



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 26 May 2009.

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DÁIL ÉIREANN

Dé Máirt, 26 Bealtaine 2009.
Tuesday, 26 May 2009.

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

Paidir.
Prayer.

Ceisteanna — Questions.

Programme for Government.

1. **Deputy Enda Kenny** asked the Taoiseach the progress to date in respect of the implementation of those elements of the programme for Government for which his Department is responsible; and if he will make a statement on the matter. [15541/09]

2. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the agreed programme for Government; and if he will make a statement on the matter. [15553/09]

3. **Deputy Enda Kenny** asked the Taoiseach if a progress report on the implementation of the programme for Government will be published; and if he will make a statement on the matter. [15565/09]

4. **Deputy Eamon Gilmore** asked the Taoiseach if he will report on the implementation of the programme for Government; if it is intended to publish a progress report on its implementation during the coming months; and if he will make a statement on the matter. [15591/09]

5. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the progress made in implementing the programme for Government; and if he will make a statement on the matter. [19975/09]

The Taoiseach: I propose to answer Questions Nos. 1 to 5, inclusive, together.

The Programme for Government 2007-2012 is, as its title suggests, a programme of priorities to be delivered over a five-year period. Progress in delivering the programme is kept under review. The Department of the Taoiseach website published, on 24 September 2008 last, statements regarding the progress made by Departments in implementing each of the commitments in the programme for Government.

The programme for Government is predicated on balanced public finances and, clearly, the crisis with which we are now contending means this is a major challenge and would be a top priority for any Government. As stated on a number of occasions, the period following the upcoming elections will afford the Government partners the opportunity to look at how we are progressing in achieving our goals set out in the programme.

[The Taoiseach.]

The programme for Government makes clear that its delivery is based on a growth rate of 4.5%. It was negotiated prior to the worst global downturn since the 1930s. Our review involves ensuring the programme for Government reflects current economic realities. There is also a precedent for such a review. A mid-term review of the Fianna Fáil-Progressive Democrat programme for Government was undertaken. The review is consistent with our approach to take on board proposals seen to be in Ireland's best interests. We do not have a monopoly on ideas and we are willing to remain flexible in the face of this global recession.

In addition to evaluating the existing programme, a review will also allow us to see where the various policies we have developed over the past two years can be better integrated into our plans for developing Ireland up to 2012. I refer in particular to the ambitious smart economy document we published before Christmas. The review will also underline the considerable amount of the programme for Government which has already been achieved. To date, organisations such as the European Commission and the ESRI have broadly recognised that the policies we are pursuing are the right ones to get Ireland working again.

The Opposition wishes to suggest a divergence of views between Fianna Fáil and its partners. I am sorry to disappoint them but the parties in Government are working well together. We remain resolute in returning Ireland to economic growth and, more importantly, to job creation.

Deputy Enda Kenny: I note the Taoiseach's final comment that the parties in government are working well. I remind him of what the chairman of the party with which he is in government, Senator Dan Boyle, said:

There are too many unresolved issues. Too many policy errors remain that have not been admitted to, areas where responsibility has not been taken. The policy of pump-priming the property boom has been a disaster. The light-touch regulation of our financial institutions has been a disaster.

The programme for Government contains over 500 commitments. The response prepared for the Taoiseach states that this was predicated on 4.5% growth before the global recession.

This country is now consumed by the findings of the Ryan commission report into child abuse. It is on everybody's lips and the litany of shame that has gone on far too long does us down as a nation. I have listened to some horrific stories in the past few days. Any parent who looks at a child and thinks of what might have happened thinks: "There but for the grace of God go I." It goes through me and I cannot speak with the emotional power or emotional truth of those who have been in the public media recently, telling their stories. I admire their courage and salute them.

This question concerns the programme for government. When the Taoiseach was the Minister for Finance he negotiated with the Green Party a programme for government which includes, on page 48, a firm resolution to have a constitutional amendment on children's rights. This is not a grossly excessive, costly exercise; it is entirely within the remit of the Government. The all-party committee did useful work and produced a minority report. What is the Government's view on the firm commitment given on holding a referendum on children's rights? The programme states:

We believe the fundamental law of our land should fully reflect our commitment to value and protect childhood. That is why we have proposed the inclusion in our Constitution of a new dedicated Article on Children.

