easy access to alcohol, the proliferation of off-licences and below-cost selling probably contribute to drunkenness among teenagers and young people, but the reality may be that people, young or old, will get alcohol if they want it. Is there any evidence that the prohibitive cost of alcohol, for example, in certain fashionable establishments has led to diminished consumption? Given our apparent inability to enforce current laws, will we be able to enforce new laws? There are new powers in this Bill to move drunken youths on from a public place. Is this markedly different from the existing powers to deal with disorderly loitering?

It makes good sense to tackle the proliferation of establishments that can sell drink for off-premises consumption. I am at a loss to understand how closing early morning houses will contain drunkenness and disorder among young people who generally do not frequent those establishments, a point to which I will revert in the context of the Minister's comments. However, the pattern of recent years, particularly in the past decade, seems to have established that every Tom, Dick and Harry has been authorised to sell alcohol from every forecourt and

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premises with a roof. There is a suspicion that some unsavoury characters took advantage of the simple procedure to get a licence over the past decade. The renewal of authorisation seems to have been automatic unless grave breaches of the law were established, but we know that some of those establishments have been selling to under aged persons and residents associations and others know that public disorder in adjacent public spaces can often be related directly to a particular off-licence. I do not know what the practical impact of requiring the District Courts to give such permissions will be, but at least it permits some evidence to be heard as to the track record, conduct and character of the applicant.

The personal and social consequences of excessive alcohol consumption are horrific. If anyone doubts the accuracy of this description, he or she should read the recently published report, *Alcohol Related Harm in Ireland*. My scepticism derives not from any denial of the harm done by the abuse of alcohol, but from an absence of conviction that this societal malaise can be addressed by the enactment of more legislation. Of course there should be more rigorous regulation of the sale of alcohol and more rigorous enforcement of those regulations, but there is no logical reason for not forbidding persons under 21 years of age from purchasing alcohol from off-licences.

There ought to be traceability capable of being enforced so that the small number of regular offenders who supply alcohol to under aged persons can be shut down. If it is true that there is lack of clarity about Garda powers to confiscate drink from youths in certain circumstances, then it is right, within limits, that the Garda should have such powers.

The sickness in our society where young people drink to get drunk is more difficult to address. Why do persons at such a young age feel the need to join the binge drinking merry-go-round? Is the drink culture so all-pervasive that young people regard it as a necessary rite of passage? What blame attaches to adults if this is the case? We have an innovative and creative section of the advertising industry devoted to coming up with ever more imaginative ways to attract young people to a more glamorous lifestyle necessarily involving one brand of alcohol or another. What about parental responsibility? Are parents too preoccupied in the pub or too busy boasting about property prices in the golf club that they have no knowledge of the binge drinking habits of their offspring? As the excellent new television ad says, “when they are drinking they don’t notice that I am drinking”. Are older siblings purchasing alcohol for the younger members of their family without the knowledge of their parents? If the law disapproves but parents approve, who wins out? Cheating the law, presenting phoney ID, representing oneself as one’s older sibling are all deemed great fun. The cumulative effect of all this is to confer approval on conduct that is considered normal behaviour in our society when the opposite should be the case. The notion that this can be policed is very doubtful if parents and sellers of alcohol conspire to make it appear normal.

Whereas I hold no brief for publicans or off-licences, we should not underestimate the impact of some of the impositions in the Bill. If one manages a convenience store, there is nothing convenient about being required to queue for a second time to purchase a bottle of wine. Nor is it insignificant for the small trader to be required to reconfigure his mixed trading premises so that alcohol sales are not only separated from other sales but that a barrier is erected thus requiring dedicated staff.

The relationship between “early houses” and rampaging youths entirely escapes me. I have a high regard for the accessible and practical insights in the report expertly prepared by Dr. Gordon Holmes and his committee, but I can discover no argument that justifies this latter recommendation.

I expect we will have greater participation in this debate by Government backbenchers than we had on the debate on Thornton Hall, the business immediately preceding this debate. It is the first occasion during my time in this House, that all Stages of a Bill were taken and not a single Government Deputy offered. When I saw the Minister of State, Deputy Sargent, in the House until a few minutes ago, I assumed he would contribute, having somehow missed out on contributing to the debate on Thornton Hall, on which he made such committed pledges a little more than a year ago.

It appears we will have wider participation in this debate — perhaps that was the purpose of the Minister's interventions in that in introducing the Bill he went out of his way to tell us that he had detailed discussions with the trade bodies representing supermarkets and convenience stores and he also had detailed discussion with the “early morning houses”. I commend the Minister's proactive approach. That is the way to work in our democratic system but I wish he had applied it to the Immigration, Residence and Protection Bill. I wish he had met some of the organisations that made representations to the committee or met some of the stakeholders regarding Thornton Hall. Many advocates of reform would love to have had his ear, but for some reason he is personally available to meet the publicans regarding this Bill. It is good he corrected in the Bill some of the more crazy provisions in legislation by indicating that the separation requirement will no longer apply in the sense of the need for erecting a barrier and, consequently, the system of double queuing, separate tills and a separate set of staff. As I understand it, that is no longer a requirement. No doubt the Minister will correct me if I am wrong and no doubt he will go at that anyway.

As regards the “early morning houses”, it is proposed to abolish the proposal in regard to them. There will no more of that nonsense. The proposition that young people who are engaged in public disorder are engaged in it at 7 a.m. and how a proposal to address that can end up in a Bill is beyond me. I do not know how we do daft things such as that.

To be honest, I am out of kilter, I suspect, with my party and with Deputy Charles Flanagan. I find it difficult to be grave about this Bill. It is a PR stunt. Now that the Minister has gutted it, as he wisely has, very little is left in it. If the Minister is bringing forward a sale of alcohol Bill, why is there a mad rush to introduce this Bill? When I got my schedule of business I was fascinated to find that at the bottom of the list it is stated that Report Stage of the alcohol Bill will be taken will be taken next week; this was before Second Stage of the Bill was taken, not to mention Committee Stage. Deputy Charles Flanagan asked where is the protocol in this respect, which provides that at least two weeks shall elapse between the ending of Committee Stage and the taking of Report and Final Stages of a Bill. Deputy Charles Flanagan and I met the senior people in the Department of Justice, Equality and Law Reform, which is always a great pleasure. They had not heard of this Bill; they had a huge legislative schedule but an alcohol Bill was not included in it. I do not know where this Bill came from and why it is so urgent as if the youth of Ireland will drink themselves to death unless it is enacted next week. Some of the youth of Ireland, unfortunately and regrettably, are drinking themselves to death, but I greatly doubt if there is much in this Bill that will stop that.

I accept that an accessible, sensible report has been prepared by Dr. Gordon Holmes and his people. I also accept that it is proper that there ought to be rigorous enforcement of the regulation of the sale of alcohol and that easy access to alcohol has to have something to do with the situation in which we find ourselves, but, I submit again, that the malaise in our society is deeper than can be addressed by measures such as this one.

I do not know what swung the Minister to abolish the proposal regarding the “early houses”, the important point is that he changed his mind about it. It is important when one is wrong that one changes one's mind. I received very learned submissions on this subject, one of them

[Deputy Pat Rabbitte.]

drawing my attention to Kevin O’Higgins’s Bill in 1927, which all but enforced the provisions of the Pioneer Total Abstinence Association on all of us, but the remarkable thing is that he left the early morning houses as they were. He did not touch them in terms of the 1927 Bill. The Ceann Comhairle will be interested to hear that along with Matt Talbot, the following were brought to my attention, namely, that over the decades many of Ireland’s literary greats such as Brendan Behan, Myles na gCopaleen, Patrick Kavanagh, James Donleavy and Oliver St. John Gogarty were regular early morning imbibers and incorporated that into the richness and cultural fabric of their writings. I would say it was the literary angle that swung the Minister rather than any suggestion that the publicans would have his ear. It would say it was the literary influence. The Minister is a well known abstainer and abstentionist.

Deputy Dermot Ahern: Not at all.

Deputy Pat Rabbitte: I apologise, I have misjudged him. I thought his crankiness down through the years was due to the fact——

An Ceann Comhairle: He must be an early morning man.

Deputy Ciarán Lynch: I reckon he does not go to bed at all.

Deputy Charles Flanagan: *Touché.*

Deputy Pat Rabbitte: In any event——

An Ceann Comhairle: I hesitate to interrupt the Deputy, but it is a case of “time, gentlemen, time”.

Debate adjourned.

Adjournment Debate.

School Placement.

Deputy Brian Hayes: I thank the Ceann Comhairle for allowing me to raise this matter. It is unusual to refer to the case of a specific individual on the Adjournment. However, such is the frustration of the family of the child in question and the complete failure on the part of the Department of Education and Science to meet his needs that I am compelled to raise it in this manner. Karl Frawley’s ninth birthday is today. A constituent of mine from Springfield in Tallaght, he has had no recourse to any educational institution for the past year.

When Karl was six years old, he was diagnosed with autism. Last year, he was diagnosed as a sufferer of Landau-Kleffner Syndrome, which is an acute and rare form of epilepsy. Sufferers of this condition can experience up to 100 seizures per day and it takes a considerable amount of time before a proper balance of medication can be found to meet their needs.

10 o’clock As a result of his condition, this 9 year old spent in excess of four months in hospital from June to December of last year. Up to that point, he had been attending an autism unit. Before his diagnosis with autism, he had attended his local national school in Springfield, Tallaght.

The child’s family is concerned that Karl has not attended school for the past year and has not received a placement with an educational institution which could meet his particular needs. While home tuition has been provided by the Department of Education and Science for two

and a half months this year, Karl's needs can only be met by his placement in a school which can provide educational opportunities for autistic children. Karl needs a school where his educational and medical needs can be properly addressed. To date, despite the best efforts of his family, the three schools in Dublin which could cater for his needs have been unable to provide a place for him. Unless such a place is found, his situation will deteriorate.

This case is not unique. I am well aware that there are other children in a position similar to that of Karl Frawley. However, it is the legal responsibility of the Department of Education and Science to find an appropriate school place for this child, an obligation which it has completely failed to honour in the past year. This case is particularly urgent given that an appeal under section 29 of the Education Act 1998 is before the Secretary General of the Department of Education and Science in regard to the recent refusal of a school in Dublin to accept Karl. The Secretary General has three weeks to determine this appeal on behalf of Karl's parents. In the event that this appeal is not upheld, will the Department of Education and Science indicate the placement it will provide for this nine year old child and when will it be available? The three schools in Dublin which can meet Karl's needs cannot take him and I understand he is not allowed to apply for a place in any school outside Dublin. He and his family are caught in a bind.

Karl's parents have requested that I ask the Minister for Education and Science directly what they should do. Should they sit back and wait for another year, with limited home tuition, no speech therapy and no occupational therapy, or should they rightly demand a place for their child within the State education system? This child cannot reach his full potential by being stuck at home, even with the provision of respite care. His placement within a classroom environment with other children would greatly help Karl's development. The most maddening aspect of this case is the complete failure of anyone within the Department of Education and Science to take responsibility and to chart a plan for this child. What will happen in September? Will Karl and his family have to wait another year, effectively exiled from the educational system? I ask the Minister of State, Deputy Finneran, to explain what the provision for this child will be from 1 September next.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I am taking this Adjournment matter on behalf of the Minister for Education and Science, Deputy Batt O'Keeffe, who cannot be here. I thank the Deputy for raising this matter as it provides me with the opportunity to clarify the current situation in regard to the range of support structures available where, for a variety of reasons, assistance is required in securing a school placement.

Section 29 of the Education Act 1998 provides for an appeals procedure whereby a student who has been permanently excluded, suspended or refused enrolment from a school may appeal that decision to the Secretary General of the Department of Education and Science and that appeal shall be heard by a committee. The parents of the student in question, with the support of the National Education Welfare Board, NEWB, lodged such an appeal, and the hearing was held last Friday, 20 June 2008. Under the legislation, appeals are dealt with within a period of 30 days from the date of their receipt by the Secretary General. I am advised that in this case, the outcome will be known in approximately three weeks' time.

The home tuition scheme provides funding to facilitate the provision of education at home for children who for various reasons, such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting an educational placement. An allocation under this scheme has been made in respect of the child in question and this will continue until he is suitably placed.

[Deputy Michael Finneran.]

A range of support structures is available where, for a variety of reasons, assistance is required in securing a school placement. One of these structures is the National Council for Special Education, NCSE, which 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. SENOs operate within the policy outlined in the Department of Education and Science circular for allocating such support. School authorities typically liaise directly with SENOs in regard to their needs for such classes. 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*.

The Education (Welfare) Act 2000 established the NEWB as the national body with responsibility for school attendance. The Act provides a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

Educational welfare officers are appointed and deployed throughout the country to discharge the board's functions locally. They employ a welfare orientated approach in the interests of children and young people who do not attend school regularly, working collaboratively with schools and other agencies in meeting their needs. The NEWB will continue actively to support the parents of the child referred to by the Deputy in finding a suitable school for their son. When a placement is secured, the NCSE will resource appropriately.

Deputy Brian Hayes: I appeal to the Minister of State to bring my comments to the attention of the Secretary General of the Department of Education and Science, who will have to determine this appeal in the next 30 days. This is a child who cannot obtain a school placement. It is not the case that he has been absent from school; he has no school to attend.

Deputy Michael Finneran: We await the outcome of the appeal, which will be available in three weeks' time. In the interim, I assure the Deputy that I will convey his concerns to the Secretary General and the Minister.

Schools Building Projects.

Deputy James Bannon: I thank the Ceann Comhairle for affording me time to raise the need for the Minister for Education and Science to provide an update on a new school building for Athlone Community College. This project should be well into the detailed planning stage, as per a letter of 16 November 2006 from the planning and building unit of the Department and another dated 8 November 2006 from the Office of the Minister for Education and Science. However, the project has been shockingly sidetracked into a further status assessment.

In a letter of 16 November, Athlone Community College was invited to enter the architectural design process during 2006, as one of 80 schools with an application for major development work. The letter goes on to state: "Your school is one of those selected to proceed with immediate effect." The Minister of State will agree that this was stated in black and white. The college is in his own backyard. This letter had been preceded on 8 November of the same year by correspondence to a local representative from his predecessor's office stating that Athlone Community College would be authorised to commence the architectural planning with immediate effect. Some 18 months later, far from having advanced to any stage, let alone architectural planning, the development at Athlone Community College has been at a standstill. This has been the case for far too long to be. Is this a mere coincidence? The key to this delay lies in the words I used earlier. This application is for major development work which, in line with the cutback in all areas since the general election, is a negative factor in its advancement.

If I am on the right track I can only condemn such cost-cutting forcefully. That a Government which wasted so much of the hard-earned money of the Celtic tiger years should make good the Exchequer deficit at the cost of the education of our people is not only a shocking indictment of the Government but it is also extremely short-sighted. The future of this country rests firmly on the shoulders of our students. They not only deserve a good education but a built environment designed to support essential learning.

Despite repeated correspondence from the Athlone Community College committee, the Department of Education and Science has failed to give the chief executive officer a substantive response to his queries. That he was told in April 2008, almost two years after the matter appeared resolved, that the project was currently being assessed is akin to trampling on the promises made to this school, its principal, the board of management, the staff, pupils and parents who have collectively worked so hard to secure this much needed development for their school.

In support of my theory as to why this project has been put on the back boiler, the then Minister's reply of 9 April states: "The project is being assessed, as is the case of all large capital projects." Had this matter been dealt with on an urgent need basis as the situation demanded, the costs would probably be considerably less. Promises prior to the 2002 general election virtually saw schools being built on the spot, but post polling day they failed to rise above the ground. By the 2007 general election, the sky was the limit but unfortunately the financial lining had fallen from the heights and the resources were not available to back up the spin.

A new broom sweeps clean. I respectfully suggest that the Minister of State should start working, clear the dust of indecision and honour the commitment to Athlone Community College. I await a positive response given that the college is in his backyard, just a few miles down the road from where he lives on the Athlone-Roscommon border. I plead with him to deliver for us and the people of Longford-Westmeath and Roscommon.

Deputy Michael Finneran: I am taking this matter for the Minister for Education and Science, Deputy Batt O'Keeffe, who cannot be in the House. I thank the Deputy for raising the matter as it provides me with the opportunity to outline to this House the Government's strategy for capital investment in education projects and also to outline the current position in regard to the building project for Athlone Community College.

Modernising facilities in approximately 3,200 primary and 730 post-primary schools is not an easy task given the legacy of decades of under-investment in this area as well as the need to respond to emerging needs in areas of rapid population growth. Nonetheless, the Government has shown a consistent determination to improve the condition of school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. The Government has dramatically increased investment in the school building programme from just over €90 million in 1997 to approximately €600 million this year. Under the lifetime of the national development plan approximately €4.5 billion will be invested in schools. That is an unprecedented level of capital investment, which reflects the commitment of the Government to continue its programme of sustained investment in primary and post-primary schools.

As the Deputy may be aware, a developing areas unit was set up recently in the Department to focus on the school accommodation needs of rapidly developing areas, including Athlone. The main emphasis in 2008 is on providing sufficient school places in those developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country. Regarding Athlone generally, the developing areas unit of the Department of Education and Science has identified the town as an area of rapid development. In that regard, a decision has already been taken to replace and expand the

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existing Athlone Community College. The new building, when complete, will cater for 1,000 pupils. The project has advanced to the point where the next step is the appointment of a design team. While the Minister is not in a position to give a timetable for the progression of this project, I reiterate that the need for a new building for the school in question is acknowledged. As is the case with all large capital projects currently on hand within the developing areas unit, their progression will be considered in the context of the multi-annual school building and modernisation programme.

I again thank the Deputy for affording me the opportunity to outline to this House the current position regarding Athlone Community College. He can rest assured of my knowledge of and involvement with Athlone Community College. I hold it close to my heart and will continue to take a personal interest in the development in question.

Deputy James Bannon: The Minister said he is not in a position to give a timetable for the delivery of the project. He promised the delivery of it in the run up to the general election in 2007. People will be very disappointed with his negative response. I am disappointed with it. I have to go back and tell my constituents that the Minister will not deliver on this project on time.

Schools of Music.

Deputy David Stanton: I thank the Ceann Comhairle's office for selecting this matter. I and a number of Deputies, including Deputy Ciarán Lynch who is present, attended a meeting in the Cork School of Music last Thursday. Some 250 to 300 people, mainly parents and children, attended that meeting. There were concerned about proposed cutbacks in the school of music's programme. The Minister may not be aware of this school of music but it has long tradition of music teaching and it part of the cultural heritage of Cork city and county and of the country.

The school was transferred from Cork city VEC to the CIT in 1992. Having been scattered across the city for five years, it is now located in a fantastic new building which was opened in 2007 at a cost of €80 million. It is a magnificent building that is architecturally splendid. I congratulate everyone involved in the construction of it.

We thought that the school would go from strength to strength and would expand, but now we have been told that the budget allocated to the CIT will be cut by €140,000, which I am sure the Minister will agree is a relatively small amount of money. We were told last Thursday the impact of this budgetary cut will be major. Part-time teaching hours will be reduced by 2,000 and first and second level students will bear the brunt of the cuts. This will affect primary and secondary students. I am sure the Minister will appreciate that where music is concerned the earlier students begin the better. If one curtails students at a young age one is, in effect, cutting off one's nose to spite one's face at a later stage. I am told the cutbacks will mean cuts of 50% in violin, viola and piano intake and also the permanent loss of some instruments such as the organ, and that the flute, oboe and harp intake will be curtailed, in addition to the elimination of intake to two junior choirs and two musicianship classes. There will also be cuts in accompaniment, class concerts and a reduction in the number of adjudicators. Cuts will mean places cannot be guaranteed in some of those areas in September. Where will the students go? The cuts may also have implications for the university sector because children feed into the third level. If one does not have children in the system, one will not have a third level.

I remind the Minister of State, Deputy Finneran, that many national and international stars have come from the Cork School of Music. I will not name them here but I am sure the Minister knows who they are. The school has had great success and the students are very committed. Some of them have a 30-mile round trip to get to the school of music. Many other schools in the city and county have curtailed music teaching because much of the teaching has become concentrated in the Cork School of Music. The Minister of State will be aware that

music is very good for confidence building in young children. Some parents at the meeting the other night said that they know where their children are and the children develop a love of music through their lessons.

The last thing we should do is curtail the work of the school. I said the other night at the meeting that we should be expanding the school, not curtailing it. I urge the Minister to re-examine the matter and to have discussions with the Cork Institute of Technology. I received a letter from the president of the CIT on 10 June in which he said there was no question of not providing the full range of music tuition currently available, but he went on to say that with respect of the Cork School of Music and its small contribution to the overall request for efficiencies — that means the budget is being curtailed — there would be some reduction in new, part-time student intake. That is the crux of the matter. I want other avenues of funding to be explored. We do not want the funding to be reduced. A colleague of mine who was abroad recently told people in other countries about the Cork School of Music and they were interested in sending students to it. At a time when people are talking about the big R word — recession — we should not cut back on such a facility, we should expand it. We should develop the talents and the unique heritage that exists for the benefit of all.

I am told there is a need to examine funding for music at a national level. We do not appear to have a national scheme for funding music; it is done on an *ad hoc* basis. I urge the Minister of State to consider that point. VECs, the ITs and other institutions get their budget half way through the year, which makes it difficult for them to plan ahead. I urge the Minister to ensure that in future such schools will get their budgets in January so that they can make plans and work out their schemes properly.

More than 200 parents and students attended the meeting last Thursday night. They are anxious, committed and serious and they want the Government to assist to ensure this fantastic facility achieves its full potential for everybody concerned.

Deputy Michael Finneran: I am taking the Adjournment debate because the Minister for Education and Science, Deputy Batt O’Keeffe, cannot attend the House this evening. I thank the Deputy for raising this matter on the Adjournment.

As the Deputy is aware, the Cork School of Music represents a constituent part of the Cork Institute of Technology, CIT. As institutes of technology are autonomous institutions, the Department of Education and Science has no role in their operational affairs. The institutes of technology receive a block grant from the Higher Education Authority and it is a matter for each institution to determine how it is allocated internally. In the case of the Cork School of Music, the Cork Institute of Technology will determine the level of funding to be allocated to the school.

I am aware of the annual demands for additional resources for the higher education sector and have afforded significant priority to investments in this area. Spending on higher education has increased dramatically in the past decade. When all higher education funding is taken into account, the overall provision by the Department of Education and Science for the sector amounts to approximately €2 billion for 2008. That is an increase of approximately 25% since 2005, when the provision amounted to €1.6 billion, and an increase of approximately 135% on the €850 million provided in 1997.

Deputy David Stanton: Will the Minister give way for a question?

Acting Chairman (Deputy John Cregan): There is no facility to ask a question of the Minister.

Deputy Michael Finneran: In the case of the Cork Institute of Technology, I understand that recurrent funding for CIT has been increased in recent years from some €57 million in 2005 to

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almost €64 million this year. Its 2008 allocation represents an increase of 2.5% over its 2007 funding and an increase of approximately 12% since 2005. CIT has also benefited from substantial capital funding of approximately €80 million allocated since 1997.

The Cork School of Music, one of three pilot public private partnership projects undertaken by the Department of Education and Science, was completed in 2007 at a cost of approximately €51 million, excluding VAT. It is understood from the Cork Institute of Technology that in the context of the normal cycle of review and planning for next year, all faculties and constituent colleges have been requested to achieve efficiencies. It is also understood from the institute that, while there will be some small reduction in new part-time student intake, it will continue to offer the full range of music tuition currently available, including that for first and second level students, in the Cork School of Music.

I thank the Deputy for affording me the opportunity to respond to this House on the matter.

Deputy David Stanton: Can I——

Acting Chairman: We have to move on, Deputy Stanton.

Deputy David Stanton: I asked the Minister of State to give way.

Acting Chairman: I have to call Deputy Sherlock.

Deputy David Stanton: On a point of order, am I not entitled to ask the Minister to give way?

Acting Chairman: Not on the Adjournment.

Deputy David Stanton: Is that specified under Standing Orders?

Acting Chairman: Absolutely.

Deputy David Stanton: Can I have the Standing Order in question sent to me, please?

Acting Chairman: That will be done.

Deputy Michael Finneran: I have taken note of the point Deputy Stanton made about national funding and I will bring that matter to the attention of the Minister.

Deputy David Stanton: What about cutbacks for first and second level students?

Acting Chairman: I am sorry but I cannot allow supplementary questions on the Adjournment. I call Deputy Sherlock.

Deputy Michael Finneran: I indicated in the reply that there would be no cutbacks for first and second level students.

Housing Grants.

Deputy Seán Sherlock: I am sharing time with Deputy Ciarán Lynch and I propose to speak for two minutes.

Cork County Council announced last week that it would be cutting a range of grants designed to help people to make modifications to their homes, namely, the essential repairs grant, the mobility aids grant, the housing adaptation grant and the housing aid for the elderly grant. The reason is that it is not in a budgetary position to deal with the number of applications being made. The county council has stated that where possible it will try to process the disabled person's grant. That specifically relates to Cork County Council's northern division.

We are asking that the Minister consider an increase in the funding stream. The Minister of State, Deputy Finneran, will tell the House there has been an increase year-on-year in the overall allocation for 2008 and the total amount disbursed in 2007. The announcement in February by the then Minister of State with responsibility for housing, Deputy Batt O’Keeffe, caused the other schemes announced to become so successful that hundreds of people applied for them. That created an expectation. We now find in the northern division of Cork County Council that there is a lack of funding to meet the schemes of which many vulnerable and older people are in need to carry out necessary modifications to their homes. I call on the Minister to see if there is any way to provide an increase in the funding stream.

Deputy Ciarán Lynch: I seek from the Minister an assurance in response to the genuine concern that the housing aid for the elderly programme is about to collapse because it is a victim of its own success. There is real concern among people who are old, ill or disabled that the badly needed stair lift, bathroom conversion, downstairs toilet or extension will not happen because the money is not with the local authorities. At this stage a number of local authorities have spent their allocation and the budget has been exhausted. This is a scheme that provides for the most vulnerable in society. It is incredible that half way through the year elderly people, disabled people and people with illnesses should be told they will have to wait until 2009 in the middle of an economic downturn. This needs to be seriously addressed in the House tonight.

The budget for Cork City Council has gone from €1,827,000 to €1,855,000, an increase of €30,000, which is the equivalent of perhaps three stair lifts or a bathroom conversion and a stair lift. It would not be enough to cover a ground-floor extension. Should we really accept that the measurement of the increase would not even cover the cost of a downstairs extension? I hope that the Minister of State will indicate this evening that these costs will be met this year. These schemes allow elderly, disabled and sick people to continue living in their homes. It is a scheme that works and provides a long-term benefit. It is an efficient scheme when measured against the cost of elderly and disabled people not being able to live at home.

Deputy Michael Finneran: I thank the Deputies for giving me the opportunity to speak about the housing adaptation grant schemes for older people and people with a disability. The Government is very much aware of the critical role that the adaptation grant schemes play in the context of the overall continuum of care for older people and people with a disability.

In order to facilitate the continued independent occupation of their own homes by older people and people with a disability, and following a comprehensive review undertaken by my Department, a revised framework of adaptation grant schemes to assist older people and people with a disability with their accommodation needs was implemented in November 2007. The revised grant framework streamlines the administrative and operational procedures governing the schemes, provides a more targeted and integrated response to the housing needs of older people and people with a disability, and ensures the most efficient and cost effective outcomes from the funding available, through the targeting of available resources to those in most need. The administration of the schemes is a matter for individual local authorities within the framework laid down in statutory regulations, which as far as practicable is designed to give an appropriate degree of flexibility at local level.

The housing adaptation grant schemes are funded by 80% recoupment available from my Department, together with 20% contribution from the resources of the local authority. A combined capital allocation of €71.4 million has been made available to local authorities for the operation of the schemes in private houses in 2008. Individual allocations were notified to local authorities based on their estimated requirements as notified to my Department and expenditure trends in previous years. It is a matter for each local authority to decide on the specific level of funding to be directed towards each of the schemes from within the combined allocation

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notified to them and to manage the operation of the schemes in their area from within this allocation.

The funding provided to Cork County Council has not been cut. A combined capital allocation of €5.516 million was notified to the council for the operation of the schemes in 2008. Past expenditure trends were taken into account in finalising this year's allocations and the €5.516 million allocation to Cork County Council for 2008 is in line with the expenditure recouped by my Department to the council in 2006 and 2007, which was €5.499 million and €5.433 million respectively.

Requests for additional funding for the operation of the schemes are dealt with in the context of the reallocation of surplus resources from other local authorities. Allocations provided to local authorities are generally revised during the course of the year where expenditure is higher or lower than anticipated.

Deputy Ciarán Lynch: I ask the Minister of State——

Acting Chairman: Allow the Minister of State to speak.

Deputy Michael Finneran: In this context, and to ensure optimum effectiveness from the funding available, my Department has advised all local authorities to monitor very carefully their expenditure under the schemes. Applications for additional funding from a number of authorities, including Cork County Council, will be considered by my Department in the light of any savings emerging later in the year in other local authority areas.

Deputy Ciarán Lynch: I ask the Minister of State to clarify a point, which would allow him to resolve this matter

Acting Chairman: I cannot allow a question at this point.

Deputy Ciarán Lynch: The Minister of State talked about the combined allocation.

Acting Chairman: I cannot allow a question.

Deputy Ciarán Lynch: Since last November the housing aid for the elderly programme has been switching between the local authorities and the HSE.

Acting Chairman: I cannot allow the Deputy to proceed.

The Dáil adjourned at 10.35 p.m. until 10.30 a.m. on Wednesday, 25 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 6, inclusive, answered orally.

Questions Nos. 7 to 61, inclusive, resubmitted.

Questions Nos. 62 to 69, inclusive, answered orally.

National Museum.

70. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the take-up there has been for the pilot scheme for mobility of museum collections; the amount of the €100,000 that has been committed to specific projects; the way the scheme will be evaluated; and if he will make a statement on the matter. [24516/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I am anxious to encourage greater exposure to the collections held by the National Cultural Institutions and to encourage cooperation between them and local and regional Museums particularly outside of Dublin. The purpose of the mobility of collections scheme established by my Department is to support greater regional/local access to material held in the National Cultural Institutions. In situations where the National Cultural Institutions have entered into agreement with the local and regional museums for the loan and display of artefacts, the scheme will address the cost of exhibition, transport and insurance in transit of these artefacts in connection with their display in appropriate museums and galleries.

The institutions eligible to benefit from the Fund are Museums designated by the National Museum of Ireland under the National Monuments Act, 1994 and museums and galleries accredited under the Heritage Council Gallery accreditation scheme. My Department has informed these institutions and the Directors of the National Cultural Institutions of this scheme. The exhibition of artefacts from the National collections in locations outside of Dublin will enhance public access to parts of the National collections. It is not possible for the National Cultural Institutions to display all of their collections at the one time and the purpose of this scheme is to assist in making part of the National collections more widely accessible to the public throughout the country. To date in 2008 over €4,200 has been drawn down by regional museums under the scheme.

71. **Deputy Noel J. Coonan** asked the Minister for Arts, Sport and Tourism the funding that has been made available to the National Museum to facilitate the removal of artefacts to allow the refurbishment and repairs to take place at the Natural History Museum; and if he will make a statement on the matter. [24459/08]

94. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the plans there are to increase facilities for storage at the Natural History Museum as part of the planned repairs and refurbishment; and if he will make a statement on the matter [24517/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 71 and 94 together.

The refurbishment of the Natural History Museum and the provision of additional storage for the Museum generally will be met from funds allocated under the Culture Sub Programme of the National Development Plan (NDP) 2007-2013. Funding of €15 million has been earmarked for the Natural History Museum to address universal access to the Museum and its refurbishment. €30 million has also been earmarked for off site storage for the National Cultural Institutions, including the Museum.

Capital funding of €26.3 million has been provided for the ongoing capital requirements of the National Museum in the NDP, of which €4.6 million was allocated this year. In addition, in 2008 this Department provided the National Museum with a current funding allocation in excess of €14 million. This current and capital grant-in-aid allocation provides for the day-to-day running costs of the Museum and for capital works and acquisitions. Arrangements have now been agreed for an exhibition of elements of the Natural History Museum Collection at Collins Barracks beginning early in 2009.

Sports Capital Programme.

72. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent of grant aid awarded by him in 2007 to the various sporting or community groups here from the proceeds of the national lottery or other sources; the full extent to which such funding is available to him for similar purposes in 2008; when he expects to allocate such funds in 2008; and if he will make a statement on the matter. [24588/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Under the sports capital programme, which is administered by the Department and part funded by the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. The 2007 round of the programme allocated €85 million to 935 separate projects. Applications for funding under the 2008 programme were invited by the deadline of 29th February for paper-based applications and 7th March for on-line applications. All applications received before the relevant deadlines are currently being evaluated and I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Under the Local Authority Swimming Pool Programme, which is also administered by the Department, grant aid is provided to local authorities towards the capital costs of a new or replacement public swimming pool or the refurbishment of an existing pool provided by local authorities themselves or by other bodies where the application for capital funding is supported by the local authority. There is provision of €184m in the National Development Plan 2007-2013 in respect of the Local Authority Swimming Pool Programme. In 2007 a sum of €27.78m was paid out in grant aid and a sum of €20m has been allocated to be spent in 2008. The launch of the new programme will be a matter for discussion as part of the estimates process between the Department and the Department of Finance.

The Department also supports the provision of new arts facilities around the country through the Arts and Culture Capital Enhancement Support Scheme (ACCESS). A total of almost €86m has been granted to 120 projects across the country under the scheme, of which €32.5 million was allocated in 2007. A further €10.29m was allocated in 2008 to ACCESS II Reserve List projects. All of the available funds under the current ACCESS round have now been fully allocated. The Department is currently examining the option of a further round of the ACCESS programme.

National Library.

73. **Deputy James Reilly** asked the Minister for Arts, Sport and Tourism if he has had contact with the Office of Public Works regarding the refurbishment work planned at the National Library; and if he will make a statement on the matter. [24520/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The on-going refurbishment and maintenance works carried out at the National Library of Ireland by the Office of Public Works are a matter of regular meetings between that institution and the OPW. The provision of a purpose built extension and storage facility for the National Library is among the priority cultural infrastructure projects included in the National Development Plan 2007-2013. Planning permission has been obtained for the building and my Department is working closely with the National Library and the Office of Public Works to ensure that this vitally important project reaches construction stage as soon as possible. In that context the process is underway to recruit the technical team and preparations for the construction contract are advancing. The project represents a very important element of the Library's Building Development Programme, which commenced in 1999. The proposed facility will address the Library's storage needs and will also provide a vital link between all of the Library's premises on Kildare Street thus improving efficiency and enhancing service delivery.

Proposed Legislation.

74. **Deputy Brian Hayes** asked the Minister for Arts, Sport and Tourism when it is intended to introduce the necessary legislation to re-establish the Heritage Fund; and if he will make a statement on the matter. [24486/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I refer the Deputy to my reply to Parliamentary Question number 95 on the 13th May 2008. Work on the Scheme of a Bill to amend the Heritage Fund Act, 2001 is well advanced in my Department. In accordance with normal procedure in relation to legislation, I intend to seek Cabinet approval for the formal drafting of the Bill in early course.

Sport and Recreational Development.

75. **Deputy Dinny McGinley** asked the Minister for Arts, Sport and Tourism the plans he has to adjust his sports policy and funding decisions to reflect the outcome of the ESRI study, *Sporting Lives: An Analysis of a Lifetime of Irish Sport*; and if he will make a statement on the matter. [24501/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Irish Sports Council (ISC), which is funded by my Department, has statutory responsibility for encouraging the promotion, development and co-ordination of competitive sport and for increasing participation in recreational sport. All sports organisations funded by the ISC, including National Governing Bodies (NGBs) and Local Sports Partnerships (LSPs), are encouraged to target all sections of society in seeking to increase participation in sport.

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The ISC, under its research remit, is striving to develop a profound understanding of sport in Ireland that can inform policy and investment over the coming years. The ISC has commissioned the Economic and Social Research Institute to undertake studies on its behalf. The fifth report in the series — “Sporting Lives: An Analysis Of A Lifetime Of Irish Sport” which I was pleased to launch recently — sets out to track the participation of Irish people in sport over their life course based on a survey of adult participation in sport in 2003. The data from the survey also allowed for an analysis of the amount and type of sport played in Ireland over recent decades, and of the relationship between playing sport and personal health.

