



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 2 October 2008.

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DÁIL ÉIREANN

*Déardaoin, 2 Deireadh Fómhair 2008.
Thursday, 2 October 2008.*

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m

*Paidir.
Prayer.*

Request to move Adjournment of Dáil under Standing Order 32.

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

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 the health and well-being of our citizens caused by excessive lead levels in water supplies in 23 areas which have been reported by 11 local authorities——

Deputy Bernard J. Durkan: Hear, hear.

Deputy James Bannon: —and the associated risk of lead piping from the mains to the property and internally in houses in some areas.

(Interruptions).

An Ceann Comhairle: Tar éis breithnithe a dhéanamh ar an ní ardaithe, níl sé in ord faoi Bhuan Ordú 32. The matter raised is not in order under Standing Order 32.

Order of Business.

The Tánaiste: It is proposed to take No. *a1*, Credit Institutions (Financial Support) Bill 2008 — amendments from the Seanad; No. *a14*, motion re Orders of Reference of Committee; No. *b14*, motion re Membership of Committee; No. *14a*, motion re establishment of sub-committee of the Joint Committee on European Affairs; and No. 1, Broadcasting Bill 2008 — Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. *a1* shall, if not previously concluded, be brought to a conclusion after 60 minutes and any amendments from the Seanad not disposed of shall be decided by one question which shall be put from the Chair, and which shall, in relation to amendments to the Seanad amendments, include only those set down or accepted by the Minister for Finance; and the proceedings on Nos. *a14*, *b14* and *14a* shall be taken together for the purposes of discussion and shall, if not previously concluded, be brought to a conclusion after 45 minutes. The following arrangements shall apply — the speeches shall be confined to a Minister or Minister of State and to the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin, who shall be called upon in

[The Tánaiste.]

that order; Deputies may share their time and shall not exceed ten minutes in each case. A Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes.

An Ceann Comhairle: There are two proposals before the House. Is the proposal for dealing with No. *a1*, Credit Institutions (Financial Support) Bill 2008 — amendments from the Seanad agreed? Agreed. Is the proposal for dealing with Nos. *a14*, *b14* and *14a* agreed?

Deputy Enda Kenny: Can the Tanáiste confirm the time remit of the sub-committee; is it six weeks or eight weeks? Will she confirm that the sub-committee will report in the first instance to its parent committee, the Oireachtas Joint Committee on European Affairs? The sub-committee is known as the Sub-Committee on Ireland's Future in the European Union.

Deputy Micheál Martin: It is eight weeks.

Deputy Enda Kenny: Can the Tanáiste give the House an assurance that if, in the time remit allocated to it, the sub-committee needs resources for hearings or whatever else, the Government will see they are provided?

Deputy Caoimhghín Ó Caoláin: I have been handed a copy of the second supplementary Order Paper. This was one of the matters on which I sought clarification. The Order Paper refers to the matter, but it was still not available until now and I wanted to square it with the information we have. The supplementary Order Paper indicates — perhaps the Tanáiste can provide clarification — the membership of the sub-committee with a list of Deputies. Can the Tanáiste indicate what other Members are members of this sub-committee, as they are not provided for in the Order Paper? I expect this will come forward in the Seanad, which may be the answer. This is the only clarification I seek.

The Tánaiste: The timeframe runs to 28 November.

Deputy Enda Kenny: What is the date?

The Tánaiste: It is 28 November. My voice is going. Regarding the second issue raised by Deputy Ó Caoláin, the Seanad will make its own nominations. There is an agreement regarding the resource requirement of the sub-committee which will be adequately met.

Deputy Enda Kenny: Deputy James Reilly will attend to the Tánaist's throat afterwards.

An Ceann Comhairle: Is the proposal agreed? Agreed. I call Deputy Kenny on the Order of Business.

The Tánaiste: I would need to carry out a risk assessment before agreeing to that.

Deputy Enda Kenny: Deputy Reilly can attend to the whole Government Front Bench if necessary. Arising from the conclusion of discussions in the Dáil and the Seanad last night and this morning, we now have one hour to agree on the amendments from the Seanad. The Oireachtas has responded to a crisis which erupted in Irish banking circles. For the moment, the response has dealt with that crisis. We hope the terms, conditions and regulations will be sufficient to cope with the detail of the working of that legislation in the interests of a strong economy and a strong banking system. Given that it will be necessary to continue the flow of credit through the banking system in future, can the Tanáiste indicate what other legislation is envisaged to enable a situation continue where the banking system is strong and where credit

can continue to flow through the banks for business and normal purposes? Is the Government considering the possibility of legislation that may arise in the context of any mergers that might occur in the Irish bank system? The Tánaiste might outline her views on that.

Second, I note that the outstanding opportunist we have on the Government benches, the Minister for Justice, Equality and Law Reform, said today that a new data protection Bill will be brought forward to deal with the sensitive issue of personal data being stored and, in some cases, being lost. That is not on the Government's legislative programme. Will the Tánaiste indicate if this is a piece of work currently being drafted by the Minister for Justice, Equality and Law Reform? When is it likely to see the light of the Oireachtas? If it takes him as long to draft that legislation as it does to do many other things, would she consider accepting from the Opposition a Bill in this area which has already been prepared by Deputy Simon Coveney?

An Ceann Comhairle: Now, Tánaiste, of opportunities and opportunists.

The Tánaiste: I am too quiet for that. It is not anticipated that there will be further legislation arising from the legislation that will be finalised this morning.

On the issue of mergers, the issue has been addressed within the context of this legislation, most particularly in the over-riding of the competition legislation we currently have, to which I agreed. As the Deputy is aware, the Minister for Justice, Equality and Law Reform has indicated he is working within a consultative process. Just because something is not on a particular list does not mean we are not doing our work. We are proceeding on the basis of the consultative process. I am sure the Deputies opposite can participate in that process in the context of their own legislation and the Minister will bring forward future legislation in due course.

Deputy Enda Kenny: I thank the Tánaiste for that reply. I am not suggesting she is not working but I made the point last week that there appeared to be professional kite flyers on the Government benches. We have the data protection proposal from the Minister for Justice, Equality and Law Reform, the third level fees proposal from the Minister for Education and Science, the absent Minister for the Environment, Heritage and Local Government with his domestic water charges——

An Ceann Comhairle: I cannot allow the Deputy put up a further——

Deputy Dermot Ahern: If we were not doing our work the Deputy would be giving out.

Deputy Enda Kenny: I want to put the Minister for Justice, Equality and Law Reform on notice that just because this side of the House donned the jersey in the interests of Ireland and our economy does not mean he will get that level of co-operation into the future.

Deputy Micheál Martin: Come fly with me.

Deputy Eamon Gilmore: I want to raise three matters. First, there is an item of legislation on the Government's list, the financial services regulation Bill, which is to modernise financial services legislation in accordance with the Government's better regulation agenda. It is in section C, which is Bills in respect of which heads have yet to be approved by the Government. In view of the week we have just had, will the Tánaiste indicate if it is now intended to accelerate the preparation of that legislation? Also, does the Government intend to take on board the recommendations of the Rasmussen report, which is currently before the European Parliament, the purpose of which is to provide for better regulation of banks and financial institutions throughout the European Union?

[Deputy Eamon Gilmore.]

Second, while we have been here addressing the financial crisis in the boardrooms of the banks of the country this week there is a financial crisis of a different kind but no less serious around the kitchen tables of the 80,000 extra people who have lost their jobs since this time last year.

An Ceann Comhairle: That is not in order now, Deputy.

Deputy Eamon Gilmore: Does the Tánaiste intend to bring any proposals to the House to address the problems faced by people who have become unemployed and who are becoming——

An Ceann Comhairle: We cannot go into that matter now, Deputy.

Deputy Eamon Gilmore: We can, a Cheann Comhairle. Yesterday, while we were all in here working, a report was published that showed we have had the highest rise in unemployment in the history of the State in the past 12 months. Unemployment is now higher than it was ten years ago.

An Ceann Comhairle: There is another way of raising that matter.

Deputy Eamon Gilmore: If we could spend two days in this House working late into the night to dig the banks out of the problem they got themselves into the very least we can do here is mention the problems of people who have become unemployed in that time.

An Ceann Comhairle: Leaders' Questions do not take place on Thursday mornings and I must ask Deputy Gilmore to stay in order. We have no choice.

Deputy Eamon Gilmore: The final issue I want to raise is something that may have escaped our attention while we were occupied with the banks. I understand the Morris reports dealing with the issues relating to the gardaí in County Donegal were received by the Government last Thursday and are due to be published next week. The Tánaiste will recall that when the first report was published last year I asked for a debate in the House on it and at that time both she and the then Taoiseach said they wanted to wait until all of the reports were available. I understand they are now available and will be published next week. When is it intended that the House will debate the reports of the Morris tribunal?

The Tánaiste: On the financial services regulation Bill, I am led to understand an advisory forum is dealing with that issue. I take on board the concerns the Deputy has raised. It was to advise the Minister by the beginning of next year but as the Deputy is aware, a legislative committee meeting is taking place and we may re-evaluate the necessity of expediting that.

On the Morris report, I gave an undertaking that there would be a full debate in the House. We expect publication next week, if at all possible, and perhaps the Whips could come together with a formulation of when we would have a full debate in the House on that matter.

Deputy Eamon Gilmore: On the financial services regulation Bill, the world has changed since the Government could do business by way of having advisory forums meandering on forever and a day. That is the reason we found ourselves dealing with an emergency situation. The Government clearly was not on top of the requirement to strengthen the regulation of financial institutions.

An Ceann Comhairle: The Deputy should confine himself to asking about the legislation.

Deputy Eamon Gilmore: The heads of this item of legislation, which is No. 52 in the Government's order of legislative priorities, list C of division 3, have not yet been prepared — there is reference to an advisory board — about the regulation of financial institutions. Given what we have just seen it is hardly unreasonable to ask that the Government might now accelerate matters regarding the regulation of financial institutions. I repeat the question to the Tánaiste. Will the Government accelerate the preparation of this legislation and bring it forward?

The Tánaiste: First, this is consolidation of existing legislation and a modernisation of the legislative framework. Second, it is appropriate that a situation is allowed whereby those involved in the financial services sector are in a position to advise and consult. That being said——

Deputy Brendan Howlin: Going by their track record they are not.

The Tánaiste: ——a legislative committee meeting will be held at 12 o'clock. Once we complete this legislation, we will turn to the financial situation after the budget, which will take some time to deal with. A new Finance Bill will have to be completed but in appreciation of what the Deputy has said, I can advise the Minister that it might be best to expedite this legislation. It is a matter for the Government to determine when legislation should be brought forward but I accept the Deputy's point.

Deputy Caoimhghín Ó Caoláin: The Government has brought in emergency legislation to restore confidence in our financial institutions but what steps is it considering to help restore confidence in State services? As Deputy Kenny said, we have seen much kite flying in the recent past but one that has caused tremendous——

An Ceann Comhairle: No, Deputy, I cannot allow you to fly another kite. You must adhere to Standing Orders.

Deputy Caoimhghín Ó Caoláin: It leads specifically to an item of legislation. The kite flying that someone has been responsible for in regard to medical cards for those over the age of 70 has caused tremendous anguish. Will the Tánaiste not put to bed that anguish and concern——

An Ceann Comhairle: Does the Deputy have a question that is in order?

Deputy Caoimhghín Ó Caoláin: ——by making a clear statement of intent that this matter will not be, as has been suggested, in the Government's proposals on 14 October?

An Ceann Comhairle: Does the Deputy have a question that is in order?

Deputy Caoimhghín Ó Caoláin: On the basis of restoring confidence in State services that are clearly undermined for some considerable time——

An Ceann Comhairle: If the Deputy does not have a question that is in order I have to call Deputy Crawford.

Deputy Caoimhghín Ó Caoláin: ——will the Government exercise the same intent that it showed over the past 48 hours by bringing forward the eligibility for health and personal social services Bill that has been deferred year after year since 2006? Will the Government introduce it now?

The Tánaiste: There is no date available for the Bill.

Deputy Caoimhghín Ó Caoláin: That does not answer my question.

The Tánaiste: That is the answer.

Deputy Caoimhghín Ó Caoláin: Will the Government introduce the Bill? That is the key question that needs to be answered.

The Tánaiste: I have already given my answer. I can do no more than that.

Deputy Seymour Crawford: In light of the fact that additional gardaí on the beat are urgently needed, can the Tánaiste indicate when the attachment of fines Bill will be introduced? It is needed if we are to reduce the amount of time gardaí spend dealing with fines. I would also like to raise a second extremely important issue. Can the Tánaiste give the House a date for the debate on the fair deal legislation? How will it be delivered to this House? We have been waiting for it for over 18 months. As we approach Christmas, will we have to wait another year for the fair deal Bill to help those who badly need such assistance? The Tánaiste is well aware of the difficulties to which I refer.

Deputy Jan O'Sullivan: On the same issue, we have been told that the fair deal legislation will probably be published within the next two weeks. Can the Tánaiste tell the House what it will be called? In the legislative programme for the summer 2008 session, it was referred to as the health (long-term residential care services) Bill. Its name had changed to the nursing homes support scheme Bill, however, by the time the schedule for the autumn 2008 session was published. Not only did it have a different name, but the description of the Bill had also changed. It was originally described as a Bill to “provide for a new scheme of financial support for persons requiring residential care in public and private nursing homes”. It has now been described as a Bill to “enable financial support to be made available to people in long term residential care out of resources allocated to the HSE, to provide for an amendment to the Health Act 1970 and related matters”. Does the rewording of the description of the proposed legislation indicate that there has been a substantial change in its contents? If such a change is to be made, does it arise from certain constitutional issues? Have the contents of the Bill been changed in the manner suggested by the rewording of the relevant section of the Government's legislative programme?

An Ceann Comhairle: The content of legislation cannot be discussed on the Order of Business.

The Tánaiste: No date has been announced for the introduction of the attachment of fines Bill. Deputy O'Sullivan answered Deputy Crawford's question about the fair deal legislation. We anticipate that it will be published within the next two weeks. It will be known as the nursing homes support scheme Bill. I am sure the Government will provide adequate time to discuss such an important Bill in due course.

Deputy Jan O'Sullivan: The description of the legislation has been changed significantly. Does that change indicate that the supports to be made available will not amount to the sum of money we anticipated on foot of the announcements which were made earlier in the year?

The Tánaiste: It would be more appropriate for the Deputy to discuss the matter with the Minister for Health and Children.

Deputy Jan O'Sullivan: It is not usual for the description of a Bill to be changed in such a manner.

An Ceann Comhairle: The Deputy has made her point.

Deputy Joanna Tuffy: The programme for Government contains a commitment to introduce legislation to implement the recommendations outlined in the All-Party Committee on the Constitution's report on property rights. One of the recommendations is that legislation be introduced to implement the Kenny report, to regulate estate agents and auctioneers and to provide for transparency in land transactions throughout the State. It is obvious that such a Bill would be relevant to the circumstances we are currently facing. Issues such as land speculation have been raised this week. We need to introduce reforms to ensure that the current problems relating to land speculation do not recur in the future.

The Tánaiste: I am advised that the property services regulatory authority Bill will be published this month.

Deputy Michael Ring: When will Report and Final Stages of the Charities Bill 2007 be taken? That Bill has never been more wanted than it is by the banks at present.

Deputy Bernard J. Durkan: Now would be a good time to introduce it.

The Tánaiste: I listened with interest to Deputy Ring's comments during yesterday's debate. The date of Report and Final Stages of the Charities Bill 2007 is subject to the agreement of the Whips.

Deputy Terence Flanagan: I understand that further discussions on the property services regulatory authority Bill took place last week. Can the Tánaiste update the House on whether the Office of the Attorney General is recommending that an omnibus Bill be produced? Will a single Bill be introduced in the House? Thousands of apartment owners are being fleeced by management companies and agents.

The Tánaiste: I assume the Deputy is referring to the multi-unit development Bill. The Office of the Attorney General has advised that a single Bill should be introduced. We have not made a final decision on when that will happen. We have had a number of discussions on this issue. We hope to bring it to the floor of the House as quickly as possible.

Deputy Emmet Stagg: Has the Attorney General given the Government the clarification it was waiting for?

The Tánaiste: No, I think——

Deputy Emmet Stagg: He must have acted on what was said in this House.

The Tánaiste: I will not even rise to the Deputy's remarks.

Deputy Dermot Ahern: Deputy Stagg knows that the remarks in question were made in confidence.

Deputy James Bannon: I understand that some national monuments, which are the visible face of our heritage, are to be moved from the streets of Dublin to facilitate the construction of the metro north facility. Nobody knows where the monuments will be stored or what degree of protection will be afforded to them. In that context, when can we expect the national monuments Bill to be introduced? The legislation in question is urgently needed if we are to prevent the destruction by stealth of our heritage throughout the country.

Deputy Bernard J. Durkan: These are monumental times.

Deputy Dermot Ahern: Deputy Durkan is a national monument.

The Tánaiste: No date is available for the legislation mentioned by Deputy Bannon.

Deputy Richard Bruton: This year's budget, announced last December, provided for an Exchequer deficit of €5 billion. By July, the Government was talking about a deficit of €8 billion. In early September, it revised that Estimate to €10 billion. According to the most recent briefings, the deficit might reach €12 billion. The Exchequer returns to be published today are the last returns we will get before December's budget. When will the Government announce its final end-of-year tax predictions on the basis of which the budget will be framed? The Minister for Finance has indicated that the House will have a chance to examine the tax predictions in advance of the budget. When will they be produced?

An Ceann Comhairle: That is not strictly speaking in order. It is a matter for the line Minister.

The Tánaiste: The Minister indicated that he would make that information available prior to the budget. The Minister and all other Deputies have been busy dealing with an important Bill this week.

Deputy Richard Bruton: We have to look after our own money as well.

The Tánaiste: That is very important. We will look after the Deputy's money.

Deputy David Stanton: That is what we are worried about.

The Tánaiste: I will speak to the Minister later about the undertaking he has given.

Deputy Bernard J. Durkan: Over recent days, I have noticed an increase in the number of parliamentary questions which have been refused on the basis that the Minister has no official responsibility to the House for the matter in question. Such refusals are a feature of the early days of every parliamentary session. We are familiar with such old tricks.

An Ceann Comhairle: We cannot talk about old tricks on the Order of Business.

Deputy Bernard J. Durkan: Over recent days, the Government has looked for mercy and assistance from the Opposition in this House. I remind it that this cuts both ways.

An Ceann Comhairle: We cannot talk about new tricks either.

Deputy Bernard J. Durkan: That puts the Ceann Comhairle in a difficult position.

An Ceann Comhairle: It does.

Deputy Conor Lenihan: Bernard the merciless.

Deputy Seán Power: May the Lord have mercy.

Deputy Bernard J. Durkan: I would not like the Ceann Comhairle to be in a difficult position.

An Ceann Comhairle: I appreciate the Deputy's assistance very much. It is not in order to raise the disallowance of parliamentary questions on the Order of Business.

Deputy Bernard J. Durkan: I have come to the conclusion that the Ceann Comhairle knows it is in order.

An Ceann Comhairle: If the Deputy has a problem, he can contact my office.

Deputy Bernard J. Durkan: I would like to raise two other issues. In recent times, there has been an increase in the use of pipe bombs and other explosives in Dublin. It is proposed to replace the Explosives Act 1875 with a modern statutory legislative framework for the control, manufacture, storage, importation and supply of explosives. The text of the Bill has been drafted and agreed. In view of the urgency of the situation, can the Tánaiste indicate whether it is intended to proceed with this legislation expeditiously? The Government has placed great emphasis on the development of alternative energy and the enhancement of the national grid. What is the current status of the proposed Bill that will provide for transfer of ownership of electricity transmission assets from the ESB to EirGrid? I have raised two simple issues. I am sure the Tánaiste will be anxious to facilitate the House on such matters of extreme urgency.

The Tánaiste: I am anxious to deal with these issues. The first Bill mentioned by the Deputy will be introduced early next year. The second Bill he mentioned will be introduced some time next year. When I looked through all the parliamentary questions the Deputy asked on particular subjects recently, I thought it would be interesting to undertake a value for money audit of them.

Deputy Bernard J. Durkan: Perhaps there should be a value for money audit of all the stupid decisions the Government has made.

Deputy Dermot Ahern: The Deputy is always tabling parliamentary questions to get information he could just as easily get via e-mail.

Deputy Bernard J. Durkan: What about electronic voting?

Deputy Charles Flanagan: If the Minister wants to get value for money, he should start by looking at his own office.

Deputy Bernard J. Durkan: We need to look at the Minister's area as well.

The Tánaiste: I could not resist referring to the Deputy in the context of value for money.

An Ceann Comhairle: I advise the Tánaiste that provocation is not allowed on the Order of Business.

Deputy Lucinda Creighton: Does the Government have plans to assist in adequately funding local authorities? We have seen a large rise in dependence on development levies to fund the day-to-day business of local authorities which has caused a large amount of problems in planners riding roughshod over development plans and so on.

An Ceann Comhairle: What is the legislation to which the Deputy is referring?

Deputy Lucinda Creighton: I am getting to it.

An Ceann Comhairle: Please do.

Deputy Lucinda Creighton: We have a disastrous situation throughout the country where disability grants are being scaled back.

An Ceann Comhairle: The Deputy cannot make a speech on the matter now.

Deputy Lucinda Creighton: Does the Government have any plans to deal with it in the forthcoming budget?

An Ceann Comhairle: We cannot deal with it now. It is out of order.

Deputy Lucinda Creighton: Clearly, from all of the media reports during recent weeks——

An Ceann Comhairle: The Deputy must find an alternative method to raise the matter. She cannot raise it now.

Deputy Lucinda Creighton: ——city and county councils are being forced to scale back.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Ruairí Quinn: Is it still Government policy to provide a mechanism whereby local authority tenants in corporation and city council flats and apartments will be able to purchase their properties? If so, when will the legislation which is required be brought forward to give effect to this policy position?

The Tánaiste: I assume the Deputy is referring to the Housing (Miscellaneous Provisions) Bill 2008 which is before the Seanad. Once it has been completed there, it will come before the Dáil.

Deputy Lucinda Creighton: There is no reference to flats in the Bill.

The Tánaiste: The Ceann Comhairle advised me against provocation. However, I recall that Fine Gael is in charge of most of the devolved decision making in local authorities.

Deputy Lucinda Creighton: That has nothing to do with it.

Deputy Máire Hctor: There is no matching funding.

Deputy Ruairí Quinn: I also asked whether it was still the policy to provide for the sale of local authority flats and, if so, if the Bill would be amended in the Seanad to provide for it adequately.

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: This does not come within the ambit of the Order of Business but the Tánaiste may be able to be helpful.

The Tánaiste: The decision has not been made. On this basis, I cannot pre-empt what will be discussed on the floor of the House.

Deputy Seán Barrett: I note from today's Order Paper that the Joint Committee on European Affairs has completed its report on the European Commission's White Paper on the integration of EU mortgage credit markets. What will happen to this report? Is it intended that the Government will bring it to the floor of the House for debate? This is an important issue.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Seán Barrett: If there is to be scrutiny of proposals coming from the European Union, after the committees complete their reports, surely they should be brought to the floor of the House in order that the entire House can debate them? Is it intended, as a general principle, to bring these reports to the House?

The Tánaiste: To be helpful, if the committee requests a discussion, I am sure we can facilitate it.

Deputy Seán Barrett: That is not the point. The point is that during the debate on the Lisbon treaty we made great play of the fact that individual parliaments could scrutinise European proposals. Therefore, provision must be made to make time available to debate reports produced by committees. It is a general principle and I want to know whether the Government will provide for it.

The Tánaiste: It is a fair point. Perhaps the Whips can discuss the matter and bring it before the House.

Deputy Michael D. Higgins: I am disappointed that the Minister for Foreign Affairs has left the Chamber. While the Dáil was not in session during the summer, Ireland changed its position on an important matter. It had a blocking vote, in other words, consensus was required, at the Nuclear Suppliers Group. Ireland has ratified the nuclear non-proliferation treaty. However, this treaty, one of the most important parts of Irish foreign policy, has been endangered by Ireland agreeing to the US-India nuclear agreement, a matter we discussed at the Joint Committee on Foreign Affairs. There has been an understanding for many years that Ireland would not facilitate the emergence of a new nuclear power such as India and Pakistan which are both nuclear powers. Ireland has used its vote to facilitate an exception with regard to the Nuclear Suppliers Group which has more than 40 members. This has created a situation where new nuclear reactors are not responsible to the International Atomic Energy Agency.

An Ceann Comhairle: The Deputy must find another way of raising the matter.

Deputy Michael D. Higgins: I will not delay the House because the Ceann Comhairle has been very fair.

An issue is raised because it is rare to have legislation on foreign affairs. We must try to establish scrutiny through the treaties and departure from them. Members on this side of the House should know that the non-nuclear proliferation treaty was one of the great achievements of a Fianna Fáil Minister and it was associated with Mr. Frank Aiken. Through stealth when the Dáil was not in session, the Government removed the vote it had and waved on the US-India nuclear agreement.

An Ceann Comhairle: There are no circumstances——

Deputy Michael D. Higgins: We should have time in this House to discuss its implications because it will not stop the Minister for Foreign Affairs talking about threat posed by Iran. They are establishing——

An Ceann Comhairle: The Deputy has made his point but I cannot allow it because another Deputy might want to go even further afield.

Deputy James Reilly: Given the fact that we are facing a huge medical legal bill with MRSA and C. difficile in our hospitals and with the Stop Infection Now volunteer group also examining consumer rights law to further claims, when will the Bill dealing with HIQA be introduced? Will it afford it the power to censure hospitals as at present is it toothless? I do not want to provoke the Ceann Comhairle who has been fair, but I would like to provoke some action from the other side of the House.

An Ceann Comhairle: On the legislation.

The Tánaiste: It is not possible to indicate as there is wide-ranging public consultation taking place on the matter.

Credit Institutions (Financial Support) Bill 2008: From the Seanad.

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Section 6: In page 3, lines 23 to 29, to delete subsection (5) and substitute the following:

“(5) Where the Minister proposes to make a scheme under *subsection (4)*—

(a) he or she shall cause a draft of the proposed scheme to be laid before each House of the Oireachtas, and

(b) he or she shall not make the scheme unless and until a resolution approving of the draft has been passed by each such House.”.

Minister of State at the Department of Finance (Deputy Martin Mansergh): The purpose of this amendment is to substitute a positive resolution process with regard to a scheme for financial support to guarantee credit institutions in place of the negative resolution in the Bill as initiated. The amendment which was signalled by the Minister for Finance in the Dáil earlier this morning reflects the importance of ensuring both Houses of the Oireachtas have an opportunity to consider and endorse a scheme dealing with key requirements for financial institutions benefitting from a State guarantee. Of particular importance is the mechanism for pricing the value of the guarantee for these institutions, as well as the terms and conditions to strengthen corporate governance transparency and risk management processes in the institutions which will benefit from the State warranty.

Deputy Richard Bruton: I welcome the amendment. The Minister of State who attended much of the debate yesterday will be in no doubt as to what the Dáil expects in terms of the scheme and the appliance of new rules to the behaviour of financial institutions as a result of the taxpayer taking on this guarantee. Yesterday, we gave the Minister an arsenal of armoury which he can use to police this scheme. The difficulty which many on this side of the House have is that while the armoury is limitless, we do not yet know how it will be applied, in what circumstance or which arms, in particular, will be used. There were many issues raised yesterday about pay, bonuses, dividends and lending practices. We on this side of the House want those regulated to the maximum effectiveness. The Minister argued very strongly yesterday in the House that he did not share the view of this side of the House that embodying specific requirements would give the Dáil greater confidence. He argued instead that if we had specific requirements listed in the Bill, his power would somehow weaken. I find that very hard to accept. After listing the things the Minister will regulate, he has the capacity to do anything necessary to achieve the results.

This side of the House remains disappointed that there will not be more specific detail in the scheme. As far as we know, the scheme will only detail the charges, the revenue and the terms under which people can enter to participate. What will those elements of conditionality cover? We did not get to debate that yesterday. How far will the scheme go in listing the areas of protection and what are the conditions that will apply? Will the scheme list conditions that will apply to the way banks behave after they are inside it? Will we be left waiting to see what the Financial Regulator and the Minister's advisers come up with as time goes by? Clearly, the House would like to see as much detail within the scheme so we could be confident that maximum taxpayer protection is provided in it.

From what the Minister has said, I know that not everything we want and not everything that he has conceded during the debate will be in the scheme. However, it is very important that as much as possible goes into the scheme for Dáil approval, and that we are not asked to take too much on trust in respect of how the Minister and the regulatory authorities will apply the vast range of powers we have given to them in the Bill.

Will the scheme provide any additional details on the extension of the guarantee to institutions not covered? The Minister has indicated he will accept applications from other financial institutions and look at them sympathetically. We welcome that in principle. There are clearly different sets of protections necessary for the taxpayer in circumstances where an institution is not wholly regulated in this country. The assets of those institutions are limitless in one sense, but we do not know which of them will be attributed and assigned to Ireland, and should the guarantee be called upon, we may not know what will be assigned as available to the Irish State to deal with unwinding the guarantee it has given. I presume there will have to be a ring fencing of assets and there will have to be some additional rules that are currently not being applied to banks that are not wholly regulated in Ireland. It would be of benefit to the House if the Minister included details of those issues in the scheme we will be debating next week.

I welcome the concession made by the Minister yesterday. We have moved from the situation where the scheme would be laid before the House and the only possibility for the Oireachtas would be to devote private Members' time to an attempt to reject the scheme. That was not a satisfactory approach at the outset, and I welcome the Minister's agreement to change that position, which is a product of this first amendment from the Seanad.

Deputy Joan Burton: I wish to acknowledge that the Government, in this amendment, is going some way to meet the first amendment put forward by the Labour Party last night, which was to have the scheme laid before the House before the Bill was enacted. We want clearer indications of the game plan, not just to protect the banks, but to protect the long-term strategic interests of the taxpayer and of the real economy in Ireland from the construction industry bubble and from speculation in complex financial instruments. We want the focus to be on protecting the real economy. In two weeks we face a very tough budget, according to indications from Ministers.

The guarantee given has provided stability to the six institutions named. As a consequence, the Irish national debt has a contingent liability of €400 billion, and if Ulster Bank is included, this contingent liability will be pushed up by another €60 billion, and by even more if two other institutions mentioned in the newspapers today are also to be included. We will see the Exchequer returns later today, and they do not seem to be great. When the Government goes to borrow, not just for investment in infrastructure, but for current spending as well due to the projected size of the deficit, how will the Minister price the extra cost of the borrowing that the Government will have to pay as a consequence of the guarantee?

An Ceann Comhairle: I must interrupt the Deputy. The Chair has no jurisdiction whatsoever in respect of order in the matter of Seanad amendments. That is a constitutional position. In debating amendments such as this, the Member is confined to the amendment and may refer to the section only in so far as it is affected by the amendment. Discussion, in effect, is extremely limited and is confined to the acceptance or the rejection of the amendment concerned. I have no discretion in that.

Deputy Joan Burton: It was the Minister himself who indicated that the scheme, which is the subject of the amendment, would sketch out the questions I am now asking. The cost of the scheme to the taxpayer is fundamental. After all, we will have to borrow money at a higher cost and I want to know how is the State going to pay for the scheme referred to in the amendment.

[Deputy Joan Burton.]

The Minister made a reference last night to the scheme seeking to curb reckless behaviour and compensation packages for bank executives. Can the Minister of State confirm that such curbs will be included? Will there be an examination of the banks' balance sheets to look at the issues, not just the liquidity issue addressed by the scheme but the underlying real issue of solvency and the quality of the assets in the banks' balance sheets? I refer in particular to the bad loans held by several of the banks due to lending for land and construction purposes. Many of these loans now seem to be seriously impaired and devalued. We would also like to know more about the additional banks being included. What parameters will the scheme have to prevent British banks who own banks in Ireland importing into their Irish subsidiaries debt and other instruments which the Irish taxpayer will then end up guaranteeing? How will the scheme be ring-fenced if we take on guarantees to British-owned banks operating in Ireland for the purposes of levelling competition and possibly meeting some EU requirements on competition? How are we going to ring-fence ourselves to avoid having to take on debts incurred by the parent company in the UK or elsewhere and passed on to the Irish subsidiary? If we have to do this, the cost to us will be significantly more.

The banks have said today that as a consequence of the guarantee and the scheme, money is now flowing in to Irish banks in the UK where they have UK branches. If this is just simply a case of ordinary deposits in the ordinary course of business, this means that the Irish banks are doing better. However, if this is hot money in speculative flows to take advantage of the Irish guarantee, we need to ensure that the scheme will include some caution or reserve on the banks participating in the scheme so that they will not be reckless with that money. A speculative bubble may be created whereby hot money is put into Irish banks and this money is loaned on neither wisely nor well.

We know that the Financial Regulator and the Central Bank come to all these items after the fact; everything is grand until something goes wrong. How will the Minister ensure that the fundamental interests of the Irish taxpayer are safeguarded? The amendment is welcome as it goes some way to addressing some of the issues raised by the Labour Party. However, given the manner in which the Financial Regulator and the Central Bank have operated in the past year and a half, as this crisis built up, I would much prefer if I heard that Deputy Brian Lenihan was having the odd chat with Warren Buffet or George Soros rather than entirely relying on the not so fantastic wisdom of the people down in the Central Bank or down in the office of the Financial Regulator. They seem to be permanently playing catch-up. These are the questions I would like the Minister of State to address.

Deputy Eamon Gilmore: As my colleague, Deputy Burton has said, this amendment arises from the debate held yesterday evening on the Labour Party amendment to which the Government responded.

When this amendment is approved by the House and the Bill goes for signature and following the decision made in the Seanad last night to approve the Bill, the taxpayers of the country will be providing a blanket guarantee to the Irish banks and not just to the six Irish banks who were initially listed in the Government's press release but, as I read it, to the entire retail banking system since it will be open to any bank with significant retail presence to apply for the guarantee scheme. I hope this works because if it does not work, there are very serious consequences for the Irish taxpayer. The Labour Party sought some assurances about those consequences during the course of the debate yesterday. We consistently raised those concerns over the past couple of days and I wish to pay tribute to my colleague, Deputy Burton, for the work she has done on this Bill on our behalf. However, those concerns were not adequately addressed by the Government which is why the Labour Party stood alone here last night in

opposing the passage of the Bill. At no point has the Government been able to tell us the level of exposure to the State of the guarantee now being provided. We were initially told it would be approximately €400 billion which is a staggering amount by any standards and about three times the total national income. However, that total amount referred only to six institutions as initially listed. Last night we learned that it is now intended to extend it to other institutions but we do not know how many more.

The Bill now gives the Minister the power to offer a guarantee of an unlimited amount to banks which will have to be underwritten by the taxpayer.

An Ceann Comhairle: I do not like to interrupt the Deputy but we cannot discuss the Bill now as we must deal with the amendment and there is no discretion involved.

Deputy Eamon Gilmore: Yes, but we are discussing the scheme and the process by which the scheme will be brought before the House. The scheme is intended to address these matters. The point I am making is that, unfortunately, the matters we wanted to have addressed in the Bill will now have to be addressed in the scheme. This is the reason I am referring to those matters.

Even within the six institutions the amount being guaranteed is growing. There are reports of funds moving from the UK to Ireland to avail of the guarantee and this in turn is now underwritten by this guarantee.

The Taoiseach has told the House and the Minister has repeated it that we do not have to worry, that the banks will end up paying. However, we have not been told how much they will pay or when they will pay it or by what means. One of the real and immediate costs to the taxpayer is the additional premium that this may add to the cost of Government borrowing. Again it has been said that the banks will pay but we still do not know how they will pay and how much they will pay and it is an issue as to whether that will be contained in the scheme.

In the course of the amendments presented by the Labour Party we had asked the Government to curtail the culture of greed that has brought us to this point. We have already argued that the six chief executives of the six banks which were initially covered by the scheme earn between them €13 million a year. Again the Government refused yesterday to include any provision in the Bill to curb that culture which has brought us here in the first place and to provide for a degree of what is referred to as “pay restraint” when reference is made to the pay of others. We are being told that we must take it on trust that something, somewhere will be done about it but we still do not know what that will be.

In the early hours of this morning, the Labour Party stood here alone to oppose the passage of the Bill because we were not given those assurances that we sought. Even so, I hope the Bill works and that the financial markets in Ireland will be stabilised, that Irish banks will succeed and that there will not be a requirement to draw down the guarantee that has been provided for in the Bill.

An Ceann Comhairle: Deputy Gilmore, we cannot discuss the Bill. I have no discretion. The amendment provides for the laying of the scheme before the Houses and the methodology and the scope of doing this unfortunately cannot be discussed now nor can the legislation itself be discussed. I must confine myself to the amendments in from the Seanad because there is a constitutional imperative.

Deputy Eamon Gilmore: I thank the Ceann Comhairle.

I wish to refer to commentary on the Bill in today's edition of *The Irish Times* in an article by Professor Morgan Kelly. I suggest the Government should reflect on his views:

[Deputy Eamon Gilmore.]

The reason that foreign banks started to shun Irish banks is that international investors have gradually become aware of the scale and recklessness of Irish bank lending to builders and property speculators.

He points out that of every €100 deposited in Irish banks, €60 has been loaned out for property speculation. I remember over the course of the past decade——

An Ceann Comhairle: I cannot allow this to continue Deputy. It is out of order, unfortunately, and I have to interpret the Standing Orders.

Deputy Eamon Gilmore: A Cheann Comhairle, if you wish I will preface every sentence by asking, “Will provision be made in the scheme to which this amendment refers...?”

An Ceann Comhairle: That would not be in order either. The scope of the scheme is not an issue. The question in accordance with the amendment which the Deputy wishes to addresses is that of laying the scheme before the House, not its methodology, scope or content.

Deputy Eamon Gilmore: Yes, a Cheann Comhairle.

An Ceann Comhairle: I have no choice in this.

Deputy Eamon Gilmore: With the greatest of respect, the Ceann Comhairle referred to the Constitution. We have a constitutional right as Parliament to examine legislation and to form an opinion on it. There is a proposal before the House that we amend the Bill passed here early this morning to provide a new method for the scheme to be presented to the House. We must make up our minds as legislators as to whether we give approval to this amendment. For us to inform ourselves to exercise that constitutional right, which we still have, there are matters we can raise about the scheme that will be presented to the House. Among those matters that we raise is the extent to which the scheme will address concerns that have been raised by Members about the enormous guarantee we are giving to the banks.

An Ceann Comhairle: I have no interest in arguing with the Deputy. The point is that the Standing Order provides that a debate on a Seanad amendment must be strictly relevant. There is nothing I can do about that. I have given much latitude in the debate on previous Stages. This time I am confined because if I do not enforce this a precedent will be set, which I cannot do.

Deputy Eamon Gilmore: A Cheann Comhairle, let me put it very simply. Taxpayers are being asked to underwrite a guarantee for every euro and cent in every bank in this country. We all want that money to be secure. There are concerns, however, about this. One concern is that some of the money loaned by the banks which has got us into this hole has been loaned out for property speculation.

An Ceann Comhairle: Will the Deputy return to the amendment?

Deputy Eamon Gilmore: Up to €60 of every €100 deposited in Irish banks has been loaned out for property speculation.

An Ceann Comhairle: The Deputy has long experience in the House and knows it would not be fair to the successors of this Chair or the House itself if I did not strictly adhere to the Standing Order in this instance. I insist the Deputy speaks to the amendment.

Deputy Eamon Gilmore: I am speaking to the amendment. This is about taxpayers' money. We spent a long time in the Chamber over the past two days on this debate. This morning reminds me why we face this problem in the first place. There were issues that were ruled out of order in the House and could not be raised in debate. If they had been allowed to be addressed——

An Ceann Comhairle: Will the Deputy return to the amendment?

Deputy Eamon Gilmore: I recall over the past ten years coming to the House to raise issues about what was happening in the property market and land speculation.

An Ceann Comhairle: We now only have 34 minutes remaining for debate.

Deputy Eamon Gilmore: I have argued in this Chamber that the State should intervene in what was happening in property speculation.

An Ceann Comhairle: Deputy Gilmore, eight Members are offering and we must be fair to them as well.

Deputy Eamon Gilmore: If an intervention had been made we would not have this problem now.

An Ceann Comhairle: If Members wish to change Standing Orders, I am quite happy to do so. However, that is not the position. I call on Deputy Caoimhghín Ó Caoláin. Please try to address yourself to the amendment and understand my position.

Deputy Caoimhghín Ó Caoláin: I welcome the amendment and will be supporting it. I welcome its passage through the Seanad this morning and acknowledge the Minister's response to the positions articulated by our respective spokespersons during the course of last evening's debate. I want to record my appreciation of my party colleague, Deputy Arthur Morgan, who was our lead participant in this debate over the past several days. I thank him and his support staff for their attention to detail.

The presentation by the Minister of the draft of the proposed scheme that will be laid before the House is eagerly awaited. That said, the engagement that has taken place over the past couple of days must be seen as not only an important but also a difficult debate, particularly for Members on the left. The crisis we have all faced over recent weeks was a direct result of the reckless behaviour——

An Ceann Comhairle: No. Sorry Deputy, but we must stick to the amendment. You have heard me speak about this to Deputy Eamon Gilmore.

Deputy Caoimhghín Ó Caoláin: This is in the context of the amendment.

An Ceann Comhairle: I have no choice and I must enforce Standing Orders.

Deputy Caoimhghín Ó Caoláin: You could at least let me get the second sentence out, a Ceann Comhairle, and be consistent.

An Ceann Comhairle: The Deputy has gone off on a generality.

Deputy Caoimhghín Ó Caoláin: No, not at all.

An Ceann Comhairle: We must address the question of the laying of the scheme before the House.

Deputy Caoimhghín Ó Caoláin: If you had some patience, a Cheann Comhairle, you would see it will refer to the amendment. This crisis is a direct result of the reckless behaviour of leading players in the banking sector and the Government's failure to put in place adequate regulations to protect——

An Ceann Comhairle: You must stick with the amendment Deputy.

Deputy Caoimhghín Ó Caoláin: I am sticking to the amendment. Are we allowed to speak here at all?

An Ceann Comhairle: Of course, but stick to the amendment.

Deputy Caoimhghín Ó Caoláin: Allow me to proceed then.

An Ceann Comhairle: The Deputy cannot start a Second Stage speech. I have said already that I must adhere to Standing Orders in this instance.

Deputy Caoimhghín Ó Caoláin: I am well full of Second Stage speeches that were made all day on a Committee Stage amendment yesterday. The Ceann Comhairle facilitated that, so he can allow participation here this morning on these amendments. I could well be finished and we could be on the second amendment if I was not being continually pulled up.

What is being proposed in this first amendment? We must have the opportunity for scrutiny. The Minister's amendment, passed through the Seanad, is consequential to the debate on Committee Stage amendment No. 1. It was also very much in line with the arguments presented by my colleague in amendment No. 8 for section 5 which was not accepted or responded to by the Minister.

It sought the guarantee that the House would have the opportunity to debate the draft of the proposed scheme, which this amendment proposes. Time after time we have seen Government proposals on the Order Paper that facilitate the passage of proposals and resolutions without debate. Debate on this scheme is essential. I would have liked this amendment to go further and to know what guarantees the Government is prepared to offer the House. I would have liked the amendment to include the opportunity of detailed scrutiny of the draft scheme in advance of the Minister moving on his respective resolutions. That is the guarantee we require and the context of my contribution to this amendment. I want the reassurance that the House will have the opportunity to properly peruse and address the detail contained in any of the draft schemes or a resolution.

In deference to other Members offering and the Ceann Comhairle's tetchiness this morning — I suppose due to the lack of sleep——

An Ceann Comhairle: There is no tetchiness here.

Deputy Caoimhghín Ó Caoláin: Sinn Féin did not take its position in supporting this Bill lightly. We have our concerns and reservations but we decided to support the passage of the legislation because we believed it is about more than the banks. It is about offering security to ordinary citizens——

An Ceann Comhairle: No, I cannot allow that. I have eight other Members offering and only 29 minutes remains.

Deputy Caoimhghín Ó Caoláin: ——to investors and Irish businesses which means, in turn, the protection of Irish jobs. We await sight of the detail of the Minister's proposals.

An Ceann Comhairle: I have no discretion. I call on Deputy Enda Kenny.

Deputy Caoimhghín Ó Caoláin: I am sure the Ceann Comhairle will be just as interested in that detail and the presentation of the resolution over the next several weeks.

An Ceann Comhairle: I am far more interested in discussing the amendment. I call Deputy Enda Kenny.

Deputy Caoimhghín Ó Caoláin: We need the terms and conditions and full access to the Minister's intent.

We need an outline of the true level of underwriting because I do not believe the full reality has been spelled out here regarding what the Minister really intends. That detail we will watch with great care and I look forward to having the opportunity for further address of this important measure in its out-working over the weeks ahead.

Deputy Enda Kenny: I accept the amendment from the Seanad, emanating from that body's deliberation of the Bill put before the Dáil.

The country was faced with a financial crisis last weekend and the Legislature was asked to respond by providing the nuts and bolts of a financial and legal architectural structure that would underpin the economy and provide for a banking system that would allow people to go about their business. If one walks down the street, who does one meet? One meets persons involved in business, in ordinary life——

An Ceann Comhairle: We must deal with the amendment, Deputy Kenny. I must be consistent on that.

Deputy Enda Kenny: I will deal with the amendment now.

In order for every one of those people to be able to go about their normal business——

An Ceann Comhairle: Please deal with the amendment.

Deputy Enda Kenny: ——it was necessary for the Legislature to respond to the crisis it faced. In so far as that is possible, this Legislature having considered the matter, has given the Minister for Finance enormous authority to build the required legal and financial framework in which this particular amendment and scheme will become visible. There are probably only one or two people who have full knowledge of the scale of what is required to be built here. We do not know how solid, or possibly infirm, are the foundations.

The amendment is the first evidence of the Minister for Finance standing by his word. He said yesterday he would put this amendment to the Seanad and if Members there agreed with it and passed it, he would bring it back to the Dáil today. That has been done. He also said this country is now getting in very deep with the banking system. He followed that by saying he would take on board the comments made by members of the Opposition, particularly Deputy Bruton, on regulatory oversight being part of the scheme that he must present to the House next week. I hope the Minister will also follow through on his other words about public representation on boards, oversight, risk management committees, remuneration packages and so forth.

I would like to think that when the Minister comes back to the House with his scheme on Tuesday or Wednesday, the issue of how the charge to the banks is to be determined and by whom will be part of what he lays before us. The Financial Regulator does not have the wherewithal, in terms of personnel, to do that now. If it is necessary to provide assistance or

[Deputy Enda Kenny.]

resources to the regulator to provide the competence in defining the charge and how it is to be applied, I hope that will be done.

The House has placed an enormous amount of trust in the Minister of Finance, on behalf of the people. We do not know the full complexity of the issues. The Department of Finance officials, who were here until the early hours of this morning, are — if they have recovered from the first onslaught of complexity — putting their minds to the proposed scheme and are drafting it. Deputy Quinn will know from his days as Minister for Finance that these people are now putting together the framework of the scheme that is to be laid before us next week. At the same time, in the boardrooms of banks all over Europe, people are meeting to consider the consequences of the legislation that is in its final phases in this House and which is to be signed by the President later, if that be so. As the elected representatives of the people, operating in defence of our economy and banking system, we are not in possession of all the information on the current crisis. In that context, we have to hope the framework we have given the Minister the capacity to build will withstand any charge.

The Minister for Finance received strong bipartisan support in the discussions that took place here. Irrespective of the fact the Labour Party decided to oppose the legislation in the end, very constructive suggestions were made by members of the House. As this unfolds, I hope the Minister for Finance will take into his confidence either the party leaders or the finance spokespersons of the parties and give them relevant briefings on an ongoing basis so this Parliament is not kept in the dark about what is going on. That is particularly relevant in the context of the scheme to be presented here next week.

I thank all Deputies who made contributions and pay particular tribute to Deputy Richard Bruton for his expertise in this field. We accept this amendment and hope that what has been provided to the Minister for Finance will be sufficiently strong, legally, financially and constitutionally, to withstand any contingency that might arise.

Deputy Seán Barrett: This amendment, which I support, may appear to be just technical but its importance should not be underestimated. While it simply says that the Minister proposes to make a scheme, the most important point is that until both Houses approve that scheme, the Bill does not come into operation. When we are debating this particular technical motion, it is important the message goes out that what is required by Members on this side of the House in particular is taken into account in what goes into the scheme. I do not want to be in a position next week whereby a crisis emerges because Members on this side of the House, for some reason, find it impossible to vote through the scheme. It is very important that people listen very carefully to what is being said by spokespersons and other Members regarding what the scheme will contain.

My deep concern centres on the regulatory authorities in this State and the role they will play in the process of devising the scheme. I am a member of the Joint Committee on Finance and the Public Service. That committee met representatives of the major banks recently and I left that meeting thinking our banks appeared to be safe enough, with stress testing of all sorts of things——

Deputy Joan Burton: It sounds like body building.

Deputy Seán Barrett: We then met the Governor of the Central Bank and having listened to the Governor, I left that meeting believing everything was hunky dory. However, I saw the shares in our banks dropping in value after both of those meetings and I could not understand what was going on. I wondered if somebody was speculating or endeavouring to take out one of the Irish banks deliberately. I did not know what was going on because those important

people, the bank representatives and the Governor of the Central Bank, taken on trust, appeared before an Oireachtas committee and gave assurances of a nature that suggested the legislation we are debating was not necessary. That brings home to me the importance of the independence of the Governor of the Central Bank.

The independence of the Governor, who can appear before an Oireachtas committee and give assurances, is paramount in any democracy. The general practice here has been that the retiring Secretary General of the Department of Finance goes on to become the Governor of the Central Bank. It is time that practice ceased. I am not casting any aspersions—

An Ceann Comhairle: We must deal with the amendment, Deputy.

Deputy Seán Barrett: This is relevant to the amendment. I am not casting any aspersions on the current office holder but the general principle of a continuation of policy from the Department of Finance right through to the Governor of the Central Bank is not good in a regulatory system. I would like the Governor of the Central Bank to be totally independent of everybody and not embarrassed to carry through Government or departmental policy when governing the institution. When we include provisions in this scheme, we should be absolutely certain that Members of the House will be able to meet members of the electorate and say they did everything possible to guarantee their money would never be in doubt. We must be certain there is a regulatory system in place — I hope regulatory sanctions will never have to be used — that will do everything to recover money, if necessary.

Deputy Paul Gogarty: I welcome the amendment which takes cognisance of the main concerns expressed by the Opposition parties. Deputy Burton who has made a tremendous contribution may have preferred the Minister to outline specifics in the primary legislation but, as I and others stated yesterday, the Bill needs to be passed as a powerful framework as quickly as possible to restore confidence in the financial sector and reassure the ordinary people of Ireland that it is not simply a bailout for the fat cats.

An Ceann Comhairle: We cannot discuss the legislation.

Deputy Paul Gogarty: It is about carers and ordinary workers, including those who work in the banks.

An Ceann Comhairle: The Deputy should speak to the amendment only.

Deputy Paul Gogarty: It was not possible in the short time available to outline a scheme because of the aforesaid imperative and also because any scheme might be subject to change due to market fluctuations. The amendment made in the Seanad addresses the issues raised and shows a firm commitment to moving forward such that, by this time next week, the outlook will be clearer. The legislation being passed today will continue to spread confidence and the other issues can be addressed next week. Should the Bill be passed now, the issue of land reform will need to be addressed to stop speculation which has also caused the problem that has arisen.

Deputy Michael Kennedy: Having listened to the debate and particularly the comments of our colleagues in the Labour Party, I cannot help but feel that party is slightly embarrassed today having voted against the proposal last night.

An Ceann Comhairle: The Deputy should deal with the amendment.

Deputy Joan Burton: We are very happy with our vote.

Deputy Michael Kennedy: Just like everyone else, I am granting myself a slight bit of latitude. I am just making the point that the Labour Party did not don the green jersey, as Deputy Kenny said.

An Ceann Comhairle: The Deputy should speak to the amendment.

Deputy Michael Kennedy: Fine Gael, Sinn Féin and the Independent Members backed the Government in the national interest. This was very necessary because——

An Ceann Comhairle: On the amendment.

Deputy Michael Kennedy: I am coming to it.

An Ceann Comhairle: Please come to it immediately.

Deputy Michael Kennedy: I am, but it should be highlighted that the Labour Party should have donned the green jersey. It did make valuable contributions——

An Ceann Comhairle: The Deputy cannot speak about that matter; he should stick to the amendment.

Deputy Michael Kennedy: I am coming to it.

An Ceann Comhairle: I must be consistent.

Deputy Ruairí Quinn: That is the sort of argument that leads to the logic of the one-party state.

Deputy Michael Kennedy: The other Deputies——

Deputy Joan Burton: No wonder the Government lost the referendum on the Lisbon treaty.

An Ceann Comhairle: I am not going to get into an argument and do not have enough time for it. We must stick to the amendment and there is a very good reason for doing so.

Deputy Michael Kennedy: I am coming to it. I welcome the fact that the Seanad passed it last night. Will the Minister of State impress upon the Minister for Finance that the cost of the scheme, the full details of which he is to announce next week, should not be borne by the customers of the banks? The cost incurred by the banks in obtaining the State guarantee should be paid from their net profits and not passed on by way of increased bank charges to customers. We need to have total transparency in all the documentation we receive next week. Everyone believes what we have done is correct but the public, including customers, has a right to answers to certain questions.

I read in this morning's newspapers that it has been indicated that bank charges will come down following the stabilisation of the market, in the United States and elsewhere.

An Ceann Comhairle: That has nothing to do with the amendment. The Deputy should stick to the scheme.

Deputy Michael Kennedy: I welcome the amendment made by the Seanad last night. I hope all Deputies in the House will vote in favour of the Bill in the national interest.

Deputy Ruairí Quinn: I have a procedural question for the Minister of State. Seldom have we debated regulations in the House following the passage of primary legislation. In this

instance, the text of the amendment states, “he or she shall cause a draft of the proposed scheme to be laid before each House of the Oireachtas”. Perhaps the Ceann Comhairle, the Chief Whip or the Minister of State, Deputy Mansergh, or his officials, will state whether it will be open to the House to suggest additions or amendments to the draft. Will there ultimately be a simple vote in favour or against it?

Deputy Kieran O’Donnell: I welcome this good measure. To follow on Deputy Quinn’s point, it is important that, in keeping with the procedure, it will be possible for the Opposition to table amendments to the draft of the scheme. The guarantee offered is effectively like insurance; therefore, the State should be looking for a return. We are providing a facility for the banks and should be looking for a return for the State, not necessary a return that would involve breaking even but a return nevertheless.

We must seek the recapitalisation of the banks.

An Ceann Comhairle: We cannot discuss that matter now. The Deputy should deal with the scheme or the charge.

Deputy Kieran O’Donnell: We are dealing with the liquidity issue and must also deal with solvency. The banks must not indulge in reckless trading.

An Ceann Comhairle: The Deputy should deal with the scheme or the charge.

Deputy Kieran O’Donnell: The key factor is that the Financial Regulator and the Central Bank have failed. They were like a referee at a match who did not blow the whistle. If one does not blow the whistle, players will commit fouls.

An Ceann Comhairle: The Deputy must deal with the amendment.

Deputy Kieran O’Donnell: The institutions very much look out of control. I hope the Minister will take this on board.

Deputy Martin Mansergh: I thank all Deputies for their contributions to the debate, particularly the spokespersons and leaders of Fine Gael and the Labour Party. The Minister will take careful account of everything that has been said in the House, both this morning and last night, in drafting the scheme and proceeding generally with the legislation.

In reply to Deputy Bruton and others, the basic point is that the content of the scheme is under review by the Minister. However, there are a number of areas that may be included, for example, the need for individuals with a public interest perspective on the boards of our credit institutions; codes of practice for the work of risk committees in financial institutions; pro-enterprise lending practices; quality of management; checks on remuneration approaches that reward short-term performance and excessive risk-taking; the need for a return to traditional banking values in all our credit institutions; responsible and prudent lending practices in consumer lending; promotion of corporate social responsibility; careful assessment of the risk characteristics and sustainability of new financial products; and ensuring the highest standards of regulatory compliance and effective standards of corporate governance which ensure bank boards take full account of their broader responsibilities to society at large.

The Minister is considering the issue of a possible extension of the scheme. It has not been determined whether the scheme will deal with this. It is obviously not appropriate in advance of the presentation of the scheme to discuss in detail the content beyond what the Minister has outlined. I fully agree with Deputy Burton that the whole point or motivation of this legislation

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[Deputy Martin Mansergh.]

is to protect the real economy, living standards and jobs. The legislation has been brought forward because of fears of the impact untoward events would have had on the real economy, as she calls it, if that action had not been taken.

The issue was raised as to whether the scheme would affect the budget. It will not affect the general Government debt or general Government borrowing unless liability is realised. The issue was also raised about UK-owned subsidiaries operating in Ireland. No decision has been taken and the Minister has indicated he will consider it. The Government will have no tolerance for any financial institution which seeks to exploit competitive advantage from this guarantee. It is the Minister's intention to calibrate the payment for the guarantee such that a balance is achieved in the market between those that benefit from it and those that do not.

Comments were made about the Financial Regulator. It is important to put on the record that a number of important steps were taken by the regulatory authority in response to the very rapid growth in credit, including the introduction of the consumer protection code to safeguard the interests of consumers in their dealings with financial institutions, which included such requirements as client suitability, "know-your-customer" requirements, the stress-testing of loans to plus 2.75% above current lending rates and increased capital provisioning for riskier loans, such as property development.

The Minister has stated that higher funding costs for the Government should have input into an assessment of the charge imposed on those benefiting from the scheme. Certainly, there may be an increased cost of borrowing due to higher funding costs which have added eight basis points.

Deputy Pat Rabbitte: There is already.

Deputy Martin Mansergh: Yes, there is. In response to Deputy Ó Caoláin, we acknowledge the support Sinn Féin gave to the Bill, which I am sure was for broader strategic interests and the protection of the real economy. I understand the difficulties this may have caused.

While it is obviously the intention and expectation that any such motion on the scheme would be debated in the Houses of the Oireachtas and certainly in practice it will be, the amendment tabled last night was rejected because it would restrict the discretion of the Houses in the ordering and conduct of their business. That was, if one likes, a formal position. Deputy Quinn raised the issue that the Dáil will simply have the power to approve the scheme or not, and will not have the power to change it. That is the position.

Deputy Ruairí Quinn: The Government could by discretion remove that restraint.

Deputy Martin Mansergh: All I can state is the position.

Deputy Ruairí Quinn: Is there discretion in this matter or is it fixed in the Standing Orders of the House? We might get clarification on this point. We were in unique circumstances and the response from the Opposition could be greatly changed if there was some flexibility in the interpretation of that Standing Order.

Deputy Martin Mansergh: The position is perhaps a little more subtle. While it is the case that the House can agree or not agree the draft scheme, the Minister can, of course, withdraw the scheme and resubmit a revised scheme in light of comments.

Deputy Ruairí Quinn: Spoken like a true mandarin.

An Ceann Comhairle: A republican, even.

Deputy Martin Mansergh: A point made by Deputy O'Donnell implied the Government should be seeking a take or profit from the situation. The emphasis of the Government will be on full cost recovery.

Deputy Kieran O'Donnell: The Government is helping the banks. It should seek a return for the taxpayer.

Deputy Martin Mansergh: Section 6(4) states that “all financial support provided shall so far as possible ultimately be recouped from the credit institution ... to which the support was provided”. That is a fairly clear statement of principle.

Deputy Seán Barrett: On a point of order, the explanatory memorandum states that not alone can it recoup it but it can do so with interest.

An Ceann Comhairle: That is not a point of order.

Deputy Martin Mansergh: It is still a form of recoupment.

Deputy Kieran O'Donnell: The Government is providing an insurance scheme on behalf of the taxpayer. It should be making use of the public purse on the basis——

Deputy Martin Mansergh: Deputy Barrett, in a sense, has answered the point as far it legitimately goes.

In response to Deputy Kenny, Leader of Fine Gael, I would like to acknowledge the very constructive role of the Fine Gael Party in this whole debate. All sides of the House have appreciated the acute strategic importance of dealing with this situation correctly and in a way that would prevent very adverse consequences. I note and will pass on the Deputy's points with regard to resources and assistance that might be needed for oversight. It has always been the practice, in so far as I have been able to observe it going back 25 or 30 years and probably a great deal longer, that leaders of the Opposition or spokespersons, as the case may be, are consulted when anything of urgent or critical importance in the national interest must be decided.

To address points made by Deputy Barrett, when credit institutions appeared before, say, the Joint Committee on Finance and the Public Service or other committees, I am certain the statements made about the solidity of the banking system were valid at the time but obviously the pace of global events in the past month, particularly the past week, may have overtaken some of what was said.

In defence of the Central Bank and the Department of Finance, I must say they have both served us very well and I would not accept the point that we have been in any way badly served——

Deputy Seán Barrett: I did not say that.

Deputy Martin Mansergh: ——by the fact the Governor of the Central Bank has often been the Secretary General. We have an enviable record over the past 80 years.

Deputy Gogarty made the point that, essentially, many lessons must be learned. Indeed, they must.

An Ceann Comhairle: In accordance with an order of the Dáil of this day, I am obliged to put the question: “That the Seanad amendments not disposed of are hereby agreed to in Committee and agreement to the amendments is accordingly reported to the House.”

Question put and agreed to.

An Ceann Comhairle: A message will be sent to the Seanad acquainting it accordingly.

Establishment of Sub-Committee: Motion.

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

1. That a sub-Committee of the Select Committee on European Affairs be appointed to be joined with a sub-Committee of the Select Committee on European Affairs, to be appointed by Seanad Éireann, to form a Sub-Committee of the Joint Committee on European Affairs which shall be called the 'Sub-Committee on Ireland's future in the European Union' to:

- analyse the challenges facing Ireland in the European Union (EU) following the Lisbon Treaty Referendum result;
- consider Ireland's future in the EU including in relation to economic and financial matters, social policy, defence and foreign policy and our influence within the European Institutions;
- make recommendations to enhance the role of the Houses of the Oireachtas in EU affairs;
- consider measures to improve public understanding of the EU and its fundamental importance for Ireland's future;

and shall report thereon to the Joint Committee on European Affairs by 28 November, 2008.

2. The Sub-Committee shall have the powers defined in Standing Order 83(1), (2) and (4) to (9) inclusive.

3. The Minister for Foreign Affairs (or a Minister or Minister of State nominated in his or her stead) shall be an *ex officio* member of the Sub-Committee and shall be entitled to attend and to vote.

4. The quorum of the Sub-Committee shall be 4.

5. Members of the European Parliament elected from constituencies in Ireland may attend meetings of the Sub-Committee and may take part in proceedings without having a right to vote or to move motions and amendments."

Minister for Foreign Affairs (Deputy Micheál Martin): I support the motion to form a sub-committee, which shall be called the Sub-Committee on Ireland's Future in the European Union, and regarding the appointment of members to the Select Committee on European Affairs.

Today is an important day for the Oireachtas and for our country's future in the European Union. The sub-committee will have a key contribution to make as we seek to chart a way forward for Ireland in Europe in the wake of our referendum on the Lisbon treaty.

The sub-committee is to be tasked by the Houses of the Oireachtas with the following: to analyse the challenges facing Ireland in the European Union following the Lisbon treaty referendum result; to consider Ireland's future in the European Union, including in regard to economic and financial matters, social policy, defence and foreign policy and our influence within the European institutions; to make recommendations to enhance the role of the Houses of the

Oireachtas in European Union affairs; and to consider measures to improve public understanding of the European Union and its fundamental importance for Ireland's future.

We are creating an inclusive political process to examine the options and challenges facing us in Europe. The sub-committee will be expected to produce its report by the end of November so that its report will be available to Government. By establishing the sub-committee we are collectively resolving to address in a serious way the issues that were central to the referendum in June. Whatever happens in the months ahead, there is a responsibility on us to achieve the fullest possible understanding of public attitudes towards the European Union and to decide how we can best secure Ireland's vital European interests.