I know the response from different parties and I want to know the Government's response. Is the Taoiseach, as head of the Government, standing over a firm commitment to have a referendum on children's rights? This is entirely within the control of the Government, given this very sensitive, personal and traumatic time in our nation's history. I would like to hear the Taoiseach tell me now that the Government intends to hold a referendum on children's rights, as is included in the programme for Government. What is the Government's position on the matter?

The Taoiseach: As I stated last week in the House when asked questions on this matter, we have been able to find a legislative way forward on soft information. A proposal came forward from Deputy O'Rourke's committee and a legislative response was found for that as well. In recent weeks a report has come from the committee dealing with this area that has been asked to see if it is possible to build a consensus around the issue that there were divergent views. That will be examined by the Minister of State with responsibility for children and he will report to the Government on it.

From our perspective, the Ryan report provides an opportunity for the Government to consider all its recommendations. As the Deputy knows, we will hold a special meeting on it this evening, and these matters will be considered by the Government in the context of how we respond to the Ryan report.

Deputy Enda Kenny: That does not answer the question. The Taoiseach negotiated this programme for Government with the parties in Government. He referred to the new article which would greatly strengthen the protection we afford children by permitting the carefully regulated exchange of information about suspected child abusers and by allowing the Oireachtas to introduce legislation which would make it impossible for those taking sexual advantage of children to claim the defence of honest mistake about the age of the victims. He also spoke of the UN Convention of the Rights of the Child and the need to ensure the remaining sections of the Children Acts are implemented in full without delay.

The Minister of State with responsibility for children is appointed by the Taoiseach and he sits at the Cabinet table. The Government is in control of what it decides to implement in respect of the programme for Government. I know the responses of the parties and the issues debated. The all-party Oireachtas committee did its work well.

As head of the Government, the Taoiseach has given a specific commitment on the holding of a referendum on children's rights. That is not a matter for the Minister of State with responsibility for children, as the Taoiseach, as head of the Government, negotiated this programme which is set down in black and white. This will not be denied by a global recession; we have held referenda before and we can hold another.

At this sensitive time, what is the view of the Government rather than just that of the Minister of State with responsibility for children? If the Taoiseach puts an issue to the Government, I am sure its members will comply.

Deputy Pádraic McCormack: For a while.

Deputy Enda Kenny: In this document, the Taoiseach has placed a solemn commitment to hold a referendum on children's rights. I want to hear that commitment reiterated by the Taoiseach now as head of the Government. Please tell the House that the Government, led by him, will implement its commitment and hold a referendum on children's rights. I do not want to hear about the Minister of State, Deputy Barry Andrews, and his views. The Taoiseach is in charge of the Government and the authority is vested in him. The programme is what the Government is supposed to stand for.

[Deputy Enda Kenny.]

This issue is not affected by the world's economic position and I want to hear the Taoiseach, Deputy Brian Cowen, tell the people of Ireland that at this sensitive time, the Government will honour its word and hold a referendum on children's rights. Will it do so?

The Taoiseach: I explained to Deputy Kenny in my previous reply the process by which the Government will arrive at decisions in these matters and the detail it wishes to provide in that respect. The rights of children and the family are interacting considerations and the fundamental laws of our State protect the rights of children. The great tragedy of the Ryan report on institutional childhood abuse is that it sets out graphically in great detail the great failure by the State to protect children in this instance. Those affected sought to have their voice heard for some time. I am glad my predecessor, Deputy Bertie Ahern, gave a full and unequivocal apology to them. Arising out of that, a redress scheme and other issues were put in place to assist them and ensure the State took responsibility for its part in that systems failure.

Regarding a referendum on children's rights, as I have said what is outlined in the programme for Government sets out the Government's objective in this area. The question as to how and in what way we would proceed is a matter for detailed discussions by the Government. The Ryan report provides us with a series of recommendations which we intend to discuss at our special meeting this evening.

An Ceann Comhairle: I call Deputy Burton and I will try to get back to Deputy Kenny later.

Deputy Enda Kenny: If I could just ask one other question, I will not labour it.

An Ceann Comhairle: Please.