The report concludes that the current generation of Irish adults is playing more sport than previous generations. That is an extremely positive outcome and one with which, collectively, we should be very pleased. Interestingly, the report indicates that 76% of all sport for people over 18 consists of individual activities rather than team based sports. The report also sets out the benefits of participation. The report concludes that people who participate in sport and exercise across the life course generally experience better physical and mental health than non-participants. The report is not without its challenges, particularly in relation to gender and socio-economic gaps in sports participation. Obviously the report needs very careful consideration by the Department and by the Irish Sports Council with a view to assessing what changes might usefully be made to existing sports policy and such consideration is taking place.

I should point out that the series of ESRI reports endorse the view that, as an activity with proven benefits, sport has a strong case for substantial public expenditure to support initiatives which can increase participation in sport. This justifies the significant Government investment in sport in recent years. This increased investment has supported the promotion and development of Irish sport and the provision of a modern sporting infrastructure, with high quality facilities catering for the participation, coaching, training and competition needs of all levels and types of sport. The level of funding available for sport in 2008 is €336 million, which will serve to further enhance and develop the sports sector. Furthermore the National Development Plan 2007-2013 includes a commitment to provide €991 million for sport infrastructure during the period up to 2013.

The increased funding provided to the ISC from €13 million in 2000 to more than €57 million this year has enabled a number of significant interventions to happen for the benefit of disadvantaged areas. Examples include the Local Sports Partnerships (LSP) network and the Buntús programme for primary schools in LSP areas (involving children in sport from a very young age).

76. **Deputy Liz McManus** asked the Minister for Arts, Sport and Tourism his views on the community hoops programme and on the application by Basketball Ireland for funding to support this programme; and if he will make a statement on the matter. [24566/08]

80. **Deputy Pat Rabbitte** asked the Minister for Arts, Sport and Tourism if there are plans to fund the refurbishment of the National Basketball Arena; and if he will make a statement on the matter. [24565/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 76 and 80 together.

Under the sports capital programme, which is administered by the Department of Arts, Sport and Tourism, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Under previous rounds of the Sports Capital Programme the community hoops initiative of Basketball Ireland has been allocated over €1,500,000 in funding between 1998 and 2007. The National Basketball Arena has been allocated over €600,000 in funding during the same period. Deputies will be aware that the National Basket-

ball Arena, which became operational in 1993 received €2.29m from the Government at the time of its construction.

Applications for funding under the 2008 programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. All applications received before the deadline, including those referred to by the Deputies, 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.

Tourism Industry.

77. **Deputy Lucinda Creighton** asked the Minister for Arts, Sport and Tourism his views on the implications for Irish tourism policy of the outcome of the recent Irish/US Governments meeting on the introduction of a US customs pre-clearance facility for Ireland; and if he will make a statement on the matter. [24466/08]

97. **Deputy John Perry** asked the Minister for Arts, Sport and Tourism if he has had discussions with the relevant Minister to ensure the rapid introduction of legislation to facilitate US customs pre-clearance based here in view of its importance for Irish tourism; and if he will make a statement on the matter. [24518/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 77 and 97 together.

As the Deputy will be aware, primary responsibility for the negotiations on introducing pre-clearance facilities at Dublin and Shannon airports rests with my colleague the Minister for Transport. The Department of Arts, Sport and Tourism has however, been kept informed of developments in regard to the possible introduction of pre-clearance facilities at Dublin and Shannon airports for US bound passengers.

I understand that during the course of 2006 and 2007, the Department of Transport held a number of informal meetings with the US authorities with a view to exploring the scope for giving Dublin and Shannon airports full pre-clearance status. Formal proposals were received from the US authorities in December last year and formal negotiations with the US on the basis of these proposals began in January this year. Further talks were held between both sides in Dublin at the end of May and further progress was made. While pre-clearance will require new legislation and the conclusion of an Inter-Governmental Agreement with the US, I understand that it is hoped to have both in place by the end of 2008.

In terms of the implications for Irish tourism, obviously the introduction of pre-clearance facilities would be a welcome development and the issue has been raised with me by tourism interests. From the perspective of passengers, it means that because they are processed through all US entry procedures before they travel, they will have an uninterrupted passage through the US airport when they arrive at their destination. Accordingly, if such an agreement can be reached it should help Dublin and Shannon airports to better position themselves as hubs for US bound flights as they would have a competitive advantage over other airports without such facilities. People using our airports as hubs could, of course, be encouraged to spend time in Ireland as part of their travel arrangements. Furthermore, such an agreement could in time encourage the development of new routes into Shannon and Dublin airport from some of the smaller American airports.

While an agreement has not yet been concluded, I will continue to monitor developments in this area. When any agreement is finalised, I would be encouraging all of the relevant stake-

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holders, including the relevant tourist agencies, to take all necessary steps to maximise the potential benefits from the new procedures.

Local Sports Partnerships.

78. **Deputy Ciarán Lynch** asked the Minister for Arts, Sport and Tourism the function of sports inclusion development officers; the numbers employed; and if he will make a statement on the matter. [24577/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Through my Department special funding of €2.3 million, over a two-year period, was allocated from the dormant accounts funds to provide opportunities for persons with a disability to participate in sport and physical activity by way of the appointment of 20 Sports Inclusion Development Officers in Local Sports Partnerships. The Deputy will be aware that a network of Local Sports Partnerships has been set up throughout the country by the Irish Sports Council to coordinate and promote sport at local level.

Specifically the Sports Inclusion Development Officers are charged with promoting participation by people with a disability in sport and physical activity and with ensuring local resources are being used to maximum potential. My colleague the Minister for Community, Rural and Gaeltacht Affairs has overall responsibility for dormant accounts spending. The funding through my Department is an element of a larger set of economic and social disadvantage funding measures including funding for persons with a disability.

Performing Arts.

79. **Deputy Joan Burton** asked the Minister for Arts, Sport and Tourism the plans he has to set up a working group to investigate the establishment of an Irish academy of theatre arts; and if he will make a statement on the matter. [24571/08]

96. **Deputy Jan O'Sullivan** asked the Minister for Arts, Sport and Tourism the Government funded training courses available for theatre directors, designers, stage managers or producers; and if he will make a statement on the matter. [24573/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 79 and 96 together.

There are no plans at present to set up a working group to investigate the establishment of an Irish academy of theatre arts. I am aware that a recommendation to this effect was contained in the report of the The Forum on Acting, a copy of which was recently provided to my Department and which has yet to be considered in detail. To the extent that it impinges on my Department, the provision of training in the disciplines mentioned comes within the remit of the Arts Council, which supports a range of training initiatives, including theatre and the Irish Film Board, which funds FÁS/Screen Training Ireland based training in a range of film-related courses.

Funding for the Arts Council in 2008 is €83.102 million. Funding for the Irish Film Board in 2008 is €23.1m, of which €1.3m is provided to FÁS/Screen Training Ireland. My Department has also provided one-off funding to Theatre Forum towards its Druidstone project, aimed at providing training specifically in theatre management. Formal training at third level in the disciplines mentioned is already provided by a number of organizations, including the Gaiety School of Acting, the Dun Laoghaire Institute of Art, Design and Technology and FÁS. Responsibility for such organizations is not within the remit of my Department.

Question No. 80 answered with Question No. 76.

Stadium Projects.

81. **Deputy Damien English** asked the Minister for Arts, Sport and Tourism the implications the withdrawal of a company (details supplied) from FAI ticket sales has for the Government's investment in the Lansdowne stadium; and if he will make a statement on the matter. [24477/08]

100. **Deputy John Perry** asked the Minister for Arts, Sport and Tourism if there has been contact or discussions between him and either the FAI or the IRFU since the withdrawal of a company (details supplied) from ticket sales for the FAI; and if he will make a statement on the matter. [24519/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 81 and 100 together.

The Government's financial commitment to the development of a new stadium at Lansdowne Road is €191m and the grant is capped at that level. The balance of the cost is to be met by the IRFU and the FAI. The arrangements for the development of the stadium, including the respective financial contributors, are part of a legal agreement between the Department and the Lansdowne Road Development Company, which comprises the IRFU and the FAI. As part of this agreement the Department arranged for due diligence to be carried out on the capacity of both organisations to fund their contribution to the project and the Department has been satisfied in that regard.

The project is overseen by a Steering Group which is chaired by the Secretary General of the Department and any issues that arise are discussed in that forum. The Department has written to both organisations recently seeking confirmation that all the necessary financial requirements are in place and that their financial commitments to the project, which will be required to be met within the next 12 months, will be met.

82. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the status of Santry athletics stadium; if there are plans to invest in this stadium in advance of the London Olympics in 2012; and if he will make a statement on the matter. [24564/08]

83. **Deputy Brian O'Shea** asked the Minister for Arts, Sport and Tourism if there are plans to improve the facilities at Santry stadium in view of the fact that it is Ireland's premier athletics facility; and if he will make a statement on the matter. [24576/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 82 and 83 together.

The Government has recognised the importance of Morton Stadium, Santry, to athletics through significant financial support in recent years. Since 2002, the Irish Sports Council has made an annual financial contribution towards the running costs of the stadium, amounting in total to just over €1 million. In addition, funding in excess of €3 million has been provided in capital grants through my Department for improvement of the stadium's facilities in recent years.

Applications for funding under the 2008 Sports Capital Programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. All applications received before the deadline, including an application in respect of Morton Stadium, 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.

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I understand that discussions are taking place between the relevant stakeholders of Morton Stadium with a view to agreeing new arrangements for the management of the stadium, whereby the Athletics Association of Ireland (AAI) will take over responsibility for the day-to-day management of the stadium from Fingal County Council. The proposed new arrangements aim to provide for a more focused and efficient management structure for the stadium to enable it to continue its important role as the national athletics stadium and ensure its ongoing availability for use by the athletics community, especially elite athletes.

Sport and Recreational Development.

84. **Deputy David Stanton** asked the Minister for Arts, Sport and Tourism his policy priorities in relation to sports; and if he will make a statement on the matter. [24597/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): My policy priorities in relation to sport are set out in the Programme for Government and are articulated further in the Department's Statement of Strategy 2008-2010. The overriding objective which will drive the development of policy will be accessibility and participation for all in sport. I intend to put in place a policy framework building on the important role that sport plays in the social, economic and health areas of Irish life. Under the National Development Plan 2007-2013, it is planned to provide almost €1 billion for the development of sports facilities at national, regional and local level. A total of €568 (excluding the €107 million for the redevelopment of Croke Park) has already been allocated in sports capital funding since 1998 under the Sports Capital Programme to over 6,700 sports facility projects.

One of the major issues to be addressed is the introduction of a more strategic targeted approach to the funding of projects and to identify and address gaps in provision. The development of a National Sports Strategy by the Department will provide high-level policy direction for future investment and grant assistance at national, regional and local level. A Value for Money and Policy Review Report of the Local Authority Swimming Pool Programme has been completed by the Department. The Report examined, among other things, how the Programme has worked to date, and what changes are required to ensure its effective and efficient delivery in the future. The recommendations in the Report will be used to assist in formulating future policy in this area and will be incorporated into any new round of the Programme. I intend to publish the Report shortly.

The launch of a new Programme will be a matter for discussion as part of the Estimates process, which will start shortly between this Department and the Department of Finance. A sum of €184m has been provided in the National Development Plan 2007-2013 for supporting existing projects in the Local Authority Swimming Pool Programme and for new projects to be selected following the launch of a new round of the Programme, as provided for in the Programme for Government. Since the establishment of the Irish Sports Council in 1999, over €300 million has been provided to the Council towards initiating, developing and enhancing a wide range of programmes aimed at increasing participation and raising standards in Irish sport. The Department will continue to support the ISC to allow it to realise the commitments of its strategic plan to increase participation in sport and to improve the levels of performance by our elite athletes in world-class competition.

In relation to the horse and greyhound racing industries, Government support is provided under the Horse and Greyhound Racing Fund, which was established under the Horse and Greyhound Racing Act, 2001 for the purpose of further developing both racing industries. This Fund has provided a guaranteed level of funding to Horse Racing Ireland and Bord na gCon. To date the Fund has not only helped towards providing some top class venues and facilities, but it has also underpinned significant employment in both industries. In 2004 the Government agreed to increase the aggregate limit on the Fund from €254 million to €550 million, to allow

for continuation of the Fund for a further four-year period. A review of the Horse and Greyhound Racing Fund is being undertaken and any extension of the Fund will require the approval of the Government and the Oireachtas.

Sports Capital Programme.

85. **Deputy Seán Sherlock** asked the Minister for Arts, Sport and Tourism if the Government is supporting a project (details supplied) in Dublin 12; if his attention has been drawn to the fact that this is the only velodrome in the country and should be considered a fundamental part of Ireland's sporting infrastructure; and if he will make a statement on the matter. [24574/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Under the sports capital programme, which is administered by the Department of Arts, Sport and Tourism, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Under previous rounds of the Sports Capital Programme the Velodrome in Dublin City Council's Eamonn Ceannt Park has been allocated almost €900,000 in funding between 1998 and 2007. None of this funding has been drawn down to date.

Applications for funding under the 2008 programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. All applications received before the deadline, including the application from Dublin City Council for the velodrome project, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Sports Facilities.

86. **Deputy James Reilly** asked the Minister for Arts, Sport and Tourism if it is intended to seek funding to upgrade sporting facilities at the University of Limerick and University College Dublin, as suggested in the Indecon report, to make it possible for Ireland to have a spin off benefit from the London Olympics in 2012; and if he will make a statement on the matter. [24521/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I am currently considering the report of the London 2012 Olympics and Paralympics Task Force which includes findings and recommendations arising from the report carried out by Indecon International Economic Consultants on the economic evaluation of the benefit to the island of Ireland of the London 2012 Olympic and Paralympic games. Both the University of Limerick and University College Dublin have received capital funding from my Department in recent years towards the development of sports facilities.

In 2006, my Department allocated €1 million towards Phase 1 of the sports facilities development at the University of Limerick, particularly with a view to the potential usage of UL as a centre for teams preparing for the London 2012 Olympics. Previous funding to the UL Sports Complex since 1998 was in the form of a €7.55 million grant for the construction of the national 50-metre swimming pool. My Department has also allocated over €1.3 million in capital grants to UCD towards the development of its sports facilities. The national hockey arena, which is located at UCD, was developed with Government funding to the value of €1.29 million.

Proposed Legislation.

87. **Deputy Michael D. Higgins** asked the Minister for Arts, Sport and Tourism the plans he has to introduce legislation in respect of Culture Ireland; and if he will make a statement on the matter. [24581/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Culture Ireland was established in 2005 as the new national agency for the promotion of Irish arts and culture worldwide, including music, theatre, dance, film, literature, visual arts, traditional arts, architecture, opera and circus. Since that time the agency has been operating with significant success under the direction of a Board. I greatly appreciate the value of Culture Ireland's strategy which centres on the important role our arts and culture play in achieving global recognition for Ireland's attractiveness as a centre of creativity and innovation, and a destination for business and tourism. The strategic promotion of Irish arts in a global context and the creation of international opportunities for Irish artists and cultural practitioners leads to a deeper mutual understanding between Irish and other cultures and communities. I am satisfied that Culture Ireland is working effectively at present and the advancement of legislation to establish Culture Ireland on a statutory basis will be considered in the context of the Government's overall legislative programme.

National Stadium.

88. **Deputy Emmet Stagg** asked the Minister for Arts, Sport and Tourism the plans there are to include a 200 meter indoor athletics track in phase one of the national stadium facilities at Abbotstown; and if he will make a statement on the matter. [24575/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The National Sports Campus Development Authority which has statutory responsibility for the development of a Sports Campus at Abbotstown is currently examining a proposal from the Athletics Association of Ireland for the inclusion of an indoor athletics track part of Phase One of the National Sports Campus. The current Development Control Plan which was approved by the Government in 2005 in respect of the facilities to be provided in Phase One of the project does not include provision for an indoor athletics track. I will, however, consider the proposal when it is submitted to my Department to see if it can be facilitated within Phase One of the Campus.

Departmental Bodies.

89. **Deputy Joan Burton** asked the Minister for Arts, Sport and Tourism his views on the report issued by the Comptroller and Auditor General into Bord na gCon; and if he will make a statement on the matter. [24580/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): On 14 June the Comptroller and Auditor General published a special report on an examination carried out on the arrangements for the procurement of certain capital works and services and related matters by Bord na gCon. The Report will be the subject of examination by the Public Accounts Committee on Thursday 26 June 2008. The issues raised in the report by the C&AG come within the remit of Bord na gCon as day-to-day operational matters. It would be inappropriate of me to comment in any detail on the report in advance of the PAC hearing.

Arts Funding.

90. **Deputy Róisín Shortall** asked the Minister for Arts, Sport and Tourism his plans to support touring; if his attention has been drawn to the fact that Ireland has many regional venues which have been funded by the ACCESS schemes which are frequently lying empty; and if he will make a statement on the matter. [24567/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Funding for touring is provided by the Arts Council. The Arts Council is statutorily independent under the Arts Act, 2003 and I have no role to play in its specific funding decisions. The Arts Council introduced a Touring Programme in late 2006 for which funding of €1.7m was made available in 2007. The Council has provided a further €757,000 in grants for touring in 2008. In addition and in the

context of its 80th anniversary, the Department has provided €250,000 to the Gate Theatre in 2008 to part fund its 40 venue tour of “Waiting for Godot”.

Sport and Recreational Development.

91. **Deputy Brendan Howlin** asked the Minister for Arts, Sport and Tourism the local sports partnerships established in 2008; the number of people employed in these; and if he will make a statement on the matter. [24578/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Agreed Programme for Government commits to the roll out of the Local Sports Partnership programme on a nationwide basis to provide for the development of sport at local level. The Irish Sports Council (ISC) has a statutory role in the promotion and development of sport, including initiatives such as the Local Sports Partnership network, through which sports initiatives at local level are delivered and coordinated. The Local Sports Partnerships (LSPs) are charged with increasing participation in sport at a local level, ensuring that local resources are used to best effect and making sure that the experiences of participants in sport are positive.

Following an independent review of the LSPs by Fitzpatrick Associates in 2005, the then Minister for Arts, Sport and Tourism gave approval to the ISC to extend the LSP network on a national basis. There are currently 29 LSPs fully operational, employing a total of 81 people, two of whom are employed on a part-time basis. The remaining four sites in the national network are finalising recruitment arrangements. Five of the total of 29 LSPs were established in 2008 (in Cavan, Louth, Cork City, Galway County and Dun Laoghaire/Rathdown). These five LSPs employ a total of nine people, one of whom is employed on a part-time basis.

Arts Funding.

92. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which he has provided funding towards the promotion of the arts in its various forms here in 2007 from whatever source; if he expects to provide similar support in 2008; and if he will make a statement on the matter. [24587/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I refer the Deputy to the Revised Estimates for Public Services 2008, and in particular to Vote 33 — pages 154 to 155, and to Vote 35 — pages 164 to 169.

Access to Sporting Facilities.

93. **Deputy Jack Wall** asked the Minister for Arts, Sport and Tourism the way he proposes to make sporting facilities and sports more accessible, particularly for children and those from economically disadvantaged areas, in view of the latest report from the ESRI entitled Sporting Lives; and if he will make a statement on the matter. [24562/08]

103. **Deputy Eamon Gilmore** asked the Minister for Arts, Sport and Tourism the way he will reconcile the increasing trend towards individual sporting pursuits as the area of strongest growth with the predisposition of the sports capital programme to overwhelmingly favour team sports; and if he will make a statement on the matter. [24563/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 93 and 103 together.

I would refer the Deputies to my reply to PQ No. 75 which I answered today. In relation to the Sports Capital Programme, it should be noted that the level of allocations are contingent

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on the quality and volume of the applications received and the overall level of funding available, rather than any perceived predisposition towards particular sports.

Question No. 94 answered with Question No. 71.

Question No. 95 answered with Question No. 68.

Question No. 96 answered with Question No. 79.

Question No. 97 answered with Question No. 77.

Arts Council.

98. **Deputy Willie Penrose** asked the Minister for Arts, Sport and Tourism if he remains committed to the target of €100 million funding for the Arts Council as set out in the Partnership for the Arts 2006 to 2010; and if he will make a statement on the matter. [24569/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): As Minister for Arts, Sport and Tourism I am committed to securing the best possible funding for the Arts Council and the arts sector generally. The Arts Council's funding requirement for the year ahead however, can only be addressed in the context of the consideration of the Estimates for the Public Services for 2009.

Arts Plan.

99. **Deputy Alan Shatter** asked the Minister for Arts, Sport and Tourism when it is intended to publish the Arts in Education report; the progress that has been made towards implementation; and if he will make a statement on the matter. [24522/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I refer the Deputy to my previous reply on this issue on 27th May 2008. As I indicated on that occasion, publication of this Report is a matter, in the first instance, for the Arts Council.

Question No. 100 answered with Question No. 81.

Proposed Legislation.

101. **Deputy Eamon Gilmore** asked the Minister for Arts, Sport and Tourism if the heads of the Bill on the review of National Archives legislation will be published in 2008; and if he will make a statement on the matter. [24582/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Subject to receipt of advice from the Director of the National Archives and the National Archives Advisory Council, and following the clarification of certain legal issues by the Attorney General, I would anticipate that the heads of a bill can be finalised later this year.

Fáilte Ireland.

102. **Deputy Jim O'Keeffe** asked the Minister for Arts, Sport and Tourism the range of capital projects for which Fáilte Ireland has sought approval under the National Development Plan 2007 to 2013; when a decision on the projects will be made; and if he will make a statement on the matter. [24515/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The National Development Plan 2007-13, "Transforming Ireland", provides for a total Exchequer investment in tourism of

€800m over the seven years, including a Tourism Product Development and Infrastructure sub-programme of €317m to upgrade and supplement Ireland's tourism attractions and activities, and to deliver a National Conference Centre in Dublin. The €137m fund (exclusive of the estimated financial provision for the National Conference Centre) will support three areas of investment namely the development of international class visitor attractions, the development of soft adventure and activity products and certain elements of tourism infrastructure which are not funded from other sources within the NDP.

To date emphasis has been placed by Fáilte Ireland on supporting local authorities and other key infrastructure providers to develop a range of facilities for tourists. Already, some 149 projects have been approved grant assistance of €13 million. While the intention is that the Infrastructure sub-programme will continue over the lifetime of the Plan, the focus of Fáilte Ireland is now moving to other elements of the Product Development Sub-Programme, including investment in visitor attractions and visitor activities. The Fáilte Ireland executive is currently undertaking a full appraisal, including financial evaluations, legal and other due diligence of all applications made to date under the Sub-Programme. Fáilte Ireland has put in place a special approvals board to take decisions on funding recommendations made by the executive. Such decisions are day to day matters for Fáilte Ireland under the terms of the National Tourism Development Authority Act, 2003.

Question No. 103 answered with Question No. 93.

Arts Plan.

104. **Deputy David Stanton** asked the Minister for Arts, Sport and Tourism his policy priorities in relation to the arts; and if he will make a statement on the matter. [24596/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Government's priorities for the Arts are set out in the Programme for Government and are elaborated further in my Department's Statement of Strategy and the Arts Plan 2008, which has been placed in the Oireachtas Library. My policy on the arts is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

Sports Funding.

105. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the plans he has to improve regional balance in sports capital funding; and if he will make a statement on the matter. [19802/08]

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. It is the main vehicle for development of sports facilities at local, regional and national level throughout the country. Since 1998 the Sports Capital Programme has allocated over €675m to 6,716 sports facility projects. This investment has transformed the sporting landscape of Ireland with improved facilities in virtually every village, town and city. The facilities funded range from new equipment for the smallest clubs, to regional multi-sport centres and national centres of sporting excellence.

For a project to be considered for funding under the programme it must first meet a certain number of basic requirements such as showing evidence of the minimum required level of own funding or evidence of freehold or sufficiently long leasehold to ensure that the facility stays in sporting use. All projects that do not meet these minimum requirements are considered ineligible and are not assessed for funding.

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When assessing applications that have met these minimum requirements the Department uses a number of criteria. Applications are scored according to how well they meet these criteria and then ranked in order of priority within their own county. The amount of funding available for distribution under the Programme in each county is determined on a pro-rata basis based on the 2006 Census of Population. This method of assessment and allocation ensures balanced regional development of sports facilities. However, if a county does not have a sufficient number of eligible projects it is of course not possible to allocate that county's share of the total allocations. In these cases the funding is distributed to projects elsewhere.

Racing Industry.

106. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism when he will initiate a complete review of the Horse and Greyhound Racing Fund; and if he will make a statement on the matter. [24579/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Government support for the horse and greyhound racing industries is provided under the Horse and Greyhound Racing Fund, which was established under the Horse and Greyhound Racing Act, 2001 for the purpose of further developing both racing industries. Under the provisions of the 2001 Act, the Fund receives a guaranteed level of finance based on excise duty on off-course betting in the preceding year, subject to a minimum level based on the year 2000, amount adjusted for inflation. Any shortfall in the amount generated by the excise duty is made up by direct Exchequer subvention.

In 2004 the Government agreed to increase the aggregate limit on the Fund from €254 million to €550 million, to allow for continuation of the Fund for a further four-year period. Since 2001, this Fund has provided a guaranteed level of funding to Horse Racing Ireland and Bord na gCon. To date the Fund has not only helped towards providing some top class venues and facilities, but it has also underpinned significant employment in both industries. A review of the Horse and Greyhound Racing Fund is being undertaken by the Department. Any extension of the Fund will require the approval of the Government and the Oireachtas.

Arts Funding.

107. **Deputy Alan Shatter** asked the Minister for Arts, Sport and Tourism if the review of the guidelines for the per cent for art scheme has been completed; when he expects to publish the new guidelines; and if he will make a statement on the matter. [24523/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Inter-Departmental Group, chaired by my Department, was reconvened in September 2007 to review the working and implementation of the Per Cent for Art Guidelines. To date the group, which is representative of a wide range of Government Departments and agencies with construction budgets, has met on three occasions and significant progress has been made. The Group will continue to meet on a quarterly basis to progress the review. The group is also examining ways in which information on public art could be made more easily accessible to the public and their plans on this are at an advanced stage and will include a public art website, the design of which has recently been put to tender. When I have considered the recommendations of the Group, a date will be set for publishing the revised guidelines.

Cultural Institutions.

108. **Deputy Tom Sheahan** asked the Minister for Arts, Sport and Tourism the progress that

has been made in relation to the provision of shared off-site storage facilities for the national cultural institutions; and if he will make a statement on the matter. [24524/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The individual off-site storage needs of the National Cultural Institutions, are being dealt with progressively on an individual basis. There are 7 Cultural Institutions and if the Deputy has a request for an update on a particular institution/s I will be happy to provide such information.

Departmental Properties.

109. **Deputy Bernard J. Durkan** asked the Minister for Finance when the boundary will be made secure at the entrance at Killybegs, Sallins, County Kildare (details supplied); and if he will make a statement on the matter. [24589/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Commissioners of Public Works are carrying out the construction of a new agricultural facility, on behalf of the Department of Agriculture, Fisheries and Food, at Longtown Demesne, Clane, County Kildare. The construction works, which includes the provision of a new boundary wall at the main entrance gate, is on target for completion by the end of Autumn 2008.

Tax Code.

110. **Deputy P. J. Sheehan** asked the Minister for Finance, further to Parliamentary Question No.183 of 4 December 2007, the support mechanisms he will put in place before 31 October 2008 to replace the excise duty reliefs for public transport vehicles including those involved in school transport; and if he will make a statement on the matter. [24258/08]

122. **Deputy John O'Mahony** asked the Minister for Finance the alternative mechanisms being put in place to replace the excise duty refund for public transport services which is being terminated on 31 October 2008; and if he will make a statement on the matter. [24434/08]

123. **Deputy Olivia Mitchell** asked the Minister for Finance the alternative to the excise refund on diesel planned to help public transport providers (details supplied); and if he will make a statement on the matter. [24437/08]

128. **Deputy Richard Bruton** asked the Minister for Finance if an alternative mechanism has been developed and confirmed as feasible to substitute for the loss in the excise duty refund for public transport services; if he has assessed the merits of a proposal put forward by the Coach Tourism and Transport Council which develops a scheme promoting positive gains in CO₂ emissions; and if he will make a statement on the matter. [24778/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 110, 122, 123 and 128 together.

The 2003 EU Energy Tax Directive incorporated special derogations which allowed specific excise duty reliefs to be applied in a number of Member States. In the Irish context, these derogations allowed inter alia for reduced rates to apply to fuel used for public transport services which includes school transport services. While these derogations expired on 31 December 2006, Ireland, along with other Member States, sought retention of its derogations beyond that date. However the European Commission, who is the deciding authority, refused such requests.

The Finance Act 2008, as the Deputies are aware, consequently provided the legislative changes to withdraw the relief in respect of fuel used for public passenger transport vehicles.

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The relief will be withdrawn with effect from 1 November 2008 and the appropriate full excise rates will apply from that date. In the circumstances outlined above the question of reconsidering or deferring the withdrawal of the existing relief does not therefore arise. The Department of Transport and other relevant line Departments have, in conjunction with my Department, explored alternative mechanisms that might be used to direct Exchequer resources toward such services from that date, subject of course to compatibility with competition and EU State Aid requirements. While the matter is still being considered it is necessary however to stress, despite the claims being made otherwise, that introducing an alternative suitable mechanism is not a straightforward matter.

111. **Deputy Joan Burton** asked the Minister for Finance the plans he has to amend stamp duty legislation whereby a person who buys a house jointly with another person, paying stamp duty in the process, and then at a later point buys out their co-owner's share in the property, must pay on the latter occasion further stamp duty on all or part of the value of the property; and if he will make a statement on the matter. [24275/08]

Minister for Finance (Deputy Brian Lenihan): Where a joint owner of a property conveys his or her interest in that property to the other joint owner, Stamp Duty arises in the normal way on that transaction. The payment of Stamp Duty on the original conveyance of the property to the joint owners has no effect on a subsequent transaction.

Official Engagements.

112. **Deputy Leo Varadkar** asked the Minister for Finance if, during his meeting on the 5 July 2006 with the Minister for Finance of Jamaica, he raised concerns relating to the human rights situation in Jamaica; and if he will make a statement on the matter. [24279/08]

113. **Deputy Leo Varadkar** asked the Minister for Finance if, during his meeting on 12 December 2007 with the ambassador of Saudi Arabia, he raised concerns relating to the human rights situation in Saudi Arabia; and if he will make a statement on the matter. [24280/08]

114. **Deputy Leo Varadkar** asked the Minister for Finance if, during his meeting on 10 March 2008 with the Prime Minister of Vietnam, he raised concerns relating to the human rights situation in Vietnam; and if he will make a statement on the matter. [24281/08]

115. **Deputy Leo Varadkar** asked the Minister for Finance if, during his meeting on 17 March 2008 with the Minister for Finance of Vietnam, he raised concerns relating to the human rights situation in Vietnam; and if he will make a statement on the matter. [24282/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 112 to 115, inclusive, together.

Human rights are, and have always been, a priority of successive Governments and central to our foreign policy. Together with our EU partners, the Government monitors the human rights situations in many countries, on the basis of information obtained from a variety of sources including non-governmental organisations. Where the situation warrants, we make known our concerns about human rights violations to the Governments in question, either bilaterally, including in high-level meetings, through the EU which has an active human rights dialogue with many countries, or through action at the UN General Assembly and the UN Human Rights Council. The focus of meetings to which the Deputy refers in his questions was exclusively on specific economic issues.

National Parks.

116. **Deputy Brian Hayes** asked the Minister for Finance if plans exist within his Department to implement quality bus corridors in the Phoenix Park; and if he will make a statement on the matter. [24318/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works recently received Planning Permission for the refurbishment and upgrading of Chesterfield Avenue. The permission included a number of Conditions and these are being examined at present. Matters in relation to Quality Bus Corridors are, of course, primarily a matter for the Minister for Transport and his agencies.

Tax Collection.

117. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare will be furnished with a P21 for 2007; and if he will make a statement on the matter. [24322/08]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that a PAYE Balancing Statement Form P21 issued to the taxpayer on 19 June 2008.

Tax Code.

118. **Deputy Seán Barrett** asked the Minister for Finance the plans he has to remove the insurance levy which was introduced in the 1980s as a result of the financial difficulties experienced by some insurance companies; his justification for the continuation of this insurance levy; and if he will make a statement on the matter. [24348/08]

Minister for Finance (Deputy Brian Lenihan): An insurance levy was introduced in 1984 requiring contributions of 2% of gross premium income to be made to the Insurance Compensation Fund to meet the liabilities arising from the collapse of PMPA. The levy was paid by all non-life insurers at this rate until 31 December 1991 when the rate was reduced to 1%. The levy ceased to apply from 1 January 1993 as there were sufficient funds to complete the administration of Primor Plc, the former PMPA.

Stamp duty of 1 per cent was imposed on certain insurance premiums in 1982. This was increased to 2% in 1993. The stamp duty is imposed on almost all non-life insurance premiums, the exceptions being reinsurance, voluntary health insurance, marine, aviation and transit insurance and export credit insurance. Similar levies exist in other EU countries. The stamp duty on non life insurance was introduced to broaden the stamp duty base and is paid into the Central Fund along with other tax receipts.

Tax Yield.

119. **Deputy John Perry** asked the Minister for Finance the value of the tax take that relates to residential property transactions included in the total VAT, capital gains tax and stamp duty tax take for 2006 and 2007; and if he will make a statement on the matter. [24374/08]

Minister for Finance (Deputy Brian Lenihan): According to the Revenue Commissioners, Stamp Duty from Residential Properties on a Revenue net receipts basis for 2006 was €1,311 million, or 36% of total net Stamp Duty receipts. Stamp Duty from Residential Properties on a Revenue net receipts basis for 2007 was €1,018 million, or 31% of total net Stamp Duty receipts. Revenue net receipts differ from Exchequer receipts due to accounting and timing issues.

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In relation to VAT, I am informed by the Revenue Commissioners that it is not possible to furnish precise figures of the VAT take from residential property transactions, as the information furnished on VAT returns does not require the yield from particular sectors of trade to be identified. However, based on data published by the Department of the Environment, Heritage and Local Government, the estimated yield from residential property transactions, which excludes VAT on residential repairs and maintenance, was €2,727 million in 2006 and €2,424 million in 2007.

Finally, according to the Revenue Commissioners, a breakdown of capital gains tax by asset type is not available. However, it is possible to provide a proportional breakdown by reference to asset types of the aggregate consideration underlying chargeable gains, that is, the total selling price prior to allowing any offsets or deductions, for the tax year 2006. On the basis of the 2006 Form 11 tax returns, 18% of the aggregate consideration was attributed to the disposal of residential property. Data for the tax year 2007 is not yet available as the income tax returns for that year are not due for filing until October 2008.

Tax Collection.

120. **Deputy Paul Connaughton** asked the Minister for Finance when a decision will be given on an application in respect of a refund of VAT on farm buildings by a person (details supplied) in County Galway; and if he will make a statement on the matter. [24399/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that a claim for repayment of value added tax was received from the person in question on 6 December 2007. However, the claim did not meet the criteria for repayment and was returned on the same date with an explanation of what was required to qualify for repayment. The information requested has not been submitted to Revenue to date. The Revenue Commissioners have recently been in contact with the person concerned and have assisted him in meeting the outstanding requirements. It is expected that the claim will be resubmitted to Revenue shortly where it will be processed as soon as possible.

Building Regulations.

121. **Deputy Andrew Doyle** asked the Minister for Finance the number of building inspectors employed by the Office of Public Works to carry out inspection works according to the requirements of the EU regulation for a building energy rating system. [24410/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Article 7(3) of the Energy Performance Building Directive requires that a Building Energy Rating (BER) shall be prominently displayed in existing large public service buildings, over 1,000m². The timeframe as per the 'Action Plan for Implementation of the EU Energy Performance of Buildings Directive in Ireland' for this requirement is January 2009. It is intended that an Operational Rating system will be used for public sector buildings, i.e. based on actual energy consumption. To date there is no agreed calculation methodology for the Operational Rating System in Ireland. The Office of Public Works is currently assessing a number of systems for calculation of the BER's for the buildings that will require labels in its portfolio (approximately 250 in total).

Articles 8 and 9 of the directive require that large boiler and air conditioning systems be regularly inspected. The Office of Public Works engages specialist companies to carry out planned maintenance and inspection, at regular intervals, of all large boiler and air conditioning

systems in each building. This ensures that each system performs at its optimum level of energy efficiency.