In the lead-up to the referendum in June we experienced a hard-fought campaign. For the Government's part, it is not our intention that the new sub-committee should rake over the referendum campaign. That is not why it is being established. I believe we can start from a positive place. The results of the recent research into Irish people's attitudes to the European Union show that we want Ireland to continue to be fully involved in the Union. A total of 70% of us agree that membership is a good thing, while a mere 8% disagree. The referendum campaign has not shaken Ireland's belief in the Union and we should take encouragement from that. What we must do first is fully respect people's concerns, second, seek to understand the motivation behind them and, third, reflect deeply together on how we can best respond to them.

I stress that the Government has no preconceived outcomes in mind for the sub-committee. There is a need for serious, inclusive political debate on Ireland's future in the European Union, the role we play in it and the role it plays in our lives. That is why I have proposed that the Oireachtas has a role in addressing key issues pertaining to our membership of the European Union. The task ahead is a serious one with far-reaching consequences. It demands that we embark on a calm, considered debate. Ultimately, we must come together to map out a future course that is best for us as a nation, but we must also be acutely aware of the enormous benefits that European Union membership has brought to Ireland.

At its most fundamental, I believe that since membership in 1973, Ireland's sovereignty has been developed and enhanced. From being directly dependent on Britain, our economy has been transformed, with our exports diversified to a range of markets worldwide. We are all aware of the hugely positive impact of membership on our agricultural sector. Ireland has also become a key location for inward investment, with Irish jobs being created and underpinned as a result. The role of the ECB has also been an important one in the present uncertain financial climate. Across the board, therefore, in the economic, social and political fields, I believe that membership has been fundamentally good for all our citizens. In short, the vibrant Irish society we have today would be unthinkable without our central involvement in the European Union.

It goes without saying, therefore, that I am fully committed to Ireland remaining centrally involved in the European Union for the sake of our economic well-being and because I believe that treaty-based arrangements between sovereign States offer the best guarantee that the interests of small countries will be taken into account. I hope that the work of the sub-committee in the weeks ahead will help shed some light on that and point the way to solutions.

I am particularly pleased that the crucial task of charting a way forward for Ireland in Europe is being undertaken by an all-party committee of the Oireachtas. There can be no better forum for conducting this vital national task. Our future well-being depends on finding the solution that is best for Ireland and that can be endorsed by our European partners. I commend the excellent work that has already been carried out by the Joint Committee on European Affairs and the Joint Committee on European Scrutiny and their Chairmen, both of whom have pro-

[Deputy Micheál Martin.]

duced quality reports and recommendations on ways in which the Oireachtas can give the European Union-related aspects of its work greater significance.

The referendum, and the research carried out since the result, has shown there is deep concern about the gap that is perceived to have grown up between the institutions of the European Union and the people of Europe. National parliaments have a key role to play in bridging the divide. The work in the new Sub-Committee on Ireland's Future in the European Union will focus on ways to enhance the role of the Houses of the Oireachtas in European Union affairs. I am very happy that we are setting the foundations for a democratic, inclusive process that will lead to thoughtful and considered proposals for the best way forward for Ireland at this challenging time in the global economy. The Union has been a powerful force for good for Ireland and for Europe. Public opinion in Ireland, notwithstanding the recent referendum result, remains hugely positive towards Europe and the values it espouses in a swiftly changing world.

The importance of the work of the sub-committee should not be underestimated. We cannot pretend that our position in the Union has been unaffected by the outcome of the referendum. Nor can we pretend the result has gone unnoticed in the wider world beyond Europe, particularly the international investment community. In New York last week that point was made to me by several influential members of the business community. It is a collective problem to which all 27 governments need to find a solution. The concerns expressed by the Irish people on 12 June are real and they need to be addressed. The Government and our partners want to see those concerns addressed. I encourage the sub-committee to maximise the time available at this crucial juncture. I encourage it to invite and engage with people who have an expertise in European Union affairs and who have Ireland's best interests at heart. I hope the media will devote serious coverage to the sub-committee's work and to the evidence of the experts who appear before it.

I am convinced that our people want Ireland to fight for their interests at the heart of Europe and from a position of strength. What we need to do is to devote our energies to address the legitimate concerns of our people and to find a satisfactory solution that will secure Ireland's interests. The work of the sub-committee can play a substantive part in the future direction we take. Its deliberations will be open and inclusive. It can address the many questions and concerns that were raised during the debate leading to the referendum — for example, economic issues, social and moral issues, political issues, neutrality and the European Commission. I wish the sub-committee well in its important work.

Deputy Billy Timmins: I wish to share time with Deputies Creighton and Durkan.

Acting Chairman (Deputy Noel O'Flynn): Is that agreed? Agreed.

Deputy Billy Timmins: The sub-committee will have a difficult task. While one does not want to pre-empt what the Chairman will say to the committee members, it is very important that they come with clean hands. The sub-committee is not about prosecuting the case for or against Lisbon but about adhering strictly to its terms of reference. I hope each member of the committee will approach it with an open and frank mind. The members will have a very difficult task to analyse the challenges facing Ireland in the EU following the result.

The Minister mentioned that we cannot pretend that our position in the Union has been unaffected by the outcome of the referendum. It is important that we understand the consequences of the vote. I hope the committee can tease out how the landscape has changed. Perhaps the Minister, as an *ex officio* member of the committee, will contribute to it to outline why or how that has changed.

Others issues for consideration include Ireland's future in the EU with respect to economic and financial matters. We have had seismic developments here in recent days. In one respect it can be said that it vindicates the view that one can look after one's own economic affairs. It will be interesting to see how that pans out. It will be interesting also to see what difference that makes to social policy, defence, foreign policy and our influence within the EU institutions. Ireland has enjoyed significant influence relative to its population within EU institutions. It will be interesting to see whether that has changed following the rejection of the referendum on the Lisbon treaty.

One of the terms of reference of the sub-committee is to make recommendations to enhance the role of the Houses of the Oireachtas in EU affairs. The Joint Committee on European Scrutiny is doing good work in this area but lacks resources. Greater support must be afforded to it in carrying out its scrutiny role. The requirement that it report by 28 November represents a tight timeframe. I understand it will be a week before the sub-committee can be set up because the motion is not on today's Seanad Order Paper.

Deputy Micheál Martin: The Leader of the Seanad, Senator Cassidy, is working on it.

Deputy Billy Timmins: It would be helpful if the motion could be passed by the Seanad today. It is important that the Chairman and other members can commence their work as soon as possible.

The most difficult aspect of the sub-committee's task will be the requirement to "consider measures to improve public understanding of the EU and its fundamental importance for Ireland's future". Most Oireachtas Members supported the referendum on the Lisbon treaty. Since its rejection, we have concentrated on ascertaining the reasons people voted "No". Some of these include confusion about the contents of the treaty such as a belief that it would lead to the introduction of conscription. However, we should bear in mind that many of those who voted "Yes" were also unclear about the contents of the treaty. Some 18% of respondents to a poll taken after the referendum said they had a good understanding of EU institutions, but the majority said they had no idea how they worked. More worrying than this lack of knowledge is the indication in the poll that most of the people surveyed have no interest in improving their knowledge. It will be a significant challenge to cross this divide. It is a question not only of how we get information to people but also how we make them interested in learning about the European Union.

Will the Minister give an indication of the funding and resources that will be made available to the sub-committee?

Deputy Lucinda Creighton: I welcome the motion. It is important that the Oireachtas responds to the fallout of the rejection of the referendum on the Lisbon treaty. I am pleased it is happening through the framework of the Oireachtas Joint Committee on European Affairs. It is the appropriate framework, particularly in the context of the tightening economic situation.

Deputy Timmins referred to the terms of reference of the sub-committee. The provision to analyse the challenges facing the State following the rejection of the referendum is broad. A disservice has been done to the public in recent months in that politicians have not spelled out the implications of the "No" vote for citizens, the economy and the role of the State within the European Union. This is something the sub-committee must explore and I look forward to being part of it. It is vitally important for us as a nation to reassess our position in the European Union and to determine whether we want to be part of a forward-looking and forward-moving Union committed to integration or to step back and take a more isolationist approach. While it is important that we all go into this process with an open mind, I am strongly of the view that Ireland should take its place at the heart of the European Union.

[Deputy Lucinda Creighton.]

The provision to make recommendations to enhance the role of the Oireachtas in EU affairs is fundamentally important. The recently established Oireachtas Joint Committee on European Scrutiny has one of the most important roles within the Oireachtas in assessing and scrutinising all legislation from the European Union. The committee must be adequately resourced in order to do its job as effectively as its counterparts in other parliaments in the Union. Our performance in this regard is unsatisfactory and it will require a commitment from the Government to ensure the mistakes made in the past in the implementation and transposition of EU regulations do not recur. Debates on future EU referenda should not be confused by issues such as problems arising from directives on turf-cutting and so on.

We must resolve all such issues by fully scrutinising the relevant proposals at an early stage. I hope the Minister will commit to elevating European affairs to a greater level of importance in the House by bringing debates on these issues into the Dáil Chamber. At present EU affairs are discussed in the bunker that is the committee rooms and these discussions do not impact on the public consciousness. I hope the sub-committee will forge a way forward in order to rectify this.

Deputy Bernard J. Durkan: I endorse the comments made by my colleagues in welcoming the establishment of the sub-committee. As other speakers have observed, we are faced with a tall task in the aftermath of the rejection of the Lisbon treaty referendum. Nevertheless, it is a task that is winnable and which can be undertaken satisfactorily. Interestingly, when the Joint Committee on European Affairs had its first meeting in November last year, members were unanimous in their view that the referendum should be held in the autumn of this year. The time schedule for the sub-committee to complete its work is tight. However, time is not on our side in devising a course of action in order to ensure Ireland's position and influence are not further diminished within the European Union. It is preferable that whatever decisions are made should be made before the EU elections. However, I am not sure whether that is feasible.

We must ensure the Chairman of the sub-committee is allocated the resources necessary to allow it to carry out its tasks. The same is true in the case of the existing committees. For the Oireachtas to do the job the public wants it to do in ensuring there is transparency and accountability in respect of the EU institutions, there must be a concerted effort. Success will not simply fall from the sky.

The vast majority of Oireachtas Members, as well as all members of the Joint Committee on European Affairs, were solidly in support of the referendum on the Lisbon treaty. However, this was never reflected in the media in the coverage afforded to the proceedings of the committee. We remonstrated with various media bodies on this issue, including the national broadcaster from which we received a letter indicating that the McKenna judgement was a factor in its decisions in this regard. That issue will not go away. The national interest was hijacked during the referendum campaign by a minority with a far broader interest. Eurosceptics throughout Europe came together in a single, organised, well funded, well focused and politically active bloc. This was hugely detrimental not only to the State but also to the entire European project. I ask that this be borne in mind by the Minister and his colleagues throughout the European Union.

Deputy Joanna Tuffy: On behalf of the Labour Party, I support the establishment of the sub-committee. It is important we begin a debate on the situation in the aftermath of the rejection of the Lisbon treaty referendum in terms of our future within the European Union. This debate must involve all political parties from across the political spectrum. However, much more is required. All of society must become involved in the debate and it must be genuinely reflective.

I am concerned there may be a view that we can merely go through the motions, secure some minor changes and present essentially the same proposal to the public with the claim that it is a different proposition. It would be taking a big gamble and while it could work, it might not. If we adopt that type of approach we will only add to the cynicism about domestic and European politics. There have been thorough polls about why people voted the way they did on the Lisbon treaty. The Government commissioned a poll, which reported in September, and the Eurobarometer poll was conducted by the EU. In addition, there have been many different newspaper polls. The message from these polls as reported in the media is that there were two critical issues. It has been said that the main single reason for voting “No” or for abstaining was the absence of an adequate knowledge of the issues involved. Second, despite the “No” vote victory, a substantial majority of “No” voters shared one thing in common with “Yes” voters, which is that they believed Ireland’s interests are best served by remaining fully involved in the EU. There are important lessons to be learned from highlighting those two issues, but one cannot just take the matter at face value. Polls cannot be absolutely substantiated in terms of finding why a person made a particular decision. As a local politician who tried to sell the “Yes” vote in the Lisbon treaty campaign, I still believe there was a fundamental fear among the public that we might be ceding too much power to the EU, although they might not have known exactly how. That is related to the fact that people said their main reason for voting “No” was the absence of adequate knowledge of the issues involved. It is not just that they decided they did not know enough about this matter and therefore voted “No”; underpinning that decision was their fear that by signing up to the Lisbon treaty we might be ceding too much power to Europe. That issue must be dealt with in terms of our post-Lisbon response and what we do next.

People had fears about our neutrality and what would happen after the treaty, which links to the democratic deficit issue. There are people who think that an ever-increasing European Union is the way to go, while others such as myself, and many who voted “Yes” or “No”, may ask where exactly we want to draw the line in terms of our co-operation at EU level and how much power we want to cede to Europe. They were not just concerned about the Lisbon treaty, they were also concerned about future treaties. A number of people said they wanted to draw the line at some stage. They were not sure on which side of the line they stood with regard to the Lisbon referendum and therefore did not want to take any risks. That was quite a noble way to look at things. Some people say the public were not informed and ask how could they have done this irresponsible thing, but I do not agree with that. They acted the way voters always do, exercising complicated judgments. They may not have known exactly what was in the treaty, and neither did Charlie McCreevy, but they had a complicated view of the sovereignty issue and how much power we exercise domestically and at EU level.

As a society we need to decide how much power we wish to exercise here at home — we need to be very clear about that — and how much power we are prepared to cede at EU level. Another part of it is how much power we would like to exercise at local government level. All the indications are that those are the issues. People were concerned about the impact of the treaty on fishermen, bogs and neutrality. There was a multiplicity of issues and the public had a complicated view of them. We need to have a debate about the democratic process, including what decisions we think should be made here, which ones should be made at EU level and why we think so. Other commentators have said that also. The way people voted did not only concern the EU’s democratic deficit, it also had to do with the democratic deficit in Ireland. Many things that go on in this House would fuel that perception. There is the question of how much power is exercised by the Oireachtas. Sometimes it seems as if we are just rubber-stamping matters, debates are curtailed and for many months the House is not sitting so the Opposition cannot hold the Government to account. Decisions are taken outside the House concern-

[Deputy Joanna Tuffy.]

ing partnership agreements and briefings at EU and other levels that have nothing do with a democratic debate on how we should organise our society. I hope this new committee will start that type of debate, which will then move out into society at large. If we do not do so, we will be setting up problems for the next Lisbon treaty or for the future generally and we will make people more cynical about politics.

Awareness is part of the problem but it is not enough to educate people about what is in the Lisbon treaty. The matter is much more complicated than that and involves decisions, debate and dialogue on what we wish to happen at the EU and domestic levels. We need to educate ourselves, not to mention the public, about how things operate with regard to neutrality. Many people had concerns about what the Lisbon treaty or future European Union treaties would mean for Ireland's neutrality. They wanted to know if our sons and daughters would be sent to take part in wars abroad. Until I entered the Oireachtas, initially as a Senator, I never knew anything about the triple-lock mechanism. I had never heard of it before becoming a Member of the Oireachtas. If I did not know about it as a county councillor how can we expect the public to know about it? We need to explain what happens concerning any decision on whether or not to participate in a military mission.

While the new committee is welcome, it will not stop here. It comprises politicians but it should not involve going through the motions just so we can say we have done a few things to fix it before going to the public again. We must have proper debate and dialogue.

Deputy Caoimhghín Ó Caoláin: It is now almost six months since the Irish people rejected the Lisbon treaty. Opinion surveys by the European Commission office in Dublin, various newspapers and most recently the Government itself, have confirmed what we already knew. The people rejected the Lisbon treaty because it reduced Ireland's political strength in Europe, eroded neutrality and undermined workers' rights and public services. People were also concerned at the impact on tax sovereignty and of international trade agreements on Irish farming.

Since the Irish rejection of Lisbon, Sinn Féin has consistently argued that the Government and EU leaders must respect the Irish vote. We published detailed proposals setting out how these issues could be dealt with and called on the Taoiseach to represent the national interest and use the mandate he had been given. We called on him to tell his EU partners that the Lisbon treaty ratification process must end, that a new round of negotiations must begin and, critically, to state there can be no re-run of the referendum.

Unfortunately, the Government to date has shown little respect for the outcome of the referendum, and so far has refused to raise in any serious way the clear concerns of the electorate.

Sinn Féin believes that Ireland's place is in Europe. We want to see Ireland play a central part in shaping the future of the EU in the interests of all citizens not only of this member state, but Europeans as a whole. For us, this means changing the current course of the European Union. We want to move it away from the centralising, privatising and militarising direction in which it is currently going in favour of a more democratic, social and peaceful one, promoting prosperity and equality for all.

Over the past number of weeks Sinn Féin has had a robust engagement with the Minister, Deputy Micheál Martin, about the Government's proposal to establish a sub-committee to deal with this unfolding situation. In particular, we discussed the make-up of the group and its terms of reference. We were, and continue to be, concerned that the Government is merely preparing the ground for a second referendum. The terms of reference make clear, in my opinion, that the Government is attempting to frame a bogus debate on Ireland's membership of the European Union when what we need to be discussing is the direction of the European Union and

Ireland's place in it. Amendments which we suggested to the terms of reference to reflect this reality were rejected, as he will be aware.

Our contention was, and is, that a better deal is possible for Ireland and the sub-committee should be discussing how such a better deal can be delivered. Sinn Féin intends to take up its place on this committee and we will do so for positive reasons, but let me tell the Minister that we will not be part of any choreography to set aside the democratic wishes of the Irish electorate. We are not willing to participate in a narrowly defined stocktaking exercise. We will not participate in any exercise aimed at clearing ground for a re-run of the Lisbon treaty referendum. Opt-outs and declarations will not change the substantive problems with this treaty and, as we made clear in our submission to the Government after the referendum, far-reaching reform is required if the European Union is to be put on the right course. It is not just republicans who need to be satisfied. The Irish people need to have confidence that this process is a genuine attempt to address the concerns raised during the referendum.

If the Government and Opposition parties are serious about engaging in an honest debate in the sub-committee and beyond, it is to be welcomed. We want to be constructive and positive. We want to play our part in ensuring that Ireland remains at the heart of Europe and that the European Union develops in a manner consistent with the needs and aspirations of the people. It is also crucial that the debate encompasses all sections of public opinion, the majority of whom were, and continue to be, opposed to the Lisbon treaty.

In two weeks the Taoiseach will travel to Brussels to attend an EU summit to discuss the fall-out from the rejection of the Lisbon treaty by the Irish electorate and what he intends to do next. The choice facing the Government is clear — either the decision of the people is respected, the Lisbon treaty is set aside and a new treaty negotiated or the Irish Government, at the behest of the EU elite, re-runs the referendum. For Sinn Féin, the choice is obvious. There can be no re-run of the Lisbon treaty. The opportunity that still exists to deliver a better deal should be grasped and we look forward to playing our part in what will hopefully prove to be a constructive engagement over the weeks remaining to the end of next month.

Minister for Foreign Affairs (Deputy Micheál Martin): I thank Members for their agreement to the establishment of the committee. I have been engaged in discussions since late July with representatives of the different political parties to ensure that the Oireachtas would have a role not only in debating but in charting a way forward regarding this country's engagement with the European Union. That is the rationale behind the establishment of this committee at its most fundamental. As one Opposition Member stated to me, it would be unthinkable if the Oireachtas was not to discuss this issue not only given the decision of the people in the referendum *per se* but, broadly, in terms of identifying the issues for Ireland and Europe into the future. Deputy Tuffy asked where do we draw the line and these are issues in which the committee needs to engage.

I am somewhat disappointed at Deputy Ó Caoláin's reference to a bogus debate. I made clear in my engagement with him that it is anything but. I would have taken his participation in this as evidence that this was to be an opportunity for all shades of opinion in the House——

Deputy Caoimhghín Ó Caoláin: That is what we hope.

Deputy Micheál Martin: ——to make a contribution to what is a substantive and meaningful debate about Ireland and its role within Europe, how we see our future within the European Union in terms of the key issues, both economic and social, for Ireland and what kind of assurances people want into the future. We are making a genuine effort to try to resolve and understand these issues. Hence, we engaged in substantive research to get a more accurate picture of the views of people as a basis upon which we can have debate.

[Deputy Micheál Martin.]

I take Deputy Tuffy's point that we are in a position to bring in civil society. The committee should be in a position to invite people in to articulate their position and get clarity on some of the issues. This should be a calm objective debate which will allow data, information and facts to come through in its conduct. If people have issues, let them come to raise them and let us get clarity on them.

I take Deputy Timmins's point about clean hands and coming to it with as objective a position as possible, and the issue of resources on which we already had an understanding. Following our engagement with the Oireachtas Commission, the resources will be made available to facilitate expert perspectives and views.

I take Deputy Timmins's point on the consequences of this, but the committee can also tease through that in terms of the new Union position in which we find ourselves and how we take that forward. He mentioned economic issues in the European context. What is not widely understood is that over the past number of months, indeed, over the past 12 months since all of this issue of financial uncertainty arose, the European Central Bank has played a central role in terms of facilitating liquidity for banks across Europe, including Ireland. One could ask the question about where we, as a small country, would have been over the past 12 months without the European Central Bank.

Deputy Bernard J. Durkan: A good question.

Deputy Micheál Martin: These are questions on which we need to ponder. If one takes one line about whether we want to stop where we are in our engagement in Europe and perhaps take a more isolated marginal position, where does that leave us? These are the questions that the committee, in essence, must tease through.

Deputy Timmins's point about the knowledge of European Union institutions is well borne out by the research that was undertaken. In fact, the research summed up that, in essence, during the Lisbon treaty referendum we were discussing and debating reform of institutions about which people knew little. That is a failure of communication of the issue, both on our side in the European Union and by all of us collectively. Deputy Tuffy raised that point of how one communicates the nuts and bolts of Europe to the people on the ground in a way relevant to them.

I take Deputy Creighton's point about the consequences for the Joint Committee on European Scrutiny. I have already met with that committee, which has undertaken valuable work and which produces good reports, particularly on the idea of a European office here in the Parliament. I am working with the Oireachtas Commission, notwithstanding the limited resources of these days, to see if we can get that established because it is a good proposal.

Deputy Durkan correctly referred to the fact that time is tight. He also made the point that we need to work out where Ireland wishes to be in terms of the future within the European Union, that is, at the centre or at the margins. I am conscious of that point also.

In terms of the division of powers, the Lisbon treaty to a certain extent attempted to address that point. I was struck by Deputy Ó Caoláin's point that Europe is about increased militarisation. That is a debate that was never communicated properly. I was at the United Nations last week, for example. In many missions in which the EU is involved, which are UN-mandated peacekeeping missions, it is the Ukraine, for example, which provides the helicopters for the soldiers' mobility etc. That is what military capability in a peacekeeping context was about. We have soldiers in Chad. Are we really saying that we should not ensure all necessary infrastructure and facilities for the mobility and safety of our troops are provided? These are issues which need to be teased out more to give people a better understanding of how language can

be wrongly interpreted. The enhancement of military capability was seen by some people in only one way. Such people did not see the EU's more fundamental mission of conflict resolution and peacekeeping, or the need for our peacekeepers to be properly resourced so that their safety is not at risk and they are not vulnerable when they are protecting displaced people and refugees, of which there are hundreds of thousands in Chad and elsewhere. I thank the Acting Chairman for his forbearance and tolerance and I thank the Members for their agreement to the establishment of this sub-committee.

Question put and agreed to.

Membership of Committee: Motion.

Minister for Foreign Affairs (Deputy Micheál Martin): I move:

“That Deputies Beverley Flynn and Joanna Tuffy be appointed to the Select Committee on European Affairs.”

Question put and agreed to.

Broadcasting Bill 2008 [Seanad]: Second Stage.

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I move: “That the Bill be now read a Second Time.”

I am very proud and honoured to commence the Second Stage debate on the Broadcasting Bill 2008. This Chamber has seen historic debate in the past days. Listening to the radio this morning, I heard an interview with our colleague in the Seanad, Senator Martin Brady, when he was exiting at 7 a.m. He used the analogy that what we were doing was like putting out a fire, which was well put. There is no doubt that we are in changing times, when the sort of capitalism espoused by such characters as Mr. Gordon Gekko and others on Wall Street is now in cinders following that fire. In many ways some of the definitions that we have lived by in the past ten or 20 years are changing. These include definitions of the best form of economics, what constitutes a good loan and the best way of investing capital.

This Bill is about how we define broadcasting. In that way, it defines our national conversation. It could be said that broadcasting is where we have the expression of our collective consciousness and where our sense of ourselves and our culture is played out. This happens in such sectors as entertainment, education, news, music and every format of broadcasting that we see and hear on the television and radio every day. This is important and sensitive legislation. I use the term “sensitive” because it is legislation which is at that difficult meeting point where the power of politics and Government meets the power of the media. The regulation and legislation in this sector will never be easy to manage, which we must all recognise. This area is also sensitive because we are often regulating subjects where it is more difficult to be certain and where the definitive lines of economics or science do not necessarily apply. One is dealing with our culture and our sense of ourselves which are defined by more subjective, metaphysical concepts. The legislation is also sensitive because in regulating that national conversation, one is dealing with subjects which might not be easy to bring up in an ordinary public house. The key remit of the regulation of broadcasting could be seen to be in the area of entertainment, celebrity, sports and consumption programmes, all of which exist.

Deputy Michael D. Higgins: The degrading side of broadcasting.

Deputy Eamon Ryan: These are all valid and there is a proper place and part for these topics in our entertainment. However, the regulation of broadcasting will always be difficult as it must also deal with the trickier, more sensitive areas of politics, sex, religion——

Deputy Bernard J. Durkan: Wow.

Deputy Eamon Ryan: —and how broadcasters approach that aspect of our culture and our national conversation. I was fortunate first to introduce this Bill in the Seanad where there was a very interesting, wide-ranging and well informed debate. An example from that debate showing how complex these issues can be comes to mind. Senator Rónán Mullen questioned why it is we allow advertising of tarot cards, gambling and so on, on television, but we do not allow religious advertising. That is a sensitive issue. There can be conflicting best intentions with open access to advertising and a libertarian approach. One can, with best intentions, say a topic is too sensitive and difficult and this can be abused. The way these conflicting sensitivities and best intentions are regulated is the subject of some of the codes and regulatory systems—

Deputy Michael D. Higgins: What about addressing the question of advertising directly to children, is that not much more important?

Deputy Eamon Ryan: That is equally a question that could be asked. I raised the point and I have asked my officials in framing the Bill to examine those issues, and to see if wording applies which could steer the regulators or broadcasters towards a sensibility that is in tune with the national conversation and with our sense of our collective consciousness. This sounds very broad, but I believe that is the difficulty, sensitivity and importance of this legislation.

The legislation deals with issues around the format, structure and model of broadcasting, dealing with publicly funded broadcasters and those not funded directly by the licence fee but through commercial advertising. My sense is that the broad structures in place are correct. I believe we need a publicly funded broadcaster. Public funding brings with it real responsibilities regarding the approach a public broadcaster should take. Deputy Higgins referred to the obligation to examine such issues as children's programming and to ensure there is proper investment so that a service is provided which may not have a commercial mandate but which is a crucial element in our broadcasting media mix.

Deputy Michael D. Higgins: We must stop advertisers abusing children.

Deputy Eamon Ryan: I could not agree more. There are also benefits to come from having that public broadcasting remit. I listened intently to the weather forecast on the radio during the summer. Although it was such a straight, old fashioned approach it was the most crucial programme of the day and represented the most important and innovative programming because it related to my holiday and my time. There is a strange mix of obligations in public sector broadcasting which brings benefits and real advantages.

I believe there should be a public broadcaster, not a State broadcaster. This is a sensitive area where the powers of politics and media meet. I do not believe the broadcaster should be a direct extension of the State in its form and functions. It is appropriate for the public broadcaster to have a direct connection to the public through its own authority.

1 o'clock However, it is also appropriate that it is regulated in the same way as other independent, commercial broadcasters which also should carry a clear public service remit. Commercial broadcasters have access to a spectrum which is now a real resource. In a sense, they have access to our public conversation and airwaves. This brings on them some of same obligations and opportunities that exist for the publicly funded broadcaster. For both categories, but especially for the public broadcaster the use, access, encouragement and development of an independent production sector is vital and correct for quality of the conversation in the broadcasting world. An independent production sector provides the ability to bring in independent, creative, irreverent and critical talent which may not otherwise exist within permanent structures. This talent can also exist there but the permanent structures

can complement those creative instincts and, ultimately, we are discussing a creative business and activity.

In terms of commercial and independent broadcasters, crucial issues arise regarding the diversity of voice and also ownership in terms of ensuring we do not get a limited range of views in our national public conversation, possibly by ownership restraints. Plurality of voices and opinions is healthy in the broadcasting future we want to help shape.

The current environment is a difficult one in that advertising revenues may not be what they were in recent years. However, it is of fundamental importance that in the public service remit all broadcasters have the staff, and people who work in this sector are properly paid. It is an attractive area to work in because people are dealing with interesting and creative issues but it can easily lead to a work environment where less favourable conditions than those that might be accepted elsewhere become the norm. That is not in the interests of any broadcaster in this State in the long term. It is not in the interests of us, as legislators and regulators, to see that happening in what is a crucial piece of the social infrastructure of our State.

To define the changing environment as we regulate and legislate in broadcasting, a further development is the arrival of a plethora of new technology that prevents major opportunities for new forms of broadcasting. The development of the Internet and new digital platforms allows us to change from a broadcasting environment where one broadcaster broadcasts to many individuals to one where many broadcasters may broadcast to many different audiences. Such an environment is one we should embrace, encourage and regulate to ensure quality.

There is a fine line between Bruce Springsteen's depiction of broadcasting — "57 Channels (And Nothin' On)" — and the excitement of being able to reach a niche programme, be it on the web, a satellite or a digital cable platform, which is of real interest not to many but to a few who can get it. We must get that balance right. We must open up this country, and it is already opening up, as one where those new digital media and broadcasting formats are encouraged, promoted and become successful.

On the definitions, and all Bills start with definitions, what are the definitions and the qualities we want? In broadcasting we will always look for the broadcasters to search for the truth. That is a simple line but we, as politicians, have an inclination in that regard because we deal with slightly similar issues. On either side of the House, in the game of politics, one is often looking for a story with which one can get the other side, so to speak, or to see the line a particular Minister or party has taken and search out the facts in terms of what is happening. On most occasions it turns out to be a disappointment for the politicians because the reality is not what they might have originally believed, be it one of conspiracy, incompetence or another controversial story. It can be explained by a range of measures.

Deputy Liz McManus: Sometimes it is.

Deputy Eamon Ryan: That is sometimes the case——

Deputy Bernard J. Durkan: For better or worse.

Deputy Eamon Ryan: ——but politics works best when we do the hard work to find the truth of the story and then explain it. It is the same in broadcasting because it must be easy sometimes to stir up controversy for the sake of it and not stick to trying to find the truth. That is not in the public service interest, be it in a commercial, independent or public sector broadcaster.

The second definition of qualities we must look for is a sense of dignity for the Irish people and the individual in Ireland in anything the broadcasters do. There is real concern about the

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invasion of privacy on the part of some broadcasters. Members on all sides of this House will know of incidents where colleagues, friends or family have been subject to such invasion of privacy. We want people to seek the truth and to tell stories regardless of fear or favour of any individual but there is a line which, in terms of privacy or demeaning the dignity of an individual in whatever form of programming that takes place, that we do not want our broadcasters to go beyond. That is the reason we are in a difficult space because defining that line is never easy for a broadcaster but it is one we must look on as a broad sense of the direction they are taking.

We need accuracy in that search for truth. In recent years certain television channels have lost my confidence due to some of the inaccurate programming they put out for the sake of short-term controversy and gain. We do not need to chase ratings. We need to entertain, educate and inform so that the public will flock to those broadcasters. We need local broadcasting. We want to be international but also local and what we will see in the world of new technologies is the development of community broadcasting as an important element within our overall mix.

I will briefly outline some of the process issues as I see them in the development of this legislation and in the way we work. Something I hope we can do in the establishment of this authority is approach in a slightly more open and democratic way how we regulate. That thinking led to the introduction in this Bill of the concept that the Oireachtas committee will nominate members to some of those crucial authorities in RTE, TG4 and in the broadcasting authority itself in that link between the public and the regulatory system. It is right for us to open up our structures to allow for wider consideration, possibly public consideration of the way people are appointed to those authorities.

I commend the members opposite involved in that committee to immediately take up the task of setting out how they will advise the Government in terms of who should become members of that authority as it is set out in the legislation. I want this legislation to be enacted either before or shortly after Christmas. That is a short time line in terms of setting up what are completely new procedures. We have not done this before but it is the committee's opportunity to take on that democratic mandate and order its business, in whatever way it sees fit, to consider appropriate people for such board appointments and to add that democratic stream of appointments into the new authorities we are setting up. It may be seen as a small measure elsewhere but for me it is an historic change in terms of the nature of our democratic structures and one I am very proud to have been able to help facilitate. I hope the House, and the Oireachtas committee in particular, will also help to facilitate it.

This is sensitive legislation dealing with a myriad of issues — politics, sex and religion, and the regulation thereof — where it is never easy to have a clean line in terms of the best approach as we go through the details of the Bill. I hope the debate here will be similar to one we had in the Seanad in that it encourages Members opposite and Members on this side of the House to suggest further refinements or changes to what will always be a subjective business of regulation in the broadcasting area.

Within this regulatory structure we are establishing we also must recognise that new technological developments — the convergence between the communications broadcasting industry and the telecommunications industry — will require us to continue to evolve our regulatory model to ensure those connections are made in a way that allows for plurality of media outlets, new channels and platforms to evolve.

I will briefly outline the details of the Bill and some of the broad background process that it is important to understand in terms of its origins, ranging from the Broadcasting Act 1960, the establishment of RTE, the Radio and Television Act 1988, the establishment of commercial

independent broadcasting, the Broadcasting Act 2001 which saw the establishment of TG4, the recent broadcasting legislation establishing digital terrestrial television and the wider European broadcasting environment in terms of the development of the new audiovisual and media services directive. That is the process framework within which we are engaged. We are building on the legislative steps I have mentioned. The process leading up to this Bill has been a long one. Shortly after I was elected to this House in 2002, the Forum on Broadcasting was convened in the Royal Hospital. It has taken us a long time to arrive at this point. This legislation takes the outcome of the 2004 radio licensing review into account. When I was in opposition, I was a member of the joint committee that was responsible for the e-consultation initiative, which involved a review of the legislation in this area. I believe the committee's work constituted an important formative step.

I wish to go through the various parts of the Bill. Part 2 sets out the broad structures being put in place. A contract awards committee and a compliance committee are being established to set out the contract arrangements and codes that broadcasters will have to follow. This part of the Bill also relates to licence fees and the nature of the broadcasting fund. It sets out the right of reply provisions and explains how levies will be applied. In short, it outlines the broad structures the new regulatory authority will have to deliver on.

Part 3 of the Bill sets out some of the duties, codes and rules that will apply to broadcasters. Section 39 requires all stations to broadcast a minimum level of news and current affairs. Section 41 deals with advertising minutage. Section 42 sets out codes in respect of objectivity, impartiality, privacy and advertising. It is right that legislators are sending a strong signal to commercial interests in this country. We do not want products to be targeted at children if they will do them harm in the long term. Any parent of a six year old will be familiar with the phenomenon of being in the supermarket and having one's trouser leg pulled by a child who wants the worst thing on the shelf. Rows can ensue if one does not give in. Habits can be formed for a lifetime on the back of the pressure parents are under. I do not dispute that parents have primary responsibility for the raising of children, but it would be nice for commercial interests to help us in that regard. It is appropriate for us to try to legislate to support parents and their children by setting rules for the sale of products to children.

Part 4 sets out the audience redress measures we are putting in place. It is right for us to provide for an appropriate level of flexibility and responsiveness so that people's privacy is protected. At the same time, we should not tie our broadcasters up in legislative, legal or bureaucratic red tape. We need to ensure they have the freedom to tell the real stories that need to be told about what is going on in Ireland. Section 47 puts in place a public complaints procedure. Section 48 sets out certain grounds and processes for the making of complaints. Section 49, crucially, gives a right of reply to people who feel their privacy has been damaged or their good name has been impugned. It ensures that recourse to the courts, which is never a satisfactory process for all concerned, can be avoided. This aspect of the legislation, which is particularly progressive, will help broadcasters as much as it helps individuals.

Part 5 of the Bill outlines some of the mechanisms that are required to enforce the various codes. We are giving the regulators the ability to issue fines, rather than always having to engage in an expensive High Court process. This important and innovative development will help broadcasters. If a regulator's only choice is to revoke a licence or do nothing, it is important for all concerned to provide for alternative measures that give a clear signal but do not completely destroy the opportunity of a broadcaster to continue in business.

Part 6 revises the mechanisms governing the award of contracts and provides for a new definition of "community broadcasting". It makes provision for temporary, 100-day broadcasting licences to be awarded to community radio stations. This proposal is designed to encourage

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the development of a much wider plurality of broadcasters, often working on a non-commercial community basis, which will be a major new step in the future of broadcasting on this island. This part of the Bill will enable surveys of audience needs to be conducted so that contracts are awarded in a manner that takes account of what is in the interest of audiences and the public as a whole. We are providing for a fast-track procedure for the award of certain contracts. We are dealing with issues of plurality of ownership. We are requiring the preservation of archives to help future generations to understand Irish history and thereby develop a better sense of themselves.

Part 7 of the Bill defines the broad structures of public service broadcasters, including the statutory remit and functions of such broadcasters. We will allow them to operate new digital content platforms in an innovative manner. We are requiring them to implement certain oversight mechanisms, such as the publication of annual statements of commitment outlining the details of their proposed public service outputs. This is crucial. The decision taken four or five years ago by one of my predecessors to increase the RTE licence fee has been successful. It led to a significant increase in RTE's output of home-produced programming which, in turn, attracted a strong domestic audience. Irish people like to hear stories told by Irish people.

Deputy Bernard J. Durkan: Some of them are tall stories.

Deputy Eamon Ryan: While that has been a success, we need to further refine the assessment of what RTE produces in return for its licence fee. The system of measurement needs to be more sophisticated than a simple tally of the number of hours of programming in each category — it should refer to some of the broad values I mentioned earlier. While those values may be difficult to define, it is appropriate for the regulator and the public to expect the public broadcaster to assess and set out its course on the basis of true measures of quality, rather than on a “per hour” basis. I may be simplifying the current process somewhat. RTE is taking a proactive approach, in its own interest, to the process of refining its measures of assessment. At this legislative stage, it is important to recognise this measure as a beneficial further step.

Section 96 of the Bill specifies an important aspect of the process of assessing quality — the establishment of structures to be known as audience councils. This part of the legislation also facilitates the encouragement of an independent production sector. In recent years, the Government has successfully pursued a policy of encouraging independent producers. However, the industry remains quite small, fractured and fragmented. It needs to be strengthened if it is to be of long-term service to this country's broadcasters. One cannot create high-quality programming unless one has enough resources to be able to give adequate time to early production stages, such as the concept development stage and the creative design stage.

We have to make certain changes if we are to ensure that our independent production sector continues to thrive and make progress. The sector is important not only because it allows us to tell our stories here at home, but also because it allows us to tell stories overseas. We have an opportunity in this regard because we are good at storytelling. We are good in this sector of the media. We should be able to tell our stories at home and abroad, to Irish people and to other people. In that regard, section 112 initiates the process which will lead to the establishment of a code of fair trading practice. This will ensure that the relationship between independent production companies and the larger broadcasters is fair, provides for real freedom and encourages such companies to be enterprising.

Section 116 of the Bill before the House sets out the minimum amount the public sector broadcaster must spend on independent production. It also requires RTE, for the first time, to commission a minimum level of programming from the independent radio production sector,

which is a significant development. I believe it will have a positive effect on the State broadcaster and the wider public.

Chapter 6 of Part 7 of the Bill sets out the details of this country's new digital terrestrial television package. I refer in particular to the introduction of a politics channel and an Irish film channel. As I said earlier, the debate that took place in this Chamber over recent days would have been top of the ratings among the Irish public if it had been able to access it. Should people not have been allowed to hear the contributions of people like Deputy Higgins on the crucial issue of the day? When the Dáil is not in session, would it not be right for the public to enjoy similar access to debates in the US Congress or the European Parliament, or any other parliament that the editorial team decides may be of interest to the Irish people as they look for political information? I have a vision of a politics channel that plays an important role as one of the free-to-air services provided to the Irish people in return for the licence fee.

We would like input from the people on the other side of the House on how we would operate a broadcasting fund to encourage a production centre. These are difficult decisions. One does not want to undermine the editorial strength and creativity of the main public sector broadcaster but at the same time one wants to encourage vitality in the sector at a time when commercial returns are not easy to forecast or manage.

The issues with regard to how we develop an independent sector such as what type of codes we put in place should form substantive debate on Committee Stage because they are substantial issues for our people even if sometimes they are not as easy to define as some of the banking, agriculture or transport issues we debate in the Chamber.

This Bill provides us with an opportunity at a time of real change in the country. It is a very positive time. I look forward to a time when my children do not face the prospect of spending their working lives paying off a mortgage. Some of the developments in recent years in terms of the massive property speculation which occurred was deeply damaging to our society.

I mentioned that the fire that has passed through our financial system means the Wall Street model no longer applies. New models will apply and it is time for us to have a clear sense of ourselves and a sense of cohesion. This comes from our broadcasters and our media, which are the embodiment of our public discussion. Today in the Dáil is a further extension of this. I wish it were live on television so those throughout the country could hear what Members opposite have to say.

Deputy Bernard J. Durkan: I apologise for the absence of my colleague, Deputy Simon Coveney, who is attending the funeral of a family friend. I welcome the introduction of the Bill. It is important legislation in terms of the role and influence which broadcasting has in our society.

The Minister is correct to state that we are at a crossroads and we are examining new ground and moving into a new era. Over the years, we have had the introduction of broadcasting practices and procedures which have become accepted and acceptable. The Bill proposes a number of constructive changes, additions and improvements and the Minister has pointed out that there will be room for amendments from the Opposition. It is the intention of Fine Gael to bring forward a number of progressive and substantial amendments which it is hoped will be of benefit to the debate that takes place in the House and in general.

The Minister mentioned the evolution of the broadcasting sector and its influence, and this is an important issue to bear in mind at present. There is nothing more influential than the broadcaster and broadcasters have taken on a new role. Previously, the broadcaster or the reporter at a local newspaper felt his or her job was to report the news and events as they unfolded or in some cases prior to unfolding. This is still the case to a major extent in the area of

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public broadcasting. The national broadcaster, RTE, and the independent broadcasting service provide a great source of immediate information to the public. As well as this, they have come to provide commentary and, some would say undesirably, an influence. This may be the case.

Deputy Michael D. Higgins: They do not do so on Thursdays.

Deputy Bernard J. Durkan: That is correct. Thursday would not be a great day for it.

Deputy Michael D. Higgins: Deputy Durkan should cast his eyes on the empty seats.

Deputy Bernard J. Durkan: Absolutely.

At the same time, this is an important issue that must be borne in mind. Broadcasting of every form reflects society and on what we do. Particularly, it affects what we do in this House. I know one of the proposals is for an Oireachtas channel and I supported this from the outset. It is a great idea and would be of great importance because it would bring to the public the events of the Houses of the Oireachtas as they happen. It would be useful also from the point of view of the performance of Members of the Houses of the Oireachtas. After all, who wants to sit in a Chamber at any time if nobody reports what happens there. One would be better off anywhere else.

By the same token, a broadcaster may be critical of the Houses of the Oireachtas, often rightly so. It is important that we are all criticised from time to time and it is hoped constructively so. There are two ways to offer criticism. It can be constructive and beneficial or undermining and damaging, depending on how it is put.

Technology is advancing at a rapid rate and the Minister referred to the Internet and its availability. Some aspects of modern broadcasting such as the YouTube website are uncontrollable and undesirable. I presume this regulation will apply also to this type of broadcasting. In the not so distant past we saw that material of a very undesirable nature was shown on the web through various forms of new and modern means of communication. I do not mean material of a sexual nature, I mean material of an abusive nature. Whatever else we do, abuses of any nature, shape or form should never be glamourised.

Never should the notion prevail that because it has happened, appalling as it may appear, the public should see it. This is greatly damaging, particularly in the case of children, and Deputy Michael D. Higgins referred to it previously. The abuse of children on the Internet, whether it reflects what is taking place, is simply not acceptable. It is an appalling advancement of the cause of those involved in the abuse. It is an appalling reflection on society that it would even be allowed or contemplated in any shape or form that any medium would facilitate the advancement of what is obviously a depraved industry.

This is a large Bill with approximately 180 sections. I do not know how the Minister will be able to deal with this matter. It is a form of broadcasting — the Minister referred to it as a modern form of broadcasting. I do not accept the notion that because it is technically feasible, we can do nothing about it. That is not true. All this can be tracked by modern technology.

I accept that with some of the items of an undesirable nature which have appeared on YouTube action was eventually taken. I cannot understand why it is not possible to screen items such as a girl or teenager being beaten up or abused. It should be possible to technically detect this type of sickness at an early stage and not do what was done in the past and state it is a matter for the Garda Síochána, which is the arm of the law and detection, prevention and retribution.

We must recognise the growing power and influence of the broadcaster. The Minister discussed at considerable length the State broadcaster. By that, I presume he means the Government broadcaster. Those of us on this side of the House are always ultra-sensitive when it comes to the State or public broadcaster as the Minister——

Deputy Eamon Ryan: I do not think it is the correct term.

Deputy Bernard J. Durkan: The Minister is probably correct. The public broadcaster has responsibilities to the public. It also has responsibilities to the State. The balance achieved between these is of obvious importance. I would love to have been a fly on the wall during the recent discourse between the director general of the national broadcaster and the Minister for Finance about a recent edition of “Liveline”. The Minister rang in and asked Joe Duffy about what was going on regarding people withdrawing their money from banks. I would love to have been there for that and to hear the director general respond. That would provide a great insight to those of us on this side of the House on how best we can deal with this kind of thing when we are in Government, which ultimately will happen.

Deputy Michael D. Higgins: I never rang a senior official about a programme when I was a Minister.

Deputy Bernard J. Durkan: That is the point I wanted to make. I would be aggrieved by some of the things the broadcasters would say, but I am not sure that it would be of benefit to remonstrate with them. What was happening in the programme was probably not in the financial interest, but it may well have been in the public interest. The issues raised were issues that everybody was concerned about at the same time. At what stage does the Government decide to exercise its muscle to put a stop to this? That is a very dangerous road to travel, and I am sure the Minister opposite is fully aware of that. When he was on this side of the House, he would have led us to believe that he would have concerns in that area. I compliment his proposals to depoliticise the whole broadcasting structure, as this is incorporated in the Bill. I was surprised that he did not comment on that episode of “Liveline” in his speech, because it is fundamental to what we are doing now.

I remember having a debate with a provincial journalist some time ago. He believed that the national broadcaster was the State broadcaster and should at all times be under the influence of the State, which is controlled by the Government. I disagree with that and I would agree more with the Minister’s interpretation of that area. However, what becomes the norm over the years usually evolves, takes on a life of its own and becomes acceptable. Policy can develop, evolve by stealth and become accepted as a result. That is a dangerous thing and the proposals raised by the Minister in his philosophical dissertation on the Bill are desirable. However, great care needs to be taken to ensure they work. That comes down to the influence of the State broadcaster and the relationship between the Government and the national broadcaster.

I will come back at a later stage to what might have been the conservation in that famous telephone call to the national broadcaster. I do not know whether the Minister here offered to make a call or whether he was asked to make a call, but I suspect that there was some discussion on those issues at that time. I compliment those brave commentators who spoke on the issue of the solvency of the banking system for quite a long time and who stood over their criticisms, even though they were not loved for it. The moral of the story is that they were right to take their view, stand over their view and not apologise for it. That is the way it must always be, because if we are going to have unimpeded reporting of the facts, then we must allow for that. The idea of interfering with the broadcaster when he or she is attempting to do his or her work

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is a dangerous one. It smacks of what goes on in some countries where broadcasting is strongly controlled by their governments.

The Minister was very philosophical in this debate and my colleagues in the Labour Party will be equally informative when they speak on it. The Rupert Murdoch system of broadcasting has enormous power and influence. Our own broadcasting services represent a microcosm of that. During the recent referendum on the Lisbon treaty, there were countless outlets broadcasting into this country from other jurisdictions who had an agenda and a particular view. They set about influencing the debate and did it very carefully. They said to the Irish people that they were standing up for us and were backing us up in the pursuit of our independence and our right to make a decision, which happened to be in line with the decision they wanted us to make. That is a peculiar way of going about one's business, but it warns us of the emerging greater power of broadcasters and the influence they can create, as well as the implications that can have for our society, our well-being, our economy and our culture.

I believe that the national broadcasters have a responsibility and should observe those responsibilities, and they largely have done so. We also need to be aware of the competing influences in broadcasting from outside this jurisdiction and the likely social, cultural and economic impact they can have. If lessons have not been learned in the past, then they should be learned now. In the final analysis, for all the people who claim to be our friends in this, we should remember that we are our own best friends and we need to keep an eye on that.

I hope the depoliticisation proposed goes well. It is the right idea. If the system is to work with integrity, then its depoliticisation must mean something. I hope it means that it will be truly depoliticised, and that somebody does not sneak under the door and claim that he is not at all politically inclined. We might later track back to five or six decisions that person made previously and discover that the claim does not add up. However, the concept is a good one and I hope it works out. The whole area of enforcement following the failure to comply with the regulation is a good idea, as proposed in the Bill. It will require some considerable teasing out during the debate. I am one of those who believes that the widest possible debate on Second Stage is very important. I do not accept that we should wait until Committee Stage before we get in to the nitty gritty of things. The broadest debate takes place on Second Stage. Once the general concept of what is proposed is adequately debated, we can move on from there.

The Minister made reference to the codes of advertising and the great amount of influence involved. Deputy Michael D. Higgins made a few comments about this at the beginning. Everyone is impressed by propaganda, but children are obviously the most vulnerable. Everybody wants the nicest, quickest and sweetest foods. The same applies to drink. The advertising of drink is not the only part of the problem because it should be noted that drugs are not advertised. Everyone says that drugs are bad but their consumption is still increasing. It is a question of what is seen to be desirable and promoted as such. The controls on advertising are important and Fine Gael will be tabling a number of amendments to do with this issue.

I welcome the Minister's reference to complaints and the right of reply. However, the right of reply needs to be treated with respect. The right of reply does not in all cases address the issue of the degree of hurt or the impugning of the character of the victim. If any Member of this House or a member of the public believes his or her character has been impugned in some way, either in the print or broadcast media, the right of reply does not necessarily address the issue of dealing with the impact, hurt or injury caused. This area is difficult to legislate for and my colleagues, including Deputy Simon Coveney and others in the Labour Party, will study this aspect carefully. If I publicly or in a broadcast accused another Member of the House of something deplorable, his or her right of reply does not necessarily remove completely the

implication of the accusation I have made. This is a very difficult area which I ask the Minister to consider.

The future broadcasting of the proceedings of Parliament will be a successful venture, in my view. I do not accept the argument that nobody will watch such broadcasts. The proceedings would be of great interest to the ordinary people who do not always have the opportunity to observe what happens in the Oireachtas. Everybody in a democracy is entitled to know what is happening in Parliament. We may need to make procedural changes to allow for business to be streamlined. TG4 is to be commended for its work in this area. The Oireachtas channel will nicely dovetail with the existing broadcasting services and will prove to be of great benefit in promoting a sense of national interest, pride and responsibility.

Like many Members, I do not have the opportunity to watch many television programmes because by the time we return home, the television has all but shut down. Deputy Pat Rabbitte used to refer to the “Oireachtas Report” programme as being watched only by those who could not sleep. A few weeks ago, I looked in on a programme called “Big Brother”. I understand this is a popular programme and I am sure there are good reasons for its popularity. However, to my mind, one would need to be very bored to spend any time other than a quick glance looking at such a programme as it is appalling. It is a programme with audience participation and the producers of such programmes know well that the public are interested in well-known people. I cannot understand how anybody could take time to watch such a programme. Other similar programmes also include audience participation. I may be old-fashioned but I would love to watch a good film in place of something like that.

The Minister referred to home-produced programmes. In this country we are inclined to ape what is done elsewhere. We should be innovative in our television programming, do our own research and produce our own programmes.

This proposal to update the broadcasting legislation is important and it should include the lessons we have learned from the past. I suggest we should bask in the reflected glory of the great broadcasters and communicators of whom we have had many. We even have a few in this House. The public does not always have to agree with one’s view and they may often disagree completely with one’s viewpoint. However, it is the way in which one puts one’s view and communicates a message that is important.

This is an era of competition in broadcasting and I have referred to the Rupert Murdochs and Fox Corporations of this world. All communicators must compete for the time and space available and this has advantages and disadvantages. It is an open market with many languages in use and all broadcasters and communicators face strong competition. Quality programming will shine out as opposed to mediocre programming.

I will conclude with a point about the independent broadcasters. We have a good independent broadcasting sector on both a local and national level and both levels have a significant role to play. It is important they access a fair share of funding locally and nationally. Otherwise, they will be at a distinct disadvantage and will not be able to compete on a reasonably level playing field. There is no reason why there cannot be competition between the public and private sectors in broadcasting. It is important to have that, and that there is a reasonably level playing pitch when undertaking that competition. Ultimately, the consumer will be the beneficiary.

Deputy Liz McManus: On behalf of the Labour Party, I welcome the Broadcasting Bill 2008. As there is always room for improvement, on Committee Stage we will table amendments. However, we support the Bill’s overall approach. While it is cautious rather than radical, it will ensure regulation over what is now a phenomenon. Broadcasting has such a powerful influence

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in our lives. It informs, entertains, educates and wields an influence which we do not fully understand. An ESRI study in 2005 found people spend on average two hours a day watching television while one in ten view television for more than seven hours a day. I suspect that has increased since then; children certainly watch for longer.

One example of the impact of television is the extinction of the regional accent. Young people and children from Kerry to Newry have all adopted a type of television accent when speaking which directly comes from television. If television affects the way we speak, it must also affect deeply the way we think.

We need to ensure broadcasting can flourish but that there is regulation to ensure quality and access across the spectrum of public, private, independent and community broadcasting. Regulation is important to ensure the uniqueness of our culture and identity is recognised and acknowledged. The diversity of experience that is part of life must also be safeguarded. Broadcasting is developing and expanding in breathtaking ways. It is limitless in the sense it is hard for one's imagination to accommodate its possibilities.

Effectiveness of regulation, or the lack of it, is an important issue in broadcasting. In recent times, regulation has become an issue central to our lives. Internationally, the banking systems are under threat and our economy is in peril. The political failure to regulate the money markets and lending agencies and to protect against corporate greed is having a deep impact at home and abroad. While broadcasting regulation pales into insignificance compared to the financial landscape, in ways there are parallels. It is still an issue of regulation. What is needed is robust legislation. All agree the oversight of broadcasting needs to be effective and open.

The Bill will lead to the establishment of a new broadcasting authority. It is important that it will not just be the existing Broadcasting Commission of Ireland in a new guise. It will need considerable resources to meet the tasks we are setting it.

This is being introduced at a time when the Government claims it wants to streamline State bodies and combine quangos. Was there consideration given, for example, to an organisation combining the new broadcasting authority and ComReg? Are we hearing much talk from the Government about streamlining and better value for money or is real consideration being given to options?

The Broadcasting Commission of Ireland employs over 40 people. Clearly the proposed Broadcasting Authority of Ireland, BAI, will need more staff and resources. A study was carried out by PricewaterhouseCoopers to assess future needs yet the report, paid for by public money, has not been published. It would make sense in this debate on the nuts and bolts of setting up the BAI in seeing that report. The budget for the commission is €6.1 million. What will be the budget for the new body? The Minister has not said what the staff complement and resources for the proposed authority will be. However, unless there is that support and infrastructure, the BAI will not be able to carry out its tasks. It is not enough for the Government to say it will get it right this time. There is a litany of bad management and difficulties caused by the mismatch between the Government's intentions and practice.

I want to be practical about this and to ensure that what we are talking about will be the end result. The current budget for the commission is about €6.1 million. What will be the budget for the new body? It is proposed to raise a levy from all broadcasters to pay for this. However, there has been a significant downturn in advertising revenue. The levy is being devised by the BAI. Broadcasters should be involved in paying for this authority as they benefit from it. The independent sector had the sensible notion that it is not enough to simply have a levy. The levy should be based on the understanding that a three-year budgetary plan would be laid out before the levy is raised. In FÁS, for example, money issues have gone out of

control with totally inappropriate spend, such as the recent Mount Juliet phenomenon, at a time when funding for training and apprenticeships has dried up. I intend to table an amendment on Committee Stage to ensure a proper process is put in place. Otherwise, the Oireachtas will simply be rubber-stamping what has already been decided.

I am not aware of a definition for “public service broadcasting” in legislation. The Bill simply refers to those organisations involved in public service broadcasting. This needs to be teased out somewhat, particularly with the growth of the community broadcasting sector. I do not mean to be pedantic but as time goes on, a definition of “public broadcasting” would be helpful.

The structure of the BAI is set out in the Bill. I thank the Minister for taking the important step of introducing a role for an Oireachtas committee in it. While I may have preferred to have the role extended, it is still a progressive step.

Members of this House spend considerable numbers of hours in committees and sometimes there is a feeling that we are going nowhere and are wasting our time. This is the kind of change which is straightforward and simple, but significant, and I have no doubt that the committee will live up to the request made of it by the Minister and the BAI will be the better for it.

The BAI will have a unique responsibility but if it is simply made up of people with vested interests coming together to protect their corner, it will not work very well. There must be a pooling within the new authority and that requires a certain openness of view in terms of who will be on it. It is good that it is subject to the scrutiny of the Comptroller and Auditor General, that the CEO must appear before the Committee of Public Accounts and that codes of conduct will be put in place. In that context, I must declare an interest here. I have a son working in the independent television sector, with whom the Minister has had some contact recently.

We should not underestimate the importance of codes of conduct and their application. I recall that when the HSE was set up, a special adviser was appointed to the CEO, who had worked in an area of health care previously. He held that position for a number of years and then went straight back out to work in a for-profit arrangement in an area of health care. I felt that was extremely inappropriate and when I raised it with the Minister for Health and Children, she too was uncomfortable with it but it was quite clear that nothing could be done about it. It is important that, with regard to the issue of conduct and the way people relate to what are very important and influential positions, there is a statutory basis to how it operates to ensure that no conflict arises.

I note that section 40 requires that every broadcast is recorded to tie in with the compliance procedures. I am conscious of the fact that in the past quite valuable broadcast material was lost or destroyed, with no real thought given to its importance. A haphazard approach was adopted to holding onto records and ensuring that historical archive material would be available. Obviously, modern technology makes the archiving process much simpler. However, community radio interests have raised an issue with me in this regard. While I am not convinced their concerns are justified, it may be worth relating them here:

It is vitally important that the rich contribution of the audiovisual sector to the national archive be properly funded. Under the proposed Bill the broadcast fund, which has been used to significantly develop community and local broadcasting, will also now be used for archiving, with no limits placed on what proportion be used for that hugely resource-intensive activity. Would the Minister consider increasing the portion of the licence fee going to the broadcast fund to enable necessary funding of archiving activity to take place and would he further consider placing a maximum percentage of the fund to be used for archiving?

When I checked this out, it was clear that the broadcast fund always had a role in terms of archiving, but it does not appear to have been used very substantially. This might now be an

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issue, as argued by the community radio sector. I raise this matter because of the fears of that sector, who argue that “beyond an extension of the term of temporary licences and a limited definition of community radio, this promising and increasingly vibrant community sector is overlooked and may even have its growth stunted in these new structures”. I do not believe the Minister intends to stunt the growth of community radio but I am alerting him to the fact that these concerns have been expressed.

Each sector — public service, commercial, independent and community — has been making its case to members of the Opposition, to the Minister and in public. It is particularly worth noting the development of community television, which is a relatively recent phenomenon, as well as community radio. Community television has a different approach, in that it ensures there is active participation. One of the concerns we all have about broadcasting, and television in particular, is that it is not a participative activity, unless one is actually on a television programme. Community television creates its own dynamic, which is interesting and should be encouraged. I am not the only one who believes this. A recent proposal from the European Parliament called for member states “to give more active support of community media to ensure media pluralism, provided such support is not to the detriment of public media”.

Some improvements have already been made to the Bill during its passage through the Seanad. I will be tabling some amendments relating to funding, contract arrangements and other practical issues on Committee Stage. I have some concerns about the uneasy relationship between television and radio, whether commercial or otherwise. The dominance of television, because it gobbles up resources, is so powerful and strong that radio interests often feel that they are very much the small fry. I acknowledge that the element of the fund that is earmarked for radio has been increased but we must examine the issue more closely to determine if it should be expanded further.

Other issues in the Bill that have been raised include the use of the television licence to fund public service broadcasting in the commercial sector. I do not actually argue that case but I am looking forward to the BAI generating debate on the issue into the future. Some issues raised by the commercial sector are worth noting here. One such issue that is not dealt with in the Bill, about which the sector has genuine concerns, is that of the threat from major British channels attempting to buy rights over the British and Irish markets, as if they were one entity. The issue of rights has not been dealt with at all in the Bill, yet the head of TV3, Mr. David McRedmond, has publicly expressed his concern that “if Irish broadcasters are not just going to be subsumed into the UK and turned into local franchise regions, it is very important that the rights market is properly established”. I know this is a difficult area but the Minister must address it in some shape or form and I would welcome his comments on the matter at some point in this debate. Issues about rights ownership exist anyway and have been raised in a number of submissions. It is to be hoped we can develop that on Committee Stage.

Another common thread among the submissions is the difference between the amount of money in the broadcasting fund and the demands on it. In the first four rounds €40 million was given out but €138 million was applied for, which illustrates the enormous gap and the fact that a lot of people were disappointed. In one sense, it is a very good sign but one wonders whether the fund should not be expanded further.

We are fortunate to have an excellent public service broadcaster in RTE. However, the funding by licence places a particular requirement on RTE for absolute transparency. At times, in my experience — which is not very lengthy in this portfolio — information has been withheld, which is regrettable. We must ensure that is not the case in future.

I must comment at this point on the collection of the television licence fee, or rather, the failure to collect. There is quite a high level of unpaid licence fees. We have seen a massive improvement in technology in recent times and the current mode of collection of the television licence fee is not appropriate any longer. It does not make sense to use this system of collection and I hope the broadcasting authority will consider this issue.

An Post has an advertisement, with which we are all familiar, that states there are 18,000 inspections every month. I do not believe this. I asked the Minister about it but suspect he does not believe it either. He cannot tell me the true figure. I asked An Post and its response was unclear. The figure of 18,000 is not real and we need to consider an appropriate way of collecting the licence fee, which is so valuable to underpinning good quality public service broadcasting.

New technologies, particularly satellite technologies, are such that some people who have satellite transmission to their homes and pay their television licence fees are unable to view RTE channels or TG4 because of contractual arrangements — with Sky, for example. Since they pay their licence fees, they have a certain right to see the channels of the national broadcaster, but this has not been made possible. This complaint will become more prevalent, especially if customers go to Lidl to buy their satellite dishes.

New arrangements for awarding contracts make sense. The penalty that was in place was simply impractical. The arrangement for the right of reply of an injured party is a step forward and I welcome it.

I welcome the establishment of the two new public service broadcaster channels, the new Houses of the Oireachtas channel and the Irish film channel. However, I would like to know a little more about how the process will be managed and the budget allocated. Most European countries invest substantially in film and Screen Producers Ireland has argued for a minimum of €2 million to be ring-fenced by RTE for feature film productions. In light of the manner in which other European countries fund film making, this seems to be a modest enough proposal. I have an interest in this area because Ardmore Studios is in my constituency.