Deputy Enda Kenny: The process by which this is arrived at is the programme for Government. The Taoiseach negotiated it on behalf of his party while the head of the Green Party negotiated on behalf of his. That is the process and the agreement. The discussion that takes place at Government is in respect of that objective. The Taoiseach's party members will comply with his wishes; the Green Party members will comply with their leader's wishes. All at Cabinet, therefore, are in agreement with the objective to have a referendum on children's rights. When does the Taoiseach propose to implement it? Can I have a guarantee that it will be implemented? The Taoiseach has signed up to it and made his case, an important one with which I agree. Fine Gael will support a referendum on children's rights. Will the Taoiseach give a commitment that he will honour the process arrived at after due and proper discussion between him and the other members of the Government?

The Taoiseach: I have just explained to Deputy Kenny twice that this is an important process.

Deputy Pádraic McCormack: The Taoiseach did not explain it very clearly. Not even I could understand it.

The Taoiseach: Is it not clear to Deputy McCormack? It is outlined in the programme for Government. The detail of bringing such a proposal is the responsibility for the Minister of State with responsibility for children. It would be discussed at Cabinet which would then be in a position to make a decision and promulgate it. That is how the process works.

Deputy Joan Burton: Now that the Taoiseach has acceded to the Green Party's demand for a review of the programme for Government, will he inform us what form such a review will take and when it will take place? Will the Ryan report allow both parties in the Government to examine the various issues which have arisen? Will the request to reopen the deal with the

religious orders, in which taxpayers have ended up paying the bulk of the estimated of €1.2 billion in costs and compensation while the religious orders' contribution is capped at €120 million, be examined? Will the review encompass a procedure where people, guilty of grave crimes against children incarcerated in institutions but who may have been given an indemnity, be brought before the courts and charged? This has been done with some concentration camp guards even though they were at an advanced age.

The programme for Government was posited on average economic growth rate of 4.5% over its expected five years. It also undertook to lower the top rate of tax to 40% and to review upwards tax credits and allowances. All of these have clearly gone by the board. Will the Taoiseach be making a fresh economic statement? Will both parties put forward requests as to what they want from the programme for Government?

It is remarkable that although the Green Party signed up to many positive measures in the programme for Government, it then agreed, for instance, to the withdrawal of medical cards from the over-70s and to the withdrawal of the cervical screening vaccination programme.

An Ceann Comhairle: The Deputy must confine herself to seeking information and must not furnish information.

Deputy Joan Burton: Is the review to be comprehensive? Obviously, people would like an immediate answer from the parties in government regarding the response to the Ryan report. In particular, I refer to the fact that there seems to be an indemnity in respect of anyone who is guilty of the horrible bestial actions against children outlined in that report, which only have been seen in places like concentration camps, to the effect they now appear to be immune from any prosecution by the State in any form.

An Ceann Comhairle: The Deputy is imparting information. We will have the Taoiseach answer her question.

Deputy Joan Burton: While the Green Party's Members are not in the Chamber, can the Taoiseach state the Fianna Fáil Party will bring this matter to the review of the programme for Government? I refer to a reopening and a re-examination of the deal that was done by the Government's predecessors? People welcome that the former Taoiseach made an apology on behalf of the State.

An Ceann Comhairle: We cannot have speeches on this issue now. The Deputy must confine herself to questions.

Deputy Joan Burton: However, the Ryan report's findings move——

An Ceann Comhairle: The Deputy is not entitled to impart information at this time.

Deputy Joan Burton: ——the material and issue of redress into a completely different league. I refer in particular to apparent immunity for people, even if they are of an advanced age, from prosecution for terrible crimes and bestial acts.

An Ceann Comhairle: The Deputy cannot continue to ignore the Chair in this fashion. I call the Taoiseach.

The Taoiseach: First, the review will take the form of a discussion between the parties in government and arising from that review, certain decisions will be taken. Second, the Ryan report makes no recommendations regarding the indemnity agreement and is silent on the matter. It makes no recommendations about it.

Deputy Joan Burton: I know that.

The Taoiseach: The Deputy asked whether the Government would revisit it in the context of the Ryan report.

Deputy Joan Burton: Yes, because that is the question.

The Taoiseach: However, there is no recommendation in respect of that issue in the Ryan report. The question of the agreement that was drawn up at the time was examined in some detail by the Committee of Public Accounts, subsequent to that issue becoming public. I also make the point that the criminal law continues to be operative in respect of any issues that arise regarding any offences committed in the past and the indemnity agreement is not involved in that. The issue also is that the indemnity agreement related to a specific timeframe and was not an open-ended indemnity *saecula saeculorum*. Consequently, it is important to indicate that the provision by the report of graphic detail of all that happened is a very important contribution, which has been very much welcomed by survivors in that context. The entire purpose of the redress scheme was to avoid a legal confrontational approach and to avoid people being obliged to vindicate their rights through the courts.