Questions Nos. 122 and 123 answered with Question No. 110.

Flood Relief.

124. **Deputy Phil Hogan** asked the Minister for Finance if he has received a report from the Office of Public Works in respect of flooding by the River Pill of the village of Piltown during moderate periods of rainfall; and if he has allocated the necessary finance to carry out the works. [24537/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works has completed a pre-feasibility Study of the problem of flooding in Piltown, County Kilkenny. A pre-feasibility study is the first stage in determining, based on readily available information and where information is not available reasonable assumptions, whether a flood relief scheme is likely to be viable on social, environmental and economic grounds. The report concludes that a flood relief scheme for Piltown may be viable and therefore investigation of the problem should proceed to the next stage, which is a more detailed feasibility study to determine the most appropriate scheme for the town and its environs. The Office of Public Works is in consultation with Kilkenny County Council regarding flooding issues in a number of areas in the County, and the potential for a scheme in Piltown, including the issue of funding, will be progressed as part of this process.

Banking Sector Regulation.

125. **Deputy Richard Bruton** asked the Minister for Finance the meetings, either at ministerial level or at official level, within the EU regarding a move to increase the level of deposit savings protected in the event of failure of a financial institution; and if Ministers have set a deadline for the taking of proposals on the matter. [24594/08]

Minister for Finance (Deputy Brian Lenihan): As the Deputy is aware, the EU has been considering possible enhancements to the EU Deposit Guarantee Directive, arising from Ecofin Council meetings in October and December 2007 in the wake of the dislocation in the global financial markets. The review arises in the context of the Ecofin Roadmaps, agreed then, on 'Strengthening EU arrangements for financial stability' and 'Actions taken in response to the financial turmoil'. The Deputy should be aware that, while the level of deposit protection is being looked at as one part of the review, the review is broader in spectrum and focuses on wider policy areas such as improving the speed of payouts, depositor information, and cross-border interoperability.

This review is ongoing and Ireland is participating in all discussions at Ministerial level and official level. Most recently at Ministerial level, I attended an orientation discussion among Ecofin Ministers on Deposit Guarantee Schemes on 3 June 2008. Under the aforementioned Roadmap, the European Commission has been requested to prepare a report on the Deposit Guarantee Schemes in the EU and it is expected that Ecofin Council will have a strategic discussion on the findings of this report in Autumn 2008.

My Department has been participating in discussions on Deposit Guarantee Schemes at the Economic and Financial Committee (EFC) and at the Financial Services Committee (FSC). Indeed, the European Commission report will be discussed by my officials and other Member State officials at these Committees over the coming months with a view to presenting Ministers with a finalised report in the Autumn. While there is no formal deadline for a conclusion to

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these discussions, I would expect that clear conclusions will begin to emerge towards the end of 2008.

I might reiterate that the first and most robust line of defence for depositors is a well-managed system of prudential regulation and supervision so as to minimise the risk that a Deposit Guarantee Scheme (DGS) might need to be activated. 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. I might also add that Irish banks are well capitalised, liquid and profitable, with strong asset quality and no material exposure to sub-prime securitisations, and are thus well placed to cope with the uncertainty currently prevailing at the international level.

Departmental Properties.

126. **Deputy Pat Rabbitte** asked the Minister for Finance if, in relation to the proposed transfer of the Central Mental Hospital from Dundrum to a site in the district electoral division of Kilsallaghan in Fingal, he has specified any person for the purposes and within the meaning of section 2 (1) (a) of the Commissioners of Public Works (Functions and Powers) Act 1996 on whose behalf such sale and transfer functions will be exercised; if so, the person he has so specified; if not, the statutory powers he proposes to exercise in order to achieve a sale of the Dundrum site and the building of a site adjacent to Thornton Hall; and if he will make a statement on the matter. [24655/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Commissioners of Public Works are the owners of the Mental Hospital site at Dundrum. When the site becomes available for disposal the Commissioners, at that time, will consider how best to extract maximum value for the exchequer from the sale of the site.

Data Protection.

127. **Deputy Simon Coveney** asked the Minister for Finance the results of the review of systems and procedures operated by Departments and agencies to protect the confidentiality of personal data announced in December 2007, reports of which were due to be returned to his Department by 1 February 2008; if the results are not finalised, when they will be finalised; and if they will be published. [24670/08]

Minister for Finance (Deputy Brian Lenihan): As part of the review of systems and procedures operated by Departments and agencies to protect the confidentiality of personal data which was announced in December 2007, my Department examined the responses received from Departments and Offices, collated the findings and presented these to Government in April 2008. A cross-Departmental working group has been convened and is currently developing central guidelines that Departments and agencies must follow. The work of the group is continuing and is expected to be completed this year.

Question No. 128 answered with Question No. 110.

Departmental Staff.

129. **Deputy Pat Breen** asked the Minister for Finance, further to Parliamentary Question No. 125 of 18 June 2008, if he will renew the contract of the temporary operator at the Ennis Civil Service creche from 1 July 2008 until 1 October 2008 when a permanent operator will be in place; and if he will make a statement on the matter. [24834/08]

Minister for Finance (Deputy Brian Lenihan): The current position regarding the Ennis Civil Service Creche was set out in my reply to your Parliamentary Question on 18 June 2008. Over the last 9 months to ensure compliance with HSE regulations and having consulted with the HSE Preschool services, the Board put in place a support structure of people with experience in creche management who were made available to management in Ennis creche three days per week. These support services at the creche come to an end on 30 June 2008 and it is not possible to extend them. Without these, it is not possible to continue the temporary management arrangements. I am advised by the Board of the Civil Service Child care Initiative that active negotiations are underway to ensure that from 1 October 2008, a permanent operator will be in place for a five year period, offering a long term viable future for the creche.

Decentralisation Programme.

130. **Deputy Thomas Byrne** asked the Minister for Finance the position regarding the progress made and the future plans on the decentralisation programme in respect of Navan. [24835/08]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that Revenue's Navan office was not part of the original decentralisation programme announced by the then Minister for Finance, Mr Charlie McCreevy, in his budget speech in 2002. The then Chairman of the Revenue Commissioners subsequently submitted a proposal to the Decentralisation Implementation Group formally requesting approval to relocate up to one hundred (100) additional posts from Dublin to Navan in order to establish the Revenue Meath district there. This proposal was approved by the Government in 2006. There are currently ninety seven (97) of the one hundred (100) staff due to decentralise in situ in Navan and arrangements are in train to fill the remaining three (3) positions. This will complete Revenue's decentralisation programme to Navan. My Department has no plans at present to decentralise any additional staff to Navan.

Services for People with Disabilities.

131. **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. [24257/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The 2008 Service Plan, developed by the HSE and approved by me, included €50m for the development of additional disability services. The standard expenditure sanction issued to the HSE for 2008 stipulated that the prior approval of my Department of Finance would be required in the event of any proposal to spend this money for any other purpose. Clearly, it is essential that the HSE lives within its overall budget for the year. It needs to manage its activity levels and cost drivers appropriately to achieve this and I do not believe it is desirable to resort to using development funding to offset expenditure pressures arising in respect of ongoing health services.

The HSE is currently reviewing its overall financial position for the year and the roll-out of planned developments in disability services is being considered in that context. I have been in communication with the HSE with a view to an early determination on the matter. The HSE has informed my Department that it plans to release €20m of the €50m additional funding for Disability Services. The Deputy's specific question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs

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Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

EU Directives.

132. **Deputy Leo Varadkar** asked the Minister for Health and Children the effect the European food supplements directive will have on vitamins and other food supplements; and if she will make a statement on the matter. [24269/08]

149. **Deputy Pádraic McCormack** asked the Minister for Health and Children the restrictions the European food supplements directive will have on the right to purchase vitamins and mineral supplements; and if she will make a statement on the matter. [24372/08]

152. **Deputy Róisín Shortall** asked the Minister for Health and Children her views on the necessity for the provisions of the European food supplements directive relating to the restriction in vitamin dosage in food supplements (details supplied); the plans she has to seek a change to this directive on behalf of citizens who wish to have access to higher dosages; and if she will make a statement on the matter. [24386/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): I propose to take Questions Nos. 132, 149 and 152 together.

The Food Supplements Directive, 2002/46/EC, has been transposed into Irish law by Statutory Instrument No. 506 of 2007. That legislation is implemented by the Health Service Executive, under a Service Contract Agreement with the Food Safety Authority of Ireland (FSAI). This ensures that consumers in Ireland are protected by the harmonised EU rules on the sale of food supplements, in particular the labelling of food supplements and chemical form of vitamins and minerals they contain. One of the objectives of the Food Supplements Directive (2002/46/EC) was to make provision for the European Commission to determine maximum and minimum levels of vitamins and minerals in food supplements. The European Commission published a Discussion Paper on determining maximum and minimum levels of vitamins and minerals in June 2006.

The Irish response to this paper, issued in November 2006, gave Ireland's view that the Commission should proceed on a cautious basis, setting maximum limits for as many vitamins and minerals as possible. It was considered vital that the safety of the general population and the needs of particular subgroups such as pregnant women, children, older people and those on various specialist diets be taken into account in formulating the position on this issue. Discussions are ongoing at European level on the development of a methodology under which maximum safe levels for vitamins and minerals in food supplements will be set. Those discussions will permit the European Commission and Member States to further develop future direction on this issue. It is this Department's view that the setting of maximum levels for vitamins and minerals should not, in itself, cause major cost or hardship for consumers.

Medical Cards.

133. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding the provision of a full medical card for a person (details supplied) in County Cork in view of their medical condition. [24270/08]

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.

Official Engagements.

134. **Deputy Leo Varadkar** asked the Minister for Health and Children if, during her meeting on 27 July 2005 with the Chinese ambassador to Ireland, she raised concerns relating to the human rights situation in China; and if she will make a statement on the matter. [24283/08]

135. **Deputy Leo Varadkar** asked the Minister for Health and Children if, during her meeting on 14 October 2005 with the Minister for Health of Malaysia, she raised concerns relating to the human rights situation in Malaysia; and if she will make a statement on the matter. [24284/08]

136. **Deputy Leo Varadkar** asked the Minister for Health and Children if, during her meeting on 12 December 2007 with the ambassador of Saudi Arabia, she raised concerns relating to the human rights situation in Saudi Arabia; and if she will make a statement on the matter. [24285/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 134 to 136, inclusive, together.

I can confirm that the meetings referred to by the Deputy took place and that the discussions focused only on health related matters.

Primary Care Strategy.

137. **Deputy Bernard Allen** asked the Minister for Health and Children the situation regarding the roll-out of primary care teams; the number that were planned; the number that have been put in place; the number working to full capacity; her views on a recent statement (details supplied); and if she will make a statement on the matter. [24314/08]

187. **Deputy David Stanton** asked the Minister for Health and Children, further to Parliamentary Question No. 96 of 13 March 2008, if the target, as included in Towards 2016, of establishing 300 primary care teams by 2008 has been met; if not, the number of primary care teams which have been established throughout the country; if a review of these targets has commenced; if so, the outcome of same; and if she will make a statement on the matter. [24810/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 137 and 187 together.

The key objective of the Primary Care Strategy is to give people direct access to integrated multi-disciplinary teams of general practitioners, nurses, physiotherapists, occupational therapists, home helps and others. Membership of primary care teams and networks are drawn from existing professional and other staff working in primary, continuing and community care services. The Government has committed under the Towards 2016 Agreement to the establishment of 300 Primary Care Teams by 2008; 400 by 2009 and 500 by 2011. In line with the Agreement, a review of these targets is presently under way.

There have been substantial enhancements in the services provided in primary and community care settings along with corresponding increases in the numbers of staff concerned. At this stage, the main focus needs to be on the reorganisation of existing services and staff into primary care teams and networks. This requires changes in work practices and reporting relationships, with an emphasis on joint working by various health professionals. It also requires significant work in mapping and profiling of areas. Work under many of these headings is well advanced and I am pleased with the level of interest in, and engagement with, primary care

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teams among general practitioners. I understand that some 500 GPs are involved in the development of teams, with a further 700 projected to become involved.

Specific additional funding was provided each year between 2006 and 2008 to facilitate the roll-out of extra primary care teams. Some of this funding was used to appoint extra frontline professional staff. The HSE has advised me that it was unable to use the remaining funding as planned because it had to cover higher than anticipated costs in other parts of its services, particularly in acute hospitals, within its overall budget allocation. Clearly, the HSE has to operate within the resources made available to it in any given year. However, this should not mean that new funding provided by the Government for specific service enhancements is redirected to other purposes. I have emphasised to the HSE the importance I attach to the continued development and roll-out of primary care teams.

Cancer Screening Programme.

138. **Deputy Bernard Allen** asked the Minister for Health and Children the financial cost of the cervical screening contract entered into by the National Cancer Screening Service with a US company (details supplied). [24315/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question in relation to the financial cost of the contract entered into by the National Cancer Screening Service with a US company is the responsibility of the National Cancer Screening Service. Accordingly, my Department has requested the Chief Executive Officer of the Service to respond directly to the Deputy in relation to the matters raised.

Medical Cards.

139. **Deputy Jim O'Keeffe** asked the Minister for Health and Children her views on whether EU nationals are entitled to an over 70s medical card having been long time residents here and having attained the appropriate age, in view of the fact that they have over the years been issued with a medical card under Regulation (EC) 1408/71; and if she will make a statement on the matter. [24321/08]

Minister for Health and Children (Deputy Mary Harney): Regulation (EC) 1408/71 deals with the coordination of social security schemes, including healthcare, for those moving within the European Union. Under its provisions persons residing in Ireland who are attached to the social security system of another member state are entitled to receive healthcare services in Ireland at the cost of the member state to which they are attached. Such persons receive a medical card as evidence of their entitlement.

That entitlement is based in the above Regulation and not in the Health Act 1970, as amended. Such people continue to retain their entitlement to health services, irrespective of age. Consequently, the question of entitlement to an "over-70s medical card" does not arise as long as the individual remains attached to the social security system of another member state. The entitlements provided under Regulation (EC) 1408/71 are exactly the same as those provided under the Irish Health Acts. The provision of an "over-70s medical card" would mean Ireland could not bill the competent Member State for the cost of health care provided.

Health Promotion.

140. **Deputy Mary Upton** asked the Minister for Health and Children the responsibilities the Minister of State with responsibility for children has in tackling youth obesity and levels of physical inactivity in children; her plans to take a lead on this issue in view of the cross juris-

dictional nature of this problem and the cross jurisdictional nature of her office; and if she will make a statement on the matter. [24331/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): The Minister for Health and Children has asked me to take the lead role in dealing with health problems arising from obesity and physical inactivity. In doing so I maintain close contact with my colleague, Barry Andrews, Minister for Children and Youth Affairs. The Office of the Minister for Children has had an important role in developing successful programmes and initiatives which promote physical activity. These include the National Play Policy document for children, entitled “Ready, Steady, Play” and “Teenspace”, the National Recreation Policy for Young People, which was published in September 2007. Through its work on supporting the implementation of these policies, the Office liaises closely with local authorities and the National Sports Council on initiatives which promote the development of appropriate facilities and programmes which are targeted at children and young people. The HSE is currently developing physical activity guidelines, which are expected to be available later this year.

My Department will be publishing the first National Nutrition Policy later this year. Recommendations will focus, primarily, on the nutrition needs of the 0-18 year age group. In addition my Department and the Department of Education and Science have been involved in developing healthy eating guidelines for schools. Guidelines for pre-schools and primary schools are already developed and appropriate healthy eating training by community dieticians with pre-school and primary school staff is currently underway. Post-primary school guidelines will be launched in the coming weeks.

The “Little Steps Go A Long Way” campaign, which I launched last week, is an all island campaign led by the HSE, Safefood and the Health Promotion Agency of Northern Ireland. These agencies are working together with a common agenda of raising awareness of the growing problem of obesity and how we might address it. This partnership will support achieving maximum impact from the campaign and value for money for all involved. The Government has agreed to the establishment of an Inter-Departmental Group (IDG) which will facilitate intersectoral collaboration on the prevention of chronic diseases. It is intended that further measures to tackle obesity and to promote good health will be advanced through the IDG.

141. **Deputy Mary Upton** asked the Minister for Health and Children her plans to ensure that physical education in school is interlinked with out-of-school physical activity; and if she will make a statement on the matter. [24333/08]

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.

Mental Health Services.

142. **Deputy Olivia Mitchell** asked the Minister for Health and Children the reason no services are in place for school leaving autistic syndrome sufferers despite the fact that it is almost the end of June 2008; the further reason the promised reply to this Deputy’s question of 27 May 2008 on this subject has not been issued by the Health Service Executive; if details of the adult day care placements for those children leaving a school (details supplied) in County Dublin will be provided in view of the distress this uncertainty is causing their families; and if she will make a statement on the matter. [24334/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The 2008 Service Plan, developed by the HSE and approved by this Department, included €50m for the development of additional disability services. The standard expenditure sanction issued to the HSE for 2008 stipulated that the prior approval of my Department and the Department of Finance would be required in the event of any proposal to spend this money for any other purpose. Clearly, it is essential that the HSE lives within its overall budget for the year. It needs to manage its activity levels and cost drivers appropriately to achieve this and I do not believe it is desirable to resort to using development funding to offset expenditure pressures arising in respect of ongoing health services.

The HSE is currently reviewing its overall financial position for the year and the roll-out of planned developments in disability services is being considered in that context. I have been in communication with the HSE with a view to an early determination on the matter. The HSE has informed my Department that it plans to release €20m of the €50m additional funding for Disability Services. I understand that a reply to the Deputy's question of 27th May 2008 will issue this week.

The Deputy's specific question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

143. **Deputy James Reilly** asked the Minister for Health and Children when the review of maternity hospitals and maternity services here will be completed; the action she proposes to take in the short term to address the increasing pressure and demand for maternity services at maternity hospitals here (details supplied); if her attention has been drawn to the fact that maternity hospitals operating at over capacity are in danger of a serious and dangerous incident occurring; and if she will make a statement on the matter. [24343/08]

Minister for Health and Children (Deputy Mary Harney): The number of births nationally last year was over 70,000. The Health Service Executive has made provision in its National Service Plan for 2008 for an increase in this number to approximately 73,000. Recognising the increased birth rate, and the increasing complexity of maternity and neonatal services nationally, the HSE has prioritised the requirement for additional service development funding in recent years for this service. For example, in the eastern region the recurring revenue budget for the three Dublin Maternity Hospitals has increased from €125m to €153m over the last four years. When account is taken of once-off funding, the investment stands at over €161m in 2008. In 2007 additional funding of €3m was provided to address patient safety priorities overall, including funding for maternity services to support the implementation of the very important recommendations made in the Lourdes Hospital Inquiry Report. The HSE prioritised maternity service requirements in 2007 from this general patient safety fund.

On the capital side, the HSE has made provision in its HSE Draft Capital programme for additional investment of some €10m each year for the next three years in respect of maternity services in the Dublin region. This investment builds on a range of capital improvements already put in place or currently in train as follows:

- The establishment of the National Epidemiology Centre in 2006 to facilitate the monitoring of all data from Irish maternity units with the aim of improving clinical services for mothers and babies.

- The opening of the new Cork University Maternity Hospital last year saw the amalgamation of Cork's three existing hospitals on the one site.
- €15m for Wexford General Hospital to meet the cost of upgrading the obstetric and gynaecological service.
- €9m to upgrade maternity facilities at the Midland Regional Hospital, Portlaoise.
- Upgrading of the obstetric/gynaecology ward and delivery suite at the Midland Regional Hospital, Mullingar.
- Upgrading of the special care baby unit at Portiuncula Hospital.

The HSE is also committed to developing a strategic approach to maternity services nationally. The first stage in this work is the Review of Maternity & Gynaecology Services in the Greater Dublin Area. The review, which is being conducted for the HSE by KPMG Consultants, will set out recommendations and provide an action plan to facilitate delivery of the best model of care for primary, community and hospital maternity services in the future. The review is designed to provide the necessary platform for the provision of safe, sustainable, cost effective, high quality and consistent maternity, neonatology and gynaecology care services. The report will also include recommendations regarding areas where there is potential for performance improvement within existing services.

The HSE is also establishing a Maternity Services Expert Advisory Group which will provide a central platform for clinical and health communities, patients, clients and managers to become actively involved in the development and transformation of maternity services. My Department has asked the Parliamentary Affairs Division of the Executive to respond to the Deputy directly on the operational matter raised by him.

Health Research.

144. **Deputy Joe McHugh** asked the Minister for Health and Children if she will take on board the recommendation of the Joint Committee for Health and Children to fund the Exon skipping trials in the UK; when legislation will be implemented to allow funding to be invested; and the action she is taking to reciprocate the help the UK is giving to Duchenne Muscular Dystrophy patients in this country. [24356/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): There is no mechanism or budget for Government funding of U.K. health research. There are no plans to introduce legislation in this area. I understand that Muscular Dystrophy Ireland has secured access for Irish children to the Duchenne Muscular Dystrophy registry in the United Kingdom so that they can be considered for inclusion in the first systematic trial of this treatment.

Proposed Legislation.

145. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 255 of 4 March 2008, when she expects proposals from her Department to be submitted to the Government regarding legislation on eligibility for health and personal social services; and if she will make a statement on the matter. [24366/08]

Minister for Health and Children (Deputy Mary Harney): As the Deputy will be aware, the current legislation for health and personal social services has been in place for many years and there is a need now to have a clear set of statutory provisions that ensure equity and trans-

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parency and to bring the system up to date with developments in service delivery and technology that have occurred since the Health Act 1970. Accordingly, work is underway in the Department on a new legislative framework to provide for clear statutory provisions on eligibility and entitlement for health and personal social services. 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.

As the Deputy will appreciate, this is a very complex undertaking as the current legislation has been in place since 1970, and there have been significant developments in services since then, with a growing emphasis on delivery of care in a community rather than institutional setting. Given the complexities around this area, it will be necessary to obtain comprehensive legal advice in relation to the proposed legislation. However, it is expected that proposals will be submitted to Government during 2008.

Hospital Services.

146. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called to Galway for an angiogram; and if the matter will be expedited in view of this person's age, medical condition and so on. [24368/08]

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.

Infectious Diseases.

147. **Deputy Joe Carey** asked the Minister for Health and Children the research available in relation to the use of probiotics in the treatment of gastrointestinal conditions such as *C. difficile* within hospitals here; and if she will make a statement on the matter. [24369/08]

Minister for Health and Children (Deputy Mary Harney): The Health Protection Surveillance Centre published Guidelines for the Surveillance, Diagnosis and Management of Clostridium-Difficile-associated disease (CDAD) in Ireland, on 22nd May last. At Section 4.4 of that report the new and emerging treatment options including the use of probiotics are explored. The research, as would be expected, underlines the complexity of the issue. Some results showed a reduction in the risk of antibiotic associated diarrhoea but not CDAD; other studies examined the application of probiotics with standard antibiotics to treat CDAD and in certain cases the tests undertaken had a number of limitations including highly selective inclusion and exclusion criteria. The HSE is currently considering this report to decide on its implementation.

Hospital Services.

148. **Deputy Joe Carey** asked the Minister for Health and Children the progress made regarding the development of adult cystic fibrosis services at Limerick Regional Hospital both in terms of staff recruitment and the development of a dedicated unit; and if she will make a statement on the matter. [24370/08]

Minister for Health and Children (Deputy Mary Harney): I have identified the need to improve services for persons with cystic fibrosis as a priority in the Estimates process over

recent years. Since 2006, additional revenue funding of €6.78m has been allocated to the HSE to develop services for people with cystic fibrosis. The detailed application of this funding across the various hospital networks is a matter for the Executive and accordingly, my Department has asked the Parliamentary Affairs Division of the Executive to reply directly to the Deputy with regard to the services at Limerick Regional Hospital.

Question No. 149 answered with Question No. 132.

Medical Aids and Appliances.

150. **Deputy Róisín Shortall** asked the Minister for Health and Children when a decision will be made regarding an application for a grant towards the purchase of a light weight wheelchair by a person (details supplied) in Dublin 11. [24377/08]

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 services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Services.

151. **Deputy Michael Creed** asked the Minister for Health and Children, further to Parliamentary Question No. 169 of 13 May 2008, if she will provide more detailed information for the years in question regarding the number of hip replacement and knee replacement surgeries carried out; and if she will make a statement on the matter. [24382/08]

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 (HSE) and funding for all health services has been provided as part of its overall Vote. I understand that the HSE issued a letter to the Deputy explaining the details concerning the issue on the 27th May.

Question No. 152 answered with Question No. 132.

Services for People with Disabilities.

153. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a service (details supplied) in County Dublin. [24391/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The 2008 Service Plan, developed by the HSE and approved by me, included €50m for the development of additional disability services. The standard expenditure sanction issued to the HSE for 2008 stipulated that the prior approval of my Department and the Department of Finance would be required in the event of any proposal to spend this money for any other purposes. Clearly, it is essential that the HSE lives within its overall budget for the year. It needs to manage its activity levels and cost drivers appropriately to achieve this and I do not believe it is desirable to resort to using development funding to offset expenditure pressures arising in respect of ongoing health services.

The HSE is currently reviewing its overall financial position for the year and the roll-out of planned developments in disability services is being considered in that context. I have been in communication with the HSE with a view to an early determination on the matter. The HSE has informed my Department that it plans to release €20m of the €50m additional funding for

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Disability Services. The Deputy's specific question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

154. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a matter (details supplied). [24392/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The 2008 Service Plan, developed by the HSE and approved by me, included €50m for the development of additional disability services. The standard expenditure sanction issued to the HSE for 2008 stipulated that the prior approval of my Department and the Department of Finance would be required in the event of any proposal to spend this money for any other purpose. Clearly, it is essential that the HSE lives within its overall budget for the year. It needs to manage its activity levels and cost drivers appropriately to achieve this and I do not believe it is desirable to resort to using development funding to offset expenditure pressures arising in respect of ongoing health services.

The HSE is currently reviewing its overall financial position for the year and roll-out of planned developments in disability services is being considered in that context. I have been in communication with the HSE with a view to an early determination on the matter. The HSE has informed my Department that it plans to release the €20m of the €50m additional funding for Disability Services. The Deputy's specific question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

155. **Deputy Seán Barrett** asked the Minister for Health and Children when it is proposed to conclude the discussions with the Health Service Executive regarding funding for 2008 in the context of the overall financial position of the HSE, particularly in view of the fact that 18 year old autistic students have left their previous schools in June 2008 without having been given an indication of September 2008 placements; and if she will make a statement on the matter. [24397/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The 2008 Service Plan, developed by the HSE and approved by my Department, included €50m for the development of additional disability services. The standard expenditure sanction issued to the HSE for 2008 stipulated that the prior approval of my Department and the Department of Finance would be required in the event of any proposal to spend this money for any other purpose. Clearly, it is essential that the HSE lives within its overall budget for the year. It needs to manage its activity levels and cost drivers appropriately to achieve this and I do not believe it is desirable to resort to using development funding to offset expenditure pressures arising in respect of ongoing health services.

The HSE is currently reviewing its overall financial position for the year and the roll out of planned developments in disability services is being considered in that context. I have been in communication with the HSE with a view to an early determination on the matter. The HSE has informed my Department that it plans to release €20m of the €50m additional funding for Disability Services. The Deputy's detailed question also relates to the management and delivery

of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Homes Repayment Scheme.

156. **Deputy Joe Costello** asked the Minister for Health and Children the details of the overpayment to a person (details supplied) in Dublin 7; and if she will make a statement on the matter. [24400/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Health Services.

157. **Deputy Catherine Byrne** asked the Minister for Health and Children the amount of funding her Department has provided for screening programmes for sudden adult death syndrome; the amount of funding assigned to the family screening clinic in the Mater Hospital; the plans she has to introduce further screening programmes to detect potentially fatal heart defects especially among young people; and if she will make a statement on the matter. [24407/08]

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.

Mental Health Services.

158. **Deputy Michael Ring** asked the Minister for Health and Children the proposed cutbacks in the Mayo mental health services; the specific services that will be taken away; and if she will make funding available to stop these cutbacks from being implemented. [24412/08]

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 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.

Hospital Waiting Lists.

159. **Deputy Michael Ring** asked the Minister for Health and Children the average length of time a person in County Mayo must wait to have an angiogram done in Galway; and the action that can be taken to try and speed this up. [24414/08]

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.

Hospital Services.

160. **Deputy Michael Ring** asked the Minister for Health and Children if an angiogram facility will be provided at a location (details supplied) in County Mayo to ensure that all citizens are given equal access to this facility. [24415/08]

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.

Nursing Home Subventions.

161. **Deputy Seán Sherlock** asked the Minister for Health and Children if, when a person who is eligible for subvention based partly on the value of their property seeks a review after 12 months with a view to seeking increased subvention, the HSE can take into account any deterioration or devaluation in the property when considering the review; and if she will make a statement on the matter. [24525/08]

Minister of State at the Department of Health and Children (Deputy Máire Hochtör): The legislation providing for the nursing home subvention scheme enables the HSE to undertake a review of a person's means on the same basis as the original financial assessment. In terms of the specific query raised by the Deputy, operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

162. **Deputy Enda Kenny** asked the Minister for Health and Children the plans she has to address the shortage of general practitioners in an area (details supplied) in County Dublin; and if she will make a statement on the matter. [24526/08]

Minister for Health and Children (Deputy Mary Harney): The key objective of the Primary Care Strategy is to give people direct access to integrated multidisciplinary teams of general practitioners, nurses, physiotherapists, occupational therapists, home helps and others. I have emphasised to the HSE the importance I attach to the continued development and roll-out of primary care teams and my Department will continue to monitor progress in this regard throughout the year. I am aware that there are plans at an advanced stage for the development

of a new primary care centre in the location specified by the Deputy, which will provide a full range of services, including General Practitioner Services.

Under the Health Act 2004, the management and delivery of health and personal social services are the responsibility of the Health Service Executive. This includes operational responsibility for the selection of general practitioners to provide services under the General Medical Services Scheme and also the selection of locations for primary care teams. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to provide the Deputy with further information on primary care developments.

Hospitals Building Programme.

163. **Deputy Enda Kenny** asked the Minister for Health and Children the cost to date of the proposed new national children's hospital at the Mater Hospital site in Dublin; the expected final cost of the provision of this hospital with a breakdown of these costs; and if she will make a statement on the matter. [24527/08]

164. **Deputy Enda Kenny** asked the Minister for Health and Children the expected closure dates of the paediatric hospitals in Tallaght and Crumlin; the process involved in these closures and in transferring services elsewhere; and if she will make a statement on the matter. [24528/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 163 and 164 together.

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 was established in May 2007. The Board has statutory responsibility for planning, designing, building, furnishing and equipping the new National Paediatric Hospital.

A number of key appointments are being progressed by the Board to progress the project to the next stage. A Medical Director has recently been appointed and the Board intends to appoint a Chief Officer and Finance Officer shortly. The Board is also in the process of procuring professional project management support services. Tenders for a Business Adviser Service are being evaluated while invitations to tender issued recently to short-listed candidates for Planning and Design support services (including architects, engineers etc.).

Following the recruitment of the support teams, a detailed Development Brief for the new hospital will be prepared. This is due for completion by the end of the 1st Quarter 2009. This will build on the extensive preparatory work already undertaken for the HSE by RKW, (a UK based health care company) which involved the preparation of a detailed High Level Framework Brief for the hospital. The Development Brief will be converted into a detailed design, outlining the exact dimensions and specifications for the new hospital, to allow the project proceed to tender for construction. A more accurate estimate of costs will be available at that point. The legal requirements for the transfer of the designated site for the new hospital to the HSE have been agreed.

The vast majority of children who presently attend the National Children Hospital's Emergency Department at Tallaght do not require admission and will continue to access their care locally at a major new Ambulatory Care Centre to be developed at the hospital. This will be the first such centre to be developed to support the National Paediatric Hospital. It has been estimated that when the Centre is developed it will cater for approximately 48,000 emergency attendances, 9,000 day cases and 58,000 out-patient attendances. The actual level of activity will depend on the number of such centres developed over time. My Department has asked

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the Parliamentary Affairs Division of the Executive to revert directly to the Deputy on the other issues raised by him.

Health Services.

165. **Deputy Enda Kenny** asked the Minister for Health and Children the waiting lists for the provision of methadone in areas (details supplied) in County Dublin; and if she will make a statement on the matter. [24529/08]

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.

Departmental Properties.

166. **Deputy Michael Ring** asked the Minister for Health and Children the amounts raised from the sale of properties (details supplied); the purpose to which the funds raised were put; and if she will make a statement on the matter. [24534/08]

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 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.

Voluntary Sector Funding.

167. **Deputy Dan Neville** asked the Minister for Health and Children if her Department will provide funding or assistance to an association (details supplied) in County Limerick; and the assistance available to the association recently set up in Limerick west. [24535/08]

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.

Food Safety.

168. **Deputy Seamus Kirk** asked the Minister for Health and Children the studies carried out or that are to be undertaken in respect of energy drinks (details supplied) to determine if they have a negative impact on health; and if she will make a statement on the matter. [24538/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): I am taking the Deputy's reference to "energy drinks" to relate to "stimulant drinks". The Food Safety Promotion Board (FSPB) commissioned an independent, scientific research into the effects of stimulant 'energy' drinks in 2002. One of the main issues to arise out of the report was the need for labelling of stimulant drinks, especially for groups with special considerations.

The groups identified were women who are pregnant and children under 16 years of age. The report also recommended that labels should contain warnings that the drink was unsuitable for consumption with alcohol and as a re-hydration agent during sport and exercise.

Following this report, this Department wrote to the EU Commission proposing that ‘taurine’ (an ingredient found in stimulant drinks) be made subject to Community scrutiny. This proposal was not supported by other Member States. Labelling legislation is harmonised throughout Europe and Ireland was not in a position to unilaterally change the labelling of drinks products. At the present time there is no European legislation to govern the marketing of stimulant drinks.

Medical Cards.

169. **Deputy Seán Fleming** asked the Minister for Health and Children the criteria for which people with long-term illnesses are granted medical cards; the basis on which decisions are made as to whether a medical card should be for 12 months, 18 months, three years and so on; the situation in respect of a family medical card; the criteria covering various lengths for which a medical card is issued; and if she will make a statement on the matter. [24540/08]

Minister for Health and Children (Deputy Mary Harney): Medical cards are made available by the Health Service Executive (HSE) to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In general, eligibility for medical cards and GP visit cards is determined following an examination of the means of the applicant and his/her dependants (income and relevant outgoings). The main exception is persons aged 70 and over, who have an automatic statutory entitlement to a medical card.

The HSE has detailed operational guidelines in place for the assessment of medical card applications. I am informed that the guidelines include provisions dealing with medical card review dates and that the guiding principle is to set a date in each case at which an income/dependency change or other change could reasonably be expected to occur which would affect eligibility. The Executive has also indicated that such reviews are conducted in a manner that takes due account of the personal circumstances of the card holder and that arrangements are in place to limit the need for frequent reviews where a review would normally result in the renewal of the medical card.

Health Services.

170. **Deputy Pat Breen** asked the Minister for Health and Children when persons (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [24555/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): 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 case investigated and to have a reply issued directly to the Deputy.

Nursing Homes Repayment Scheme.

171. **Deputy Willie Penrose** asked the Minister for Health and Children the reason a person (details supplied) in County Dublin, who is entitled to a repayment under the terms of the health repayment scheme, has not been granted same to date; if she will take steps to have this

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matter finalised without further delay; and if she will make a statement on the matter. [24560/08]

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.

Long-Term Illness Scheme.

172. **Deputy Liz McManus** asked the Minister for Health and Children if she will ensure that Huntington's disease is included in the long-term illness scheme in view of the hardship caused by its omission; and if she will make a statement on the matter. [24607/08]

Minister for Health and Children (Deputy Mary Harney): Under the 1970 Health Act, the Health Service Executive may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition, through the Long Term Illness Scheme (LTI). The conditions are: mental handicap, mental illness (for people under 16 only), phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, Parkinsonism, conditions arising from thalidomide and acute leukaemia. The LTI does not cover GP fees or hospital co-payments. There are currently no plans to extend the list of eligible conditions.

Products which are necessary for the management of the specified illness are available to LTI patients. Other products are available according to the patient's eligibility. People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultations.