The plan for the two new channels is linked to the introduction of digital terrestrial television and it is part of the digital dividend. On the question of the planning and execution of the delivery of digital terrestrial television, I suspect most people are not even aware of what is coming on stream. Those on the east coast in particular, who are currently benefiting from the spillover of British channels and who will lose out significantly in 2009 unless action is taken, are also unaware of it. They will very quickly become aware of it if what is proposed is not done quickly. When I raise questions with the Department about the delivery and cost of the boxes required for the changeover, for example, I receive no clear indication as to what is involved, even though the changeover in Britain, affecting the Irish east coast, will take place next year.

I read with interest reports from the recent conference run by the Broadcasting Commission of Ireland on the need for a digital terrestrial television champion. This need was raised by the private sector but I am not sure if it would be willing to pay for the champion. It certainly seems to be an idea worth pursuing.

Deputy Michael D. Higgins: It was announced in August 1998 that the then Minister for Arts, Heritage, Gaeltacht and the Islands, Síle de Valera, had received permission from the Government to proceed with haste. That was ten years and one month ago.

Deputy Liz McManus: To be fair to the Minister for Communications, Energy and Natural Resources, he was not in office at that time. It is a practical idea. Having one person in charge, for a period limited to the duration of the transfer, seems to be a very good way of managing

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the major change from analogue to digital, which will be fundamental in broadcasting terms. This is how it is working in Britain. Quite apart from the structural changes or technical changes, an issue of public awareness arises in this regard. Provision could have been made in this regard in the Bill. Why has it not?

At the conference run by the Broadcasting Commission of Ireland, the coverage of referenda was raised. I do not expect the Minister to have the answer to this problem, but it is worth making the point that, as a result of the McKenna judgment and the legislation that flowed therefrom, we have an artificial balance that does not necessarily reflect the way in which a community or society views a particular issue. The artificial balance sometimes leads to uneven emphasis in a particular direction. I do not know if anybody has the solution to this but the fact that it was raised at all should lead us to consider more appropriate legislation.

The prohibition on advertising certain foods to children is very close to the Minister's heart. I welcome it but the provision is extremely weak. It is stated the authority "may" prohibit advertising and "may" consult relevant parties. This could be more to do with optics than about a real effort to tackle obesity, which is a major problem that we must take extremely seriously. Realistically, to have an effective ban, one must apply it at European, if not global, level. How far will the Minister's proposal extend? Research shows that banning advertising for children does not necessarily lead to results. In Sweden or another Scandinavian country, the results of such a ban were analysed quite carefully but the ban did not seem to have any marked effect on childhood obesity. However, any measure that may work deserves a shot.

This matter brings into focus the elephant in the room. If the Minister is considering banning food advertising, why did he not consider banning alcohol advertising? Until quite recently, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, used to leap up during the Order of Business to raise the issue of banning alcohol advertising, stating how agreements with the industry would not work and that they were not worth the paper they were written on. The Green Party had a clear policy in this regard. While the issue has been raised, why is it not contained in the Bill?

There is no doubt but that commercial interests regard children as a market in a very calculating and cynical way. The sexualisation of children and the selling of inappropriate foods thereto are very worrying. We need to consider this area in terms of what is happening to our children and how they can be safeguarded.

On certain morning programmes shown by our national broadcaster, there is the most explicit sexual material. Sometimes children are at school during the broadcasts and sometimes they are not. While the programming is all in the spirit of good fun, some of it is quite disturbing. The Mary Whitehouse may be coming out in me but I believe the Broadcasting Commission of Ireland should perhaps examine this and determine whether we could be a little more sophisticated in how we deal with these subjects.

A complaint was raised with me by Deputy Ruairí Quinn which concerns people living in apartments where the developer of the apartment has signed an exclusive deal with NTL, which is not known for providing good service. The person who buys the apartment cannot get a decent service but is caught with this monopoly arrangement between the developer and NTL. Apparently, the Competition Authority has examined this with the National Consumer Agency and ComReg. My understanding is that the only way it can be dealt with is through broadcasting legislation so I would ask that the Minister would consider this — he may not be aware of the issue.

It is a grossly unfair situation. I am a former consumer with NTL who left in a rage because I was getting such a bad deal, which I do not mind saying. People should at least have a choice.

Minister of State at the Department of Health and Children (Deputy Mary Wallace): I wish to share time with Deputy Dara Calleary.

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

Deputy Mary Wallace: The Broadcasting Bill is interesting legislation which consolidates what has happened in the past 50 years of Irish broadcasting legislation, going back to the Broadcasting Authority Act 1960, which established RTE, and the Radio and Television Act 1988, which introduced independent commercial broadcasting for the first time. Well done to the Minister for presenting this single consolidated Bill, which has significantly updated and modernised the legislation.

One of the key aspects of the Bill is the establishment of the Broadcasting Authority of Ireland, which assumes the functions of the existing Broadcasting Commission of Ireland and the Broadcasting Complaints Commission and takes on a number of new roles and responsibilities. The authority will have two statutory boards, the contracts award committee and the compliance committee. The authority has overall responsibility for the organisation in terms of preparing codes and rules for broadcasters, which is the area I wish to address. The work of the compliance committee will be responsible for ensuring that all broadcasters, whether public or private, comply with the conditions of their licence and with the standards set down in the broadcasting codes.

As Minister of State with responsibility for health promotion, I very much welcome the fact the Bill proposes new approaches to codes and rules for broadcasting in Ireland, in particular in regard to food advertising aimed at children. It retains the structure of the existing codes, including the children's advertising code, but significantly it allows for that code to specifically prohibit advertising aimed at children for food and beverages which give rise to health concerns. In essence, this means foods which are high in sugar, fat and salt but low in nutritional value. The overall nutritional value of foods will be important in this debate and in the move to lower consumption of high-fat foods. The other nutritional value of foods such as milk and other dairy products which are an important source of calcium and other minerals will need to be addressed in the debate.

The Minister spoke with great conviction during the debate. He has on several occasions outlined his commitment to this area. The Department of Health and Children has been watching the progress of the legislation for some time because we have concerns in regard to data which suggests there could be more than 300,000 overweight and obese children on the island of Ireland and the rate is rising at a probable 10,000 per annum. There is substantial evidence to support the view that advertising has a significant impact on what we eat, and particularly on what children eat. Research worldwide has shown that a high proportion of advertising aimed at children is for unhealthy foods which are high in fat, sugar and salt and low in nutritional value.

If we did not have enough evidence already, there are several reports which spell out what we need to do in this area. We could begin with the commitment in the current programme for Government which states we must work with the various broadcasting organisations and interested parties to review rules relating to the advertising of junk food aimed at young people with a view to phasing out such advertising.

The recent paper, *Protecting Children from Unhealthy Foods*, was brought forward by the National Heart Alliance and the Irish Heart Foundation. It recommends a restriction on television advertising for these foods from 6 a.m. to 9 p.m. and stresses that marketing of these types of foods has been shown to influence children's food choices, thereby contributing to the rise in obesity levels. The recommendation of the national task force on obesity is that we

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should all work together and that Departments, the private sector and consumer groups should take multi-sectoral action on the marketing and advertising of products that contribute to weight gain, in particular those aimed at children.

Before Christmas, we will have the national nutrition plan which recognises the growing concern about the level and content of food advertising aimed at children and young people, and notes that heavily advertised foods may differ from recommended foods. In other words, much food advertising concentrates on foods on the top shelf of the food pyramid, with which we are all familiar, whereas we will be encouraging people to eat foods on the bottom shelf of that pyramid. It is interesting to note that if one inverted the triangle of food pyramid, it would represent the proportion of the advertising focus on the foods involved.

I welcome the provisions of the Bill, particularly section 42, which provides that the Broadcasting Authority of Ireland would prepare codes governing the standards and practices to be observed by broadcasters. The subsections of particular interest to my Department are subsection (2)(g), subsection (4), subsection (5) and subsection (9), which deal with the issues of advertising, tele-shopping material, sponsorship and other forms of commercial promotion — in other words, protection of the health interests of children. They also deal with the issue of prohibiting advertising for a particular class or classes of foods and beverages in respect of the general public, in particular those which contain fat, trans-fatty acids, salts or sugars. Consultation with the health authorities is obviously important, and this is dealt with in subsection (5). Subsection (9) provides for the continuation of existing broadcasting codes, including the children's advertising code.

Given the public health impact of being overweight and obesity, we need to tackle this problem urgently. In particular we need to focus on the unhealthy eating habits of our children and young people. The Department of Health and Children believes this Bill, which allows for revised codes on advertising, gives us the opportunity to do this, and it is a first step in a multi-sectoral approach towards addressing the problem of obesity, which will have a significant impact. Halting the rise in obesity levels is critical given the link with a number of significant conditions such as high blood pressure, type-2 diabetes, cholesterol, stroke and cardiovascular conditions. The problem needs to be seriously addressed at this time and these sections of the Bill will make a difference.

Hand in hand with the legislation, the health promotion unit in the Department of Health and Children is currently finalising the national nutrition policy which will have a particular focus on children aged from birth to 18 years while also dealing with the overall population. Officials from my Department will meet officials from the Department of Communications, Energy and Natural Resources to discuss the proposed advertising code in more detail. We will also engage with other stakeholders in an endeavour to have agreed, workable codes in place within a reasonable timeframe. As we are focusing on the question of obesity as a priority, time is of the essence in terms of moving forward on these issues.

In conclusion, it is my opinion and that of the health promotion unit in my Department that the Bill provides a route to protecting the health interests of children. It addresses the issue of a broadcasting code to prohibit advertising and marketing of certain foods and beverages which contain fat, trans-fatty acids, salts or sugars considered to cause concern regarding the health of children. I join the Minister's comments in stating I am also sure many parents will warmly welcome this proposal, and the health promotion unit of my Department will work closely with officials in the Department of Communications, Energy and Natural Resources to progress these important changes, as we believe they will make a difference.

Deputy Dara Calleary: I too welcome this Bill, which is a very practical response to an area that has probably evolved more quickly in the past five years than in the previous 50. The advent of digital technology, the Internet and changed and changing ownership regimes have had more impact on the broadcasting sector than on many others. This Bill brings up to date the necessary legislation and the response to manage that change.

I welcome the increased oversight of the standards of broadcasting as well as the trading mechanisms of broadcasting. I also welcome the fact there is more openness in the contract awards system and in the areas around the licensing regime, which to date have been left open to question because of the manner in which licences were awarded.

As a public representative, I have daily interaction with the local radio sector. Those of us in rural constituencies probably have quite a different experience of local radio than many of our colleagues in urban constituencies. My local radio station, Mid West Radio, fulfils a public service broadcasting remit even though it does not get compensated for that, and is not publicly acknowledged for it. It regularly covers sporting occasions, community festivals and celebrations — even the celebrations of our emigrants abroad — and they are probably covered in a way that could never be commercially recompensed given the high standard of coverage.

Five years ago a landslide occurred in north Mayo late on a Friday evening owing to extreme and extraordinary weather circumstances. An entire community was cut off from services and information and people's lives were under threat. That night the entire resources of the radio station were devoted to keeping people updated on what was going on, the response of the emergency services and the county council, and to keeping them in touch with friends and loved ones. That could never be seen as commercial radio but because the station is part of the independent radio sector it could not get any recompense under public service broadcasting. Perhaps the Minister would consider making a discretionary fund available to the commercial radio sector for the provision of public service broadcasting in the real sense rather than in an academic sense and that it would get some payment for it.

The Broadcasting Commission of Ireland has a fantastic sound and vision scheme. It uses money from the broadcasting fund, money we pay in television licence fees, to encourage independent production of radio documentaries. The success of that scheme is seen every year in the radio awards where local radio stations from around the country are nominated and often win their category for programmes funded under the scheme. That proves all the innovation in radio in recent years is being driven by the independent radio sector. The advent of text message and Internet-dominated radio and the much more relaxed way our radio stations operate today all owe their foundation to the independent radio sector. It is a shame the sector is still operating on an unequal playing pitch in comparison to the RTE stations. In spite of that it continues to provide innovation. I hope that in the oversight provided under the Bill the issue can be addressed more clearly.

The new licensing regime is particularly welcome. The contracts award committee and, in particular, the commitment to introduce score sheets will bring more transparency to the process. There has been significant investment in local radio by local radio management and owners since 1989 when the legalisation of local radio was introduced. Many of them have done well and made significant commercial returns but, as in all businesses, they had to invest the money in the first place. Many of them live under the threat of that investment and return being pulled from under them under the old contract regime. That happened in a number of instances. Many of the decisions were legitimate in terms of the BCI but because of the lack of transparency in the old decision-making system some decisions have resulted in bad feeling among commercial radio management and loyal listeners. Under the contracts award commit-

[Deputy Dara Calleary.]

tee the new process is too late for many but will avoid that issue arising in the future and the possible tainting of any radio decision.

The recognition of the community broadcasting sector is to be particularly welcomed. Community broadcasting is not a new innovation in Ireland and has been a feature of television for many decades. Even before the current batch of local radio stations legalised community broadcasting facilities did exist. It is especially welcome and necessary in urban areas where local radio stations perhaps do not provide a local radio service. They may have a licence in a franchised area but there is very little difference between those radio stations and the national radio stations that cater to a certain market. The community radio sector can fill the gap, namely the needs of community radio, and the provision of information to people living in the area. It also encourages people to get involved in the sector. Again, that is an area that provides innovation and new thinking in the radio sector. Because of its probably under-resourced nature it has to resort to different ways of doing things that ultimately become standard practice.

Review of the current position of the RTE Authority and the TG4 Authority is long overdue. The involvement of a committee of this House in selecting members of the authority will result in a far more reflective authority and one that is efficient and responsive. As it is October and we approach the birthday of TG4 it is important to acknowledge the difference that station has made. The level and standard of programming on that station under tight budgets is fantastic. It regularly wins international awards in competitions across the world and it is a matter of pride for us to watch the station and how it has grown. It is a shame it does not yet operate on a commercial footing but it probably never will. The station needs to be supported and subsidised under the broadcasting fund. It is an investment in our culture and in independent film and television making in our country.

I welcome the commitment in the Bill to introduce an Oireachtas and film channel. Let us not kid ourselves that the Oireachtas channel will be popular. We live in a kind of bubble in this House and we seem to think the world revolves around us but it does not. That is possibly also the driving force behind the requirement on local stations to have a 20% news and current affairs element in their daily programming. For most, they do that as a matter of course and they do not think about it. However, for many of them, that is a commercial and creative challenge. That is especially the case at certain times of the year yet when not much is going on in the news cycle they are still under the cosh of providing it. We need to introduce far more flexibility into our interpretation of that 20% requirement in particular. We should not enforce our view of the world, as Members of the Oireachtas or local representatives, on the real world. That needs to be considered by the new authority.

There has been considerable coverage of what went on in this Chamber in the past two days. However, one should examine what took place in the committee rooms this morning. For instance, the Committee of Public Accounts had FÁS before it and the Joint Committee on Agriculture, Fisheries and Food was discussing the farm waste management scheme, which is very important. They will not get any coverage yet what was going on in those committees will potentially have more impact on people's daily lives than what we were doing and getting all the attention for in the past two days. Whatever form of Dáil TV that emerges, it must incorporate the committees and their day-to-day work, which have more impact on people's lives than what goes on in this Chamber. That will probably present a creative challenge to whatever committee of the House is in charge of it.

The film channel is particularly welcome. In this country in recent years we have developed fantastic film-making skills but those involved have been restricted in terms of their access to market and the coverage they get. Giving the industry a home-produced channel on a non-

commercial basis will provide a greater outlet for creativity and more support for the Irish film industry generally.

I concur with Deputy McManus's comments on the McKenna judgment. Most local radio stations, and radio stations generally, struggled with the implications of the McKenna judgment in their daily coverage of the Lisbon referendum. For some radio stations it meant they restricted the coverage of the referendum to one show during the campaign where they were in a position to line up speakers and give equal time to both sides of the argument, often in places where speakers were not available locally. Separate from the Bill, there is no doubt the interpretation of the judgment needs to be considered in a way that respects its democratic intent but that also has a practical implication.

Broadcasting is changing considerably. The advent of digital radio in particular will challenge all providers, both RTE and the independent sector. The competition that will arise will be particularly challenging to RTE, as people will be more inclined to change station when offered more choice. However, brand loyalty is evident to the national station. Nevertheless, listenership surveys indicate substantial and increasing loyalty to local stations. As policy-makers, we must protect that loyalty, which was won in difficult times in the last 20 years.

I wish the Minister well in bringing this legislation through the House. The new broadcasting authority will take on a broad remit and I wish it well in its role. It is the function of this House to ensure it delivers on its remit.

Deputy Denis Naughten: I welcome the opportunity to speak on this Bill. The new Oireachtas television station represents a major progression in opening up the activities of the Houses and the committees to the public. Insomniacs would have been well served last night by the eloquent contributions of Members of the Upper House through the night. With the advent of digital television, there is great potential to exploit the possibilities of broadcasting Oireachtas activities. Oireachtas business is recorded throughout the day and the technology is available to allow it to be broadcast without necessitating any significant costs.

The Bill provides that all news broadcasts must be reported and presented in an objective and impartial manner. In the case of some of the print media outlets, there is a clear slant in terms of how information is presented to the public. It is vital that there should be a fair and reasonable balance in this regard. There is some confusion in regard to the Coughlan judgment versus the McKenna judgment. The difficulty we are facing relates to the former rather than the latter. As an Opposition Member, it is extremely frustrating that when a Minister is not prepared to comment publicly on a particular issue, the public broadcasters are not necessarily interested in the views of the Opposition spokesperson. Yet, Ministers engaging in set pieces in the Government press office find a willing audience in the media. In such cases, there may not be balanced reporting of the issue. There seems to be a policy on the part of the Government that it is for individual Ministers to decide whether they will contribute to a particular debate. The legislation as it currently stands provides a mechanism to allow the Government to keep the Opposition quiet. We must ensure there is a fair balance in regard to the treatment of political parties and of other issues that have a news content.

The Bill places several restrictions on advertising broadcasts. Most of us are thankful that political party advertising is banned in the State. Anybody who visits the United States and observes the millions of dollars spent on advertising on the public airwaves will conclude that there is good reason to ensure there is no advertising by political parties on broadcast media in this State. This restriction applies also to industrial disputes, religious advertising and in respect of products such as junk food.

[Deputy Denis Naughten.]

However, in the case of religious advertising, some of the decisions taken in recent years suggest we have gone over the top in terms of restrictions. Some time ago, for example, a radio advertisement by Veritas which was aired in the run-up to Christmas and which mentioned the word “crib” was withdrawn by RTE. This is ridiculous and suggests there is something seriously wrong with the legislative framework we have in place. However, it is not the legislative framework enacted by the Oireachtas that is the problem but how that legislation is interpreted. It was not the intention of either Government or Opposition Members who debated the last Bill that such an advertisement should be banned. Nevertheless, this is how the legislation has been interpreted.

We often observe that we are now living in a pluralist society. However, one of the defining characteristics of pluralism is that there must be respect for all religious traditions, including the religious tradition that has existed for generations in this State. Pluralism implies a genuine respect for one another’s religion and for all associated traditions and rites. As Fine Gael spokesman on immigration, I have spoken to advocates for our immigrant communities who make valid and important points in regard to their needs and concerns. It is important that we respect existing traditions, while encompassing the new traditions introduced by immigrant communities, many of which serve to enhance our society.

Last week, the BBC in Britain banned an advertisement by Veritas which referred to Holy Communion and Confirmation gifts. The basis for this ban was extremely flimsy. I fail to see how cribs or Holy Communion and Confirmation gifts could be deemed offensive to members of any religion. The balance which is lacking must be installed. Mention of the word “crib” is unlikely to cause offence to anybody, nor is it likely to persuade non-Christians to decide suddenly to change their religion. I do not dispute the importance of having regulations in place in regard to religious advertising. However, the objective of our predecessors who drafted the existing legislation, some of the content of which is being transcribed into the new Bill, was to ensure there would be a fair and reasonable balance and that the promotion of cults, sects and other groups which are potentially detrimental to the common good would not be facilitated. It was never the intention that a radio advertisement which made reference to the word “crib” in the weeks before Christmas should be banned. The vast majority of reasonable people believe in religious tolerance and would not find anything offensive in advertisements for cribs or Holy Communion and confirmation gifts. People are not hostile to religion, whether from the Moslem or other traditions currently present in this country. This is about a fair and reasonable balance being put in place. The Minister should re-examine the relevant wording to ensure that “cop on” comes into it, rather than the current ludicrous situation concerning religious advertising. I am not just talking about Catholic or Christian advertising generally — it could be about the Moslem or Jewish communities. For example, what would the situation be if there was an advertisement wishing people a happy Jewish new year? I do not know, but this is about having a fair and balanced system in place. I urge the Minister to examine the matter prior to Committee Stage.

The Coughlan judgment has major implications for the operation of our political system. I do not want to pursue the debate that followed the Lisbon treaty referendum because a committee is dealing with it and should be left to do so. The Oireachtas should not deal with the Coughlan issue before a decision is made regarding Lisbon, but a valid argument has been made about the referendum on children’s rights. One could have 99.9% of the population in favour of an amendment, yet if a debate takes place on the public airwaves both sides must be given equal time. The Supreme Court’s interpretation of that issue needs to be re-examined by the Houses of the Oireachtas because it is stifling debate. If we have a referendum on children’s rights, a very limited debate will take place on the public airwaves, so people will

not know what they are voting on. One of the big criticisms of the Lisbon treaty referendum was that people were confused and did not know what they were voting on.

Moving on to the broader aspect of elections and the political system, something needs to be done concerning opinion polls. I have no difficulty with scientifically based opinion polls.

Deputy Seán Power: They are bad news.

Deputy Denis Naughten: They may be bad news but I do not mind if there is a scientific basis to them and if that basis is published. I recall, however, that approximately 12 months before the last general election a local radio station and newspaper carried out an opinion poll that showed me losing my seat, which was quite close to the truth at the end of the day. The poll put me on 2% of the vote and was done outside three shopping centres in the constituency of Roscommon-South Leitrim, which is 80 miles long and borders on two other provinces. Some of the people surveyed did not even reside in the constituency, yet the poll results received wide coverage at the time on local radio and in local newspapers.

A person's reputation is everything, but an opinion poll that is done on the back of an envelope does not do anyone justice. Some type of fairness should be incorporated in the system to deal with such matters. I understand a number of colleagues had similar experiences in the run up to the last general election.

Deputy Finian McGrath: Hear, hear.

Deputy Mary Alexandra White: Hear, hear.

Deputy Denis Naughten: I do not have a problem with opinion polls that have a credible scientific basis. One can argue over the technicalities of how such polls are conducted, but it is wrong to do a survey with a clipboard outside three shops in a constituency the size of mine, involving some respondents who did not even reside in the constituency or the province. Nonetheless the poll was given credibility and the results were used to articulate a particular political agenda.

Deputy Finian McGrath: Were they from Tallaght?

Deputy Denis Naughten: I do not know exactly where they were from.

Deputy Finian McGrath: It was definitely Tallaght.

Acting Chairman (Deputy Charlie O'Connor): Deputy Naughten without interruption.

Deputy Denis Naughten: I acknowledge the contribution that local radio is playing. Public representatives from rural constituencies could not but acknowledge that role. There are quite a number of local radio stations in my constituency, including Mid West Radio, Shannonside-Northern Sound — which covers most of the constituency — Galway Bay FM, Midlands Radio 3 and Ocean FM. I could go on. Local radio has brought a lot of news to local communities which may not have been as accessible up to now. Perhaps because of the Coughlan judgment, however, I notice there has not been the same level of political debate in recent elections as in earlier ones. I am talking about the last ten or 11 years. There was far more debate on elections ten years ago than more recently. I do not know whether that is as a result of the Coughlan judgment, but the matter needs to be examined.

The legislation provides for redress but it is hard to obtain such redress when the damage has been done, especially in the broadcast media. Comments were made on a national radio programme about my party leader, Deputy Enda Kenny. He had to go through the Broadcast-

[Deputy Denis Naughten.]

ing Complaints Commission to obtain redress. Six months later, the broadcaster read out an apology, but that is unacceptable because prior to going live on air the broadcaster knew the facts were different to the spin put on it. I am citing that example but it could happen to any Member. Reputation is everything in our profession, so it is vitally important. A system must be put in place concerning a right of reply. In addition, a heavy hand is required to ensure people cannot blatantly misrepresent a situation for their own ends.

In the context of the new Oireachtas television channel, we are not just examining the Chambers and the committees but also local authorities and European debates. It is fundamentally important to examine what is happening at EU level because we never hear much of the debates that are taking place there, whether they concern the Council of Ministers, the Commission or the European Parliament. It is also important to broadcast the proceedings of South Dublin County Council and Roscommon County Council. It is important that it is broadcast in such a manner that brings home to people what exactly goes on, what is the role of public representatives and what issues they are raising. It is an interesting area.

Of course the air-brushing will be no good at that stage. Then we would all have to be like the former Taoiseach, Deputy Bertie Ahern, putting on make-up on a daily basis. It is easy for the Acting Chairman, Deputy O'Connor, who can have his make-up on before he arrives in the morning. For some of us from rural constituencies it might be a little more difficult.

Deputy Mary Alexandra White: Speak for yourself.

Acting Chairman: The Deputy should conclude.

Deputy Seán Power: We will just have more to make up.

Deputy Denis Naughten: We will meet that challenge when we come to it.

Acting Chairman: Deputy Naughten's time has expired.

Deputy Denis Naughten: The final point I want to make is that the legislation is a positive development. If the Minister adopts an open mind to it, with some tweaking it could be important legislation for the future.

Acting Chairman: The next speaker is Deputy Mary White. I understand she is taking five minutes.

Deputy Mary Alexandra White: I welcome the Broadcasting Bill. The Bill contains much needed reform and modernisation of the broadcasting laws. I welcome it within the context of what I hope and believe will be a new era for Irish television with the proposed introduction of an Oireachtas channel, which, I hope, in tandem with much-needed Dáil reform, will refresh the engagement between the public and the process of politics.

The Minister indicated the channel may also broadcast proceedings from local authority proceedings throughout the country. Indeed, when I was a member of Carlow County Council I called for this measure and it was greeted with ridicule. I hope this is introduced. I am glad to see it might be taken up. Furthermore, I believe it would dovetail nicely with the plans of the Minister for the Environment, Heritage and Local Government, Deputy Gormley, for reform of local government.

I hope an Irish film channel will provide further encouragement for our small, but precious, film industry which deserves all the support it can get from the Government to grow, produce and export itself across the globe.

Tá na tagairtí sa Bhille maidir le chur chun cinn oibreacha scannáin sa teanga náisiúnta an-tábhachtach. Ní chóir go mbeadh TG4 amháin freagrach as scannáin Ghaeilge a chur chun cinn.

I particularly refer to the provision in section 42 of the Bill for a broadcasting code on junk food advertising for children. This week we saw incredible new research showing the unacceptably high levels of sugar and fat in Irish cereals. All of us who shop or who are parents know how attractive advertising during day-time television can be to children. Much of the “I want that” seen in the shopping aisles, where a frustrated mother and a screaming toddler have a public demonstration of pester power, is down to the visual memory of a child-orientated advertisement where the child must have that product now. A 15 month old daughter of a colleague of mine knows the advertisements for Rice Krispies, and only Rice Krispies will do. The Government and the new regulator must intervene in this area to monitor and restrict such advertising.

I am pleased, too, that the legislation also refers to salt as an ingredient of concern in the context of the health of children. While the Food Safety Authority of Ireland has reported progress in recent years in the reduction of salt levels in Ireland, the significant reductions in salt announced by cereal producers is evidence that we must cut it down as the levels have been too high in Ireland. I hope that the new code and its impact on advertising will contribute positively to the salt reduction programme. I hope we all know that we should take less than 6g of salt per day by 2010. Excessive salt is simply a serious danger to our health.

The section of the Bill dealing with the future of radio licences is of particular interest to me and I am pleased to see the broad support of the Independent Broadcasters of Ireland for this Bill. For people in rural constituencies, like me in Carlow-Kilkenny, a vibrant future for local and regional radio stations is very important. The local radio is a source of news and debate on local issues, a medium which can bring the people of communities and areas together through knowledge of events such as the results of a recent hurling match, the price of grain or, most important, in big sprawling rural constituencies, obituaries and death notices into which people tune every day. I was supportive of successful efforts to restore a local radio station when we lost Radio Kilkenny and we now have a new station, kclr96fm.com. It certainly reaches out like many other local radio stations throughout the country and I support it.

Acting Chairman: Deputy White has one minute remaining. I understand she has agreed to share time with Deputy Finian McGrath.

Deputy Mary Alexandra White: I will be finished on time.

Without our local station we felt lost. It is there where we, particularly those of us who live in the public sphere, get our local political news on relevant local issues. It is vital that this legislation safeguards and secures the future of such stations. I agree with the IBI that perhaps the timeframe in terms of licences under the fast-tracking system might be revisited so that a longer term of licence might be considered. This would be in keeping with securing the future of local radio stations.

I also welcome the stipulations on advertising in section 41. While we all recognise the need for independent radio stations to secure revenue through advertising, it is important to maintain high broadcasting standards by perhaps limiting the amount of time for some advertisements. We are looking for content, not convolutedness. People listen to the radio and watch television for the content.

[Deputy Mary Alexandra White.]

I congratulate the Minister on this Bill and I look forward to its swift passage through the House.

Deputy Finian McGrath: I thank the Acting Chairman for the opportunity of speaking on this important legislation. It is always refreshing to somebody from Tallaght chairing a session in the Dáil. I want to wish the Deputy well in his important role today.

Deputy Seán Power: Thank us for giving the pleasure of listening to Deputy McGrath.

Deputy Finian McGrath: Before I go into the details of the Bill, it is important that we all reflect and take a closer look at broadcasting in general in this country. Broadcasting must be fair and honest to both the people in their stories and the public in general. Sadly, that is not the case in the modern Irish media today. The attitude in some sections of the media is: do not let the truth get in the way of a good story. Broadcasters need to look at this carefully. I say this from the perspective of a TD who has spoken to victims of crime and the perspective of citizens in general. In the past there has been criticism of business and politics, and corruptions, but in the minds of many of the public there is also a lack of confidence in the media in this country, and they need to address this issue.

From a TD's perspective, I will give three classic examples. At the outset of the so-called summer recess one hears announced on every radio station, RTE, other broadcasters and TV3, that TDs are going on three months' holidays. The following morning the journalists who made those announcements bump into the TDs in the corridors of Leinster House, at the committees here or in their constituencies dealing with local issues. Let us be honest with the people and stop trying to mislead them in that regard. We all take two or three weeks' holidays, like the rest of the members of the public, and we get on with our jobs for the rest of the time. That is the reality. Sadly, a high percentage — in my view, between 25% and 30% — of the population believe that we all go off for three months' holidays. Broadcasters must be straight with the public on that.

Another example is the invasion of privacy of ill politicians, where journalists have camped near their houses. That is not acceptable in this day and age and I would challenge anybody working in the media to condone it. There are seriously ill people in public life, whether TDs or Senators, with journalists and photographers camped outside their houses. That is not an option. It is disgraceful journalism.

Our citizens deserve the truth. When I say that, I mean we are looking, not for gold medals but for people to be straight. A classic example is what arose in my constituency last year where there was a murder and the victim's family was devastated by the way the media reported the death of their brother and son. When they tried to raise these issues they were not particularly happy with the Press Council. These are real issues. There must be respect for victims of crime. They deserve respect and it is important that we state on the record of this House that they are not getting it.

A regular complaint I get on the north side of Dublin is that some local communities are completely unfairly labelled in the reporting of drugs incidents or gangland murders. Constituents ring my office to say that a report was a gross misrepresentation by the national broadcaster or in the media generally. Particular areas are often labelled, where 99% of people get on with their lives against the odds, despite the way news is sensationalised and reported. These are important issues. The Broadcasting Bill 2008 was published on 14 May 2008 and has been passed by the Seanad. The Bill is a detailed and comprehensive legislative proposal which seeks to deal with virtually all aspects of regulation and the provision of broadcasting content in

Ireland. It introduces many new concepts, grants a range of new functions to broadcasters and regulators and sets the framework for new activities and services, especially in light of technological developments.

At the same time, the Bill liberalises and streamlines the regulatory burden placed on broadcasters. Its primary focus is, however, to support and grow the wide variety of services and information, diversity of viewpoint, entertainment and enjoyment currently available to the Irish listener and viewer. The key element of this legislation is the diversity of viewpoints. I challenge sections of our media to respect difference, but also to respect diversity and to report it. A recent opinion poll is an example of this, which showed support for independents up by 2 points to 8%. Yet, many broadcasters never bothered to report this fact. This is an example of most unprofessional broadcasting and journalism. Other parties, support for whom fell by 3%, 4%, or 5%, received much coverage on radio programmes and chat shows.

There are people who vote independent and this can be seen in the USA. Some 15% of the population there will decide the election. There is an independent vote and our political correspondents should respect that diversity and report on it. I challenge people in the public broadcaster to come clean on this matter and to get off the fence when it comes to reporting these issues. If a group in Irish society gets 8% support in an opinion poll, it deserves to be reported on the national airwaves. This is the reality of modern Irish political life. However, the media are so stale and need to open their minds and broaden their horizons.

On entertainment, consider the fantastic amount of Irish groups and traditional and folk bands. Their regular complaint is that they do not get enough air-time on our national radio stations. Bands from all over the USA and Europe regularly perform every second track on the radio. Yet, there are brilliant writers, musicians and artists who do not get such air-time. I agree with Mr. Louis Walsh on this matter. He mentioned recently in a debate that we should be backing Irish artists who produce excellent work, whether it is rock, traditional or folk music. Our broadcasters should respect this point, which is reflected in the legislation. The first part of the legislation deals with diversity of viewpoint, entertainment and enjoyment. This is my point and it is a very important aspect.

The Broadcasting Bill also represents the consolidation and revision of almost 50 years of Irish broadcasting legislation and it is about time for it. I commend the Minister for Communications, Energy and Natural Resources for bringing this forward. Key aspects are to be repealed such as the Broadcasting Authority Act 1960, which established RTE, and the Radio and Television Act 1988, which allowed for independent commercial broadcasting for the first time. The entire corpus of broadcasting legislation is now presented in a single, consolidated Bill and has been significantly updated and modernised throughout.

There are different sections dealing with the broadcasting authority of Ireland which refer to standards and codes. I am in favour of standards and codes in journalism and broadcasting, but I am not in favour of restrictions. We have seen in the past the effects of such restrictions in this country. I am not in favour of censorship, but rather good, balanced objective reporting. Broadcasters must also entertain the public too, which is important. However, I am not in favour of restrictions. Some 19 or 20 years ago we experienced the effects of section 31 of the Broadcasting Act where political parties were censored on television. Many people now say this held up the peace process on this island for almost 10 years, as there were people willing to talk who were being blocked. Censorship and isolation do not work and we should learn that lesson from history.

On advertising, Deputy Mary Alexandra White referred to healthy living and diet. We must have a good public health programme to solve obesity in society. However, let us not be killjoys. We must be wary of the nanny State. I represent a fantastic factory in Coolock, namely,

[Deputy Finian McGrath.]

Cadburys, which is an excellent employer in Dublin North-Central. The company has expressed concern to me that if we go too far in this debate on advertising, there are implications for Irish jobs. There are 1,100 workers in Cadburys. I have been lobbied in recent weeks on this matter. It is important that I reflect their views as well. Let us get the balance correct in the broadcasting debate, be sensible and be wary of going down the road of the nanny State. I believe the Minister of State, Deputy Seán Power, agrees with me on this issue and we must be conscious of it. If other countries have done this, we must learn from their example.

The Broadcasting Bill proposes a new approach to the appointment of boards and regulators for semi-State companies. The proposed broadcasting authority of Ireland will have nine board members. Five members of the board will be appointed by the Government following nomination by the Minister for Communications, Energy and Natural Resources. Four members will be appointed by the Government following nomination by the Minister for Communications, Energy and Natural Resources on the advice of the Joint Oireachtas Committee responsible for broadcasting matters. The committee may appoint a panel for the purposes of such appointments. This section of the legislation is important, reflecting a democratic situation.

A section of the legislation deals with complaints and the right of reply. The Bill introduces a new approach to the right of reply and amends the existing approach to dealing with complaints generally. The Bill will require broadcasters to develop a code of practice in dealing with complaints from the public. The compliance committee will now investigate and decide upon complaints made through it by the public. The idea of taking complaints is very important too. I mentioned earlier the victims of crime. People have been labelled, damaged and hurt and feel they have been excluded. I mentioned a particular incident in my own constituency. We must be sensitive to such people and it is important that a proper, immediate right of reply exists. There is no use having it six months later for many people.

I endorse the earlier comments of Deputy Denis Naughten that this right of reply should apply regardless of the political situation. Deputy Naughten mentioned his party leader, the way certain programmes were produced and the reaction that followed. In that case there was a lack of professionalism in journalism. Members of the House should highlight that this lack of professionalism is real. If we are to discuss public broadcasting and integrity in journalism we must challenge these questions. It is important that we make these points because there are many in the House who are afraid to raise these questions. We live in a free, parliamentary democracy and we should be able to challenge these issues, hold a debate and whoever wins, wins. On the right of reply issue, victims, citizens and communities who have been labelled and hammered must have a right of reply.

I welcome the Bill and I urge the Minister, Deputy Ryan, to take all views on board. I urge all sections of the media and broadcasting to get rid of any personal, political baggage and report the truth. Broadcasters should, by all means, inform, educate and entertain but they should be straight with viewers and listeners. The mantra of most journalists is that their whole life is about informing, educating and entertaining. I support this, but it is important to ensure people are told the truth and when a particular story is unfolding we hear all sides of the story. There is always two sides to a story and we need to hear both sides. This applies to any journalist worth his or her salt.

There are very good broadcasters in the country which we are fortunate to have. They contribute to the quality of public life. I put down such markers in this debate as I do not wish to see us lose them. Many in public broadcasting do an excellent job. However, I refer to a minority who do not wake up and respect diversity and those who have a different agenda, namely, getting the story rather than concerns about the people involved in the story. We must recognise there are people in broadcasting who do a fantastic job. However, I have concerns

that if we go down the American, tabloid route in future, politics will suffer. There are sections of the population who do not vote and part of the reason for this is the cynicism they learn from sections of the media. We are losing many good people because of that cynicism. This is very important to say. I urge the Minister to listen to the views on that. I welcome the legislation. It is a progressive Bill and I wish the Minister luck with it.

Deputy Lucinda Creighton: I thank the Minister for introducing this important legislation. It is wide-ranging and its scope is broad in that it effectively repeals a number of Acts and consolidates the roles of a number of State bodies. It is ambitious legislation.

Rather than try to cover all of the Bill I will focus on two substantive points. I will first address the composition of the proposed new broadcasting authority of Ireland, which is a significant step. On the appointment of members to the authority, while certain strides have been made in terms of transparency and accountability in the appointment of board members, the legislation falls short. It goes a step in the right direction but could have gone much further.

Section 8 proposes that five members of the BAI will be appointed by the Government, with four members appointed on the recommendation of the Oireachtas joint committee. All appointments to State boards, whether nominated by the Government or otherwise, should have to undergo a degree of scrutiny, questioning and rigorous performance testing at Oireachtas committees. I regret that after the enactment of this Bill the Government will continue to appoint people to these bodies on the basis of whatever criteria they see fit rather than on proper scrutiny at Oireachtas level. That is unfortunate. I realise those criteria are laid down in terms of expertise and so on but the Bill does not go far enough because ultimately it is at the discretion of the Government and there is a long history of people being appointed on the basis of political allegiance and affiliation rather than on merit. I support a system that rewards merit rather than any political affiliation.

I welcome the requirement for improved and somewhat balanced gender representation on the BAI and on the boards of RTE and TG4 but if it were to be subject to an Oireachtas scrutiny process a quota system may not be required because I have no doubt that female contenders for positions would qualify on the basis of merit and not on the basis of quotas being applied.

There are many changes proposed in the Bill which will vastly benefit the public interest, one of which is the fund that will be funnelled into historical and cultural programming and so on. That is important.

An Oireachtas channel is long overdue and has the potential to be an excellent addition to Irish programming and a major public interest benefit. In terms of content, it proposes to cover not just parliamentary debates in the Dáil and the Seanad but also Oireachtas committees and, I understand, some aspect of the work at Westminster, the United Nations and the European Council when it meets in public, if that is to happen. That is a positive measure. In terms of enhancing the role of democracy, and particularly in light of the significant loss of public confidence in political parties and the political system due to the major focus on tribunals and the levels of corruption exposed in the past decade, it is essential we provide a forum to showcase the way politics works for the people. It has the potential to engage——

Deputy Seán Power: They got a good example of that this week.

Deputy Lucinda Creighton: Precisely, but making parliamentary debate more accessible to people will open a greater dialogue between politicians and members of the public. That is important.

[Deputy Lucinda Creighton.]

On the recent referendum on the Lisbon treaty — my colleague, Deputy Timmins, referred to this earlier when we discussed the proposed sub-committee for European Affairs — many of those who voted “No” or “Yes” were in the dark as to how the European Union functions, how the institutions work and how they serve the people of this country. An Oireachtas channel covering the debate at a European level also will open that area to people and provide an opportunity for greater understanding of the European institutions and European legislation, and the way it affects the people of Ireland.

I welcome also the establishment of an Irish film channel to showcase Irish films, which is an important and growing industry. There is much more I could say on that but I will move on because it is important that the issue of junk food advertising be addressed.

Like previous speakers, I believe strongly that Ireland has entered into a dangerous situation in terms of the health of children in our society. It is increasingly obvious to the naked eye but also in terms of studies and evidence that more young children are inclined towards obesity, with all of the associated health problems that go with that including diabetes and so on. It is important that we get this right. I would like to see not just the timing of junk food advertising but also the nature of advertising addressed in the Bill to ensure that, whatever time of the day or night, junk food is not promoted to children and that advertising of that nature is restricted at all times during the day.

I want to touch on an issue dear to my heart and one of major significance, that is, the ban on religious advertising to which section 41 refers. That is an important and emotive issue and the Bill does not go far enough in terms of addressing it. The 2001 legislation was a response to a ridiculous situation that arose in 1999 where *The Irish Catholic* was banned from advertising. The 2001 legislation responded to that in some way but the definition, which remains in section 41 of the Bill before the House, continues to provide for a narrow and restrictive interpretation of religious advertising. That is unfortunate. There is scope for the Government to move on that and introduce a fairer and more reasonable interpretation of the ban on religious advertising.

It is extraordinary that in 2002, for example, the Power to Change campaign launched by an innocuous group wishing to promote the benefits of Christianity, was banned from RTE but allowed to be broadcast by UTV without any obvious damage to public order. In 2006, Sister Stanislaus Kennedy, who is well known to all of us, was banned from advertising her book.

Debate adjourned.

Estimates for Public Services 2008: Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Agriculture, Fisheries and Food has completed its consideration of the following Supplementary Estimate for public services for the service of the year ending 31 December 2008: Vote No. 31.

Ceisteanna — Questions.

Priority Questions.

Crime Levels.

1. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take to combat knife crime in view of the 300% increase in the past four

years and a recent report by the Garda Síochána in relation to this matter; and if he will make a statement on the matter. [32815/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is encouraging to note that the number of murders involving a knife in the first half of this year dropped significantly to just three. By comparison, there were 33 such crimes in 2007. All such incidents are, of course, to be deplored. This country's law on knives, and offensive weapons generally, is extremely robust. The provisions of the Firearms and Offensive Weapons Act 1990 prohibit the unlawful carrying of knives or articles which have a blade or are sharply pointed, or any other article made or adapted to cause injury. It creates a number of offences. For example, it is an offence for a person, while committing or appearing to commit an offence or in the course of a fight, to produce in a manner likely to intimidate any article likely to inflict serious injury. It also sets out offences for the possession or use of a knife or blade or other sharp instrument without lawful purpose. Our law also prohibits the manufacture, importation, sale, hire or loan of certain weapons.

Earlier this year, when he was considering whether any further strengthening of the law was necessary, my predecessor asked the Garda Commissioner for his views. The advice of the Office of the Attorney General was sought following the receipt of the views and recommendations of the Commissioner. My Department recently received that advice. I intend to bring forward proposals as soon as possible to further strengthen our legislation in this area. Specifically, I am developing proposals to increase search powers, to outlaw items such as samurai swords and to provide that less serious offences which can only be dealt with summarily at present can also be dealt with on indictment, thus incurring heavier penalties. As I have previously explained to the House, an obvious difficulty arises because many knives are household items and become offensive weapons in particular circumstances only. The Garda Síochána proactively targets groups and individuals involved in anti-social and more serious behaviour, which unfortunately can involve the use of knives and similar weapons. It also identifies and tackles hotspots where such behaviour is taking place.

Deputy Charles Flanagan: I put it to the Minister that we have a serious problem with crime, particularly knife crime? The Minister has confirmed that the number of murders involving knives and sharp weapons has increased substantially over recent years. There were 18 such murders in 2006, but that figure increased to 34 last year. The Minister has been less than hasty in dealing with the content of the Garda Commissioner's review of this area. Does he agree that it is insufficient, in the present circumstances, for him to engage in a public relations exercise entitled "it's not cool to carry a knife"? Serious knife crime is occurring on a daily basis in every part of the country. Hospital employees are wearing protective vests, particularly at weekends, to shield themselves from knife-wielding youths. More than a public relations exercise is needed. I acknowledge and welcome the Minister's decision to ban the samurai sword, which is something I adverted to in this House in recent months. The Minister and his predecessor had indicated that such a ban was not necessary. Will the Minister ensure that legislation prohibiting such weapons is introduced and enacted at the earliest possible opportunity?

Deputy Dermot Ahern: I do not want to be divisive. The Deputy issued a press release about a public relations campaign that I had supposedly initiated. I am not responsible for the campaign in question. The Garda Síochána, under the stewardship of the Garda Commissioner, devised the public awareness campaign. It has nothing to do with the Department of Justice, Equality and Law Reform.

Deputy Charles Flanagan: It is not sufficient.

Deputy Dermot Ahern: No. The Deputy suggested that I was engaging in a public relations exercise. That is not the case.

Deputy Charles Flanagan: It is under the Minister's stewardship.

Deputy Dermot Ahern: It is a public awareness campaign like those which have been developed by the police in the UK and the PSNI across the Border. The increasing use of knives is a problem on these islands. As I said in my initial reply, I deplore and abhor any violence involving knives. The figures show that there has been a significant reduction in such violence so far this year. There was a spike in knife crime last year by comparison with previous years. The Garda Commissioner decided to instigate a public awareness campaign as part of the Garda plan for 2008. It is his initiative and his initiative alone. I welcome it. The Garda is trying to make the public aware of how lethal knives can be. As I said in my reply, most knife crime is committed in domestic situations. In such circumstances, knives tend to be used because they can be easily accessed in the vicinity of where the row is taking place. The action being taken under the Garda plan is a clear indication of the priority the force is attaching to this problem. The Garda Commissioner has indicated to his officers that it is a priority.

Deputy Charles Flanagan: Apart from the hiring of a public relations company, what other action does the Minister intend to pursue? I suggest that a comprehensive review of the availability of knives and offensive weapons is needed. A series of educational seminars should be organised to ensure that young people understand not only the dangers inherent in the use of knives, but also the fact that carrying knives can be unlawful. We need to implement a targeted six-month operation with the aim of decreasing the number of knives in the community. In light of the grave public concern that exists in this respect, it is not enough to engage in stand-alone exercises such as the hiring of a public relations company to put up posters.

Deputy Dermot Ahern: The Deputy is answering his own question. The Garda is pursuing an initiative that involves prioritising its efforts to tackle knife crime. Figures published by the Central Statistics Office indicate that the initiative is succeeding. The number of knife-related crimes has decreased significantly, from 1,223 in 2004 to 1,032 in 2007.

Deputy Charles Flanagan: There has been no such reduction in the figures for murder and manslaughter.

Deputy Dermot Ahern: The Garda's efforts are having an effect. By criticising the public relations campaign, the Deputy is, in effect, criticising a valid effort by the Garda Commissioner, and the force as a whole, to do the very thing he is demanding, which is to increase public awareness of the danger of knives.

Deputy Charles Flanagan: I am saying that the campaign is insufficient.

Deputy Dermot Ahern: The Deputy should not use the term "public relations exercise" as a political smear.

Deputy Charles Flanagan: I am not doing that.

Deputy Dermot Ahern: The Garda Síochána is trying to deal with this issue properly.

Deputy Charles Flanagan: I am saying it is insufficient.

Deputy Dermot Ahern: It is a serious issue.

Deputy Charles Flanagan: There is no attempt on my part to try to smear anybody.

Deputy Dermot Ahern: That is what the Deputy did in his press release.

Deputy Charles Flanagan: The Minister has failed.

Deputy Dermot Ahern: You said I was engaging in a public relations exercise. You know it was nothing to do with me.

Deputy Charles Flanagan: You are failing.

Deputy Dermot Ahern: The Garda Síochána is responsible for the campaign.

An Leas-Cheann Comhairle: I ask the Minister and the Deputy to make their remarks through the Chair.

Garda Complaints Procedures.

2. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of cases being handled by the whistleblower, Mr. Brian McCarthy, appointed to receive complaints from members of the Garda Síochána; the reason he refused to disclose the location of the whistleblower's office in reply to previous parliamentary questions; if he will confirm that the office is located within his Department; his views on whether this is the most appropriate location; and if he will make a statement on the matter. [32827/08]

Deputy Dermot Ahern: The confidential reporting system under the Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007 commenced operation in June of this year. The Garda Commissioner has issued a confidential reporting charter to all sworn members and civilian staff of the Garda. The charter contains the contact details of the confidential recipients to whom confidential reports may be made. The people in question include the external confidential recipient, Mr. Brian McCarthy, the former Secretary General to the President, who was appointed by my predecessor. The other nine confidential recipients were appointed by the Garda Commissioner from within the Garda organisation.

I have been informed by Mr. McCarthy that, to date, he has been contacted in three cases by people within the Garda about their concerns. Mr. McCarthy's contact details have been supplied to all the people for whom his services are intended, namely sworn members and civilian employees of the Garda. His office is located in a building shared with other bodies operating under the aegis of my Department. It is not a public office and members of the public do not have access to his services. As the Deputy is aware, the Garda Síochána Ombudsman Commission is the body to which members of the public may make reports about Garda behaviour. Its contact details and location are well advertised. The whistleblower regulations provide that the confidential recipient appointed by the Minister may be assisted by members of staff who are civil servants. In view of the likely volume of work anticipated in this area, staff have not been assigned full time to this role.

Staff have been assigned to be available to assist Mr. McCarthy on a part-time basis, as required. They do this in addition to their normal duties. The staff concerned are from my Department but are not from the main areas dealing with Garda matters. They are civil servants, subject to the provisions of the Official Secrets Act, as well as the confidentiality provisions of the whistleblower regulations which require them to protect the identity of a person who makes a confidential report. I am satisfied that these arrangements are entirely appropriate and allow for the provision of the service in a secure, efficient and economic manner. The staff concerned are fully aware of the sensitivity of their role and the confidentiality requirements.

Deputy Pat Rabbitte: I tabled this question because the Minister gave me an answer previously which said that there is indeed a confidential recipient but that he could not tell me where he is or what he does.

Did the Minister read the Morris reports? Does he think there is anything more serious than what is contained in those reports? Does he accept what Mr. Justice Morris says, namely, that what he uncovered in Donegal is not particular to that county only? Is it good enough in those circumstances to announce, as his predecessor did last March, that Mr. Brian McCarthy was being appointed as a confidential recipient but then nobody could find out where he was functioning from? I rang the Department of Justice, Equality and Law Reform and was told he was there but when I rang back, I was told they did not know where he was. The Minister has confirmed today that he is in some annexe and not in the principal departmental area.

If I were a conscientious, diligent garda, and there are thousands of them out there, some of whom are demoralised by some of the practices going among a minority of their colleagues, does the Minister think I would go to the Department of Justice, Equality and Law Reform to make a complaint? What kind of a whistleblower's confidential recipient may not be accessed by, for example, a Member of this House? What does that do to tackle the illness that Mr. Justice Morris exposed in his reports?

Deputy Dermot Ahern: Obviously we all abhor what went on in Donegal and accept the recommendations which flowed from the Morris tribunal reports published to date, as well as those that will come from the further two reports. The Deputy must accept that fairly dramatic changes have been made by the House and the Government at the instigation of the recommendations of the reports and that will continue to be the case when the two final reports are published.

With regard to the location, it is on Harcourt Street, in a secure building. Mr. McCarthy is satisfied with the level of security available to him with regard to his *modus operandi* from that building. He is very conscious, as are the staff assigned, of the issue of confidentiality. Members of the Garda Síochána are all aware of how to contact Mr. McCarthy to give him any information they wish, in strict confidentiality.

I emphasise that the building in question is not accessible by officials from the Department of Justice, Equality and Law Reform, other than the four people who are assigned to work with Mr. McCarthy, and neither is it part of any Garda operation nor near any Garda station. I am satisfied with the arrangements and, as I have said, three cases have already come to the notice of Mr. McCarthy. Complaints have been made and he is independently examining them. The Garda Commissioner has nominated eight chief superintendents as confidential recipients and one civilian.

Deputy Pat Rabbitte: Civil servants and their Ministers have a habit of calculating how far we will get on oral questions and then giving minimal information in the subsequent written questions or questions that do not come up for oral reply. If I did not personally know Mr. Brian McCarthy, I would have doubted his very existence on the basis of the answer I received previously from the Minister. However, I know he exists and I put it to the Minister that it is not doing anything for Garda morale that the confidentiality he has described surrounds him or that a Garda is required to either present physically or make contact with him within the aegis of the Department of Justice, Equality and Law Reform.

I must say, although I regret having to do so, that I am sceptical about the nine chief superintendents. Certainly the gardaí who have identified cases to me are not going to approach a chief superintendent. I am sorry it should be that way.

The Minister did not answer my question regarding the Morris reports. I know he is a very busy man and I do not know if he has had the opportunity to read those reports. They are absolutely hair-raising. It is hair-raising that such events should happen in this small country and the fact that a High Court judge believes they did not only happen in Donegal should be a serious cause for concern in this House.

Mr. Brian McCarthy should be independent, stand alone and accessible by people in this House, for example, who have serious cases brought to their attention and who want to deal with them through an independent confidential recipient.

Deputy Dermot Ahern: I did take the time to read the Morris reports, particularly since I became Minister for Justice, Equality and Law Reform. Indeed, I am in the throes of reading the two current reports, which will be published shortly. They are very large reports and I compliment Mr. Justice Morris on the way in which he has addressed the entire issue. He said in his third report that, subject to safeguards, it should be possible for any serving member of the Garda Síochána to ring Garda headquarters and speak in confidence to a designated officer or group of officers about any real concerns he or she may have about misconduct within the organisation. I am satisfied, as was my predecessor, with the system that has been set up around Mr. Brian McCarthy, and I accept what Deputy Rabbitte has said regarding his *bona fides*. He can be contacted by the people to whom his job relates directly either by telephone, fax or correspondence addressed to a post office box. All of that is indicated in the whistleblower's charter. Members of the Garda Síochána know exactly how to contact Mr. McCarthy. There is no mystery about where his premises are located. The building is on Harcourt Street and is not in any way connected to the Garda Síochána. He is in a building shared——

Deputy Pat Rabbitte: In an earlier reply, the Minister would not tell me the location.

Deputy Dermot Ahern: I have no difficulty, as I said to my officials, in indicating publicly where the office is located. It is in a building in Harcourt Street shared by other bodies under the aegis of the Department, but it is safeguarded by security measures to the highest standards.

Departmental Agencies.

3. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if he will make a statement of clarification regarding proposals to amalgamate a number of bodies under the aegis of his Department, namely the Equality Tribunal, the Equality Authority, the National Disability Authority, the Data Protection Commission and the Irish Human Rights Commission; and if he will make a statement on the matter. [32816/08]

Deputy Dermot Ahern: As I indicated in reply to Parliamentary Question No. 768 on 24 September last, in the current economic climate it is incumbent on the State to ensure that the citizen is provided with services that give value for money and that are effective and efficient.

It is also essential that there is the optimum level of transparency and accountability in the delivery of such services to the citizen. This is particularly the case with regard to the large number of non-commercial State agencies now in existence, which was adversely commented on in the OECD report on the Irish public service published last April.

In the context of the 2009 Estimates process, all Departments, including my own, are examining options to rationalise their agencies with a view to delivering financial efficiencies as well as the more effective delivery of services to the public.

It is equally important to ensure that agency functions do not overlap, that there is effective and ongoing communication between these bodies and that the opportunities for synergies,

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including the sharing of corporate services and other back office functions, are availed of to the fullest extent possible. Moreover, the Government is anxious to ensure that in delivering public services, State agencies avoid the risk of confusing customers by any overlap of functions or roles.

All the bodies mentioned by the Deputy are included in this analysis and are the subject of critical evaluation based on these principles. I assure the Deputy that any solution arrived at will in no way dilute the level of services provided to the public in the areas of disability, human rights, equality and data protection.

Deputy Charles Flanagan: This year marks the 60th anniversary of the Universal Declaration of Human Rights. It seems clear that the Irish Government intends commemorating that anniversary by emasculating the Irish Human Rights Commission and important aspects of our human rights mandate. What sort of cost benefit analysis has the Minister undertaken? It seems to me that the overall cost of maintaining and running the five bodies mentioned in the question is about €17 million. What cost benefit analysis has informed the Minister's decision?

Deputy Dermot Ahern: A cost benefit analysis is being carried out on this, but the total financial allocation for the five agencies mentioned is around €18 million for 2000. They employ 170 staff. I deny that the Government is trying to dilute the issue of adherence to human rights. We have a commitment under the Good Friday Agreement to have infrastructure on the protection of human rights, which will continue. However, it makes sense to look at the issue of trying to get value for money. Fine Gael has made its name on these issues to a certain extent. I have been subjected in previous ministries to exhortations from that side of the House, particularly Fine Gael, to set up agencies all over the place. I have to say that I have generally resisted that. It has to be said that we are where we are.

I am looking at all agencies — not just the five mentioned — in the context of the 2009 Estimates, which will be difficult. We are looking to find synergies in order to save taxpayers' money. For example, my Department's payroll is organised centrally by a part of the Department. Other Departments are now using that to save on payroll costs, including the Department of the Taoiseach. That saves money in processing salaries for civil servants in both Departments. That is what we are looking at.

Deputy Charles Flanagan: I put it to the Minister that there is much more involved in this sinister move than the saving of money. This proposed merger is an attempt by the Government to intimidate bodies and agencies that have criticised it in the past. The Minister is right about Fine Gael and saving money, as we produced a substantial document on it earlier in the year. However, it did not make any reference to the five agencies, as outlined in the Minister's attack. Last week we saw that FÁS is haemorrhaging money to the tune €1 billion per annum, spending lavish weekends in five star hotels at €20,000 for two nights. That is where the Government can save money and cut costs.

Does the Minister consider it legal to amalgamate or dilute the Irish Human Rights Commission, having regard to the fact that the Good Friday Agreement was voted upon by the people of this country in a referendum? The legal status of the commission is enshrined in the Good Friday Agreement to mirror the sister body in Northern Ireland. Does he consider the proposal to amalgamate the body to be legal?

Deputy Dermot Ahern: I do not need any lectures from the Deputy on the principles and the objectives of the Good Friday Agreement.

Deputy Charles Flanagan: I would not attempt to lecture the Minister on them.

Deputy Dermot Ahern: I would not stand over any removal of the section of the agreement which states that a human rights body would have to be established with a mandate and remit equivalent to that in Northern Ireland. That does not mean that the body cannot share in things like corporate services and other synergies. The Deputy refers to the issue of—

Deputy Pat Rabbitte: Is that all this is about?

Deputy Dermot Ahern: —cost effectiveness. Yes, that is what this is all about. There is an onus on each organisation, just as there is an onus on Departments with fewer Exchequer resources, to get value for money and to ensure that synergies can be put in place if they exist. Ultimately, the level of savings would not be significant if we got rid of all these bodies. We are just endeavouring to get value for taxpayers' money.

Deputy Charles Flanagan: A carefully targeted attack.

Deputy Pat Rabbitte: The Minister is only going to co-ordinate the payroll.

An Leas-Cheann Comhairle: I call on the Minister to answer the next question.

Deputy Dermot Ahern: Deputy Rabbitte is intervening.

An Leas-Cheann Comhairle: The last question was Deputy Flanagan's priority question.

Deputy Dermot Ahern: I have a list here of all the so-called quangos that Fine Gael wanted me and others to set up. The Deputy speaks out of both sides of his mouth.

An Leas-Cheann Comhairle: I ask the Minister to obey the Chair, please.

Refugee Status.

4. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the circumstances which lead to a Somali mother, who was granted refugee status here in August 2004, having to take High Court action to reunite her family; the steps which have been taken to ensure that such an incident is not repeated; and if he will make a statement on the matter. [32817/08]

Deputy Dermot Ahern: The Somali woman referred to by the Deputy was granted refugee status in August 2004, and applied for family reunification in November 2004 in respect of her immediate and extended family members. Her application was processed in accordance with the provisions of the Refugee Act 1996, and a decision was made in the family reunification unit in August 2005 to grant family reunification to the immediate family members. At the same time, a separate decision was made refusing family reunification to the extended family members. Letters were prepared containing details of the decisions, but due to an unfortunate oversight, these letters were not issued at the time to the applicant. The file was inadvertently filed away and the relevant decision letters did not come to notice until February 2008, when a request under the Freedom of Information Act was received from the legal representatives of the woman concerned.

When the family reunification unit realised that the letters had not been issued, arrangements were made immediately to issue the letters to the applicant. Arrangements were also put in place to issue visas to the immediate family members through the Irish Embassy in Addis Ababa, in order to facilitate their entry into Ireland. However, some difficulties were encountered regarding the issue of the visas. Due to the passage of time since the original application for family reunification was made, further checks had to be carried out both in the Irish natural-

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isation and immigration service and at the Irish Embassy in Addis Ababa to verify the identities of the individuals involved, which included three young children. Such checks are very necessary in all applications for family reunification as great care has to be taken to ensure that the correct people are entering the State. The checks took about two weeks to complete, during which period the legal representatives of the person concerned pressed ahead with judicial review proceedings in the High Court. When the matter came before the High Court on 21 July 2008, it was explained that the visas were ready for collection at which point the judge adjourned the matter until 25 July. At the resumed hearing the matter was adjourned to the October term.

At that stage I ordered an internal review of all practices and procedures in the family reunification unit. The review was undertaken by staff at senior level and has since been completed. The review examined all files containing family reunification applications to ensure that there were no other similar cases left unattended. Following the review, new procedures are currently in the process of being developed and implemented and some additional resources have been allocated to the unit.

Additional information not provided on the floor of the House.

Having examined the matter, I am satisfied that this case was an unfortunate isolated incident caused by human error and I would like to assure the Deputy that the necessary remedial action has been taken to ensure that, in so far as possible, a similar situation will not occur again. I trust that the Deputy will also appreciate that as this particular case is currently the subject of High Court proceedings, I am constrained in the amount of information I can provide in response to his question.

Deputy Denis Naughten: I thank the Minister for his reply. Between 2005 and the FOI request this year, there was a series of correspondence submitted to the Department and no substantive or reasonable response was given to those issues over that three year period. How is it that nobody thought to look at the file and respond to it over three years? Does this not highlight the fact that our current asylum system is a mess and that there is nobody in charge? What is being proposed in the current immigration Bill will not improve it.

Deputy Dermot Ahern: I do not accept the Deputy's allegation that nobody is in charge of it. He is being very unfair to the civil servants and gardaí who are working night and day on this issue, often in difficult circumstances. This was a case which slipped through due to human error. I believe that it was an isolated incident. Once it was brought to my attention, I asked for a review to be carried out. The review included the granting of additional resources, because the pressure of work in other areas, especially dealing with the great number of judicial reviews, took away some of the attention from the area of family reunification.

Additional resources have been assigned. There were four staff involved, but now there are eight. As part of the review, a new database has been installed to allow a better examination of ongoing issues. Regular case conferences on difficult cases are being held since July—

An Leas-Cheann Comhairle: I will allow a brief further supplementary question from Deputy Naughten if the Minister will yield.