Non-medical card holders and people whose illness is not covered by the LTI can use the Drug Payment Scheme, which protects against excessive medicines costs. Under this scheme, no individual or family unit pays more than €90 per calendar month towards the cost of approved prescribed medicines. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines. In addition, non-reimbursed medical expenses above a set threshold may be offset against tax.

Hospital Services.

173. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment date for an operation at Tallaght Hospital; and if she will make a statement on the matter. [24657/08]

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.

Hospitals Building Programme.

174. **Deputy Áine Brady** asked the Minister for Health and Children the progress with the planned next phase extension to Naas Hospital; and if she will make a statement on the matter. [24663/08]

Minister for Health and Children (Deputy Mary Harney): The Government's sustained high level of investment in health care has enabled the completion and commissioning of numerous new facilities in both the acute and the non-acute sectors. This year, overall capital funding of approximately €594m has been provided to the Health Service Executive. The HSE has submitted a draft Capital Plan covering the period 2008-2013 to my Department for consideration and approval in the normal way. This draft plan sets out the HSE's proposed short and longer term capital investment priorities and commitments. Consultation on this draft Capital Plan is ongoing between the HSE, the Department of Finance and my Department. The HSE has undertaken to provide additional clarification on its proposed capital developments and is currently engaged in this process. Details on individual projects will not be known until such time as the Capital Plan is approved.

Hospital Waiting Lists.

175. **Deputy Edward O'Keefe** asked the Minister for Health and Children if an outpatient appointment will be arranged for a person (details supplied) in County Cork; if her attention has been drawn to the fact that this person is in great pain; and her views on having this person referred to the National Treatment Purchase Fund in view of the considerable time they have been waiting. [24671/08]

Minister for Health and Children (Deputy Mary Harney): The management of out-patient waiting lists is a matter for the Health Service Executive and the individual hospitals concerned. 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.

Proposed Legislation.

176. **Deputy Jimmy Deenihan** asked the Minister for Health and Children when the proposed Health Service Executive's fair deal system regarding nursing home patients will be implemented; and if she will make a statement on the matter. [24681/08]

183. **Deputy Jimmy Deenihan** asked the Minister for Health and Children when the proposed Health Service Executive's fair deal system regarding nursing home patients will be implemented; and if she will make a statement on the matter. [24721/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): I propose to take Questions Nos. 176 and 183 together.

The Bill providing for the Fair Deal scheme is being finalised by the Office of the Attorney General at present. The legislation is complex and requires careful drafting in order to ensure that the interests of older people requiring residential care are fully protected. My colleague, the Minister for Health and Children, intends to publish the Bill as soon as possible following finalisation by the Attorney General and Government approval, and to bring the legislation through the Houses of the Oireachtas thereafter. As the timeframe for bringing the legislation through both Houses is contingent upon finalisation of the Bill, a more definitive answer is not possible at this stage.

Nursing Homes Repayment Scheme.

177. **Deputy Jack Wall** asked the Minister for Health and Children the position of a claim under the health repayment scheme by a person (details supplied) in County Clare; and if she will make a statement on the matter. [24697/08]

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 Staff.

178. **Deputy Michael Creed** asked the Minister for Health and Children if a third consultant surgeon has been appointed on a permanent basis to Mallow General Hospital; and if she will make a statement on the matter. [24699/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

179. **Deputy Róisín Shortall** asked the Minister for Health and Children if she will investigate the case of a child (details supplied) in Dublin 11; and the steps the Health Service Executive is taking to ensure that there are adequate occupational therapy services available to this child while attending a psychological service. [24709/08]

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 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.

Nursing Homes Repayment Scheme.

180. **Deputy Mary Upton** asked the Minister for Health and Children if she will investigate the case of a person (details supplied); when this payment will be made; if a patient in long-stay care should receive some of their pension payment to cover personal expenses; and if she will make a statement on the matter. [24715/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Health Services.

181. **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. [24716/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Deputy's question relates to the management and delivery of health and social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

182. **Deputy James Reilly** asked the Minister for Health and Children if she will report on the continuing availability of services to a child (details supplied) in County Dublin; and if she will make a statement on the matter. [24717/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The 2008 Service Plan, developed by the HSE and approved by my Department, included €50m for the development of additional disability services. The standard expenditure sanction issued to the HSE for 2008 stipulated that the prior approval of my Department and the Department of Finance would be required in the event of any proposal to spend this money for any other purpose. Clearly, it is essential that the HSE lives within its overall budget for the year. It needs to manage its activity levels and cost drivers appropriately to achieve this and I do not believe it is desirable to resort to using development funding to offset expenditure pressures arising in respect of ongoing health services. The HSE is currently reviewing its overall financial position for the year and the roll-out of planned developments in disability services is being considered in that context. I have been in communication with the HSE with a view to an early determination on the matter.

The Deputy's specific question relates to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 183 answered with Question No. 176.

Hospitals Building Programme.

184. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 419 of 26 September 2007, when the 34-bed unit will be built at St. Vincent's Hospital, Dublin, for the treatment of cystic fibrosis; the reason the Health Service Executive is refusing to answer this specific request for an update; her views on whether such a practice by the HSE is acceptable; and if she will make a statement on the matter. [24726/08]

Minister for Health and Children (Deputy Mary Harney): I identified the need to improve services for persons with cystic fibrosis as a priority in the Estimates process over recent years. Since 2006, additional revenue funding of €6.78m has been allocated to the HSE to develop services for patients with cystic fibrosis. The HSE has advised that 44 additional staff dealing with cystic fibrosis have been appointed to date across a number of hospitals, including St Vincent's, Beaumont, Temple Street, Crumlin, Tallaght, Cork University Hospital, Galway, Limerick and Waterford. The necessary funding is available to facilitate the recruitment of a further 37 staff nationally. I asked the HSE to place a particular focus on the development of services at St. Vincent's Hospital, the National Adult Tertiary Centre for the treatment of

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persons with cystic fibrosis, where concerns had been raised regarding the need to improve facilities. A number of capital projects have been completed at the hospital and further developments are in progress.

In the longer term, a new ward block is to be built at St. Vincent's which will include 120 replacement beds in single en-suite accommodation. The new facility will accommodate cystic fibrosis patients and will include appropriate isolation facilities. The HSE advises that planning permission has been obtained, financial provision has been included in the HSE Capital Plan and the contract is to be awarded in 2008. It will be a condition of the contract that the design build period be no more than 24 months from the date of contract award.

In the interim, work is under way on the refurbishment of accommodation to provide eight single en-suite rooms for patients with cystic fibrosis. The HSE expects that these beds will be operational from the end of July. On completion of this first phase, work will commence to further increase the number of single rooms for patients with cystic fibrosis. My Department has received a copy of the response by the Executive to the Deputy which issued on 10th October 2007.

Primary Care Strategy.

185. **Deputy Richard Bruton** asked the Minister for Health and Children the capital cost and the recurring cost associated with the establishment of the primary care teams which have been established to date. [24777/08]

Minister for Health and Children (Deputy Mary Harney): Under the Health Act 2004, the management and delivery of health and personal social services is the responsibility of the Health Service Executive. This includes operational responsibility for the establishment of Primary Care Teams. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

186. **Deputy David Stanton** asked the Minister for Health and Children the number of people with intellectual disabilities who have been transferred out of psychiatric wards and other inappropriate settings in 2007 and to date in 2008; the number of people with intellectual disabilities who continue to be accommodated in inappropriate settings; when she expects the process of transferring all people with intellectual disabilities to more suitable and appropriate care locations to be completed; and if she will make a statement on the matter. [24809/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The National Intellectual Disability Database (NIDD) report for 2007 identified 329 individuals with intellectual disability, all aged 20 years or over, as being accommodated in psychiatric hospitals. It should be noted that registration on the NIDD is voluntary. An integral part of the National Disability Strategy is the Multi-Annual Investment Programme, (MAIP), announced in the 2005 Budget, which provides €900m for the provision of specific high priority disability services over the period 2006 to 2009. MAIP commitments include the development of new residential, respite and day places for persons with intellectual disability and autism in each of the years covered by the programme as well as the transfer of persons with intellectual disability or autism from psychiatric hospitals and other inappropriate placements.

The Deputy's specific question in relation to the progress and details of the programme to move those individuals to more appropriate accommodation, relate to the management and

delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

Question No. 187 answered with Question No. 137.

Departmental Research.

188. **Deputy David Stanton** asked the Minister for Health and Children if the Office of the Minister for Children has begun a study of the extent to which children undertake inappropriate care roles in order to establish the extent and degree to which this issue arises and the level of impact it has on the lives of the children concerned as per the commitment in Towards 2016; when this study is due to be completed; and if she will make a statement on the matter.

[24811/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Deputy might wish to note that the closing date for receipt of proposals to undertake this research was 4th June 2008. Following the evaluation of these proposals, which will take place at the end of June 2008, it is hoped that a contract can be awarded to undertake this research.

Services for People with Disabilities.

189. **Deputy David Stanton** asked the Minister for Health and Children the progress that the working group on rehabilitation services in the Health Service Executive has made in the development of a strategic plan for regional rehabilitation services; the discussions or meetings her Department has had with the HSE in relation to same; when she expects the working group and her Department to be in a position to develop and implement a policy in this regard; and if she will make a statement on the matter. [24812/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The proposed National Strategy for the Provision of Rehabilitation Services is currently in the early stages of development by the Department of Health and Children and HSE. To date a number of planning meetings have been held between the Department and the HSE with the first Working Group meeting due to take place in July. It is expected that the Strategy will:

- Define the scope of rehabilitation services
- Research best practice approaches to rehabilitation services
- Assess the need of the population
- Outline a model of service delivery that will encompass all stages of service required to meet the needs of service users
- Recommend a framework that will ensure that service developments are within an agreed national framework with common principles
- Develop an approach in line with the transformation of HSE services toward increased delivery at primary care level.

The strategy will focus on the service provision needs of the following categories:

- Static and progressive neurological conditions;

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- Traumatic and non-traumatic brain injury; and
- Other physically disabling conditions who may benefit from medical, psychological or social rehabilitation service provision.

It is anticipated that the Working Group will complete its work by the end of the year.

Hospital Accommodation.

190. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a full reply will issue on foot of the reply to Parliamentary Question No. 106 of 5 June 2008; and if she will make a statement on the matter. [24830/08]

Minister for Health and Children (Deputy Mary Harney): My Department has been informed by the Health Service Executive that a reply to the Deputy's question of the 5 June 2008 issued directly to him dated 9 June 2008.

Medical Cards.

191. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to persons (details supplied) in County Kildare; and if she will make a statement on the matter. [24831/08]

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.

192. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [24832/08]

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.

Services for People with Disabilities.

193. **Deputy Finian McGrath** asked the Minister for Health and Children if she will respond to a matter (details supplied). [24836/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy is aware the education of a child, irrespective of their disability, is a matter for my colleague the Minister for Education and Science. Where applicable, the Health Service Executive supply support services to enable the particular person to avail fully of the educational system being offered. With regard to a matter raised by the Deputy in paragraph one of details supplied, information pertaining to diagnosis is specifically excluded from the National Intellectual Disability Database as the database is not designed as a medical epidemiological tool. Accordingly the database does not record the incidence of autism or any other disability.

My Department and the HSE are committed to reviewing existing information systems within the disability services, including the databases, in order to provide the most effective method of collecting data to meet the requirements of the Disability Act, 2005 and for the purposes of planning services to meet the needs of people with a disability. With regard to the remaining matters raised by the Deputy in details supplied, these relate to the management and delivery of health and personal services, which are the responsibility of the Health Service Executive under the Health Act, 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

State Airports.

194. **Deputy Finian McGrath** asked the Minister for Transport if he will examine a matter (details supplied). [24780/08]

Minister for Transport (Deputy Noel Dempsey): The Irish Aviation Authority (IAA), which is responsible for air traffic control in this country, has informed my Department that no aircraft filed a flight plan from Shannon to or from Guantanamo Bay Cuba on the 18th June 2008. Furthermore Shannon Airport has informed my Department that it does not have a “Pier 54” at the Airport.

Public Transport.

195. **Deputy Paul Gogarty** asked the Minister for Transport the progress made in putting in place alternative forms of support for public transport services to replace the excise duty relief which will end on 31 October 2008; the alternatives currently under consideration; when he expects to announce the details of the alternative scheme; and if he will make a statement on the matter. [24271/08]

205. **Deputy Andrew Doyle** asked the Minister for Transport the action being taken to address the issue of the alternative programme to replace the excise duty refund to public transport operators (details supplied). [24411/08]

206. **Deputy John O’Mahony** asked the Minister for Transport the alternative mechanisms being put in place to replace the excise duty refund for public transport services which is being terminated on 31 October 2008; and if he will make a statement on the matter. [24435/08]

207. **Deputy Olivia Mitchell** asked the Minister for Transport the alternative to the excise refund on diesel planned to help public transport providers (details supplied); and if he will make a statement on the matter. [24436/08]

209. **Deputy Joe Carey** asked the Minister for Transport the measures in place or proposed to be put in place to replace the imminent abolition of the excise duty refund for public transport services; and if he will make a statement on the matter. [24680/08]

210. **Deputy Richard Bruton** asked the Minister for Transport if an alternative mechanism has been developed and confirmed as feasible to substitute for the loss in the excise duty refund for public transport services; if he has assessed the merits of a proposal put forward by the Coach Tourism and Transport Council, which develops a scheme promoting positive gains in CO₂ emissions; and if he will make a statement on the matter. [24779/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 195, 205 to 207, inclusive, 209 and 210 together.

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The EU Energy Tax Directive incorporated special derogations which allowed specific excise duty reliefs to be applied in a number of Member States below the EU minimum duty rate. In the case of public transport services under my responsibility, these derogations included reduced rates to apply to fuel used for scheduled bus services. Scheduled bus services comprise bus passenger services provided by Bus Atha Cliath, Bus Eireann, private operators in accordance with bus route licences under the 1932 Road Transport Act and holders of Authorisations pursuant to European Council Regulation 684/92 as amended. While these derogations expired on 31 December 2006, Ireland, along with other Member States, sought retention of its derogations beyond that date. However the European Commission, which is the deciding authority, has to date refused all such requests. The Finance Act 2008 provided the basis for the removal of these excise duty reliefs with effect from 1 November 2008.

My Department, in conjunction with the Department of Finance and other Departments, has been exploring whether alternative support mechanisms could be appropriate and could be done in a manner compatible with EU State Aid and other legal requirements. My Department has also met the Coach Tourism and Transport Council, as well as CIE, on this matter. My Department has also received a written submission from the Coach Tourism and Transport Council. While my Department is in discussion with the Department of Finance on these issues, it is necessary to stress that, despite claims being made otherwise, introducing an alternative suitable mechanism is not a straightforward matter in the current economic climate.

196. **Deputy Pat Breen** asked the Minister for Transport if he will change the hours of operation of the Ennis town bus service (details supplied); and if he will make a statement on the matter. [24273/08]

Minister for Transport (Deputy Noel Dempsey): The bus operator referred to by the Deputy was granted an Annual Passenger licence for the provision of passenger services in Ennis town, on 29th January 2008. An application to amend this licence was received by my Department on 19 June 2008, and is currently being processed.

197. **Deputy Pat Breen** asked the Minister for Transport when a licence will issue to a company (details supplied) in County Cork; and if he will make a statement on the matter. [24274/08]

Minister for Transport (Deputy Noel Dempsey): Bus Éireann currently operates a service between Limerick and Shannon Airport, which serves Bunratty and Sixmilebridge. Having regard to the provisions of Section 11 of the 1932 Act, my Department has refused an application from the bus operator referred to by the Deputy for a service from Sixmilebridge to Shannon Airport via Bunratty, because of the presence of the existing passenger services on the route. The application was refused on 30 July 2007. The operator was given 21 days to lodge an appeal against my Department's decision. As my Department received no appeal, the case was closed.

Official Engagements.

198. **Deputy Leo Varadkar** asked the Minister for Transport if, during his meeting on 16 January 2006 with representatives of Singapore Civil Aviation Authority, he raised concerns relating to the human rights situation in Singapore; and if he will make a statement on the matter. [24286/08]

199. **Deputy Leo Varadkar** asked the Minister for Transport if, during his meeting on 17 January 2006 with Singapore International Airlines, he raised concerns relating to the human rights situation in Singapore; and if he will make a statement on the matter. [24287/08]

200. **Deputy Leo Varadkar** asked the Minister for Transport if, during his meeting on 18 January 2006 with the Thai Minister for Transport, he raised concerns relating to the human rights situation in Thailand; and if he will make a statement on the matter. [24288/08]

201. **Deputy Leo Varadkar** asked the Minister for Transport if, during his meeting on 30 March 2006 with the representatives of the Chinese Civil Aviation Authority, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24289/08]

202. **Deputy Leo Varadkar** asked the Minister for Transport if, during his meeting on 15 January 2008 with the Iranian Ambassador to Ireland, he raised concerns relating to the human rights situation in Iran; and if he will make a statement on the matter. [24290/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 198 to 202, inclusive, together.

Human rights issues were not part of the agenda in any of the meetings identified by the Deputy.

Vessel Inspections.

203. **Deputy Thomas P. Broughan** asked the Minister for Transport the number of Irish and foreign registered vessels inspected in Irish waters each year since 2004 to date in 2008; and if he will make a statement on the matter. [24338/08]

Minister for Transport (Deputy Noel Dempsey): The number of inspections carried out on foreign flag merchant ships visiting Irish ports (Port State Control) under the Paris Memorandum of Understanding on Port State Control and EU Directive 93/21, as amended, is as follows:

- In 2004, a total of 411 inspections were carried out.
- In 2005, a total of 422 inspections were completed.
- In 2006, a total of 440 inspections were completed.
- In 2007, a total of 410 inspections were completed.

For the current year, 177 inspections had been completed by May 31st and it is expected that in excess of 400 inspections will have been completed before the end of the year.

With regard to the inspection of “in service” Irish flag vessels engaged in international trade, the Marine Survey Office carry out surveys in connection with a vessel’s Cargo Ship Safety Certificate. During these surveys, which can take place in Ireland or whilst the vessel is in a foreign port, a general inspection of the vessel is normally undertaken.

- In 2004 the number of Cargo Ship Safety Surveys undertaken was 27
- In 2005 the number of Cargo Ship Safety Surveys undertaken was 39.
- In 2006 the number of Cargo Ship Safety Surveys undertaken was 14

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- In 2007 the number of Cargo Ship Safety Surveys undertaken was 26.
- For the current year, 16 Cargo Ship Safety Surveys have been completed to date.

Driving Licences.

204. **Deputy Richard Bruton** asked the Minister for Transport if he has fulfilled the criteria he set out before the introduction of the order enforcing provisional drivers being accompanied; if a date has been set for the order to be introduced; when the enforcement initiative by the Garda will commence; and the details of its plan. [24342/08]

Minister for Transport (Deputy Noel Dempsey): The regulations introducing changes to driver licensing including the removal of the concession whereby a holder of a second provisional licence may drive unaccompanied were made in October 2007. I confirm that, with effect from 30 June 2008, all holders of provisional licences or learner permits must be accompanied by a person who holds a full driving licence for at least two years.

Following on the changes to the driver licensing laws for learner drivers in October 2007, both I and the Road Safety Authority confirmed that all 122,000 applicants on the waiting list at the end of October 2007 would be tested by March 2008 and that by the end of June 2008 all applicants for a driving test would be able to get a test on demand, that is within a 10 week period. The commitment for March 2008 was met and the Road Safety Authority is confident that the second commitment will also be met. Enforcement of driver licensing regulations is a matter for the Garda Síochána.

Questions Nos. 205 to 207, inclusive, answered with Question No. 195.

Rail Network.

208. **Deputy Ciarán Cuffe** asked the Minister for Transport if he will provide details on the feasibility study for phase 2 of the Navan rail line; the expected time-scale for results of the study; and the expected date to begin planning. [24550/08]

Minister for Transport (Deputy Noel Dempsey): Transport 21 provides, subject to compliance with the capital investment appraisal guidelines, for the construction of Phase 2 of the Navan Rail Line by 2015. The detailed planning and design of the project is a matter for Iarnród Éireann. I understand from Iarnród Éireann that the company is now proceeding, following completion of a scoping study, with the detailed feasibility study necessary for the determination of the final route and that this will be completed by April of next year.

Questions Nos. 209 and 210 answered with Question No. 195.

Decentralisation Programme.

211. **Deputy Thomas Byrne** asked the Minister for Transport the position regarding progress and future plans on the decentralisation programme in respect of Drogheda. [24937/08]

Minister for Transport (Deputy Noel Dempsey): As part of the Efficiency Review announced by the Minister for Finance last December, my Department reviewed proposals to locate 37 posts in Drogheda and concluded that decentralising accident investigation and certain other safety functions to bring the numbers up to the total requirement of 37 for Drogheda offers very good potential for operational efficiencies, the exploitation of synergies and value for money. With that in mind, I decided that the Air Accident Investigation Unit of my Depart-

ment, the Railway Accident Investigation Unit within the Railway Safety Commission, and the Marine Casualty Investigation Board should be located together. The Government has recently accepted, as part of its decentralisation programme, that Drogheda should be the location for these functions. The immediate priority is to secure a suitable location, and this work is being undertaken by the Office of Public Works.

Official Engagements.

212. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 18 January 2005 with the President, Premier, and Minister of Commerce of China, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24291/08]

213. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 16 February 2005 with Prime Minister Bethuel Pakalitha Mosislli of the Kingdom of Lesotho, he raised concerns relating to the human rights situation in Lesotho; and if he will make a statement on the matter. [24292/08]

214. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 9 May 2005 with Russian President Vladimir Putin, he raised concerns relating to the human rights situation in Russia; and if he will make a statement on the matter. [24293/08]

215. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 26 September 2006 with Vice Premier Zeng of China, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24294/08]

216. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 7 December 2006 with President Hosni Mubarak of Egypt, he raised concerns relating to the human rights situation in Egypt; and if he will make a statement on the matter. [24295/08]

217. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 16 January 2007 with King Abdullah bin Abdul Aziz of Saudi Arabia, he raised concerns relating to the human rights situation in Saudi Arabia; and if he will make a statement on the matter. [24296/08]

218. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 15 January 2008 with President Kikwete and Prime Minister Lowassa of Tanzania, he raised concerns relating to the human rights situation in Tanzania; and if he will make a statement on the matter. [24297/08]

219. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 18 February 2008 with Prince Faisal of Saudi Arabia, he raised concerns relating to the human rights situation in Saudi Arabia; and if he will make a statement on the matter. [24298/08]

220. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs if, during An Taoiseach's meeting of 10 March 2008 with Prime Minister Nguyen Tan Dung of Vietnam, he raised concerns relating to the human rights situation in Vietnam; and if he will make a statement on the matter. [24299/08]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 212 to 220, inclusive, together.

[Deputy Micheál Martin.]

Human rights are, and have always been, a priority of successive Governments and central to our foreign policy. Together with our EU partners, the Government monitors the human rights situations in many countries, on the basis of information obtained from a variety of sources including non-governmental organisations. Where the situation warrants, we make known our concerns about human rights violations to the Governments in question, either bilaterally, including in high-level meetings, through the EU which has an active human rights dialogue with many countries, or through action at the UN General Assembly and the UN Human Rights Council.

While I did not hold the office of Minister for Foreign Affairs on the dates in question, I can confirm that a broad range of international issues including human rights matters was discussed at the meetings between the former Taoiseach, Mr Bertie Ahern, T.D., and the Heads of State and Government and other office-holders referred to in the Deputy's Questions.

Foreign Conflicts.

221. **Deputy Finian McGrath** asked the Minister for Foreign Affairs the plans he has to highlight the need for action to be taken at UN level on the crisis in Somalia; and the further steps he will take to ensure that aid reaches the Somalian people. [24394/08]

Minister for Foreign Affairs (Deputy Micheál Martin): The humanitarian situation across Somalia remains grave, particularly in and around Mogadishu and I remain deeply concerned for the safety and well-being of Somalis and the aid community seeking to assist them. In what was already a precarious environment for humanitarian agencies, security and access have deteriorated even further in 2008. Security issues for those seeking to deliver relief in Somalia include random violence, piracy, kidnapping threats, the non-discriminating scourge of land-mines and general banditry.

In view of these circumstances, Ireland has made substantial efforts to raise the crisis in Somalia at the UN level. I have closely followed the UN Security Council work on Somalia and my officials have raised the Somali situation with UN partners at every opportunity. I welcome the recent Djibouti Agreement, brokered by the UN Secretary-General's Special Representative for Somalia, but many armed groups remain outside the process. My officials will continue to raise the situation in Somalia in the appropriate fora, including in our bilateral consultations with UN agencies.

At the European level, recent Conclusions adopted by my colleagues and I on the General Affairs and External Relations Council of the EU called for unimpeded humanitarian access for relief agencies in Somalia and urged all parties to comply fully with international humanitarian law. The EU, including Ireland, will continue to extend whatever assistance it can to support the promotion of internal dialogue and national reconciliation within Somalia.

Ireland's commitment to the ongoing crisis in Somalia is demonstrated by our status as the seventh largest bilateral contributor to humanitarian endeavour in Somalia in 2007 when we provided funding of over €7 million. In response to the 2008 United Nations appeal for Somalia, funding of €3.1million has been provided to key UN humanitarian agencies in support of food security, health, shelter and coordination. In addition, €550,000 has been provided for HALO Trust's de-mining operations in Somaliland and €350,000 to Médecins Sans Frontières (MSF) for basic health care in the Glacayo region, giving a total commitment in 2008 to date of €4,000,000. Additionally, our commitment has been complemented by three successive deployments of members of the Rapid Response Corps to assist UNHCR with their work for Somalia. We continue to monitor the humanitarian situation closely.

Human Rights Issues.

222. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs if a person (details supplied) is being detained in Iraq; the actions being taken on behalf of this person; if representations have been made to the US or Iraqi Governments to protect their human rights; and if he will make a statement on the matter. [24408/08]

Minister for Foreign Affairs (Deputy Micheál Martin): As the Deputy may be aware, my Department strongly advises Irish citizens to avoid all travel to Iraq given the extremely unstable political and security situation in the country. Those in Iraq are urged to leave. This advice is provided on our website, www.dfa.ie, and is updated on a regular basis. Despite this clear advice, I understand the person referred to by the Deputy travelled to Iraq earlier this year to visit relatives. He was taken into custody by the Multi National Forces in Baghdad on 20 May and is being held for suspected terrorist related offences.

Since first being made aware of the case on 24 May, my Department has been in regular contact with the family in Ireland. My officials have also sought information on the case from the United States Embassy in Dublin. Our Embassy in Cairo has also made enquiries on behalf of the family with the British Embassy in Baghdad. My Department has kept the family fully informed of all the information we have received to date in relation to the case. In addition to being an Irish citizen and passport holder, I understand that the person referred to by the Deputy was born in Iraq and may be considered by the authorities there to be an Iraqi citizen, as well as having Irish nationality. While this dual status complicates our official representations, my Department will continue to monitor the case and to keep the family informed of developments.

Consular Services.

223. **Deputy Brian Hayes** asked the Minister for Foreign Affairs the action he and the Irish Consulate in Chicago have taken in connection with the case of a person (details supplied); the details of the case; the expected date when this person can return to Ireland; and if he will make a statement on the matter. [24552/08]

Minister for Foreign Affairs (Deputy Micheál Martin): My Department, through our Consulates in New York and Chicago, have provided extensive consular assistance to the person referred to by the Deputy. The person concerned travelled to the United States in October 2007 on a six-month working visa. In April of this year, he served a fifteen day prison sentence in Florida for driving related offences. My Department made clear to the person that he would be out of status if he remained in the US beyond 30 April — the date of his visa's expiration. However, following his release from prison on 22 April, he chose to remain in the US and was detained by US immigration authorities in early May. He was held in Raymondville, Texas and was deported from the US on 23 June.

Throughout this process, my Department maintained close contact with the person and his family. We highlighted our interest in the case to the appropriate US authorities, ensured that the family's concerns regarding his welfare were brought to the attention of the authorities and that he had access to legal representation.

Foreign Conflicts.

224. **Deputy Seán Barrett** asked the Minister for Foreign Affairs the steps he will take to protect the people of Somalia from displacement, deprivation, widespread human rights abuses and the threat of imminent famine; if he will press for a lasting solution to the conflict there; and if he will make a statement on the matter. [24719/08]

Minister for Foreign Affairs (Deputy Micheál Martin): The humanitarian situation across Somalia remains grave and I remain deeply concerned for the safety and well-being of Somalis and the aid community seeking to assist them. In what was already a precarious environment for humanitarian agencies, security and access have deteriorated even further in 2008. Obstacles to those seeking to deliver relief in Somalia include random violence, piracy, kidnapping threats, landmines and general banditry. In addition, taxes are imposed by some members of the Transitional Federal Government (TFG) on the distribution of relief goods.

The newly appointed Prime Minister in the TFG, Nur Hassan Hussein, has committed himself to internal dialogue and pursuing a reconciliation process with the political opposition. Contacts were initiated with members of the opposition based in Asmara, and talks, facilitated by the Special Representative of UN Secretary General, Ahmedou Ould Abdallah, between the Transitional Federal Government and opposition groups got under way in Djibouti in late May. The TFG and the opposition Alliance for the Re-liberation of Somalia (ARS) signed an agreement on 9 June, calling for a cessation of hostilities between the two sides, and the eventual withdrawal of Ethiopian troops from Somalia and the deployment of a UN force.

The Djibouti agreement is good news, but many armed groups remain outside the process. Re-establishing security and the rule of law remains a major challenge. The security situation in Moghadishu and surrounding areas remains extremely poor, with further large-scale civilian casualties as a result of fighting between government and Ethiopian forces and opposition militias in recent weeks.

The humanitarian situation in Somalia has further deteriorated in the year due to lower than expected rainfall during the 2007 rainy season, which has led to a deepening drought in several regions of the country, particularly in most of the central regions and parts of the North East and South. The total rainfall was insufficient to replenish water sources, regenerate pasture, and for rain-fed crop development. These areas are already witnessing abnormal livestock migration, which is adding pressure to rangeland and water resources. The combined effects of poor rains, conflict and displacement have severely exacerbated the food security situation and caused an alarming rise in acute malnutrition rates, particularly in regions that absorbed large numbers of conflict-related internally displaced persons.

Ireland's commitment to the ongoing crisis in Somalia is demonstrated by our status as the seventh largest bilateral contributor to humanitarian endeavours in Somalia in 2007. Ireland has spent more than €15.5 million on humanitarian aid to Somalia since 2006. Additionally, our commitment has been complemented by three successive deployments of members of the Rapid Response Corps to assist the office of the UN High Commissioner for Refugees with its work in Somalia.

International Agreements.

225. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the details of the upgrade in EU-Israel relations that was agreed at the EU-Israel Association Council meeting on 16 June 2008; if he will explain Ireland's position on same; and if he will make a statement on the matter. [24728/08]

226. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he received representations from the Prime Minister of Palestine, Salim Fayyad, requesting that the EU-Israel relations not be upgraded at this time; and if he will publish the terms of the Government's reply. [24729/08]

227. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if Ireland is committed to the implementation of UN Security Council resolutions, in particular those which Israel

has failed to implement (details supplied); and, if so, the action he is taking to secure their implementation. [24730/08]

228. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if Ireland is committed to the reopening of the Rafah crossing between Egypt and Gaza and that the crossing will not be controlled by the Israelis, as promised by Javier Solana on behalf of the EU when the Agreement on Movement and Access was signed in November 2005; and if he will make a statement on the matter. [24731/08]

229. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if, in view of the his statement to Dáil Éireann on 11 March 2008 that Israel's action in Gaza constitutes collective punishment and is illegal under international humanitarian law, he will confirm that by taking this action Israel is in breach of Article 2 of the Euro-Med Agreement; and if he will make a statement on the matter. [24732/08]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 225 to 229, inclusive, together.

The Government has been very seriously concerned about the humanitarian and security situation in Gaza and the West Bank. We have consistently called for an end to the isolation of the people of Gaza, the re-opening of crossing points for people and goods and the lifting of restrictions on the movement of Palestinians in the West Bank. We have also called for decisive action by the Israeli Government to demonstrate a genuine commitment to a freeze on all settlement construction on occupied land. We and our EU partners are deeply concerned about a series of decisions in recent months authorising the construction of large numbers of new housing units in settlements in and around Jerusalem. Ireland has worked with other Member States to ensure that the EU has conveyed its concerns about settlement expansion directly to the Israeli Government at every opportunity, including at the most recent meeting of the EU-Israel Association Council in Luxembourg on 16 June. The EU position is very clear. Settlement expansion anywhere in the Occupied Territories, including East Jerusalem, is illegal under international law. It also prejudices the outcome of final status negotiations and threatens the viability of an agreed two-State solution.

There has been growing concern internationally that events on the ground will undermine the prospects for political progress, despite the determination of the Israeli Prime Minister and the Palestinian President to press ahead with their negotiations towards a final status agreement by the end of 2008. I have already expressed the Government's strong welcome for the ceasefire in Gaza, which was brokered by the Egyptian Government, and which came into effect on 19 June. I hope that developments in the weeks ahead will contribute to a new momentum in the political process.

We have been calling for an urgent end to all violence in and from the Occupied Territories, including Palestinian rocket attacks and Israeli military operations. I am therefore encouraged by the courageous move by Israel and the Palestinians to try to end the violence in Gaza and Southern Israel. All sides must be assured of the full support of the international community in implementing and developing the initial agreement. Sensitive efforts will be required to reach agreement on the re-opening of crossing points and on future prisoner and hostage releases. The EU will give every possible support to the process. It has already stated that it is ready to resume the border assistance mission at the Rafah crossing-point in the event of agreement between Israel, the Palestinians and Egypt. The mission was established under the Agreement on Movement and Access brokered by the EU and the US between Israel and the Palestinian Authority in November 2005.

[Deputy Micheál Martin.]

The Government has worked with our partners to strengthen the political role of the EU in the promotion of a negotiated two-State solution. The agreement at the EU-Israel Association Council on 16 June to upgrade relations with Israel was placed firmly in this context. It also comes on the completion of the first EU-Israel Action Plan under the European Neighbourhood Policy. I hope that similar progress will be possible with other ENP partners as they complete their Action Plans with the EU. The precise elements of the upgrading will be discussed with Israel in the months ahead. They will include intensified political and human rights discussions. The EU stated clearly at the Association Council that they will also imply a stronger EU involvement in the peace process and in the monitoring of the situation on the ground.

The Prime Minister of the Palestinian Authority wrote to all EU Heads of State and Government in advance of the decision to outline his reservations about any upgrading of relations in the current political context. I welcome the fact that he did so. The Government believes that the peace process must remain at the heart of the EU's relations with Israel and the Palestinians. Ireland played a crucial role within the EU in ensuring that Prime Minister Fayyad's concerns were clearly addressed in the Statement by the EU at the Association Council, which was approved by the General Affairs and External Relations Council on 16 June.

EU Funding.

230. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if applications have been made for funding from the European Globalisation Fund; and if she will make a statement on the matter. [24267/08]

231. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department is equipped to produce the statistics required that would enable an application to be made for funding under the European Globalisation Fund; and if she will make a statement on the matter. [24268/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 230 and 231 together.

My Department is keeping the possibility of making an application to the European Globalisation Fund under review. This involves the monitoring of available redundancy data for Ireland and assessing whether the necessary criteria of the European Globalisation Fund have been met. In addition, an application to the European Globalisation Fund must contain detailed statistics relating to world trade patterns, their impact on EU market share and how changing trade patterns are affecting the relevant economic sector in the EU. Such statistics are compiled at European level and are available to my Department in the event that an application to the European Globalisation Fund arises.

Departmental Correspondence.

232. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will reconcile the apparent contradiction between her reply to Parliamentary Question No. 286 of 20 May 2008 in which she states she discussed the matter of FÁS advertising, specifically the case raised in the question and in the recent Comptroller and Auditor General report, with the director general of FÁS but a freedom of information request to her Department dated 29 May 2008 (details supplied) produced no documentation of contact between her office or Department to FÁS regarding this matter and her Department had no

documentation in the form of communication, reports or memos; and if she will make a statement on the matter. [24561/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The facts as stated in my reply to Parliamentary Question No. 286 of 20 May 2008 are accurate. I have asked officials in my Department to review the Freedom of Information request referred to by the Deputy and they will contact the Deputy on this matter in the near future.