Deputy Dermot Ahern: An early warning system and a feedback system are in place to confirm the visa has been granted.

Deputy Denis Naughten: I accept what the Minister says about human error and I have no doubt there was human error involved in the original decision. However, I am unable to understand that for three years, correspondence and communication went into that section of the Department and no one realised that the decision had already been made. This defies logic and it is not the result of human error.

If staff numbers have been doubled, does that mean that four staff members have been removed from another section within the asylum system? Can the Minister offer a categorical assurance that someone else is not rotting in a refugee camp in some part of the world who has been granted status in this country while this information has not been communicated to them?

Deputy Dermot Ahern: I do not wish to speak about the circumstances of the family involved in this case. It was an unfortunate incident. I am unable to confirm there will not be other cases because I must accept there will be human error and this is the nature of life——

Deputy Denis Naughten: I am not talking about human error, it is subsequent to human error.

Deputy Dermot Ahern: The House is passing significant legislation which will allow for a single procedure in this system so that the very complex and piecemeal way in which the legislation has been dealt with in the past will be replaced with the new legislation and there will be a single procedure for application and decision. One of the significant problems is the multiplicity of judicial review applications and these take up a lot of time. I agree we had to divert staff from other areas to look after this area. This case highlighted the deficiencies in the staffing levels and in the *modus operandi*.

Anti-Social Behaviour.

5. **Deputy Michael D’Arcy** asked the Minister for Justice, Equality and Law Reform if his Department has allocated specific funding to bolster the resources of local authorities in dealing with anti-social behaviour orders in view of the fact that they are dealing with private estates as well as local authority estates where such behaviour is a problem; and the measures he will implement, outside of the joint policing committees, to curb growing anti-social behaviour. [33026/08]

Deputy Dermot Ahern: The Deputy will appreciate that allocation of funding to local authorities falls primarily within the remit of my colleague, the Minister for the Environment, Heritage and Local Government.

On 24 September, with my colleague, the Minister for the Environment, Heritage and Local Government, I launched the roll-out of the joint policing committees established by the Garda Síochána Act 2005 to local authority areas in the State beyond the 29 already established under a pilot phase. I believe that these committees are a very significant development which will make policing more responsive to local needs. The issue of anti-social behaviour will, of course, be a priority for each committee.

The Garda Síochána operates a number of crime prevention initiatives aimed at curbing anti-social behaviour, including Garda youth diversion projects, the juvenile diversion programme and the Garda school programme.

The use of CCTV can play an important role in supporting the work of the Garda Síochána in deterring criminal and anti-social behaviour. The community-based CCTV scheme operated by my Department is designed to provide financial assistance to qualifying local organisations towards meeting the capital costs associated with the establishment of such systems.

[Deputy Dermot Ahern.]

Strong legal provisions are already in place to combat anti-social behaviour. For example, the recently enacted Intoxicating Liquor Act 2008 places restrictions on the availability and visibility of alcohol and provides for more effective enforcement to deal with the consequences of alcohol abuse.

My Department is in ongoing contact with the Department of the Environment, Heritage and Local Government, at the highest level on a range of issues, including tackling anti-social behaviour.

Deputy Michael D’Arcy: I thank the Minister but he has not answered the question. My question was whether he had allocated specific funding to bolster the resources of local authorities in dealing with anti-social behaviour. The belief is that if we continue in the way we are going, there will be no difference. As he will have seen from the performance of Members on this side of the House in the past days, the Minister will know that if moneys are well spent, he will have our full support unlike with regard to the amalgamation of agencies as detailed in Priority Question No. 3.

We want the Minister to spend money well because this will provide the opportunity to nip in the bud the activities of some of these children, who are going off the rails at an early age. Does the Minister intend to allocate additional funding to local authorities to deal with anti-social behaviour?

Deputy Dermot Ahern: There is a very small budget for the operation of the joint policing committees, which is the main subject of the Deputy’s question. Significant resources of approximately €12 million are allocated to the Garda youth diversion projects. This funding is allocated to specific projects rather than to the local authorities. The local authorities have significant powers under various Acts on the issue of public order offences and anti-social behaviour. To the best of my memory, an Act passed in 2003 allows local authorities to pass a resolution advising a District Court judge on the issue of special exemption orders and whether local public representatives wish to have special exemption orders curtailed to 1 a.m. or 1.30 a.m. This power is available but it has not been used by local authorities. It is therefore not just a matter of resources but also of implementing some of the existing legislation and local authorities have a role in that respect. I am a great supporter of joint policing committees because for the first time they bring together local authorities and the Garda Síochána in an open forum and the Garda Síochána must account for issues arising in the locality. This brings the issues down to local level and the local representatives who are sometimes critical of the Garda Síochána can understand the Garda viewpoint and equally the Garda Síochána can encourage the local public representatives to take various initiatives.

Deputy Michael D’Arcy: I itemised in my question the role of the joint policing committees because I did not want to discuss it. A cohesive campaign between local authority officials and the Garda Síochána, in conjunction with the joint policing committees, would be money very well spent.

To put it in context, the population of my district has doubled in a decade. The population of my county has increased by 60% in 15 years and we have much the same number of gardaí. Local authority staff payroll has been cut by 3% and this will mean there will not be an impact. The population of the Minister’s county has also increased. When the people are not available on the ground to deal with these matters early, it will not be money well spent. This is also my concern about the joint policing committees. If the resources are not put in place, there will be no real impact.

Deputy Dermot Ahern: There are plenty of resources available but it is not just a matter of resources; in the case of the joint policing committees it is a matter of using those resources in a co-ordinated way. I would welcome any decision by the Garda Síochána to involve local authorities in the running of youth diversion projects or in the work of juvenile liaison officers. It is not just a matter of extra resources.

Opposition Deputies tabled questions today about Garda numbers and the reply to every question details a significant increase in Garda numbers.

An Leas-Cheann Comhairle: That concludes priority questions.

Deputy Dermot Ahern: I would be surprised if there was still the same number of gardaí in the Deputy's area as a couple of years ago.

Deputy Michael D'Arcy: There are.

Other Questions.

Garda Equipment.

6. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform his views on the absence of adequate storage facilities for sensitive evidence in Garda stations; and if he will make a statement on the matter. [32800/08]

Deputy Dermot Ahern: I have been advised by the Garda authorities there is a property store in each Garda district for the purpose of storing both property coming into the possession of the Garda Síochána and court exhibits. I am further advised that a new property and exhibits management system is being introduced in the Garda Síochána. The purpose of the system is to establish a property store in each Garda division with enhanced facilities to manage all property coming into the possession of the Garda Síochána in that division, with a small number of very specific exceptions, which may be required to be retained securely at local Garda stations.

The system is being introduced on a phased basis, with two pilot locations at Store Street and Athlone Garda stations now fully operational. The system is being extended with a new divisional store recently operational in Waterford for the Waterford-Kilkenny division and a further four locations are planned to be completed by the end of this year. The implementation is being overseen by a Garda implementation group.

Further locations are planned subject to the availability of resources and as suitable locations become available for use. In the interim, property coming into the possession of the Garda Síochána will continue to be handled in the manner prescribed in Garda procedures, which is subject to audit and inspection.

Deputy Charles Flanagan: Does the Minister accept newspaper reports from the early summer which claimed key evidence in murder trials was left piled on top of lockers in Garda stations because of the absence of secure units? This is wholly unacceptable for the criminal justice system. Is the Minister confirming that the divisional property stores are still confined to the two pilot project locations? If that is the case, it records no improvement since earlier this year. What is the target for the development of such a store in each Garda division. It is not sufficient to have two pilot projects. Is there an insurance for the criminal justice system that there will be secure and fire-proof Garda divisional property units?

Deputy Dermot Ahern: I already stated there is a property store in each Garda district for the purpose of storing property required for court exhibits or property that comes into the possession of the Garda. It has been decided to roll out a property-exhibit management system in order to, if necessary at times, centralise the holding in the division rather than the district. There is no sense as to why items would be kept on top of filing cabinets because in each Garda district there is a property store. The Garda is moving to introduce a more modern system which complies with best international practice. Gardaí, as part of their training and as a result of recent significant court cases, have a duty to retain items as court exhibits. They have the facilities with a property store in each Garda district.

Deputy Pat Rabbitte: Is the Minister denying the published newspaper reports to which Deputy Charles Flanagan referred on the contamination of forensic evidence and exhibits being carelessly stored on top of filing cabinets? If the Minister is denying these reports, that is fine as it is consistent with his answer. I come into the House on the basis of believing what the Minister tells me in the House. How can I reconcile what the Minister has just said and what I read and was not denied in a newspaper report? In the time of Sherlock Holmes care would be taken that forensic evidence would be protected from contamination. The fact that this is not happening has been alleged by a serious newspaper writer and not contradicted.

Deputy Dermot Ahern: I cannot guarantee that items are not in some way damaged or lost. It comes back to human nature. We must, however, give the Garda credit for the measures it has taken. It is not satisfied with the existing system and is trying to make it better by putting in a fully automated and computerised system. It will allow the Garda to have a database to track from a divisional point of view exhibits held in various locations. I am not claiming the Deputy is criticising but there will be incidents through human error and some neglect where difficulties could arise. The Garda has been given the resources to put this new management system into place as much as is humanly possible so that court exhibits are kept safely.

Deputy Charles Flanagan: It is neither feasible nor fair of the Minister to put the entire onus of this matter on the Garda Síochána when he speaks of proposed improvements. He knows Garda improvements are dependent on Garda resources which, in turn, are dependent on the Minister and the manner in which he makes them available. With the economic downturn, will the Minister confirm the €260 million promised for new and upgraded Garda stations will not be adversely affected?

Deputy Dermot Ahern: The aim of the property management system is to establish a property store in every Garda division which will manage all property coming into the possession of the Garda Síochána in that division. With the exception of a small number of specific items, property coming into Garda possession will be retained at the appropriate divisional property store. This is in order to centralise it and allow the Garda to track the exhibits at divisional level. A computerised system is being put in place to automate the tracking of evidence.

I am not abdicating responsibility. The Government has provided the Garda with the resources to put the system in the place. That is my responsibility. The running of that management system is a matter for the Garda.

Deputy Michael D'Arcy: I hope it will not be like PPARS.

Internet Gambling.

7. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the problem of Internet gambling; his plans to deal with this issue; and if he will make a statement on the matter. [32772/08]

Deputy Dermot Ahern: I published the report, *Regulating Gaming in Ireland*, on 10 July last. The report makes some 32 recommendations that have significant public policy implications regarding the future architecture of many aspects of gaming and betting in Ireland, including the subject matter of the Deputy's question.

Among the issues dealt with in this report is the issue of remote gaming. The report notes that remote gaming — which includes but is not restricted to Internet gambling — is the fastest growing sector of the world gambling industry. It also notes the issues pertaining to remote gaming, while thematically similar to those related to terrestrial gaming, are far more complex and difficult to contain.

No reliable data is available in this jurisdiction on the prevalence of Internet gambling. Data from the UK, for example, from the British Gambling Prevalence Survey 2007, suggest approximately 6% of the UK's adult population used the Internet to gamble in the past year.

Anyone in Ireland with access to the Internet can participate in remote gaming and the report says that in this situation, any regulation of this area will have the effect of reducing existing opportunities for on-line gaming with consequential positive social effects. Given the international dimension to remote gaming, technological advances and convergence of technologies, for example gaming available over mobile phones, and different jurisdictional approaches to its regulation, the report took the view that the appropriate questions to be asked are how can this activity be properly regulated and what will be the consequences of doing so.

On the publication of the report, I said we need to get matters right with our gaming and betting codes. In particular, I want to ensure that betting and gaming activities are carried out within a responsible framework that recognises the reality of these activities, but which ensures they are properly managed, particularly as regards problem gamblers.

Besides the issue of on-line and remote betting and gaming, there are other significant issues associated with gaming, such as the proliferation of private members' clubs offering a casino-style experience. Taken together, I consider the complexity of these issues requires further detailed analysis before the Government is asked to make a formal decision on introducing any significant changes to the regulatory regime in the gaming and betting area.

Additional information not given on the floor of the House.

I therefore published the report with the intention of setting up an informal cross-party committee which is to be asked to examine all aspects of gaming in Ireland, including the issue of Internet gambling. In my answer to Parliamentary Question No. 932 of Wednesday, 24 September last, I set out the terms of reference of the cross-party committee. I believe that the establishment of the informal committee represents the best opportunity for identifying options for consideration by the Government on the many complex inter-related issues in this area. It is an approach that offers the best guarantee that the interests of all elements in our society are taken into account from the beginning in an area of important public policy. I look forward to completing the establishment of the committee now that the House has resumed and to receiving the advice of the committee in due course.

Deputy Michael D'Arcy: Although the Minister has published a report, when will he tackle Internet gambling? Is the Minister aware of the extent of Internet gambling? As I am a bit younger than the Minister, I know that the number of young men participating in Internet gambling is astonishing. It is being carried out in the privacy of homes and even work. The Minister needs to deal with it.

[Deputy Michael D'Arcy.]

In 2006 the UK regulated Internet gambling while the US banned it. In the past few months Internet gambling has been advertised on Irish television. The longer the Minister considers what he will do on the matter, the greater influence it will have in the gambling world. When will he regulate or ban Internet gambling?

Deputy Dermot Ahern: I do not believe I can completely ban Internet gambling because it is an international phenomenon across the Internet. We have not been able to ban pornographic material across the Internet. Try as we might at national, EU and international level, it simply has not been possible. While the Deputy claims the UK and US have taken action, Internet gambling is still going on in those countries. This is an issue we must examine which is why, although this excellent report is available, I have asked all the political parties to participate in this committee to come up with recommendations on an agreed basis. The Government will act on the basis of the report of the committee.

Deputy Pat Rabbitte: Last week, I was in Cork speaking to a conference which happened to coincide with a conference on gambling. I was surprised to learn from participants that the Minister's officials were telling all and sundry that I was responsible for the Minister not introducing legislation. Like the Minister, I have been in the House for a while and I did not appreciate my power. I am sorry I have not exercised it more frequently. I did not know I could hold up the Minister introducing a Bill. I might not agree with such a Bill but I am completely puzzled as to how I am holding up the Minister introducing it. I am surprised the Minister's officials decided to weigh into the political argument.

Deputy Dermot Ahern: Honestly, I do not know to what the Deputy is referring. I agreed with the approach taken by my predecessor and I published the report shortly after I came into office. In recent days, I wrote to the Chief Whip, Deputy Kenny, the leader of the Labour Party and others to invite them to participate in this committee which I hope in a relatively short space of time will come forward with an agreed view on the issues. Perhaps they will not be able to agree on some of the issues. This is not holding up the legislation.

I accept this is an area where the most recent legislation is from 1956. It behoves the Oireachtas as a group to try to regulate this area where significant changes have occurred for which we have not legislated. To a certain extent, we have tended to veer away from them because they are difficult issues in the context of dealing with gaming, gambling, betting, horse racing and all of the other ways in which betting takes place. We should move on it.

The Garda Síochána is working under old legislation with regard to casino-type operations. To the best of my recollection, it is fair to state that all of the new casino-type places have been visited by gardaí but, as of yet, they have not come across anything which warrants prosecution under the existing legislation. The Deputies will accept that the existing legislation is many years old and we need to introduce new legislation to regulate this area.

Deputy Charles Flanagan: It is unacceptable for the Minister to hide behind the absence of an all-party Dáil committee on this issue. Urgent action is needed. The Minister stated he does not have figures with regard to gambling in Ireland. Will he accept what was stated by Betfair, one of the busiest Internet gambling companies, that Ireland is the third largest market in the world for Internet gambling?

Will the Minister examine what steps he and the Government can take urgently to ensure there is an age barrier on Internet gambling and that persons engaged in this type of activity are not below the age of 18 or 16? It is possible to regulate Internet gambling with regard to age and introduce a barrier blocking mechanism but the Minister has not done so.

Deputy Pat Rabbitte: It is highly unusual for a Minister to state that as an Oireachtas we have failed to do “X” and “Y”. We elect a Government which sponsors legislation. For the record, I am in favour of regulating the casino industry and I am opposed to fixed odds betting terminals, FOBTs, going into bookies’ shops. I am ready to debate any Bill the Minister wants to introduce. I understand the Minister agrees with me that FOBTs should not be permitted in bookies’ shops. If we are agreed, why can we not introduce a Bill?

Deputy Dermot Ahern: To answer Deputy Flanagan, I am not hiding behind a cross-party committee and in fact some members of Deputy Flanagan’s party are exhorting me to get on with establishing the committee. The delay with this committee is due to Labour Party objections on the inclusion of FOBTs which formed part of Deputy Rabbitte’s question. However, some of Deputy Flanagan’s party colleagues, no later than last night during our late night session, were exhorting me to get on with establishing the committee and I want to do so.

Deputy Charles Flanagan: This is the first time since the Minister took office that he has sought any form of consensus. It does not suit him.

Deputy Dermot Ahern: It has been the position of Governments of every hue for the past number of decades to shy away from this issue. If my memory serves me correctly, when Deputy Flanagan’s party was in government, it tabled proposals in the area and ultimately shied away from it. I may be wrong.

Deputy Charles Flanagan: That was a generation ago. This is a history lesson.

Deputy Dermot Ahern: With regard to FOBTs, I will bow to the superior knowledge of people such as Deputy Rabbitte on these issues. I see Deputy Rabbitte is participating in a major conference on this issue.

Deputy Michael D’Arcy: It is still Deputy Rabbitte’s fault.

Deputy Pat Rabbitte: I will treat the Minister more generously in his absence than he treated me.

Deputy Dermot Ahern: I have declined to do so because as far as I am concerned I will not participate with organisations who want FOBTs issued. I will state publicly that, from what I have heard about FOBTs, I would not countenance them, but they should not be excluded from examination by the cross-party committee just because Deputy Rabbitte says so.

Deputy Charles Flanagan: The stakes are high if this Minister is looking for consensus.

Deputy Pat Rabbitte: There must be a lot of money in it for somebody.

Garda Operations.

8. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the latest position in regard to Garda Operation Trace into the disappearance of six women in the Leinster area who are feared to have been murdered; his views on the progress made by the Garda investigation; and if he will make a statement on the matter. [32843/08]

Deputy Dermot Ahern: Operation Trace was established in October 1998. The original objectives of the investigation team under this operation were to trace, review and collate all evidence pertaining to the separate Garda investigations into the tragic disappearance of six

[Deputy Dermot Ahern.]

women in the Leinster area. Subsequently, the investigations into the disappearance of three other missing women were also reviewed.

Operation Trace, in conjunction with the Garda district officer in the area where persons have gone missing, continues to take a proactive role in the investigations of the disappearance of these women. In particular, information and intelligence relevant to the operation continues to be collated and integrated into a dedicated stand-alone database maintained for the purpose of the operation. A detective superintendent retains operational responsibility to ensure that all information and queries received are identified, registered and acted upon. The detective superintendent also ensures that liaison is maintained with the families of these missing women, to ensure that they are kept apprised of any progress or developments arising from information received or lines of inquiry being pursued. Operation Trace will continue its role of collating, reviewing and examining all evidence based on inquiries and investigations conducted under the direction of the respective district officers.

An Garda Síochána has devoted significant resources, time and investigative skill to the investigation of these disappearances. Over time the cases have been subject to numerous reviews to ensure that the Garda maximises any new investigative opportunities and employs the most up-to-date techniques and methods in line with best international practice. I know all Members will share my hope that these cases will be resolved.

Deputy Pat Rabbitte: I do share the Minister's hope. These are tragic cases and I must confess I do not know too much about them other than what I read in newspapers. This question was tabled because a colleague of the Minister, a Minister of State, was quoted in three different newspapers as stating what has gone on is nothing short of a national disgrace. He accuses the Garda of sticking their heads in the sand when it comes to missing people.

According to a headline, a Minister stated the searches were bungled and there is elaborate commentary from the Minister of State, Deputy John McGuinness. Does the Minister for Justice, Equality and Law Reform agree with his colleague?

Deputy Dermot Ahern: No, I do not agree with my colleague. I have spoken to the Garda Commissioner on many occasions with regard to this matter. I accept the Minister of State, Deputy McGuinness, has particular constituency interests with regard to this issue. It is difficult, particularly the case in which he has been involved. I have been assured by the Garda Commissioner that extensive work continues with regard to these cases. I have asked the Garda Síochána Inspectorate, which is independent of the Garda Síochána, to examine whether a dedicated unit for missing persons should be established and whether a system similar to Amber Alert in the United States should be put in place. I am awaiting its response on that. Having spoken to the Garda Commissioner, I am very happy that he and his staff have devoted significant resources to the investigation of these issues.

It is interesting that in 2006, 6,811 people were reported to the Garda as being missing, of whom 109 are still untraced. In 2007, there was a significant increase in that there were 7,992 designated as missing, of whom 98 are missing to date. When a person is reported missing, the Garda has a unit that alerts all Garda stations. The Garda press office is very active in trying to feed information to the media. The Garda superintendent for the area involved is the person responsible for running the investigation and he must work with gardaí nationally, Interpol, Europol and the UK authorities, with whom they have many connections in respect of these issues. I very much concur with the Deputy and have spoken to the Garda Commissioner on this matter on a number of occasions.

Deputy Charles Flanagan: I welcome the fact that the Minister has moved to distance himself from the comments made by his Government colleague, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy McGuinness, in another outburst of some importance.

The Minister, Deputy Dermot Ahern, should proceed with the setting up of a stand-alone missing persons unit, which has proved successful in other jurisdictions. On what the Minister said about international best practice and international co-operation, will he suggest to the Garda Commissioner that the assistance and involvement of psychic detectives from Great Britain might be useful in the circumstances of Operation Trace? Will he explore this possibility at the next meeting?

Deputy Dermot Ahern: I do not accept what the Minister of State, Deputy McGuinness, said on the investigation of the incidents because I have taken the time to talk to the Garda Commissioner thereon. To be fair to Deputy McGuinness, like any other Deputy with such a case in his constituency, he is extremely worried that the person responsible for the heinous crime has not been brought to justice. This has been the case despite the best efforts of the Garda.

Deputy Pat Rabbitte: Do we know it is one person?

Deputy Dermot Ahern: People such as the Deputies are trying to make political points in respect of the case.

Deputy Charles Flanagan: Worry does not excuse an outburst.

Deputy Dermot Ahern: The Garda Commissioner, to whom I have spoken on a number of occasions regarding this case, is satisfied that the existing Garda system is absolutely in accordance with best international practice. However, on foot of the constant calls to have a dedicated missing persons unit, I have asked the Garda Síochána Inspectorate to consider the idea. I will not prejudge what it will say despite the Deputies' exhortations.

Deputy Pat Rabbitte: The question relates to six women who have been murdered. The cases remain unsolved and it is unfair of the Minister to state anyone is trying to make political points. As far as I am concerned, the Garda is doing its best to solve the murders. I am drawing attention to the widespread press coverage of the Minister of State, Deputy John McGuinness, who went into elaborate detail on why he believes the investigation is a national disgrace and that the searches were bungled. Is the Minister challenging the right of a member of the Opposition to table a question on a matter so serious for the families concerned? When the Minister tells me he is satisfied the Garda is doing everything it can to resolve the problem, I am prepared to accept that.

Deputy Dermot Ahern: To demonstrate the bona fides of the Garda on these issues, the Garda Commissioner recently set up a Garda serious crime review team, managed by a detective superintendent, who assists senior investigating officers in the investigation of serious crimes, by identifying new and potential investigative opportunities and international practices, and disseminating information and looking back on good practice. This is part of the overall review of old cases.

The Minister of State, Deputy McGuinness, has a particular issue in respect of a constituent and it is a little unfair for Deputy Rabbitte to draw attention to his comments in the first points of his question.

Deputy Pat Rabbitte: That is why I tabled the question.

Deputy Dermot Ahern: To be fair, he has an issue because the matter relates to a constituent and there is still a perpetrator at large.

Deputy Pat Rabbitte: Can I make wild allegations because a constituent is upset?

Garda Deployment.

9. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the €400,000 spent on Garda overtime arising from a feud in Waterford city represents the best approach to dealing with the issue; his views on whether the State can take other steps to address the feud in question; and if he will make a statement on the matter.

[32787/08]

Deputy Dermot Ahern: The nature of Garda work and the requirement that the Garda Síochána respond at short notice to unforeseen circumstances means that some overtime expenditure is sometimes unavoidable for the purpose of effective policing. The objective of Garda overtime is to allow the force flexibility in responding to circumstances that require personnel resources over and above those planned.

The detailed allocation of resources, including the allowance of overtime, is a matter for the Garda Commissioner to decide in accordance with identified operational requirements. I am informed that a business case is being prepared by local Garda management for the assignment of additional gardaí, thereby reducing reliance on overtime and regional support.

I am advised that the continuation of the ongoing security operation and policing measures in place in Waterford city is necessary to ensure the security and safety of the local and business communities. The primary focus of this operation is the disruption of serious and organised criminal activity, and it has resulted in a number of arrests and seizures of weapons.

The policing and public safety challenge posed by the ongoing incidents referred to has not been encountered previously in the Waterford-Kilkenny Garda division. Garda management is confident that, with the support and co-operation of the community and the resources at its disposal, it will ensure the security and safety of the local community. I call on those involved in this illegal and reckless behaviour to cease it immediately, and I call on all who can assist in bringing it to an end to contact the Garda with whatever information or other assistance they may be in a position to offer.

Deputy Charles Flanagan: It is with some reluctance that I raise this issue, which is occurring in a town some distance from my constituency, but I raise it because of its seriousness. It is totally unacceptable that, in a very small area of Waterford city in recent times, 14 houses have been burnt down, two children have been shot and injured and a large cache of weapons has been uncovered and seized. People are living in fear and Army bomb disposal teams have been called on a fairly regular basis. Circumstances are totally out of hand in Waterford city.

I acknowledge the role of the Garda, to which great credit is due, but 13,000 man hours have been devoted to the problem in recent times. What is the Minister doing with other Departments, particularly the Department of the Environment, Heritage and Local Government, to address the underlying feud in Waterford? What has the Department of Justice, Equality and Law Reform done recently other than allow the Garda sole jurisdiction in dealing with this matter? Is there a role for mediation or agencies other than the Garda? These circumstances

are utterly unacceptable and must be dealt with because of the fear in the community of the lawlessness and dangerous behaviour.

Deputy Dermot Ahern: I understand there were efforts at mediation locally and that a number of agencies had been involved in this regard, including the Garda. The initiatives were supported by Waterford City Council, Pavee Point, the Irish Traveller Movement, Waterford Traveller CDP and a number of other people. An independent freelance consultant mediator was appointed, but despite this the Garda had to do its duty. It did require significant resources, as the Deputy rightly acknowledged.

The Garda Commissioner is to appear before the Committee of Public Accounts next week and perhaps this will present an opportunity to ask him about the resources that had to be made available to deal with this case. The case is unprecedented but unfortunately it revolves around a certain number of families. Lest anyone suggests there are insufficient Garda resources in the area, there has been a rise of 27% in the Waterford-Kilkenny division in the past four years. In the past three and half years, there has been an increase of 21% in the Waterford district, bringing the strength to 176. The resources are there. Unfortunately, crime will continue but I hope and pray the efforts that have been made in regard to mediation will work. Those incidents seem to have died down for the time being. A number of people have been arrested and are being brought before the courts.

An Leas-Cheann Comhairle: I call Deputy Rabbitte.

Deputy Pat Rabbitte: The Minister has already answered.

Garda Reserve.

10. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on the operation of the Garda Reserve since its introduction; and if he will make a statement on the matter. [32767/08]

Deputy Dermot Ahern: The establishment of the Garda Reserve is one of the most important innovations in policing in Ireland in recent years. It has strengthened the links between the Garda Síochána and local communities and is a source of local support and knowledge. It brings new life to the organisation through its members. Reserve members bring a fresh and innovative approach to policing as they approach their duties with the different perspectives and skills developed in their everyday jobs and lives. The establishment of the reserve allows committed individuals from a great diversity of professional, social, cultural and ethnic groups to take part in policing.

The Garda Reserve members have been very effective in their role in assisting their full-time colleagues. An operational review undertaken by the Garda Commissioner has found that the Garda Síochána has benefited from the establishment of the reserve and that full-time and reserve members are working well together. I am certain that the positive impacts made by the reserve members to date bode well for the future of the force.

At 30 September 2008, there were 254 attested reserve gardaí and 157 reserve trainees, and some 147 have been recruited to date this year. Recruitment is continuing and regular promotional efforts to attract potential reserve members are being undertaken. There is considerable interest in the Garda Reserve among the general public, with 2,843 applications received by the Public Appointments Service this year until the end of August.

Deputy Charles Flanagan: While I did not hear the Minister give the figure, the number of Garda reservists is in the region of 300. I make the point in the context of the promise and commitment by the then Minister, Mr. McDowell, that there would be 900 Garda reservists in place by 2006. This Minister has been something of a failure. A sizeable town in my constituency, Portlaoise, my home town, has the benefit of one Garda reservist. How can this be, when the Minister states there have been over 2,500 applicants this year?

The Minister recently informed the House that various publicity campaigns are being undertaken to recruit Garda reservists. What do these cost? What is the current cost of the recruitment campaign? What strength does the Minister believe the Garda Reserve will have by the end of this year?

Deputy Pat Rabbitte: Can we say, on leaving the House, that the Minister intends to bring the figure up to 900 and when will this happen? It is important that we have the correct information when leaving the House because I understood the Minister to say earlier with regard to the amalgamation of five different bodies that all he is amalgamating is the payroll. I presume I was right about that too.

Deputy Andrew Doyle: My Question No. 89 asks whether the Minister had plans to benchmark the function and effectiveness of the Garda Reserve against similar reserves in other countries. Perhaps he could deal with this in his response.

Deputy Dermot Ahern: With regard to the Laois-Offaly area, three Garda reservists have been taken on in 2008 and substantial numbers have been taken on across the country.

Deputy Charles Flanagan: That is dreadful. Three in one large region is not a good benchmark.

Deputy Dermot Ahern: They have been successful and there is significant interest among the general public, with over 2,800 having applied. I understand that only approximately one in ten of the applicants comes through the examination, for various reasons. For example, when they enter the process, some find it is a little more onerous than expected and others feel they may not be able to marry the reserve with their existing job. An interesting figure which we should welcome shows that, to date, 20 of the 27 gardaí who have left the reserve did so to become full-time gardaí, which shows a clear adherence to the issue of trying to look after our communities. The duties they perform——

An Leas-Cheann Comhairle: I will have to interrupt the Minister. That concludes the time allocated for questions.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy James Bannon — the provision of a new school building for Loughegar national school, County Westmeath; (2) Deputy Lucinda Creighton — the delay in the implementation of the tenant purchase schemes; (3) Deputy Mary Upton — the need to reform the law to allow for prompt and proportionate enforcement of planning decisions; and (4) Deputies Fergus O'Dowd and Joanna Tuffy — excessive levels of lead in the water in parts of County Louth.

The matters raised by Deputies Creighton, Upton, O'Dowd and Tuffy, and Bannon have been selected for discussion.

Adjournment Debate.

Tenant Purchase Schemes.

Deputy Lucinda Creighton: I want to raise the failure of the Government to introduce the tenant purchase scheme for flat owners in local authority areas throughout the country. As I understand it, the current tenant purchase scheme operates under regulations derived from section 26 of the Housing (Miscellaneous Provisions) Act 1992, which specifically excludes flats and self-contained units in flat complexes from the scheme. It is interesting to note that legislation to apply to flat owners has been promised since the early 1990s but some 16 years later that legislation has not been introduced to enable the residents of local authority flats to purchase the units in which they live and may have lived for many years.

This is fundamentally important to the future of Irish society — I do not mean this in any broad brush sense. It is crucial in terms of social innovation and social inclusion that people are afforded the opportunity to set their hopes and standards higher and ultimately to exercise the right to purchase their home in the same way as the tenants of council houses have been enabled to do so. It is a hugely important issue in terms of offering hope and opportunity to people who are resident in council flats throughout the country. In my constituency of Dublin South-East, this is major issue and is high on the agenda for many of the residents in council flat complexes.

To illustrate the feasibility of this, in researching and finding out more about how tenant purchase schemes operate and have operated, it is clear that a successful scheme operated in Cork City Council in the late 1980s and early 1990s before the new regulations came into force. That was a pretty successful scheme whereby tenants of council flats in the Cork City Council area were unable to purchase the flats they were living in during that period. The scheme was dropped on the basis that legislation was to be introduced by the Government in the early 1990s to cover not just tenants of council houses but also tenants of council flats. That never happened. The scheme was discontinued and no scheme was introduced to replace it. The Government is on record for more than a decade expressing its commitment to affording people the opportunity to purchase flats from local authorities. The Government policy paper in February 2007, entitled *Delivering Homes, Sustaining Communities*, contained a commitment to a tenant purchase scheme for current residents of council flats. Page 47 of that document stated that legislation to underpin a new scheme of tenant purchase was being drafted and that it would allow for the purchase of flats. In the same document the Government also promised an incremental purchase scheme that would apply to those allocated social housing at the time of that allocation.

In addition, the programme for Government of this Fianna Fáil, Green Party, Progressive Democrats and Independent alliance contains a promise to “expand the paths to home ownership to assist the maximum number of people in gaining a stake in their own home.” I urge the Minister to honour those commitments in the Housing (Miscellaneous Provisions) Bill.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): I am taking this matter on behalf of my colleague, the Minister for the Environment, Heritage and Local Government. I thank the Deputy for giving me the

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opportunity to outline to the House the steps being taken towards extending the opportunity for home ownership to tenants of local authority apartments.

The Government announced its intention to introduce a scheme for the sale of local authority apartments under certain conditions in the Housing Policy Framework — Building Sustainable Communities, published in December 2005. This commitment was reiterated in *Delivering Homes, Sustaining Communities*, the Government statement on housing policy published in February 2007. Furthermore, the agreed programme for Government published in June 2007 indicated that the Government would “expand the paths to home ownership to assist the maximum number of people in gaining a stake in their own home.”

Previous efforts to introduce tenant purchase for local authority apartments were thwarted by the difficulties associated with the scheme. Work is continuing on a model for the sale of apartments to tenants which addresses those difficulties. The model is based on the long-standing arrangements in the private sector for the ownership and management of multi-unit residential developments. Of course, the transition from a rented social housing complex to a mixed tenure of privately-owned and social-rented accommodation adds an extra dimension to the legal and practical problems that can arise.

Any model leading to a viable scheme for the tenant purchase of apartments must address the following issues: the need to establish fair, equitable and proportionate arrangements to give tenant purchasers and the local authority a voice in the management of the apartment complex; the role of a management company, representative of all apartment owners, including the local authority, in managing and maintaining the common areas and services in the complex; the need for tenant purchasers to contribute, through service charges, towards the ongoing maintenance of common areas and services; arrangements for sharing the costs of insurance covering the entire complex; and the need to create a reserve fund to pay for major improvement works required in the future.

It was not possible to resolve the complex issues involved in time for the publication of the Housing (Miscellaneous Provisions) Bill 2008 in July. Second Stage reading of the Bill has now begun. We are, however, determined to pursue an initiative in this area as quickly as possible but we must also get it right. Our aim is to establish a robust legislative framework that would stand the test of time for all stakeholders, namely, apartment buyers, apartment tenants who choose not to buy, and local authorities.

Planning Issues.

Deputy Mary Upton: Presentation Convent, Terenure, was sold to a developer in 2006 for approximately €15 million. Later that year it was proposed that the building should be considered by Dublin City Council as a protected structure. The process had commenced when the building was demolished without planning permission on Saturday, 4 November, starting at 7 a.m. Dublin City Council twice requested re-instatement of the building to its satisfaction. The building was not restored and Dublin City Council decided to prosecute the developer in the District Court. The case was heard last Thursday. The maximum fine allowable in the court under the Planning and Development Act 2000 is €1,900. The judge did have discretion to seek re-instatement of the building. The penalty imposed by the court was €1,000.

The scheme of the Planning and Development Act gives planning authorities the power to prosecute offences in either the District Court or the Circuit Court. The difference between both legal arenas is clear. The District Court is for minor offences and the prosecuted party faces a relatively light penalty. The Circuit Court is for more serious offences and the Act provides for much stiffer penalties. I am sure the Minister will agree that the offence in this case — destroying a landmark building in contravention of planning law — was a serious one that should have been prosecuted in the Circuit Court.

The situation called for Dublin City Council to avail of the section 160 planning injunction. The destruction of the Presentation Convent in Terenure had all the elements necessary for the planning authority to obtain an injunction. It had the element of a serious breach of planning law, namely, the destruction of a valuable building. It also had the element of a determined effort on the part of the developer to defy the law — the surreptitious Saturday morning demolition. The planning authority ought to have responded by seeking a planning injunction.

It is understating the response to this penalty to say the decision has given rise to much anger. Many people in Terenure and beyond have been in touch with me. They looked on this building as a landmark-type building. Many of the past pupils of the convent school were aggrieved at the demolition of the building. Many of them have also been in touch with me and the Minister will probably have seen the letters to the newspapers expressing their outrage at the penalty imposed.

In my initial response to the court decision, I called for a change in the law to allow more accessible recourse to a higher court and heavier penalties where a developer is in breach of a planning condition. The developer has now applied for planning permission to build houses on the site. Section 35 of the Planning and Development Act 2000 gives a planning authority the power not to grant permission where the applicant has been in significant breach of a planning permission in any planning authority area. Use of the power requires the planning authority to apply to the High Court. The Planning and Development (Strategic Infrastructure) Act 2006 made it easier for local authorities to exercise that power by removing the requirement for them to go first to the High Court. This provision could be widened to allow local authorities to refuse planning permission where a developer has been convicted or received an injunction for any breach of planning legislation, not just planning permission.

Local authorities are reluctant to prosecute in the Circuit Court or to avail of the planning injunction open to them under section 160 of the Planning and Development Act. The 2007 report of the Local Government Services Management Board assesses the performance of local authorities, including their responses to planning breaches. The prosecutions can be subdivided into prosecutions in District Courts and Circuit Courts, and injunctions. As service indicators, this might serve to improve performance. Dublin City Council is now in a position to seek a planning injunction so that the building can be restored on Terenure Road West. This remedy — in the civil courts — remains open despite the criminal prosecution.

I call on the Minister to issue guidelines to local authorities on the need to seek enforcement proceedings in the Circuit Court and to use section 160 planning injunctions in serious cases. The District Court must only be used for less serious matters. I intend to pursue the issue with Dublin City Council on behalf of my constituents. It seems to defy common sense that the same penalties can apply to an individual for exceeding the permitted floor area by 5 sq. m or 6 sq. m in an extension in a private house, for example, as applies to a developer who has illegally demolished a building worth millions and that might have been placed on the list of protected structures.

The message from the penalty imposed last week on this breach of the planning law will be very comforting to any developer who chooses to breach the planning law. That is not the way our planning regulations should be applied where local communities, our history and heritage are involved.

Deputy Michael P. Kitt: I thank Deputy Upton for raising this issue. I am responding on behalf of my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Gormley.

Under planning legislation, any development which requires permission and does not have that permission is an unauthorised development, as is a development which is proceeding in

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breach of conditions laid down in the planning permission. Enforcement of planning control is the responsibility of the planning authority.

Planning enforcement provisions were greatly strengthened in the Planning and Development Act 2000. The Act imposes several statutory obligations on planning authorities. The authority must issue a warning letter in respect of any genuine complaint it receives regarding unauthorised development or any unauthorised development of which it otherwise becomes aware. The authority must then carry out an investigation into the alleged unauthorised development. Following this investigation, the authority must make a decision, as expeditiously as possible, on whether to issue an enforcement notice. My Department's development management guidelines, published last year under section 28 of the Planning and Development Act 2000, recommend that enforcement notices should issue in all cases where an investigation has established that unauthorised development is being or has been carried out, unless there are compelling and defensible reasons for not doing so.

Following its decision on whether or not to issue an enforcement notice, the planning authority must inform any complainant regarding the decision and must enter the decision, including the reasons for it, in the planning register. My Department's development management guidelines urge that prosecutions should follow in the case of all enforcement notices not complied with. The maximum fines for unauthorised development were greatly increased in the 2000 Act, with the maximum penalty on conviction on indictment now €12.7 million and two years' imprisonment. In the case of a summary conviction, the maximum penalty is a fine not exceeding €1,905, imprisonment for a term not exceeding six months or both.

In regard to the case to which the Deputy referred, I am informed by the planning authority that a warning letter was issued, an investigation carried out, an enforcement notice subsequently issued and a prosecution taken in the District Court against the company in question. The latter subsequently pleaded guilty to an offence and the court imposed a fine of €1,000. It is a matter for the planning authority to decide whether to bring proceedings in the District Court or High Court in any particular case and I have no role in the matter.

Enforcement powers were further strengthened in the Planning and Development (Strategic Infrastructure) Act 2006 which allows planning authorities to refuse to grant planning permission, without recourse to the High Court, to any developer who has substantially failed to comply with a previous planning permission. If the applicant wishes to have this decision overturned, he or she must apply to the High Court.

The above provisions set out a strong legal framework for planning authorities to take enforcement action where necessary. While there are no specific proposals for review, the Minister continues to keep the legislation under scrutiny with a view to its operational effectiveness.

Water Supply Contamination.

Deputy Fergus O'Dowd: I thank the Ceann Comhairle for allowing me and Deputy Tuffy to raise this matter. It is a serious issue affecting not only County Louth but other areas throughout the State. We must have an immediate response from all local authorities. All houses and estates constructed before 1970 must be investigated for lead contamination of the water supply.

In regard to County Louth, we heard today that there are problems in regard to ten locations. The truth, however, is that 25 responses, from 20 separate locations, show an excessive level of lead in the water supply. I understand the local authority has been forced by the Environmental Protection Agency, EPA, to examine the data from four years ago. The figures were there but no action was taken until now. The towns of Drogheda, Dundalk and Ardee and the villages of Clogherhead and Omeath are among the contaminated areas.

It is an extremely serious situation, with some of the figures indicating a remarkably high level of contamination. I understand the highest level identified is 99 units, which is four times the legal limit of 25. In the case of Galway, specific instructions were given to the local authority by the EPA, with the latter insisting on legal enforcements if they were not carried out. It is disgraceful and appalling that a local authority is being forced by the EPA to do the work it should have done in any case.

The key issue now is how to resolve the problem. There are two doing ways of doing so. The best way, and the final solution, is to replace all the lead pipes. The second way, the interim solution, is to use phosphate irrigation which would coat the pipes so that lead cannot enter the water supply. Whatever is done must be done immediately. Local authorities must act and be seen to act. Louth County Council must be given all necessary moneys to fund these important actions which must be taken to protect public health. Children and the unborn babies of pregnant women are particularly susceptible to the serious effects of chronic lead poisoning over a period of time. We must act now.

Deputy Joanna Tuffy: I hope the Minister of State's response will deal with the general situation as well as the specific case of County Louth. What steps is the Department taking to deal with the problem of excessive lead levels in water supplies throughout the State? I understand 11 local authorities have reported problems to the EPA. The latter has indicated that the standards regarding acceptable levels will become stricter in the future, so the problem may get worse and affect even more local authorities.

I understand works are to be carried out in Galway and Mallow. Will similar works be undertaken in the other 11 local authority areas? What support is the Department providing to the local authorities? Do they have the necessary funding, staff and expertise? Reports indicate there was a delay in communicating some of the information from Galway City Council to the EPA. I am not familiar with the background to this. Is information being communicated quickly enough to the EPA? If not, is action being taken by the agency or is there a requirement for the legislation to be strengthened in this regard?

This is a nationwide problem which we must address over time. There is also the issue of householders in private homes. I presume local authorities may also have to replace the pipes in individual homes owned by them. The Department must oversee a national strategy for implementation by the EPA and the various local authorities.

Deputy Michael P. Kitt: I thank Deputies O'Dowd and Tuffy for raising this Adjournment matter. I am responding on behalf of my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Gormley.

I understand five water supplies in County Louth have been identified by the EPA as having elevated lead levels in the water distribution system and that the agency notified Louth County Council of this last Tuesday. The council advised the Health Service Executive of the situation yesterday and representatives of the two bodies are meeting today to discuss any follow-up actions required. I understand the council has already contacted affected households and commercial premises.

We have in place a rigorous supervisory framework to ensure good quality drinking water is a primary goal for county and city councils and that effective mechanisms are in place to deal quickly and effectively with problems where they arise. Local authority drinking water supplies are subject to supervision by the EPA, which has the necessary resources to follow through with its new enforcement powers. Each local authority is required to ensure that any failure to meet quality standards in its water supplies is investigated immediately, to inform the EPA promptly and to consult with the HSE. Where incidences arise, the EPA can issue appropriate directions to the local authority to prevent or remove any health risk. Failure to comply with a direction is an indictable offence and subject to heavy penalties.

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Under the EPA's published guidance, where non-compliance is caused by the interaction of water with a local authority's pipe work and fittings, the authority is required to take action to secure restoration of water quality either by replacing the affected pipe work or providing additional treatment to prevent or remediate the adverse effect on water quality. Where non-compliance is caused or contributed to by a consumer's pipe work and fittings, the local authority is required to advise the consumer on action to be taken to reduce exposure. The HSE advises that, from a public health perspective, the risk to those affected from raised water lead levels depends on a number of factors, including the duration of exposure, the level of exposure, age and other characteristics which affect the individual's absorption of lead.

If a main water distribution pipe in an area is constructed of lead, the HSE's advice is that it is not safe to drink the water or use it for cooking until further notice. Boiling the water will not make it safe as it does not remove the lead. Residents, especially children under six, pregnant women and women planning a pregnancy, should use boiled water drawn from the water supply tanks provided by the local authority, or bottled water, for drinking. Infant formula should also be prepared with boiled water from the tanks in the area or suitable bottled water. Suitable bottled waters include brands with a sodium content of less than 20 mg per litre.

Where the main distribution pipe is not made of lead, and the problem relates to lead pipes connecting individual households to the mains pipe and internal lead plumbing, the advice is that if a home was built or modernised since 1970 it is unlikely that there are any lead pipes on the property. Pregnant women and carers of children under six who live or stay in houses built before 1970 should flush the pipes as a precaution. To do this, the cold water kitchen tap should be run to fill the sink, particularly first thing in the morning, or if the water has been unused in the pipes for longer than six hours. Tap water can be used until further notice. Tap water is safe for bathing, showering, brushing teeth, and washing dishes and clothes even if homes have lead service pipes.

In County Louth, arising from consultations with the HSE and the EPA, the local authorities' priorities will be to clarify fully what areas are affected, introduce additional water treatment that would eliminate the leaching effect from old lead pipes, and implement permanent pipe replacement measures, where appropriate, as quickly as possible.

Schools Building Projects.

Deputy James Bannon: I thank the a Cheann Comhairle for affording me time to discuss this important motion, namely the need for the Minister for Education and Science to provide an update on the new school building for Loughegar national school, County Westmeath. Loughegar school first opened in 1872 and additional accommodation was added in 1934. Given the unsuitable condition of the original building, a new school was opened in October 1964 to accommodate the then roll of 69 pupils. The school amalgamated with Turin national school and a new school wing was added in 1971, consisting of two classrooms and a general purpose room. The school at that time had 122 pupils and four teachers.

Subsequently, due to an increased enrolment roll figure of 158 pupils, a fifth teacher was appointed in 1980. In compliance with the appointment and retention figures, as per Department of Education and Science circulars, a sixth teacher was appointed in 2001. Due to lack of space as the school was awaiting approval for a new school building, the board of management decided to utilise the old 1872 building for this new class on the understanding that it was rented to the Department pending the opening of the new school and that it was a strictly temporary measure.

It appears, however, that an "understanding" means as little to the Government as its pre-election promises. It will come as no surprise to the Minister of State that the classroom, built in 1872, is still in use today. Children in the 21st century are being accommodated in a 136-

year-old building, which was deemed completely unsuitable for the education of children 44 years ago. It may not shock the Minister of State, but the health and safety implications certainly horrify me, the teachers and parents involved. The Minister of State should visualise this unbearable workplace scenario. Would he and his Government colleagues be happy to work in accommodation that has deteriorated to such an extent? Problems with rats mean that rat poison is spread and pest control monitors are permanently stationed in several classrooms. In addition, there are droppings from bats in the attic. The removal of asbestos used in the construction of the 1964 building and the new wing in 1971, resulted in the installation of a temporary ceiling, which is still in place. On windy days the ceiling squares are continually displaced and are warped and prone to condensation. The septic tank and sewers are overflowing into playing areas and the system is totally inadequate to support the current number of teachers, teaching assistants and pupils. There is a dangerous crack in one of the walls.

With an enrolment figure for the new 2008-09 school year of 173, the need for a new school at Loughegar is now more urgent than ever. On the basis of pupil numbers, Loughegar national school is entitled to employ a new teacher in September 2009, which will require the provision of another new classroom. This brings the school full circle, back to the situation that pertained in 2001. Logic dictates that this school, which has reached the final stage of the process with a contract in hand, must be allowed to proceed to tender. I am quite sure even this uncaring Government would not suggest that these pupils should be housed in an attic with bats.

In 1998, the Department decided that given the cost of an extension, a new school building was required by Loughegar school and it sanctioned this work. Then what has been described as a “code of silence” ensued under the Minister’s predecessor, with the Department refusing to answer letters or take phone calls from the school. I am aware that the Minister met with representatives of the school this summer, but this meeting was an empty exercise with no positive outcome for Loughegar and no commitment to proceed with the building work.

Ten years is a long time to wait. The indisputable facts of this case are that the go-ahead for the building of the new school at Loughegar was given ten years ago, but there has been no follow through. The school now finds itself once again the victim of its own success, with rising pupil numbers and the appointment of a new teacher next year requiring another classroom. I am asking for a firm commitment to allow Loughegar to proceed with the building of its new school without further delay. There is a huge public demand for the new facility. There will be public meetings over the coming months to obtain the facts from the Department. I plead with the Minister of State not to allow that situation to continue and to permit the new school project to proceed forthwith.

Deputy Michael P. Kitt: I thank Deputy Bannon for raising this matter as it provides me with the opportunity to outline to the House the current position concerning Loughegar national school, County Westmeath. I am doing so on behalf of the Minister for Education and Science. Loughegar is a co-educational primary school catering for boys and girls from junior infants to sixth class. The enrolment, as of 30 September 2007, was 161 pupils. The school has a current staffing of a principal, five mainstream assistants and two learning support teachers. The plan for Loughegar national school is to construct a new six-classroom primary school on the existing site.

The school authority submitted an application to the Department for large-scale capital funding for a new school project in November 1998. The building project is at an advanced stage of architectural planning and a tender report was submitted to the Department in November 2007. A letter was issued to the school authorities at that time advising the school not to proceed further until departmental approval was given. As Deputy Bannon stated, the Minister, Deputy Batt O’Keeffe, had a meeting with a deputation from the school and local representatives in July this year, and he is acutely aware of the circumstances pertaining to this school.

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The Minister explained to the House previously that all applications for large-scale capital funding are assessed in the Department against published prioritisation. Each project is assigned a band rating under these criteria, which reflects the type of works required and the urgency attaching to them. A band 2.2 rating has been assigned to the project for Loughgar national school, which reflects the fact that there is a deficit of mainstream accommodation.

On Monday last, 29 September, the Minister announced the next tranche of projects to progress through the school building programme, including five primary and two post-primary projects to prepare to go on site before the end of 2008, 12 primary and three post-primary projects to proceed to tender to go on site in the first half of 2009 and three primary schools to progress to application for planning permission and preparation of tender documents to allow the earliest possible date to site.

The Minister intends to make a further announcement in the first quarter of 2009 on major primary and post-primary school projects to proceed to construction. The school building project required for Loughgar will be considered in the context of the school building and modernisation programme for 2009. The Minister wishes me to assure you that the project will be progressed when the necessary resources are available to allow this to happen.

The Deputy will appreciate that the Minister must manage the Department's capital budget in a responsible manner and, in so doing, must ensure that funding is targeted at schools most in need. That is why the Department introduced prioritisation criteria for large-scale building projects, which were formulated following consultation with the education partners.

Thousands of building projects were carried out under the previous national development plan to provide new and modernised educational infrastructure and thousands more will be carried out under the new NDP, but there has to be an order as to how this happens and a realisation that not all building projects can proceed together.

The extent of the demand on the capital budget is enormous, providing accommodation for new communities together with accommodation for the unprecedented number of extra teachers which the Government has put into the system. We also must modernise much of the existing stock as a result of the historic under-investment in it. This cannot all be achieved overnight. We have made huge inroads and we will continue to build on our success under the previous national development plan when we delivered 7,800 building projects.

As the Minister, Deputy Batt O'Keeffe, has said, this must be done in an orderly and planned manner and on the basis of the most pressing need. Projects will be advanced incrementally through the system over time, consistent with the priority attaching to them. This approach is critical to ensuring that schools can know that their individual projects will be allowed to proceed, in order of priority, as and when funding allows.

The school building project at Loughgar national school is being considered in the context of the school building and modernisation programme. The Minister wishes me to assure Deputy Bannon that the project will be progressed when the necessary resources are available to allow this to happen.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 7 October 2008.

Written Answers.

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

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

Electronic Monitoring of Offenders.

11. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform his views and intentions in respect of electronic tagging; and if he will make a statement on the matter. [32781/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The enabling provisions to allow for the use of Electronic Monitoring are provided for in the Criminal Justice Acts of 2006 and 2007. However, before any decisions are taken on the introduction of those specific provisions careful and detailed consideration must be given to the costs, advances in technology, the offender cohort most suitable and the likely overall impact on reducing recidivism and preventing crime. For those reasons I have no immediate plans at this point in time to implement the enabling provisions of the Criminal Justice Acts, 2006 and 2007, in relation to Electronic Monitoring.

However, I can assure the House that my Department is keeping developments in other jurisdictions under close review so that any decisions we make in the future will be informed by the practical experience gained from how Electronic Monitoring has, in fact, operated on the ground in other countries. In particular, the outcomes achieved and the added value to the overall management of offenders brought to bear by the use of Electronic Monitoring will be central to any decisions taken.

Garda Deployment.

12. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform if he is satisfied with the number of gardaí on duty in the border areas of Cavan, Monaghan and Leitrim; his views on whether these are difficult areas to give reasonable garda coverage; the number of gardaí in each of the towns in Leitrim, Cavan and Monaghan; the number of garda barracks providing a 24 hour service; if he is satisfied with the current level of garda provision in the area; and if he will make a statement on the matter. [32878/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by the Garda Commissioner that the policing of the border area is constantly monitored and reviewed by senior Garda Management and their Regional Management Team. He also tells me that local Garda management is satisfied that the personnel currently allocated to Garda Stations in the border area is adequate to meet current policing requirements. An Garda Síochána, in co-operation with the Police Service of Northern Ireland, is engaging in high-visibility policing along the border. Furthermore, initiatives under 'Operation Anvil' have also been put in place to target those involved in criminality, particularly with a cross-border element.

As of 31 August 2008 the latest date for which figures are readily available, the personnel strength of the Sligo/Leitrim and the Cavan/Monaghan Divisions was 313 and 414 respectively. I have provided a table which lists the strength of each Garda Station in the above Divisions.

Garda Stations in Leitrim, Cavan and Monaghan

Division	Station	24 Hours Station	Strength
Leitrim	Carrick-on-Shannon	Yes	40
	Cloone		1
	Dromod		1
	Drumshanbo		4
	Keschcarrigan		1
	Mohill		5
	Roosky		3
	Manorhamilton	Yes	26
	Blacklion		5
	Dowra		3
	Dromahair		3
	Drumkerrin		3
	Glenfarne		1
	Kiltyclogher		2
	Kinlough		6
Cavan/Monaghan	Bailieboro	Yes	43
	Ballyjamesduff		4
	Cootehill		8
	Kingscourt		5
	Mullagh		2
	Shercock		2
	Tullyvin		—
	Virginia		5
	Ballyconnell	Yes	26
	Ballinamore		4
	Bawnboy		1
	Belturbet		4
	Carrigallen		2
	Killeshandra		2
	Swanlinbar		3
Carrickmacross	Yes	47	
Ballybay		4	
Castleblaney	Yes	31	
Corrinshigagh		2	

Division	Station	24 Hours Station	Strength
	Rockcorry		1
	Shantonagh		2
	Cavan	Yes	70
	Arva		3
	Ballinagh		3
	Finea		3
	Kilnaleck		2
	Redhills		1
	Stradone		2
	Monaghan	Yes	113
	Clones		9
	Clontibret		1
	Emyvale		4
	Newbliss		1
	Scotstown		3
	Smithboro		1

Juvenile Offenders.

13. **Deputy Jan O’Sullivan** asked the Minister for Justice, Equality and Law Reform the number of gardaí currently operating as juvenile liaison officers; if he has plans to increase the number having regard to the success of schemes operated by JLOs; and if he will make a statement on the matter. [32851/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As of 31 August last, the latest date for which figures are readily available, the number of dedicated Juvenile Liaison Officers throughout the Force was 103, made up of 95 Gardaí and 8 Sergeants. An additional 7 new Juvenile Liaison Officer posts are being created in 2008. These new posts are to be located in the Garda Divisions of Cavan/Monaghan, Kerry, Limerick and Tipperary, as well as Coolock, Finglas and Tallaght in the Dublin area. The position in Tallaght was filled in April and the remaining positions will be filled shortly. The Garda Commissioner has given a commitment to appoint a further 21 Juvenile Liaison Officers by 2010.

The Garda Juvenile Diversion Programme has proven to be highly successful in diverting young persons away from crime by offering guidance and support to them and their families. It also enables referral to the Garda Youth Diversion Projects, which seek to divert young people from becoming involved, or further involved, in anti-social or criminal behaviour. There are currently 100 of these projects operating throughout the country.

Gaming Regulation.

14. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform his views on the introduction of fixed odds betting terminals; and if he will make a statement on the matter. [32771/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Report “Regulating Gaming in Ireland” deals comprehensively with many aspects of gaming and gambling in Ireland, including the subject of Fixed Odds Betting Terminals, or FOBTs. As the Deputy is aware, the report regarded FOBTs as gaming instruments and therefore as inappropriate

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instruments to be located in licensed bookmakers' premises, on the basis that the traditional distinction between gaming and betting should be maintained.

In the current regulatory environment, I am advised that FOBTs, if they were introduced in bookmakers' premises, would be illegal. The Gaming and Lotteries Act 1956 as amended prohibits gaming except in limited circumstances, for example at a circus or travelling show, at a carnival, or in a licensed amusement arcade — and then subject to limitations. Unlawful gaming is defined as playing a game (whether of skill or chance or partly skill and partly chance) for stakes placed by the players in which, by reason of the nature of the game, the chances of all the players, including the banker, are not equal or in which any portion of the stakes is retained by the promoter or by the banker, otherwise than as winnings on the result of the play.

I understand that fixed odds betting terminals or FOBTs are software-driven, often touch screen, terminals, usually of about the same size and shape as a stand alone floorstanding cash dispenser. FOBT users can place stakes on a variety of gambling products and services whose outcome is driven by a random number generator operated by an independent third party and located remotely. I am aware of data from Great Britain which suggests that problem gamblers are attracted to FOBTs. However, the FOBT issue is just one of a number of issues surrounding the development of gaming policy in Ireland. It is not something that I believe should be given greater prominence than others, such as for example, the challenges of remote gambling and the need to protect young people from getting sucked into a gambling culture.

In my answer to Parliamentary Question Number 932 of Wednesday 24th September last, I set out the terms of reference of the informal Cross-Party Committee to Review Gaming in Ireland. I am setting up this Committee following on from publication of the report of the Casino Committee, "Regulating Gaming in Ireland". I look forward to receiving the advice of the Committee in due course.

Departmental Budget.

15. **Deputy Simon Coveney** asked the Minister for Justice, Equality and Law Reform if he has identified areas in his Department in which he will cut spending; and if he will make a statement on the matter. [32784/08]

21. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform if cutbacks are planned in the services provided for or funded through his Department; and if he will make a statement on the matter. [32838/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 15 and 21 together.

The Deputies will be aware that the Government decided in July of this year that all Departments were required to yield up savings in their budgets to help address the very significant fall-off in State revenues. The amount to be saved by year-end in respect of the Justice Group of Votes i.e. Garda, Courts, Prisons, Property Registration Authority, as well as the Department itself is €8.7m. This saving, which amounts to 0.3% of the original budget for the year, will be realised through efficiencies and careful management of resources including the use of additional receipts primarily from the Courts Vote. In realising the savings in question, I am satisfied that the impact on services in the Justice sector, will be modest.

Garda Transport.

16. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the reason his Department did not seek a bulk discount when purchasing 700 Garda patrol cars,

as outlined in the Comptroller and Auditor General's recent report; and if he will make a statement on the matter. [32788/08]

35. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the criticism made in the annual report of the Comptroller and Auditor General regarding the fact that more than 200 Garda vehicles, purchased in 2006 at a cost of €3.8 million, were not put into service until 2008; if changes are planned to purchasing or commissioning procedures to prevent such a waste of public money and to ensure that vehicles are promptly brought into use; and if he will make a statement on the matter. [32871/08]

67. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the wastage of Garda resources, in terms of the vehicle fleet, identified by the Comptroller and Auditor General in his 2007 annual report; and if he will take steps, with the Garda Commissioner to ensure a more cost effective use of resources in the future. [32494/08]

92. **Deputy Kieran O'Donnell** asked the Minister for Justice, Equality and Law Reform the reason it took more than a year for Garda cars to be fitted out, as outlined in the Comptroller and Auditor General's recent report; the steps that have been taken to speed up this process; and if he will make a statement on the matter. [32790/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 16, 35, 67 and 92 together.

The provision of an additional €17m to the Garda transport subhead as part of the supplementary estimates process for 2006 enabled a significant additional purchase of Garda vehicles. As is standard practice, the supplementary estimate was submitted to and approved by the Oireachtas towards the end of the financial year when the likely outturn figures were known. Government cash accounting rules required the acquisition of the vehicles to be made towards the end of 2006.

The Garda Commissioner as Accounting Officer for the Garda Vote, has given a comprehensive response to the issues raised in the annual report of the Comptroller and Auditor General. He points out that the procurement, which utilised contracts in place by the Government Supplies Agency, represented the best value that could be achieved by the State in the circumstances that existed at that time. The main vehicle supplier has indicated to the Garda authorities that a bulk discount of the type suggested would not have been forthcoming in any event as they were already applying high volume discounts and delivering their lowest possible vehicle price under the contract. Garda Authorities also point out that the warranty period on the cars in question did not commence until they were actually put into service and that the date of purchase had no bearing on this. However, the Garda authorities acknowledge that with the benefit of hindsight the contract should have included a clause that would enable a sliding scale of discounts linked to volumes and will engage with the Government Supplies Agency to ensure such a clause is provided in future contracts.

The vast majority of the vehicles purchased were patrol cars to ensure high visibility policing. They required to be painted with the Garda livery and fitted with a range of equipment. The Garda authorities acknowledge that the purchase of such a large volume of vehicles placed a strain on the systems that were in place to fit-out the fleet at that time and that this experience would inform future approaches to vehicle purchases. Notwithstanding, over 630 of the vehicles were processed and issued by the end of 2007 and by the end of May 2008 the average age of

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fleet has decreased to 1.95 years compared to 3.28 years in September, 2006. While some opportunity costs were incurred in the manner in which this procurement took place the Garda authorities assure me that they expect the economic benefits of the extra €17m to accrue beyond 2011.

In order to ensure that the most cost effective and efficient operation of the fleet the Garda authorities have recently commissioned a fleet optimisation study which will examine all aspects of fleet purchase and management including the types of vehicles to be purchased, the deployment of these vehicles, fuel type, lifespan etc. The Garda authorities inform me that the study is expected to be completed by the end of this year.

Garda Divisions.

17. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 363 of 4 June 2008, the progress that has been made by the project boards established to reorganise the garda divisions in County Cork; and if he will make a statement on the matter. [32961/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The previous question related to the ongoing process of aligning Garda Divisional boundaries with Local Authority boundaries. This alignment makes sense, particularly in the context of the establishment of Joint Policing Committees, which are Local Authority-based. These changes were signalled in this year's policing plan.

I am advised by the Garda authorities that they are implementing the Divisional changes on a Regional basis. Immediate efforts are concentrated on completing the changes in the Eastern Region, with other Regions following on a short period behind. Accordingly, the majority of changes for the realignment of the Divisional boundaries in County Cork will begin to be progressed in the early part of 2009, and the details of the proposed changes are under consideration by a Garda project board. An exception will be the Ardmore sub-district, which is currently part of the Middleton District in the Cork North Division, and which will transfer to the Dungarvan District in Waterford as part of the realignment of the Waterford Divisional boundaries. This change is scheduled to go live on 1st January 2009.

Prison Committals.

18. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the circumstances which led to the imprisonment of a person (details supplied); and if he will make a statement on the matter. [32679/08]

159. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the circumstances which led to the imprisonment of a person (details supplied); and if he will make a statement on the matter. [32818/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 18 and 159 together.

Every person landing in the State, including the holder of a visa, is obliged, pursuant to the provisions of section 11 (2) of the Immigration Act, 2004, to furnish to an Immigration Officer such information in such manner as an Immigration Officer may reasonably require for the purposes of the performance of his or her functions. The fact that a visa is a permission to present at the frontiers of the State but does not guarantee entry to the State, was confirmed

by the High Court as recently as 23rd May 2008 (Emmanuel Omatayo James & Others — Minister for Justice Equality & Law Reform).

At section 4 of the Immigration Act, 2004, provision is made for an Immigration Officer to authorise a non-national to land in the State. Section 4(3) enumerates fourteen (14) circumstances in which an Immigration Officer, may, on behalf of the Minister, refuse to give a person a Permission to Land in the State. The circumstances, any one of which may give rise to a permission to land being refused, include, the fact that there is reason to believe that the non-national intends to enter the State for purposes other than those expressed by the non-national. About three thousand (3,000) persons are refused permission to enter the State at Dublin airport each year, representing 0.012% of the throughput of passengers using that airport. Clearly, therefore, the vast majority of travellers provide information and documentation to Immigration Officers, on arrival in the State, which enables those officers to conclude that the intended visitors should be permitted to enter the State.

Every effort is made by personnel at the Garda National Immigration Bureau to verify information supplied to them by persons making application for permission to enter the State. Personnel engaged in immigration control duties are tasked with detecting illegal immigration, with a view to protecting the State from terrorism and other forms of criminality, while processing millions of passengers. Every effort is made to fulfil this task in a courteous and efficient manner that causes the least possible inconvenience to everybody concerned. In the case of the person referred to by the Deputy, I am advised that the applicant seeking entry to the State claimed that he was visiting a named person that he identified first as his brother and then as a cousin. It subsequently emerged that the named person was not related to the applicant. This fact was established by the immigration officer when telephone contact was made with the named person. This was a significant factor in the Immigration Officer's decision.

The reality is that many individuals attempt to enter the State illegally by circumventing normal immigration procedures through deception or misrepresentation. In this regard it may be of interest to note that there was a case at Dublin Airport last July in which a person purporting to be a priest and who was wearing clothing typically worn by a cleric, was refused leave to land and subsequently admitted that he was not in fact a priest. Such deception is a global phenomenal that puts an onus on immigration authorities worldwide to strike a balance between the detection of illegal movements while at the same time facilitating the efficient throughput of passengers.

As regards the committal of the person concerned to Cloverhill Prison on 9 September I am informed that he was processed through reception in line with standard practice. He would not have been in the line of sight of anyone other than prison officers searching him. He was also treated in accordance with Irish Prison Rules. Such searching is entirely appropriate and necessary to ensure the security and safety of the prison and the health and safety of the individual concerned. In line with Standard Operational Procedures, the individual was seen on Landing D1 on the morning of 10 September as a new committal. I also understand that the records indicate that the Rules and Regulations were explained to him and a phone card application was issued. No complaints were recorded. The person concerned also received two visitors while in Cloverhill Prison and was discharged into the custody of the Garda National Immigration Bureau on the evening of 10 September 2008.

While I appreciate that the person concerned may have been very distressed by these events, I am satisfied that both the Immigration and Prison authorities fully complied with all the necessary legal and administrative procedures in their handling of this case. I am also satisfied that the individual was treated with courtesy and respect at all times. I am satisfied, having regard to the multitude of passengers that pass through our ports annually (25 million in Dublin

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Airport alone) that the Irish Immigration authorities strenuously work to achieve that balanced but effective approach.

Departmental Budget.

19. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the way in which he plans to achieve a reduction of 3% in payroll costs for his Department, as announced in July 2008; if it is intended to effect reduction in staffing levels in his and his Ministers of State's private or constituency offices arising from the requirement to achieve a reduction of 3% in payroll costs; and if he will make a statement on the matter. [32833/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): While the precise impact of the 3% payroll cut for my Department and its agencies will be decided in the context of the Estimates for 2009, it is clear at this stage that the required payroll cut cannot be achieved without an adjustment to staff numbers. In that regard, it is to be expected that a significant proportion of the required savings will be achieved through the non-filling of vacancies arising from retirements, resignations, transfers etc. The impact on my private and constituency offices or those of my colleague, the Minister of State for Integration, will only emerge over time. However, it is worth saying that these offices account for a very small proportion of the total staff in my Department and the contribution that they can make to the overall savings required is extremely limited.

Prison Committals.

20. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the percentage of the Irish prison population who are in prison as a result of the non-payment of fines; and if he will make a statement on the matter. [32776/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can advise the Deputy that on 26 September, 2008 there was a total of six persons in prison custody held solely on foot of a warrant ordering their imprisonment in default of the non-payment of a fine. The total number of persons in custody on that date was 3,576 meaning that the percentage of prison population in custody for this reason equated to 0.17% of the prison population. Two of these persons were in custody in the Midlands Prison with one person in each of Mountjoy Prison, the Dochas Centre, Loughan House and Castlerea Prison. These persons were in custody for offences including drunken driving, no insurance and failing to make income tax returns. As the above figures indicate, the number of prisoners in this category remains low and this information should dispel any notion that our prisons contain many persons in custody for not paying fines.

Question No. 21 answered with Question No. 15.

Tribunals of Inquiry.

22. **Deputy Shane McEntee** asked the Minister for Justice, Equality and Law Reform his plans to seek an interim report from the Smithwick tribunal; and if he will make a statement on the matter. [32791/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Smithwick Tribunal was established in May 2005 pursuant to the Tribunals of Inquiry (Evidence) Acts 1921-2002, to enquire into suggestions that members of the Garda Síochána or other employees of the State colluded in the fatal shootings of RUC Chief Superintendent Harry Breen and

RUC Superintendent Bob Buchanan in 1989. The Tribunal was established by the Oireachtas arising from the Weston Park Agreement between the Irish and British Governments in 2001. The Tribunal is chaired by Judge Peter Smithwick.

The Tribunal Chairman is independent in his functions in accordance with the provisions of the Act. The terms of the Resolutions of Dáil Éireann and Seanad Éireann and the Regulation establishing the Tribunal provide for the submission of interim reports to the Clerk of the Dáil. I have no doubt that the Tribunal is fully cognisant of the need to fulfil its mandate as expeditiously as possible.

Sex Offender Treatment Programme.

23. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if he is satisfied that treatment for sex offenders in Irish prisons is effective; if measures are in place to ascertain the effectiveness of such treatment; and if he will make a statement on the matter. [32780/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The question of treatment for sex offenders in custody is not straightforward and cannot be viewed in isolation. Supports within the community on release can be equally vital to ensuring sex offenders do not re-offend. While the weight of opinion is that cognitive-behavioural approaches to the treatment of sexual offenders show the most promise, not all offenders are amenable to such treatment and unless properly motivated the chances of success with an offender are limited. Even if it were legally possible, there is no gain in forcing offenders to attend such treatment against their will.

A Group involving my Department, the Garda Síochána, the Irish Prison Service and the Probation Service has been established to review the existing arrangements for the management of sex offenders. That review will include the question of treatment and supervision. Three main forms of direct therapeutic intervention for sex offenders currently operate within the Irish prison system. These are as follows:

- Group programmes, an intensive version of which has been in operation since 1994 and is currently under review,
- Individual counselling from the Irish Prison Service's Psychology Service and from the Probation Service, and
- One to one interventions by visiting psychiatrists who provide support to prisoners.

The intensive programme has catered for eight offenders at a time, taking eleven months to complete. Although delivered in Arbour Hill Prison, it has been available to sex offenders in other prisons. A total of 136 sex offenders have completed the sex offender programme to date. The most recent group completed the programme in July 2008.

However, the number of suitably motivated offenders applying for participation on the programme has declined significantly in recent years and this has been a matter of increasing concern. In light of this and in an attempt to engage more sex offenders in appropriate interventions, the Irish Prison Service has initiated a review of interventions currently available. The review will be completed by the end of the year, with new enhanced models of intervention being introduced in January 2009. The Irish Prison Service is also finalising a new Sex Offender Management Policy which examines all aspects of sentence management and resettlement of imprisoned sex offenders.

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One-to-one counselling is also a critical method of working with offenders in relation to their sexual offending. In response to such counselling many offenders, who initially might deny responsibility for their crime or deny any need for treatment, are motivated towards some process of change. In 2008 to date, 61 sex offenders have engaged in one-to-one counselling and other interventions with the Psychology Service. The Probation Service also engages with prisoners on a one-to-one basis. Every effort continues to be made to assist sex offenders in custody who are willing to participate at any level in rehabilitation and relapse prevention. Staff levels in the Psychology Service have doubled since 2004 and are now at an all-time high. Further expansion is taking place, with recruitment of one Psychologist and three Psychology Assistants under way.

Garda Recruitment.

24. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will bring forward legislative or policy provisions to reverse the blanket ban on diabetics joining An Garda Síochána and to introduce a clear system whereby every applicant or serving member with diabetes can be individually assessed and if possible accommodated to ensure that no fully trained member is unnecessarily limited in the duties they are allowed to undertake. [32491/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Commissioner that there is no blanket ban on persons with diabetes joining An Garda Síochána. Entry to An Garda Síochána is governed by the Garda Síochána (Appointment and Admission) Regulations 1988 as amended. Regulation 5(1) (b) of the said regulations state, inter alia: The Commissioner shall not admit a person as a trainee unless—

The person is certified by the Surgeon of the Force to be in good health, of sound constitution and fitted physically and mentally to perform duties of An Garda Síochána.

Departmental Budget.

25. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he intends that the 3% reduction in payroll costs will apply to An Garda Síochána; if an assessment has been carried out of the expected impact of such a cut on Garda levels and policing arrangements; and if he will make a statement on the matter. [32834/08]

57. **Deputy Dinny McGinley** asked the Minister for Justice, Equality and Law Reform if he will ensure that front-line Garda activity will not be subjected to budgetary cuts; and if he will make a statement on the matter. [32783/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 25 and 57 together.

The estimates process for 2009 is ongoing and discussions are taking place between my Department and the Department of Finance on the overall Justice sector allocations including those for the Garda Síochána. Accordingly, it would be premature to comment at this stage in relation to the impacts for 2009 until the final position is known. I am, however, advised by the Garda authorities that priority will continue to be placed on front-line operational policing in 2009.

Organised Crime.

26. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of organised crime gangs operating here; his proposals to bring their activities to an immediate stop; and if he will make a statement on the matter. [32955/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda authorities that there are two categories of organised crime groups operating in this jurisdiction. The first category consists of individuals/groups that are well established and tightly structured involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and criminal activities which are mainly confined to Ireland. The membership of organised gangs tends to be fluid and the nature of criminal activity is such that offences committed by members of gangs may or may not be connected with the individual's membership of such gangs. It is therefore not possible, without the expenditure of an inordinate amount of time and resources, to attribute specific figures to the membership or activity of such gangs.

Organised criminal gangs operating in this jurisdiction are targeted on an ongoing basis and profiles regarding the personnel of such groups are continually updated. Their members, operating methods, criminal interests and financial assets are likewise proactively targeted. Intelligence-led operations, primarily undertaken by specialist units of An Garda Síochána under the remit of Assistant Commissioner, National Support Services, are regularly undertaken, targeting those suspected of being involved in Organised Crime. These specialist units include the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit and the Criminal Assets Bureau.

An Garda Síochána maintains liaison with other law enforcement agencies throughout Europe, and elsewhere, exchanging information and intelligence on Irish criminals living abroad. This ongoing liaison has led to a number of successful joint operations, targeting attempted importations of drugs and firearms, resulting in a number of significant arrests here and in other jurisdictions. Where intelligence, supported by evidence is available, law enforcement agencies in other jurisdictions put operations in place, as appropriate, to prevent and detect such criminality.

Where information exists that a person, who is wanted in relation to a particular crime in this jurisdiction is living abroad and where the particular legal requirements apply, extradition is sought or an application is made for a European Arrest Warrant. Where there is justification and a legal basis, those suspected of involvement in criminal activity are arrested, detained and questioned in relation to specific crimes. A member of An Garda Síochána must, at all times, have reasonable grounds to believe that an individual has been involved in criminal activity before they can arrest and question any person in relation to criminality.

Ireland is a party to various International Conventions which provide for assistance in criminal matters between jurisdictions. An Garda Síochána send and receive requests for assistance via the Central Authority for Mutual Assistance at the Department of Justice, Equality and Law Reform. Requests for Assistance may also be dealt with on the basis of reciprocity where certain jurisdictions may not be a party to specific conventions. As the Deputy will be aware, the Garda authorities established an Organised Crime Unit on a temporary basis in November 2005 to target organised criminal gangs. The Garda Commissioner established the Unit on a permanent basis in January 2008 and it now has a complement of seventy officers. A review of its activities and strength is ongoing.

Since its establishment, the Organised Crime Unit has pro-actively targeted criminal gangs engaged in diverse types of criminality which transcend the organisational and divisional

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boundaries of An Garda Síochána. The main forms of criminality being committed by these gangs include armed robberies, hi-jacking of valuable loads and commodities, warehouse robberies/burglaries, ‘tiger’ kidnappings, cash-in-transit robberies, bank robberies involving firearms and the importation of large quantities of controlled drugs. Through focused, intelligence-led operations, success has been achieved and the activities of many of the organised crime groups have been disrupted. A number of persons suspected of involvement in this type of criminality have been apprehended on serious charges with many before the courts facing lengthy sentences.

The Organised Crime Unit has taken the lead role in targeting organised criminal gangs in conjunction with the assistance of other national units. The unit’s primary functions are as follows:

- To identify organised crime groups that operate within the State through increased profiling, intelligence gathering, overt and covert surveillance and threat assessments
- To develop intelligence on highly organised and professional groups of criminals involved in serious crime and whose operations transcend district/divisional and regional boundaries.
- To develop intelligence and information supplied by confidential sources on major targeted criminals.
- To liaise with the National Criminal Intelligence Unit in developing intelligence and information from all sources in relation to serious and organised criminal groups.

The Organised Crime Unit will continue to work closely with the other specialist units, including the Garda National Drugs Unit, the National Bureau of Criminal Investigation, the Special Detective Unit and the Emergency Response Unit in targeting those suspected of involvement in organised criminal activity. I can assure the Deputy that Garda management are keeping the issue of the activities of criminal gangs under review with a view to ensuring that a robust and effective law enforcement response is in place to counter illegal activities.

Garda Investigations.

27. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform if he has received a report in respect of the proliferation of pipe bomb attacks in the greater Dublin area; and if he will make a statement on the matter. [32797/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that An Garda Síochána are actively investigating recent incidents involving the use of pipe bombs by organised criminal gangs in the greater Dublin area. I am further informed by the Garda authorities that Garda strategies in responding to incidents involving pipe bomb attacks in Dublin are firmly focused on disrupting these groups and, where sufficient evidence is adduced, proffering charges and bringing such persons before the Courts. Investigations are ongoing in all such incidents. The Commissioner is keeping me and officials of my Department apprised of developments and progress in the ongoing investigations.

Joint Policing Committees.

28. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform if funding has been ring-fenced to facilitate the creation of the promised joint policing committees; and if he will make a statement on the matter. [32785/08]

44. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if additional funding will be made available to ensure the effective operation of the joint policing committees in view of the fact that they are increasing in number from 29 to 114. [32493/08]

76. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform his plans to commit funding to new initiatives by county councils to combat anti-social behaviour; the funding involved; and if he will make a statement on the matter. [32814/08]

80. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the primary steps taken by the joint policing committees established under a pilot scheme to combat crime; and if he will make a statement on the matter. [32786/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 28, 44, 76 and 80 together.

On 24 September I launched, with my colleague the Minister for the Environment, Heritage and Local Government, the roll out of the Committees from the initial pilot phase in 29 local authority areas to all 114 local authority areas. I strongly believe that the Committees meet an identified need and have great potential to contribute to preventing and tackling crime in their areas. An Garda Síochána and the relevant local authorities will now commence establishing the Committees in accordance with new Guidelines in local authority areas where there are not yet Committees. The necessary steps will take a certain amount of time, since there will be a process to select the Committee members from the local authority, the Oireachtas and the community and voluntary sector.

In accordance with the Guidelines, some funding to support the work of the Committees may be available from my Department and the Department of the Environment, Heritage and Local Government, in the context of the budgetary situation and the Estimates provisions. In providing any support, priority would be given to the training and development of Committee members. However, it is envisaged that by and large each agency involved will meet their expenses from within their own budgets.

The Committees established in the pilot phase have generally focused on particular problems arising in their areas, such as anti-social behaviour, including alcohol-related behaviour, and attacks on persons and property. They have discussed the response of An Garda Síochána and the local authority to these problems and what further steps might be taken to address these problems. Committees have also arranged and hosted public meetings on matters concerning the policing of the local authority's area.

Fathers' Rights.

29. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform if he has commissioned research on the issue of fathers' rights; and if he will make a statement on the matter. [32807/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have not commissioned research on the specific issue of fathers' rights. The relaxation of the in camera rule in family law proceedings has facilitated the flow of information on the operation of the law in the family law courts. The Civil Liability and Courts Act 2004, allows for preparation of reports in family law proceedings while continuing to respect the confidential nature of family law cases. The Civil Liability and Courts Act 2004 (Section 40(3)) Regulations 2005 (S. I. No. 337 of 2005) allow certain classes of persons — namely family mediators, researchers nominated by specified academic institutions and persons engaged by the Courts Service — to attend

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family court sittings, subject to Ministerial approval, in order to draw up and publish reports on general trends and information relating to family law cases.

In addition, in October 2006 the Courts Service launched their Family Law Reporting Project and engaged a family law reporter on a pilot basis, to record and produce reports on family law proceedings. Five reports have been published under the project to date. The reports provide invaluable family law reports, judgments, trends and other statistical information. The Courts Service Family Law Reporting Project, alongside other academic research currently in progress, is the start of a flow of information, and the accumulation of a body of data, on family law cases, including on the operation of the law with respect to fathers rights, which will assist future policy formulation in the family law area.

Public Order Offences.

30. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform the cross-departmental work he has engaged in with the Department of the Environment, Heritage and Local Government with a view to addressing anti-social behaviour; and if he will make a statement on the matter. [32809/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I attach a high priority to the combating of anti-social behaviour. One of the priorities set for An Garda Síochána for 2008 under section 20 of the Garda Síochána Act 2005 is to combat, particularly in cooperation with other agencies and the community generally, the problems of public disorder with particular emphasis on alcohol related behaviour (including underage drinking) and socially disadvantaged communities especially through utilisation of the legal mechanisms being made available. My Department and the Department of the Environment, Heritage and Local Government consult at the highest level on an ongoing basis in relation to matters in which both Departments have responsibilities. These include anti-social behaviour and related provisions in housing legislation.

Joint Policing Committees provide a forum where An Garda Síochána and the local authority — the two organisations which make the most significant contribution to preventing and tackling crime in a specific area — can get together in a regular and structured way, with the participation of members of the Oireachtas and community and voluntary interests, to consult with each other, discuss and make recommendations on matters affecting the area. On 24 September I launched, with my colleague the Minister for the Environment, Heritage and Local Government, the roll out of the Committees from the current pilot phase in 29 local authority areas to all 114 local authority areas.

The Guidelines to enable the roll-out to take place were drawn up in close consultation with the Department of the Environment, Heritage and Local Government and other stakeholders, including in the local authority sector. The Guidelines for the initial pilot phase of the Committees were also drawn up in close consultation with the Department of the Environment, Heritage and Local Government. An Garda Síochána and the relevant local authorities are now commencing establishing the Committees in accordance with new Guidelines. I strongly believe that the Committees meet an identified need and have great potential in strengthening partnerships.

CCTV schemes are a strong deterrent in fighting crime and anti-social behaviour. Community based CCTV assists local communities in contributing to fighting crime and anti-social behaviour. My Department is therefore operating the Community-based CCTV Scheme, which operates closely with local authorities. An Garda Síochána are also driving forward the estab-

ishment of interagency activities against anti-social behaviour, including the deployment of CCTV in urban areas.

Drug Seizures.

31. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform his views on whether recent figures showing that there were more than 10,000 registered heroin addicts here reflects the continued widespread availability of heroin; the additional measures he is taking to cut off the supply of heroin; and if he will make a statement on the matter. [32840/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that the number of cases involving heroin and the volume of heroin seized by An Garda Síochána for the years 2004, 2005, 2006 and 2007 are as set out hereunder:

Year	Cases	Volume
2004	612	26.4 Kgs
2005	725	32.2 Kgs
2006	1115	128.0 Kgs
2007	1444	117.8 Kgs

In terms of availability, while heroin still predominates in the greater Dublin area, seizures are recorded in each Garda region throughout the State. The recent publication by the Health Research Board which indicated that over 10,000 individuals are seeking treatment for heroin addiction partially reflects both the increases available in treatment services and the extent of heroin use.

In terms of responding to the availability of heroin in particular, An Garda Síochána tackles this problem in a number of ways including:

1. targeting individuals and organisations involved in the trafficking and distribution of heroin.
2. working with international agencies in targeting organised criminal groups involved in the international drug trade.
3. working closely with the Customs and Naval Services in preventing drugs from entering the jurisdiction.
4. targeting the distribution of heroin through the work of the Garda National Drugs Unit and the ongoing work of Divisional and District Drug Units.

As I am sure the Deputy appreciates, drug misuse remains one of the most complex social ills faced globally. While our drug law enforcement response is of course a vital feature of our overall response in addressing the issue, we cannot just look at the issue from a supply reduction perspective only. We must examine the drugs problem in the wider context in which it takes place and take cognisance of the fact that the demand for and the use of illegal drugs is what fuels the drugs trade. The measures that we have in place to address the problem must take account of this.

The Government remains resolutely committed to tackling the problem through our current National Drugs Strategy 2001-2008. The National Drugs Strategy addresses the problem under pillar headings of education and prevention, supply reduction, treatment and rehabilitation and research and is firmly founded on the principle that drug misuse needs to be addressed in an

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integrated manner across these headings through a cooperative approach involving the statutory, community and voluntary treatment sectors.

The Department of Community, Rural and Gaeltacht Affairs, under the stewardship of my colleague and Minister of State Mr. John Curran, T.D., is the lead Government Department in co-ordinating the implementation of the National Drugs Strategy and is currently overseeing the process of developing our new Strategy for the years 2009 to 2016. This work, which involves a wide-ranging consultative process in which my Department is actively participating, will fully inform the development of our new Strategy. My Department's remit in this area, while not exclusively, lies primarily in the area of drug supply reduction. Drug law enforcement remains a key feature of the Government's drug policy framework. The work of An Garda Síochána will continue with strategies to tackle organised crime and drug trafficking primarily through the use of specialist units and targeted intelligence led operations.

I am advised by Garda management that in addition to the considerable volumes of drugs seized, significant impact was made during 2008 in arresting and prosecuting a number of major players involved in drug trafficking and involved in the importation, sale and distribution of drugs. A significant number of crime gangs involved in this type of criminal activity have been disrupted and dismantled. To further assist in our law enforcement efforts against drug trafficking, a number of new initiatives have been recently introduced. Some examples of this includes the following:

The establishment in January 2008 of the Organised Crime Unit on a permanent footing with full time staff assigned to it. The Unit now has a personnel strength of seventy officers and in conjunction with the Garda National Drugs Unit and local Gardaí, will continue to implement initiatives such as Operations Anvil and Oak which target criminals involved in the trafficking of drugs.

The Maritime Analysis and Operations Centre (Narcotics) MAOC(N) in Lisbon, of which Ireland is a founding member. The Centre has the specific objective of intercepting narcotic shipments, in particular cocaine, to the European Union from Latin America.

A number of provisions introduced in the Criminal Justice Acts 2006 and 2007 have provided for further measures which will enhance the powers of the Gardaí in the investigation and prosecution of drug offences.

I can assure the Deputy that I will continue to keep the measures and resources for tackling all forms of drug trafficking under review. The enforcement of the law relating to drugs continues to be a key element in the Government's policing priorities and this is reflected in An Garda Síochána's Policing Plan for 2008.

Proposed Legislation.

32. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform his plans regarding the creation of a DNA database; and if he will make a statement on the matter. [32805/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Criminal Justice (Forensic Sampling and Evidence) Bill is on the "A" list of the Government Legislation Programme for this session. A central element of this Bill will be the establishment of a DNA database for the purposes of criminal investigations and the identification of missing persons or unknown deceased or seriously ill persons. Drafting of the Bill is progressing and I expect to be in a position to publish the Bill during this session.

Garda Deployment.

33. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform the number of civilian personnel employed in Garda barracks; the additional number he will employ in order that trained gardaí can be released to undertake the duties for which they have been trained; and if he will make a statement on the matter. [32877/08]

85. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the progress made regarding the implementation of the civilianisation programme within An Garda Síochána; the number of posts within the Garda which in 2002 were occupied by full members of the Garda and which are today held by civilians; and if he will make a statement on the matter. [32865/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 33 and 85 together.

I am informed by the Garda Commissioner that on 31 December 2002 the whole time equivalent figure for the number of civilians employed in An Garda Síochána was 1,775. The corresponding number as of 31 August 2008 was 2,003 which represents 2,592 employees. At 31 August 2008 the whole time equivalent number of clerical and administrative civilian staff employed in Garda Stations throughout the country was 1,059. The significant increase in the number of civilians employed throughout the force has been as a result of additional posts being created in the administrative, technical and professional areas.

It is important to note that civilianisation does not necessarily imply the direct replacement of Gardaí with civilians, but that it can take a number of forms. Firstly, there is the replacement of sworn members who are engaged in exclusively clerical, administrative or technical duties, with civilian staff. Secondly, there is the use of civilian support which allows sworn members who would otherwise have to perform some administrative duties to focus exclusively on front-line policing duties. Thirdly, there is the recruitment of civilians to perform new or expanded administrative, managerial and professional support roles in An Garda Síochána. On this account, and because of the significant restructuring of roles, functions and business areas that has taken place at all levels of An Garda Síochána since 2002, it is very difficult to quantify the exact number of posts which, in 2002, were occupied by sworn members but which today are held by civilians. Furthermore, such an exercise would not reflect the full extent and impact of the Garda Síochána civilianisation programme to date.

Strategic planning of the next phase of the civilianisation programme is well underway. Arising from recommendation 3.21 of the third report of the Garda Inspectorate, the Commissioner has established a working group to review the potential for further civilianisation and to develop an integrated strategy for future civilianisation in the Garda organisation. This group is expected to report in late 2008.

Proposed Legislation.

34. **Deputy Michael D’Arcy** asked the Minister for Justice, Equality and Law Reform his plans for legislative initiatives in the area of fathers’ rights; and if he will make a statement on the matter. [32808/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is already extensive legislative provision with respect to fathers in the family law code. Under the law as it stands, married parents living together are joint guardians and custodians of their child. If they separate, the custody is normally with the parent with whom the child is intended to

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reside, but the other parent still remains a guardian. An unmarried father may apply to the court to be appointed a guardian of his child.

Alternatively, where there is agreement between the parents, they can make a statutory declaration under section 2(4) of the Guardianship of Infants Act 1964, as inserted by section 4 of the Children Act 1997, appointing the father as a guardian of his child, without having to go to court. Section 11 of the Guardianship of Infants Act provides that the guardian of a child or the unmarried father of a child, even if he is not a guardian, may apply to the court for its direction on any question affecting the welfare of the child, including orders on custody and access. In making such orders and, in determining whether an unmarried father should be appointed guardian, the court has to regard the welfare of the child as the first and paramount consideration.

Where appropriate and practicable, the court will also take into account the child's wishes in the matter having regard to the age and understanding of the child. In addition, the law now places an emphasis in terms of recognising the rights of the child to the society of both his or her father and mother: Section 11D of the 1964 Act (inserted by the Children Act 1997) obliges the court in proceedings relating to the welfare of a child to consider whether the child's best interests would be served by maintaining personal relations and direct contact with both his or her father and mother on a regular basis. These legislative provisions are comprehensive. They permit the court in cases of disagreement to decide on arrangements for the child's care and upbringing having regard to the child's best interests.

Question No. 35 answered with Question No. 16.

Public Order Offences.

36. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform his views on the increase of almost 60% in the number of public order offences between 2003 and 2007; the steps he is taking to reduce the number of such offences; and if he will make a statement on the matter. [32845/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is the nature of many public order offences that they are recorded and detected only because of the presence of Gardaí. I am informed by the Garda Commissioner that the increase in the number of public order offences detected reflects the significant increase in the level of Garda activity in this respect, in particular under Operation Encounter.

Operation Encounter was commenced by the Commissioner in February 2002. The operation specifically targets offences contrary to the Criminal Justice (Public Order) Act 1994 and the Intoxicating Liquor Act 1988, which include the sale and consumption of alcohol by underage persons. All members of An Garda Síochána proactively target public disorder and anti-social behaviour. Areas subject to such behaviour have been identified as hot-spots by local Garda management and additional foot and mobile patrols are directed at these areas during times when these offences are more likely to occur. All such incidents detected by members on patrol or reported to An Garda Síochána are dealt with immediately and the suspected offenders are dealt with in accordance with the law. Over 500,000 offences have been detected since the commencement of Operation Encounter.

One of the policing priorities set for An Garda Síochána for 2008 under the Garda Síochána Act 2005 is to combat, particularly in cooperation with other agencies and the community

generally, the problems of public disorder with a particular emphasis being placed on alcohol related behaviour (including under age drinking) and socially disadvantaged communities. Strong provisions are already in place to combat anti-social behaviour. The Criminal Justice (Public Order) Act 1994 modernised the law in this regard. Furthermore, the Intoxicating Liquor Act 2003 contains provisions to deal with alcohol abuse and its effect on public order. In addition, the Criminal Justice (Public Order) Act 2003 provides the Garda with powers to deal with late night street violence and anti-social conduct attributable to excessive drinking. The Intoxicating Liquor Act 2008 gives further powers to the Gardaí to tackle misuse of alcohol which is often at the root of crime and anti-social behaviour.

I have signed Regulations enabling further public order provisions of the Intoxicating Liquor Act 2008 to come into operation. The Act places restriction on the availability and visibility of alcohol and provides for more effective enforcement to deal with the consequences of alcohol abuse. These provisions also allow for the issue of fixed charge notices for the offences of intoxication in a public place and disorderly conduct in a public place, which are offences under sections 4 and 5 of the Criminal Justice (Public Order) Act 1994. The Criminal Justice Act 2006 also enacted provisions to combat anti-social behaviour by adults and children. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children.

I am informed by the Garda authorities that from 1 January, 2007 to 30 September, 2008, 868 behaviour warnings were issued to adults and from 1 March, 2007 to 30 September, 2008, 491 behaviour warnings were issued to children. There have been ten formal good behaviour contracts agreed with children in the period 1 March, 2007 — 31 August, 2008.

In addition to the criminal law, a wide range of initiatives is in place to get at the root causes of this type of behaviour. The Garda Juvenile Diversion Programme has proven to be highly successful in diverting young persons away from crime by offering guidance and support to juveniles and their families. Under the provisions of the Children Act, 2001 the Programme has a statutory basis. Garda Youth Diversion Projects are community-based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved, or further involved, in anti-social or criminal behaviour. There are currently 100 projects operating throughout the country.

More broadly, a number of reforms have taken place in recent years to bring about a more effective youth justice system and these have been enshrined in legislation in the Children Act 2001, as amended. The Act is based on the principles of diversion from crime and anti-social behaviour, restorative justice, the expanded use of community-based sanctions and measures by the courts. Joint Policing Committees are provided for in the Garda Síochána Act 2005. On 24 September, I launched, with my colleague the Minister for the Environment, Heritage and Local Government, guidelines for roll-out of the committees to all 114 local authorities. As a result, a Committee will be established in each local authority in the country where a Committee had not already been established under the initial pilot phase. I believe that, over time, the committees will make an enormous contribution to keeping our communities safe. They represent a partnership between the people, through their representatives, and An Garda Síochána in preventing and tackling crime and anti-social behaviour.

37. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the number of persons, broken down between children and adults, given anti-social behaviour warnings since the new system came into operation on 1 January 2007; the number of anti-

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social behaviour orders sought in the same period; and if he will make a statement on the matter. [32859/08]

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 from 1 January 2007 to 30 September 2008, 868 behaviour warnings were issued to adults and from 1 March 2007 to 30 September 2008, 491 behaviour warnings were issued to children. There have been ten formal good behaviour contracts agreed from 1 March 2007 to 31 August 2008. In setting up the scheme in the Criminal Justice Act 2006, 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, they will culminate in an order being sought by the Garda authorities from the courts. The number of civil orders (adult) and behaviour orders (child) sought by members of An Garda Síochána during the periods in question is currently being researched. I will contact the Deputy when the information is available.

Proposed Legislation.

38. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform if legislation is being prepared to regulate the operation of casinos here; and if he will make a statement on the matter. [32875/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I published the Report Regulating Gaming in Ireland on 10 July last. The Report makes some 32 recommendations that have significant public policy implications regarding the future architecture of many aspects of gaming and betting in Ireland, including the issues surrounding the operation and regulation of casinos. As I said on the publication of the Report, we need to get things right in relation to our gaming and betting codes. In particular I want to ensure that betting and gaming activities are carried out within a responsible framework that recognises the reality of these activities, but which ensures they are properly managed, particularly as regards problem gamblers. I published the Report with the intention of setting up an informal Cross-Party Committee which is to be asked to examine all aspects of gaming in Ireland and I allowed the Summer Recess for all parties to familiarise themselves with the contents of the Report.

In my answer to Parliamentary Question Number 932 of Wednesday 24 September last, I set out the terms of reference of the Cross-Party Committee which I am setting up in order to reflect on and review the Report "Regulating Gaming in Ireland". This Report deals comprehensively with the issues surrounding the proliferation of private members' clubs offering a

casino-style experience and the options for introducing regulation. I believe that the establishment of the informal Committee represents the best opportunity for identifying options for consideration by Government on the many complex inter-related issues in this area. It is an approach that offers the best guarantee that the interests of all elements in our society are taken into account from the beginning in an area of important public policy. I look forward to receiving the advice of the Committee in due course.

Garda Reserve.

39. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Reserve recruited to date; the stations to which they have been allocated; the number of applicants for the Reserve currently in training; if he is satisfied with the rate of recruitment; when he expects that the full complement of 1,500 will be in place; and if he will make a statement on the matter. [32858/08]

47. **Deputy Andrew Doyle** asked the Minister for Justice, Equality and Law Reform his plans to review the operation of the Garda Reserve; and if he will make a statement on the matter. [32769/08]

89. **Deputy Andrew Doyle** asked the Minister for Justice, Equality and Law Reform if the operation and function of the Garda Reserve is being benchmarked against similar reserves in other countries; and if he will make a statement on the matter. [32770/08]

90. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on the effectiveness of the Garda Reserve since its introduction; and if he will make a statement on the matter. [32768/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 39, 47, 89 and 90 together.

I believe that the establishment of the Garda Reserve is one of the most imaginative innovations in policing in Ireland in recent years. It has strengthened the links between An Garda Síochána and local communities and is a source of local support and knowledge. Full-time and Reserve members are working well together. I believe that the positive impacts made since the establishment of the Reserve in late 2006 bode well for the future of the force. Research into the operation and function of reserve police in other countries was carried out prior to the establishment of the Garda Reserve. This international research included visits to police forces in the UK, establishing contacts with people in other countries such as the USA and Canada, and the sourcing of information from other countries on the subject. This ensured that the establishment and operation of the Garda Reserve was in line with the best international standards.

An operational review of the Garda Reserve was carried out by the Garda Commissioner earlier this year which is currently being considered by him. At 30 September 2008, there were 254 attested Reserve Gardaí and 157 Reserve trainees. The 254 attested members currently operational are assigned to the following stations:

Dublin Metropolitan Region

Pearse St, Kevin Street, Kilmainham, Donnybrook, Store St, Bridewell, Fitzgibbon Street, Clondalkin, Finglas, Lucan, Ballyfermot, Blanchardstown, Ronanstown, Santry, Raheny,

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Swords, Clontarf, Coolock, Ballymun, Balbriggan, Malahide, Howth, Crumlin, Sundrive Road, Rathmines, Terenure, Tallaght, Rathfarnham, Dun Laoghaire and Blackrock.

Cork

Mayfield, Gurrabraher, Midleton, Fermoy, Anglesea Street, Watercourse Road and Togher.

Other Regions

Sligo, Galway, Henry Street Limerick, Ennis, Tralee, Waterford, Tramore, Kilkenny, Wexford, New Ross, Gorey, Enniscorthy, Arklow, Wicklow, Bray, Newbridge, Baltinglass, Naas, Carlow, Clonmel, Cahir, Carrick on Suir, Tipperary town, Thurles, Cavan town, Monaghan town, Drogheda, Dundalk, Kells, Navan, Castlebar, Westport, Ballina, Mullingar, Longford, Letterkenny, Tullamore, Portlaoise and Roscommon.

The Agreed Programme for Government has set a target strength for the Reserve at 10% of the full-time strength of the force. In the Annual Policing Plan for 2008 the Garda Commissioner has set a target of recruiting 270 Reserve members this year. To date this year 147 people have been recruited. As the Garda Reserve depends on volunteers who undertake their training and other duties during their free time, it is difficult to predict how many people will commence training in any particular period. However I can assure the Deputy that the Garda Commissioner is making every effort to reach the recruitment target. Recruitment is ongoing and the Public Appointments Service (PAS) has received 2,843 new applications to join the Reserve already this year up to end August. The PAS hold interviews on a rolling basis at a range of locations around the country. The ongoing marketing campaign to recruit members to the Garda Reserve includes indoor and outdoor advertising campaigns and radio and TV promotional interviews nationally and locally.

Liquor Licensing Laws.

40. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform his views on the fact that restaurants can be subject to prosecution for serving wine to their customers with meals on Good Friday; if he will introduce amendments to the Licensing Acts to reform the law in this area. [32684/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The position is that the Government Legislation Programme provides for publication of the Sale of Alcohol Bill later this year. This Bill will modernise and streamline the laws relating to the sale and consumption of alcohol, including provisions relating to the sale and consumption of alcohol in restaurants, by repealing the Licensing Acts 1833 to 2008, as well as the Registration of Clubs Acts 1904 to 2008, and replacing them with updated and streamlined provisions.

Crime Levels.

41. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of gun murders recorded since the beginning of 2008; the steps he is taking to reduce the number of such gun murders, particularly those which are believed to involve criminal gangs; and if he will make a statement on the matter. [32828/08]

73. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to date in 2008; the number of such cases in which prosecutions for murder were initiated; the number of such cases where convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [32853/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 41 and 73 together.

The table contains the number of cases of murder recorded in which firearms were used, the number of prosecutions initiated and the number of convictions secured in each year from 1998 to 2007 and in 2008 up to 30 September. Figures provided for 2008 are provisional, operational and liable to change. One of the main priorities set for the Garda Síochána under the Garda Síochána Act is to target gun crime, organised crime and drug trafficking through a range of measures, including the use of the Garda specialist units and targeted operations such as Operation Anvil.

An Garda Síochána meet this task by strategic actions, including in particular continuous and intensive intelligence led operations against groups and individuals engaged in such illegal activity. Available intelligence is fully analysed and used in the strategic deployment of both local and specialised operational Garda units in targeting persons and groups. It is used in carrying out searches and arrests aimed at both preventing attacks and apprehending persons suspected of being involved in such attacks. Profiles regarding the personnel of organised criminal gangs are continually updated.

The Garda Commissioner has established, on a permanent basis, the Organised Crime Unit, with the specific objective of targeting those suspected of involvement in organised crime, including drug trafficking, importation, sale and supply. Similar operations are undertaken by Garda specialist units, including the National Bureau of Criminal Investigation, the Garda National Drugs Unit and the Criminal Assets Bureau. Operation Anvil commenced in the Dublin Metropolitan Region in May, 2005 to deal with this type of serious crime and was extended nationwide in 2006. The primary focus of the Operation is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt, visible patrolling and static checkpoints by uniform, mobile and foot patrols, supported by armed plain clothes patrol. The Garda Commissioner is committed to the objectives of Operation Anvil, and is providing resources to ensure its continuing effectiveness, augmented by other initiatives, both local and national.

There can be considerable difficulties for the Gardaí in obtaining evidence in shootings which are the result of gangland activities. This arises not least because many of the associates of such victims will not co-operate with the Garda investigation. Nevertheless, the Gardaí are determined to pursue rigorously all killings, whatever their background. The detection rate for murders by its nature increases over time as Garda investigations progress. It is expected that in respect of each year the number of convictions obtained will increase as Garda investigations are concluded and the number of proceedings commenced are finalised by the courts. This applies particularly to murders committed in the most recent years. In addition, directions may be received from the Law Officers to charge persons arrested in connection with such incidents with offences other than murder. Furthermore such persons charged and brought before the courts may be convicted of offences other than murder.

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The number of murders recorded in which a firearm was used, proceedings commenced and convictions

Year	Recorded	Proceedings Commenced	Convictions
2008*	17	5	0
2007	18	5	0
2006	27	8	0
2005	23	4	3
2004	9	6	6
2003	20	7	2
2002	10	4	3
2001	9	2	1
2000	12	4	1
1999	12	7	5
1998	4	2	1

*Figures provided for 2008 are to 30 September and are provisional, operational and liable to change.

Garda Stations.

42. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform his views on whether it is satisfactory that the large town of Portlaoise has been without an adequate building for its Garda station for more than a decade; and if he will make a statement on the matter. [32801/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The detailed allocation of Garda resources, including accommodation, is a matter for the Garda Commissioner to decide in accordance with his identified operational requirements. The Garda accommodation programme is based on agreed priorities established by An Garda Síochána and it is brought forward in close cooperation with the Office of Public Works (OPW), which has responsibility for the provision and maintenance of Garda accommodation. I am advised that negotiations are ongoing by the OPW for the procurement of a site for the construction of a new Divisional Headquarters. I am also advised by the Garda authorities that in the interim, to alleviate the shortage of accommodation, a plan for temporary accommodation has been drawn up to provide accommodation for the Traffic Corps and additional space for offices and locker rooms so that space in the station will be freed up for other operational Garda units. In addition a number of urgent remedial works have been provided at the existing station.

Garda Investigations.

43. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform his views on whether the absence of a DNA database is an impediment to the Garda in its efforts to solve crimes here; and if he will make a statement on the matter. [32806/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A central element of the Criminal Justice (Forensic Sampling and Evidence) Bill will be the establishment of a DNA database for the purposes of criminal investigations and the identification of missing or unknown deceased persons or seriously injured persons. The Bill will provide an updated statutory framework for the taking and use of forensic samples and will repeal the Criminal Justice (Forensic Evidence) Act 1990. It will draw on the recommendations of the Report of the Law Reform Commission concerning the establishment of a DNA database.

Drafting of the Bill is progressing, and I expect to be in a position to publish the Bill during this session. As has been the experience in other countries which have been operating such a database, the benefit of the database will be that it will assist the Garda Síochána by identifying links between crimes, through for example stains left at the crime scene by serial offenders, eliminating quickly from the scope of the investigation suspects who are already on a database and whose profiles do not match and identifying new suspects for crimes by means of cold hits (where a crime scene stain is matched with a profile of a person on the database who is not already a suspect). The objective in establishing the database is to increase crime detection rates, achieve efficiencies in the conduct of investigations, reduce court time due to early guilty pleas and deter persons whose profiles are already on the database from re-offending.

Question No. 44 answered with Question No. 28.

Proposed Legislation.

45. **Deputy Simon Coveney** asked the Minister for Justice, Equality and Law Reform his plans to improve data protection legislation here in view of recent data breaches; and if he will make a statement on the matter. [28233/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will be aware, the law relating to the protection of personal data is contained in the Data Protection Acts 1988 and 2003. These Acts give effect both to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and Directive 95/46/EC of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

I am not aware of any proposals to amend either of these instruments at present. This existing legislation requires that appropriate security measures be taken against unauthorised access to, or unauthorised alteration, disclosure or destruction of personal data and permits the Data Protection Commissioner to carry out investigations, on the basis of a complaint or on his own initiative, to ensure compliance with the legislation. However, I can say that operation of the law in this area is kept under review in my Department. In that context, I have decided to establish a broad consultative process, to include the relevant stakeholders, with a view to studying the complex issues arising, including the question of a mandatory reporting system, and incorporating an examination of the economic impact of any changes to Data Protection Law.

I expect to make a further announcement with the details of this process in the near future. I should say, however, that on a preliminary examination, the issues arising are far from straightforward and will require lengthy consideration as well as input from a wide range of often conflicting viewpoints.

Organised Crime.

46. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the steps being taken to determine the full extent of the activities of organised criminal gangs based here, overseas and in prison with a view to putting in place measures likely to bring to an end the ongoing growth of the illegal drug trade; and if he will make a statement on the matter. [32954/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that there are two categories of organised crime groups operating in this jurisdiction. The first category consists of groups that are well established and tightly structured

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and are involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and whose criminal activities are mainly confined to Ireland. The membership of organised crime gangs tends to be fluid and the nature of criminal activity is such that offences committed by members of gangs may or may not be connected with the individual's membership of such gangs.

An Garda Síochána utilises intelligence-led operations to target organised crime groups on an ongoing basis. All available intelligence is fully analysed and used in the strategic deployment of both local and specialised operational Garda units to target particular groups. A large proportion of organised criminal activity is associated with the illicit drugs trade. Organised Crime is being targeted on a number of fronts, involving uniform and plain-clothes Gardaí overtly and covertly disrupting known criminals in the course of criminal activities. The profiles of the personnel involved in criminal groups are continually updated. Their members, operating methods, criminal interests and financial assets are likewise proactively targeted through intelligence-led operations, primarily undertaken by specialist units of An Garda Síochána, under the remit of the Assistant Commissioner, National Support Services. A number of organised crime groups have been targeted in this manner recently, with firearms being recovered and drugs seized resulting in a number of people from these organised groups being prosecuted and convicted before the Courts.

An Garda Síochána maintains liaison with other law enforcement agencies throughout Europe, and elsewhere, exchanging information and intelligence on Irish criminals living abroad. This ongoing liaison has led to a number of successful joint operations, targeting attempted importations of drugs and firearms, resulting in a number of significant arrests here and in other jurisdictions. Where intelligence, supported by evidence, is available law enforcement agencies in other Jurisdictions put operations in place, as appropriate, to prevent and detect such criminality.

Measures have been put in place to deal with serious crime including Operation Anvil which commenced in May 2005 in the Dublin Metropolitan Region and was extended countrywide in 2006. The primary focus of Operation Anvil is the disruption of serious and organised criminal activity. In this regard Operation Anvil consists of intelligence-led targeted operations on the one hand, and an increased overt visible Garda presence on the other. The Garda Commissioner has publicly re-affirmed his absolute commitment to the objectives of Operation Anvil, which is but one tool used by members of An Garda Síochána to combat crime.

Multi-agency approaches have been, and continue to be used where all of the National Units from National Support Services i.e. the National Bureau of Criminal Investigation, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation and the Garda Technical Bureau are used to combat serious crime. These Units are also supported by the Security and Intelligence Section which assists with intelligence briefings and the provision of timely information. The Criminal Assets Bureau is being actively utilised to identify and target funds accumulated by criminals in order to seize such assets and to deprive them of the profits of their criminal activity. A dedicated unit within the Garda National Drugs Unit has been established to liaise with the Criminal Assets Bureau to particularly target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity.

This integrated approach adopts best practice in implementing a coordinated use of Garda resources and using available criminal legislation to its fullest extent. Operations are reviewed on an ongoing basis to ensure their effectiveness. In addition, An Garda Síochána currently has a number of liaison officers on secondment to other jurisdictions, and to international bodies such as Interpol and Europol. These officers act as a conduit for information to pass

between law enforcement agencies to ensure that national borders are not, and cannot, be used by criminals as a means of frustrating the efforts of law enforcement agencies.

As I am sure the Deputy appreciates, drug misuse remains one of the most complex social ills faced globally. While our drug law enforcement response is of course a vital feature of our overall response in addressing the issue, we cannot just look at the issue from a supply reduction perspective only. We must examine the drugs problem in the wider context in which it takes place and take cognisance of the fact that the demand for and the use of illegal drugs is what fuels the drugs trade. The measures that we have in place to address the problem must take account of this.

The Government remains resolutely committed to tackling the problem through our current National Drugs Strategy 2001-2008. The National Drugs Strategy addresses the problem under pillar headings of education and prevention, supply reduction, treatment and rehabilitation and research and is firmly founded on the principle that drug misuse needs to be addressed in an integrated manner across these headings through a cooperative approach involving the statutory, community and voluntary treatment sectors. The Department of Community, Rural and Gaeltacht Affairs, under the stewardship of my colleague and Minister of State Mr. John Curran, T.D., is the lead Government Department in co-ordinating the implementation of the National Drugs Strategy and is currently overseeing the process of developing our new Strategy for the years 2009 to 2016. This work which involves a wide-ranging consultative process, and in which my Department is actively participating, will fully inform the development of our new Strategy.

My Department's remit in this area, while not exclusively, lies primarily in the area of drug supply reduction. Drug law enforcement remains a key feature of the Government's drug policy framework. I can assure the Deputy that I will continue to keep the measures for tackling all forms of drug trafficking under review. The enforcement of the law relating to drugs continues to be a key element in the Government's policing priorities and this is reflected in An Garda Síochána's Policing Plan for 2008.

Question No. 47 answered with Question No. 39.

Juvenile Offenders.

48. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform the number of occasions on which the Garda has sought court orders under sections 91, 111, 113 and 114 of the Children's Act 2001, which are designed to help combat juvenile crime by ensuring that parents take responsibility for children involved in acts of crime and vandalism; and if he will make a statement on the matter. [32860/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It should be noted that the imposition of any particular sanction on the parents or guardians of an offending child under the sections of the Children Act 2001 which are referred to by the Deputy is a matter for the judiciary. The Courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions. There is no mechanism in Sections 111, 113 and 114 of the Children Act 2001, as amended, which allows the Gardaí to seek the court orders referred to in the question. While it is implicit in Section 91 of the 2001 Act that a member of An Garda Síochána may make the application to the Court, it is primarily a matter for the court.

I am informed by the Garda authorities that the information sought by the Deputy is not recorded on PULSE and it would necessitate an extensive manual trawl to establish if such an application was made to the court. Therefore, it is not possible to provide the information requested by the Deputy without a disproportionate expenditure of Garda time and resources.

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There are other interventions available under the Children Act 2001 which involve the parents of children who come into conflict with the criminal justice system. The Deputy will be aware that restorative justice principles underpin the Children Act, 2001, as amended. The Act introduced a comprehensive set of restorative justice provisions, all with the aim of diverting children from further criminal behaviour by making the offenders more directly accountable for their actions, by involving the parents and by giving a greater voice to victims of crime. Essentially, there are two approaches to restorative justice provided for in the Act. The first approach is set out in Part 4 of the Act under the statutory diversion programme, as operated by An Garda Síochána. This provides for restorative cautions (Section 26) and restorative conferences (Section 29). The second approach is set out under Sections 78-87 of the Children Act 2001, where a court may direct the Probation Service to arrange for a family conference.

Residency Permits.

49. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform the reason for the 50% increase, from €100 to €150, in the cost of registering with the border and immigration authorities for most of those from outside the EEA; if he will confirm that this is an annual charge; if his attention has been drawn to concerns expressed by immigration and educational groups about the potential hardship of this increase; if he will review the increase; and if he will make a statement on the matter. [32869/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Section 19(1)(a) of the Immigration Act, 2004 provides that for the giving of a permission (to reside in the State) a fee is payable by a non-national of such amount as may be prescribed by the Minister for Justice, Equality and Law Reform with the consent of the Minister for Finance. The consent of the Minister for Finance to revise the registration fee from €100 to €150 was obtained.

The revised fee of €150 is effective in respect of all registrations applied for on or after 23 August 2008, irrespective of duration. The following classes of persons are not required to pay the fee:

- Convention Refugees;
- Persons who have been reunified with such refugees under section 18 of the Refugee Act 1996;
- Persons who are under 18 years of age at the time of registration;
- Spouses, widows and widowers of Irish citizens;
- Spouses and Dependants of EU nationals who receive a residence permit under EU Directive 38/04;
- Programme Refugees, as defined by section 24 of the Refugee Act, 1996.

Non-EEA nationals who register with an immigration officer receive a secure residence document in the form of a certificate of registration (registration card). The provision of such high quality secure documents is an expensive process. The costs involved include the actual cost of the card itself which includes several security features (including a biometric chip), administrative work by registration officers in the form of checking of documentation and capture of registration details and a state of the art computerised registration system operated by the Garda National Immigration Bureau. The practice internationally is to charge for the issuing of resident permits.

Since 19 August last, this registration system has been enhanced by the commencement of the roll out of a fingerprinting system for all persons who are required to obtain permission to reside in the State. Non-nationals who register from that date will have at least two fingerprints taken and these will be embedded in the biometric chip on the registration card. The costs of providing this system and the administrative costs associated with running it are substantial and this is reflected in the increased fee. An element is also included to reflect changes in inflation since the fee was introduced over 2 years ago. The fee structure for immigration related services in the State is kept under regular review.

Prison Building Programme.

50. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform the infrastructural developments due to take place in the prison sector in the next 12 months; if these projects will go ahead as planned in view of the economic climate; and if he will make a statement on the matter. [32779/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Prison Service plans to carry out the following major infrastructural projects in 2009:

1. Commissioning of new cell block in Castlerea Prison.
2. Commissioning of new cell block in Portlaoise Prison.
3. Completion of construction of new cell block in Wheatfield Prison.

These projects will be funded through the Prison Service's five year capital envelope programme as part of vote 21. In addition, it is planned that the new prison development in Thornton Hall will be under construction. This will be funded through the PPP Capital Envelope.

Prison Service.

51. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the reason mobile telephone-blocking equipment has not been installed in prisons here; when all prisons will have the equipment installed; and if he will make a statement on the matter. [32977/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): One of the major challenges in prisons worldwide lies in preventing access to or use of mobile phones by prisoners. Efforts are made on a continuous basis to prevent prisoners obtaining or using mobile phones. Such efforts include the installation of nets over exercise yards, vigilant observation of prisoners by staff, extensive CCTV monitoring, the use of screened visits and prisoner and cell searches. Installation of a pilot scheme of technology to prevent the use of mobile phones in prisons began in Midlands / Portlaoise Prison Complex in April 2007. The inhibitors are being introduced on a phased basis in terms both of the physical structure of the prison i.e. on a building by building basis — and also in terms of communications bands / channels that are being inhibited.

The Midlands module of the pilot scheme is now nearing completion and the Irish Prison Service is at an advanced stage in terms of its acceptance testing procedures. All indications continue to be very positive and, based on the experience so far, installation of inhibitors in the new block in Portlaoise maximum security prison will begin before the end of the year. The Deputy may also wish to note that following the introduction of other enhanced security

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measures a total of 1464 mobile phones have been seized by the prison authorities during the period January to August this year.

Gaming Regulation.

52. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform if he will appoint an independent gambling regulator; and if he will make a statement on the matter. [32773/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I published the Report Regulating Gaming in Ireland on 10 July last. The Report makes some 32 recommendations that have significant public policy implications regarding the future architecture of many aspects of gaming and betting in Ireland. The Report addresses the issues associated with establishing a revised regulatory framework for gaming in Ireland. As I said on the publication of the Report, we need to get things right in relation to our gaming and betting codes. In particular I want to ensure that betting and gaming activities are carried out within a responsible framework that recognises the reality of these activities, but which ensures they are properly managed, particularly as regards problem gamblers.

In my answer to Parliamentary Question Number 932 of Wednesday 24th September last, I set out the terms of reference of the Cross-Party Committee which I am setting up in order to reflect on and review the Report “Regulating Gaming in Ireland”. I believe that the establishment of the informal Committee represents the best opportunity for identifying options for consideration by Government on the many complex inter-related issues in this area. It is an approach that offers the best guarantee that the interests of all elements in our society are taken into account from the beginning in an area of important public policy. The informal Cross-Party Committee is being asked specifically to take account of the recommendations made in the Report on the nature of the regulatory and licensing system proposed. I look forward to receiving the advice of the Committee in due course.

Garda Deployment.

53. **Deputy Dinny McGinley** asked the Minister for Justice, Equality and Law Reform the number of gardaí of all ranks allocated to County Donegal; if there are plans to increase the number; and if he will make a statement on the matter. [32876/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Commissioner that as of 31 August 2008, the latest date for which figures are readily available, the personnel strength of the Donegal Garda Division, broken down by rank was as follows:

C/Superintendent	Superintendent	Inspector	Sergeant	Garda	Total
1	5	8	76	396	486

The Deputy will appreciate that, as with any large organisation, on any given day, the personnel strength of Garda divisions and stations may fluctuate due, for example, to promotions, retirements and transfers. It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. In that regard, the needs of the Garda Division referred to by the Deputy will be fully considered by the Commissioner within the overall context of the needs of Garda Divisions throughout the country.

Proposed Legislation.

54. **Deputy Jan O’Sullivan** asked the Minister for Justice, Equality and Law Reform when he expects to publish the promised property services regulatory authority Bill; if the Bill will include provisions to regulate the operation of management companies; his views on the recent report of the Law Reform Commission on multi-unit developments; and if he will make a statement on the matter. [32849/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Government Legislation Programme published on 23 September 2008 provides for publication of the Property Services (Regulation) Bill during the current Dáil session. The Bill will establish the Property Services Regulatory Authority on a statutory basis. The primary task of the new Authority will be to maintain and improve standards in the provision of property services by auctioneers, estate agents and property management agents through a new licensing regime and a system for investigating and adjudicating on complaints against property service providers.

As regards property management companies, the position is that the Law Reform Commission’s Report on Multi-Unit Developments contains recommendations concerning multi-unit developments and the regulation and governance of such companies. The Commission does not however recommend that the Property Services Regulatory Authority be given a role in relation to these companies.

Work on the preparation of legislative proposals to respond the Law Reform Commission’s recommendations on property management companies is currently under way across a number of Departments. A decision will be made shortly as to whether it would be more expeditious to introduce a single Bill or to adopt a sectoral approach to amending existing legislation. The Government’s decision on the matter will be made on the basis of how quickly the required legislation can be enacted.

Garda Equipment.

55. **Deputy P. J. Sheehan** asked the Minister for Justice, Equality and Law Reform if, in the context of Garda resources, he will ensure that equipment to register decibel levels on motor vehicle noise emissions will be available to all Garda divisions; and if he will make a statement on the matter. [32802/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that they regularly monitor developments in the area of enforcement equipment to ensure that all appropriate resources necessary for the proper investigation of crime and offences are available to operational personnel. I am further advised by the Garda authorities that a review has recently been carried out in respect of equipment required by members of the Garda Síochána for the proper enforcement of EU Directives in respect of the construction, equipment and use of vehicles. Following this review, preparations are now underway to carry out a tender process to ensure that equipment necessary to secure evidence required for the prosecution of motorists for such offences will be available to operational personnel.

Prison Building Programme.

56. **Deputy Brian O’Shea** asked the Minister for Justice, Equality and Law Reform the position regarding the proposed Thornton Hall prison plan; the latest estimate available to him of the expected cost, including the cost of the site, the provision of infrastructure and ancillary

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services, and the cost of construction and fitting out of the prison; the costs incurred to date; the estimated date for the commencement and the completion of the project; and if he will make a statement on the matter. [32848/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Negotiations are currently underway with a commercial consortium, which was selected following an E.U. tender procedure as the preferred tender for the design, construction, finance and maintenance of the proposed prison facilities at Thornton Hall, North County Dublin. The project includes the construction of the prison facilities along with the ancillary infrastructure including services. Development consent for the project was granted by the Oireachtas in June 2008 and signed into law by the President on 2 July, 2008.

It is not appropriate, for commercial and procurement reasons, to provide details as to the likely costs of the construction and fit out costs. In particular it would not be in the public interest to give an indication of expected costs before a bid is accepted and a contract finalised. The disclosure of such information is, in any event, not allowed under Department of Finance guidelines applicable to Public Private Partnership.

I can, however, confirm the following expenditure which has taken place to date on the project. The cost of the site acquisition was €29,900,000. An additional 8.7 acres has also been acquired to provide a dedicated access road to the main site. This was done following representations from the local community which reflected concern in relation to the effect of increased traffic generated by the prison project. In addition to allaying these concerns, the new roadway will provide significant additional benefits both during the construction and operational phases of the project. The cost of this additional land was €1,305,000.

A total of €8,626,391 has been expended to date on preliminary site works including surveys, landscaping, security and maintenance of the property, studies such as archaeological, topographical, etc., and professional fees including legal and specialist technical advice. It is intended, subject to the successful conclusion of the contract negotiations, to commence construction early next year. It is envisaged that the development will take approximately three years to complete.

Question No. 57 answered with Question No. 25.

Gaming Regulation.

58. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the provisions of the Gaming and Lotteries Act 1956 are being adhered to and implemented; and if he will make a statement on the matter. [32774/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Under Irish law, gaming and gambling is illegal, except where it is specifically permitted under the 1956 Gaming and Lotteries Act. It is a matter for the Garda Síochána to investigate breaches of the legislation, and to take whatever action is appropriate. In that regard, I have been assured by Garda management that if irregularities in the law, that would justify a prosecution under the Gaming and Lotteries Acts, are detected, the directions of the DPP will be sought.

Having said that I accept that the 1956 Act was framed in a different era and no longer serves as a fully satisfactory framework for regulating gaming. In July last, I published the Report Regulating Gaming in Ireland. The Report makes some 32 recommendations that have significant public policy implications regarding the future architecture of many aspects of gam-

ing and betting in Ireland. As I said on the publication of the Report, we need to get things right in relation to our gaming and betting codes. In particular I want to ensure that betting and gaming activities are carried out within a responsible framework that recognises the reality of these activities, but which ensures they are properly managed, particularly as regards problem gamblers. I published the Report with the intention of setting up an informal Cross-Party Committee which is to be asked to examine all aspects of gaming in Ireland. In my answer to Question Number 932 of Wednesday 24th September 2008, I set out the terms of reference of the Cross-Party Committee.

I look forward to receiving the advice of the Committee in due course.

Prison Education Service.

59. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform if budgets for education and training within Irish prisons will be reduced in view of the economic climate; and if he will make a statement on the matter. [32778/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Prison Service places strong emphasis on the provision of vocational training and educational opportunities for prisoners. Over the past number of years, the IPS has invested in capital infrastructure, equipment and staffing resources to meet this objective. It is committed to meeting the challenge of continuing to deliver its rehabilitation programmes in a cost effective and efficient manner.

Garda Deployment.

60. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the basis on which gardaí are allocated to particular stations, having regard to the fact that while there are an average of 2.72 members per thousand people across the State, there are variations from one division to another and from one station to another; and if he will make a statement on the matter. [32829/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Commissioner, in consultation with his senior managers and Divisional Officers, arranges for the allocation of Garda personnel throughout the State. Garda Management are aided in this by a distribution model known as the Garda Establishment Redistribution Model (G.E.R.M.). The Commissioner advises me that the GERM model indicates the most effective means to distribute Garda personnel and acts as a guide to Garda management decision making. It takes into account many different policing variables including socio-economic factors, census information, crime trends and the minimum establishment required for each district. The allocation of Garda personnel is determined by these factors and also takes account of the policing requirements of each individual Division.