Criminal Prosecutions.

233. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she is satisfied with the measures and resources in place to detect and prosecute white collar crime; her plans to further reinforce the role of the State in this regard; and if she will make a statement on the matter. [24814/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): A number of measures have been introduced in recent years to further strengthen the legislative framework and resources to detect and prosecute breaches of company and competition legislation. Alongside other measures contained in the Companies Act that regulate the activities of companies, recent protections against market abuse including “insider dealing” were introduced by the Market Abuse (Directive 2003/6/EC) Regulations in 2005. These Regulations introduced more demanding insider dealing provisions and brought a new specific offence of market manipulation into Irish law. The Regulations substantially broadened the range of financial instruments covered by legislation and designated the Financial Regulator as the competent authority for purposes of ensuring compliance. In addition to criminal and civil sanctions, the legislation also provided for administrative sanctions to be applied.

In relation to detection and enforcement of general company law the Office of the Director of Corporate Enforcement (ODCE) is the primary agency. The Deputy may be aware that, following a request from the Director of Corporate Enforcement, the approved Departmental staff of the ODCE was increased from 30 to 38 in 2007. In addition, approved Garda staff numbers were also increased by one in 2007 bringing the total approved staffing complement of the ODCE to 46 posts. The Director indicated in late 2007 that having integrated these additional staff, he would review his request for further extra staff at the end of the 2008 and advise my Department at that stage of the results of that review.

The Competition Act 2002 consolidated, reformed and modernised previous legislation relating to competition policy and merger control. The Act also enhanced the independence of the Competition Authority, which is the statutory agency responsible for the enforcement of competition law, and increased the penalties for serious anti-competitive activities.

Cartels are another example of white-collar crime. The focus of the Authority’s Cartels Division is to investigate hard-core cartels that include price-fixing, bid-rigging and market allocation among competitors. Additional resources provided to the Authority during 2006 specifically for its cartel enforcement work has increased the Authority’s capacity to investigate and prosecute serious breaches of competition law. As a result of the additional powers and resources of the Authority, to date 20 criminal convictions have been secured for breach of competition law, including the first criminal conviction on indictment in Ireland and Europe. Further proceedings have been initiated against a number of cartel members in the motor vehicle industry and these are expected to come to trial in due course. As part of the ongoing review of the Competition Act 2002, the investigative and enforcement powers of the Authority will be examined and if considered appropriate, further enhanced.

Sport and Recreational Development.

234. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism his views on participation in sport here in view of the sporting lives report issued by the ERSI; his further views on the need to shift the emphasis of Government funding for sports towards promotion, increasing access, particularly in respect of children and those from socially disadvantaged areas, and funding more sports development officers; and if he will make a statement on the matter. [24586/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I would refer the Deputy to my reply to PQ 75 which I answered today.

Sports Capital Programme.

235. **Deputy Jim O’Keeffe** asked the Minister for Arts, Sport and Tourism the position in relation to the 2008 sports capital programme; the overall financial envelope available; and when it is intended to announce the allocations. [24320/08]

236. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism the budget available under the sports capital grant programme 2008; and if he will make a statement on the matter. [24345/08]

239. **Deputy Deirdre Clune** asked the Minister for Arts, Sport and Tourism when he expects to allocate funding under the sports capital programme 2008; and if he will make a statement on the matter. [24696/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 235, 236 and 239 together.

Under the sports capital programme, which is administered by the Department of Arts, Sport and Tourism, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Applications for funding under the 2008 programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for 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. I have not yet made a final decision as to the level of allocations to be made under this year’s programme.

237. **Deputy Alan Shatter** asked the Minister for Arts, Sport and Tourism if he will confirm that he has received an application from a club (details supplied) in County Dublin, for funding under the 2008 sports capital programme to upgrade and modernise its facilities; if he will grant the request; and if he will make a statement on the matter. [24553/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Under the sports capital programme, which is administered by the Department of Arts, Sport and Tourism, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Applications for funding under the 2008 programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for 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.

Swimming Pool Projects.

238. **Deputy David Stanton** asked the Minister for Arts, Sport and Tourism when he will launch a new round of funding under the local authority swimming pool programme; and if he will make a statement on the matter. [24605/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): A sum of €184m has been provided in the National Development Plan 2007-2013 for supporting existing projects in the Local Authority Swimming Pool Programme and for new projects to be selected following the launch of a new round of the Programme. The terms and conditions of a new round will be devised taking into account the recommendations of the Value for Money and Policy Review report on the existing Programme which has been completed by my Department and which will be published shortly. The launch of the new programme will be a matter for discussion as part of the Estimates process which will start shortly between this Department and the Department of Finance.

Question No. 239 answered with Question No. 235.

National Museum.

240. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which available museum space throughout the country is sufficient to accommodate the display of all items of historical significance; and if he will make a statement on the matter. [24817/08]

241. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the number of items of historical significance discovered or made available to the National Museum in each of the past five years; if all such items are on display, locally or nationally; and if he will make a statement on the matter. [24818/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 240 and 241 together.

The National Museum of Ireland is the only museum displaying historical artefacts which is under the aegis of my Department. Since the National Museum of Ireland became an autonomous statutory body under the National Cultural Institutions Act, 1997 on 3rd May 2005, the Board of the National Museum is statutorily responsible for all operational matters concerning its collection. Therefore the acquisition and display of artefacts by the National Museum of Ireland is a matter for that institution and I have requested the National Museum of Ireland to respond directly to the Deputy

National Gallery.

242. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which paintings or other works of art have been acquired for or by the National Gallery in each of the past five years, whether on loan or otherwise; and if he will make a statement on the matter. [24819/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The National Gallery of Ireland is an autonomous statutory body. The Board of Governors and Guardians of the National Gallery is statutorily responsible for operational matters concerning its collection.

Arts Funding.

243. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which he expects to make funds available to the various relevant bodies or agencies to provide extra display space for various *objet d'art*; and if he will make a statement on the matter. [24820/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I refer the Deputy to the Revised Estimates for Public Services 2008, and in particular to Vote 33 — pages 154 to 155, and to Vote 35 — pages 164 to 169.

Sports Capital Programme.

244. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he will give favourable consideration to offering grant aid from the proceeds of the national lottery or otherwise to a club (details supplied) in County Kildare in respect of specific proposals including provision of an astro-turf playing surface; and if he will make a statement on the matter. [24821/08]

245. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the significant social, cultural and sporting role of a club (details supplied) in County Kildare throughout the Leinster region; the extent to which he has received applications for grant aid towards the development of further facilities at the club; his intention to meet these requirements in 2008 or thereafter; and if he will make a statement on the matter. [24822/08]

246. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the number and location of applications for grant aid received in his Department from various sporting or community groups throughout County Kildare in the past 12 months; the extent to which he expects to be in a position to respond favourably to such applications; and if he will make a statement on the matter. [24823/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 244 to 246, inclusive, together.

Under the Sports Capital Programme, which is administered by the Department of Arts, Sport and Tourism, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Applications for funding under the 2008 Programme were invited through advertisements in the Press on 13th and 14th of January and the deadline for receipt of applications was 29th February for paper-based applications and 7th March for on-line applications. All applications received before the deadline, including those from the organisations in question, are currently being evaluated against the Programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme.

In this regard, forty-four applications have been received in total from Kildare requesting grant aid under the Sports Capital Programme 2008. Out of respect to the confidentiality of the applicants I do not intend to identify the locations of the applications at this time. I intend to announce the grant allocations for the Programme as soon as possible after the assessment process has been completed.

Tourism Industry.

247. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he is

satisfied regarding the future development of the tourism sector with particular reference to the need to compete in the international arena; and if he will make a statement on the matter. [24825/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): We have been fortunate in recent years to enjoy record growth in numbers of overseas visitors and associated revenue. Last year alone we welcomed over 8 million visitors with associated revenue of €4.9 billion, including Irish carrier receipts. While the international tourism market is becoming increasingly competitive, Ireland has consistently outperformed its key competitors in terms of growing the number of overseas visitors to our shores.

It is fully recognised that current global economic factors such as currency fluctuations and oil prices are likely to impact on the number of outward travellers from some of our most important markets such as North America and Great Britain. Nevertheless, I was encouraged by the figures published by the CSO showing that visitors to Ireland for the first quarter of 2008 were up by over 4% compared to the corresponding period in 2007. Tourism Ireland's Corporate Plan for 2008-10 contains ambitious and challenging targets for tourism for the island of Ireland over the next three years. It aims to increase average annual overseas visitor numbers by between 4.2% and 5.1% over the life of the plan, which, if achieved, would mean total overseas visitor numbers to the island of Ireland of over 10.5 million in 2010.

In terms of our ability to compete in the international arena in the future, maintaining and enhancing competitiveness is a major issue for Irish tourism as it is for the economy as a whole. In addressing that issue, it is important to bear in mind that competitiveness is about more than price and costs. It is generally agreed that Ireland cannot and, indeed, should not attempt to compete on the basis of costs with mass tourism destinations.

The tourism agencies continue to monitor Ireland's competitiveness as a tourism destination and I am encouraging them to assist the industry in responding to changing conditions through a variety of programmes in marketing, human resource development, quality enhancement, product development and productivity. I believe that the strategic approach taken to tourism development in recent years, by both the public and private sectors, has given the sector the capacity to withstand the cyclical external challenges and to sustain its performance in coming years.

National Sports Campus.

248. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the position regarding the future of the Campus Stadium Ireland project; and if he will make a statement on the matter. [24827/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Government has provided an amount of €149 million in the National Development Plan 2007 to 2013 for the development of a National Sports Campus at Abbotstown. Prior to that, the Government approved in November 2005 the commencement of Phase One of the development of the National Sports Campus on the basis of a Development Control Plan prepared by Campus and Stadium Ireland Development Company Ltd (CSID) — the predecessor of the National Sports Campus Development Authority (NSCDA). These facilities will be designed to meet the indoor and outdoor training needs of Irish elite sports persons who compete at national and international levels and will also provide for the needs of the local community.

The Government decision for this stage of development also included agreement to move the HQ of the FAI to the former State Laboratory building at Abbotstown. Work on the building was completed and the FAI took possession of the building in December last year. It

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is also intended to provide a headquarters for the Institute for Sport by refurbishing an existing building on the site.

Project Management and Design Teams were appointed recently for Phase One. It is the intention of the Authority to have detailed plans prepared and it is estimated that planning permission for phase one will be sought later this year. The Abbotstown facilities, when completed, will provide a much needed range of training and competitive facilities for our finest sports persons. Through the National Aquatic Centre an excellent sports facility has already been provided. Now being progressed is the development of a state of the art complex of quality facilities to serve a wide spectrum of sport activities and disciplines which will benefit elite sports persons and the local community alike.

The first phase of the project will comprise:

- A National Field Sports Training Centre catering for rugby, soccer, Gaelic games and hockey;
- A National Indoor Training Centre which will provide world class training facilities for over 20 National Governing Bodies of Sport;
- Accommodation for sports men and women; sports science and medical facilities, and
- All-weather synthetic pitches for community use.

Decentralisation Programme.

249. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which decentralisation proposals for his Department have been achieved to date; the costs involved or pending; and if he will make a statement on the matter. [24828/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Following the announcement of the Government's decentralisation programme in the 2004 Budget, the Department, which has a staff of 131 excluding the National Archives, was designated an "early mover" by the Decentralisation Implementation Group, (DIG). To date, 76 staff have relocated to temporary accommodation in Fossa, Killarney, in three tranches, 45 staff in September 2006, 25 staff in July 2007 and 6 in May 2008. The objective is to complete the decentralisation process by the end of 2008 at which time the Department will be operating from new purpose built offices in Killarney.

Excluding the cost of accommodation, the total cost of decentralisation incurred by the Department to the end of May 2008 is estimated at €532,000. This includes the cost of office machinery, office and premises overheads, postal and telecommunications services and travel and subsistence. The OPW are responsible for costs relating to both the temporary and permanent accommodation and therefore these do not fall within my Department's Vote. It is anticipated that there will be some additional costs associated with the move to the new building but these are unlikely to be significant and should be capable of accommodation within existing budgetary resources.

Social Welfare Payments.

250. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs if she will continue to maximise the role of post offices by way of all social welfare payments; and if she will make a statement on the matter. [24421/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The current range of payment options offered by the Department to customers includes payment via local post office; certain credit unions that have been authorised by the banking and credit union regulators; and bank or building society account, including post bank. Customers opt for a particular payment method having regard to their own personal circumstances. An Post and the Department have been partners in the delivery of social welfare payment services since the foundation of the State and there is no reason to believe that An Post and the network of post offices will not continue to play a significant role in the delivery of social welfare payments in the future.

Social Welfare Code.

251. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs her views on extending the travel scheme to persons who suffer from medical conditions such as epilepsy, which render it impossible for them to drive. [24557/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. People resident in the State who are in receipt of a social security invalidity or disability payment from a country covered by EU Regulations, or from a country with which Ireland has a bilateral social security agreement, and who have been in receipt of this payment for at least 12 months, are also eligible for free travel.

The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by over 80 private transport operators. The proposal to extend the free travel scheme to those with certain conditions is one of a range of proposals made to extend the free travel scheme. Further extensions to the scheme could only be considered in a Budgetary context and taking account of the financial and other needs of those not covered by the existing arrangements.

Social Welfare Benefits.

252. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and awarded jobseeker's allowance in view of the fact that they have submitted all the information that was requested of them. [24606/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Following a meeting with a Social Welfare Inspector the Department wrote to the person concerned requesting written evidence of his current and past financial affairs and evidence of his job seeking efforts. When these are received a decision will be made as soon as possible and he will be notified of the outcome. 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.

253. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs the situation regarding the processing of applications for the back to school clothing and footwear allowance scheme in County Meath. [24652/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The back to school clothing and footwear allowance scheme (BSCFA) is administered on behalf of the Department by the community welfare division of the Health Service Executive (HSE). Applications for the allowance may be made between the beginning of June and the end of September each year. The operational arrangements for the processing of applications and the payment to qualifying individuals, is a matter for the respective community welfare division areas.

Social Welfare Code.

254. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs the proposals she has to amend legislation in order that applicants for State contributory pension can have social welfare contributions arising from student employment discounted when assessing the contributions average where subsequent insurable employment did not commence for a long period afterwards; and if she will make a statement on the matter. [24688/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The average contributions test has been a key qualifying condition for contributory pensions since the scheme was introduced in 1961. A person's contribution record is averaged from the first day they enter social insurance until they reach retirement age. A contributory pension is a very valuable benefit and the objective of the average contributions test is, to ensure amongst other things, that those qualifying have made a sustained contribution to the social insurance fund over their working lives.

Issues have been raised in relation to the operation of the average contributions test in the context of the consultation process on the Pensions Green Paper. A number of groups, including older women returning to employment after many years caring for family, people returning from abroad and those in the situation referred to by the Deputy, have complained about the impact large gaps in a person's insurance record can have on their pension entitlements. The Green Paper consultation process was recently completed. The Government is committed to finalising, by the end of the year, a framework to address the pension's agenda over the long-term. The operation of the average contribution test will be considered in that context.

Citizens Information Act.

255. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sections and subsections of the Citizens Information Act 2007 that have not been commenced. [24698/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): All sections of the Citizens Information Act, 2007 other than Section 4(a)(bb), which provides for the insertion of paragraph (bb) in section 7(1) of the Comhairle Act, 2000, and all of Section 5, which concerns the introduction of the Personal Advocacy Service, have been commenced. The post of Director of PAS was sanctioned by the Department of Finance in 2007 and the Citizens Information Board has completed the recruitment process. It is expected that the appointment will be made shortly.

The service will be launched when the Director has taken up the position, recruited the staff and is satisfied that the structures, resources and facilities are in place to allow the service to commence operation. In view of the recruitment process which will need to be undertaken for the additional posts, it is not possible at this time to give a definitive date on when the service will be launched and fully operational. The service will be subject to continuing review and additional posts, if required, will be sought as necessary depending on the level of demand for the service.

In the meantime the Citizens Information Board is continuing preparatory work in relation to the establishment of the new service and has identified accommodation to facilitate its immediate needs. On my recent visit to the Citizen Information Board I was briefed on the steps which they have taken to get the service underway and I am confident that once the staff are in place, the service will be available to those who require it.

Social Welfare Appeals.

256. **Deputy Chris Andrews** asked the Minister for Social and Family Affairs the status of an application for invalidity pension from a person (details supplied) in Dublin 6; and if she will make a statement on the matter. [24714/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing. The person concerned will be informed when arrangements have been made. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits.

257. **Deputy Mary Upton** asked the Minister for Social and Family Affairs the social welfare entitlements of a person (details supplied) in Dublin 10; and if she will make a statement on the matter. [24718/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned does not have an entitlement to illness benefit as he does not have sufficient PRSI contributions paid in the relevant tax year. The Department has issued an application form to the person concerned, which should be completed and returned in order to assess the applicant's entitlement, if any, to disability allowance. Disability Allowance is a weekly allowance paid to people with a specified disability who are aged 16 or over and under age 66. The disability must be expected to last for at least one year and is subject to both a medical examination and a means test. The Department has also issued an SW4 Guide to Social Welfare Services to the person concerned. This contains information of other Social Welfare schemes and payments.

Budgeting Advice.

258. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the data from the MABSIS system for the first five months of 2008 in relation to the number of new clients; the number and percentage of new clients on social welfare and by type of payment; the number and percentage of new clients earning a wage; the client profile by tenure type; the total debt owed by new clients when they first presented to MABS with a breakdown by creditor type; and the average debt owed by new clients when they first presented to MABS. [24840/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Money Advice and Budgeting Service (MABS) provided services to 6,608 new clients in the period to end May 2008. In addition, 1,041 people sought information about budgeting and money management. The MABS National Helpline received 3,904 calls to date in 2008.

The majority of clients were on social welfare payments (58%), the highest numbers being 1,179 (18%) who were in receipt of the one parent family payment, 1,099 (17%) who were in

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receipt of jobseekers payments and 893 (13%) in receipt of illness/disability payments. Some 28% of clients were in receipt of wages and just under 3% were self-employed. Clients mostly lived in rented accommodation, with 28% living in private rented accommodation and 25% in rented local authority accommodation. People with mortgages made up 24% of new clients and 8% lived with parents.

The total amount owed by new clients in 2008 to creditors, based on the debt they had when they first came to the MABS, amounted to €63.3 million, which works out at an average amount of €9,600 debt per client. Of the total amount of debt some 60% was owed to banks/financial institutions, 17% was owed to credit unions, 3% was owed in respect of utilities bills and 2% was owed to moneylenders.

Departmental Offices.

259. **Deputy Jim O’Keeffe** asked the Minister for Social and Family Affairs if it is intended to reopen the social welfare branch office in Dunmanway, County Cork; and if so when it will reopen. [24842/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): As provided for in the Department’s Modernisation Action Plan, a strategic review of front-line services has recently been commenced. The terms of reference for this review provide, inter alia, for recommendations in relation to the criteria to be used to determine the locations in which the Department should have a Local Office or Branch Office presence. The position in relation to the Branch Office in Dunmanway will be considered in the light of the outcome of this review. The Department has put measures in place to ensure continuity of service for people in the Dunmanway area and these measures are working very effectively.

Decentralisation Programme.

260. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs the position in relation to progress and future plans on the decentralisation programme in respect of Drogheda. [24936/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Under the current decentralisation programme, the Department’s Head Quarters, Social Welfare Appeals Office, Information and Communications Technology Division (ICT) and Citizens Information Board are designated to relocate to Drogheda. The Office of Public Works (OPW) is charged with securing accommodation in Drogheda for this Department. That Office has advised that they have purchased sites in Drogheda to accommodate the Department’s Headquarters Staff, a new Social Welfare Local Office, the Social Welfare Appeals Office and the Citizens Information Board.

The OPW has advised that the buildings will be procured as a Public Private Partnership Programme using the design, build, finance and maintain model and expect to go to tender by the end of the year. At this time, there is no indicative timeframe from the OPW regarding the availability of accommodation for the ICT Division. The Department is, however, fully committed to fulfilling its obligation under the programme.

Community Development.

261. **Deputy Pat Breen** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on a company (details supplied); the structures and criteria applied; the compo-

sition and criteria applied for the setting up of the Clare board; if the Clare Community Forum will be represented on this board; and if he will make a statement on the matter. [24266/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I refer the Deputy to previous questions on this topic, including Questions Nos. 10 and 11 of 3rd of April 2008 and 184 and 194 of 14 May 2008. My Department has over the past number of years been pursuing a process of cohesion of local delivery structures in order to simplify and enhance the effectiveness of the delivery of a range of local development programmes. Following an extensive consultation phase, Government decided on distinct local development operational areas and clarified the arrangements in relation to the membership of the boards of these bodies. LEADER and Partnership groups have been asked to give effect to these decisions and my Department has provided detailed guidelines to secure this outcome. The Guidelines set out the Department's mandatory requirements in relation to the size and representative elements of the boards of local development companies and provide for a transparent selection process of board members.

The appointment of the Board is primarily a matter for the Board of the company. In relation to the selection of representatives from the Community and Voluntary Sector, the Guidelines provide that representatives should have a clear mandate from their nominating organisations and the nominating organisations should have a proven track record of community development work including social inclusion and/or rural development work. In addition, where the Company opts to oversee the selection of community and voluntary sector candidates itself, it is required to work with the Director of Services for Community and Enterprise to ensure that no Community and Voluntary organisation active within its area and registered with the Community and Voluntary Forum is excluded from the process.

An integrated company was incorporated in Clare on the 19th of November 2007. The Director of Services for Community and Enterprise has confirmed to my Department that the nomination procedure adopted by the company adheres to the criteria in the Guidelines. In light of the confirmation received, my Department has given the Company approval to initiate the selection process of candidates from the community sector. I understand that this process is now underway. The Guidelines are available to Deputies in the Dáil Library and are on my Department's website — www.pobail.ie

Official Engagements.

262. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs if, during his meeting on 19 September, 2007 with a delegation of government officials of Azerbaijan, he raised concerns relating to the human rights situation in Azerbaijan; and if he will make a statement on the matter. [24277/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): At the request of Galway Development Services International Ltd, I met a group of officials from Azerbaijan to whom I outlined the work of my Department. There were no discussions relating to the human rights situation in Azerbaijan.

National Drugs Strategy.

263. **Deputy Finian McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding a service (details supplied) in Dublin 5. [24420/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The project referred to by the Deputy is a drug awareness project that receives annual funding from my Department under the National Drugs Strategy. The allocation for 2008 is nearly €190,000. I understand that the project has also made an application for funding under the Drugs Task Force Premises Initiative Fund, which addresses the accommodation

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needs of community-based drugs projects. However, as I expect the financial provision for the Fund for this year to be fully expended, I am not in a position to approve any new proposals at present.

Rural Social Scheme.

264. **Deputy Jimmy Deenihan** asked the Minister for Community, Rural and Gaeltacht Affairs if a farmer with a dormant herd number will be allowed to be employed in a rural social scheme; and if he will make a statement on the matter. [24804/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Rural Social Scheme (RSS) was established to provide income support for low income farmers and fisherpersons who are in receipt of certain long-term social welfare payments and to provide certain services of benefit to rural communities. In order to satisfy the eligibility criteria an applicant must be actively farming. However, a farmer with a dormant herd number will not necessarily be excluded from the scheme. I would encourage any person interested in either renewing their place on the scheme or completing a new application form to contact their local LEADER group or Údarás na Gaeltachta who manage the scheme on my Department's behalf at a local level and they will be able to advise them further.

Contact details for all Implementing Bodies are in the following table.

Group Grúpa	Area Covered An Ceantar atá i gceist	Contact Details Sonraí Teagmhála
Arigna Catchment Area Community Company Ltd.	Co. Leitrim and part of Co. Roscommon Co. Liatroma agus cuid de Cho. Ros Comáin	Enterprise Centre, Arigna, Carrick-on-Shannon, Co. Roscommon. Ph/Fón: 071-9646186 Fax/Facs: 071-9646188 Email/R-phost: rss.leader@iol.ie
Ballyhoura Development Ltd.	Part of Counties Limerick and Cork Codanna de Chontaetha Luimnigh agus Chorcaí	Main Street, Kilfinane, Co Limerick. Ph/Fón: 063-91300 Fax/Facs: 063-91330 Email/R-phost: c.lynch@ballyhoura.org
Barrow Nore Suir Rural Development Ltd.	Co. Kilkenny & South East Tipperary Co. Chill Chainnigh & Tiobraid Árann Thoir Theas	42 Parliament Street, Kilkenny. Ph/Fón: 056-7752111 Fax/Facs: 056-7752333 Email/R-phost: info@bnsrd.com christine@bnsrd.com
Blackwater Resource Development	Blackwater Region/North Cork Area Réigiún Blackwater/Tuaisceart Chorcaí	The Showgrounds, Fermoy, Co. Cork. Ph/Fón: 025-33411 Fax/Facs: 025-33422 Email/R-phost: info@blackwater-resources.com
Carlow LEADER Rural Development Co Ltd.	Co. Carlow Co. Cheatharlach	McGrath Hall, Station Road, Bagenalstown, Co. Carlow. Ph/Fón: 059-9720733 Fax/Facs: 059-9720737 Email/R-phost: rsscarlow@eircom.net
Cavan-Monaghan Rural Development Co-op Society Ltd.	Counties Cavan & Monaghan Contaetha an Chabháin & Mhuineacháin	C/O Agriculture College, Ballyhaise, Co. Cavan. Ph/Fón: 049-4338477 Fax/Facs: 049-4338189 Email/R-phost: info@cmrd.ie

Group Grúpa	Area Covered An Ceantar atá i gceist	Contact Details Sonraí Teagmhála
Comhar Iorrais LEADER Teo	Erris Region Réigiún Iorrais	LEADER II Office, Sraid an tSeipeil, Beal an Mhuirthead, Co. Mhuigh Eo. Ph/Fón: 097-82303 Fax/Facs: 097-82304 Email/R-phost: errisrd@iol.ie
Comhdhail Oileáin na hÉireann	Offshore Islands, excluding Achill Na hOileáin Mhara gan Oileán Acla	Runaíocht, Inis Oírr, Árainn, Cuan na Gaillimhe. Ph/Fón: 099-75096 Fax/Facs: 099-75103 Email/R-phost: linda@oileain.ie Website/Láithreán gréasáin: www.oileain.ie
Donegal Local Development Company Ltd.	All Donegal except the Gaeltacht areas & Inishowen Peninsula Dún na nGall ar fad ach amháin na ceantair Ghaeltachta agus Inis Eoghain	1 Millennium Court, Pearse Road, Letterkenny, Co. Donegal. Ph/Fón: 074-9127056 Fax/Facs: 074-9121527 Email/R-phost: info@dldc.org
East Cork Area Development	East from Glanmire along the southern coast to Youghal Soir ó Ghleann Maghair ar chósta an deiscirt go hEochail	Midleton Community Enterprise Centre, Owennacurra Business Park, Knockgriffin, Midleton, East Cork. Ph/Fón: 021-4613432 Fax/Facs: 021-4613808 Email/R-phost: info@ecad.ie Website/ Láithreán gréasáin: www.eastcork.com
Galway Rural Development Company Ltd.	Co. Galway excluding the Gaeltacht Co. na Gaillimhe gan an Ghaeltacht san áireamh	Mellows Campus Athenry, Co. Galway. Ph/Fón: 091-844335 Fax/Facs: 091-845465 Email/R-phost: grdc@grd.ie or info@grd.ie
IRD Duhallow Ltd.	North West Cork & East Kerry Iarthuaisceart Chorcaí & Oirthear Chiarraí	James O’Keeffe Institute, Newmarket, Co. Cork. Ph/Fón: 029-60633 Fax/Facs: 029-60694 Email/R-phost: duhallow@eircom.net
Inishowen Rural Development Ltd.	Inishowen Peninsula, Co. Donegal Glasoileán Inis Eoghain, Co. Dhún na nGall	Pound Street, Carndonagh, Inishowen, Co. Donegal Ph/Fón: 074-9373083 Fax/Facs: 074-9373084 Email/R-phost: irdl@iol.ie
Kildare European LEADER II Teo.	Co Kildare Co. Chill Dara	The Woods House, Clane, Co. Kildare. Ph/Fón: 045-861973 Fax/Facs: 045-861975 Email/R-phost: info@kelt.ie suzanne@kelt.ie Website/Láithreán gréasáin: www.kelt.ie
Laois LEADER Rural Development Company Ltd.	Co. Laois Co. Laoise	Pepper’s Court, Portlaoise, Co. Laois. Ph/Fón: 057-8661900 Fax/Facs: 057-8661902 Email/R-phost: llrdc@iol.ie

[Deputy Éamon Ó Cuív.]

Group Grúpa	Area Covered An Ceantar atá i gceist	Contact Details Sonraí Teagmhála
Longford Community Resources Ltd.	Co Longford Co. an Longfoirt	Longford Community Resource Ltd., Longford Community Enterprise Centre, Templemichael, Ballinalee Road, Longford. Ph/Fón: 043-45555 / 043-48104 Fax/Facs: 043-44093 Email/R-phost: ruralsocialscheme@lclrl.ie
Louth LEADER	Co. Louth Co. Lú	Market Street, Ardee, Co. Louth. Ph/Fón: 041-6857374 Fax/Facs: 041-6856787 Email: info@louthleader.com
Meath Community Partnership Co. Ltd.	Co. Meath Co. na Mí	Tom Blake House, Bective Street, Kells, Co. Meath. Ph/Fón: 046-9280790 / 046-9244250 Mobile: 086-3046521 Fax/Facs: 046-9249338 Email/R-phost: rss-meath@eircom.net info@meathleader.ie
<i>MFG</i>		
Meitheal Forbatha Na Gaeltachta Teoranta	Corca Dhuibhne	Baile an Fheirtearaigh, Trá lí, Co. Chiarraí. Ph/Fón: 066-9156400 Fax/Facs: 066-9156199 Email/R-phost: eolas@mfg.ie
Comhlacht Forbartha Aitiuil Acla (For MFG LEADER)	Parish of Achill and part of Mulranny area, Co. Mayo Paróiste Acla agus cuid de cheantar Mhaoil Raithne, Co. Mhaigh Eo	Aras Forbairt Acla, Keel, Achill, Co. Mayo. Tel/Fón: 098 – 43292 Fax/Facs: 098 – 43058 Website/Láithreán gréasáin: www.acaill.com Email/R-phost: roisin@acaill.com catherine@acaill.com
Meitheal Forbartha na Gaeltachta Thir Chonaill	Tuaisceart Thír Chonaill Deisceart Thír Chonaill Cloich Cheann Fhaola Thir Chonaill	An Screabhán, Doirí Beaga, Leitirceanainn, Co. Dhún na nGall. Tel/Fon: 074 – 9532017 Fax/Facs: 074 – 9532428 Email/R-phost fpmfg@eircom.net
Meitheal Forbartha na Gaeltachta Teoranta Gaillimh	Galway Gaillimh	Páirc Gnó Shailearna Na hÁille Indreabhán, Co. Gaillimhe. Tel/Fón: 091 – 593410 Fax/Facs: 091 – 593728 Email/R-phost: mfggaillimh@eircom.net Website/Láithreán gréasáin: www.mfg.ie/gaillimh
Mid South Roscommon Rural Development Company Ltd.	Mid and South Roscommon Ros Comáin Láir agus Theas	Curraghboy, Athlone, Co. Roscommon. Ph/Fón: 090-6488292 Fax/Facs: 090-6488046 Email/R-phost: info@southrosleader.ie
Offaly LEADER + Company Ltd.	Co Offaly Co. Uíbh Fhailí	Rural & Community Development Centre, Harbour Street, Tullamore, Co. Offaly. Ph/Fón: 057-9322850 Fax/Facs: 057-9322851 Email/R-phost: admin@offalyleader.ie Website/Láithreán gréasáin: www.offalyleader.ie
Rural Dublin LEADER Company Ltd.	Co. Dublin Co. Bhaile Átha Cliath	11 Parnell Square, Dublin 1. Ph/Fón: 01-8780564 Fax/Facs: 01-8780572 Email/R-phost: info@ruraldublin.ie

Group Grúpa	Area Covered An Ceantar atá i gceist	Contact Details Sonraí Teagmhála
Rural Resource Development Ltd.	Co. Clare Co. an Chláir	Shannon Business Centre, Town Centre, Shannon, Co. Clare. Ph/Fón: 061-361144 Fax/Facs: 061-361954 Email/R-phost: info@rrd.ie Website/Láithreán gréasáin: www.rrd.ie
Co. Sligo LEADER Partnership Company	Part of Co. Sligo Cuid de Cho. Shligigh	Sligo Development Centre, Cleveragh Road, Sligo. Ph/Fón: 071-9141138 Fax/Facs: 071-9141162 Email/R-phost: info@sligoleader.com mctiernan@sligoleader.com
South Kerry Development Partnership Ltd.	South Kerry Ciarraí Theas	Old Barracks, Bridge Street, Caherciveen, Co. Kerry. Ph/Fón: 066-9472724 Fax/Facs: 066-9472725 Email/R-phost: jmcrohan@skdp.net
South West Mayo Development Company Ltd.	South West Mayo Iardheisceart Mhaigh Eo	Rural Social Scheme Office, Main Street Balla, Castlebar, Co. Mayo. Ph/Fón: 094-9366692 Fax/Facs: 094-9366693 Mobile: 087 – 2263313 Email/R-phost: info@southmayo.com
Tipperary LEADER Group Ltd.	North Tipperary, most of South Tipperary and parts of North East Limerick Cuid de Cho. Thiobraid Arann & cuid de Luimneach Thoir Thuaidh	The Bridewell, St. Michael Street, Tipperary Town, Co. Tipperary. Ph/Fón: 062-33360 Mobile: 087 – 2219818 Fax/Facs: 062-33787 Email/R-phost: tlg@iol.ie
Tuatha Chiarraí Teoranta	North & East Kerry Tuaisceart agus Oirthear Chiarraí	Church Lane, Church Street, Tralee, Co. Kerry. Ph/Fón: 066-7120390 Fax/Facs: 0667120804 Email/R-phost: tuhakiriadmin@iol.ie
<i>Údarás na Gaeltachta</i>		
Údarás na Gaeltachta, Na Forbacha, Co. na Gaillimhe	Co Galway Co. na Gaillimhe Ceantar Dhuiche Sheoigheach agus Tuar Mhic Eadaigh. Ceantar Chonamara Theasó Chasla go Gaillimh agus Magh Cuillin. Achreidh na Gaillimhe Co Mayo Co. Mhaigh Eo Paroiste Chill Choimín, Paroiste na Cille Móire, Paroiste Chill tSeandna	Ph/Fón: 091-503136/091-503112 Fax/Facs: 091-503101 Email/R-phost: t.oconghaile@udaras.ie m.nimhaille@udaras.ie Eolas@udaras.ie
Údarás na Gaeltachta, Pairc Ghnó Doire Beaga Co Dhún na nGall	Co Donegal Co. Dhún na nGall Gaoth Dobhair, Na Rosann & An Ghaeltacht Láir	Ph/Fón: 074-9560100 Fax/Facs: 074-9560101 Email/R-phost:m.ogallachoir@udaras.ie Eolas@udaras.ie
Údarás na Gaeltachta, Pairc Ghnó An Daingin, Baile an Mhuilinn, An Daingean, Co Chiarraí.	Co. Kerry Co. Chiarraí Gaeltacht Uibh Rathach	Ph/Fón: 066-9150100 Fax/Facs: 066-9150101 Email/R-phost:am@udaras.ie Eolas@udaras.ie

[Deputy Éamon Ó Cuív.]

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Rural Environment Protection Scheme.

265. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the position of a REP scheme application by a person (details supplied) in County Mayo. [24253/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named began his REPS 4 contract on 1 December 2007.

Fishing Industry Development.

266. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food his views on the introduction of additional quota for the fishing industry or a tie up scheme for fishermen similar to the set aside scheme for farmers where boats could be tied up on a rota basis; and if he will make a statement on the matter. [24335/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Total Allowable Catches (TACs) and quotas for the majority of commercial fish stocks in European waters are proposed by the Commission each year for the following year, taking account, inter alia, of the scientific evidence on the state of each stock and the respective management measures in place. These proposals are the subject of extensive negotiations at the Agriculture and Fisheries Council each December. The TACs and quotas for 2008 were set at the December 2007 Agriculture and Fisheries Council.