Ministerial Travel.

61. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the instructions given to the Garda personnel driving ministerial cars either by his Department or the Commissioner in regard to the need to observe speed limits; if no instructions are currently given, if it intended to issue same; and if he will make a statement on the matter. [32839/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed that Road Traffic Legislation, in particular section 27 of the Road Traffic Act, 2004, provides exemptions for the drivers of emergency vehicles, including the use by a member of An Garda Síochána of a vehicle in the course of the duties of that member, from the application of restrictions, requirements and prohibitions imposed under the Road Traffic Acts generally. Such exemptions apply where the safety of a road user is not endangered.

I am advised by the Garda authorities that guidelines for Garda drivers are contained in the Garda Code, which is provided to each member of the Garda Síochána during training. Such guidelines require all members of An Garda Síochána allocated to this type of duty to have been issued with a Certificate of Competency by the Garda College, having successfully completed an appropriate driving course. The guidelines are updated as required and circulated to members. Drivers of Garda vehicles are required at all times to adhere to the standards laid down by the Driving School, and Driver Safety Awareness presentations are made to drivers during the various training programmes.

Prison Service.

62. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform his views on the number of prisoners who are held under protection within the State's jails; and if he will make a statement on the matter. [32782/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Prison Service is committed to ensuring the safety and security of our prisoners. The fact that prison management immediately separates prisoners seeking protection from the general prison population or from specific prisoners identified as presenting a threat, clearly demonstrates the commitment of the Irish Prison Service to ensuring safety and security.

It is at the committal stage that the majority of prisoners seek protection. External influences imported to the prison on committal include gang rivalry, drug debts and perceived co-operation with the Gardaí. On committal, all prisoners are interviewed by the Governor and based on the information available, a decision is made as to where a particular prisoner will be accommodated. On occasion, a prisoner may be put on protection by the Irish Prison Service. From time to time intelligence becomes available to the Irish Prison Service which dictates that it may be prudent for particular individuals to be put on protection, for that individual's own safety. This is not, however, a frequent occurrence.

Garda Complaints Procedures.

63. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the compensation or legal costs paid arising from claims against members of the Garda in respect of assault, illegal arrest and other reasons in respect of each year from 2002 to date in 2008; and if he will make a statement on the matter. [32873/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy concerning the amounts paid out in Court awards and out of court settlements in relation to actions taken against members of An Garda Síochána relating to assault, unlawful arrest or other breaches of citizens' rights is set out in the table.

Actions taken by Civilians against Gardaí —The number of cases settled/or awards made by the Courts are shown in brackets

Year	Category of payment	Assault	Unlawful Arrest	Other	Overall Total
		€	€	€	
2002	Awards	1,270 (1)	3,809.21 (1)	56,500 (2)	
	Settlements	166,924.48 (6)	106,835.58 (10)	185,078.82 (11)	
	Costs	230,769.67	148,714.19	340,486.45	
	Total	398,964.15	259,358.98	582,065.27	1,240,388.40
2003	Awards	11,000 (1)	10,000 (2)	4,870 (2)	
	Settlements	75,000 (4)	303,011 (5)	112,814.84 (4)	
	Costs	145,561.70	71,794.28	542,075.73	
	Total	231,561.70	384,805.28	659,760.57	1,276,127.55
2004	Awards	15,000 (1)	Nil	3,215.06 (1)	
	Settlements	198,697.48 (5)	73,007 (5)	50,500 (3)	
	Costs	231,646.62	100,019.36	266,713.57	
	Total	445,344.10	173,026.36	320,428.63	938,799.09
2005	Awards	1,000.00 (1)	2,025,321.00 (3)	85,125.00 (2)	
	Settlements	130,250.00 (7)	1,569,114.00 (9)	58,000 (2)	
	Costs	137,447.90 (10)	658,508.78 (10)	205,466.85 (15)	
	Total	268,697.90	4,252,943.78	348,591.85	4,870,233.53
2006 (Provisional)	Awards	18,076.32 (1)	41,443.80 (3)	Nil	
	Settlements	386,200.00 (17)	622,000 (15)	606,500.00 (8)	
	Costs	187,797.28 (11)	60,983.61 (10)	28,983.93 (3)	
	Total	592,073.60	724,427.41	635,483.93	1,951,984.94
2007 (Provisional)	Awards	97,500.00 (2)	Nil	5,246,047.00 (4)	
	Settlements	238,000.00 (8)	1,297,000.00 (10)	4,451,000.00 (34)	
	Costs	485,944.95 (10)	1,488,193.20 (9)	1,125,597.19 (29)	
	Total	821,444.95	2,785,193.20	10,822,644.19	14,429,282.34
2008 (Provisional) to 22/9/08	Awards	12,500 (1)	5,500 (1)	12,500 (1)	
	Settlements	468,000 (13)	46,024.34 (4)	383,657.58 (16)	
	Costs	673,500.90 (12)	650,968.42 (14)	994,529.42 (14)	
	Total	1,154,000.90	702,492.76	1,390,687.00	3,247,180.66

64. **Deputy Shane McEntee** asked the Minister for Justice, Equality and Law Reform the changes he proposes to make to the Garda Síochána Ombudsman Commission; and if he will make a statement on the matter. [32795/08]

94. **Deputy Noel J. Coonan** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the Garda Síochána Ombudsman Commission will continue to operate a broad remit in respect of the nature of the complaints which it investigates; and if he will make a statement on the matter. [32796/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 64 and 94 together.

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As I indicated in my Reply to Parliamentary Question No. 109 of 8 July 2008, the amendments to the Garda Síochána Act 2005 which are contemplated were set out in detail in two published reports of the Garda Síochána Ombudsman Commission which were laid before the Houses of the Oireachtas on 1 May 2008. Under the proposed changes, the Ombudsman Commission would be empowered to deal with complaints in the way it considers most appropriate, including by direct investigation. The aim of the proposals is to promote greater effectiveness in the use of the Commission's resources in the light of its experience to date. I am currently finalising my consideration of these issues and will bring proposals to Government in the near future.

Proposed Legislation.

65. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform when the legislation to give effect to the victims initiative he announced on 19 June 2008 will be brought before Dáil Éireann; if the heads of the Bill have gone to Government; and if he will make a statement on the matter. [32835/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Work is progressing in my Department on the preparation of the heads of a Bill to give effect to the legislative elements of the 'Justice for Victims Initiative' which I announced in June of this year. While I am unable to give a precise date for submission of the heads to Government at this time, I remain committed to publishing the Bill in the Spring of 2009 and I remain confident of achieving that target.

Human Rights Commission.

66. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the proposed changes to the role, structure or organisation of the Human Rights Commission; if he is satisfied that such changes would be consistent with the obligations entered into by the Government under the Good Friday Agreement that the Human Rights Commission here would have a mandate and remit equivalent to that in Northern Ireland; and if he will make a statement on the matter. [32832/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In the context of the ongoing expenditure reviews and the 2009 estimates process, all Departments are looking at the possibility to rationalise their non-commercial agencies in order to deliver savings in 2009. No decisions have been taken yet regarding the rationalisation of agencies under the aegis of my Department. Any potential changes made would be consistent with the State's obligations under the Good Friday Agreement.

Question No. 67 answered with Question No. 16.

Commissions of Investigation.

68. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the progress made to date regarding the implementation of the recommendations of the report of the commission of investigation into the case of a person (details supplied); and if he will make a statement on the matter. [32842/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my response to Parliamentary Question No. 116 of 28 May 2008. The position remains unchanged.

Crime Levels.

69. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform his views on the alleged links between dissident republicans and the drugs trade; the steps he has taken to address this issue; and if he will make a statement on the matter. [32799/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy will appreciate that it would not be helpful for me to comment on the specific details of operations and initiatives put in place by the Gardaí to combat dissident activities or those involved in the illegal drugs trade. The Garda Síochána targets all criminal organisations and individuals whether they are suspected of involvement with subversive activities or of involvement in the trafficking and distribution of illegal drugs.

I am informed by the Garda authorities that through various investigations and other intelligence-led operations they have established the existence of links between suspected dissident republican groups and organised criminal gangs, primarily centred on intimidation, extortion or 'protection' activities. In co-operation with the Defence Forces, Customs, other police forces and with international law enforcement agencies, the Garda Síochána will continue to target the individuals and organisations involved in these criminal activities.

Criminal Prosecutions.

70. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform his plans to get a report seeking information on the reported dropping of charges against a convicted drugs dealer who is at the centre of Garda corruption allegations (details supplied); and if he will make a statement on the matter. [32792/08]

77. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform if he will initiate an inquiry into the reported dropping of charges against a convicted drugs dealer who is at the centre of Garda corruption allegations (details supplied); and if he will make a statement on the matter. [32793/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 70 and 77 together.

I have received an interim report from the Garda Commissioner about this case and I expect to receive a full report on it from him, as soon as possible, after certain enquiries have been completed. When I have received the full report I will consider the question of any further action which may be necessary on my part. I should mention also that I understand that there have been contacts between An Garda Síochána and the Garda Síochána Ombudsman Commission about the case and I have agreed to a request from the Commissioner that the interim report furnished to my Department should be made available to the Commission.

Community Courts.

71. **Deputy Pádraic McCormack** asked the Minister for Justice, Equality and Law Reform his views and intentions regarding the expansion and development of community courts; and if he will make a statement on the matter. [32804/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Last year, the National Crime Council published a report entitled "Problem Solving Justice, the Case for Community Courts in Ireland". The report included a detailed consideration of the literature available on the concept, origin and development of Community Courts internationally. It also examined the position in the United States and in the United Kingdom to see how these courts

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work in practice. I welcome the report as a valuable aid to policy formulation and it is under consideration in my Department.

Community Courts share many of the characteristics of the Drug Treatment Court. This Court originally operated on a pilot basis in the North inner city of Dublin and has since been placed on a permanent footing and extended to the Dublin 7 area. The Court uses a multi-disciplinary approach and involves a range of Government Departments and agencies charged with dealing with various aspects of drug misuse.

The Court operates with the assistance of a team which includes the judge, a probation and welfare officer, an addiction nurse, a Garda liaison officer and education/training representative and counsellors. My Department is currently examining the operation of the court and officials are looking at best practice elsewhere to see how the Court's throughput might be enhanced. There are plans to extend the concept to the rest of the Dublin Metropolitan District Court area on a phased basis and discussions with other agencies are ongoing in this regard.

Drug Seizures.

72. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the quantity and value of seizures of heroin, cocaine, cannabis and other drugs here during 2007 and to date in 2008; the proportion of the overall flow of drugs imported that is believed to be represented by these seizures; the new initiatives he is planning to control the flow of illegal drugs into Ireland; and if he will make a statement on the matter. [32841/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the following table provides details of the seizures made of the main categories of illegal drugs for 2007 and 2008.

2008 (to date)	Drug Type	Quantity
	Cannabis	631.95 kg
	Cannabis Resin	3,393.63 kg
	Cocaine	150.65 kg
	Diamorphine (Heroin)	145.65 kg
	MDMA (Ecstasy)	172,505 Tablets

2007	Drug Type	Quantity
	Cannabis	725 kg
	Cannabis Resin	1,167 kg
	Cocaine	1,718 kg
	Diamorphine (Heroin)	117 kg
	MDMA (Ecstasy)	13kg + 119,134 tablets
	Amphetamine	54kg + 10,395 tablets
	LSD	73 tablets

The approximate street value of drugs seized in 2007 and 2008 respectively is €164,606,000 and €97,525,337 (to date). Obviously, given the clandestine nature of this illegal activity it is extremely difficult to quantify with any degree of certainty the proportion of drug seizures

made in this jurisdiction by our law enforcement authorities in relation to the overall volumes of drugs being trafficked. Any estimate is, therefore, speculative.

The United Nations Office for Drugs and Crime (UNODC), estimates the value of the global illicit drug market for the year 2005 at over US\$320 billion, with over 200 million drug users worldwide. That office estimated in 2005 that global seizures for that year accounted for 44% of cocaine production, 28% of cannabis resin, 25% of opium production, 7% of amphetamines and 4.7% of ecstasy.

As I am sure the Deputy appreciates, drug misuse remains one of the most complex social ills faced globally. Our drug law enforcement response is of course a vital feature of our overall response in addressing the issue but we cannot just look at the issue from a supply reduction perspective only. Rather, we must examine the drugs problem in the wider context in which it takes place and take cognisance of the fact that the demand for and the use of illegal drugs is what fuels the drugs trade. The measures that we have in place to address the problem must take account of this.

The Government remains resolutely committed to tackling the problem through our current National Drugs Strategy 2001-2008. The National Drugs Strategy addresses the problem under pillar headings of education and prevention, supply reduction, treatment and rehabilitation and research and is firmly founded on the principle that drug misuse needs to be addressed in an integrated manner across these headings through a cooperative approach involving the statutory, community and voluntary treatment sectors. The Department of Community, Rural and Gaeltacht Affairs, under the stewardship of my colleague and Minister of State Mr. John Curran, T.D., is the lead Government Department in coordinating the implementation of the National Drugs Strategy and is currently overseeing the process of developing our new Strategy for the years 2009-2016.

This work which involves a wide-ranging, consultative process, in which my Department is actively participating will fully inform the development of our new Strategy. My Department's remit in this area, while not exclusively, is primarily in the area of drug supply reduction, and drug law enforcement remains a key feature of the Government's drug policy framework. An Garda Síochána invokes a number of broad strategic responses in addressing the issue. These include the following:

- Identifying, targeting and dismantling national and international drug trafficking networks which supply and distribute illegal drugs within this state.
- Conducting intelligence-driven operations focusing on all aspects of the illicit drugs trade including commodity, logistics, distribution and financing.
- Continued collaboration with the Customs and Excise Branch of the Revenue Commissioners, Naval Services and other law enforcement agencies in identifying and targeting those involved in the importation of illegal drugs into this jurisdiction.
- Working in partnership with statutory, community and voluntary groups to reduce both the supply and demand for drugs within society.

I am advised by the Garda authorities that in addition to the considerable volumes of drugs seized, significant impact was made in 2008 by arresting and prosecuting a number of major players involved in drug trafficking through the importation, sale and distribution of drugs. A significant number of crime gangs involved in this type of criminal activity have been disrupted

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and dismantled. This work is ongoing and An Garda Síochána will continue to pursue these strategies and continue to tackle organised crime and drug trafficking primarily through the use of specialist units and targeted intelligence led operations.

To further assist in our law enforcement efforts against drug trafficking, a number of new initiatives have been introduced. Some examples of these include the following:

- The establishment in January 2008 of the Organised Crime Unit on a permanent footing with full time staff assigned to it. The Unit now has a personnel strength of seventy officers and, in conjunction with the Garda National Drugs Unit and local Gardaí, will continue to implement initiatives such as Operations Anvil and Oak which target criminals involved in the trafficking of drugs.
- The Maritime Analysis and Operations Centre (Narcotics) MAOC(N) in Lisbon, of which Ireland is a founding member. The Centre has the specific objective of intercepting narcotic shipments, in particular cocaine, to the European Union from Latin America.

A number of provisions introduced in the Criminal Justice Acts 2006 and 2007 have provided for further measures which will enhance the powers of the Gardaí in the investigation and prosecution of drug offences.

I can assure the Deputy that I will continue to keep the measures for tackling all forms of drug trafficking under review. The enforcement of the law relating to drugs continues to be a key element in the Government's policing priorities and this is reflected in An Garda Síochána's Policing Plan for 2008.

Question No. 73 answered with Question No. 41.

Immigration Procedures.

74. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to concerns expressed by the Immigrant Council of Ireland regarding heavy handed treatment of tourists by some immigration officers, including a priest from Nigeria and a tourist from India who had won a trip to Ireland in a competition designed to promote tourism; his views on the concerns expressed; and if he will make a statement on the matter. [32866/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Every person landing in the State, including the holder of a visa, is obliged, pursuant to the provisions of section 11 (2) of the Immigration Act, 2004, to furnish to an Immigration Officer such information in such manner as an Immigration Officer may reasonably require for the purposes of the performance of his or her functions. The fact that a visa is a permission to present at the frontiers of the State but does not guarantee entry to the State, was confirmed by the High Court as recently as 23rd May 2008 (Emmanuel Omatayo James & Others — Minister for Justice Equality & Law Reform).

Section 4 of the Immigration Act, 2004 provides for an Immigration Officer to authorise a non-national to land in the State. Section 4(3) enumerates fourteen (14) circumstances in which an Immigration Officer, may, on behalf of the Minister, refuse to give a person a Permission to Land in the State. The circumstances, any one of which may give rise to a permission to land being refused, include, the fact that there is reason to believe that the non-national intends to enter the State for purposes other than those expressed by the non-national.

The above-mentioned High Court Judgement also decided that, as well as there being a requirement on the part of a visa holder to satisfy an Immigration Officer that he / she qualifies for admission to the State, the officer concerned must satisfy himself / herself that a person in possession of a visa in fact qualifies for admission to the State. In performing his or her functions under the Immigration Act, 2004, an Immigration Officer is obliged, pursuant to the provisions of the Act, to have regard to all the circumstances of the non-national concerned known to the officer or represented to the officer by him or her.

In the region of 3,000 persons are refused permission to enter the State at Dublin airport each year, representing 0.012% of the throughput of passengers using that airport (circa 25 million passengers per annum). Clearly, therefore, the vast majority of travellers provide information and documentation to Immigration Officers, on arrival in the State, which enables those officers to conclude that the intended visitors should be permitted to enter the State.

Garda National Immigration Bureau (GNIB) officers have had to be particularly vigilant with regard to passengers arriving into the State, due to the fact that a wide range of modus operandi are being utilised by persons attempting to enter the State illegally. It is relevant that as recently as 27th July 2008, at Dublin airport, a person purporting to be a priest, who produced documentation purporting to verify that he had been ordained as a priest, and who was wearing clothing typically worn by a cleric, was refused leave to land and subsequently admitted that he was not in fact a priest.

Every effort is made by personnel at the Garda National Immigration Bureau to verify information supplied to them by persons making application for permission to enter the State. Personnel engaged in immigration control duties are tasked with detecting illegal immigration, with a view to protecting the State from terrorism and other forms of criminality, while processing millions of passengers. Every effort is made to fulfil this task in a courteous and efficient manner that causes the least possible inconvenience to everybody concerned.

Crime Levels.

75. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the number of occasions in 2007 and to date in 2008 in which grenades, bombs or improvised explosive devices have been used; and the number of occasions in each year when the Garda called on the assistance of the Army ordnance unit to deal with such devices. [32837/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that in 2007, there were 24 incidents involving grenades, pipe bombs or other improvised devices in the Dublin Metropolitan Region and that the Defence Force's Explosive Ordnance Device team attended at 17 of these. Up to 26 September 2008 there have been 76 such incidents in the Dublin Metropolitan Region and the Defence Force's Explosive Ordnance Device team attended at 56 of these. The Deputy will appreciate that it would not be helpful for me to comment on the specific details of Garda operations in this regard. However, the Garda Síochána is firmly focused on disrupting the criminal elements involved in all such activities and bringing them before the courts.

Question No. 76 answered with Question No. 28.

Question No. 77 answered with Question No. 70.

Departmental Agencies.

78. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the semi-

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State bodies, boards or agencies for which his Department has responsibility, which it is intended to abolish or merge; and if he will make a statement on the matter. [32831/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As I indicated in reply to Parliamentary Question No. 768 on September 24 last, in the current economic climate, it is incumbent on the State to ensure that the citizen is provided with services that give value for money and that are effective and efficient. It is also essential that in relation to these services, there is the optimum level of transparency and accountability in their delivery to the citizen. This is particularly the case in relation to the large number of non-commercial State agencies now in existence and which was adversely commented on in the OECD Report on the Irish Public Service published last April.

In the context of the 2009 estimates process, all Departments, including my own, are looking at the options to rationalise their agencies with a view to delivering financial efficiencies as well as the more effective delivery of services to the public. It is equally important to ensure that agency functions do not overlap, that there is effective and ongoing communication between these bodies and that the opportunity for synergies, including the sharing of corporate service and other back office functions, are availed of to the fullest extent possible. Moreover, the Government is anxious to ensure that in delivering public services, state agencies avoid the risk of confusing customers by any overlap of functions or roles.

I am also conscious of the need to ensure that the established model of Ministerial accountability to the Oireachtas is supported and enhanced. In that context, appropriate governance mechanisms must be developed to ensure that all these bodies remain connected to the strategic policy objectives of the parent Department. A number of agencies under the aegis of my Department are included in this analysis and are the subject of critical evaluation based on these principles. I can assure the Deputy that any solution arrived at will in no way dilute the level of services provided to the public in all the relevant areas.

Prison Building Programme.

79. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the funding allocated from budget 2008 for the Thornton Hall prison project; and if he will make a statement on the matter. [31323/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Prison Service, under Vote 21, has allocated a budget of €2.5m in 2008 to cover preliminary site works including surveys, landscaping, security and maintenance of the property, and professional fees including legal and specialist technical advice.

Question No. 80 answered with Question No. 28.

Crime Prevention.

81. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform when it is intended to increase the Garda search powers, promised in the agreed programme for Government, in relation to drug crime along the lines of the new random breath-testing model for drink driving in order to allow random searches at particular places, times and events where senior gardaí believe there is a risk of drugs being present; and if he will make a statement on the matter. [32864/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): This matter is under consideration in my Department. Having regard to the sensitivity and complexity of the issues involved in any significant extension of search powers, including issues of constitutional importance, I am unable to say at this stage when proposals will be available.

Road Traffic Offences.

82. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on a practice whereby duplicate taxi numbers are attached to the same model of car as the genuine taxi number to aid in the commission of road traffic offences and more serious crimes. [32492/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Responsibility for various functions relating to the regulation of the taxi industry, including issues such as the use of duplicate taxi numbers, has been transferred to the Commission for Taxi Regulation, which is under the aegis of the Department of Transport. Suspected offences under road traffic law are, of course, investigated by An Garda Síochána.

Garda Deployment.

83. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the steps he will take to enhance rural policing; and if he will make a statement on the matter. [32680/08]

88. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform if he has received from the Garda Commissioner the report of the working group developing proposals for a comprehensive model of rural and urban community policing; and if he will make a statement on the matter. [32847/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 83 and 88 together.

I am informed by the Garda Commissioner that an internal working group was established to develop a comprehensive model of Community Policing. The group's report entitled 'The Report of the Working Group on the National Model of Community Policing' is at present being considered by Senior Garda Management and I look forward to seeing the proposals which emerge from this. In addition, the National Strategy for Neighbourhood Watch 2007-2011 was launched on the 6 September 2007 and the National Strategy for Community Alert 2007-2011 was launched on the 26 October 2007. All these documents will inform the organisation on how best to implement crime prevention programmes and community policing.

Services for People with Disabilities.

84. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform his views on comments (details supplied) made by the Ombudsman at the launch of her fourth annual report that there was a lack of knowledge among public servants regarding commitments under the national disability strategy; the action he will take to increase awareness of disability related issues among public bodies and their staff; and if he will make a statement on the matter. [32962/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Considerable progress has been made on the implementation of the National Disability Strategy. The Strategy,

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which underpins the participation of people with disabilities in Irish society, has been endorsed in the social partnership agreement, Towards 2016, and the Agreed Programme for Government includes a commitment to ensure that the Strategy is driven and managed from a whole of Government perspective. Progress on the implementation of the Strategy is monitored by a Senior Officials Group on Disability comprised of senior officials drawn from a range of Government Departments which reports to the Cabinet Committee on Social Inclusion, and a Stakeholder Monitoring Group.

A new Office for Disability and Mental Health was established in January 2008 to support the Minister of State for Equality, Disability Issues and Mental Health at the Department of Health and Children. This new office has cross-cutting responsibilities in a number of Departments, including my Department. All public bodies, subject to certain considerations, are legally required to improve accessibility under the Disability Act 2005. The “Code of Practice on Accessibility of Public Services and Information provided by Public Bodies” (2006) which was developed by the National Disability Authority (NDA) helps public bodies to make services and information accessible to people with disabilities and provides them with guidance on meeting their obligations under the Act. The NDA has developed and circulated a monitoring questionnaire to assist the evaluation of the implementation of this code by public bodies, and will report on the matter in due course.

Part 5 of the Disability Act 2005 provided for a statutory target, currently set at 3%, for the recruitment and employment of people with disabilities in the public sector. The Act provides for a framework for monitoring this target through monitoring committees in each Government Department. The NDA has an overall monitoring and reporting role under Part 5 of the Act and the first statutory report on the compliance by the public service with the employment target for people with disabilities was published on 4 January 2008. The second report by the NDA which concerns compliance with the target in 2007 is due to be submitted to me by the end of November. Both this report and the NDA report on the outcome of the 2006 Code of Practice monitoring questionnaire which I have referred to, when received, will provide me with the data that is required to establish the level of compliance by the public service with the two important requirements to which they relate. At this point, I can inform the Deputy that I am arranging to have the Senior Officials Group consider the comments to which the Deputy refers.

Proposed Legislation.

86. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform if he will introduce changes in legislation in respect of the payment of fines; when he will introduce same; and if he will make a statement on the matter. [32775/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am currently preparing a Fines Bill and I intend to obtain government approval for its publication in the near future. The Bill will include provisions dealing with the indexation of fines, payment of fines by instalment, equality of impact of fines imposed by the courts and the powers of the courts where a person does not pay a fine by its due date for payment. As the Bill will incorporate redrafted provisions contained in the Fines Bill published in 2007, I also intend to seek Government approval to withdraw the 2007 Bill from the Dáil Order Paper on publication of the Bill currently being drafted.

Tribunals of Inquiry.

87. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the progress made regarding the implementation of the first five reports of the Morris tribunal; the recommendations that have not been accepted or that have still to be implemented; and if he will make a statement on the matter. [32830/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy is aware the disturbing events uncovered by the first five Morris Reports have been the subject matter of strong actions on the part of the Government. These include: the passage of the Garda Síochána Act 2005, the most significant piece of legislation relating to An Garda Síochána in the history of the State; the establishment of the Garda Síochána Ombudsman Commission with almost 100 staff — including its own investigative staff; the establishment of the Garda Inspectorate with its international policing expertise, as a source of independent and expert advice for the Minister; new more streamlined discipline regulations; the imposition on members of a legal duty to account for their official actions; the empowerment of the Garda Commissioner, with the consent of the Government, to dismiss a member of garda, sergeant or inspector rank where he has lost confidence in the capacity of the member to discharge his or her duty and where dismissal is necessary to maintain public confidence in the Force; new promotion regulations and a competency based promotion system; a whistleblowers' charter and the appointment of an eminent former senior civil servant as a Confidential Recipient.

Other areas of organisational development and modernisation are being progressed within the terms of reference of the Garda Síochána's published Corporate Strategy 2007 to 2009. These include 22 specific change projects for 2008 alone under the chairmanship of the Deputy Commissioner, Strategy and Change Management. These changes are indicative of unprecedented reform and a new era in policing and will go a long way to ensuring that the events in Donegal will not be repeated. Other recommendations of the Morris Tribunal, in particular those contained in the most recent published reports, remain under consideration.

Question No. 88 answered with Question No. 83.

Questions Nos. 89 and 90 answered with Question No. 39.

Garda Investigations.

91. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the steps the Garda is taking to deal with a reported feud between two criminal gangs in Dublin which has led to numerous shooting incidents and attacks using explosive devices; and if he will make a statement on the matter. [32836/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Authorities that investigations into recent incidents involving the use of pipe bombs and other improvised explosive devices in the greater Dublin area have uncovered links between a paramilitary group and organised criminal elements. Indications thus far are that the use of these devices are connected with the activities of this group in pursuit of the extortion and intimidation of other criminals and business people. Strategies have been put in place by senior Garda management in the Dublin Metropolitan Region which focus on disrupting the criminal activities of these organised criminal groups. Where there is sufficient evidence, persons involved in these types of activities are brought before the Courts.

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Local gardaí supported by national units, including the National Bureau of Criminal Investigation, the Organised Crime Unit, the Special Detective Unit and personnel from Crime and Security Branch, are actively targeting suspected members of various organised crime groups operating in the city and its environs. Firearms, drugs and cash are being seized by gardaí on a regular basis and where appropriate those connected with illegal activities are brought before the Courts on related charges. I am informed by Garda management that investigations are ongoing into all such incidents and I am sure that given the circumstances the Deputy will appreciate that it would be inappropriate for me to comment any further.

Mobile Phones in Prisons.

93. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the number of mobile phones that have been seized from Irish prisons annually in the years 2007 and to date in 2008; and if he will make a statement on the matter. [32777/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy is set out in the table.

Prison	2007	2008 (up until 31 August)
Arbour Hill Prison	5	1
Training Unit	55	60
Shelton Abbey	25	55
Portlaoise Prison	62	24
Castlerea Prison	101	61
Midlands Prison	154	99
Cloverhill Prison	129	100
Limerick Prison	255	199
Mountjoy Prison	718	465
Dóchas Centre	73	41
St. Patrick's Institution	150	92
Wheatfield Prison	193	177
Loughan House	87	49
Cork Prison	110	41
Total	2,117	1,464

The Deputy will no doubt be aware that the problem of mobile phone use in prisons is a major challenge for prison services worldwide. The Irish Prison Service is dealing with this problem through a multifaceted approach which incorporates measures to prevent the smuggling of mobile phones into prisons, search and find operations aimed at locating and removing phones from within the prisons and the installation of mobile phone blocking technology.

Airport style scanners, x-ray machines, etc., are in operation at the entrances to most of our closed prisons and the installation programme for the remaining prisons is nearing completion. Cell and area searches for contraband such as mobile phones take place in all our prisons on a daily basis. These include random, targeted and intelligence led searches, many of which are now carried out by the recently established Operational Support Group. It is my understanding that these searches have been particularly effective and local intelligence indicates that the availability of mobile phones is now at a very low level in the prison system.

The technological approach involves the installation of mobile phone inhibitors throughout a prison complex. This is ground-breaking technology which is being developed in the Midlands Prison. The indications so far are positive enough to convince me that it is a worthwhile programme and merits commencement of the second module of the scheme. This will see the installation of an inhibition system beginning in Portlaoise Prison before the end of the year.

The Deputy will be aware that Section 36 of the Prisons Act 2007, which was brought into operation from 1 May 2007, makes it an offence for prisoners to have unauthorised possession of or use mobile telecommunications devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalty for such an offence, on summary conviction, is a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

Question No. 94 answered with Question No. 64.

Crime Levels.

95. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the proliferation of pipe bomb attacks in the greater Dublin area is connected with the activities of dissident republicans; and if he will make a statement on the matter. [32798/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that investigations into certain recent pipe bomb incidents in the Dublin area indicate the involvement of paramilitary elements. Garda investigations into these incidents are ongoing.

Mobile Phones in Prisons.

96. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform if it is his policy to allow the use of mobile phones in prisons with a view to monitoring the communications of prisoners. [32953/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There are no circumstances whereby the prison authorities grant or facilitate prisoners with access to mobile phones while in prison custody. The Deputy will be aware that Section 36 of the Prisons Act 2007, which was brought into operation from 1 May 2007, makes it an offence for prisoners to have unauthorised possession of or use mobile telecommunications devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalty for such an offence, on summary conviction, is a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

I am determined to deal with the problem of prisoners using mobile phones and, in this context, I believe that technology offers the best solution to dealing with the illegal use of mobile phones by prisoners. Installation of a pilot scheme of technology to prevent the use of mobile phones in prisons began in Midlands/Portlaoise Prison Complex in April 2007. The inhibitors are being introduced on a phased basis in terms both of the physical structure of the prison, i.e., on a building by building basis — and also in terms of communications bands/channels that are being inhibited.

[Deputy Dermot Ahern.]

The Midlands Prison module of the pilot scheme is now nearing completion and the Irish Prison Service is at an advanced stage in terms of its acceptance testing procedures. All indications continue to be very positive and, based on the experience so far, installation of inhibitors in the new block in Portlaoise maximum security prison will begin before the end of the year. It is expected that inhibitors will be installed in all our closed prisons over the next 18 to 24 months.

Proposed Legislation.

97. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform when it is expected that the promised legislation on civil unions will be published; and if he will make a statement on the matter. [32852/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Government Legislation Programme published on 23 September 2008 indicates that publication of the Civil Partnership Bill is expected in early 2009. The General Scheme of the Bill was published on 24 June 2008 and is available on my Department's website.

Departmental Procurement Policy.

98. **Deputy Kieran O'Donnell** asked the Minister for Justice, Equality and Law Reform if it is his policy to seek discounts when bulk purchasing with public money; and if he will make a statement on the matter. [32789/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that in the matter of bulk purchasing, my Department adheres to its obligations under the EU Directives and National Public Procurement Guidelines. Contracts are generally awarded on the basis of the most economically advantageous tender. Cost is always included as a criterion. Post-tender negotiation is prohibited as it diminishes transparency. The basic procurement principle is that maximum use of transparent competitive open tendering is the best way to get value for money.

My Department is committed to greater use of framework agreements which are now allowed under the directives, to increase competition without adding an undue burden on businesses who wish to quote for Government business. We are also taking steps to streamline and aggregate procurement within my Department and between the Department and other Departments and Agencies to help exploit the relative overall size of Government spend in certain markets. A particularly welcome initiative is the establishment of the new public Procurement National Operations unit in the Office of Public Works under the direction of my colleague Minister for State Mansergh, which affords a welcome opportunity to bring a more coordinated approach to the issue of public sector procurement in Ireland in line with the recent OECD report. My Department will, of course be fully participating in that initiative.

Departmental Reports.

99. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the action he has taken or plans to take arising from the report of the Hartnett inquiry into the death of a person (details supplied); and if he will make a statement on the matter. [32844/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As indicated in my reply to Parliamentary Question Number 129 of 8 July 2008, the findings of the Hartnett Report

have been accepted. I am constrained in what I can say due to the fact that civil proceedings instituted by the Rossiter family are still ongoing and an inquest into Brian Rossiter's death has yet to be concluded. I understand, in fact, that the Inquest is due to resume today. In my July reply I also indicated that a Chief Superintendent had been appointed under the Garda Síochána (Discipline) Regulations 2007 to deal with disciplinary matters arising from the Report. The question of discipline for members is, in the first instance, a matter for the Commissioner and I understand that one member has been dealt with under that process and the process is ongoing in respect of two others.

Road Traffic Offences.

100. **Deputy Pádraic McCormack** asked the Minister for Justice, Equality and Law Reform his views on so-called boy racers; and if he will make a statement on the matter. [32803/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): One of the strategic goals set out in the Garda Síochána Corporate Strategy 2007-2009 is to reduce significantly the incidence of fatal and serious injuries and improve road safety. One of the actions identified in the Garda Policing Plan 2008 in support of this goal is targeted intelligence-led operations against offending young drivers.

I am informed by the Garda authorities that specific operations are conducted to improve the compliance culture among such drivers and reduce the level of death and injuries in that age group. An Garda Síochána is working with other agencies, in particular the Road Safety Authority, in this regard. Specific areas, identified as places where young drivers congregate, are targeted to prevent breaches of the criminal law and gather intelligence on those involved in this type of criminality. As a result, uniform members of An Garda Síochána, supported by Divisional Traffic Corps personnel, establish checkpoints and enforce in a highly visible manner the provisions of the Road Traffic Acts.

These initiatives have resulted in detections being made for a wide range of road traffic offences, including offences relating to dangerous driving, careless driving, no silencer fitted, L plates not displayed, identification plates not conforming with legislation, road tax, insurance and driving licences, speeding, dangerously defective vehicles and modified vehicles. Offences detected are dealt with by way of prosecution, fixed charge notice or, where appropriate, through the Juvenile Diversion Programme. In addition to these intelligence-led operations, all uniform members of An Garda Síochána are tasked with enforcing the relevant legislative provisions. Regular mobile patrols take place, and roving checkpoints are conducted in areas where young drivers tend to congregate.

In addition websites are monitored so as to establish where such anti-social activities are taking place with a view to providing an appropriate response. Garda road safety awareness programmes are conducted in schools, third level colleges, factories, workplaces and other facilities, with the aim of educating road users of the obligations on all road users under the Road Traffic Acts and to promote road safety among the target group.

I am further informed by the Garda authorities that they are currently reviewing various types of equipment in line with EU specifications, which will ensure that the technical evidence necessary is available to prosecute successfully drivers whose vehicles produce excessive noise or have windows (front windscreen and front passenger door windows) which fail to provide a view of the road and traffic on the road necessary to enable the driver to drive safely. Any changes to road traffic legislation, including the introduction of new penalties, is a matter for my colleague the Minister for Transport.

Redundancy Payments.

101. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount of money owed to her Department in refunds for redundancy payments; the way debtors are being pursued; the criteria used to write-off the debts; and if she will make a statement on the matter. [33155/08]

103. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount owed to her Department in refunds for redundancy payments that has been written off in the past three years; if she will list the amount written off and the name of the debtor; and if she will make a statement on the matter. [33154/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 101 and 103 together.

The total amount outstanding to the SIF in respect of all cases at year end 2007 was €37.7m. In the past three years, an amount of €4.45m relating to 132 individual company debts due to the SIF in respect of statutory redundancy payments made by my Department to employees whose employers were not in a position to make those statutory payments, has been written off as irrecoverable.

The criteria engaged to write off such monies are cases in which liquidations have been completed and final statement of accounts were received and/or cases where the companies concerned have been struck off the Register of Companies. Equally, write-offs were concluded in cases in which receiverships were completed and the Receiver had disposed of all assets of the company, and final Receiver Receipts and Payments Accounts were produced. In both instances, confirmation would have been received that either the companies had been dissolved and struck off the Register of Companies for at least two years or, that companies struck off the Register, were not pending reinstatement. In these situations there is no legal entity to pursue to recover outstanding debt.

Apart from liquidations and receiverships, debt arises from defaulting employers whose enterprises, while they may be experiencing financial difficulties, do not undertake formal liquidation or receivership processes. In all cases of outstanding debt regardless of the source, liability letters seeking repayment of the outstanding debt are issued and debts are recovered on foot of these letters. Follow up to the initial liability letters by issuing regular reminders is also being pursued. As there is no time limit on liquidations, it often takes a number of years to recover any liability from the administrator of a liquidated company, but reminders of the preferential creditor status of the Minister are regularly issued. It is not the practice of my Department to release information on redundancy/insolvency matters in respect of individuals or companies.

Job Creation.

102. **Deputy Charles Flanagan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of Industrial Development Authority supported jobs created in County Laois each year for the past ten years; and if she will make a statement on the matter. [33097/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Forfás Annual Employment Survey reports on job gains and losses in companies that are clients of the industrial development agencies. Information is collected on an annualised basis and is

aggregated at county level. Figures for 2008 will not be available until early 2009. The numbers of new jobs created by IDA supported companies in Co Laois in each year of the 10 year period 1998-07 are shown on the tabular statement. IDA collaborates with other stakeholders in an effort to develop the region and through its network of overseas offices the Agency continues to market the area to potential investors.

Table showing numbers the number of jobs created in IDA Ireland supported companies over the 10 year period 1998-07

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Number of new jobs created	7	23	41	13	30	2	18	12	18	9

Question No. 103 answered with Question No.101.

Tax Code.

104. **Deputy Richard Bruton** asked the Minister for Finance the cost of raising the threshold on the health levy by €100 per week and by €200 per week in 2009. [33187/08]

Minister for Finance (Deputy Brian Lenihan): Using the data in the Pre-Budget 2009 income tax ready reckoner, a €100 and a €200 increase in the threshold of the health levy would cost about €120 million and €240 million in a full year, respectively. The costs quoted are provisional, subject to revision and estimated to the nearest €5 million. The ready reckoner is available on my Department's website, at www.finance.gov.ie.

Public Service Staff.

105. **Deputy Richard Bruton** asked the Minister for Finance if he will take steps to ensure that Departments and agencies who are seeking to make savings on their wage bill do not compromise the family friendly working options that have been developed in recent years; and if he will make a statement on the matter. [33006/08]

Minister for Finance (Deputy Brian Lenihan): Family-friendly policies have made, and will continue to make, a vital contribution to the recruitment and retention of staff across the public sector. The Civil Service, in particular, is acknowledged as offering a wide range of flexible and family friendly options including flexitime, work-sharing, term-time working and career breaks. Requests for access to work-life balance schemes are generally facilitated as far as possible, subject to business requirements. It is a matter for each individual Department or Office to determine how best to apply these schemes in their business context, including in the context of securing payroll saving and other efficiencies.

Tax Code.

106. **Deputy Joanna Tuffy** asked the Minister for Finance the position regarding the tax covenanting scheme that is available; the circumstances in which it can be availed of; the persons who can avail of it; the financial limits that apply and the money expended by the State in relation to these tax covenants. [33075/08]

107. **Deputy Joanna Tuffy** asked the Minister for Finance the position regarding the abolition of certain tax covenanting arrangements that applied before the abolition of third level tuition fees; the amount estimated as saved by his Department each year by the abolition of those tax

[Deputy Joanna Tuffy.]

covenanting arrangements; and the amount spent on this covenanting scheme in the year that preceded the year it was abolished. [33076/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 106 and 107 together.

A deed of covenant is a legally binding written agreement made by an individual to pay an agreed amount to another individual, without receiving any benefit in return. To be legally effective, it must be properly drawn up, signed, witnessed, sealed and delivered to the individual receiving the payments. Any amount can be paid under a deed but only covenants in favour of certain individuals qualify for tax relief. A deed must be capable of exceeding a period of six years to qualify for tax relief.

Up to and including the 1993/94 tax year, tax relief was available to the covenantor in respect of covenants in favour of all individuals and for research, teaching of natural sciences and to certain bodies for the promotion of human rights. There was evidence that this tax relief was being abused. To curb this abuse, to stem the rising cost to the Exchequer of covenants and to help fund the phasing out of fees for third level education, this regime was phased out, for both existing and new covenants, in tax years 1994/95 and 1995/96. Since the tax year 1996/97, unrestricted tax relief can only be claimed by covenantors in respect of covenants in favour of permanently incapacitated minors (other than covenants from parents to their own minor incapacitated children) and in respect of covenants in favour of permanently incapacitated adults.

Tax relief can also be claimed by a covenantor in respect of covenants in favour of adults aged 65 or over but the amount of tax relief available on one or more covenants cannot exceed 5% of the total income of the covenantor. When paying over the monies under the covenant, the covenantor deducts tax at source at the standard rate of tax (currently 20%). A covenantee may be entitled to a refund of all, or part, of this tax where his or her tax credits reduce his/her tax liability to less than the amount of income tax deducted by the covenantor, or if the covenantee's total income is below the applicable income tax exemption limit.

The attached table provided by the Revenue Commissioners shows the estimated cost of the tax relief in each tax year from 1993/94 to 2005. The cost of the relief dropped considerably in tax year 1996/97, the year in which certain restrictions already outlined were introduced. The Revenue Commissioners have also provided figures (rounded to the nearest hundred) for the number of taxpayers since 2000/01 claiming tax relief on covenants.

Tax year	Numbers of Claimants	Estimated cost of tax relief
		(€) m
1993/94		51.8
1994/95		58.3
1995/96		31.0
1996/97		8.4
1997/98		8.8
1998/99		8.9
1999/2000		10.3
2000/01	4,700	11.2
2001	6,100	10.2
2002	5,900	12.8
2003	6,000	15.0

Tax year	Numbers of Claimants	Estimated cost of tax relief
		(€) m
2004	6,000	17.1
2005	6,100	18.9

108. **Deputy Michael Ring** asked the Minister for Finance the amount of income tax paid by a married couple, under the PAYE system, assessed jointly with one income of €2,400 and the second income of €65,600 in 2007 assuming the standard tax credits. [33109/08]

109. **Deputy Michael Ring** asked the Minister for Finance the amount of income tax paid by a married couple, under the PAYE system, assessed jointly with one income of €5,000 and the second income of €63,000 in 2007 assuming the standard tax credits. [33110/08]

110. **Deputy Michael Ring** asked the Minister for Finance the amount of income tax paid by a married couple, under the PAYE system, assessed jointly with one income of €12,000 and the second income of €56,000 in 2007 assuming the standard tax credits. [33111/08]

111. **Deputy Michael Ring** asked the Minister for Finance the amount of income tax paid by a married couple, under the PAYE system, assessed jointly, with one earner of €68,000 in 2007, assuming the standard tax credits. [33112/08]

112. **Deputy Michael Ring** asked the Minister for Finance the amount of income tax paid by a married couple, under the PAYE system, assessed jointly with two incomes each of €34,000 in 2007 assuming the standard tax credits. [33113/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 108 to 112, inclusive, together.

The position in 2007 regarding tax bands and credits for a married couple is as follows.

Standard Rate Band

Married one income: €43,000

Married two income:

Transferable: €43,000

Non-transferable: €25,000

Tax Credits

Married Personal Credit: €3,520

Employee (PAYE) Credit: €1,760

The following five examples show the income tax payable by married couples as requested by the Deputy on gross income of €68,000 for 2007.

[Deputy Brian Lenihan.]

Example 1

Married two income couple under the PAYE system, assessed jointly with one of €2,400 and the second income of €65,600.

Earners 1		Earners 2	
Gross Income	€2,400	Gross Income	€65,600
Band Available	€25,000	Band Available	€43,000
Band Utilised	€2,400	Band Utilised	€43,000
Tax		Tax	
€2,400 @ 20% =	€480	€43,000 @ 20% =	€8,600
	_____	€22,600 @ 41% =	<u>€9,266</u>
	€480		€17,866
Less Credits			
Employee	(€480)		(€1,760)
Married	_____		<u>(€3,520)</u>
= Total Credits	(€480)		(€5,280)
Total Tax	Nil		€12,586
Total Tax Due:	€12,586		

Example 2

Married two income couple under the PAYE system, assessed jointly with one of €5,000 and the second income of €63,000

Earners 1		Earners 2	
Gross Income	€5,000	Gross Income	€63,000
Band Available	€25,000	Band Available	€43,000
Band Utilised	€5,000	Band Utilised	€43,000
Tax		Tax	
€5,000 @ 20% =	€1,000	€43,000 @ 20% =	€8,600
	_____	€20,000 @ 41% =	<u>€8,200</u>
	€1,000		€16,800
Less Credits			
Employee	(€1,000)		(€1,760)
Married	_____		<u>(€3,520)</u>
= Total Credits	(€1,000)		(€5,280)
Total Tax	Nil		€11,520
Total Tax Due:	€11,520		

Example 3

Married two income couple under the PAYE system, assessed jointly with one of €12,000 and the second income of €56,000

Earners 1		Earners 2	
Gross Income	€12,000	Gross Income	€56,000
Band Available	€25,000	Band Available	€43,000
Band Utilised	€12,000	Band Utilised	€43,000
Tax		Tax	
€12,000 @ 20% =	€2,400	€43,000 @ 20% =	€8,600
	_____	€13,000 @ 41% =	<u>€5,330</u>
	€2,400		€13,930
Less Credits			
Employee	(€1,760)		(€1,760)
Married	_____		<u>(€3,520)</u>
= Total Credits	(€1,760)		(€5,280)
Total Tax	€640		€8,650
Total Tax Due:	€9,290		

Example 4

Married couple under the PAYE system, assessed jointly with one earner of €68,000.

Earners 1	
Gross Income	€68,000
Band Available	€43,000
Band Utilised	€43,000
Tax	
€43,000 @ 20% =	€8,600
€25,000 @ 41% =	<u>€10,250</u>
	€18,850
Less Credits	
Employee	(€1,760)
Married	<u>(€3,520)</u>
= Total Credits	(€5,280)
Total Tax Due:	€13,570

[Deputy Brian Lenihan.]

Example 5

Married two income couple under the PAYE system, assessed jointly with two incomes each of €34,000

Earners 1		Earners 2	
Gross Income	€34,000	Gross Income	€34,000
Band Available	€34,000	Band Available	€34,000
Band Utilised	€34,000	Band Utilised	€34,000
Tax		Tax	
€34,000 @ 20% =	€6,800	€34,000 @ 20% =	€6,800
Less Credits			
Employee	(€1,760)	Employee	(€1,760)
Personal	(€1,760)	Personal	(€1,760)
= Total Credits	(€3,520)	= Total Credits	(€3,520)
Total Tax	€3,280	Total Tax	€3,280
Total Tax Due:	€6,560		

113. **Deputy Róisín Shortall** asked the Minister for Finance the estimated saving to the Exchequer if a cap of €200,000, €150,000, €130,000 and €100,000 respectively was applied to the reckonable salary for pension contribution purposes; and if he will make a statement on the matter. [33142/08]

Minister for Finance (Deputy Brian Lenihan): It is presumed the Deputy is referring to the current annual earnings cap of €275,239 which operates to limit the level of tax-relieved personal pension contributions in any one year. The annual earnings cap acts, in conjunction with age-related percentage limits of annual earnings, to put a ceiling on the annual amount of tax relief an individual taxpayer can obtain on pension contributions.

The full year yields to the Exchequer arising from reducing the earnings cap to the amounts mentioned in the question are estimated as follows:

Proposed Earnings Cap	Estimated Exchequer Yield
€	€m
200,000	28
150,000	101
130,000	156
100,000	287

A breakdown of the figures by reference to income levels is available only in respect of the tax relief for contributions to Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) to the extent that these contributions are included in the personal tax returns of tax payers.

With regard to occupational pensions, (that is, schemes set up by the employer), the figures in respect of employee contributions are available only in aggregate form. Information on such contributions is not captured in such a way as to make it possible to associate contributions

with individual income levels. For that reason the estimated yields to the Exchequer provided in respect of these contributions are extremely tentative.

The estimates of yield are based on assuming that tax relief which would be affected by the changes mentioned in the question is currently allowed at the top income tax rate of 41% and at the maximum age-related percentage limit of earnings. The estimated figures provided could therefore be regarded as the maximum Exchequer yield in respect of those taxpayers.

114. **Deputy Róisín Shortall** asked the Minister for Finance the cost to the Exchequer of tax relief on small self-administered pensions in the past five years for which figures are available with a breakdown by relief type. [33143/08]

Minister for Finance (Deputy Brian Lenihan): Employer contributions to small self-administered pension schemes are treated as a trading expense. Employee contributions are netted off as deductions from an individual's income before arriving at the definition of income for tax purposes. I am informed by the Revenue Commissioners that figures of pension contributions by employers and employees are not captured in such a way as to provide a dedicated basis for compiling estimates of cost to the Exchequer in respect of contributions to such schemes. Accordingly, I am not in a position to provide the specific information requested by the Deputy.

115. **Deputy Róisín Shortall** asked the Minister for Finance the cost to the Exchequer of tax relief on mortgage interest relief for landlords in the past five years for which figures are available; and if he will make a statement on the matter. [33144/08]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that based on personal income tax returns filed by non-PAYE taxpayers for the years 2003 to 2006 inclusive, the latest year for which this information is available, the estimated amount of tax foregone by allowing a deduction for interest on borrowings to be offset against rents assessable under Case V, Schedule D is as set out as follows.

Year	Estimated Tax Forgone
	€m
2003	222
2004	284
2005	393
2006 (provisional)	572

The estimates are based on assuming that tax relief was allowed at the top income tax rate of 42% and the figures provided could therefore be regarded as the maximum Exchequer cost in respect of those taxpayers.

Corresponding suitable data is not available for the year 2002. 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. Company returns of rental income are net of interest on borrowings and the figures for interest are not separately distinguished in those returns. It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11. This return is the source of the figures provided in this reply.

116. **Deputy Róisín Shortall** asked the Minister for Finance the cost to the Exchequer of tax relief on mortgage interest relief for interest only mortgages in the past five years for which figures are available; and if he will make a statement on the matter. [33145/08]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the cost to the Exchequer of all mortgage interest relief relating to borrowers' sole or main residences which was provided by way of tax relief at source (TRS) in each of the years 2004 to 2008 inclusive is as follows:

Tax Year	Cost
	€m
2004	230
2005	280
2006*	350
2007*	545
2008*	665 (revised estimate)

*These figures are provisional and subject to revision.

It is not possible to distinguish between the cost of mortgage interest relief for interest only and other types of mortgages.

Decentralisation Programme.

117. **Deputy Fergus O'Dowd** asked the Minister for Finance the status of reports from the decentralisation implementation group and from the implementation group of Secretaries General; if these reports will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [33164/08]

Minister for Finance (Deputy Brian Lenihan): The Government decided on 8th July last that no further expenditure on the acquisition of accommodation for decentralisation should be sanctioned pending detailed consideration by the Government of two reports: one from the Decentralisation Implementation Group on the feasibility of phased moves by the State Agencies; and one from the Decentralisation Sub Group of the SMI Implementation Group of Secretaries General on the governmental and cross-Departmental issues arising from the need to provide facilities for Ministers, Ministers of State and officials while in Dublin on business. These reports are currently under consideration by Government.

Tax Code.

118. **Deputy Richard Bruton** asked the Minister for Finance the cost of raising tax credits and the tax cut off points by 4.5% in the 2009 income tax code. [33174/08]

Minister for Finance (Deputy Brian Lenihan): Using the data in the Pre-Budget 2009 income tax ready reckoner, a 4.5% increase in the value of the main personal credits (basic personal credit and employee credit) and the tax bands would cost about €645 million in a full year. The costs quoted are provisional, subject to revision and estimated to the nearest €5 million. The ready reckoner is available on my Department's website, at www.finance.gov.ie.

119. **Deputy Richard Bruton** asked the Minister for Finance the revenue that would be raised by applying medical relief only at the standard rate of 20% in 2009. [33175/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that if relief for health expenses was confined to the standard rate of income tax the saving to the Exchequer could be of the order of €155 million in a full year.

120. **Deputy Richard Bruton** asked the Minister for Finance the revenue that would be raised by reducing the maximum allowable amount of tax relief on pension contributions by €50,000, by €100,000 and by €150,000 respectively in 2009. [33176/08]

Minister for Finance (Deputy Brian Lenihan): It is assumed that the Deputy is referring to the current annual earnings cap of €275,239 which operates to limit the level of tax relieved personal pension contributions in any one year. The annual earnings cap acts, in conjunction with age-related percentage limits of annual earnings, to put a ceiling on the annual amount of tax relief an individual taxpayer can obtain on pension contributions.

The full year yields to the Exchequer arising from reducing the earnings cap by the amounts mentioned in the question are estimated as follows:

Proposed Earnings Cap	Estimated Exchequer Yield
€	€m
225,239	11
175,239	55
125,239	189

A breakdown of the figures by reference to income levels is available only in respect of the tax relief for contributions to Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) to the extent that these contributions are included in the personal tax returns of tax payers.

With regard to occupational pensions, (that is, schemes set up by the employer), the figures in respect of employee contributions are available only in aggregate form. Information on such contributions is not captured in such a way as to make it possible to associate contributions with individual income levels. For that reason the estimated yields to the Exchequer provided in respect of these contributions are extremely tentative.

121. **Deputy Richard Bruton** asked the Minister for Finance the revenue that would be raised by reducing the combined value of tax reliefs that an individual can claim in 2009 under the rules for capping, by €50,000, by €100,000 and by €150,000 respectively in 2009. [33177/08]

Minister for Finance (Deputy Brian Lenihan): It is assumed that the Deputy is referring to the restriction of reliefs measure announced in Budget 2006, which took effect on 1 January 2007. It is estimated by the Revenue Commissioners that reducing the threshold of €250,000 and the marginal relief limit of €500,000 by the stated amounts would result in the following full year yields to the Exchequer in 2009:

New threshold	New marginal relief limit	Full year yield
€	€	€m
200,000	400,000	8
150,000	300,000	18
100,000	200,000	28

As the closing date for tax returns for the 2009 tax year will not be until 31 October 2010, there would be a minimal yield from any of these proposals in 2009. These estimates are based on personal income tax data for 2005, with income and numbers projected forward for growth up to 2009.

122. **Deputy Richard Bruton** asked the Minister for Finance the revenue that would be raised by reducing all remaining tax reliefs, other than for pension contributions, in the tax code to be only claimable at the standard rate of tax in 2009. [33178/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the deductions and reliefs which are allowable for tax at an individual's marginal rate of income tax, other than pension contributions, and for which estimates of cost can be provided are set out as follows together with estimated costs for the year 2005, the most recent year for which the necessary detailed information is available except where otherwise stated. If relief for these deductions and reliefs was confined to the standard rate of income tax the saving to the Exchequer could be of the order of €550 million.

This estimate does not take into account any possible behavioural change on the part of taxpayers as a consequence of such a change or the economic effect of such a change. This applies in particular to the BES, Film Relief and Capital Allowances regime. The standard rating of employee pension reliefs would also have an impact on workers' take home pay.

Tax Relief Provision	2005 Cost
	€m
Person Taking Care of Incapacitated Taxpayer	1.6
Health Expenses	134.0
Contributions Under Permanent Health Benefit Schemes, after Deduction of Tax on Benefits Received	2.8
Interest paid relating to borrowings for purposes such as acquiring an interest in a company or partnership or to pay death duties	22.2
Expenses Allowable to Employees under Schedule E	65.0
Donations to Approved Bodies	34.0
Donations to Sports Bodies.	0.2
Retirement Relief for certain Sports Persons.	0.2
Revenue Job Assist allowance	0.4
Allowance for seafarers	0.4
Investment in Corporate Trades (BES)	16.1
Investment in Seed Capital	1.3
Stock Relief	2.0
Relief for expenditure on significant buildings and gardens	3.3
Donation of Heritage items	5.8
Capital Allowances (Income Tax only)	734.5
Rented Residential Relief — Section 23	239.7
Investment in Films	15.7
Total	2,109.1

123. **Deputy Richard Bruton** asked the Minister for Finance the revenue from a carbon tax of €20 and €25 per tonne of CO₂ respectively applied to all energy related sources of CO₂, excluding those participating in the emission trading scheme; and his estimate of the absolute and percentage increase in the retail price of energy sources used by families and businesses. [33179/08]

Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware the matter of a carbon tax is being considered by the Commission on Taxation and the Commission is due to report by September 2009 at the latest. I am informed by the Revenue Commissioners that the

estimated impact of a carbon tax at the levels suggested on the retail prices of energy sources are set out in the following table:

Fuel Type	Unit	Price	Carbon Tax €20	% price increase	Carbon Tax €25	% price increase
		€		%		%
Peat Briquette	Bale	3.50	0.52	14.86	0.65	18.57
Coal	40kg	14.80	2.39	16.15	2.98	20.14
Gasoil	Litre	0.82	0.06	7.32	0.07	8.54
Kerosene	Litre	0.79	0.05	6.33	0.07	8.86
Diesel	Litre	1.26	0.06	4.77	0.08	6.35
Petrol	Litre	1.21	0.05	4.14	0.07	5.79
LPG	Litre	0.85	0.03	3.53	0.04	4.71
Natural Gas (Standard)	kWh	0.05	0.004	8.00	0.005	10.00

Given that the precise design of the carbon tax is yet to be determined as well as other factors such as consumer behaviour, it is not possible to accurately predict the revenue. A lot obviously depends on the assumptions underpinning any anticipated yield. For the purpose of this exercise, it is assumed a carbon tax would apply to both commercial and non-commercial use of diesel, petrol, kerosene, gasoil and LPG. In relation to peat, coal and natural gas, consumption figures (SEI 2007) for the residential sector alone are used because the majority of commercial consumption of these commodities is used in the production of electricity which is covered by the ETS. Under these assumptions it is estimated that a carbon tax at the rates suggested could provide gross yields of approximately €430m and €560m per annum respectively.

National Partnership Agreement.

124. **Deputy Richard Bruton** asked the Minister for Finance the extra cost in 2009 of paying the latest agreement on pay increase, of pay drift due to increments and grade movement, of the carryover of the last pay round, and of increased public service numbers taken on during the past year. [33191/08]

Minister for Finance (Deputy Brian Lenihan): Based on current staffing and numbers, it is estimated that the cost of implementing the pay increases provided for in the draft Agreement will be approximately €260m in 2009. The additional cost of the carryover of the last pay round is approximately €360m. No increased provision will be made in the pay bill for increments.

Year-to-year increases in allocations would not normally be granted to allow for increments. In the normal way, the overall cost of increments for some staff on incremental scales should be offset by reductions in cost arising from retirements or other movements by staff on higher incremental points and their replacement by staff on lower points. It is not possible at this stage to provide a cost for 2009 of changes in public service numbers as this issue will be considered in the context of the Budget for 2009.

Tax Code.

125. **Deputy Richard Bruton** asked the Minister for Finance the number of persons who paid part of their income at the top rate of income tax in 2007, in 2008 and in 2009; and the percentage they constitute of all income tax payers. [33192/08]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the information requested by the Deputy is as follows in respect of the income tax years 2007, 2008 and 2009.

[Deputy Brian Lenihan.]

Tax year	Exempt (Standard rate liability fully covered by credits or Age Exemption Limits)		Marginal Band		Paying tax at the standard rate (including those whose liability at the higher rate is fully offset by credits)		Higher rate Liability not fully offset by credits		All Cases
	Number	%	Number	%	Number	%	Number	%	
2007	900,100	38.2	18,400	0.8	980,200	41.6	458,400	19.5	2,357,200
2008	898,200	38.0	18,700	0.8	982,800	41.5	466,100	19.7	2,365,800
2009 PreBudget	851,200	36.0	20,300	0.9	977,300	41.4	513,300	21.7	2,362,200

Because of the operation of tax credits, many taxpayers who are nominally liable at the higher rate of tax pay tax at no more than the standard rate of tax. This is due to their higher rate liability for tax being fully offset by the value of their personal credits, as explained in pages C23 to C28 of the 2007 Budget booklet. The above data allows for this effect.

What matters to earners is the amount of their earnings that they keep in their pockets. For all income earners, whether single or married, the position is that their take home pay has increased very significantly in real terms over the last number of years. Notes. The figures are estimates from the Revenue tax-forecasting model using actual data for the year 2005 adjusted as necessary for income and employment growth for the years in question. They are therefore provisional and likely to be revised. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit. Figures in the table are rounded to the nearest hundred and any apparent discrepancies in totals are due to this.

Tax Yield.

126. **Deputy Richard Bruton** asked the Minister for Finance his estimate of the aggregate tax revenue raised in 2007 and in 2008 from the construction sector, from the motoring sector and from alcoholic drinks. [33193/08]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that, as the information furnished on tax returns does not generally require the yield from a particular sector or sub-sector of economic activity to be identified, the precise figures of net yield of tax revenues from the construction industry cannot be readily identified. Information in relation to VAT, Income Tax and Corporation Tax can, however, be provided as to the estimated gross amounts of taxes paid (i.e. before allowing for repayments) by taxpayers in the construction industry.

The gross yield of VAT (not including VAT on imports), PAYE/PRSI, Income tax non-PAYE and Corporation tax from taxpayers in the construction industry within the tax head is estimated as follows for 2007:

Tax head	2007
	€m
VAT	3,043
PAYE/PRSI	2,610
Income Tax non-PAYE	445
Corporation Tax	582

Data on these taxes for 2008 is not available at this stage.

It should be noted that the estimated gross yields from the construction industry provided include the yield from activities and businesses which are related, either in whole or in part, to the construction sector. An example of these would be architecture, engineering and the manufacture of products used in construction, but not real estate activities.

The breakdown of yield from Stamp Duty on residential and non-residential property for the year 2007 and 2008 to date is set out in the following table:

Year	Residential Property	Non-Residential Property
	€m	€m
2007	1,018	1,363
2008 (to 31st July)*	307	439

* Provisional.

I am also informed by the Revenue Commissioners that the amounts of tax revenue collected from the motoring sector for the year 2007 and to August 2008 refers to VRT on cars and other vehicles, Mineral Oil Tax on petrol and diesel together with the estimated Value Added Tax on motor vehicles, repairs to motor vehicles and VAT on road tolls. The tax revenue from the motoring sector is shown in the following Appendix A.