The distribution of quota is a matter for the national administrations, and in Ireland this is managed in conjunction with the industry. I am happy to look at any proposals from industry on revised allocations of quotas. In relation to the question of a tie up scheme for fishermen, and while not pre-empting any decision of today's Council, I am pressing hard for an EU-funded package of measures to alleviate the immediate issues of concern to the Irish fishing industry.

267. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food his views on the introduction of a Government investment scheme for fuel efficiency measures for boats in the fishing industry or a reduction in the duty on fuel for fishing vessels; his further views on other fiscal measures in conjunction with the Department of Finance for the fishing sector; and if he will make a statement on the matter. [24336/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): BIM have to date implemented and promoted the "Environmentally Friendly Fishing Gear and Fuel Monitoring Equipment Grant Aid Scheme". This scheme provided grants of up to 40% to improve efficiency and conservation methods on board fishing vessels. These measures will, on adoption of the new Operational Programme for Fisheries 2007-2013, continue to be supported by the new European Fisheries Fund (EFF). Furthermore, it is planned that the new scheme will allow for grant aid to replace old engines with new more environmentally friendly and fuel efficient ones, which was not available in the past.

We need to be clear that fuel subsidies, in terms of operating aid for fishing vessels, are not permitted under EU State Aid rules and any such measures introduced by EU Member States would be in breach of EU law and subject to Infringement proceedings in the European Court of Justice. In relation to funding of short term measures to address the current difficulties facing the fishing industry, it has always been my contention, that this is a European wide issue and must be dealt with in the European context. I have already held a bilateral meeting with Commissioner Borg on this and will be pursuing the matter strongly at the Fisheries Council and I believe that an effective resolution to many of the issue can only be achieved in an EU context. I intend to press the Commission, with the support of my colleagues in the Council, to bring forward an EU funded package to address both the short-term and longer-term issues facing the fishing industry.

[Deputy Brendan Smith.]

I announced on Monday, grant aid totalling €41.1 million to decommission 46 fishing vessels under the 2008 fishing vessel decommissioning scheme. Approved applicants have until 18th July 2008 to accept the offer and if they do so must have surrendered their fishing licences by the 12th September 2008. This represents a very substantial commitment from the Government in bringing the Irish fishing fleet into balance with available resources and ensuring that those remaining in the industry can be assured of a profitable future. The removal of these older less efficient vessels will increase the quotas available to the more modern competitive fishing vessels and to smaller vessels, and will contribute to achieving a more sustainable and profitable fleet. The scheme delivers on a key recommendation of the Strategy for a Restructured, Sustainable and Profitable Seafood Industry 2007 to 2013 — Steering a New Course (the Cawley Report).

268. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food the standards and monitoring processes for the importation of fish into Ireland; the level of compliance with these regulations each year since 2004 to date in 2008; if he will review in tandem with the Department of Enterprise Trade and Employment and the National Consumer Agency, the pricing level of fish in the retail sector here *vis-à-vis* the price paid at source; and if he will make a statement on the matter. [24337/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Regulation (EC) No. 882/2004 of the European Parliament and of the Council of the 29th April 2004 sets out the official controls to be performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. The general obligations with regard to the organisation of official controls shall ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency so as to achieve the objectives of EU Regulation 882/2004.

All animals and products of animal origin, entering the EU from a Third Country must enter through a Border Inspection Post (BIP) and must be subjected to checks. There is free circulation of food within the EU which means that food produced in the EU under EU food safety legislation can move freely throughout other member states without going through import checks except in the cases where some specific national controls apply for food safety reasons. BIPs are under the control of an Official Veterinarian (OV), who is responsible for the checks. The OV may be assisted in these duties by specially trained auxiliary Department of Agriculture Fisheries and Food staff and Officers from the Sea-Fisheries Protection Authority and the Marine Institute for fish and fishery products.

Border Inspection Posts must be approved by the European Commission. The posts are inspected regularly by officials of the European Commission to ensure that they comply with the requirements of the EU directive. The following are the approved inspection posts in Ireland, Dublin Port, Dublin Airport, and Shannon Airport. The deputy will no doubt be aware that on foot of specific issues raised by the Federation of Irish Fishermen (FIF) at our meeting on the 13th June, I established the Irish Seafood Market Initiative under the Chair of Jason Whooley CEO of BIM, to discuss and identify and maximize the opportunities for domestic seafood supply to the Irish Seafood market.

Grant Payments.

269. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food the position in the case of a person (details supplied) in County Tipperary on whose behalf an application has been submitted to transfer entitlements. [24340/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Two Transfer of Entitlement applications were received on 13 May 2008 from the person named requesting the transfer of 14.7 standard entitlements and 16.74 standard entitlements by way of sale without land to third parties. The requested transfers were fully processed on 16 June 2008 and the person named was notified in writing of the successful outcome of the applications.

270. **Deputy Seán Fleming** asked the Minister for Agriculture, Fisheries and Food if all payments due under REP scheme three have been made to a person (details supplied) in County Laois. [24364/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The REPS contract in this case commenced on 1 November 2004 and four annual payments have been made. The person named will be able to apply for his fifth and final payment under this contract after his next anniversary date, which is 1 November 2008.

271. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive their REP scheme payment; and if he will make a statement on the matter. [24387/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment dated 17 June 2008 has issued to the person named.

Departmental Correspondence.

272. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the reason a meeting (details supplied) which was promised to take place did not occur; and when this meeting will be rescheduled to take place. [24402/08]

273. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if the land division has supplied all the necessary information to him for a person (details supplied) in County Mayo to enable him to answer this Deputy's question in relation to this person; if not, the reason this information has not been given to him; and when it will be given to him. [24404/08]

274. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if the land division will furnish the historical information (details supplied) which it has in relation to the townland concerned; and the reason this has not been made available to date. [24405/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 272 to 274, inclusive, together.

My Department has been in contact with the person named in the questions. However, the exact nature of the issue involved is not as yet clear to my staff. It appears to relate to a Vesting Order completed in 1988 where plots were surrendered and exchanged. If the person named sets out the exact nature of his query in writing to my staff at Government Buildings, Farnham Street, Cavan, I will arrange for an Inspector from my Department to meet with him.

All the Land Commission information that the Department holds in relation to the folios owned by the person named, that the Department is aware of, has been outlined to him by letter and by telephone. All the historical information in the possession of my Department as successor to the former Irish Land Commission regarding other land in the townland is available but includes information on other persons allotted land by the Commission which is private to those persons and may not be disclosed without their consent. However certain information

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such as vesting orders were published at the time and this information can be made available to the Deputy. I will arrange for an official of the Lands Branch to write to the Deputy in this regard.

Grant Payments.

275. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food when REP scheme payment will issue to a person (details supplied) in County Tipperary; and if they will receive the full amount. [24676/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To date no application for payment has been received in my Department from the person named. He has until 30 June 2008 to lodge his application without penalty.

Fisheries Protection.

276. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the situation regarding Celtic Sea cod quota and the prospects for an immediate increase of quota for fishermen here in this species; and if he will make a statement on the matter. [24703/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A preliminary TAC (Total Allowable Catch) was set for Celtic Sea cod at the December 2007 Agriculture and Fisheries Council. At that Council it was agreed that a final TAC would be established after a review of the scientific evidence relating to the state of the stock, in the first half of 2008. In March this year, a scientific paper was submitted to the European Commission by the Research Institutes of France, UK and Ireland supporting an increase in the quota. The submission was referred to ICES (International Council for the Exploration of the Sea) for review; however, ICES did not reach the same conclusion and this issue has since been the subject of ongoing discussions with the Commission.

I am aware that the cod fishery in the Celtic Sea is an extremely important one for Irish fishermen. The quota is managed in conjunction with the industry and at the request of the industry a relatively liberal fishery was permitted earlier in the year when markets were strong. We now have almost exhausted our quota for the year. This will prove a very difficult problem for Irish fishermen because cod is taken in a mixed fishery and this will ultimately lead to discarding. From a conservation perspective this cannot be justified. I am pressing the Commission to urgently reconsider the scientific advice on the stock with a view to allowing a modest increase in the TAC this year. However, the Commission is of the view that the scientific outlook for the stock is not too optimistic and they are taking a cautious approach.

277. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the steps he proposes to take to protect fishermen here from illegal, unreported and unregulated fishing; and if he will make a statement on the matter. [24704/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): IUU (Illegal, unreported, unregulated) fishing is one of the most serious threats worldwide to the sustainability of fish stocks. IUU fishing means that catches are either misreported or not reported at all and this is a significant contributor to the depletion of stocks through overfishing, as well as undermining the sustainable management of fisheries. The estimated value of IUU fishing worldwide is in the region of €10 billion. EU fishermen face intense competition from IUU operators who disregard all the many obligations that legal operators are obliged to take on. This problem has increased over the last number of years due to the globalisation of the

fisheries sector, which has led to increased trade flows of fisheries products whose legality is extremely difficult to establish, thus undermining the markets for our own fishermen.

Measures to eliminate IUU fish from the EU market were adopted at the Agriculture and Fisheries Council on the 23/24 June 2008. These measures include:

- the creation of a list of vessels (both EU-flagged and non-EU) that are involved in IUU fishing;
- a scheme of port state control that would prohibit access by third country IUU vessels;
- a ban on the importation of IUU fish, by requiring certification by the flag state that the fish is legal;
- the development of a Community Alert System when there is a suspicion that IUU fish has been detected;
- prohibition of importing fish from countries that have been identified as not cooperating with the EU scheme;

I believe that we must take strong action to address this menace and I fully supported the adoption of these measures at the Council.

278. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the progress made regarding the introduction of uniform administrative sanctions across the EU for fishery offences; and if he will make a statement on the matter. [24705/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Sea Fisheries and Maritime Jurisdiction Act, 2006 was enacted on the 4th April 2006 and provides for dissuasive and effective penalties for infringements of fisheries law as required under the Common Fisheries Policy. The possibility of introducing administrative sanctions was comprehensively considered, including an examination of practices in other Member States, at the time of the passage of the Sea Fisheries and Maritime Jurisdiction Bill through the Oireachtas. The position taken by the Minister at that time was based on legal advice from the Attorney General.

On foot of the recent Court of Auditors Report on Fisheries control the Commission is proposing wide-ranging proposals to reform and update the EU Fisheries Control framework. At last week's meeting with Commissioner Borg, I pushed strongly for a level playing field on control as a coastal state with responsibility for protecting some of the richest fishing ground in the EU. I pointed out that the industry here in Ireland strongly believe that they are on their own in being subject to controls, and that operators in some other countries face low penalties that can not be considered dissuasive when they are found to infringe the rules of the CFP.

I asked Commissioner Borg to include measures to promote a level playing field in control activities and sanctions, in the review of the control regulation that is currently underway. In particular, I asked as a priority that the Coastal Member State responsible for control should be able to know the quota limitations applying to any community vessels fishing in its waters. Commissioner Borg recognized the heavy responsibility on Ireland as a Coastal State to control activities in its waters and said he would welcome specific proposals from us taking account of our particular role and the experience we have gained over the years. I will be making direct contact with him setting down proposals which we consider are the minimum necessary to deliver effective control and a level playing field.

[Deputy Brendan Smith.]

I have asked the Attorney General to examine this issue from a legal perspective, and consider if there have been any new developments which might support the introduction of a regime of administrative sanctions for fisheries offences in Ireland, at least for minor offences.

Fishing Industry Development.

279. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the additional funding required to finance the new Irish seafood market initiative and the Irish Fisheries Science Research Partnership as announced after his recent meeting with representatives of the fishing industry; and if he will make a statement on the matter. [24706/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Having carefully listened to specific issues raised by the Federation of Irish Fishermen (FIF) at our meeting on the 13th June, I established the Irish Seafood Market Initiative under the Chair of Jason Whooley CEO of BIM, to discuss and identify and maximize the opportunities for domestic seafood supply to the Irish Seafood market. I also established the Irish Fisheries Science Research Partnership under the chairmanship of Dr Peter Heffernan CEO of the Marine Institute, to enhance collaboration and mutual understanding on fisheries science priorities, which are beneficial to the long-term future of the Irish fishing industry. I am satisfied that these two initiatives can be handled by the organisations concerned within their existing resources.

Departmental Agencies.

280. **Deputy Christy O'Sullivan** asked the Minister for Agriculture, Fisheries and Food if he will examine the circumstances in which the business of persons (details supplied) in County Cork has been brought to its knees by Coillte, a State organisation. [24843/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Coillte Teoranta was established as a private commercial company under the Forestry Act, 1988 and day-to-day operational matters are the responsibility of the company. The issue you refer to is an operational matter for Coillte. I understand that the Courts have ruled on this issue and I therefore consider that it is not appropriate for me to intervene in the matter.

School Curriculum.

281. **Deputy Mary Upton** asked the Minister for Education and Science the role his Department plays in the physical education school curriculum; and if he will make a statement on the matter. [24326/08]

Minister for Education and Science (Deputy Batt O'Keeffe): My Department's role in relation to physical education in the school curriculum is to approve the syllabus to be delivered in primary and post-primary schools, to prescribe the amount of time to be allocated to it, to provide appropriate training for teachers to deliver the subject and to provide resources to schools. In fulfilling that role, my Department is advised by the National Council for Curriculum and Assessment (NCCA). The National Council for Curriculum and Assessment (NCCA) was established as a non-statutory body in 1987, and as a statutory body in July 2001 under section 38 of the Education Act 1998. The role of the NCCA is to advise the Minister for Education and Science on matters relating to the curriculum for early childhood education, primary and post-primary schools, and to the assessment procedures employed in schools and examinations on subjects that are part of the curriculum.

Educational Services for Refugees.

282. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a group (details supplied). [24682/08]

360. **Deputy Willie Penrose** asked the Minister for Education and Science the reason his Department is closing down schools (details supplied) which have provided language and training skills and are an internationally recognised centre of excellence and integration; the further reason same were closed without consultation with staff and no provision has been made to replace the schools; and if he will make a statement on the matter. [24838/08]

Minister of State at the Department of Education and Science (Deputy Conor Lenihan): I propose to take Questions Nos. 282 and 360 together.

Integrate Ireland Language and Training Ltd. (IILT) approached my Department earlier this year with a proposal to withdraw from direct tuition for adult refugees and with a request that this tuition be mainstreamed. IILT envisaged continuing direct tuition for a group of up to 200 programme refugees. My Department accepted that mainstreaming of service provision was appropriate as it accords with the overall approach to provision of services to migrants as set out in “Migration Nation” — a statement on integration strategy and diversity management which I recently launched. In doing so the Department decided that all provision should be mainstreamed and provided by VECs as it would make no sense to seek to continue with a small element of provision by IILT.

The funding allocated to IILT will now be redirected to provide for the continuation of this service through the VEC network. The Irish Vocational Education Association has confirmed that it is happy to cooperate and collaborate with my Department in delivery of necessary English language services. The VEC sector has already developed best practice in ESOL (English for Speakers of Other Languages) provision. The sector is already providing English language services for those whose first language is not English. At present services are provided to over 12,000 people annually which clearly demonstrates the capacity of the VECs in this area. A further advantage of mainstreaming such provision through the VEC sector is the fact that the VECs have a nationwide network across all counties and cities that can readily provide classes where needed in the country using their facilities in schools and centres. My Department is currently in discussion with the IVEA to ensure the minimum of disruption to students and the smooth transition to the new basis of delivery.

Special Educational Needs.

283. **Deputy Pat Breen** asked the Minister for Education and Science if he will ensure that a person (details supplied) in County Clare will be facilitated; and if he will make a statement on the matter. [24256/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I understand that the school has applied to the National Council for Special Education (NCSE) for resource teaching hours in respect of the child in question. The NCSE is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants to schools to support children with autism. The NCSE operates within my Department’s criteria in allocating such support. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie. The SENO will be in direct contact with the school authorities once a decision has been made on the application.

Official Engagements.

284. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 19 January 2005 with Mr. Zhou Ji of China, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24303/08]

285. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 13 April 2005 with the Minister for Education, Hon. Nangolo Mbumba of Namibia, he raised concerns relating to the human rights situation in Namibia; and if he will make a statement on the matter. [24304/08]

286. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 4 July 2005 and 27 October 2005 with Chinese Ambassador to Ireland Sha Hailin, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24305/08]

287. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 11 October 2005 with Egyptian Minister for Education Yousri El-Gamal, he raised concerns relating to the human rights situation in Egypt; and if he will make a statement on the matter. [24306/08]

288. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 22 and 23 February 2006 with Vice Minister Zhang Zhijun and Minister for Education Mr. Zhou Ji of China, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24307/08]

289. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 28 February 2006 with Ambassador Manette Ramaili of the Kingdom of Lesotho, he raised concerns relating to the human rights situation in Lesotho; and if he will make a statement on the matter. [24308/08]

290. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 6 February 2007 with Minister for Education Geoffrey Lungwangwa of Namibia, he raised concerns relating to the human rights situation in Namibia; and if he will make a statement on the matter. [24309/08]

291. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 19 June 2007 with Vice Minister Wu of China, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24310/08]

292. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 10 October 2007 with Chinese Ambassador Zhang Xinsen, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24311/08]

293. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 12 December 2007 with Ambassador Mohammed Bin Nawaf al Saud of Saudi Arabia, he raised concerns relating to the human rights situation in Saudi Arabia; and if he will make a statement on the matter. [24312/08]

294. **Deputy Leo Varadkar** asked the Minister for Education and Science if, during his meeting on 3 April 2008 with Egyptian Ambassador Amr Helmy, he raised concerns relating to the human rights situation in Egypt; and if he will make a statement on the matter. [24313/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 284 to 294, inclusive, together.

The meetings at Ministerial level to which the Deputy refers were arranged to discuss specific issues, including the common challenges and issues which are faced by Ireland and other countries in the area of education and the potential for co-operation between educational institutions. The meetings with Ambassadors were primarily courtesy calls. Issues outside my remit such as Human Rights issues in other countries were not raised at these meetings, as I have no official functions in this area.

The Minister for Foreign Affairs is primarily responsible for pursuing the issue of human rights in other countries, which is central to Ireland’s foreign policy. Where the situation warrants, the Minister for Foreign Affairs makes known the Government’s concerns about human rights violations to the Governments in question, either bilaterally, including in high-level meetings, through the EU which has an active human rights dialogue with many countries, or through action at the UN General Assembly and the UN Human Rights Council.

Schools Building Projects.

295. **Deputy Tony Gregory** asked the Minister for Education and Science the position regarding the provision of a new school (details supplied) in Dublin 1; if correspondence has been received from the board of management of the school; the reason that correspondence has not been replied to; if he will have arrangements made to have all correspondence from the school replied to forthwith; and if he will make a statement on the matter. [24316/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers is currently at an early stage of architectural planning. A progress report received from the Design Team is under examination by the Professional and Technical Staff in my Department at present. 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.

School Curriculum.

296. **Deputy Mary Upton** asked the Minister for Education and Science his Department’s guidelines regarding the target time for participation in physical education in schools; the way these targets are monitored to ensure each school is meeting these targets; and if he will make a statement on the matter. [24324/08]

297. **Deputy Mary Upton** asked the Minister for Education and Science the average time spent by students here in physical education on a weekly basis; if this figure approaches the EU recommended 120 minutes a week; if this figure is not being met, the way he will ensure this figure will be achieved; and if he will make a statement on the matter. [24325/08]

298. **Deputy Mary Upton** asked the Minister for Education and Science the plans he has to ensure the average weekly time spent in physical education by students is increased; and if he will make a statement on the matter. [24327/08]

299. **Deputy Mary Upton** asked the Minister for Education and Science his views on the assertion that while physical education is equal in law to other subjects this is not matched in

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the reality of practice; his further views on whether it is fair that school principals often feel pressurised to prioritise examination subjects over non-examination subjects; and if he will make a statement on the matter. [24328/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 296 to 299, inclusive, together.

It is my belief that a well planned Physical Education programme has a vitally important role to play in a broad and balanced curriculum for our primary and second level students. At primary level, Physical Education is one of seven curriculum areas within the revised Primary School Curriculum which was introduced in 1999. A minimum of one hour of physical education per week is recommended for all primary school pupils. The curriculum has been structured so as to allow individual schools a high degree of flexibility and choice in the planning of a broad and balanced Physical Education programme for pupils, and includes six broad strands featuring Athletics, Dance, Gymnastics, Games, Outdoor and adventure activities and Aquatics.

A programme of in-service training in PE has been provided to support the full implementation of the curriculum. In addition to implementing the curriculum, schools are also encouraged to devote one day every year to “Sport for All” whereby an entire day is given over to sporting activities that emphasise participation and co-operation, rather than winning or losing.

In accordance with the Rules and Programme for Secondary Schools, all second level schools should provide Physical Education as part of the curriculum. The programme that each school plans and delivers should be based on my Department’s approved syllabuses and the teaching hours should be registered on the school timetable. The syllabuses have been developed on the basis of a time allocation of two hours per week. The phasing in of a revised Physical Education syllabus (non-examination) at Junior Cycle level commenced in September 2003. The Junior Cycle Physical Education Support Service has been in place since then to support teachers in the implementation of this syllabus. The programme includes adventure activities, aquatics, athletics, dance, invasion games, net and fielding games, gymnastics and health related activity.

The Physical Education Programme in senior cycle is set out in the Rules and Programme for Secondary Schools, and is constructed across 5 areas:

- that students be given the opportunity to follow programmes in an optional area,
- to specialise in a PE area which has been taken at junior cycle,
- to undertake new activities
- to undertake a personal fitness and health programme, and
- to receive training in sports Leadership.

Physical education is an integral part of the Leaving Certificate Applied (LCA) programme. All LCA students must take two modules—Leisure Studies and Health Related Fitness—and there are four additional modules from which they can make further choices.

The Physical Education curricula at both primary and second level have been developed on the understanding that facilities available to schools vary. Consequently, they offer a level of flexibility that allows each individual school to design a programme that can be delivered using the resources and supports available to it. Apart from the formal curricula, schools can take a range of measures to encourage physical activity among students during the school day and

many provide extensive, broad-based programmes of co-curricular physical activities that are highly rewarding for both pupils and teachers alike. In particular, schools play a major role in nurturing and promoting the involvement of students in sporting activities in the wider community. Sports organisations such as the Gaelic Athletic Association, Basketball Ireland, the Football Association of Ireland provide extensive opportunities for such participation.

The Programme for Government contains commitments to make PE mandatory at second level, put a revised PE curriculum for senior cycle students in place and examine the potential to introduce second level examinations in PE. The timescale for progression of these commitments will depend on a number of factors, including the availability of resources. Specific difficulties that must be considered as part of the examination of the potential to introduce examinations in PE include the nature and type of assessment which would be appropriate and equity in access to facilities. This matter also needs to be considered in the context of the broader proposals for senior cycle reform put forward by the National Council for Curriculum and Assessment. Indeed, the ‘State of the Nation’s Children’ report published by the Minister for Children recently, found that children in Ireland are doing well on physical activity, ranking 2nd across the 32 WHO countries in being physically active for at least 4 hours per week.

300. **Deputy Mary Upton** asked the Minister for Education and Science if the physical education curriculum favours a moderate to vigorous physical activity or quality physical education based style of instruction; the level of training and in-service supplied to physical education teachers; and if he will make a statement on the matter. [24329/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department currently has a variety of syllabuses and programmes in place for Physical Education. Among these are the primary school curriculum in Physical Education, the revised Junior Cycle Physical Education syllabus, the Leaving certificate syllabus in PE and the Health and Leisure module as part of the Leaving Certificate Applied programme. The primary and Junior Cycle curricula are centred on the provision of physical education across six strands -- athletics, aquatics, adventure activities, games, gymnastics and dance. At junior cycle, health-related activity is also included. Schools are encouraged to cover all the activities over time, taking account of the resources and facilities available.

The physical education syllabuses which have been developed to date at junior cycle and senior cycle have tended, for practical reasons, to concentrate on the internationally-recognised core areas of activity mentioned above. Any activities that bring breadth and variety to the physical education programme in schools are welcome. Physical activities such as self-defence, yoga, martial arts, lifesaving, First Aid, horse-riding, for example, are all to be found in many of the excellent Transition Year Programmes that are taking place in schools throughout the country.

The most extensive inservice provision in relation to PE has been happening in Ireland in recent years. The content of the Primary PE Curriculum was mediated to the 27,000 (approx) primary teachers over a two year period with one seminar detailing the strands of Aquatics, Games and Outdoor and Adventure Activities delivered in the school year 2004-2005 and the remaining strands of Gymnastics, Athletics and Dance delivered in the school year 2005-2006. The Junior Cycle PE syllabus has been delivered to PE teachers at post-primary level with the possibility that a senior cycle syllabus will be introduced in the near future.

Curriculum support services provide training and school-based support for teachers. School-based support is a very rich form of support and allows the teacher explore the possibilities and limitations of the environment in which they teach. Through modelling of lessons and professional dialogue, the quality of teaching is enhanced and teachers are further enabled to develop their teaching skills. Teachers must also aim to include all students in PE lessons —

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irrespective of gender, or physical and/or learning deficits. The PE Association of Ireland have been active in organising conferences where teachers can avail of an opportunity to witness the latest thinking in physical education, and my Department also funds programmes on PE through the network of education centres.

301. **Deputy Mary Upton** asked the Minister for Education and Science the way he is developing or encouraging links between school based physical activity and out of school physical activity as a means to target long-term behavioural changes in physical activity levels; and if he will make a statement on the matter. [24330/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Physical education is a core part of the curriculum at primary level, and at post primary level all schools are required to offer physical education. A revised Junior Cycle Physical Education syllabus was introduced in 2003, and the Leaving Certificate syllabus in PE and the Health and Leisure module of the Leaving Certificate Applied programme are also available. In addition, Social Personal and Health Education which is mandatory at primary and junior cycle level stresses the importance of regular exercise, and the need for a balanced diet as essential to physical and mental well being.

Schools also play a major role in nurturing and promoting the involvement of students in sporting activities in the wider community. Sports organisations such as the Gaelic Athletic Association, Basketball Ireland, the Football Association of Ireland provide extensive opportunities for schools to participate in sport. The Irish Sports Council, in co-operation with bodies such as the FAI and Local Sports Partnerships, has developed a national Buntús Primary Schools Initiative through which additional supports — training, resource cards and equipment — are provided to support teachers and others in introducing young people to sport, and to complement the Physical Education curriculum. The initiative aims to raise the profile of physical activity and sport, improve inservice training opportunities for teachers, assist governing bodies of sport to develop and deliver appropriate supports for teachers, and provide enjoyable and meaningful activity for children which supports the delivery of the curriculum.

This Government has worked hard to improve the opportunities for young people to get physical exercise both in school and in their local communities. In a new school building or refurbishment/extension, PE facilities are included as part of the design. Between 2000 and 2006 a total of 516 large-scale projects were delivered in primary and post-primary schools by my Department as part of a record overall investment of €2.6 billion in modernising primary and post-primary school facilities throughout the country. Many more large-scale projects are under construction or due to go to construction in the near future. New PE equipment such as balancing benches and gym mats are funded as part of any major building programme. My Department also provided €6.5m in 2006 and €3m in 2007 for primary and post primary schools respectively, for replacement and updating of PE equipment.

Schools are playing their part in addressing the physical activity levels of our children. However, it should be remembered that children only spend 20% of their time at school and that a healthy home environment is vital to ensuring that they continue to take part in physical activity outside of school hours. Indeed, the ‘State of the Nation’s Children’ report published by the Minister for Children recently, found that children in Ireland are doing well on physical activity, ranking second across the 32 WHO countries in being physically active for at least 4 hours per week.

302. **Deputy Mary Upton** asked the Minister for Education and Science if schools sport partnerships exist here similar to the PE, School Sport and Club Links strategy programme in the United Kingdom; and if he will make a statement on the matter. [24332/08]

Minister for Education and Science (Deputy Batt O’Keeffe): School sports partnerships along the lines of those that exist in the UK have not been formally established in the State. However, apart from the formal PE curricula being delivered at primary and post-primary levels, our schools also play a major role in nurturing and promoting the involvement of students in sporting activities in the wider community. Sports organisations such as the Gaelic Athletic Association, Basketball Ireland, the Football Association of Ireland provide extensive opportunities for schools to participate in sport. The Irish Sports Council, in co-operation with bodies such as the FAI and Local Sports Partnerships, has developed a national Buntús Primary Schools Initiative through which additional supports — training, resource cards and equipment — are provided to support teachers and others in introducing young people to sport, and to complement the Physical Education curriculum. The initiative aims to raise the profile of physical activity and sport, improve inservice training opportunities for teachers, assist governing bodies of sport to develop and deliver appropriate supports for teachers, and provide enjoyable and meaningful activity for children which supports the delivery of the curriculum.

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The national lottery-funded Sports Capital Programme which is managed by the Department of Arts, Sports and Tourism allocates funding to projects that are directly related to the provision of sports facilities. Applications for funding under the programme can be made by voluntary and community organisations, including sports clubs; by national governing bodies of sport and third level education institutions; and in certain circumstances, by primary and post-primary schools, VECs and local authorities. The programme aims to foster an integrated and planned approach to developing sports and physical recreation facilities throughout the country.

So, through an increased focus on exercise in school and in the community, we are working to encourage more children and young people to get active. Indeed, the ‘State of the Nation’s Children’ report published by the Minister for Children recently, found that children in Ireland are doing well on physical activity, ranking second across the 32 WHO countries in being physically active for at least 4 hours per week.

Schools Building Projects.

303. **Deputy Billy Timmins** asked the Minister for Education and Science the position in relation to an application from a school (details supplied) in County Wicklow; if he will provide a firm commitment to proceed with funding for the new school within an agreed timetable; and if he will make a statement on the matter. [24341/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has applied to my Department for capital funding for an extension project. The project is at an advanced stage of architectural planning. I can confirm to the Deputy that my Department considers that the development of the project to date is within its guidelines. There is no question of the school being penalised because of the time involved in the planning process. The progression of all major building projects, including this project, through to construction

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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 and with the level of activity in the School Building Programme, it is not possible to give an indicative timeframe for the further progression of the project at this time.

304. **Deputy John Deasy** asked the Minister for Education and Science the reason there are continuous delays with regard to the building programme at a school (details supplied) in County Waterford; the reason his Department has not forwarded a list of health and safety officers to the chairperson of the primary school; and when this will be resolved. [24347/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas, including Tramore. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

In this context, the status of all schools in the town where the school referred to by the Deputy is located are being assessed as part of an overall delivery plan, which is currently being formulated within my Department. As is the case with all large capital projects, their progression to tender and construction, including the project in question will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme. My Department will be in contact with the school authorities about the matter as quickly as possible.

305. **Deputy Joe Carey** asked the Minister for Education and Science the reason the technical visit in relation to the extension for a school (details supplied) in County Clare has been postponed; if, in view of correspondence, he will undertake to have this visit take place; and if he will make a statement on the matter. [24351/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has applied to my Department for capital funding for an extension project. The development of a building project for the school is at an early stage, and requires a technical visit to progress matters. As the Deputy will be aware, all applications for capital funding are prioritised and advanced incrementally by my Department. This applies to the progression of all preparatory work leading up to the construction phase. The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. The project for the school in question carries a Band 2.2 rating.

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 and with the level of activity in the School Building Programme, it is not possible to give an indicative timeframe for the further progression of the project at this time. The Deputy will appreciate that the Department must, in the first instance, manage its resources to ensure that the projects which are in the programme are delivered. My Department will be arranging a site visit for the school in question as and when resources allow and when the project is ready to progress through the programme.

Special Educational Needs.

306. **Deputy Joe McHugh** asked the Minister for Education and Science the reason a person (details supplied) in County Donegal has been refused a special needs assistant; and if he will make a statement on the matter. [24357/08]

307. **Deputy Joe McHugh** asked the Minister for Education and Science the reason a person (details supplied) in County Donegal has been refused a special needs assistant; and if he will make a statement on the matter. [24358/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 306 and 307 together.

As the Deputy may be aware, 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. Applications for SNAs may be considered by the NCSE where a pupil has a significant medical need for such assistance, a significant impairment of physical or sensory function or where their behaviour is such that they are a danger to themselves or to other pupils. The NCSE operates within my Department’s criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

308. **Deputy Ruairí Quinn** asked the Minister for Education and Science the proposals to install an emotional behavioural unit at a school (details supplied) in County Meath in view of the fact that children attending this school have to travel to a neighbouring county to attend a special needs unit; and if he will make a statement on the matter. [24375/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and special needs assistants to schools to support children with special needs. The SENOs also establish special classes where a need has been determined. The NCSE operates within my Department’s criteria in allocating such support. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

School Accommodation.

309. **Deputy David Stanton** asked the Minister for Education and Science the forward planning that has carried out in relation to the provision of primary school places in Youghal, County Cork; the number of primary school pupils enrolled in the three primary schools in Youghal; the projected number that will be enrolled in each of the schools for each of the next three years; and if he will make a statement on the matter. [24379/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The number of primary school pupils enrolled in the three primary schools in Youghal for the current academic year is 796. Forward Planning Section of my Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for

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2009 and onwards. Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within an area. Primary accommodation requirements in the Youghal area will be considered in this context.

Special Educational Needs.

310. **Deputy Michael D’Arcy** asked the Minister for Education and Science if a person (details supplied) in County Wexford is entitled to be given a copy of the individual education plan for their own perusal; and if he will make a statement on the matter. [24384/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Section 3(10) of the Education for Persons with Special Educational Needs Act 2004 will, when commenced, entitle parents to be provided with a copy of an individual education plan (IEP) prepared under the Act. This section has not yet been commenced. The preparation of IEPs represents good practice.

The Deputy may wish to note that in preparation for the statutory introduction of the IEP process, the National Council for Special Education published guidelines on IEPs and a copy issued to all primary and post primary schools at the commencement of the 2006/2007 school year. These guidelines provide advice and assistance to schools, teachers and parents on devising and implementing individual education plans and recommend that parents should always have a copy of their child’s educational plan. Schools may use these guidelines to draw up school policies and procedures in relation to IEPs. A parent may raise any queries they have in relation to the IEP process with their child’s school.

Schools Building Projects.

311. **Deputy Fergus O’Dowd** asked the Minister for Education and Science the progress regarding an application to provide an extension to a school (details supplied) in County Louth; and if he will make a statement on the matter. [24388/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has applied to my Department for capital funding for an extension project. The architectural planning of the project is at an early stage. 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 and with the level of activity in the School Building Programme, it is not possible to give an indicative timeframe for the further progression of the project at this time.

312. **Deputy Pádraic McCormack** asked the Minister for Education and Science the position in relation to a school (details supplied) in County Galway; the progress that has been made on this application since it first applied for a permanent school more than ten years ago; and if he will make a statement on the matter. [24396/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The acquisition of the site for the school in question will be considered in the context of the capital budget available to my Department for school buildings generally. I am not in a position to say at this stage when the acquisition will be concluded.

313. **Deputy Enda Kenny** asked the Minister for Education and Science his plans for a new secondary school in an area (details supplied) in County Dublin; when this school will be open; and if he will make a statement on the matter. [24532/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department is conscious of the extent of housing developments in the area referred to by the Deputy and the consequences which this has for school provision. Because of this, substantial additional accommodation has been provided in the area by my Department at both primary and post-primary level in recent years and this is set to continue for the foreseeable future.

Based on current demographic trends, my Department anticipates that there will be a need for a further post-primary school in the area referred to in the medium term and it has asked the Local Authority to identify a site for this development. A timeframe for the delivery of the school will be known when a suitable site has been identified and acquired. My Department is conscious of the lead-in period for the delivery of a post-primary school and it would be anxious to conclude the site issue as soon as possible. It will continue to engage with the local authority until this matter is resolved.

314. **Deputy Michael Ring** asked the Minister for Education and Science when he will give permission to commence full construction of a school (details supplied) in County Limerick. [24536/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers is at an advanced stage of architectural planning. Tenders have been invited and returned and the project is now awaiting approval to proceed to construction. 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. I am currently reviewing with my officials the Department’s spending plans for this year, I am in the middle of this process and it will not be complete for some time. I will not be making decisions on any further capital expenditure until that process is completed. When this is done the school management will be informed of the position without delay.

School Staffing.