The VAT yield from Oil Products and Motor Vehicles is estimated, as the information to be furnished on VAT returns does not require the yield from a particular sector or sub-sector of trade to be identified. The figures provided in this reply for the VAT yield in 2008 are estimates of the amount of VAT yield that would be generated by the volume of clearances of oil products and the number of cars registered for VRT purposes up to the end of the period in question. Depending on the nature of the registration status of a trader, VAT returns can be made monthly, bi-monthly, quarterly, half yearly or annually and this will dictate the point in time when VAT on sales will actually be paid. It should also be noted that the VAT content of purchases of Auto Diesel is a deductible credit for business in the Irish VAT system.

In relation to tax revenue from motor insurance, a Stamp Duty levy is charged on most non-life insurance premiums, including motor insurance; but it is not possible to distinguish between the different types of insurance business within the yield from that levy.

The amount of tax revenue collected from alcoholic drinks refers to Alcohol Products Tax and estimated VAT on Beer, Spirits, Wine and Cider. The figures provided in this reply for the VAT yield in 2008 are estimates of the amount of VAT yield that would be generated by the volume of clearances of alcohol products up to the end of the period in question. The tax revenue from alcoholic drinks is shown in the following Appendix B.

Appendix A — Motoring Sector

Mineral Oil Tax

	2007 Provisional	2008 (Jan to Aug.) Provisional
	€m	€m
Petrol	1,051.3	724.6
Auto Diesel	1,075.8	738.2
Total	2,127.1	1,462.8

[Deputy Brian Lenihan.]

VRT Yield

	2007 Provisional	2008 (Jan to Aug.) Provisional
	€m	€m
Cars	1,376.4	980.2
Other Vehicles	29.6	21.0
Total	1,406.0	1,001.2

Estimated VAT Yield

	2007 Est.	2008 (Jan to Aug.) Est.
	€m	€m
Petrol	465	352
Auto Diesel	57	46
Motor Vehicles	657	514
Car Repairs	73	49
Road Tolls	17	12
Total	1,269	973

Appendix B — Alcohol Products Tax

	2007 Provisional	2008 (Jan to Aug.) Provisional
	€m	€m
Beer	464.8	281.8
Spirits	367.6	203.1
Wine	230.2	136.8
Cider	68.3	41.1
Total	1,130.9	662.8

Estimated VAT Yield

	2007 Est.	2008 (Jan to Aug.) Est.
	€m	€m
Beer	553.5	355.0
Spirits	270.3	156.0
Wine	190.0	112.0
Cider	119.8	74.0
Total	1,133.5	697.3

Health Service Allowances.

127. **Deputy Richard Bruton** asked the Minister for Health and Children the value of and the basis of assessment for domiciliary care allowance and associated respite grant; and if conditions apply restricting the right of parents to work outside the home. [33204/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): Domiciliary Care Allowance (DCA) is a monthly allowance administered by the Health Service Executive (HSE). Eligible children from birth to the age of 16 who are living at home and who have a severe disability requiring continual or continuous care and attention which is substantially in excess of that normally required by a child of the same age, may qualify for DCA. The condition must be likely to last for at least one year. The current Domiciliary Care Allowance rate is €299.60 per month.

Eligible persons for the Respite Care Grant payable by the HSE, are those who are receiving Domiciliary Care Allowance on the first Thursday in June each year or those who subsequently qualify for DCA and who are paid DCA retrospectively for the period covering the first Thursday in June of the relevant year. Payment of the grant is automatic, application is not required. The Respite Care Grant is not payable in respect of DCA pro-rata recipients unless the child has spent at least six months, in total, of the previous 12 month period at home with his or her family. The current value of the Respite Care Grant per annum is €1,700 for one child and €3,400 for two or more children.

The administration of the Domiciliary Care Allowance and the associated Respite Grant falls within 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 provide further clarification directly to the Deputy on the issues raised.

Nursing Homes Repayment Scheme.

128. **Deputy Michael Ring** asked the Minister for Health and Children the companies working on behalf of her Department in the administration of the health repayment scheme; the payments made to each company, on an annual basis, since the scheme was introduced; if this work was put out to tender; the way these companies were appointed; the reason it was deemed necessary for this work to be outsourced; and if she will make a statement on the matter. [33010/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator K.P.M.G. and McCann Fitzgerald. The HSE has advised my Department that the repayment scheme was publicly advertised and tendered for in accordance with EU procurement regulations. The HSE has advised that the reason it was deemed necessary for the work to be outsourced was to secure the most economically advantageous business solution for the HSE. The HSE has advised that the following payments were made to the Scheme Administrator since the scheme was introduced:

2006 — €1.118m, 2007 — €2.274m, 2008 — €7.755m, Total — €11.147m.

Hospital Staff.

129. **Deputy Deirdre Clune** asked the Minister for Health and Children her plans to increase the number of orthopaedic surgeons and the subsequent theatre space that would be required in the Cork area; and if she will make a statement on the matter. [33019/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

130. **Deputy Finian McGrath** asked the Minister for Health and Children if an intervention will be made in the case of a person (details supplied) in County Sligo; and if she will make a statement on the matter. [33020/08]

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.

131. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the issues raised in correspondence from persons (details supplied) in County Meath. [33022/08]

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 matter investigated and to have a reply issued directly to the Deputy.

132. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the issues outlined in correspondence (details supplied). [33023/08]

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 Waiting Lists.

133. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be provided with a hospital bed in Galway. [33039/08]

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.

134. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding the provision of a personal assistant for persons (details supplied) in County Kildare; and if she will make a statement on the matter. [33045/08]

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.

135. **Deputy P. J. Sheehan** asked the Minister for Health and Children if she will ensure that funding is made available for a personal assistant in respect of a person (details supplied) in Dublin 12; and if she will make a statement on the matter. [33067/08]

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.

Water Supply Contamination.

136. **Deputy Joanna Tuffy** asked the Minister for Health and Children the position regarding steps taken in response to the discovery of higher than recommended levels of lead in water supplies in Galway city in September 2008. [33079/08]

Minister for Health and Children (Deputy Mary Harney): Following a recent tap water survey in Galway City, elevated levels of lead were found in a number of houses. Public health advises have been issued to residents and food business operators in Galway City. The HSE also advised residents in households where elevated lead levels in tap water have been recorded to have their blood lead levels checked. The HSE received results of blood lead levels in respect of the 35 people tested on the 29 September 2008 and I have been advised that, as the test results are within the normal range, none of those tested have any evidence of lead toxicity.

A programme of work has been agreed between Galway City Council, the HSE and the Environmental Protection Agency including the adjustment of the pH of the water, so as to reduce the interaction between the water and the lead pipes over the coming weeks, and the carrying out of the necessary works to replace the lead pipe distribution network thereafter.

Health Services.

137. **Deputy Edward O'Keefe** asked the Minister for Health and Children when payment of arrears will issue to a person (details supplied) in County Cork. [33081/08]

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.

138. **Deputy Catherine Byrne** asked the Minister for Health and Children the number of cocaine treatment clinics operating here; the location of each; the budget for each in 2008; the

[Deputy Catherine Byrne.]

number of staff employed in each clinic; the number of patients treated at each clinic; if new treatment clinics will open in Dublin and Cork in 2008; and if she will make a statement on the matter. [33084/08]

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.

139. **Deputy Joe Costello** asked the Minister for Health and Children when a person (details supplied) in Dublin 1 will receive rehabilitation; and if she will make a statement on the matter. [33091/08]

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 Waiting Lists.

140. **Deputy Joe Costello** asked the Minister for Health and Children if her attention has been drawn to the fact that a person (details supplied) in Dublin 1 is 18 months waiting for a hip replacement and that the patient does not have a date for the operation; and if she will make a statement on the matter. [33092/08]

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.

Care of the Elderly.

141. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if she will ensure that a home care package is provided for a person (details supplied) in County Dublin; and if she will make a statement on the matter. [33101/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Medical Aids and Appliances.

142. **Deputy Michael Ring** asked the Minister for Health and Children the reason the funding of an ART ASSIST machine to a person (details supplied) in County Mayo has ceased by the Health Service Executive; and if this funding will be restored. [33114/08]

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.

Hospital Waiting Lists.

143. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the number of people waiting for appointments for each speciality in each of the hospitals of Louth County Hospital, Dundalk, County Louth, Our Lady of Lourdes Hospital, Drogheda, County Louth and Our Lady's Hospital, Navan, County Meath; the average and longest waiting time for appointments; and if she will make a statement on the matter. [33121/08]

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 issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

Health Services.

144. **Deputy Brian O'Shea** asked the Minister for Health and Children if she is satisfied with the proposed timeframe and targets for the national diabetic retinopathy detection programme (details supplied); and if she will make a statement on the matter. [33125/08]

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.

Hospital Services.

145. **Deputy Paul Kehoe** asked the Minister for Health and Children the resources that have been committed to the new Alzheimer's and hospice unit at St. Ita's Hospital in Newcastle West; the staffing levels that have been sanctioned for these units; when staff will be appointed to these units; and if she will make a statement on the matter. [33130/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. The Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

146. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason for

[Deputy Aengus Ó Snodaigh.]

the delay in the provision of orthodontic treatment in respect of a person (details supplied) in Dublin 8. [33131/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

147. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason some children and teenagers have to wait for longer periods for orthodontic treatment depending on their address; if consideration has been given to a single list once a child has waited for more than six months or so; and if she will make a statement on the matter. [33132/08]

148. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the steps she has taken and will take to address the public waiting list for orthodontic treatment in the past five years; and if she will make a statement on the matter. [33133/08]

150. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the fact that the list for orthodontic treatment in St. James's Hospital is longer now than it was four years ago; the length of the waiting lists for orthodontic treatment for each year in the past five years for each of the centres providing public orthodontic treatments. [33135/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 147, 148 and 150 together.

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.

149. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the fact that delays in treating orthodontic problems in children and early teens can have serious medical consequences in later years, can exasperate the problem, can make it more difficult to remedy the problem and can affect the self-esteem of children and teenagers, leading to low self-esteem, suicidal thoughts and being the targets of bullies. [33134/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 150 answered with Question No. 147.

Hospital Waiting Lists.

151. **Deputy Frank Feighan** asked the Minister for Health and Children when it is envisaged

a person (details supplied) in County Leitrim will be given a hospital appointment for surgery. [33163/08]

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. Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Health Levy.

152. **Deputy Richard Bruton** asked the Minister for Health and Children the revenue expected to be raised from the health levy in 2007, 2008 and 2009. [33188/08]

Minister for Health and Children (Deputy Mary Harney): The Health Contribution was introduced by virtue of the Health Contributions Act 1979 and came into effect on the 6th April of that year. The contributions are levied on income at a percentage rate set in pursuance of the Health Contributions Act and are paid over to the Minister for Health and Children in respect of the Vote for the Health Service Executive.

An amount of €1,298,199,252 was received in Appropriations-in-Aid by the Health Service Executive in respect of Health Contributions for 2007. An amount of €1,330,000,000 is estimated as Appropriations-in-Aid in respect of Health Contributions for 2008 in the Revised Estimates for Public Services for 2008. The estimate of receipts in respect of the Health Contributions in 2009 will be finalised in the context of the forthcoming Budget.

Nursing Home Subventions.

153. **Deputy Richard Bruton** asked the Minister for Health and Children the improvements she is making in the nursing home subvention to which extra money was allocated in July 2008; the value of the maximum standard weekly subvention; the general income eligibility threshold which applies; the maximum value of enhanced subvention; the income eligibility thresholds for receiving enhanced subvention which are to be applied until the fair deal comes into force; and if this system of subvention will remain an option after the fair deal is put in place. [33195/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): The existing subvention scheme is governed by the Health (Nursing Homes) (Amendment) Act 2007. Under the Act, the maximum amount for basic subvention is €300 per week. The Act also provides for enhanced subvention to be paid. However, there is no maximum amount set for enhanced subvention. The amount paid is at the discretion of the HSE. It varies according to the cost of care and is subject to the HSE's resources.

In order to qualify for a subvention, an individual must be: a) sufficiently dependent to require maintenance in a nursing home, and b) unable to pay any or part of the cost of maintenance in the home. In order to determine this, they must undergo a means assessment which takes account of their income and assets.

In an improvement to the scheme in 2007, a person's principal private residence is now excluded from the means assessment after three years. The 2007 Act provides that the HSE

[Deputy Máire Hocht.]

may, at its discretion, refuse to pay subvention where: a) the applicant's assets exceed €36,000, b) the applicant's principal residence is valued at over €500,000 (where the property is in the Dublin area) or over €365,000 (where the property is outside of the Dublin area) and the principal residence is not occupied by the applicant's spouse or certain relatives who satisfy the conditions set out in the Act and the applicant's annual income is not less than €10,400, or c) the applicant does not fall within a) or b) but has an annual income in excess of €36,000.

However, the HSE's National Guidelines for the Standardised Implementation of the Nursing Home Subvention Scheme stipulate that no application should be refused solely on the grounds of the house value alone but that relevant applications should be processed in full, an income imputed as per the guidelines and if appropriate refused on basis of excess means.

The subvention scheme will continue to operate pending the commencement of the new Nursing Homes Support Scheme, A Fair Deal. In July 2008, approval was given to HSE to utilise a further €12 million in meeting costs associated with nursing home subventions and existing contract beds. Once the new scheme is introduced, people in approved nursing homes will be able to apply for the new scheme or can remain on their existing subvention payment should they so wish. However, no new applications for subvention may be made after the introduction of the Fair Deal.

Medical Cards.

154. **Deputy Richard Bruton** asked the Minister for Health and Children the income thresholds and eligibility terms for medical card and general practitioner services cards which apply; the index used for updating the elements of the scheme from year to year; the date from which revisions come into effect; if a wider review of the terms of eligibility has been conducted; and the recommendations for changes which have been made. [33196/08]

Minister for Health and Children (Deputy Mary Harney): The assessment guidelines used by the Health Service Executive (HSE) in respect of applications for medical cards and GP visit cards are subject to review by the Executive and my Department from time to time, having regard to the need to ensure that persons intended to benefit under these arrangements can do so. Such reviews have regard to factors such as changes in income levels generally, the nature of typical household outgoings and also changes which may be made to the various social welfare schemes.

In recent years there have been significant improvements to the way in which people's eligibility for medical cards and GP visit cards is assessed. Since the beginning of 2005, the qualification guidelines have increased by a cumulative 29% (7.5% and 20% in January and October 2005 respectively). Assessment is now based on a person's and, where relevant, his/her spouse's income after tax and PRSI, and takes account of reasonable expenses incurred in respect of rent or mortgage payments, childcare and travel to work. In June 2006, there was a further increase in the qualification threshold for the GP visit card to 50% above that for a medical card. Furthermore, under the assessment guidelines, persons whose weekly incomes are derived solely from Department of Social and Family Affairs payments or HSE payments, even if these exceed the stated threshold, qualify for a medical card.

In conjunction with the development of a new legislative framework to provide for clear statutory provision on eligibility for health and personal social services, my Department is currently reviewing the assessment criteria for medical cards in the context of financial, medical and social need in line with the commitment in Towards 2016. A Steering Group has been established to undertake this review and is expected to complete its work and report to me

within the next few months. I will then consider how best to progress the commitments in the Programme for Government in relation to medical card eligibility.

I attach a table for the Deputy which gives details of the current Medical Card and GP Visit Card income guidelines.

Table showing allowed weekly income, after tax/PRSI, before mortgage/rent, childcare and travel to work expenses are allowed for

	Medical Card	GP Visit Card
<i>Single Person Living Alone</i>		
Aged up to 65 years	184.00	276.00
Aged between 66-69 years	201.50	302.00
<i>Single Person Living with Family</i>		
Aged up to 65 years	164.00	246.00
Aged between 66-69 years	173.50	260.00
<i>Married couple/Single Parent Families with dependent children</i>		
Aged up to 65 years	266.50	400.00
With 1 Child	304.50	457.00
With 2 Children	342.50	514.00
With 3 Children	383.50	575.00
With 4 Children	424.50	637.00

Nursing Home Subventions.

155. **Deputy Richard Bruton** asked the Minister for Health and Children if changes in the general terms of the fair deal scheme as issued in 2007 are envisaged as a result of the detailed work that has had to be undertaken in the past few months; and the changes that are to be made. [33197/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Both the Minister for Health and Children and I are fully committed to introducing the new Nursing Homes Support Scheme in 2009. The Minister expects to publish the Bill within the next two weeks or so and to bring it before the Houses of the Oireachtas for debate in this Dáil session. The legislation required in order to introduce the Scheme is complex and has involved careful drafting in order to ensure that the interests of older people requiring residential care are fully protected. However, despite the delay, the principles of the scheme remain the same as originally announced.

Care of the Elderly.

156. **Deputy Richard Bruton** asked the Minister for Health and Children if she has set eligibility terms to be followed by the Health Service Executive in providing access to a home care package; and the terms being applied. [33198/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): Home Care Packages form a key component of the Government's strategy of supporting older people to live at home and in their communities for as long as possible. Home Care Packages are an additional support over and above mainstream community services and are designed to enhance rather than replace existing home support services.

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The Initiative was formally introduced by the Government in 2006, taking account of a proposal of the Report of the Long-Term Care Working Group to develop non-residential supports for older people. The Home Care Package Initiative was introduced on an administrative basis and the delivery of packages is intended to be flexible and responsive to the needs of individuals. Referrals for HCPs can be made by an individual, by his or her representative or a range of health care professionals. A package may be provided following assessment by the Health Service Executive of a person's individual needs and means. The Executive prioritise those at-risk of admission to long-term care or inappropriate admission to acute hospital.

My Department recently advertised for an independent evaluation by consultants of the Home Care Package Initiative, which is expected to be completed early in 2009. It is intended that this Evaluation will make an important contribution towards future policy and service development for home care services for older people.

Services for People with Disabilities.

157. **Deputy Richard Bruton** asked the Minister for Health and Children the value of mobility allowance and of grants towards a car adapted for a person with a significant mobility disablement. [33199/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): A Mobility Allowance is payable by the Health Service Executive, subject to a means test, to persons with a severe disability. Applicants must be 16 years or older and under 66 years. The allowance provides financial support to eligible people who are unable to walk or use public transport and is intended to enable them to benefit from a change in surroundings — for example, by financing the occasional taxi journey. From 1st January 2008 the maximum rate of Mobility Allowance is €202 per month.

The HSE may pay a Motorised Transport Grant towards the purchase of a vehicle and/or adaptations to a vehicle being purchased by a person with a severe disability who is 17 years or older where a vehicle is essential for him or her to retain employment. From 1st January 2008 the maximum personal rate is €5,020.50.

Health Services.

158. **Deputy Noel J. Coonan** asked the Minister for Health and Children the number of people in north Tipperary awaiting speech and language therapy services including those awaiting assessment and those awaiting therapy; the number of speech and language therapists in this area; and if she will make a statement on the matter. [33264/08]

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.

Question No. 159 answered with Question No. 18.

Liquor Licensing Laws.

160. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if the incidents of nuisance behaviour associated with drink have reduced following the introduction

of the new rules restricting access to alcohol, particularly access to off licence sales after 10.00 p.m.; and if he will make a statement on the matter. [33008/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Intoxicating Liquor Act 2008 came into effect on 30 July, 2008. The Act introduced new prohibited hours for off-licences and new conditions for the issuing of off-licences and theatre licences. It also made theatre licences subject to the prohibited hours provisions for the sale and consumption of alcohol. Provision was also made to seize alcohol and to issue fixed charge notices for certain offences under to the Criminal Justice (Public Order) Act 1994.

I am informed by the Garda authorities that a partnership approach is utilised by local Garda management with the various stakeholders in the licensing trade, including licensees, local authorities, fast-food outlets, public transport providers, including the taxi industry and MEAS (Mature Enjoyment of Alcohol in Society), as well as local community groups and schools so as to ensure a sensible and lawful approach to the sale, supply and consumption of alcohol.

The reality is that in any criminal justice system it takes time for changes which are made in the law to have full effect in practice. However, I am informed by the Garda authorities that preliminary indications are that there has already been a reduction in the number of assaults in the Dublin Metropolitan Region since the Act came into force, compared with the same periods in 2007 and 2006, and a reduction in the number of incidents of drunkenness throughout the country compared with the same period in 2007.

I am confident that the restrictions on the availability and visibility of alcohol provided for in the Act, along with the provisions for more effective enforcement to deal with the consequences of alcohol abuse in particular anti-social behaviour, will contribute to bringing about more responsible behaviour on the part of those concerned.

Visa Applications.

161. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the status of an appeal by a person (details supplied) in County Sligo. [33021/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that the person in question made a Family Reunification application in April 2005. A decision issued to the person in question in October 2006. An appeal against the decision was subsequently received from the representative of the person in question and documentation submitted by them was referred to the Garda authorities for examination. A report has been received from An Garda Síochána in January 2008 and the person in question will be contacted shortly by the Family Reunification section of my Department.

Programme Refugees.

162. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform if he will help to allay the fears of a town (details supplied) in County Mayo; and if he will make a statement on the matter. [33033/08]

173. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if a group of people (details supplied) are being relocated to a town in County Mayo; if so, the discussions that have taken place with the local community in this regard; and if he will make a statement on the matter. [33157/08]

174. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform the facilities available for a group (details supplied) that is being relocated to County Mayo; the locations where these people will be staying; and if he will make a statement on the matter. [33158/08]

175. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform if he will provide details of the group of people (details supplied) that it is proposed to relocate to County Mayo; and if he will make a statement on the matter. [33159/08]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Conor Lenihan): I propose to take Questions Nos. 162, 173, 174 and 175 together.

I would like to thank Deputy O' Mahony and Deputy Ring for raising these matters and for giving me the opportunity to clarify the position and to correct the statements made recently about these matters. These questions arise from an item on local radio in which it was alleged that persons currently being selected for resettlement in Ireland consisted of 100 disturbed, teenage, multiple killers and that we were freeing them from Government detention centres in order to resettle them in Ireland. It was alleged that these people were, since the ages of 8 or 9 years, programmed and trained to kill and that they would disrupt the whole system because they were disturbed and dangerous teenagers.

These are appalling and baseless allegations. The facts concerning the persons currently being selected for resettlement here by my Office with the assistance of the Garda National Immigration Bureau are as follows.

Nine families, consisting of 84 individuals, have been interviewed. The age range of the adults, numbering 29, is 18 to 68 years. The remainder, numbering 55, are children. Of these, 30 were born and raised within the refugee camps. The average time the families have been in the camps is 11 years. The families concerned are mainly persons with some type of medical need. The persons being selected for relocation are under the care of the UNHCR and the selection procedure being followed on this occasion was the same as that applied in previous instances i.e. UNHCR involvement, interview by officials and a member of the Garda National Immigration Bureau. It is grossly unfair to stigmatise a vulnerable group of people in this way and the fact that these allegations were broadcast calls into question the responsibility of all concerned.

I want to add that the person who was interviewed on radio in this connection was not present in the camps when my party was there or otherwise in the course of the selection process. As was the case with other groups of programme refugees who came to Ireland, those selected will be initially accommodated at the National Orientation and Training Centre for Programme Refugees. They will receive health screening on arrival and a cultural orientation programme on a range of topics such as household and money management, law and order, child welfare, the education system, how to access services and so on, all of which are designed to prepare them for independent living. Children attend a separate programme course to support their socialisation and to prepare them for entry into mainstream education. These programmes were developed following consultation with previously resettled refugees and service providers. On completion of the eight week orientation programme, the resettled refugees will transfer to other parts of the country for permanent resettlement. They are not being settled permanently in Co. Mayo.

My Office has good relations with the local community in Ballyhaunis where the Orientation Centre for Programme Refugees is located and I must question the bona fides of anyone who would seek to undermine this. The Orientation Centre could not function as successfully as it

has to date without the support of the local community in Ballyhaunis and support organisations in Mayo. I am happy to express my thanks in this regard for the support received.

The Irish people have a proud tradition of responding in a humanitarian manner to those in need of our support and assistance, and the good work of our non-governmental organisations is internationally recognised. It is an area I am familiar with from my work as Minister of State in the Department of Foreign Affairs. Over the years we have a history of accepting refugees fleeing from persecution — a policy members on all sides of this House and successive Irish Governments have endorsed and encouraged. Any change in this policy is not under consideration.

Equal Status Acts.

163. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform his views in relation to a submission (details supplied); the action he will take to have the matter addressed; and if he will make a statement on the matter. [33047/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Equal Status Acts 2000 to 2008 prohibit discrimination on nine grounds including the disability ground. A person selling goods or providing services must do all that is reasonable to accommodate the needs of a person with a disability. They also lay down procedures which must be followed when making a claim of discrimination.

Immigration Procedures.

164. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the written protocol or guidelines that officers of the Garda National Immigration Bureau operate from when discharging their duties at ports of entry and when registering foreign nationals. [33056/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In fulfilling immigration related duties members of An Garda Síochána enforce the current body of Immigration legislation, which is contained in a number of pieces of legislation, both primary and secondary, including:

- Aliens Act, 1935,
- Aliens Order 1946 (substantially amended by subsequent orders),
- Immigration Act, 1999,
- Illegal Immigrants (Trafficking) Act, 2000,
- Immigration Act, 2003,
- Immigration Act, 2004.

Section 3 of Immigration Act 2004, provides that the Minister for Justice, Equality & Law Reform may appoint persons as Immigration Officers to perform the functions conferred on them by the Act. All immigration officers at points of entry are members of An Garda Síochána. Section 4 of Immigration Act, 2004 provides that an Immigration Officer may on behalf of the said Minister, give to a non-national a document, or place on his or her passport or other equivalent document an inscription, authorizing the non-national to land or be in the State (referred to in the Act of 2004 as “a permission”). A permission under section 4 of the Act of

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2004 may be renewed or varied by the said Minister, or by an Immigration Officer on his or her behalf, on application therefor by a non-national concerned.

Section 9 of The Immigration Act, 2004 requires that a register of non-nationals who have permission to be in the State shall be established and maintained by Registration Officers in such manner as the Minister may direct. The section places an obligation on non-nationals to register in the registration district within which he/she resides. A Registration Officer means the officer in charge of the Garda National Immigration Bureau in the Dublin Metropolitan Area or the Superintendent of the Garda Síochána in a Garda Síochána District outside that Area.

Members of the Garda Síochána are also subject to the Garda Síochána Code, which provides standard operating processes and procedures for members of the Garda Síochána, members of its civilian support staff and student Gardaí.

Crime Prevention.

165. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 981 of 24 of September 2008, if a group (details supplied) was a splinter group of the IRA. [33069/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As indicated in my reply to Parliamentary Question No. 981 of 24 September 2008, the group to which the Deputy refers appears, from the information available, to have been in pursuit of a subversive agenda which was motivated as much by a militant, socialist and anti-establishment analysis as by purporting to advance any other agenda. It is in the nature of many subversive and criminal groups that the allegiances of their membership tend to be unstructured and motivated as much by self-interest as by any particular philosophical impetus. I have no information available to me to suggest that the group in question had any structured relationship to any other subversive or other organisation.

Garda Investigations.

166. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if progress has been made by the Garda in the case of the serious wounding of a person (details supplied) in County Louth; and if he will make a statement on the matter. [33093/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that a person was identified and arrested in connection with an assault on the person referred to by the Deputy. I am further informed that an investigation file was submitted to the Law Officers, and directions were received to prosecute the suspect for offences contrary to the Non-Fatal Offences Against the Persons Act 1997 and the Firearms and Offensive Weapons Act 1990. Summonses were subsequently issued for the suspect to appear at Dundalk District Court in December, 2007. However, Gardaí were unable to establish the whereabouts of the person. Enquiries are ongoing as to the current whereabouts of this person, including with the Police Service of Northern Ireland and UK police forces. Garda authorities will continue to liaise with the injured party.

Visa Applications.

167. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding an application for family reunification by a person (details supplied) in County Limerick in view of a previous reply which indicated that such applications

take up to 24 months and it is now 27 months since the application was made; and if he will make a statement on the matter. [33102/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that a decision on the Family Reunification application has recently issued to the person concerned.

Immigration Procedures.

168. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the number of visa holders and non-visa required nationals refused entry or detained at Dublin Airport each year since 2004 to date in 2008. [33116/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Details of persons refused leave to land pursuant to the provisions of Immigration Act, 2004, at ports of entry to the State, in the years 2004, 2005, 2006, 2007 and 2008 (to the end of July) are set out in the following table. A breakdown distinguishing between those who were or were not in possession of a visa is not available. The figures provided detail the number of persons refused leave to land who were removed from the State and those who made application pursuant to Refugee Act, 1996 and were consequently permitted entry to the State.

Year	No of persons removed	No. of persons who made application for asylum	Total
2004	4,477	440	4,917
2005	4,433	460	4,893
2006	5,366	519	5,885
2007	5,854	477	6,331
2008	2,998	163	3,161 (to 31 July 2008)

Residency Permits.

169. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for long-term residency by a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [33119/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The position in relation to granting long term residency is as follows: persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements. The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date. An application for long term residence from the person referred to by the Deputy was received in December 2006. I understand that applications received in January 2007 are currently being dealt with, however there is also an application for Citizenship from the person referred to by

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the Deputy which is in the later stages. The application for long term residency is being held until a decision has been made in relation to the Citizenship application.

Citizenship Applications.

170. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he will expedite an application for naturalisation by a person (details supplied) in County Westmeath which was received in his Department in June 2004; and if he will make a statement on the matter. [33120/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that I will be making a decision on this application in the coming weeks.

171. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship for a person (details supplied) in County Louth; and if he will make a statement on the matter. [33122/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a Certificate of Naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Section of my Department in August 2008. Officials in that Section are currently processing applications received in May 2006. All applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The current processing time for applications for certificates of naturalisation is approximately 29 months.

Illegal Immigrants.

172. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if estimates have been made of the number of illegal immigrants here; and if he will make a statement on the matter. [33156/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An illegal immigrant is a person whose presence in the State is otherwise than in accordance with our immigration laws. Obviously the term covers persons who entered the State in breach of those laws — either covertly or using false documentation. However, it also covers persons who entered lawfully but remain beyond the duration of the permission given, or who, although required to adhere to certain conditions (e.g. prohibited from working), are in breach of those conditions.

It is difficult to quantify persons engaging in this type of illegal activity — as, by definition, such persons are motivated to ensure either that they remain hidden or at least to ensure that the illegal aspect of their presence in the State remains hidden. Their physical presence in the State is characterised by the absence of a permission or by the misuse of a permission which has been granted — matters which do not lend themselves easily to objective statistical analysis. As a result very few modern democratic countries are able to produce reliable statistics on the numbers of illegal immigrants who are present within their territories.

Persons in the State considered to be illegal immigrants, have come from a range of different circumstances, including:

1. failing to present to an Immigration Officer at the time of arrival in the State, for the purposes of seeking permission to enter and remain in the State;
2. obtaining a permission to enter the State by deception, through the production of bogus travel documents and/or the provision of false information;

3. having entered the State lawfully and being allowed to remain in this jurisdiction until a specified date, has remained in the State beyond that date;
4. having made application for refugee status and consequently been granted permission to enter the State, failed to comply with an Order to remove him/herself from State following rejection of such application.

An Garda Síochána has responsibility for conducting immigration controls at the frontiers of the State. However, fixed immigration controls conducted by Immigration Officers attached to An Garda Síochána at ports of entry, relate only to persons entering the State. As immigration controls are not undertaken at locations where people exit from the State, it is not possible to establish how many non-Irish nationals have remained in the State following expiration of a permission granted to enter and remain in Ireland for a specified period of time.

Persons illegally present in the State also include those in respect of whom Deportation Orders have issued, having had an application for refugee status refused and who have either not co-operated with removal or evaded deportation. While there is a high level of evasion by those subject to Deportation Orders, the actual execution of Orders is at a level comparable to other EU Member States. However, in regard to those evading, there are clear indications that a significant proportion have in fact left the State.

Questions Nos. 173 to 175, inclusive, answered with Question No. 162.

Residency Permits.

176. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in the case of the application for residency of a person (details supplied) in County Louth; and if he will make a statement on the matter. [33215/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 210 of Thursday, 3 July 2008 and Question No. 230 of Thursday, 24 April 2008 and the written Replies to those Questions. The person concerned applied for asylum on 5 April 2004. 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 17 January 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been submitted on behalf of the person concerned.

The person concerned also made an application for residency in the State on the basis of his being the spouse of an EU National. However, following consideration of this application, under the provisions of the European Communities (Free Movement of Persons) Regulations, 2006, a decision was made to refuse the application. The person concerned was notified of this decision by letter dated 21 August 2006. However, in light of the European Court of Justice ruling in the case of *Metock and Others*, this application is being reviewed. When this review has been completed, the person concerned will be notified in writing of the outcome. The Deputy might wish to note that any consideration of the case of the person concerned in

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accordance with the provisions of Section 3 of the Immigration Act, 1999 (as amended) will be deferred until the review referred to has been completed.

177. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in the case of the application for residency of a person (details supplied) in County Louth; and if he will make a statement on the matter. [33216/08]

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.

178. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in the case of the application for residency of a person (details supplied) in County Meath; and if he will make a statement on the matter. [33217/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 3 January 2006. 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 29 June 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of 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 before the file is passed to me for decision.

179. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in the case of the application for residency of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [33218/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned has been granted Leave to Remain in the State for the period to 17 September 2010. This decision was conveyed in writing to the person concerned by letter dated 17 September 2007.

Citizenship Applications.

180. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in the case of the application for citizenship or residency of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [33219/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a Certificate of Naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Section of my Department in November 2007. Officials in that Section are currently processing applications received in May 2006. All applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The current processing time for applications for certificates of naturalisation is approximately 29 months.

Visa Applications.

181. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in the case of the application for residency of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [33220/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer to my Replies to Parliamentary Questions No. 192 of 10 April 2008 and Parliamentary Question No. 188 of the 1st May 2008. The person referred to in the Deputy's Question was granted a C Visit Visa to enter the State for a period of three months for the purpose of a visit only, not to attend college in the State. An examination of the papers in relation to the case indicates that the person concerned sought an extension of her C Visit Visa with the Immigration Division of my Department and was refused.

A wrap-around information sheet accompanies every visa application form. That sheet makes it clear to the applicant that, in general, persons granted visas for particular purposes are not permitted to remain in the State for any purpose other than that for which the visa was granted. Every visa applicant is required to state on the application form the dates on which he or she proposes to enter and leave the State. He or she is also required to declare that the information supplied is correct and complete.

A C Visa is granted for visits of less than 90 days. As a consequence it is not the general policy to extend permission to remain to persons who are admitted initially for a period of 90 days or less on a C visit visa, save in very exceptional and unforeseen circumstances. The person concerned must leave and reapply from outside the State. Should she wish to return, she should include in her new visa application the purpose and duration of her intended stay.

Crime Levels.

182. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of persons accused of gun crime and currently on bail; and if he will make a statement on the matter. [33221/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Proceeds of Crime.

183. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of cases in respect of which the Criminal Assets Bureau has seized goods or property in each of the past two years to date; the number of cases in respect of which proceedings have stalled or failed; and if he will make a statement on the matter. [33222/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Authorities that the following table shows the total number of cases in respect of which the Criminal Assets Bureau has sought and obtained Freezing Orders for goods or property under the relevant sections of the Proceeds of Crime legislation from 1st January, 2006 to date:

Number of Orders Granted Per Section/Year	2006	2007	2008 (to date)	Total
Section 2 POCA	7	16	19	42
Section 3 POCA	9	8	9	26
Section 3(3) POCA	—	2	1	3
Section 4 POCA	3	3	2	8
Section 4A POCA	14	4	7	25
Section 7 POCA	8	12	18	38

Some of these Orders include Freezing Orders for property alone; cash alone; or property and cash.

None of the above proceedings listed have stalled. It has been possible to determine some cases pursuant to a recent amendment of Section 4(a) of the Proceeds of Crime Act 1996 which permits the disposal of assets with the owners consent. Others however must wait the usual statutory period of 7 years before being finalised. To date only one case could be described as having failed. This relates to a case where a Section 2 (Freezing Order) was sought for a sum of €49,000 in cash. This Order was granted by the Court but was subsequently vacated by Order of the High Court two weeks later.

Criminal Prosecutions.

184. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prosecutions pending in respect of members of organised crime gangs; and if he will make a statement on the matter. [33223/08]

185. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of members of known criminal gangs convicted in the past 12 months to date; and if he will make a statement on the matter. [33225/08]

186. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of known members of organised criminal gangs currently on bail on foot of one or more previous offences; and if he will make a statement on the matter. [33226/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 184 to 186, inclusive, together.

I am informed that An Garda Síochána continues to actively pursue those suspected of engaging in criminal activities and to collect evidence against those suspected of having perpetrated crimes. When sufficient information is available a file is forwarded by the investigating officers to the Office of the Director of Public Prosecutions. This office is of course independent and determines the most appropriate course of action to be taken in each case based on the individual circumstances relating to each case.

The nature of criminal gangs is such that they are not static in nature. Criminal associations may be formed in order to carry out particular crimes with those associations ending once specific crimes have been completed. As such it is not possible to permanently associate individ-

uals with particular groups. The identification of offenders as a member of a criminal gang is not an essential criterion in the prosecution of offenders. Organised criminal gangs operating in this jurisdiction are being targeted on an ongoing basis and profiles regarding the personnel of such groups are continually updated.

An Garda Síochána utilises all available intelligence in the strategic deployment of both local and specialised operational Garda units to target particular gangs and to ensure that effective, intelligence-led policing initiatives are put in place at the most appropriate times to disrupt criminal activities to the maximum extent possible. Where an individual is brought before the Courts and the subject of bail is being considered, An Garda Síochána may oppose the granting of bail where there is a belief that the person concerned may not turn up for trial, interfere with potential witnesses or may engage in criminal activities while on bail. The Courts will take the opinion of the Gardaí into consideration when forming a final decision on whether to grant bail or not.

Organised Crime, including persons suspected of involvement in drug-trafficking, importation, sale and supply, is being targeted on a number of fronts, involving uniform and plain-clothes Gardaí overtly and covertly disrupting known criminals in the course of criminal activities. Members, their operating methods, criminal interests and financial assets are likewise proactively targeted and intelligence-led operations.

The Garda Commissioner's Policing Plan 2008 sets out strategic goals including a commitment to significantly reduce the impact of crime and criminal behaviour. These goals are backed up by strategic actions which include a commitment to continue and intensify intelligence-led operations against groups and individuals engaged in the trafficking of illegal drugs, guns and immigrants into and within the State. Witness intimidation and the laundering of money are integral parts of these Organised Criminal Groups activities and will be targeted as part of the overall strategy against these groups.

Measures have been put in place to deal with serious crime. These include Operation Anvil, an intelligence-led operation which has been used to target specific individuals. This operation commenced in May 2005 in the Dublin Metropolitan Region and was extended country-wide in 2006. The primary focus of Operation 'Anvil' is the disruption of serious and organised criminal activity. In this regard Operation Anvil consists of intelligence-led targeted operations on the one hand and an increased overt visible Garda presence on the other. The Garda Commissioner has publicly re-affirmed his absolute commitment to the objectives of Operation 'Anvil', which is but one tool used by members of An Garda Síochána in endeavouring to combat crime.

Multi-agency approaches have been and continue to be used where all of the National Units from National Support Services i.e. National Bureau of Criminal Investigation, Criminal Assets Bureau, Garda Bureau of Fraud Investigation (Money Laundering) and the Garda Technical Bureau, are used to combat serious crime. These Units are also supported by the Security and Intelligence Section who assist with intelligence briefings and timely information. The Emergency Response Unit has also been deployed in the areas where there is a propensity to use firearms.

I can assure the Deputy that An Garda Síochána, through the coordinated activities of its specialist, national and local units maintains comprehensive information on the activities and associations of those believed to be involved in crime.

Residency Permits.

187. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

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the current or expected status in the case of the application for family reunification of a person (details supplied) in County Roscommon; and if he will make a statement on the matter. [33227/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that the person in question made an application for Family Reunification in April 2008. This application has been forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act 1996. When the investigation has been completed, the Commissioner will prepare and forward his report to my Department. Upon receipt of the report the application will be considered and a decision will issue in due course.

188. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in the case of the application for residency of a person (details supplied) in County Louth; and if he will make a statement on the matter. [33228/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 1 May 2002 and claimed asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. The person was informed by letter dated 12 June 2003 that the Minister proposed to make a Deportation Order in respect of him and afforded him three options in accordance with Section 3(3)(b)(ii) of the Immigration Act 1999, as amended — to leave the State voluntarily, to consent to the making of a deportation order or to submit, within 15 working days, written representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State i.e. why he should not be deported.

His case was examined under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, as amended, on the Prohibition of Refoulement. Consideration was given to all representations submitted on his behalf for permission to remain temporarily in the State. On 27 July 2004, the then Minister refused the person permission to remain temporarily in the State and instead signed a deportation order in respect of him. A notice of this order dated 12 January 2005 was served by registered post requiring the person to present himself at the Garda National Immigration Bureau on Thursday, 27 January 2005, to make travel arrangements for his deportation from the State. He presented as required and was given further presentation dates which he kept. He is due to present again shortly.

On 26 January 2005, the person instituted judicial review proceedings challenging the decision of the then Minister to deport him. The application was refused in the High Court by supplemental judgment dated 7 October 2005. An application pursuant to section 3(11) of the Immigration Act, 1999, as amended, seeking the revocation of the deportation order of the person was made by his legal representative by letter dated 1 September 2005. Following consideration of the information submitted, the deportation order was affirmed and the person was notified of this decision by letter dated 10 May 2007. Judicial Review proceedings were again instituted on 23 March 2007 by the person. The case was settled on 18 February 2008 and the terms of the settlement were complied with.

The outcome of the settlement was that person was afforded an opportunity to make an application seeking the exercise of ministerial discretion pursuant to regulation 4(2) of the European Communities (Eligibility for Protection) Regulations, 2006 — Statutory Instrument No. 518 of 2006, which came into effect on 10 October 2006. The application was refused citing lack of grounds and this decision was notified to the person by letter dated 13 March 2008. The

effect of the deportation order is that the person must leave the State and remain thereafter out of the State. I am satisfied that the applications made on behalf of the person for asylum and temporary leave to remain in the State, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport is justified. The enforcement of the deportation order is an operational matter for the Garda National Immigration Bureau.

Citizenship Applications.

189. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status in the case of the application for citizenship of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [33229/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation from the individual referred to in the Deputy's question was received in the citizenship section of my Department in March 2004. Officials in that section inform me that the processing of the application has commenced and the file will be forwarded to me for a decision in the coming months.

Departmental Correspondence.

190. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when updated travel documentation will issue in the name of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [33230/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a Travel Document on behalf of the person in question was received in my Department in February 2008. A letter was issued from the Immigration Division of my Department on 18 February requesting further documentation from the applicant to proceed further with his application. No reply was received to this request. On 22 July 2008, the Immigration Division wrote to the applicant at his last recorded address advising that due to the lack of relevant information, his application was deemed abandoned. The documentation supplied with the original application was also returned on that date. There is no record of any further correspondence from the applicant since then.

Residency Permits.

191. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status of the application for residency of a person (details supplied) in County Cork; and if he will make a statement on the matter. [33231/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 18 May 2004. 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 18 October 2005, that the Minister proposed to make a Deportation Order in respect of him.

He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been submitted on behalf of the person concerned and will be fully considered before the file is passed to me for decision.

192. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status of the application for residency of a person (details supplied) in County Cork; and if he will make a statement on the matter. [33232/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 7 March 2005. 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 8 August 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 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 before the file is passed to me for decision.

193. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected status of the application for family reunification in the case of a person (details supplied) in County Roscommon; and if he will make a statement on the matter. [33233/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that the person in question is the subject of an application for Family Reunification made by his wife in April 2008. This application has been forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act 1996. When this investigation has been completed, the Commissioner will prepare and forward a report to my Department. Upon receipt of the report, the application will be considered and a decision will issue in due course.

194. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [33234/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 18 January 2006. Her application was refused following consideration of her 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 was informed by letter dated 21 August 2006 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 she should be allowed to remain temporarily in the State.

Representations were submitted on behalf of the person at that time. Through her legal representative, the person initiated judicial review proceedings in the High Court, challenging the decision of the Refugee Appeals Tribunal. The High Court refused the judicial review leave application with the consequence that the earlier decisions of the Refugee Appeals Tribunal and the Minister stood. The case of the person will now be dealt with in accordance with the provisions of section 3 of the Immigration Act 1999, as amended. The representations submitted on behalf of the person concerned will be fully considered under section 3(6) of the

Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, as amended, on the prohibition of refoulement, before the file is passed to me for decision.

Asylum Applications.

195. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [33235/08]

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.

196. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [33236/08]

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.

197. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the refugee appeals officer's decision in the case of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [33237/08]

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.

198. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in relation to residency in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [33238/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 789 of Wednesday 24 September 2008, and the written Reply to that Question. The person concerned applied for asylum on 7 August 2002. His application

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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 28 May 2004, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were received from 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 file is passed to me for decision.

199. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in relation to residency in the case of a person (details supplied) in County Longford; and if he will make a statement on the matter. [33239/08]

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.

200. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in relation to residency in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [33240/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 19 October 2005. 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 23 May 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 were submitted on behalf of the person concerned at that time.

By letter dated 3 January 2008, the person concerned was notified of his entitlement to submit an application for Subsidiary Protection in the State in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations, 2006. The person concerned did not submit such an application.

Following consideration of the case of the person concerned, 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, a Deportation Order was signed by the Minister in respect of the person concerned on 26 February 2008. This Order was formally served by registered post dated 11 March 2008. The person concerned instituted Judicial Review Proceedings on 7 April 2008 challenging the Deportation Order. The Judicial Review Proceedings were subsequently settled. Among the Terms of Settlement were provisions that the Deportation Order would be revoked and the person concerned would be enabled to submit fresh representations in support of an application for permission to remain in the State. The Deportation Order has since been revoked. The person concerned has been invited to provide fresh representations under section 3(3)(a) of the Immigration Act, 1999 (as amended). To date no such representations have been received in my Department.

In the absence of any such fresh representations being received, the case of the person concerned will have to be re-considered on the basis of the documentation already on file.

201. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in relation to residency in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [33241/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A Deportation Order was made in respect of the person concerned on 3 October, 2002, following the decision of the Refugee Applications Commissioner to refuse the person's application for asylum. He subsequently applied for permission to remain in the State under the revised arrangements for non-EEA parents of children born in Ireland prior to 1st January, 2005, known as the IBC/05 Scheme. This application was refused as the person did not meet the criteria of the scheme. The IBC/05 Scheme, and refusals thereunder, was upheld by the Supreme Court in its judgment delivered on 20 December, 2007. The Deportation Order referred to remains in force. The person's case will be reviewed in light of the Supreme Court judgment on matters related to the IBC/05 Scheme, and he will be contacted directly and informed of any further decisions, in due course.

Residency Permits.

202. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in relation to residency or citizenship in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [33243/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person in question was the subject of a Family Reunification application that was approved in March 2002. Correspondence issued to the Deputy in July 2007, and to the person concerned and his legal representative in November 2004, May 2006, June 2007, August 2007 and September 2008 advising him that his permission to remain in the State was being renewed. The person in question was also advised to report to the Garda National Immigration Bureau, 13/14 Burgh Quay, Dublin 2 to have the appropriate permission endorsed on his passport and to have a Certificate of Registration issued in respect of him.

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Enquiries made by the Immigration Division of my Department in January 2008 indicated that the person concerned had contacted the Garda National Immigration Bureau and had renewed his permission to remain until the 26th July 2008. The onus is on the person concerned to ensure that his immigration registration is kept up to date.

Citizenship Applications.

203. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in relation to citizenship or family reunification in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [33244/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the Reply to Parliamentary Question No. 867 of 24 September 2008. I am informed by the Immigration Division of my Department that an application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the Citizenship section of my Department in November 2007. Officials in my Department are currently processing applications received in April 2006. All applications are dealt with in chronological order as this is deemed to be the fairest to all applicants.

I am also informed by the Immigration Division of my Department that a decision has been reached in relation to the family reunification application of the person in question and they will be informed of the decision shortly.

Asylum Applications.

204. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [33245/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 1 December 2004. Her application was refused following consideration of her 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 31 January 2006, 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, before the file is passed to me for decision.

205. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency in the case of persons (details supplied) in County Cork; and if he will make a statement on the matter. [33246/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 18 September 2003 with her child and applied for asylum. Her application was refused following consideration of her 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 24 June 2005, that the Minister proposed to make Deportation Orders in respect of her and her child.

She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why she and her child should be allowed to remain temporarily in the State. Representations were received from the person concerned. Following consideration of the case of the person concerned, and her child, 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, Deportation Orders were signed by the Minister on 25 January 2006 in respect of the person concerned and her child. These Orders were formally served by registered post dated 7 February 2006.

The person concerned subsequently sought to be re-admitted to the asylum process in accordance with the provisions of Section 17 (7) of the Refugee Act, 1996 (as amended). Following consideration of this application, the application was refused and this refusal decision was conveyed in writing to the person concerned by letter dated 12 March 2007.

The person concerned subsequently sought to be enabled to submit 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). Following consideration of this request, a decision was taken to permit the person concerned to lodge such an application, a position conveyed to the person concerned by letter dated 18 October 2007. The person concerned has submitted an application for Subsidiary Protection in the State, on behalf of herself and her child, 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 person concerned, and her child, remain the subject of Deportation Orders. However, the Deputy can be assured that no steps will be taken to enforce these Orders pending the determination of the application for Subsidiary Protection in the State. In the meantime, however, the person concerned must comply with any reporting requirements placed on her by the Garda National Immigration Bureau (GNIB).

206. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [33247/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 18 October 2001. This application was refused by the Refugee Applications Commissioner, and, following appeal to the Refugee Appeals Tribunal, the original decision to refuse asylum was upheld. The case of the person concerned is being examined in accordance with Section 3 of the Immigration Act 1999 and the person concerned will be informed of any decisions made in due course.

Criminal Prosecutions.

207. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prosecutions taken against so-called boy racers in each of the past two years to date through each Garda station throughout County Kildare; the number of reports of such activity filed by members of the public in the same period; the number of prosecutions that followed; and if he will make a statement on the matter. [33248/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the

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Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Public Order Offences.

208. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of incidents of anti-social behaviour reported to the various Garda stations in County Kildare in each of the past two years to date; the number of prosecutions and convictions that followed; and if he will make a statement on the matter. [33249/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Crime Levels.

209. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of robberies, including break-ins, reported to the various Garda stations throughout County Kildare in the past two years; the estimated value of the goods or moneys taken; the amount recovered; and if he will make a statement on the matter. [33250/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Divisions.

210. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which the reorganisation of divisional responsibilities has been completed in County Kildare; and if he will make a statement on the matter. [33251/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by the Garda authorities that they are implementing the Divisional changes on a Regional basis. Immediate efforts are concentrated on completing the changes in the Eastern Region. Planning for the new Division of Kildare is ongoing and the new Division is planned to go live on the 1st January 2009.

Organised Crime.

211. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of drug barons currently operating here; the extent of the action to deal with the issue; and if he will make a statement on the matter. [33252/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Organised criminal gangs operating in this jurisdiction are being targeted on a continuous basis by Gardaí and profiles regarding the personnel of such groups are continually updated. Their members, operating methods, criminal interests and financial assets are likewise proactively targeted and

a Garda response embraces an intelligence-led approach to operations primarily undertaken by An Garda Síochána specialised units such as the National Bureau of Criminal Investigation, the Garda National Drug Unit, the Organised Crime Unit and the Criminal Assets Bureau.

All available intelligence is fully analysed and used in the strategic deployment of both local and specialised operational Garda units to target particular gangs. Organised crime, including persons suspected of involvement in drug-trafficking, importation, sale and supply, is being targeted on a number of fronts. This approach involves uniform and plain-clothes Gardaí overtly and covertly disrupting known criminals in the course of criminal activities. Members, their operating methods, criminal interests and financial assets are likewise proactively targeted in intelligence-led operations. An Garda Síochána, in cooperation with its multi-agency law enforcement partners, including the Revenue Commissioners, will ensure that all available resources will be deployed in targeting the major gangs involved in drug trafficking in accordance with the National Drugs Strategy.

Some of the steps taken to date by An Garda Síochána to address the sale, supply, importation and distribution of illegal drugs include the following: the allocation of additional resources at the Garda National Drugs Unit, as well at District and Divisional levels; the establishment, on a permanent basis, of the Organised Crime Unit with the specific objective of targeting those suspected of involvement in organised crime, including drug trafficking, importation, sale and supply; the establishment of dedicated Divisional and District Drug Units and the allocation of additional personnel to those already established; internationally, An Garda Síochána works closely with relevant law enforcement agencies including all EU agencies, the Drugs Enforcement Agency (US), Interpol and Europol. An Garda Síochána also has Liaison Officers based in the Hague, London, Paris, Madrid Europol and Interpol; ongoing training programme for personnel as Divisional Asset Profilers, who have the specific remit of targeting assets of persons who are suspected of being involved in the importation, sale and supply of drugs at local, divisional / district, level.

These specific initiatives are in conjunction with the responsibility on all members of An Garda Síochána who are tasked with implementing the criminal law, including relevant drug-trafficking legislation. Other measures have been put in place to deal with serious crime including Operation Anvil. This intelligence-led operation has been used to target specific individuals and its primary focus is the disruption of serious and organised criminal activity. Operation 'Anvil' commenced in May 2005 in the Dublin Metropolitan Region and was extended country-wide in 2006. The Garda Commissioner has publicly re-affirmed his absolute commitment to the objectives of Operation 'Anvil', which is but one tool used by members of An Garda Síochána in endeavouring to combat crime.

An Garda Síochána is in ongoing liaison with international law enforcement agencies and the Irish Prison Service to counteract the activities of persons who attempt to continue their criminal endeavours from outside the jurisdiction and/or while serving prison sentences.

The Criminal Assets Bureau is being actively utilised to identify and target funds accumulated by criminals, in order to seize such assets and to deprive them of the profits of their criminal activity. A dedicated unit within the Garda National Drugs Unit has been established to liaise with the Criminal Assets Bureau to particularly target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity. This integrated approach adopts best practice in implementing a coordinated use of Garda resources and using available criminal legislation to its fullest extent. Operations are reviewed by Garda management on an ongoing basis to ensure their effectiveness.

Garda Equipment.

212. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he is satisfied that adequate modern technology is readily available to the gardaí at all stations here with the objective of enhancing the fight against crime; and if he will make a statement on the matter. [33253/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am assured by the Garda authorities that the technology required to assist them in the investigation of crime is available to the Garda Síochána and that these technologies are constantly being modified and updated within the organisation to ensure they best support operational requirements. A number of initiatives are currently underway or have been recently completed by the Garda Síochána in this area including the provision of an updated Automated Fingerprint Identification System, a new Automated Ballistics System and a new Automated Number Plate Recognition system. There are also plans for the development of a new computer system to support major investigations. In addition, new functionality is regularly incorporated into the main Garda incident recording system, PULSE, which is now widely available in over 340 locations nationwide.

Organised Crime.

213. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of members of organised crime gangs currently serving prison sentences; the extent to which their ability to operate their empires from prison is being curtailed; and if he will make a statement on the matter. [33254/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not possible to give the statistics requested by the Deputy. Prisoners on committal to prison do not declare their allegiance to individual gangs. Unlike, for example, paramilitary organisations, membership of criminal gangs fluctuate on a continuous basis with some persons breaking links and others becoming affiliated.

I can nevertheless advise the Deputy that a number of recent initiatives have been introduced with a view to preventing identified gang leaders from conducting their business while in custody and also to prevent them exerting inappropriate influence over other persons. For example, a number of serious criminal gang members are now segregated in a specific area of Cloverhill Prison. In addition, the pilot mobile phone blocking scheme in the Midlands Prison is now nearing completion with the expectation that inhibitors will be installed in all our closed prisons over the next 18 to 24 months.

Other security initiatives have been introduced which make it more difficult for prisoners to engage in illegal activities while in prison. These initiatives include the introduction of passive drug dogs, the installation of airport style security including scanners, x-ray machines, etc., and the establishment of an Operational Support Group. A core function of this group is to gather and collate intelligence information on criminal gang members in our prisons and to carry out intelligence led searches on them.

Witness Intimidation.

214. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of incidents in respect of which witness intimidation has taken place in each of the

past two years; the action taken to deal with the issue; and if he will make a statement on the matter. [33255/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my responses to his previous recent questions on this issue, most particularly Parliamentary Questions Nos. 123, 521, 528 and 533 of 4 March 2008, Parliamentary Questions Nos. 85 and 584 of 17 April 2008, Parliamentary Question No. 122 of 28 May 2008 and also Parliamentary Question No. 63 of 8 July 2008. To date 15 proceedings have been commenced in 2007 in respect of the relevant offences in 2007 and 9 proceedings have been commenced in 2008 in respect of the relevant offences in 2008.

Decentralisation Programme.

215. **Deputy Noel J. Coonan** asked the Minister for Justice, Equality and Law Reform the position regarding a decentralisation project (details supplied) in County Tipperary; the location of the proposed site; and if he will make a statement on the matter. [33265/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will be aware, County Tipperary and, in particular, the towns of Thurles and Roscrea, are priority locations under my Department's decentralisation programme. Around four hundred posts are scheduled to move to the county and this represents over 40% of my Department's commitment to the decentralisation process nationwide.

The Garda Central Vetting Unit relocated its operations from Garda Headquarters to temporary accommodation in Thurles in 2005 with an initial staff complement of thirty three. This number has since been increased to sixty six and, together with the Fixed Charge Processing Office, the total number now working in Thurles has risen to over one hundred and thirty. The site for the proposed permanent accommodation for these units is located on the Nenagh Road.

World Equestrian Games.

216. **Deputy Lucinda Creighton** asked the Minister for Arts, Sport and Tourism if he will make a financial commitment to Ireland's hosting of the World Equestrian Games in 2014 in the event that the Irish bid is successful. [33149/08]

221. **Deputy Lucinda Creighton** asked the Minister for Arts, Sport and Tourism if he will look favourably on the bid to host the World Equestrian Games here in 2014 in view of the fact that the hosting of these Games would be of benefit to the tourism industry and the equine industry which have suffered through lack of investment in recent years. [33148/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 216 and 221 together.

I understand that Horse Sport Ireland have established an advisory group to examine the feasibility of hosting the World Equestrian Games in Ireland in 2014. I await the report from Horse Sport Ireland on the matter.

Swimming Pool Projects.

217. **Deputy James Reilly** asked the Minister for Arts, Sport and Tourism his views on funding an application for the proposed swimming pool (details supplied) in County Dublin; and if he will make a statement on the matter. [33035/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The current round of the Local Authority Swimming Pool Programme provides grant aid to a maximum of €3.8 million towards the capital costs of new swimming pools or the refurbishment of existing pools. The current round of the Programme closed to applicants on 31 July 2000 and no application was submitted by Fingal Council, on behalf of Balbriggan, by that date. As such it is not possible to make funding available under the current round of the programme for a swimming pool in Balbriggan.

Given the current budgetary constraints, it is not intended to launch a new round of the Programme at this time. However, when a new round of the Programme is launched it will be open to all Local Authorities, including Fingal Council on behalf of Balbriggan, to submit an application under the terms that will apply.

218. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the position regarding the swimming pool grant scheme; and his plans to reopen this scheme and accept applications by local authorities in respect of swimming pools. [33077/08]

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 under the current round of the Local Authority Swimming Pool Programme and for new projects to be selected following the launch of a new round of the Programme. The current round of the Programme, which closed in July 2000, has made noteworthy progress over the last 8 years when consideration is given to the lead in time in the development of pool projects.

Under the round, 36 projects have been completed and opened to the public, 9 other pools, which have been allocated funding, are under construction throughout the country and another 12 are at various stages of development. A total of €123.9m has been spent over the last 8 years under the Programme and a total of €20 million is provided for this year. Given the current budgetary constraints, it is not intended to launch a new round of the Programme at this time.

219. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the position regarding the plan of South Dublin County Council for a public swimming pool in Lucan; and the steps he is taking to deliver this project. [33078/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The current round of the Local Authority Swimming Pool Programme provides grant aid to a maximum of €3.8 million towards the capital costs of new swimming pools or the refurbishment of existing pools. The current round of the Programme closed to applicants on 31 July 2000 and no application was submitted by South Dublin County Council, on behalf of Lucan, by that date. As such it is not possible to make funding available under the current round of the programme for a swimming pool in Lucan.

Given the current budgetary constraints, it is not intended to launch a new round of the Programme at this time. However, when a new round of the Programme is launched it will be open to all Local Authorities, including South Dublin County Council on behalf of Lucan, to submit an application under the terms that will apply.

Arts Funding.

220. **Deputy Róisín Shortall** asked the Minister for Arts, Sport and Tourism his views on providing financial support to the development and promotion of dance here. [33136/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): 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. Responsibility for the promotion of the arts at all levels throughout the country is devolved primarily to the Arts Council, and it is the principal agency through which State funding is channelled to the arts. Under the Arts Act, 2003, the general functions of the Council include the following:

- to stimulate public interest in the arts;
- to promote knowledge, appreciation and practice of the arts;
- to assist in improving standards in the arts.

The Arts Council is a statutorily independent body, funded by my Department and independent in its day-to-day operations, including in relation to its funding decisions. Funding for the Arts Council has increased by almost 71.2% from €47.67 million in 2002 to €81.62 million in 2008. These are significant amounts of money in any context and have transformed and increased access to the arts and allowed the Arts Council to support artists and arts organisations nationwide. The Arts Council's policy on dance is outlined in their strategy Partnership for the Arts 2006-2010.

My Department takes a direct role in relation to the provision of grant-aid for arts and culture infrastructure and has provided substantial funding for the capital development of facilities around the country in recent years. For example, my Department has provided over €66m to over 100 arts facilities through the Arts and Culture Capital Enhancement Support Scheme (ACCESS), many of which include dance facilities. ACCESS has been widely acknowledged as a significant intervention in the provision of quality cultural spaces throughout the country.

Question No. 221 answered with Question No. 216.

National Sports Campus.

222. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism when he expects progress to be made on phase one of the national sports campus; and if he will make a statement on the matter. [33162/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Following the completion of the move by the FAI to the former State Laboratory building at Abbotstown last year, work has been advanced on providing a headquarters for the Irish Institute of Sport. This involves refurbishing an existing building on the Abbotstown site. Construction is expected to commence shortly and the Irish Institute of Sport is expected to move into its new HQ in early 2009. Following the appointment by the NSCDA in April last of Project Management and Design Teams, detailed plans for Phase 1 of the Campus are being prepared and it is estimated that an application for Planning Permission will be lodged with Fingal County Council before the end of 2008.

The facilities planned for the first phase of the project include:

- A National Field Sports Training Centre catering for rugby, soccer, Gaelic games and hockey;
- A multi-sport National Indoor Training Centre which will provide world class training facilities for over 20 sports;
- Sports science and medical facilities;
- Accommodation for sports men and women; and
- All-weather synthetic pitches for community recreational access.

[Deputy Martin Cullen.]

Proposals for further new types of facilities will be considered in the context of later phases of the Campus project and will be subject to economic conditions and the prevailing public finances.

Departmental Programmes.

223. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if with the amalgamation of Leader groups and the new Leader programmes and Cohesion Funds, all these positions will be advertised by way of an open competition to the public or if they will be filled within the existing companies; and if he will make a statement on the matter. [33036/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Decisions in relation to the advertising and appointment of positions in LEADER and Partnership Groups are matters for the boards of the companies concerned with reference to all relevant legislation including the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (SI No. 131 of 2003). My Department has no role or authority in such processes. In order to assist the boards of newly established local integrated development companies in achieving best practice in the appointment of the CEO position my Department has engaged Mazars to provide assistance to Boards at their request. The extent to which Mazars' services are availed of will be a matter for the individual boards concerned.

National Drugs Strategy.

224. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs the number of offices or premises being used by each of the local drugs task forces in this country; the number of these offices or premises that are rented; the number actually owned by the local drugs task forces; the expenditure by each local drugs task force on renting premises in the period 2001 to 2008; the amount spent by each local drugs task force on purchasing premises in the period 2001 to 2008; and if he will make a statement on the matter. [33085/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): As the Deputy will be aware, there are 14 Local Drugs Task Forces (LDTFs) in operation — 12 in Dublin, one in Cork City and one in Bray, Co. Wicklow. The core staff of the Task Forces are based in separate premises across the 14 individual Task Force areas. Details of the locations of the LDTFs are attached at Appendix 1.