315. **Deputy Jack Wall** asked the Minister for Education and Science his views on a submission (details supplied); and if he will make a statement on the matter. [24541/08]

Minister for Education and Science (Deputy Batt O’Keeffe): All applications for capital funding are prioritised and advanced incrementally by my Department. The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. The progression of all large scale building projects from initial design stage through to construction phase will be considered on an on-going basis in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department and with the level of activity in the School Building Programme, it is not possible to give an indicative timeframe for the further progression of particular projects at this time.

The Deputy will appreciate that the Department must, in the first instance, manage its resources to ensure that the projects which are in the programme are delivered. I am currently

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reviewing with my officials the Department’s spending plans for this year; I am in the middle of this process and it will not be complete for some time. I will not be making decisions on any further capital expenditure until that process is completed. When this is done relevant school managements will be informed of the position without delay.

In relation to the supply of qualified teachers, my Department continually monitors the situation in relation to retirements, demographics and the many other factors affecting the supply and demand of teachers, in the light of system needs, available resources and Government commitments. I am satisfied that my Department will take all possible steps to enable the future demand and need for teachers to be met. For the intake to the 2008 post graduate diploma in education (for primary teaching) my Department approved an additional 210 places, bringing the total number of entrants to 490. Approximately 1,000 students begin the B.Ed in Primary Teaching in the Colleges of Education annually and in addition, Hibernia College, a privately owned and funded institution admits approximately 500 post-graduate students to their primary teacher education programme each year. Therefore in 2008, almost 2,000 student teachers will begin their vocational training.

Mainstream staffing in primary schools is determined by reference to school enrolments 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. This is a transparent and clear way of ensuring that all schools are treated consistently and fairly and know where they stand. The schedule allocates teachers within enrolment bands and the current bands are based on an average of 27 pupils.

Under a system that allocates additional teachers at different step points under a common schedule it is a fact of life that changes in enrolment can effect the mainstream staffing of a school. In any year, and not just this year, when enrolments are falling in a school this can result in the loss of a teacher. Equally when enrolments increase a school can gain a teacher under the operation of the staffing schedule. While some 120 schools will lose a teacher in the next school year compared to this year there will still be a net increase of some 500 teachers due to an increase in enrolments.

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. While the Programme indicated a specific timeline in relation to further changes to the staffing schedule in order to reduce class sizes it simply was not possible to move any further in the current year. 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 since last summer as a considerable investment all things considered.

In relation to the school referred to by the Deputy, data submitted to my Department by the school Board of Management, indicates that the enrolment in the school on 30th September 2006 was 566 pupils. In accordance with the staffing schedule (Circular 0020/2007) a hard copy of which has been issued to all primary schools and which is also 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 21 mainstream class teachers. The school enrolment on 30th September 2007 was reported as 558 pupils and in accordance with the staffing schedule, the mainstream staffing in the school for the 2008/09 school year will remain at a Principal and 21 mainstream class teachers.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

It is open to the Board of Management to submit an appeal under certain criteria to an independent Appeal Board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from Primary Payments Section or on my Department's website. The Appeal Board operates independently of the Department and its decision is final.

Schools Building Projects.

316. **Deputy Catherine Byrne** asked the Minister for Education and Science the status of a school building project (details supplied) in Dublin 12; the band rating of this project; if he will give this project the final go-ahead in view of the fact that it has been approved since 2000 and is ready for building work to commence; and if he will make a statement on the matter. [24549/08]

Minister for Education and Science (Deputy Batt O'Keeffe): As the Deputy is aware, all applications for large scale capital funding are assessed against published prioritisation criteria which were formulated following consultation with the Education Partners. Under the criteria, each project is assigned a band rating which reflects the type of works required and the urgency attaching to them. There are four band ratings in all with Band 1 being the highest and Band 4 the lowest. A Band 2 rating has been assigned to the project in question.

The architectural planning of the project referred to by the Deputy is at an advanced stage. The progression of all large scale building projects, including this project, will be considered on an on-going basis in the context of my Department's multi-annual School Building and Modernisation Programme. 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.

School Services Staff.

317. **Deputy Tom Hayes** asked the Minister for Education and Science the number of school secretaries employed in south Tipperary paid through the system where school boards use grants for their salary; the hourly rates of pay for these secretaries; the number of those who work for less than the minimum wage; if these secretaries are given proper sick leave, maternity leave and pension entitlements; his views on whether this situation is desirable; and his further views on whether his Department should run such a system while also encouraging private companies to comply with employment law. [24558/08]

Minister for Education and Science (Deputy Batt O'Keeffe): In general the arrangements for supporting secretarial and caretaking services in schools mirror those for providing support funding to schools. Primary and secondary schools are funded through capitation grants and likewise secretarial and caretaking services are funded by grants that are related to the number of pupils in the school. It is the case that a small number of primary and post-primary schools

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continue to have caretaker and secretary posts funded under a scheme that was put in place in 1978 but which is being phased out as it has been superseded by the grant scheme that I have mentioned. The original 1978 scheme covered a relatively small number of primary and secondary schools and the decision to phase it out was part of a policy decision to spread the support more widely and ultimately cover all primary and secondary schools with funding for such services.

The funding approach adopted for caretaking and secretarial provision in second level schools in the VEC and Community and Comprehensive sectors schools is in line with the funding mechanisms that apply generally in those schools. The amount of funding given to primary and secondary schools is not directly linked to any particular pay rates and furthermore schools have discretion how to apply this funding across their support service needs. My Department does not have a direct role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities. However, Boards of Management of individual schools whether in South Tipperary or elsewhere are expected to comply with employment legislation and are advised accordingly in guidance from my Department.

In the context of discussions on the Social Partnership Agreement Towards 2016 an Informal Forum was established in the public sector to explore a number of staffing-related issues arising in companies/bodies operating in the voluntary/community sector that are largely funded from public funds. As part of that informal process my Department has facilitated a number of meetings between the managerial bodies of schools employing secretaries and caretakers and the IMPACT and SIPTU trade unions representing the grades concerned. The most recent meeting took place on 11th March 2008 at which my officials undertook to continue to facilitate those discussions. In addition representatives of the management bodies of schools agreed to meet separately with the trade unions concerned on issues of concern to their members.

Departmental Expenditure.

318. **Deputy Tom Hayes** asked the Minister for Education and Science the expenditure for each of the past ten years on the supply of temporary prefabricated buildings for primary schools and to upkeep prefabricated temporary buildings for primary schools; the amount of the school buildings budget that this represents; and if he will make a statement on the matter. [24595/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Expenditure incurred on the purchase of temporary primary school accommodation since 1998 is detailed in the following table. Expenditure incurred on maintenance or upkeep of accommodation — temporary or permanent — is a recurrent cost as distinct from a capital cost. Such expenditure falls to be funded from schools’ recurrent sources of funding which are financed from capitation grants. Detailed breakdown of such expenditure is not available within my Department.

Primary

	Prefab Spend	Yearly Spend	% on Prefab
		€m	%
1998	1,517,324.23	60.1	2.52
1999	1,624,562.98	76.6	2.12
2000	1,358,335.70	102.9	1.32
2001	5,557,447.93	139.8	3.97

	Prefab Spend	Yearly Spend	% on Prefab
		€m	%
2002	17,376,034.21	172.7	10.06
2003	21,669,430.93	175.4	12.35
2004	8,745,049.73	170.6	5.12
2005	4,434,603.63	266.6	1.66
2006	2,165,186.34	244.8	0.88
2007	1,939,376.54	398.5	0.49
Total	66,387,352.22	1,808.0	3.67

319. **Deputy Tom Hayes** asked the Minister for Education and Science the cost in every year for the past ten years of renting buildings and rooms for the purposes of primary education, including staff, students, and equipment; the percentage that this represents of the education budget as a whole; and the percentage that this represents of the school buildings budget. [24598/08]

321. **Deputy Tom Hayes** asked the Minister for Education and Science the cost each year for the past ten years of renting buildings and rooms for the purpose of secondary education, including staff, students, and equipment; the percentage this represents of the education budget as a whole; and the percentage this represents of the school buildings budget. [24600/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 319 and 321 together.

The information on expenditure on the rental of temporary accommodation is provided in the following table. The Deputy will be aware that demand for additional accommodation in schools has risen significantly over the last number of years, with the appointment of 6,000 extra teachers in the primary sector alone since 2002. In considering the need to provide extra resource and other teachers to schools in recent years, the Government could have decided to make children wait until permanent accommodation could be provided. However, we prioritised putting the extra teachers into schools as soon as possible. Against this background, my Department has nonetheless managed to keep expenditure on temporary accommodation low.

It should be noted that temporary accommodation is not limited to prefabs and can also involve the rental of high quality buildings. As can be seen from the following table, the spend on temporary accommodation over the past ten years represents a small fraction of the overall yearly spend on school buildings and of the education budget as a whole.

Year	Total School Building Unit (S.B.U.) Capital Expenditure at Primary Level	Expenditure on Rental of Temporary School Premises (including prefab classrooms) Primary Level	Rental of Temporary School Premises (including prefab classrooms) as a % of total S.B.U. Capital Expenditure Primary Level
	€m	€m	%
1998	60.13	1.34	2.23
1999	76.62	2.35	3.07
2000	102.98	4.00	3.88
2001	139.83	6.10	4.36
2002	172.79	8.40	4.86
2003	175.44	9.40	5.36

[Deputy Batt O’Keeffe.]

Year	Total School Building Unit (S.B.U.) Capital Expenditure at Primary Level	Expenditure on Rental of Temporary School Premises (including prefab classrooms) Primary Level	Rental of Temporary School Premises (including prefab classrooms) as a % of total S.B.U. Capital Expenditure Primary Level
	€m	€m	%
2004	170.67	11.30	6.62
2005	266.68	15.70	5.89
2006	244.90	24.51	10.01
2007	398.56	34.50	8.66

Year	Total School Building Unit Capital Expenditure at Post-Primary Level	Expenditure on Rental of Temporary School Premises (including prefab classrooms) Post-Primary Level	Rental of Temporary School Premises (including prefab classrooms) as a % of total S.B.U. Capital Expenditure Post-Primary Level
	€m	€m	%
1998	73.12	0.00	n/a
1999	117.41	0.00	n/a
2000	154.53	0.00	n/a
2001	177.86	0.00	n/a
2002	171.35	0.00	n/a
2003	151.52	0.00	n/a
2004	162.45	0.00	n/a
2005	234.58	0.00	n/a
2006	249.48	0.00	n/a
2007	247.47	1.00	0.4

Year	Vote Out-turn	Rental of temporary premises (including prefab classrooms) as a % of vote out-turn Primary	Rental of temporary premises (including prefab classrooms) as a % of vote out-turn Post Primary
	€bn	%	%
1998	3,191,856	0.04	n/a
1999	3,494,244	0.07	n/a
2000	4,052,552	0.10	n/a
2001	4,657,078	0.13	n/a
2002	5,200,714	0.16	n/a
2003	5,683,820	0.17	n/a
2004	6,309,658	0.18	n/a
2005	6,934,654	0.23	n/a
2006	7,614,380	0.32	n/a
*2007	8,477,227	0.41	0.01

*The 2007 figures are provisional until the audit of the 2007 accounts is signed off by the Comptroller and Auditor General.

320. **Deputy Tom Hayes** asked the Minister for Education and Science the cost in every year for the past ten years to supply temporary prefabricated buildings for secondary schools and to upkeep prefabricated temporary buildings for secondary schools; the amount of the school buildings budget this represents; and if he will make a statement on the matter. [24599/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Expenditure incurred on the maintenance or upkeep of accommodation — temporary or permanent — is a recurrent cost as distinct from a capital cost. Such expenditure falls to be funded from schools’ recurrent sources of funding which are financed from capitation grants. Detailed breakdown of such expenditure is not available within my Department. Please see the following table, outlining expenditure incurred on the purchase of temporary post primary school accommodation since 1998.

Year	Budget	Temporary Accommodation	Percentage of Budget
1998	73,118,876.00	3,276,065	4.48
1999	117,398,275.00	2,701,417	2.30
2000	154,501,558.00	3,051,904	1.98
2001	177,903,205.00	3,550,642	2.00
2002	171,346,128.00	4,087,543	2.39
2003	151,495,195.00	4,169,023	2.75
2004	162,406,363.00	3,966,753	2.44
2005	234,581,521.00	2,033,396	0.87
2006	249,480,066.00	1,235,845	0.50
2007	247,467,542.33	2,474,651	1.00
Total	1,739,698,729.33	30,547,240	1.76

Question No. 321 answered with Question No. 319.

322. **Deputy Tom Hayes** asked the Minister for Education and Science the cost each year for the past ten years of renting buildings and rooms for the purpose of third level education, including staff, students, and equipment; the percentage this represents of the education budget as a whole; and the percentage this represents of the school buildings budget. [24601/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department does not provide capital funding to rent buildings or rooms for the purpose of third level education. Capital funding is used for the purchase of buildings, for new builds or refurbishment. Universities and Institutes of Technology, which are autonomous institutions, receive recurrent funding in the form of a block grant from the Higher Education Authority (HEA). The disbursement of such funding internally is a matter for each institution to determine in the light of its priorities. Expenditure incurred on rental costs is a recurrent as distinct from a capital cost. Data regarding expenditure incurred, on rental, by these institutions are not readily available within my Department.

Schools Building Projects.

323. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Galway that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24621/08]

324. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Mayo that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24622/08]

325. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Sligo that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24623/08]

326. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Leitrim that have applied for capital funding for major building projects; the priority band rating which has been applied to each school. [24624/08]

327. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Roscommon that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24625/08]

328. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Kerry that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24626/08]

329. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Cork that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24627/08]

330. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Limerick that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24628/08]

331. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Waterford that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24629/08]

332. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Tipperary that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24630/08]

333. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Dublin that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24631/08]

334. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Louth that have applied for capital funding for major building

projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24632/08]

335. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Meath that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24633/08]

336. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Kildare that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24634/08]

337. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Wicklow that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24635/08]

338. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Wexford that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24636/08]

339. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Carlow that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24637/08]

340. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Kilkenny that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24638/08]

341. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Offaly that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24639/08]

342. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Laois that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24640/08]

343. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Westmeath that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24641/08]

344. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Longford that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24642/08]

345. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Donegal that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24643/08]

346. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Cavan that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24644/08]

347. **Deputy Brian Hayes** asked the Minister for Education and Science the primary and post-primary schools in County Monaghan that have applied for capital funding for major building projects; the priority band rating which has been applied to each school; and if he will make a statement on the matter. [24645/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 323 to 347, inclusive, together.

The information sought by the Deputy is being compiled and will be forwarded to the Deputy as soon as possible.

School Accommodation.

348. **Deputy Pat Breen** asked the Minister for Education and Science when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [24651/08]

Minister for Education and Science (Deputy Batt O’Keeffe): A payment in regard to additional works sanctioned for this project was made to the school in question in March 2008. Arrangements to pay a further amount due have been made following receipt of responses to some outstanding queries on these payments. In line with the letter of approval issued to the school, outlining the terms and conditions under which grant aid would be paid, any remaining balance, relating to collection and removal costs, will not be grant aided until the termination of the rental arrangement of the temporary accommodation.

School Curriculum.

349. **Deputy Brian Hayes** asked the Minister for Education and Science if his Department has plans to introduce cooking as a compulsory subject on the schools curriculum; and if he will make a statement on the matter. [24653/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The concepts of ‘Balanced Eating’ and ‘Healthy Exercise’ underlie the Junior Cycle and Senior Cycle syllabi in the Home Economics curriculum at post-primary level. One of the five areas of study in the Home Economics Syllabus at Junior Certificate level is Food Studies and Culinary Skills. The purpose of the Culinary Skills component is to ensure that each student is capable of completing a range of skills necessary to be self-sufficient in the planning, preparation, cooking and presentation of food for individual and family groups. Culinary Skills also helps develop and highlight particular aptitudes in the culinary areas and may help to develop students’ interest in the vocational aspects of the food industry.

The Home Economics — scientific and social — syllabus is an applied subject for Leaving Certificate combining theory with practice in order to develop understanding and solve problems. One of the core areas of the Leaving Certificate Home Economics syllabus is Food

Studies which has been designed to enable students to have the knowledge and understanding of food and food-related issues necessary for personal and family health and to develop and extend organisational, manipulative and creative skills in relation to the preparation, cooking and presentation of food. The most extensive topic covered in the Food Studies area is the preparation and processing of food. This includes the Irish food industry, food commodities, meal management and planning, food preparation and cooking processes, food processing and packaging, food additives, food legislation, food spoilage, preservation, and food safety and hygiene.

In addition to the curriculum itself, my Department participates in initiatives such as National Healthy Eating Week, which is promoted by the Department of Health and Children in co-operation with my Department and the Association of Teachers of Home Economics. It is a themed week during which activities to promote the concept of healthy eating to the whole school are organised and delivered through the medium of Home Economics including cookery demonstrations, projects, and displays.

Schools Refurbishment.

350. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if his attention has been drawn to the fact that a school (details supplied) in County Monaghan is in financial crisis due to the lack of funding allocated by his Department towards the building of an extension, that his Department allocated €478,000 to the project while the lowest tender for the development was €555,735, and that due to the unforeseen presence of rock in the grounds of the school the costs of the works have increased by €32,000; and if in view of this he will re-examine this application. [24654/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As part of the expansion of the Small Schools Scheme 2007, a grant of €484,000 was sanctioned for the school in question to enable the Board of Management to extend and refurbish their school. The scheme is not intended to leave schools with significant fund-raising needs. Rather the terms of the Scheme require the schools to tailor the scope of capital works commissioned to the available funding. The decision on whether to continue participating in the scheme or to drop out, if the scope of build is more than the funding envelope permits, is a matter for each school authority. A central tenet of the devolved scheme is that the school, granted discretion and funding, must equally accept responsibility for prioritisation, adherence to statutory regulations, as well as control of costs and ensuring value for money.

The authorities of the Lisdoonan school accepted the grant offer and returned a form of undertaking agreeing to comply with the requirements of the scheme in March 2007. A letter and project cost details was received in May indicating that the total cost of the school’s building proposals would amount to €585,775, an excess of €101,775 over the €484,000 on offer to the school. The school submitted an appeal that the shortfall be funded by my Department. This request for significant additional funding was considered in my Department. However, in line with the original intention of the Small Schools Scheme, it was considered that the school should be encouraged to complete the project within the funding envelope provided and, accordingly, the application for additional grant aid was not granted.

In the current economic climate and with considerable demands on the capital budget of my Department, it is not possible to entertain such significant increases in the amounts grant aided to schools. It is the responsibility of the school authorities to manage the resources allocated to them to ensure maximum value for money and to control costs. In this instance, having examined the application for additional funding, the Department was not in a position to increase the grant already allocated and accordingly, further grant aid was refused.

School Enrolments.

351. **Deputy Richard Bruton** asked the Minister for Education and Science, further to Parliamentary Questions Nos. 686, 687, 723 and 724 of 17 June 2008, if he will provide this Deputy with the census returns made by the primary schools listed for 2007/2008 and the three previous years. [24660/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The information requested by the Deputy is not readily available and would take an inordinate amount of administrative time to compile.

Pupil-Teacher Ratio.

352. **Deputy Richard Bruton** asked the Minister for Education and Science the number of children in classes of 20 pupils or less and the number of children in classes of 30 pupils or more in the latest year for which he has information nationally, in Dublin and in schools in the different postal districts of Dublin. [24661/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Over 75% of pupils are in classes of less than 30 pupils. Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups. The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year. Posts allocated on the basis of this staffing schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

The attached table shows the number of pupils in classes under 20 and 30 and over in primary schools nationally and in each Dublin County Council in the 2006/07 school-year. Data are not readily available for 20 and under as distinct from under 20 shown in the attached table. Also, the data are not available at Dublin postal district level. Preliminary indications from my Department’s analysis of statistical returns from schools for the current school year appear to indicate that there has been a drop in the numbers of pupils in classes of over 30 pupils. The analysis of all the returns from schools has yet to be completed and the final outcome will be published later in the summer.

	Under 20 (1-19)	30 and over
Nationally	62,544	109,376
Dublin City	8,692	8,030
Fingal	1,295	8,175
Dublin South	3,436	6,182
Dun Laoghaire/Rathdown	1,513	4,889

Site Acquisitions.

353. **Deputy Áine Brady** asked the Minister for Education and Science the position in

relation to the purchase of a permanent site for a school (details supplied) in County Kildare; and if he will make a statement on the matter. [24662/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to advise the Deputy that the Department has been in recent communication with the VEC in relation to the negotiations for the site in question. The conclusion of same can only be considered in the context of the capital budget available to my Department for school buildings generally. I am not in a position to say at this stage when the acquisition will be concluded.

Schools Refurbishment.

354. **Deputy Tom Hayes** asked the Minister for Education and Science the position regarding a school (details supplied) in County Tipperary which has applied for emergency funding in respect of repairs to the roof of the school. [24677/08]

Minister for Education and Science (Deputy Batt O’Keeffe): An application for funding for roof repairs in respect of the school referred to by the Deputy was received in my Department. 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.

Early School Leavers.

355. **Deputy Mary Upton** asked the Minister for Education and Science the tracking systems in place to ensure that students do not fall through the net between primary and secondary schools; and if he will make a statement on the matter. [24691/08]

356. **Deputy Mary Upton** asked the Minister for Education and Science the provisions in place to track early school leavers; the numbers of students who have left school early in the academic years 2004, 2005, 2006 and 2007; and if he will make a statement on the matter. [24692/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I propose to take Questions Nos. 355 and 356 together.

My Department has adopted a broad-based approach to tackling early school-leaving. The Education (Welfare) Act, 2000 established the National Educational Welfare Board (NEWB) as the national body with responsibility for school attendance. The Act provides a comprehensive framework, promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the Board are to ensure that each child attends a recognized school or otherwise receives a certain minimum education. The Board operates through 5 regional teams, with bases in Dublin, Cork, Limerick, Galway and Waterford. A service is provided from 26 locations nationwide.

Educational Welfare Officers (EWOs) are appointed and deployed throughout the country to discharge the Board’s functions locally. EWOs employ a welfare oriented approach in the interests of the children and young people who do not attend school regularly, working collaboratively with schools and other agencies in meeting the needs of the children and the young people concerned. It is encouraging to note research findings that attendance at school in the

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areas where EWOs are working intensively improved by 4% in 2004/05 compared with the previous year.

Enhancing attendance, progression, retention and attainment are central to DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, which is being implemented at present. This is the first time that an integrated educational inclusion strategy has been developed for 3-18 year olds in the State. DEIS represents a shift in emphasis away from individual initiatives, each addressing particular problems, to a multifaceted and more integrated approach. Additional supports are being targeted at children in the most disadvantaged schools to encourage them to stay in school. The key principle of early intervention, to identify and help children at risk of leaving school early, is a major component of the Plan.

Working with parents to promote school attendance and retention is an important part of the work of the Home School Community Liaison Scheme (HSCL). In addition to this, the School Completion Programme is developing strong links between primary and post-primary schools in disadvantaged areas. These are two preventative measures designed to combat issues of poor attendance and early school leaving. Children at risk of early school leaving are targeted under the School Completion Programme for a variety of extra supports aimed at encouraging them to stay in school. The supports cover both educational and non-educational interventions and are provided during and outside of school time. The Home School Community Liaison Scheme works to involve parents in their children's education which is a crucial component in convincing young people of the value of education.

Under DEIS, a continuing emphasis will be placed on the development of effective transfer programmes for pupils making the transition to second-level, by building on the existing work of HSCL scheme and the School Completion Programme in this area. Initiatives such as Familiarisation Days and week-long transfer programmes for new entrants to second level have been shown to have very positive results in helping children to make a smooth transition to their new school. Other measures facilitated through the DEIS action plan include extending access to Schools' Business Partnerships, school meals, guidance counselling and student councils. Increased integration is also being promoted between the work of second level schools and centres catering for young early school leavers, particularly Youthreach Centres and Senior Traveller Training centres. This Government has shown a sustained commitment to providing greater opportunities in the further education sector by supporting second chance educational opportunities for young people who leave school.

The range of curricula available to students has also been extended to include the Junior Certificate Schools Programme, the Leaving Certificate Vocational Programme and the Leaving Certificate Applied Programme. These options provide an alternative for many children who might otherwise opt out of formal education at an early stage.

In relation to the Deputy's particular question the latest data available on school leavers is the ESRI school leaver survey, conducted in 2006 and covering the 2003/2004 cohort of leavers. The survey shows that 82% of the cohort left having completed upper second level education, 14% of leavers had completed lower second level education. In addition, my Department published a statistical report in March 2008 tracking the retention rates of over 60,000 pupils who started their second level education in 1999. Almost 84% of these pupils completed second level compared with just over 81% three years earlier. It is the third such report tracking pupil retention and the trend is showing yearly improvements in retention rates.

The report provides data on pupils who entered the first year of the junior cycle in 1997, 1998 and 1999, most of whom completed their senior cycle five to six years following the year

of intake. The reports do not take into account students pursuing other educational pathways such as Youthreach or apprenticeship training. Section 29 of the Education (Welfare) Act, 2000 provides for the establishment and maintenance by the National Educational Welfare Board (NEWB) of a register of young persons aged 16 and 17 who leave school to take up employment. The purpose of the register is to ensure that the young people concerned continue to participate in education until they reach 18 years of age. The NEWB will in the near future conclude the establishment of the register and details of any early school leavers who contact the NEWB directly are recorded by the Board.

Work is ongoing to develop appropriate protocols for all agencies and services to work together and to ensure that optimum use is made of the resources deployed. I would like to assure the Deputy that through increased investment and improved services this government is determined to optimise access, participation and educational outcomes at every level of the system. It will continue to do all that is possible to ensure that every child gets all the opportunities and support they need to enable them to achieve their potential and participate fully in education.

Energy Efficiency.

357. **Deputy Mary Upton** asked the Minister for Education and Science if he will assist in putting in place an energy audit for all primary and post-primary schools in order to assist schools in tackling increasing energy costs; and if he will make a statement on the matter. [24693/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has a strong record in developing low energy educational buildings. For the past nine years my Department has been using a process called the DART Approach to develop sustainable and energy efficiency in educational buildings. This acronym focuses on four key areas, namely; Design, Awareness, Research, and Technology. Rather than develop a unique focus on energy design my Department has taken a more holistic approach and has developed our technical guidance on energy efficiency in school designs as an integral part of the suite of technical guidance documents. These guidelines encourage the design team to take a complete design team approach from project conception. There is particular emphasis on elimination of over design, improved thermal envelope design and improved passive solar design, natural ventilation and day lighting along with advanced heating and lighting controls.

It has been demonstrated that all Primary Schools designed and built in line with the above policy and the technical guidance documents can have an energy performance that is 2.3 times more efficient than International best practice. The performance of my Department in the area of low energy design has been recognised at both National and International level with sustainable energy awards for excellence in Design and Specification and just recently by the Taoiseach’s Public Service Excellence Awards held in Dublin Castle Conference Centre on Friday, 18th April 2008.

One of the research projects currently underway by my Department is developing a project, in conjunction with Sustainable Energy Ireland, aimed at helping existing schools to meet the certification requirements of the Energy Performance Building Directive. This process will allow all schools to conduct an energy audit of their school and energy usage and to input specific information to the Departments energy website. The school will then not only receive information on their actual energy use and environmental emissions but will also be able to compare the schools energy performance relative to that of other school buildings in the form of an energy rating. They will also be able to receive energy saving advice from the website relative to their school buildings and to view case studies of similar schools and how they

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achieve better energy savings. The data gathering, energy auditing and benchmarking and web-site development aspects of the project are complete and validation of the system will be completed in the autumn.

Youthreach Programme.

358. **Deputy Michael Creed** asked the Minister for Education and Science the location of all Youthreach facilities in County Cork. [24700/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): There are a total of 12 Youthreach Centres located in County Cork catering for up to 402 learners. 7 of the centres are managed by County Cork VEC and 5 are managed by City of Cork VEC. The locations of the centres are listed below:

1. Ballyellis, Mallow.
2. Colaiste Eoin, Golf Links Road, Youghal.
3. Unit 4/5 Great Island Enterprise Park, Inishmore, Ballincollig.
4. College Road, Fermoy.
5. Station Road, Bandon.
6. Millstreet Road, Macroom.
7. Lahadane, Bantry.
8. Teach Barra, Dean Street, Cork.
9. c/o Terence McSweeney Community College, Harbour View Road, Knocknaheeny, Cork.
10. The Glen Community & Resource Centre, Glen Avenue, The Glen, Cork.
11. Cork City Learning Support Services, 16 Fr. Matthew Street, Cork.
12. c/o Nagle Community College, Mahon, Cork.

Schools Amalgamation.

359. **Deputy Jimmy Deenihan** asked the Minister for Education and Science the position regarding the amalgamation of schools (details supplied) in County Kerry; and if he will make a statement on the matter. [24720/08]

Minister for Education and Science (Deputy Batt O’Keeffe): An assessment of projected enrolment trends, demographic trends and housing developments to determine the long term projected staffing for the project to which the Deputy refers is on-going. When this matter has been finalised progress on the building project itself will be considered in the context of the 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.

Question No. 360 answered with Question No. 282.

Official Engagements.

361. **Deputy Leo Varadkar** asked the Minister for Defence if, during his meeting on 1 March

2006 with President Ellen Johnson-Sirleaf of Liberia, he raised concerns relating to the human rights situation in Liberia; and if he will make a statement on the matter. [24278/08]

Minister for Defence (Deputy Willie O’Dea): During the period 28 February, 2006, to 2 March, 2006, I visited Liberia where I met with the Irish personnel of 94 Infantry Battalion, United Nations Mission in Liberia (UNMIL). The primary purpose of my visit was to see at first hand the work of the Irish Defence Forces Personnel serving with UNMIL and to convey to them, on behalf of the Government and the people of Ireland, the deep appreciation felt regarding the outstanding manner in which they perform their duties in this challenging mission.

During the course of that visit, I met with President of Liberia, Ellen Johnson-Sirleaf, who was accompanied by her Minister for Foreign Affairs, George Wallace and her Special Security Adviser. The President expressed her gratitude to the Irish Government for the Defence Forces contribution to peace in Liberia and the vital role played by them in maintaining the peace, which she stated had been exceptional. In the course of our discussion I mentioned UNMIL’s role in assisting in the provision of humanitarian assistance and the promotion of human rights. We also discussed the importance of ensuring the protection of human rights and the observance of International humanitarian law in building confidence in the security institutions of the State.

Defence Forces Equipment.

362. **Deputy Tony Gregory** asked the Minister for Defence, further to Parliamentary Question No. 775 of 17 June 2008, if he will list all of the weaponry decommissioned and so on during the period referred to. [24547/08]

Minister for Defence (Deputy Willie O’Dea): According to available records, during the period referred to by the Deputy, the following type of service weapons were converted to scrap in Clancy Barracks:

- 81mm Mortars
- Gustaf Sub Machine Guns
- AA 52 MGs Vehicle and Aircraft type
- Panhard 60mm CS Mortars
- 90mm RCL Guns
- RCL 7.62mm Ranging Weapons
- 7.62mm Sub Calibre Adapters

The weapons were then removed for final disposal to the former Irish Steel plant in Haulbowline, Co. Cork for reprocessing.

Crime Levels.

363. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform his views on recent statistics on white collar crime and the trends in this regard; and if he will make a statement on the matter. [24813/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The figures published by the Central Statistics Office for the first quarter of 2008 show a decrease of 18.6% in the number of fraud, deception and related offences when compared with the same quarter last year. However, they also show an increase of 17.1% in such offences year-on-year. In response to this trend, one of the policing priorities for the Garda Síochána for 2008, which were set by my predecessor under section 20 of the Garda Síochána Act 2005, is to focus on high value white-collar crime, particularly that of trading in contraband goods.

The Garda Bureau of Fraud Investigation (GBFI) investigates fraud on a national basis, principally dealing with the more complex of cases. The primary objective of the GBFI is to investigate serious cases of commercial fraud, cheque and credit card fraud, computer fraud, money laundering offences and counterfeit currency; to collate information and intelligence and act as a resource centre on fraud related matters; and to play a pro-active role in the prevention and detection of fraud. The Bureau maintains extensive liaison with the business and commercial sectors of the community, in addition to all the relevant regulatory agencies within the State. There is a wide range of fraud prevention advice available on the website of An Garda Síochána covering areas such as ATM fraud, identity theft, counterfeit currency and unsolicited emails.

I am informed that An Garda Síochána has received complaints from members of the public relating to fraudulent withdrawals from their bank accounts. The offences are committed using a technique known as phishing, the theft or attempted theft of personal information using e-mail and bogus web-sites. The act of phishing constitutes a number of offences contained in the Criminal Justice (Theft and Fraud Offences) Act 2001.

I am further informed that a number of persons have been prosecuted on charges of theft offences relating to phishing incidents where the proceeds of fraudulent withdrawals have been transferred to an apparently legitimate account which has been used to facilitate the withdrawal of the stolen funds. An Garda Síochána is working with the banking industry to counteract this phenomenon. A High-Tech Crime Forum has been established with all relevant stakeholders including An Garda Síochána and the financial services Industry, including the banking sector. This forum facilitates the rapid dissemination of information related to phishing and other methods being used in an attempt to compromise banking services.

The EU Money Laundering Directive (2005/60/EC) increases the obligations on financial and credit institutions and a range of other designated persons in relation to combating money laundering and anti-terrorist financing. The Bill, which has received Government approval, is currently being drafted following an in-depth consultation process with relevant and interested parties. My Department and the Garda authorities will continue to keep developments in this area under review.

Asylum Applications.

364. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if an application by a person (details supplied) in County Cork is being expedited; and if he will make a statement on the matter. [24272/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 11 September 2003 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 21 March 2005, that the Minister proposed to make a deportation order in

respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations have been submitted on behalf of the person concerned and will be fully considered, under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

Public Order Offences.

365. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number of anti-social behaviour orders that have been successfully implemented in 2008 by An Garda Síochána; and if he will make a statement on the matter. [24317/08]

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 31 May, 2008, 700 behaviour warnings were issued to adults and 351 to children. There have been ten 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.

Visa Applications.

366. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to an application for a visa extension for a person (details supplied) in County Wexford; if a refusal of a visa extension in these circumstances is conducive to retention of non-Irish national nurses in the health service here; if he will sympathetically review this application; and if he will make a statement on the matter. [24319/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can assure the Deputy that my Department has always facilitated the introduction and retention of nurses and other members of the medical profession from abroad in taking up employment in the health service in Ireland when there is a requirement for such services. The Immigration Division of my Department has informed me that the particular person referred to in the Deputy's question was granted a short stay (C) visit visa to enter the State to visit her daughter for a period of 90 days. She is now seeking an extension of her permission to remain in the State in order to care for her grandchildren.

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A wrap-around information sheet accompanies every short stay (C) visit visa application form. That sheet makes it clear to the applicant that persons granted visas for particular purposes are not permitted to remain in the State for any purpose other than that for which the visa was granted and that the period of stay is for a maximum of 90 days. It is the policy of my Department not to extend a permission to remain to persons who are admitted for a period of 90 days or less on a short stay (C) visit visa, save in very exceptional and unforeseen circumstances. The request for an extension of the Visa was refused and notification of this decision was issued by the Immigration Division on the 10th June 2008. The person referred to in the Deputy's question must now leave and reapply from outside the State should she wish to return to Ireland. She should include in her new visa application the purpose and duration of her intended stay.

367. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform the basis for refusal of visitor visas to persons (details supplied); if he will sympathetically review the refusal decision; and if he will make a statement on the matter. [24346/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am pleased to inform the Deputy that the visa applications referred to have been approved following appeal.

Citizenship Applications.

368. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if the naturalisation process will be expedited in exceptional circumstances for persons (details supplied); and if he will make a statement on the matter. [24359/08]

The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. These conditions are that the applicant must:

- be of full age, or by way of exception, be a minor born in the State
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- intend in good faith to continue to reside in the State after naturalisation
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include:

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study
- periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996

Normally, an application on behalf of a minor child cannot be made until one of the parents or guardians is naturalised. Currently there are 19,700 applications on hand to be dealt with.

These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. There is a current waiting period of up to thirty months to process an application for citizenship. An application for citizenship has not been received in this case from either parents, or child, to date. It is open to the individuals concerned to lodge applications if and when they are in a position to meet the statutory residency requirements.

Proposed Legislation.

369. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform when he will publish the Civil Partnership Bill; and if he will make a statement on the matter. [24367/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Government today approved for publication my proposals for the heads of a Civil Partnership Bill. Arrangements are being made to publish the details of my proposals on my Department's website.

Residency Permits.

370. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding an application for long-term residency by a person (details supplied) in County Cork. [24373/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by officials in the long term residency section of my Department that long term residency is an administrative scheme introduced in May 2004 and is focused on persons who have been legally resident in the State for over five years on the basis of work permit / work authorisation / work visa conditions. Such persons may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements. Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received in May 2007. I understand that applications received in September 2006 are currently being dealt with. Applications are dealt with in strict chronological order. As soon as a decision is made on the case, the person concerned will be notified. In addition, an application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the Citizenship section of my Department in May 2007. On examination of the application it was determined that the person concerned did not satisfy the residency requirement as set out in the Irish Nationality and Citizenship Act 1956, as amended. A letter informing her of this was issued on 28 August 2007. It is open to the person in question to lodge a new application if and when she is in a position to satisfy the statutory requirements applicable at that time.

Asylum Applications.

371. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform his views on providing the Refugee Appeals Tribunal with detailed and up to date country reports outlining the political and humanitarian situation in those countries from which Ireland is receiving asylum seekers. [24432/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Refugee Appeals Tribunal was established under the Refugee Act 1996 to consider and decide appeals

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against recommendations of the Refugee Applications Commissioner refusing refugee status. Under the Act, the Refugee Appeals Tribunal is independent in the performance of its functions. I am informed by the Refugee Appeals Tribunal that the members of the Tribunal have received training in the use of country of origin information from both the Office of the United Nations High Commissioner for Refugees and the Refugee Documentation Centre, which is an independent library and research service within the Legal Aid Board. The members of the Tribunal have access to the Refugee Documentation Centre e-library which maintains a collection of diverse, objective and up-to-date country of origin information from a wide variety of international sources.

Crime Levels.

372. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the crime rate in an area (details supplied) in County Dublin for each year from 2002 to date in 2008; and if he will make a statement on the matter. [24530/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The figures for headline offences recorded for each Garda Division in 2002 are available in the Garda Annual Report for that year, copies of which are available in the Oireachtas library. Following the submission of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this, and the CSO has established a dedicated unit for this purpose. The CSO has published crime statistics since the third quarter of 2006. In addition, the CSO has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Drugs Seizures.

373. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the number of drug seizures in areas (details supplied) in County Dublin; the quantity of these seizures for the years 2004, 2005, 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [24531/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda authorities that in the timeframe available it has not been possible to supply the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Citizenship Applications.

374. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for Irish citizenship through naturalisation by a person (details supplied). [24551/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a Certificate of Naturalisation from the person referred to by the Deputy was received in the Citizenship section of my Department on 28 September, 2005. I am advised by my officials that this application is at the final stages of processing and is due to be submitted to me for a decision in the near future. I will advise the Deputy and the applicant when I have reached a decision on the case.

Asylum Applications.

375. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [24590/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 24 November 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 30 November 2005, re-issued on 13 December 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State.

On 21 December 2005 the person concerned submitted an application for re-admittance to the asylum process, in accordance with the provisions of Section 17(7) of the Refugee Act, 1996 (as amended). Following consideration of this application, the application was refused and a decision notified to the person concerned, through his legal advisor, by letter dated 6 February 2006. The person concerned initiated Judicial Review Proceedings challenging the Minister's decision to refuse the application for re-admittance to the asylum process. On 25 May 2007 the person concerned was notified that the High Court refused to grant the reliefs sought in the Judicial Review Proceedings.

Arising from this decision, the person concerned was advised that his legal entitlement to be in the State had expired and, as such, his case fell to be dealt with in accordance with the provisions of the Immigration Act, 1999 (as amended). Accordingly, the person concerned was advised of the options open to him at that point in time, namely to leave the State voluntarily, to consent to the making of a deportation order or to submit, within 15 working days, representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned left the State on a date unknown and was subsequently apprehended by the UK authorities. On 11 January 2007, in accordance with the provisions of the Dublin II Regulations, the UK authorities requested that this State 'take back' the person concerned and this State acceded to that request. However, before arrangements could be made to effect the transfer of the person concerned from the UK to this State, the person concerned absconded with the consequence that the proposed transfer could not be effected at that time. This position has obtained since 12 July 2007.

Separately, on 25 April 2007, the legal representative of the person concerned, on his client's behalf, submitted an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). At the time this application was accepted, it was not known by my Department that the person concerned was the subject of transfer arrangements from the UK, under the provisions of the Dublin II Regulations. In any event, the Subsidiary Protection application of the person concerned will now be considered and when a decision has been made on this application, this will be conveyed in writing to the person concerned.

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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 passed to me for decision.

376. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress in determining the residency status in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [24591/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions Nos. 406 of Tuesday 8 April 2008, 103 of Thursday 7 December 2006, 245 of Thursday 25 May 2006, 151 of Thursday 11 May 2006 and 326 of Thursday 6 April 2006 and the written Replies to those Questions. The person concerned arrived in the State on 22 October 2003 and applied for asylum. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 16 February 2006, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been submitted on behalf of the person concerned and will be fully considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

377. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in respect of the application for residency in the case of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [24592/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions Nos. 214 of Thursday, 15 May 2008, 196 of Thursday, 28 February 2008 and 243 of Thursday, 31 January 2008 and the written Replies to those Questions. The person concerned arrived in the State on 7 July 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 7 July 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to 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 by the person concerned.

The person concerned has also submitted an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006) 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 passed to me for decision.

Visa Applications.

378. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position regarding the family reunification application by persons (details supplied) in County Dublin; and if he will make a statement on the matter. [24593/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my previous answers to Parliamentary Questions No 1025 of 26 September 2007, No. 1196 of 30 January 2008, and No. 211 of 7 February 2008 and No. 523 of 17 April 2008. I am informed by the Immigration Division of my Department that a decision regarding the Family Reunification application of the person in question recently issued to him.

Residency Permits.

379. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied) in County Tipperary who has applied for residency. [24602/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions Nos. 411 of Tuesday 27 May 2008 and 218 of Wednesday 9 April 2008 and the written Replies to those Questions. The person concerned arrived in the State on 3 December 2005 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, 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 22 November 2007, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

The Deputy might wish to note that the person concerned also made an application for permission to remain in the State in accordance with the revised arrangements applicable to the non-national parents of Irish born children born in the State before 1 January 2005. The revised arrangements in question, commonly referred to as the IBC/05 Scheme, were announced by the Minister for Justice, Equality and Law Reform on 15 January 2005 and the closing date for receipt of applications was 31 March 2005. The application of the person concerned was received on 18 January 2006 and, as such, was received too late for consideration. The person concerned was made aware of the non-acceptance of his IBC/05 application by letter dated 25 January 2006.

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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 passed to me for decision.

Deportation Orders.

380. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the average stay by a deportee in prison prior to their deportation from the State; the number detained in the past 12 months prior to deportation and in 2007; the corresponding number held in each prison; the corresponding figures for asylum applicants; and if he will make a statement on the matter. [24610/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy will require a cross referencing operation in order to match the data held by my Department with those records held by the Irish Prison Service. I wish to advise the Deputy that the information sought is at present being compiled and will be conveyed to him at the earliest possible date.

Departmental Bodies.

381. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if he has plans to remove the Irish Prison Service from its current status as part of his Department and to establish it as an independent statutory board along the lines discussed in the report published by his Department in 1997 called Towards an Independent Prisons Agency; if not, the reason for same; and if he will make a statement on the matter. [24656/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have no plans to establish the Irish Prison Service as an independent statutory body. The recently published OECD report which looked at the Irish Public Service expressed views on the establishment of new agencies and that report will, in part, inform any future consideration that may be given to placing the Service on a statutory footing.

Passport Applications.

382. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in Dublin 8 can apply for carer's allowance or benefit from the Department of Social and Family Affairs without such a claim having a negative impact on their application for an Irish passport; and if he will make a statement on the matter. [24679/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided that certain statutory conditions are fulfilled. One such condition is that the applicant is required to show that they have been supporting themselves and their families without recourse to State support for a three year period prior to applying for naturalisation, and that, furthermore, they can show, as far as is practical, that they have the capacity of supporting themselves into the future.

Residency Permits.

383. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the

position regarding an application by a person (details supplied) in County Cork for leave to remain in the State by virtue of marriage to an Irish citizen. [24683/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application on behalf of the person in question for residence in the State on the basis of marriage to an Irish national was received by the Immigration Division of my Department in June 2007. Applications of this kind, in fairness to all other such applicants, are dealt with in strict chronological order and currently take up to twelve months to process. It should be noted that marriage to an Irish national does not confer an automatic right of residence in the State. A request for documentation was made to the applicant by the Immigration Division of my Department on 17 June 2008. Upon receipt of the requested documentation the application will be given further consideration and a decision will issue in due course.

Prison Building Programme.

384. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the projected cost of planting mature trees on part of the boundary of the proposed Thornton Hall prison to a band depth of up to 20 metres; the total area to be planted; and if he will make a statement on the matter. [24684/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I should advise the Deputy that the Irish Prison Service has already spent approximately €400,000 to date on landscaping at the site. This includes a 10 metre deep strip along the entire length of the boundary of the site planted with trees/shrubs. As part of my review of submissions received in relation to the Environmental Impact Assessment I acceded to requests to further screen the boundary wall for residents directly on the boundary. As part of this I have instructed that further landscaping be undertaken including the planting of mature trees. The exact details of the numbers to be planted and cost will be determined as part of the review of the landscaping development.

Asylum Applications.

385. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of asylum applications made in each of the past 48 months; and if he will make a statement on the matter. [24685/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy is set out in tabular format below.

The number of asylum applications received by the Office of the Refugee Applications Commissioner (ORAC) from June 2004 to May 2008.

Date	Number
Jun-04	324
Jul-04	371
Aug-04	401
Sep-04	466
Oct-04	329
Nov-04	409
Dec-04	430
Jan-05	393
Feb-05	377

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Date	Number
Mar-05	489
Apr-05	320
May-05	322
Jun-05	315
Jul-05	325
Aug-05	348
Sep-05	372
Oct-05	320
Nov-05	346
Dec-05	396
Jan-06	405
Feb-06	313
Mar-06	438
Apr-06	282
May-06	412
Jun-06	278
Jul-06	313
Aug-06	332
Sep-06	422
Oct-06	394
Nov-06	415
Dec-06	310
Jan-07	385
Feb-07	333
Mar-07	347
Apr-07	277
May-07	318
Jun-07	316
Jul-07	358
Aug-07	294
Sep-07	318
Oct-07	356
Nov-07	343
Dec-07	340
Jan-08	329
Feb-08	296
Mar-08	299
Apr-08	299
May-08	301
Total	16,876

Asylum applications have continued to fall in each of the past four years.

Visa Applications.

386. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 635 of 19 February 2008 and to previous correspondence, the

reason for the delay in issuing a reply; and if he will consider a request for a five year multiple entry visa for each child concerned (details supplied). [24708/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not the practice to issue long term multi entry visas for the purpose of visits, which, by their nature are of a short stay duration. However the Deputy will be aware that my office previously issued one year multi entry visas to the persons referred to and unless there is a significant change in circumstances my Department is happy to continue to provide this facility in the future. The previous correspondence referred to by the Deputy was replied to on 29 February, 2008.

Trafficking in Human Beings.

387. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the steps he is taking to implement the outstanding recommendations of the Garda Síochána and departmental working group on trafficking in human beings; when the national action plan to combat trafficking in human beings will be published; and if he will make a statement on the matter. [24725/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The recommendations of the Department of Justice, Equality and Law Reform and the Garda Síochána Working Group on Trafficking in Human Beings fall into three categories, (i) those relating to Legislation, (ii) those relating to Garda operational, enforcement and monitoring measures and (iii) those relating to cooperation with other Government Departments, Non-Governmental Organisations and internationally. On the legislative front, the Criminal Law (Human Trafficking) Act 2008 is fully operational since 7 June, 2008. The Act creates offences of trafficking in children and adults for the purpose of sexual or labour exploitation or the removal of their organs. It also makes it an offence to sell or offer for sale or to purchase or offer to purchase any person for any purpose. Penalties of up to life imprisonment apply in respect of these offences. Enactment of this legislation brings Ireland into compliance with the criminal law/law enforcement elements of the I. EU Framework Decision on Combating Trafficking in Human Beings, II. Council of Europe Convention on Action against Trafficking in Human Beings and III. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children.

Outstanding provisions of the EU Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography will be dealt with under the forthcoming Sexual Offences Bill. Section 124 of the Immigration, Residence and Protection Bill, provides for a period of recovery and reflection of 45 days in the State for alleged victims of trafficking and also, in circumstances where the person trafficked wishes to assist the Gardaí in any investigation or prosecution in relation to the alleged trafficking, a further six months period of residence, renewable, to enable him or her to do so. An administrative framework, reflecting the provisions in the Bill, was introduced on 7 June 2008 to provide for the period of recovery, reflection and residency in the State during the period between the enactment of the Criminal Law (Human Trafficking) Act 2008 and the full enactment of the provisions in the Immigration, Residence and Protection Bill.

In so far as Garda operational, enforcement and monitoring measures are concerned, the ability of the Garda Síochána to enforce the Report's recommendations is greatly enhanced by the commencement of the Criminal Law (Human Trafficking) Act 2008. Recognising the international dimension to the phenomenon of human trafficking, Ireland, including the Garda Síochána, has become an active participant in a number of human-trafficking related initiatives involving law enforcement agencies in other jurisdictions. Liaison at an international level between the Garda Síochána and other law enforcement agencies forms part of the approach of the Garda Síochána in tackling this aspect of criminality through the exchange of information,

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intelligence and best practice by attendance at high-level meetings, including those organised by Europol, Interpol and Frontex and interaction with countries from which it is suspected persons have been trafficked.

The signing of a Memorandum of Understanding (MOU) between the United Kingdom Immigration Service (UKIS) and An Garda Síochána, which facilitates the exchange of data, further enhances the working relationship between the immigration services within the Common Travel Area (CTA). Ireland is participating in an operation, “Pentameter 2”, launched by the UK. One of the main objectives of the operation is to raise awareness of the scale of the problem of trafficking of human beings for the purpose of sexual exploitation, particularly among those who avail of sexual services. The operation assists awareness raising in showing Ireland and the UK as locations which are hostile to human trafficking. As part of Operation Pentameter a poster-campaign was launched in both Ireland and the UK to encourage victims of human trafficking to report their plight to State authorities. Specific enforcement activity continued under Pentameter 2.

The Garda Síochána are taking a pro-active approach in Operation Pentameter to address the need for a coordinated approach to human trafficking within the Common Travel Area which operates between the UK and Ireland. This co-operation is taking place in a number of ways, including intelligence sharing, joint training exercises and operational co-operation where investigations have a cross-border, UK/Ireland, dimension.

Ireland has taken a lead role in a human trafficking initiative known as the G6 Human Trafficking Initiative, which includes the UK, Poland, Italy, France, Spain and the Netherlands along with Interpol, Europol and Eurojust. The most recent meeting of the G6 initiative took place last week. Ireland has recommended a particular focus on trafficking of children in the course of the G6 Initiative. As part of this initiative the Garda Síochána has commenced an operation designed to prevent the trafficking of minors in to, out of, and within the State, to ensure the welfare of suspected victims of such criminal activity is adequately provided for, and to commence prosecutions where criminal activity of the nature concerned has been detected. An awareness-raising campaign throughout the participating countries — led by Ireland — is also planned under this Initiative.

Immigration border controls are maintained by the Garda National Immigration Bureau and a number of suspected traffickers and victims of traffickers have been identified through the rigorous enforcement of immigration legislation. Joint operations, in association with the UK Immigration Service, continue to be part of immigration policy to prevent and detect possible abuses of the Common Travel Area (CTA), by means of illegal immigration and associated criminality.

There are currently over 275 personnel, Garda and civilian, allocated to the Garda National Immigration Bureau (GNIB). Personnel attached to GNIB have received training in the investigation of human-trafficking at an international level. The work undertaken by the Garda Síochána in relation to human trafficking is assisted by a network of members of the Garda Síochána who are employed as liaison officers in major cities in a number of EU Member States and in international organisations such as Europol and Interpol. The Garda Síochána has developed its own human trafficking related training course with such training having been delivered to about one hundred and fifty participants in 2006/2007. Arising from Ireland’s involvement in Operation Pentameter a number of officers from the Police Service of Northern Ireland have also participated in the training courses provided by the Garda Síochána Training College.

In terms of cooperation, within this jurisdiction GNIB continues to liaise with Government and non-Governmental agencies, including Ruhama and the International Organisation for Migration (IOM) to ensure the exchange of information regarding suspected trafficking in

human beings. In recognising the needs of victims of trafficking, Garda Liaison Officers have been appointed to various non-Governmental organisations.

An Interdepartmental High Level Group has also been established to recommend to me the most appropriate and effective responses to trafficking in human beings. Furthermore, an Anti-Human Trafficking Unit has been established in my Department under the stewardship of an Executive Director. The role of the Unit is to ensure that the State's response to trafficking in human beings is coordinated, comprehensive and holistic. A National Action Plan to Prevent and Tackle Trafficking in Human Beings will be approved by the High Level Group for submission to me, with a view to publication by the end of the year. Round table discussions chaired by the Executive Director of the Anti-Human Trafficking Unit are being held with Government and non-Governmental organisations on a quarterly basis.

In addition, 5 interdisciplinary Working Groups are being established to progress matters and, in turn, report to the High Level Group. The Working Groups will deal with: Development of a National Referral Mechanism; Awareness Raising and Training; Child trafficking; Labour Exploitation Issues and, Sexual Exploitation issues. This multidimensional approach is designed to provide a holistic and effective response to the heinous crime of trafficking in human beings.

Asylum Applications.

388. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the reason an application for refugee status by a person (details supplied) is taking so long in view of the fact that it was first applied for in November 2000; if he will take steps to have same expedited; and if he will make a statement on the matter. [24839/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not the practice to comment in detail on individual asylum applications. As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

Decentralisation Programme.

389. **Deputy Thomas Byrne** asked the Minister for Justice, Equality and Law Reform the position in relation to progress and future plans on the decentralisation programme in respect of Navan. [24939/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am pleased to inform the Deputy that under my Department's decentralisation programme, the Garda Civilian Human Resources Unit, the National Property Services Regulatory Authority, the Office of the Director of Probation Service and the Coroners Unit have now moved to Navan, involving the transfer to date of around seventy posts.

Motor Taxation.

390. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the cost to the State of retrospectively applying the changes in motor tax charges in respect of hybrid and other low-emissions vehicles originally registered before 1 January 2008 in order that from 1 July 2008 the lower motor tax charges would apply as they do to newly registered vehicles at that time; his views on such a change; and if he will make a statement on the matter. [24390/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As was indicated in the debate on the recently enacted Motor Vehicle (Duties and Licences) Act 2008, the rates under the CO₂ system were determined on a revenue neutral basis so as not to undermine the monies available to the Local Government Fund. In addition, it was pointed out that retrospection would not be practicable, as the CO₂ data for the car fleet had not been authenticated for business purposes. The cost of any retrospection, were it possible, could be substantial, depending on how it applied, and could have direct implications for the revenue base of Local Government. From the outset it was made clear that the new CO₂ system would apply from a specified date and that cars registered before that date would continue to be taxed under the engine size based system.

Archaeological Sites.

391. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government if a report (details supplied) has been received; and if early confirmation will be given for works to proceed. [24276/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 457 of 29 April, 2008 in relation to recent correspondence from the club in question. My Department has been in contact with the club and Limerick County Council and received a copy of an Archaeological Assessment for Carnane, Fedamore, Co. Limerick from Limerick County Council on 9 June. The report is being examined by my Department to assess any potential impacts of the proposed development on the archaeological remains in the vicinity of the site. A response will issue as soon as that examination is complete.

Official Engagements.

392. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government if, during his meetings from 13 March to 20 March 2005 with Chinese Vice Minister Zhu Guangyao and Vice Minister for Foreign Affairs Zonghuai of China, he raised concerns relating to the human rights situation in China; and if he will make a statement on the matter. [24300/08]

393. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government if, during his meeting in 2005 with the Minister for Environment of Singapore, he raised concerns relating to the human rights situation in Singapore; and if he will make a statement on the matter. [24301/08]

394. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government if, during his meeting on 31 January 2008 with Ambassador Amr Helmy of Egypt, he raised concerns relating to the human rights situation in Egypt; and if he will make a statement on the matter. [24302/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 392 to 394, inclusive, together.

Human rights are, and have always been, a priority of successive Governments and central to our foreign policy. Together with our EU partners, the Government monitors the human rights situation in many countries, on the basis of information obtained from a variety of sources including non-governmental organisations. Where the situation warrants, the Department of Foreign Affairs makes known concerns about human rights violations to the Government in question, either bilaterally, including in high level meetings, through the EU which has an active human rights dialogue with many countries, or through actions at the UN General Assembly and the UN Human Rights Council.

The specific meetings referred to in the questions were either courtesy visits or were conducted as part of a St. Patrick's Day itinerary. It is usual to discuss matters relating to my brief as Minister for the Environment, Heritage and Local Government at such meetings.

Serviced Land Initiative.

395. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 278 of 22 May 2008, the cost of each application under the serviced land initiative received by his Department from Mayo County Council; if funding has been allocated in respect of these applications; if a timescale is in place for granting applications; if so, the timescale involved; and if he will make a statement on the matter. [24339/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

Strategy on Homelessness.

396. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the number of homeless people who are British citizens; the number who are EU citizens from outside Britain or Ireland; the number who are non-EU citizens; and if he will make a statement on the matter. [24349/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The most recent comprehensive data available in relation to homelessness is derived from the March 2005 Housing Needs Assessment. Data drawn from that assessment in relation to the citizenship status of homeless households, where accommodation needs are met in a number of different ways, are set out in the following table.

Citizenship	Number of households
Irish	2,304
EU	78
Non-EU	17
Total households	2,399

Note: EU households are not sub-divided by nationality.

Local authorities are currently carrying out the 2008 statutory housing needs assessment, the results of which will be published in due course.

Local Authority Housing.

397. **Deputy Olivia Mitchell** asked the Minister for the Environment, Heritage and Local Government his views on the proposed development (details supplied) in Dublin 14 submitted to his Department in accordance with circular N7/07 by Dún Laoghaire Rathdown County Council in view of the fact that living conditions there are totally unacceptable; when he will make a decision on the matter; and if he will make a statement on the matter. [24365/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Dun Laoghaire Rathdown County Council submitted an application for funding in respect of this project in April 2008. The proposal is currently under consideration, and my Department will respond to the local authority as soon as possible.

Planning Issues.

398. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the standards, guidelines and regulations pertaining to roof gardens when planning applications for developments with roof gardens are under consideration by a local authority; and the noise mitigation measures that are required of developments with roof gardens. [24376/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Planning Acts 2000-2006, all development, unless specifically exempted under the Acts or associated Regulations, requires planning permission. Section 34 of the Planning and Development Act 2000 enables a planning authority to grant a planning permission subject to or without conditions as appropriate. Section 34(4)(c) of the Act provides that the planning authority can make a condition requiring the applicant to take measures to reduce or prevent noise. Schedule 2 of the Planning and Development Regulations 2001 sets out, subject to certain conditions, the size of extensions to the rear of houses that are exempt from the requirement to obtain planning permission. These conditions specify that the roof of any such extension should not be used as a balcony or roof garden.

Architectural Heritage.

399. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the scheme of financial assistance administered by local authorities for improvement of listed buildings does not allow the retro fitting of solar panels in these houses; if he will reconsider this policy approach; and if he will make a statement on the matter. [24381/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department funds a scheme of grants for the conservation of protected structures, which is administered by local authorities. A total of 603 projects were funded from the scheme in 2007. Almost €7m has been provided for the scheme this year, an increase of 17% on the amount spent last year.

The purpose of the scheme is to assist owners or occupiers of structures of architectural heritage significance, which are listed in the Record of Protected Structures contained in the relevant Local Authority Development Plan, to undertake necessary works to secure the conservation of the structure or part of the structure. It typically supports conservation works on thatched roofs, shop fronts, timber sash windows and repair and conservation of features of architectural significance generally. It is not designed to assist in carrying out routine maintenance, alterations or improvements and the fitting of solar panels is, therefore, not appropriate to it. However, I understand that grants for the fitting of solar panels are available under the Greener Homes Scheme administered by Sustainable Energy Ireland (SEI) and funded by the Department of Communications, Energy and Natural Resources.

Greenhouse Gas Emissions.

400. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the number of hybrid engine motor vehicles registered in the State on or before 31 December 2007; the projected reductions in Ireland's carbon output caused by these lower emissions vehicles being used in place of equivalent standard emissions vehicles; and if he will make a statement on the matter. [24389/08]

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

The number of hybrid engine motor cars on the national vehicle file on or before 31 December 2007 is 2,304. My Department does not have information on emissions reductions specifically arising from the use of these hybrid engine motor vehicles. However a combined annual saving of 50,000 tonnes of carbon dioxide is attributed to the rebalancing of motor tax and vehicle registration tax and the introduction of an enhanced vehicle labelling system. This figure, which is used in the National Climate Change Strategy 2007-2012, is being reviewed in light of the rebalancing package effective from 1 July 2008.

Register of Electors.

401. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the circumstances in which persons who hold British passports can obtain the right to vote in a referendum; and if this requires them to surrender their British citizenship. [24398/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In order to be able to vote at elections and referenda in this jurisdiction, a person's name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides. Subject to this primary requirement, the person's citizenship then determines the polls at which he or she is entitled to vote. Irish citizens who are registered to vote may vote at all polls while British citizens may vote at Dáil, European and local elections.

Building Inspections.

402. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government if there are building inspectors employed by his Department to carry out inspections under the building energy rating system. [24409/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department does not employ Building Energy Rating Assessors. The Building Energy Rating (BER) Scheme was established under the European Communities (Energy Performance of Buildings) Regulations 2006. Sustainable Energy Ireland (SEI), which operates under the aegis of the Minister for Communications, Energy and Natural Resources, has been designated as the Issuing Authority with responsibility for the management of the BER Scheme, including registration of the BER Assessors and logging of the BER assessments. I understand from SEI that, as of 16 June 2008, there were 1,665 certified BER assessors.

Remedial Works Programme.

403. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government the amount of money that has been allocated for the work that is to proceed on the remedial works programme for an area (details supplied). [24417/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department has approved a budget cost for a remedial works project at Vartry Heights in Roundwood. The local authority has tendered for these works and is expecting the tenders to be returned shortly. The budget cost is commercially sensitive pending completion of the tender process.

Designated Areas.

404. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local

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Government the reason a person (details supplied) in County Galway has not been paid for a bog under the designated bog compensation scheme in view of the fact that they were the registered owner of the property when the deal was concluded; if his attention has been drawn to the fact that another person who is now the registered owner has been informed that they will get a lower level of compensation due to the fact that they have inherited the bog; and if he will make a statement on the matter. [24545/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Designated Bog Compensation Scheme an incentive bonus may be payable to a vendor who was, at 1 July 2004, the registered owner of the property in sale. The vendor in this case was not the registered owner at that date and is therefore not entitled to the bonus under the terms of the scheme.

Special Areas of Conservation.

405. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government the number and location of raised bogs in County Kerry that have been diagnosed special areas of conservation in 2002 under the EU habitats directive; and if he will make a statement on the matter. [24546/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): One raised bog in Co. Kerry — Moanveanagh — was nominated for designation as a Special Area of Conservation in 2002. Details can be found on my Department's National Parks and Wildlife Service website at <http://www.npws.ie/en/SAC/002351/>.

Housing Grants.

406. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 568 of 20 May 2008, when funding will be made available to Clare County Council to operate the housing adaption grant; and if he will make a statement on the matter. [24556/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Housing Adaptation Grant Schemes for Older People and People with a Disability are funded by 80% recoupment available from my Department, together with 20% contribution from the resources of the local authority. Notification of the combined capital allocations for 2008 in respect of the Schemes issued to local authorities on 21 May 2008. It is a matter for local authorities to decide on the specific level of funding to be directed towards each of the Schemes, from within the combined allocation notified to them by my Department, and to manage the operation of the Schemes in their area from within this allocation.

Register of Electors.

407. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if it is his intention to enable Irish citizens living abroad to vote in future referenda; the number of citizens expected to be affected in the event of such a change; and if he will make a statement on the matter. [24647/08]

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 ordi-

narily 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 Gardai, 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.

Local Authority Funding.

408. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the amount allocated in 2008 to each local authority under the grant scheme for older people and people with a disability; the amounts paid in 2006 and 2007; and if he will make a statement on the matter. [24648/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Details of the combined capital allocations made to each local authority in 2008, in respect of the operation of the Housing Adaptation Grant Schemes for Older People and People with a Disability, together with the amounts recouped to each authority in 2006 and 2007, are set out in the table. The combined capital allocations made by my Department to local authorities for the operation of the Housing Adaptation Grant Schemes for Older People and People with a Disability represent not capital grants, but the total amount which authorities are authorised to spend on the schemes, including from the resources of individual authorities, in the year in which the allocation is made.

Local Authority	Total amount recouped 2006	Total amount recouped 2007	Overall Allocation 2008
	€	€	€
Carlow County Council	722,032	1,174,211	1,191,450
Cavan County Council	1,942,193	1,130,966	1,150,890
Clare County Council	1,457,156	1,286,340	1,308,060
Cork County Council (North)	1,960,493	1,932,606	1,962,090
Cork County Council (South)	2,399,426	2,509,769	2,545,140
Cork County Council (West)	1,139,106	991,409	1,008,930
Donegal County Council	3,463,420	4,186,047	4,248,660
Dún Laoghaire/Rathdown County Council	1,594,382	1,867,940	1,896,180
Fingal County Council	1,328,899	1,554,110	1,576,770
Galway County Council	1,934,428	1,795,118	1,820,130
Kerry County Council	2,415,804	2,551,761	2,590,770

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Local Authority	Total amount recouped 2006	Total amount recouped 2007	Overall Allocation 2008
	€	€	€
Kildare County Council	1,284,466	1,619,225	1,642,680
Kilkenny County Council	473,823	801,467	816,270
Laois County Council	2,323,185	2,601,255	1,678,000
Leitrim County Council	1,282,782	1,545,126	1,571,700
Limerick County Council	1,107,668	1,528,970	1,551,420
Longford County Council	724,153	628,049	638,820
Louth County Council	2,663,893	1,789,877	1,815,060
Mayo County Council	1,732,128	2,446,257	2,484,300
Meath County Council	2,111,207	2,380,019	2,418,390
Monaghan County Council	1,630,509	1,880,169	1,911,390
North Tipperary County Council	1,592,487	1,547,594	1,571,700
Offaly County Council	1,234,792	1,292,903	1,292,910
Roscommon County Council	1,447,339	1,652,933	1,678,170
Sligo County Council	225,712	484,371	491,790
South Dublin County Council	2,729,715	3,933,500	3,990,090
South Tipperary County Council	1,690,228	1,323,593	1,343,550
Waterford County Council	1,616,761	1,497,584	1,500,000
Westmeath County Council	1,145,690	1,437,482	1,460,160
Wexford County Council	1,178,485	2,010,858	2,043,210
Wicklow County Council	1,612,637	1,063,649	1,079,910
Cork City Council	1,073,047	1,827,539	1,855,620
Dublin City Council	11,438,899	12,464,277	12,639,510
Galway City Council	781,315	1,031,777	1,049,490
Limerick City Council	859,312	702,602	714,870
Waterford City Council	479,648	440,937	451,230
Sligo Borough Council	252,166	408,444	415,740
Total	65,049,386	71,320,734	71,405,050

Planning Issues.

409. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 879 of 17 June 2008, the reason his Department collects information on prosecutions under section 154(8) but not section 154(9) of the Planning and Development Act 2000; if any other Department or body collects such information; and if he will make a statement on the matter. [24664/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Section 154(3)(a) of the Planning and Development Act 2000 confers a general power on planning authorities to serve an enforcement notice not only on the person carrying out the relevant development but, where the authority considers it necessary, on the owner or occupier of the land concerned or any other person who in the opinion of the authority may be concerned with the matters to which the notice relates. In 2006, the most recent year for which completed statistics are available, there were 596 prosecutions following failure to comply with enforcement notices.

Information available to my Department suggests that the general provisions of section 154(3)(a), rather than the specific provisions of section 154(9), are used by planning authorities to prosecute those facilitating non-compliance with enforcement notices. Notwithstanding this my Department will examine the usefulness of collecting data in relation to section 154(9) for the 2008 Annual Planning Statistics. I am not aware that any other Department or body collects statistical information regarding prosecutions under section 154(9) of the 2000 Act.

410. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government the position in relation to a matter (details supplied); and if he will make a statement on the matter. [24690/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Planning authorities may, when granting planning permission for quarries, attach appropriate conditions to such permissions. My Department's Guidelines to Planning Authorities on Quarrying and Ancillary Activities, issued in April 2004, offer guidance to planning authorities on planning for the quarrying industry, both in their development plans and in determining individual applications for planning permission. The Guidelines recommend suitable planning conditions for mitigating the environmental impacts of quarries and, in relation to the control of dust, specifically refer to wheel washing of vehicles leaving a site and covering of fine dry loads or spraying of loads prior to exiting a site as possible mitigation measures.

The once-off registration of quarries introduced by Section 261 of the Planning and Development Act 2000, commenced in April 2004, gave a further opportunity to planning authorities to impose controls on certain quarries. Following registration, a planning authority could impose conditions on the operation of a pre-October 1964 quarry or could require such a quarry to apply for planning permission and submit an Environmental Impact Statement where certain thresholds were exceeded. Authorities were also able to restate, modify or add to conditions on the operation of a quarry that received planning permission more than 5 years before the commencement of Section 261.

Local Authority Housing.

411. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government his plans to review the differential rent scheme for local authority accommodation; when the scheme was last reviewed; and if he will make a statement on the matter. [24734/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Under Section 58(3) of the Housing Act 1966 the making and amending of rent schemes is the responsibility of local authorities as an integral part of their housing management functions, subject to broad principles laid down by my Department in Circular letter HRT 3/2002 of 6 March 2002. In the context of the Government's statement on housing policy — Delivering Homes, Sustaining Communities — I will continue to keep existing rent determination systems under review to ensure that they remain equitable.

Purchase of Lands.

412. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 576 of 8 May 2008, when an application will be processed for a person (details supplied) in County Clare; and if he will make a statement on the matter. [24735/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that contracts were returned on 5 June in this matter and they are now being prepared for execution.

Grant Payments.

413. **Deputy Eamon Scanlon** asked the Minister for the Environment, Heritage and Local Government when payment in respect of a rural renewal application for persons (details supplied) in County Sligo will be granted; and if he will make a statement on the matter. [24781/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): A Certificate of Compliance has recently issued in respect of this property.

Electoral Management System.

414. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government his plans to ensure that all polling places in future elections and referenda are accessible to people with disabilities. [24837/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Electoral Act 1992, the selection of buildings to be used as polling stations at an election or referendum is a matter for the returning officer. The Electoral (Amendment) Act 1996 provides that local authorities, in making polling schemes, shall endeavour to appoint polling places which allow the returning officer to provide at each place at least one polling station that is accessible to wheelchair users. The Act also requires that the returning officer shall, where practicable, provide polling stations which are accessible to wheelchair users. Under the Act, the returning officer must, where practicable, give public notice of all polling stations which are inaccessible to wheelchair users not later than eight days before polling day. If an elector will have difficulty gaining access to his or her polling station, he or she may apply in writing to the returning officer for authorisation to vote at another polling station in the same constituency.

If a person has a physical disability or physical illness which prevents him or her from going to the polling station, the person can vote by post if he or she applies to be included in the postal voters list which is drawn up each year as part of the register of electors. In order to be entered on the postal voters list, the person must apply to the appropriate local authority by 25 November each year. After that date, an application for inclusion on the supplement to the postal voters list may be made. While electoral law is subject to ongoing review, there are no proposals to alter the existing arrangements in these matters.

Decentralisation Programme.

415. **Deputy Thomas Byrne** asked the Minister for the Environment, Heritage and Local Government the position in relation to progress and future plans on the decentralisation programme in respect of Drogheda. [24938/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Local Government Computer Services Board (LGCSB), a body under the aegis of my Department, is scheduled to move to Drogheda under the decentralisation programme. Progress in relation to that relocation, which is a matter for the body itself, is reported on to the Decentralisation Implementation Group.