Five Task Forces currently rent their own premises — Ballymun, Clondalkin, North Inner City, Blanchardstown and Tallaght and details of the rent paid by each of these Task Forces is attached at Appendix 2.

Of the remaining Task Forces, nine (Ballyfermot, Canal Communities, Cork, Dublin 12, Dun Laoghaire/Rathdown, Finglas/Cabra, Bray, Dublin North East and South Inner City) are located within HSE-funded facilities and are not required to pay rent. No LDTF has purchased premises during the period 2001-2008 for their own use. However, the Deputy may be aware that the Premises Initiative, which is funded through my Department, addresses the accommodation needs of community drugs projects in Drugs Task Force areas. This Fund has been very successful since its introduction in 2001 and to date, in the region of 100 projects have been allocated funding, totalling over €22m.

Appendix 1 — Location of Local Drugs Task Forces and Co-ordinator details

Location	Co-ordinator	
Ballyfermot	Mr Frank Gilligan, Addiction Services, Bridge House, Cherry Orchard Hospital, Ballyfermot, Dublin 10 <u>e-mail: taskforce@ballyfermotadvance.ie</u>	Tel: 6206488 Fax: 6206401 Mob: 087 2252231
Ballymun	Mr Hugh Greaves, Axis Centre, Main Street, Ballymun, Dublin 9 <u>e-mail: hugh.greaves@axis-ballymun.ie</u>	Tel: 8832142 Fax: 8832144 Mob: 086 8241165
Blanchardstown	Brid Walsh, 22(a) Main Street, Blanchardstown. Dublin 15 <u>e-mail: short-term.brid.walsh@hse.ie</u>	Tel: 8604845 Fax: 8604848 Mob: 086 8074726
Bray	Ms Niamh McAlinden, Bray LDTF, Unit 2, First Floor, 24 Florence Road, Bray, Co. Wicklow <u>e-mail: niamhmcaldinden@eircom.net</u>	Tel: 2762975 Fax: 2762941 Mob: 087 2073331
Canal Communities	Ms Mary Ryder, Addiction Services, Bridge House, Cherry Orchard Hospital, Ballyfermot, Dublin 10 <u>e-mail: mary.ryder2@hse.ie</u>	Tel: 6206413 Fax: 6206401 Mob: 086.8288303
Clondalkin	Ms Sandra Mullen, Unit 5, Oakfield, Clondalkin, Dublin 22 <u>e-mail: cdtf1@indigo.ie</u>	Tel: 4579445 Fax: 4579422 Mob: 086 0401375
Dublin N.E.	Tom O'Brien, Le Chéile, Collins Avenue East, Donnycarney, Dublin 5 <u>e-mail: tom@dnedrugstaskforce.ie</u>	Tel: 8465074 Fax: 8465071 Mob: 083 3320404
Cork	David Lane, Community Care Offices, St Finbarrs Hospital, Douglas Road, Cork	Tel: 021/4923132 Fax: 021/4923137 Mob: 087 2385843
Dublin 12	Cormac O'Toole, Addiction Services, Bridge House, Cherry Orchard Hospital, Ballyfermot, Dublin 10 <u>e-mail: d12ldtf@gmail.com</u>	Tel: 6206422 (office) Fax: 6206401 Mob: 087 6745047
Dun Laoghaire/Rathdown	Jim Doherty, Centenary House, 35 York Road, Dun Laoghaire, Co. Dublin <u>e-mail: jamese.doherty@hse.ie</u>	Tel: 2803335 Fax: 2300690 Mob: 087 6596071
Finglas/Cabra	Mr John Bennett, Finglas/Cabra LDTF, Tolka Clinic, 121 Broombridge Close, Ballyboggan Road, Dublin 11 <u>e-mail: john.bennett@finglascabraldtf.ie</u>	Tel: 8307440 Fax: 8820330 Mob: 087 0505077
North Inner City	Mel MacGiobúin, 22 Lower Buckingham St., Dublin 1 <u>e-mail — nicdtf@iol.ie</u>	Tel: 8366592 Fax: 8366286 Mob: 087 6871168
South Inner City	Mr Colm Browne, Addiction Services, Bridge House, Cherry Orchard Hospital, Ballyfermot, Dublin 10 <u>e-mail: colm.browne@hse.ie</u>	Tel: 6206438 Fax: 6206401 Mob: 087 2672164
Tallaght	Grace Hill, Tallaght Drugs Task Force, Tallaght Partnership, Killinarden Enterprise Centre, Tallaght, Dublin 24. <u>e-mail: grace.hill@tallpart.com</u>	Tel: 4664243 Fax: 6206401 Mob: 087 6624729

[Deputy John Curran.]

Appendix 2

LDTF	2001	2002	2003	2004	2005	2006	2007	2008	Total
	€	€	€	€	€	€	€	€	€
*Ballymun	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00	13,000.00	13,000.00	13,000.00	74,000.00
Clondalkin	19,360.08	19,360.08	19,360.08	19,360.08	22,500.00	22,500.00	24,187.52	24,187.52	170,815.36
North Inner City	7,600.00	7,600.00	7,600.00	7,600.00	7,600.00	7,600.00	7,600.00	7,600.00	60,800.00
Tallaght	0	0	0	0	4,500.00	4,500.00	4,500.00	4,500.00	18,000.00
Blanchardstown**	0	0	0	0	0	0	0	25,000.00	25,000.00

*50% of rent paid for by HSE.

**Up until 2008, Task Force located in HSE funded facility.

Community Development.

225. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs the status of the community development programme; the amount of funding allocated to this programme for 2008; the number of projects operating under this programme; the number of projects dedicated to tackling the drug problem in this country; and if he will make a statement on the matter. [33086/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The Community Development Programme (CDP) was established in 1990 in recognition of the role of community development in tackling poverty and disadvantage. In 2008, an allocation of €24.5million has made available for the Community Development Programme. The Programme currently core funds 185 community development projects in communities experiencing social and economic disadvantage. All projects have an anti-poverty, anti-exclusion focus, are managed by local voluntary management committees and are located in recognised disadvantaged areas nationwide, in both urban and rural areas. While there are no projects within the Programme that deal exclusively with the drugs problems, there are a number of projects which include the drugs issue as a priority within their Operational Plans.

Money Advice and Budgeting Service.

226. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she will provide the data from the MABSIS system for the first nine months of 2008 on 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 debt owed by new clients when they first presented to the Money Advice and Budgeting Service with a breakdown by creditor type; and the average debt owed by new clients when they first presented to MABS. [33146/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Money Advice and Budgeting Service (MABS) provided services to 10,838 new clients in the period to end August 2008. In addition, 1,641 people sought information about budgeting and money management. The MABS National Helpline received 6,457 calls to date in 2008.

The majority of clients were on social welfare payments (59%), the highest numbers being 1,917 (18%) who were in receipt of the one parent family payment, 1,837 (17%) who were in receipt of jobseekers payments and 1,527 (14%) 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 27% living in private rented accommodation and 25% in

rented local authority accommodation. People with mortgages made up 26% of new clients and 8% lived with parents.

The total owed by new clients in 2008 to creditors, based on the debt they had when they first came to the MABS, amounted to €123 million, which works out at an average amount of €11,400 debt per client. Of the total amount of debt 62% 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.—

Social Welfare Benefits.

227. **Deputy David Stanton** asked the Minister for Social and Family Affairs the average waiting time for a claim to be processed for each of the various schemes and payments in operation by her Department respectively; and if she will make a statement on the matter. [33152/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department is committed to ensuring that claims are processed and that decisions on entitlement are issued as expeditiously as possible having regard to the eligibility conditions that apply. These conditions vary from scheme to scheme and may involve, among other things, the need to establish the customer's social insurance record, verify medical incapacity for work, establish a customer's identity or their place of habitual residence and to assess means where appropriate.

In some cases there is an unavoidable time lag involved in making the necessary enquiries to enable decisions to be made. Time can also elapse where the applicants do not supply all the necessary information in support of their claim. Increases in the number of claims can also impact on processing times. However, operational procedures and the organization of work continue to be reviewed and restructured to maximize the benefits of technology and new developments in processing techniques and business information. The appended tabular statement sets out on a scheme by scheme basis, in respect of the month of August, the average times taken to award new claims.

Social Welfare Scheme Processing Times (August 2008)

Scheme	Average time to award (weeks)
Family Income Supplement (New)	14
Family Income Supplement (Renewals)	4
Child Benefit (Domestic)	5
Child Benefit (EU/International)	24
Jobseeker's Benefit	3
Jobseeker's Allowance	5
Bereavement Grant)	1
Carer's Allowance	15
One-Parent Family Payment	10
Illness Benefit	1
Widow(er)'s (Non-Contributory) Pension & One-Parent Family Payment (Widows)	10
Disability Allowance	14
Invalidity Pension	10
Widow(er)'s Contributory Pension	4
State Pension (Non Contributory)	8
Household Benefits	2

[Deputy Mary Hanafin.]

Scheme	Average time to award (weeks)
Free Travel	1
State Pension (Contributory) Irish	10
State Pension (Contributory) EU/International	37
State Pension (Transition) Irish	4
State Pension (Transition) EU/International	22

Social Insurance.

228. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the revenue that would be raised by abolishing the ceiling on PRSI contributions for employees in 2009; the number of people who would be affected; the cost of reducing the rate of PRSI to 2% for the self-employed; and the cost of reducing the rate to 2% for employees in 2009. [33182/08]

230. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the cost of raising the threshold on PRSI by €100 per week and by €200 per week in 2009. [33186/08]

231. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the cost of raising the exemption limit for PRSI by 5% and by 10% in 2009. [33190/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 228, 230 and 231 together.

Current estimates, agreed between this Department and the Department of Finance, indicate that: A decrease in the employee PRSI rate from 4% to 2% would reduce Social Insurance Fund income by some €793 million in a full year; A decrease in the self-employed PRSI rate (Class S) from 3% to 2% would cost approximately €279 million in a full year; The abolition of the PRSI ceiling for ordinary employees would yield some €334 million in additional contribution income, affecting some 324,720 contributors; Raising the PRSI free allowance to €227 or €327 would cost some €276 million or €552 million respectively for Class A; Raising the PRSI exemption threshold by 5% or 10% would cost some €18 million or €36 million respectively for Class A.

229. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the expected revenue to be raised in PRSI contributions from employers, from the self-employed and from employees respectively in 2007, 2008 and 2009 assuming the same structure applies in 2009 as in 2008. [33184/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The following table sets out the information requested by the Deputy.

Year	2007 Estimate	2007 Outturn	2008 Estimate
	€ million	€ million	€ million
Employers	5,730	5,762	6,144
Employees	1,465	1,539	1,655
Self-Employed	405	421	450
Total	7,600	7,722	8,249

Estimates for 2009 have not yet been finalised.

Questions Nos. 230 and 231 answered with Question No. 228.

Social Welfare Benefits.

232. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the original Estimates for the cost of unemployment payments in 2008; the Revised Estimates published in July 2008; and the latest Estimates within her Department based on the most recent trends in the live register. [33194/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A total of €1,634.3 million was provided in the 2008 Revised Estimates Volume for jobseeker's allowance and jobseeker's benefit this year. Expenditure to end July was €1,081 million. A revised estimate was not published in July 2008.

Social Welfare Code.

233. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the means test which applies with respect to maintenance payments, to earned income and to community employment earnings for a person claiming one parent family allowance; and the transitional arrangements which apply. [33200/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The one-parent family payment is a means tested scheme, therefore all income including personal and child maintenance payments and community employment earnings are assessable as means. In determining means from maintenance:

- Vouched housing costs such as rent or mortgage payments up to a maximum of €95.23 per week are disregarded.
- Thereafter, €1 is assessed as means for every €2 received by way of maintenance.

A person whose earnings exceed €425.00 gross earnings per week ceases to have an entitlement to one-parent family payment.

In determining means from earnings from employment or self employment or Community Employment Scheme, which are below the €425.00 limit:

- The first €146.50 of weekly earnings together with all superannuation contributions, social insurance contributions, health contributions, trade union subscriptions and additional voluntary contributions (AVC's) made in respect of personal retirement savings accounts (PRSA's) are disregarded.
- 50% of the balance is assessed as means.

Where a person whose has been in receipt of one-parent family payment for 52 consecutive weeks prior to their earnings exceeding the limit of €425 gross per week, they qualify for a transitional payment of half their rate of payment for a further 26 weeks.

234. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the eligibility terms for mortgage interest supplement, the income that is assessed in determining both eligibility and the value of the payment; and the income that can be disregarded. [33202/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme (SWA) provides for a supplement to be paid in respect of mortgage interest to any person in the State whose means are insufficient to meet their needs. The purpose of mortgage interest supplement is to provide short term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only. A person may be entitled to a mortgage interest supplement provided that:

- he or she is habitually resident in the State;
- the loan agreement was entered into at a time when, in the opinion of the Health Service Executive, the person was in a position to meet the repayments;
- the residence in respect of which the loan is payable, is not offered for sale; and
- the mortgage interest payable does not exceed such amount as the Health Service Executive considers reasonable to meet his or her residential needs.

In exceptional circumstances, a supplement may be awarded where the mortgage interest exceeds such amount as the Executive considers reasonable but such a supplement is payable for a maximum of 12 months.

Mortgage interest supplements are normally calculated to ensure that a person, after the payment of mortgage interest, has an income equal to the rate of SWA appropriate to family circumstances less a minimum contribution, currently €13, which recipients are required to pay from their own resources. Many recipients pay more than €13 because they are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic SWA rate towards their accommodation costs.

All income, subject to income disregards, is assessable for mortgage interest supplement purposes excluding the following items:

- Child benefit, including equivalent payments from other EU countries
- Earnings from employment as a Home Help
- Mobility Allowance
- Guardian's Payment — Contributory or Non-Contributory
- Payments received from the Health Service Executive for foster children.
- Payments for accommodating children under the Child Care Act.
- Income from Gaeltacht students
- Domiciliary Care Allowance
- Grants or allowances arising in pursuance of a scheme promoting the welfare of blind people.
- Money received from charitable organisations e.g. St. Vincent de Paul
- Compensation awarded by the Compensation Tribunal in respect of Hepatitis C contracted from certain blood products, compensation paid to those who have disabilities caused by Thalidomide and to those receiving compensation under the Residential Institutions Redress Board

- Maintenance grants paid by Local Authorities for Higher Education
- Respite Care Grant.

There is a number of income disregards which apply in the calculation of means for mortgage interest supplement purposes:

- Pensioners — a special income disregard exists for those aged 65 years or over. Any additional income equal to the difference between the maximum rate of State (Contributory) Pension and the rate of supplementary welfare allowance appropriate to his or her circumstances can be disregarded.
- Carer's allowance — in the case of a couple, where either spouse is a recipient of carer's allowance, the amount to be disregarded is the rate of carer's allowance in payment less the rate of SWA increase in respect of a qualified adult. In the case of a single person or a lone parent in receipt of Carer's allowance, the amount disregarded is the rate of carer's allowance in payment less the personal rate of SWA.
- Half-rate Carer's allowance — all income received in respect of half-rate carer's allowance is disregarded in full.

Additional income allows a disregard, calculated as follows:

- disregard of the first €75 a week of 'additional income'
- disregard 25% of 'additional income' over €75 a week
- There is no upper limit on the amount of additional income that can be disregarded.

'Additional income' is the amount of income in excess of the SWA rate, applicable to household circumstances and includes income derived from part-time employment or self-employment (under 30 hours per week), any employment or training scheme (e.g. CE or FAS course), family income supplement and maintenance payments in excess of €95.23.

- Earnings from rehabilitative employment — up to €120 of earnings from rehabilitative employment can be disregarded. However, this disregard cannot be applied together with 'the additional income disregard'. Only one such disregard can be applied i.e. whichever is most beneficial to the applicant.

Capital (savings and investments) and the value of property owned but not personally used or enjoyed is assessed as means. Where capital or property is assessed on this basis, any income received from its use is not assessed as cash income. Instead, the following formula is used to establish weekly means:

- Disregard first €5,000 of capital value of property/savings
- Assess next €10,000 @ €1 per €1,000
- Assess next €25,000 @ €2 per €1,000
- Assess remaining capital over €40,000 @ €4 per €1,000.

I am satisfied that the mortgage interest supplement scheme provides an adequate short-term "safety net" within the overall social welfare system to ensure that people do not suffer hardship due to loss of employment.

235. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the restrictions on work outside the home or claiming unemployment payments which apply to persons applying for respite grant and to carer's allowance. [33205/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): One of the fundamental qualifying conditions for carer's allowance, carer's benefit and the respite care grant is that the person be providing full-time care and attention to a person who needs such care. Since the introduction of the carer's allowance scheme this full time care and attention requirement has been eased in order to facilitate carers in engaging in employment, education or training. The number of hours a person may engage in employment, self employment, training or education outside the home and still be considered to be providing full-time care and attention was increased from 10 to 15 hours per week in June 2006.

There are no plans to increase the number of hours for which people can engage in employment, education or training outside the home and still be eligible for carer's payments from the Department or to extend the respite care grant or the "half rate carer's allowance" to people in receipt of jobseeker's allowance or benefit.

Social Welfare Benefits.

236. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when jobseekers allowance will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33212/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned applied for Jobseekers Allowance on 2 July 2008 and on receipt of all the necessary information and documentation a decision has been made on her claim. Her claim has been disallowed on the grounds that she failed to satisfy the Deciding Officer that she has made genuine efforts in seeking work. In particular, she failed to submit any evidence of having made an application for an advertised job vacancy. Notification of the decision, and her right to appeal, issued on 20 September 2008. There is no trace of an appeal registered at this time. The person concerned is in receipt of Supplementary Welfare Allowance from 2006 to date.

237. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the position regarding the application for rent support of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33213/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Rent supplement is administered on behalf of the department by the community welfare division of the Health Service Executive (HSE), as part of the supplementary welfare allowance scheme. One of the conditions for receipt of rent supplement is that the Executive must be satisfied that "the claimant is in need of accommodation and is unable to provide for it from his or her own resources".

The Executive has advised that the person concerned was refused rent supplement as it was not satisfied that he is in need of accommodation. The Executive has further advised that an appeal to the HSE Appeals Office against the decision to refuse rent supplement was unsuccessful. A further appeal has now been lodged with the Social Welfare Appeals Office.

Pension Provisions.

238. **Deputy Jack Wall** asked the Minister for Defence if a person (details supplied) in County Kildare is in receipt of their full pension entitlements; and if he will make a statement on the matter. [33044/08]

Minister for Defence (Deputy Willie O’Dea): The person concerned retired on grounds of ill-health from his position as a civilian employee with the Defence Forces in April 1986. He was awarded a gratuity and an annual pension on retirement, under the terms of the non-contributory pension scheme for non-established State employees. The person in question received on his retirement all of his entitlements under that pension scheme. Over the years, the rate of occupational pension paid to the person concerned has been increased in line with pay awards, both general and special, for serving employees.

Army Barracks.

239. **Deputy Joe Costello** asked the Minister for Defence the number of units of accommodation in the Defence Forces married quarters in McKee Park Barracks; the number which are still occupied; the plans for the future use of these units; and if he will make a statement on the matter. [33088/08]

Minister for Defence (Deputy Willie O’Dea): Defence Forces Married Quarters are provided to serving members until their retirement or resignation. The Defence Forces Regulations state that the Quarters must be vacated within 15 days of leaving the service. There is one occupied married quarters currently owned by my Department at McKee Park and efforts are ongoing to regularise the situation in accordance with Defence Forces Regulations.

Contracts of Sale.

240. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government the position in the case of a person (details supplied) in County Leitrim; and if he will make a statement on the matter. [33256/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that the Chief State Solicitor’s Office is finalising the contracts of sale with the vendor’s solicitor in this case.

Planning Issues.

241. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the reason it is necessary to make changes to a county development plan (details supplied); and if he will make a statement on the matter. [33038/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 1395 of 24 September 2008.

Radon Gas.

242. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the report Radiation Doses Received by the Irish Population published in July 2008 by the Radiological Protection Institute of Ireland, a three year baseline study of the various sources of ionising radiation which the Irish population is exposed to, and its conclusions that radon is the primary source of radiation dose, is cancer causing, and is one of the few sources that can be controlled through remediation; the steps he is taking to ensure that people vulnerable to exposure can afford to take remediation measures; and if he will make a statement on the matter. [33040/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): A copy of the report Radiation Doses Received by the Irish Population was provided to me by the Radiological Protection Institute of Ireland (RPII) at the

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time of its launch in July 2008 and I have noted its contents. The report summarises the most comprehensive study of its kind undertaken in Ireland, bringing together data on exposure of the Irish population to all sources of radiation, both natural and artificial.

The Government's approach to radon, which is similar to that of the majority of EU member states, is to concentrate efforts on increasing public awareness of the risks posed by radon in the home. The Government, largely through the Radiological Protection Institute of Ireland (RPII), has, for many years now, worked towards assessing the extent of the radon problem throughout the country. Between 1992 and 1999 the RPII carried out a comprehensive National Radon Survey (NRS) to measure radon concentrations in Irish homes. The principal objective was to identify the scale of the radon problem in Ireland and to identify areas at higher risk of radon contamination.

Householders, particularly those in known high radon areas, have been strongly encouraged by the RPII to have their homes tested for radon and to undertake remediation works where necessary. The RPII have carried out targeted information campaigns in high radon areas and in some instances where areas of particularly high radon levels have been found they have written directly to householders in these areas. Since the completion of the National Radon Survey the RPII has completed radon measurements in an additional 22,000 homes. This will continue to be the focus so as to enable and encourage householders to address monitoring and remedial requirements effectively and economically.

If the household is found to have high radon levels remediation work may be recommended. Technical guidance on radon remediation techniques is available in a booklet issued by my Department called *Radon in Buildings — Corrective Option*. The Radiological Protection Institute of Ireland (RPII) have also issued guidance entitled *Understanding Radon Remediation — A Householders Guide*. In addition, the Radiological Protection Institute of Ireland (RPII) www.rpii.ie have a list of companies who can provide a radon remediation service and can offer specific advice and recommendations.

Some remediation techniques can be undertaken by the householder at relatively low cost, such as the sealing of cracks and gaps in the floor and around entry points for pipes and cables at floor level. It may also be possible to increase the ventilation to a house, thus dispersing any build up of radon gas, by unblocking existing air vents, providing additional wall vents or by installing window trickle vents. The Scheme of Housing Aid for Older People is available to assist older people, generally over 60 years, to have necessary repairs or improvements carried out to their homes. Where a suite of works is being grant aided under this scheme, local authorities may also, as part of the package of works, assist with the provision of radon remediation works, where applicable.

My Department has already given approval to a number of local authorities to undertake, on a sample basis, radon surveys of their housing stock in high incidence areas. In addition the RPII have directly contacted local authorities with known areas of high radon concentration to encourage them to test local authority housing stock for radon, and where necessary, take remedial action.

Since 1998 the Building Regulations require all new buildings to incorporate radon protection measures at the time of construction. In October 2004 an updated edition of *Technical Guidance Document C on Part C of the Building Regulations (Site Preparation and Resistance to Moisture)* was published incorporating enhanced radon prevention measures for new buildings commencing on or after 1 April 2005. This new guidance document is aimed at ensuring that radon protection measures are carried out more effectively.

My Department will continue to work closely with the RPII, local authorities and other interested agencies to raise public awareness and to promote testing and remediation works.

Water Pollution.

243. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the correspondence he has had with Galway City Council regarding to the discovery of higher than recommended levels of lead in certain water supplies; the steps that are to be taken in response to this discovery; and if he will make a statement on the matter. [33041/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 495 of 30 September 2008.

Departmental Expenditure.

244. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the moneys that were allocated in the budget for the years 2007 and 2008 under the heading of climate change; the amount of that money that has been spent; the purpose on which the money was spent; if this information will be provided in tabular form; and if he will make a statement on the matter. [33042/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Expenditure programmes across various Departments contribute in varying degrees to the implementation of the Government's Climate Change Strategy. For example, investment in public transport, afforestation and renewable energy are all important in addressing the level of greenhouse gas emissions. Expenditure on flood protection has a role to play in the necessary adaptation to climate change and substantial funds have also been committed to research further mitigation and adaptation measures. It would be impossible to attribute a precise element specifically to climate change from this range of expenditure.

Expenditure relating specifically to climate change within my own Department's Vote, and from the Environment Fund (which is separate to the Vote) is set out in the following Table.

Subhead	Purpose	Allocation 2007	Expenditure 2007	Allocation 2008	Expenditure to date 2008
		€	€	€	€
D1 (2008) C2 (2007)	Environmental Protection Agency — Climate Change Research Programme (Strategy for Science, Technology & Innovation)	2,670,000	2,670,000	5,330,000	1,500,000
D4 (2008) C6 (2007)	To provide funds for the acquisition on behalf of the State of Kyoto Units and any other such instruments or assets in accordance with the provisions of the Framework Convention on Climate Change and the Kyoto Protocol.	150,000	0	10,050,000	0
D5 (2008) C7 (2007)	Support for certain international climate change actions.	2,808,000	2,115,000	2,767,000	10,000

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Subhead	Purpose	Allocation 2007	Expenditure 2007	Allocation 2008	Expenditure to date 2008
		€	€	€	€
Environment Fund					
EF3.1.1	Design, publishing and distribution of climate change information leaflet	342,443	342,443	0	0
EF3.1.4	Climate Change campaign	0	0	8,000,000	4,211,360 (excl. VAT)
EF3.2.2	Cultivate — Powerdown Programme	0	0	50,000	50,000
EF3.2.2	ENGO Research Projects	0	0	169,550	169,550
EF3.2.3	An Taisce Green Schools	200,000	200,000	200,000	200,000
EF4.1.3	Support for measures that assist Ireland's actions on reducing our Greenhouse gases.	402,000	56,000.	325,000	85,000
EF4.2.2	Contributions to funds established under international agreements on substance that deplete the ozone layer	660,000	480,000	693,000	417,000
EF4.2.3	Contributions to trust funds for the core budgets of the UN Framework Convention on Climate Change and the Kyoto Protocol	163,000	163,000	142,000	24,000
EF6.3	Environmental Protection Agency — Science, Technology, Research and Innovation for Environment (STRIVE) — R&D	293,641	293,641	71,918	71,918

Local Authority Funding.

245. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the moneys provided to local authorities for the purpose of funding initiatives to do with tidy towns competitions; the headings under which this funding is provided; and if he will make a statement on the matter. [33043/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Funding is not allocated to Local Authorities specifically for financing TidyTowns related initiatives. Local Authorities receive General Purpose Grants for their operational activities from the Local Government Fund and funding for anti-litter and general environmental awareness-raising activities from the Environment Fund, both of which are administered by my Department. The specific allocation of these funds to various initiatives, including those which may be TidyTowns related, is a matter for the Local Authorities. Prize money is made available, however, from the Department and sponsors each year directly to the TidyTowns committees. For example, the total prize money for 2008 is €251,850.

Housing Grants.

246. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the ceilings on the various grants payable through local authorities for housing adaptation and repair or improvement of houses and the income thresholds which apply; if a review of these terms has been undertaken; and if a revision is under consideration. [33167/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department operates three grant schemes to assist in the carrying out of works that are reasonably necessary for the purposes of rendering a house more suitable for the accommodation of an older person or a person with a disability who is a

member of the household: the Housing Adaptation Grant for People with a Disability, the Mobility Aids Grant Scheme, and the Housing Aid for Older People scheme, all introduced on the 1 November 2007. Eligibility for grant payment is determined inter alia on the basis of household income in the previous tax year. The income thresholds which apply are set out in the attached table. To protect the value of the grant into the future, grants levels will be adjusted annually in line with the Building Cost Index. The income limits will also be increased annually in line with wage inflation.

Local authorities have been advised of a number of income disregards which will apply in calculating household income. A list of these income disregards is also attached. My Department is committed to carrying out an independent evaluation of these grant schemes following the first year of full implementation.

Gross Maximum Household Income p.a.	Housing Adaptation Grant — Houses over 12 mths old		Housing Adaptation Grant — Houses under 12 mths old		Housing Aid for Older People	
	% of Costs available	Maximum Grant Available	% of Costs available	Maximum Grant Available	% of costs available	Maximum Grant available
	%	€	%	€	%	€
Up to €30,000	95	30,000	95	€14,500	100	€10,500
€30,001 – €34,000	90	27,000	90	€13,050	90	€9,450
€34,001 – €38,000	80	24,000	80	€11,600	80	€8,400
€38,001 – €42,000	70	21,000	70	€10,150	70	€7,350
€42,001 – €46,000	60	18,000	60	€8,700	60	€6,300
€46,001 – €50,000	50	15,000	50	€7,250	50	€5,250
€50,001 – €54,000	40	12,000	40	€5,800	40	€4,200
€54,001 – €65,000	30	9,000	30	€4,350	30	€3,150
In excess of €65,000	No Grant is Payable		No Grant is Payable		No grant is payable	

Under the Mobility Aids Grant Scheme, the maximum grant of €6,000, which may cover 100% of the cost of works, will be available to those with gross annual household incomes of up to €30,000. Applicants whose gross household income exceeds €30,000 are ineligible for grant aid under the Mobility Aids Grant Scheme.

Extract from Guidelines governing the revised Housing Adaptation Grant Schemes for Older People and People with a Disability.

Income Disregards

In determining gross household income, local authorities shall, for eligibility purposes, reduce the amount of household income by the following payments/disregards:

- €5,000 for each member of the household aged up to age 18 years;
- €5,000 for each member of the household aged between 18 and 23 years and in full time education, or engaged in a FÁS apprenticeship;
- €5,000 where the person with a disability for whom the application for grant aid is sought, is being cared for by a relative on a full-time basis;
- the amount of the following payments received in the previous tax year:

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- Child Benefit;
- Early Childcare Supplement;
- Family Income Supplement;
- Domiciliary Care Allowance;
- Respite Care Grant;
- Carer's Benefit / Allowance (where the Carer's payment is made in respect of the person for whom the application for grant aid is sought).
- Foster Care Allowance;
- Fuel Allowance

Social and Affordable Housing.

247. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the income thresholds which apply to qualify for shared ownership and to qualify for a subsidy towards the repayments; the year when the value of these was last increased; and if he has completed a review of the case for increasing their value. [33170/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The income eligibility and loan limits for the shared ownership scheme were reviewed and increased with effect from 1 January 2006. The income eligibility for a single income household increased to €40,000 while in the case of a two-income household, the income limit is based on the formula that 2.5 times the main income plus once the secondary income does not exceed €100,000. Where household income is below €28,000 in the previous tax year, a graded subsidy up to a maximum of €2,550 per annum is available to applicants on low incomes under the Shared Ownership Scheme. I am currently examining the qualifying limits for mortgage loans taken out with local authorities and will complete this process as soon as possible.

248. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the rate of interest, the rate of charge for mortgage protection, the rental rate charged, the rate of subsidy towards repayments and the cost per month of these charges on a typical shared ownership purchase over 30 years on a €300,000 house. [33171/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The variable interest rate charged by a local authority on the mortgage element of a shared ownership transaction is determined by the Housing Finance Agency by reference to prevailing rates in the financial market. The current variable rate is 5.25%. In addition, a mortgage protection charge of 0.598% is applied to all local authority loans. Rent is calculated at 4.3% of the value of the share in the ownership held by the local authority. This amount is increased annually by 4.5%. The rent per €1,000 is, therefore, €3.58 per month initially, increasing annually by 4.5%. This amount excludes any rent subsidy due. Purchasers are required to buy out the full ownership within a 25-year period.

The income bands and the rate of subsidy payable under the Rental Subsidy scheme are set out in the Table:

Income Band	Subsidy
€	€
13,000 and under	2,550
13,010 – 15,500	2,300
15,501 – 18,000	2,050
18,001 – 20,500	1,800
20,501 – 23,000	1,550
23,001 – 25,500	1,300
25,501 – 28,000	1,050
Over 28,000	Nil

The monthly cost of a shared ownership transaction depends on the price of the home, the percentage split of the overall price between the purchase and rental elements and the purchaser's eligibility for subsidy under the Rental Subsidy Scheme.

249. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government when the new equity loan will come into operation; and the income thresholds and terms and conditions which will apply. [33172/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Affordable Homes Partnership were asked to consider how the range of existing affordable housing mechanisms might be enhanced. A resultant report Increasing Affordable Housing Supply has now been published. The report's recommendations are based on optimising the output from the existing mechanisms and include a proposal to introduce a new affordable housing product based on an equity loan arrangement to be used in conjunction with the existing schemes.

A consultation on the various aspects of the report, including the equity-based loan, was launched at the end of April 2008. In addition to the public consultation, my Department consulted with the social partners, housing practitioners and financial institutions. I am considering the outcome of this consultation process and appropriate measures in light of current market conditions.

Rental Accommodation Scheme.

250. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government if rental payments are being calculated for the rental accommodation scheme; the value of ceilings on the rental of eligible properties; and the method used for adjusting the value of these ceilings. [33173/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Under the Rental Accommodation Scheme it is a matter for each local authority to determine the rental payment it will make for any eligible property. However, the levels of recoupment available to them from my Department, which are based on rent supplement levels, may guide local authorities in their negotiations with landlords. Local authorities may agree, at their discretion, periodic rent reviews with landlords in line with the prevailing market conditions at the time.

Housing Aid for the Elderly.

251. **Deputy Noel J. Coonan** asked the Minister for the Environment, Heritage and Local Government the number of applications received by North Tipperary County Council under the housing aid for older people grant, the housing adaptation grant for people with a disability and the mobility aids housing grant; the amount of money allocated in respect of each scheme in 2008; and if he will make a statement on the matter. [33266/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Máire Hocht): North Tipperary County Council has received 47 applications under the Housing Adaptation Grant for People with a Disability, 35 applications under the Mobility Aids Grant Scheme and 190 applications under the Housing Aid for Older People Scheme since their introduction on 1 November 2007.

A combined capital allocation of €1,571,700 was made to North Tipperary County Council in May 2008, for the operation of the Housing Adaptation Grant Schemes for Older People and People with a Disability. 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, and to manage the operation of the schemes in their areas from within this allocation. In light of particularly significant levels of demand under these schemes, North Tipperary County Council was recently notified of an additional Exchequer allocation of €300,000 towards the operation of these schemes in 2008.

Telecommunications Services.

252. **Deputy Edward O’Keeffe** asked the Minister for Communications, Energy and Natural Resources when works will be put in place to provide a service to an area (details supplied) in County Cork. [33082/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have no function in the matter of the enabling for broadband purposes of exchanges owned by private companies or the quality of lines for provision of broadband services. It is anticipated that the facilitation of greater competition via the introduction of broadband from different technology platforms should encourage the more rapid enabling of exchanges for broadband.

Energy Conservation.

253. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources the terms of the grants towards home energy use improvement in pilot areas and the categories of persons who are eligible; if a review of the pilot has taken place; the results of that review; and the revisions in the scheme which have been recommended. [33168/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The pilot areas for the individual strands of the Home Energy Savings Pilot Scheme are Limerick County Council, Clare County Council, Dundalk Town Council, Thurles Town Council and Tipperary SERVE area (an area within North Tipperary which is the subject of an EU energy project coordinated by Tipperary Energy Agency and North Tipperary County Council). The pilot also includes a Cluster Strand, which facilitates groups of a minimum of 10 householders to come together in the interests of economies of scale.

Pre-2002 privately owned residential properties have been eligible to apply under the individual area strands. Landlords and owners of multiple properties have also been eligible to apply under the Cluster Strand. Energy Rating assessments have been carried out in 90% of the participating houses and incentivisation offers have been made as appropriate. The data from

the assessments, responses and uptake of the participants are currently being analysed by Sustainable Energy Ireland.

The Pilot Scheme will inform decisions in relation to a wider Home Energy Savings Scheme subject to overall budgetary considerations. The results from the models tested in the pilot phase will contribute to ensuring maximum effectiveness, efficiency and value for money.

254. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources the value of grants for low energy use equipment operated by Sustainable Energy Ireland on behalf of his Department; if a review of the schemes has been undertaken; the results of that review; and the revisions in the scheme which have been recommended. [33169/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Sustainable Energy Ireland (SEI) operates a range of programmes in support of sustainable energy products and services aimed at securing greater energy efficiency and wider exploitation of renewables in the residential, business and industrial sectors. Among these programmes are:

- Warmer Homes Scheme (energy efficiency upgrades for low income households)
- Greener Homes Scheme (renewable heating systems for households)
- Low Carbon House (enhance energy performance in new build)
- Microgeneration (field trials of small scale electricity generating technologies)
- ReHeat Deployment Programme (renewable heating systems for the commercial and public sectors)
- Renewable Energy RD&D (research and development supports).

With specific respect to grants for low energy use equipment, SEI administers the Combined Heat & Power (CHP) Deployment programme. This programme was launched in August 2006 and provides two types of support:

- A 40% support (discretionary) for studies assessing the feasibility of deploying new CHP plant
- A 30% capital equipment support (rule based) towards the investment in new CHP plant. The programme supports either fossil fuel or renewable energy (biomass) based systems which adhere to the efficiency requirements set down in the subject EU Directive.

To date SEI has approved a total of 62 applications for capital equipment, including one biomass unit, in the amount of €4.474m of which €626k has already been paid. The scheme is reviewed annually with respect to targets set out for the programme. The scheme has been revised once to allow for grouped applications of feasibility studies to be submitted by single Energy Services Companies to inform assessments of CHP potential in target sectors.

Grant Payments.

255. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the number of appeals to the independent appeals board from each AES region within his Department for 2006, 2007 and to date in 2008; the number that were successful and the number disallowed in each separate region arising from the penalties applied; and if he will make a statement on the matter. [33009/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The table below provides a breakdown of appeals received at the Agriculture Appeals Office in respect of each AES region for the years 2006, 2007 and 2008 to-date, categorised into those successful and disallowed.

REGION	2006		2007		2008 to-date	
	Successful	Disallowed	Successful	Disallowed	Successful	Disallowed
South West	10	20	16	26	2	17
South East	4	9	3	12	2	9
Midlands & East	10	18	4	21	3	9
Mid Western	5	18	8	15	4	10
Western Region	16	43	14	35	7	23
North West	3	21	11	18	6	11
North East	8	18	5	9	4	9

Departmental Offices.

256. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the area of office space rented or leased by his Department for the delivery of its services nationally; the cost of leasing of office space in Dock Gate, Galway for the period 2005, 2006 and 2007; the cost of the area rented; the amount of this rental space currently being utilised; if he will renegotiate the rental of this accommodation for unused office space in view of the changes in the single payment scheme; and if he will make a statement on the matter. [33050/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Office of Public Works (OPW) are responsible for the leasing and rental of Department offices nationally and they have been asked to provide the material which will be sent directly to the Deputy. The rented space in Dockgate, Galway is being utilised for staff in the Veterinary Office, Agricultural Environment and Structures Office, Inspectorate, Irish language Unit, and is being considered as a location to accommodate other Department staff in Galway city and County.

Grant Payments.

257. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the reason an application which is fully compliant has not been granted; when a person (details supplied) in County Roscommon will receive moneys due; and if he will make a statement on the matter. [33095/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The claim for payment lodged by the person concerned under the Farm Waste Management Scheme is being processed by my Department. I would expect that payment will be made in the near future provided that the claim is in compliance with the terms and conditions of the Scheme.

258. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Roscommon who is fully compliant and who was approved under the farm waste management scheme was not paid; and when they may expect moneys due. [33096/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The claim for payment lodged by the person concerned under the Farm Waste Management Scheme is being processed by my Department. I would expect that payment will be made in the near future provided that the claim is in compliance with the terms and conditions of the Scheme.

259. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the time-frame regarding payment of single farm payments. [33103/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): While under the EU regulations governing the Single Payment Scheme, the earliest date payments may issue is 1 December of the scheme-year concerned, provision is also made for payments to be made earlier, subject to EU approval. Prompted by the very wet summer, which seriously affected farming, I approached the Agriculture Commissioner seeking agreement to an early advance 50% payment, in line with arrangements agreed for the 2007 scheme. I am pleased to say that the necessary approval was readily forthcoming and payments are now scheduled to begin issuing on 16 October, the earliest date possible, it being the first day of the new EU financial year. Balancing payments will begin to issue as and from 1 December.

260. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive payment of a grant in respect of a slatted unit. [33104/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The claim for payment lodged by the person concerned under the Farm Waste Management Scheme is being processed by my Department. I would expect that payment will be made in the near future provided that the claim is in compliance with the terms and conditions of the Scheme.

261. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the anxiety and financial hardship that will be created for many farmers if the 31 December 2008 deadline for completion of work under the farm waste management scheme is not extended, that hundreds of concrete manufacturers will be severely penalised if this scheme is not extended, the number of other jobs that will be lost in rural areas and in view of the success of the scheme; if he has brought the matter of an extended deadline to the attention of the European Commission; and if he will make a statement on the matter. [33126/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The deadline of 31 December 2008 for completion of work by farmers under the revised Farm Waste Management Scheme introduced by my Department in March 2006 is a condition of the EU state aid approval for the Scheme. The European Commission has since reaffirmed that it expects Ireland to respect strictly this deadline.

262. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the grant aid approved to date on the 40% farm improvement scheme; if the €79 million allocated to the scheme will be sufficient to approve all projects up to the cut-off date of 21 October 2007; if farmers who had their application in before 1 November 2007 can expect approval for their projects; and if he will make a statement on the matter. [33129/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Farm Improvement Scheme was introduced by my Department in July 2007 with funding of allocation of €79

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million was provided for the Scheme in the 2006 Partnership agreement, Towards 2016, and the Scheme was suspended on 31 October 2007 as applications received had reached this level of funding. Applications received up to 21 October 2007 are now being processed by my Department and the funding of €79 million is sufficient to enable approvals to be issued for these applications.

Departmental Correspondence.

263. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the number of complaints to his Department regarding factories based in Nobber, County Meath; the procedures in place for responding to these complaints; and if he will make a statement on the matter. [33138/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Manufacturing premises, factories and other such establishments may be subject to regulation by a variety of public bodies, including for example Local Authorities, the Environmental Protection Agency and other agencies including my Department in some instances.

From time to time my Department receives complaints in relation to a range of matters concerning a wide variety of establishments, including establishments under the supervision of the Department. It would be inappropriate for me to comment on the number of complaints, if any, received relating to a specific geographic area of the country. In general however I can assure the Deputy that there is a formal procedure for handling complaints and that all complaints received are investigated thoroughly.

Complaints should initially be made to the senior officer in charge of the area to which the problem relates. If a customer is not satisfied with the response received, the complaint can be pursued with my Department's Quality Service Officer. This can be done in person, by telephone or in writing to the Quality Service Unit, Department of Agriculture, Fisheries and Food, Grattan Business Centre, Dublin Road, Portlaoise, Co Laois — telephone 057 86 94331.

The Quality Service Officer will have the complaint fully and impartially investigated by an officer who was not involved in the matter giving rise to the complaint. Complaints to the Quality Service Officer are recorded and monitored to identify areas requiring improvement. If customers remain unhappy with the outcome of their complaint, they can appeal or make a complaint to the Office of the Ombudsman.

Grant Payments.

264. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Mayo who has been approved grant assistance under the farm waste management scheme. [33139/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The claim for payment lodged by the person concerned under the Farm Waste Management Scheme is being processed by my Department. I would expect that payment will be made in the near future provided that the claim is in compliance with the terms and conditions of the Scheme.

State Examinations.

265. **Deputy Brian Hayes** asked the Minister for Education and Science the number of students who sat the 2008 leaving certificate examinations who sought a re-check from the

State Examinations Commission; and the number awarded a change in grade in each subject in respect of the number of re-checks that were processed; and if he will make a statement on the matter. [33012/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including determining procedures to enable the review and appeal of results of examinations at the request of candidates. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you. It should be noted that this type of data is normally made available publicly by the Commission each year when the appeals have been processed, usually around mid October.

Schools Building Projects.

266. **Deputy Brian Hayes** asked the Minister for Education and Science the position regarding the new school promised for Rathcormac, County Cork; when it is envisaged that this school will be built; the cost to his Department of renting the ten portacabins that are used to accommodate pupils in the school; and if he will make a statement on the matter. [33013/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The application for a new school is at an early stage of architectural planning. The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

The annual rent costs for the prefabs at the school to which the Deputy refers is €83,777.00. My Department contributes 95% towards the cost of rental of temporary accommodation for primary schools with permanent recognition, where the need for additional accommodation has been established. The school authority will pay a local contribution of the balance of 5% subject to a maximum local contribution of €3175 in the financial year January to December.

Teacher Training.

267. **Deputy Brian Hayes** asked the Minister for Education and Science if research has been undertaken by his Department in conjunction with the colleges of education to determine whether those students who come into the colleges of education from a Gaeltacht background end up teaching in schools within or outside of the Gaeltacht area; his views on ascertaining this information if it is not already to hand in view of the existing points differential requirement for Gaeltacht and non-Gaeltacht students who wish to enter the various colleges of education; and if he will make a statement on the matter. [33014/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Provision is made for up to ten per cent of the teacher training places in the Colleges of Education to be reserved for Gaeltacht applicants. This special entry competition for persons from the Gaeltacht is in accordance with Government policy for the support and promotion of the Gaeltachtaí and of the use of the Irish language as a community language. In order to achieve these objectives, it is essential to have a supply of fluent speakers of Irish teaching in Irish-medium schools. Given the fewer numbers of Gaeltacht applicants, points required for admission as a Gaeltacht applicant may

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be lower than otherwise required. However it is important to note that Gaeltacht applicants who secure places do not necessarily have lower points than other applicants.

There is no data available to support a precise estimate of the number of teachers in Gaeltacht schools who are originally from the Gaeltacht. To establish this with any degree of certainty would require a survey of teachers in Gaeltacht schools, which I do not envisage carrying out at present.

Teaching Qualifications.

268. **Deputy Brian Hayes** asked the Minister for Education and Science the number of teachers in the primary school sector who have a masters degree; the number of teachers in the post-primary school sector who have a masters degree; and if he will make a statement on the matter. [33015/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Two thousand five hundred and twenty six teachers employed in Secondary and community/Comprehensive schools and eighteen hundred and nine teachers in primary schools are currently in receipt of a Masters Degree allowance. The information in relation to teachers employed by VECs is held by them individually and is not available in my Department.

School Services Staff.

269. **Deputy Brian Hayes** asked the Minister for Education and Science the number of primary schools which do not have recourse to a school secretary; and if he will make a statement on the matter. [33016/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department provides funding towards the cost of secretarial and caretaking services in all recognised primary schools under two separate schemes. One scheme is the 1978/79 scheme for the employment of full-time secretaries and caretakers in primary schools, under which my Department meets the full cost of salary. This scheme is being phased out as posts become vacant and no new posts are being created. This scheme has been superseded by a more extensive grant scheme referred to as the Ancillary Services grant.

The amount of funding under the Ancillary Services grant to an individual school is determined by the enrolment in the school. The current rate of grant is €151.50 per pupil with a minimum threshold of €9,090 for schools with less than 60 pupils. The scheme is flexible by nature, giving Boards of Management discretion as to the manner in which secretarial and caretaking services are provided. My Department is not aware of which way individual schools choose to utilise the grant in terms of a breakdown between the provision of secretarial and/or caretaking services.

Grant Payments.

270. **Deputy Brian Hayes** asked the Minister for Education and Science the number of the grants administered by his Department to primary and post-primary schools that are available to schools on-line, whereby the application itself is submitted electronically to his Department; the number of grants not available through this method; and if he will make a statement on the matter. [33017/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Grants to schools are paid electronically into individual school bank accounts. The main grants are calculated and paid based on the annual enrolment returns from schools. This helps to ensure that the administrative burden for schools for the payment of these grants is kept to a minimum. My Department does not have an on-line facility for the application process for grants. My Department uses an on-line facility for the payment of substitution for teachers and special needs assistants and also for the recording of their absences.

Adult Education.

271. **Deputy Richard Bruton** asked the Minister for Education and Science if there is a scheme to support a person who is in low paid employment or self-employment to study to do a leaving certificate in order to improve their chances of better employment; and if he will make a statement on the matter. [33027/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The Back to Education Initiative (BTEI) provides an opportunity for adults to combine a return to learning with family, work and other responsibilities. Programmes are offered on a part-time basis: in the mornings, afternoons, evenings or at weekends. Courses from FETAC Levels 1 to 6, including the Leaving Certificate, are offered. Since its inception in 2002, funding for the BTEI has increased from just over €6m in 2002 to €18m in 2007. With effect from 1 September 2007, BTEI eligibility criteria were amended to allow free tuition to any adult with less than upper second level education. Originally only people with a social welfare entitlement or medical card were entitled to free fees. BTEI participants can also avail of guidance and childcare supports.

Site Acquisitions.

272. **Deputy Joan Burton** asked the Minister for Education and Science the status of the second level school which is to be provided for Castleknock, Dublin 15; if it is to be known as Luttrellstown Community College; if the land has been acquired for the school; if sanction has been given by his Department for the building of the school; if the school will be available for September 2009; and if he will make a statement on the matter. [33028/08]

291. **Deputy Leo Varadkar** asked the Minister for Education and Science when he will make a public announcement of his decision to establish a new secondary school in the Castleknock-Porterstown area. [33153/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 272 and 291 together.

My Department is aware of a need for further post primary provision in the Dublin 15 area. As the Deputy may be aware, the Department intends to acquire sites in the Dublin 15 area for the purposes of providing additional school places. Due to the commercial sensitivities attaching to site acquisitions generally, the Deputy will appreciate that I am not in a position to comment on the details of the matter until such a time as the acquisitions have been completed. The matter of Patronage of the next new post primary school for Dublin 15 is under consideration.

Schools Recognition.

273. **Deputy Joan Burton** asked the Minister for Education and Science if he will sanction a

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gaelscoil for the Tyrrellstown area, Dublin 15; and if he will make a statement on the matter. [33029/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Department was made aware of proposals to establish a new Gaelscoil to serve Tyrrellstown/Hollystown in August 2008. A formal ‘Notification of Intent’ to establish this new school was received from the proposed Patron, An Foras Patrúnachta in September 2008. However, as the Deputy will be aware, I announced a review of the procedures for recognising primary schools on 14th September last. I also announced that for the interim period it is not planned to recognise any new primary schools except those in developing areas where there is a clear need demonstrated for such schools. The application to establish a new Gaelscoil to serve Tyrrellstown/Hollystown will be considered in this context.

School Accommodation.

274. **Deputy Michael Kennedy** asked the Minister for Education and Science if he is aware that accommodation for a full class of junior infant boys at a school (details supplied) in County Dublin for September 2009 has not been sanctioned by his Department; when the additional class will be sanctioned; and if he will make a statement on the matter. [33031/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has applied for an extension. It has a band rating of 2. The progression of this project will be considered in the context of the capital budget available to my Department for school buildings generally. In light of the many competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for this project to commence architectural planning and appointment of Design Team.

It is open to the Board of Management to apply to the Department for a temporary classroom for the school year commencing September 2009.

Schools Building Projects.

275. **Deputy Michael Ring** asked the Minister for Education and Science if money has been sanctioned for a project (details supplied) in County Mayo; if that project is going ahead; if it is going out for tender; and if he will make a statement on the matter. [33037/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to inform the Deputy that the project in question has been sanctioned and my Department has contacted Co. Mayo VEC authorising them to progress the project. As the Deputy will be aware, from February 2008 all Capital Works Projects must use the new GCCC Forms of Construction Contracts for Public Works and, as a result, Co. Mayo VEC have been informed that the project at Davitt College will have to be re-entered.

School Patronage.

276. **Deputy Paul Gogarty** asked the Minister for Education and Science the statutory basis upon which Educate Together is being denied the status of patron of a post-primary school in view of the fact that there is no distinction in the Education Act 1998 between primary and post-primary patrons and Educate Together is recognised as a patron of schools; and if he will make a statement on the matter. [33065/08]

283. **Deputy Joe Costello** asked the Minister for Education and Science if he will introduce legislation to enable Educate Together, which is celebrating its 30th anniversary providing primary education in 56 schools, to register as a patron of second level schools; and if he will make a statement on the matter. [33089/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 276 and 283 together.

I am currently considering a number of issues relating to the patronage of second-level schools and the matters raised by the Deputies will be considered in that context.

Departmental Statistics.

277. **Deputy Ruairí Quinn** asked the Minister for Education and Science, further to Parliamentary Question No. 1784 of 24 September 2008, the reason his Department does not have a readily accessible format in which to produce statistics to answer this Deputy’s initial question; his plans to establish statistics on this matter which are presentable in a readily accessible format; when such a format will be ready; the way it may be accessed; and if he will make a statement on the matter. [33070/08]

Minister for Education and Science (Deputy Batt O’Keeffe): While comprehensive information on the use of temporary accommodation is held on individual school files, my Department does not have a central database of those schools that are currently fully accommodated in prefabricated accommodation. The Department examines all applications for additional accommodation on an individual basis to determine if the need exists in the first instance. My Department is satisfied that comprehensive information is available on individual records held on individual school files.

It is the general practice of my Department not to provide permanent accommodation for schools which have only received temporary recognition. When the school receives permanent recognition, it is then open to the school to apply for funding for permanent accommodation. In the meantime, some new schools are accommodated in prefabricated buildings, while others rent permanent premises. As the Deputy will be aware, the current programme of investment in school buildings under the current National Development Plan will see a significant increase in the provision of permanent school accommodation, which will reduce the number of schools wholly accommodated in rented accommodation.

Third Level Education.

278. **Deputy Ruairí Quinn** asked the Minister for Education and Science, further to Parliamentary Question No. 1835 of 24 September 2008, if he is satisfied that the universities in the third level sector who reported substantial deficits are not at risk of foreclosure or other threats to their stability and that they have adequate insurance to cover all liabilities; and if he will make a statement on the matter. [33071/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Universities Act, 1997, confers autonomous statutory responsibilities on universities in relation to the day to day management of their affairs. It is a matter for each university to manage their financial resources and to take the necessary steps to ensure that expenditure is kept within the approved budget. I understand from the Higher Education Authority (HEA), which is the statutory planning and development body for higher education and research in Ireland and is the funding authority

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for the universities, that it is in continuing correspondence with the universities in relation to deficits and it is satisfied that they are taking action to address any such deficits.

279. **Deputy Ruairí Quinn** asked the Minister for Education and Science, further to Parliamentary Question No. 1693 of 24 September 2008, if funding for the university sector and the third level sector here has fallen as a percentage of GDP or GNP between 1998 and 2007; the details of same; and if he will make a statement on the matter. [33072/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Expenditure on tertiary educational institutions, including universities, from public sources amounted to 1.38% of GNP in 1998. In 2007 similar expenditure amounted to 1.25% of GNP. There have been substantial improvements in the funding of higher education in recent years. Overall provision to the third level sector (capital, recurrent, student grants etc) amounted to some €1.5 billion in 2004, some €1.9 billion in 2007 and some €2 billion in 2008. This is an increase of over 33% since 2004 and an increase of over 111% since 1998 levels when funding to the sector was some €949m.

In recent years, recurrent funding allocated specifically to the University sector has increased from €631 million in 2004 to some €790 million in 2007 and to some €831 million in 2008. It represents an increase of some 32% since 2004 and an increase of some 118% since 1998 levels. This excludes separately provided programmes of funding for capital, for research and development and from the Strategic Innovation Fund.

280. **Deputy Joanna Tuffy** asked the Minister for Education and Science if his attention has been drawn to the fact that there are vacant places through the Central Applications Office in third level colleges here in more than 100 courses including science, engineering, business and law courses; the steps he is taking to ensure that these vacant places are filled; if he will ensure that colleges try to fill these vacant places with unemployed persons or persons who can be equipped to participate in a knowledge based economy; and if he will make a statement on the matter. [33073/08]

281. **Deputy Joanna Tuffy** asked the Minister for Education and Science the information provided to his Department by universities and third level colleges each year updating his Department as to the numbers of places that have been left vacant in those colleges; and if he will make a statement on the matter. [33074/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 280 and 281 together.

Higher-education institutions do not routinely provide information to my Department or the HEA on vacant places. At this time of year, the issue of vacant places is very fluid due to the efforts made by institutions and the CAO to fill such places. Annual returns to the HEA suggest that the overall number of vacant places is going down and in a number of cases CAO points requirements have also lowered. An increasing number of students are now opting to enrol on higher-level programmes such those at level 8 of the national qualifications framework. As a result, there has been an increase in vacant places at level 6 of the framework.

Substantial efforts are made to fill vacant places. Available/Vacant place courses are advertised on the CAO website where unfilled places are available in a course. The institutions concerned continue to try and fill these places until the end of the CAO season (October 15th). Offers of places are made to eligible applicants at the earliest opportunity in order to fill such

available places in order to commence the courses as early as possible. Many institutions advertise in newspapers and on local radio and encourage anyone interested in pursuing a course to apply. Places are available to all categories of applicants, unemployed, those requiring re-training and even applicants who have accepted a course elsewhere where such a course is more appealing to them. Provided an applicant is eligible, most are usually offered with 7 days of applying. Those applicants presenting non-standard qualifications are advised to contact the Admissions Office of the Institution concerned prior to application to seek advice on the application process.

Attracting students to programmes in the areas of science and engineering continues to be a challenge and ultimately decisions are a matter for students themselves. However efforts continue to be made to encourage uptake in these areas and to improve access for people who have not previously benefited from higher education. As one such example, the HEA and higher education institutions are currently investigating opportunities for the transfer of students previously enrolled on apprenticeship programmes into higher education. The Strategic Innovation Fund has also provided support for initiatives such as the Cork Institute of Technology led Education in Employment project which is developing frameworks for work-based learning and the recognition of prior learning as a means of improving access to higher education.

Schools Building Projects.

282. **Deputy James Bannon** asked the Minister for Education and Science the position regarding the commencement date for a new building in respect of a school (details supplied) in County Longford, which after 40 years was given the go-ahead in November 2006, but the work has yet to commence; and if he will make a statement on the matter. [33083/08]

Minister for Education and Science (Deputy Batt O’Keeffe): An application for capital funding towards the provision of a new school building has been received from the school referred to by the Deputy. The commencement and progression of all large scale building projects, including this project, will be considered 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 this project at this time.

Question No. 283 answered with Question No. 276.

284. **Deputy Ciarán Lynch** asked the Minister for Education and Science when the building of a new school (details supplied) in County Cork will commence; and if he will make a statement on the matter. [33099/08]

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 stage 2A submission has been received by my Department and is currently being reviewed and evaluated. The progression of all large scale building projects, including this project, will be considered 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 this project at this time.

285. **Deputy Ciarán Lynch** asked the Minister for Education and Science when construction of a new national school at Ballygarvan, County Cork will be completed; if his attention has

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been drawn to the conditions pertaining to the existing premises; and if he will make a statement on the matter. [33100/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers to has an application for a new school on a new site with the Department. A suitable site has been identified for the school in question. The site comprises of three plots of land with three separate vendors. Officials from my Department are in contact with key stakeholders with a view to exploring the options open to advancing the proposed acquisition. The progression of this project will be considered in the context of the capital budget available to my Department for school buildings generally.

In light of the many competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the acquisition of the site at this time followed by progression of the project. In the meantime temporary accommodation for the school has been approved by my Department as an interim measure to facilitate increased enrolments for Sept 2008.

286. **Deputy Pat Rabbitte** asked the Minister for Education and Science the reason works at a school (details supplied) in Dublin 6W scheduled to start in June 2008 did not commence; when these works will commence; and if he will make a statement on the matter. [33107/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers is at an advanced stage of architectural planning. The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered 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 Staffing.

287. **Deputy Pat Breen** asked the Minister for Education and Science when he expects the national redeployment scheme, which was agreed as part of the national agreement Towards 2016, to be implemented; and if he will make a statement on the matter. [33117/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As part of the modernisation agenda for teachers under the Social Partnership Agreement Towards 2016 it was agreed to address the issue of redeployment of surplus teachers. Discussions on the arrangements that would apply in the case of second level schools commenced under the auspices of the Teachers Conciliation Council in March 2007. It was initially agreed that the discussions would take place in a sequenced manner and that the first issue to be discussed was the arrangements that would apply in the case of school closures. Those arrangements were agreed and have been implemented with effect from the end of the 2006/2007 school year.

Discussions have now focused on agreeing arrangements that will apply in the case of teachers that become surplus in situations other than school closure such as changing enrolments or changed course or subject provision at individual school level. The arrangements when agreed will be implemented in a timely manner in accordance with the provisions of the Towards 2016 Agreement. In the case of primary schools the existing redeployment arrangements which were updated in May 2005 are currently under review.

288. **Deputy Pat Breen** asked the Minister for Education and Science, further to Parliamentary Question No. 295 of 25 September 2008, if he will meet a delegation comprising the four Clare Members of the Oireachtas, school representatives and representatives of the board of management of a school (details supplied) in County Clare at the earliest opportunity; and if he will make a statement on the matter. [33118/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The allocation of teaching resources to second level schools has operated on the basis of a well established allocation process based on transparent allocation rules, with an independent appellate process available to schools. In the interest of fairness and consistency for all schools it has been established practice that schools deal with Department officials and the Independent Appeals Committee in relation to the allocation of teaching resources rather than have one or more schools seeking direct access to the Minister to plead a special case. I am concerned that if I were to meet directly with this school or with members of the Oireachtas that I would in effect be prejudicing the future effectiveness of the independent appellate process.

The school authorities recently requested a meeting with Department officials and this meeting has been scheduled for next Monday. I believe this is a more appropriate approach and will provide the school authorities with an opportunity to clarify how they propose to plan future subject provision at the school.

Schools Refurbishment.

289. **Deputy Phil Hogan** asked the Minister for Education and Science if he has received an application for emergency funding in respect of a school (details supplied) in County Carlow for the replacement of windows; the status of the application; if he will take into account documentation relating to the application from An Garda Síochána and local fire services; when a decision will be made on this application; and if he will make a statement on the matter. [33141/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy applied for funding for replacement of windows under the emergency works scheme. Generally 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. The application from the school was assessed in my Department. However, in light of the large number of projects seeking funding under this scheme from the budget allocated, it was not possible to provide funding to the school at this time.

School Transport.

290. **Deputy Frank Feighan** asked the Minister for Education and Science the action he is taking to ensure students (details supplied) in County Roscommon are facilitated. [33151/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Bus Éireann, which operates the school transport service on behalf of my Department, has been asked to provide a detailed report on the case referred to by the Deputy in the details supplied. When the report is received and considered, my Department will advise the families of the position.

Question No. 291 answered with Question 272.

Higher Education Grants.

292. **Deputy Richard Bruton** asked the Minister for Education and Science the earnings index and the price index used in adjusting the value of the maintenance grant and the income thresholds of higher education grants; and the estimated cost in 2009 of raising levels and thresholds by 4.5% for the 2009/10 academic year. [33165/08]

Minister for Education and Science (Deputy Batt O’Keeffe): It has been my Department’s practice in recent years to increase the reckonable income limits under the maintenance grant schemes in line with movements in the average industrial wage. The income limits for the academic year 2008/2009 for the standard rate of maintenance grant have been increased by 2.8% on the basis of the increase in the average industrial wage for the period September 2006 to September 2007. Increasing the reckonable income limits in line with the average industrial wage is regarded as being essentially cost neutral.

In relation to the rates of maintenance grant, the practice in previous years was to track increases in the consumer price index. It is estimated that an increase of 4.5% in the level of the standard maintenance grant would involve an additional full-year cost of approximately €2.1m based on our estimated number of grantholders.

Third Level Charges.

293. **Deputy Richard Bruton** asked the Minister for Education and Science the value of the registration fee which applies in the universities and institutes of technology. [33166/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The student services charge is levied by third level institutions to defray the costs of examinations, registration and students services. The charge agreed with the department for the current academic year is €900. All students who are eligible for means tested student support have the student charge paid on their behalf by the Local Authorities or the Vocational Education Committees, in addition to any maintenance grant and tuition fee grant they are entitled to. The student services charge is collected by each individual institution and my department does not have data on the overall value of the charge for the current academic year.