As for the questions before the House, which pertain to a review of the programme for Government, as I stated it will take place in a similar manner to a mid-term review that took place previously and will be between the parties to the Government and arising from that, a reviewed programme will be presented.

Deputy Joan Burton: There is a suggestion in the Ryan report that because perpetrators are not named, in addition to the indemnity the deal between the church and the State actually offered immunity and impunity to perpetrators being brought before the courts in respect of the terrible things they did. If there is to be a review of the programme for Government, it is important that neither Fianna Fáil nor the Green Party would wish to see perpetrators of appalling acts against children who were incarcerated in institutions being able to walk free with immunity or to have impunity in order that, as with war crimes in Nazi Germany and Rwanda, such perpetrators could walk free. It surely must be a critical issue for any review of the programme for Government that, with regard to acts carried out by religious orders, the perpetrators are not named in the report, although in some cases they are clearly identifiable and are probably still alive. Will it be a matter for the review of the programme for Government whether perpetrators will be subject to pursuit by the law or whether they will, in effect, get immunity from being taken before the courts in regard to acts they committed with impunity against children?

The Taoiseach: It is important to point out that under the legislation it is entirely a matter for the commission to decide whether any information gathered during the course of its inquiry will be forwarded or shared. It would not, therefore, be appropriate for me to comment in that regard. There is also, of course, the decision by the Garda Commissioner that an Assistant Commissioner is reviewing the report to see if any further action will be taken by the Garda in the matter.

Deputy Caoimhghín Ó Caoláin: The Green worm has recently wriggled — a rare moment in itself — and the Taoiseach has now agreed——

An Ceann Comhairle: The Deputy must confine himself to the questions.

Deputy Caoimhghín Ó Caoláin: ——to undertake a review of the programme for Government. The Taoiseach is unclear in his responses as to how long this review process will take. In the interim, would he be prepared to have a full substantive debate in the House on the

current programme for Government in the lead-up to the summer recess and in advance of address of the report of the review? Will he bring forward the reviewed programme for Government for a full debate on the floor of this Chamber?

The existing programme for Government in regard to health indicates that the Taoiseach believes the interests of public patients must be protected and that the best way to do this is to invest in expanded services and to end practices which serve to reduce public capacity, among other commitments. How can he possibly reconcile that commitment in the current programme for Government with what has actually taken place in our health services across the State? Does he not see the absolutely blatant contradictions between that alleged commitment forged with the Green Party and others following the 2007 general election and what is actually happening at hospital sites across this State today, given the impending closure of acute medical services at Monaghan General Hospital in the very near future, the loss of services at other hospital sites such as Dundalk, Nenagh, Ennis and the signalled further threats to services at hospitals in Kerry and Cork?

When, as I understand he will, the Taoiseach visits Cavan-Monaghan on bank holiday Monday, will he take the opportunity to visit Monaghan General Hospital to meet the consultants and nursing staff and to meet the general practitioners of the area, the Oireachtas Members for the constituency and the County Monaghan Community Alliance, whose members have campaigned tirelessly and courageously over many years to protect those services and to ensure that we have a hospital continuing in operation there of which we can be proud? In the context of the programme for Government, will he try to convince some of the people of our constituency that there may be some small element of the commitments made just two years ago to which he is still holding at this point in time?

The Taoiseach: As I said, the programme for Government review will be undertaken during the course of the summer and we will discuss with our colleagues where we go from here in regard to it. While the economic realities have changed, all programmes for Government including this one are subject to maintaining balance in our public finances. Without doing that, one cannot provide for our people the prospect of a sustainable level of service.

I note the Deputy regards any reconfiguration of services throughout the health service as being something to which he is opposed. He mentioned various issues in his contribution, including the configuration of services at Nenagh and Ennis——

Deputy Caoimhghín Ó Caoláin: And Monaghan, of course.

The Taoiseach: The Deputy mentioned what is happening in the mid-west. He also referred to the north east. We are trying to reconfigure services in a manner that is consistent with public safety. We will provide the best possible service to the people, within the confines of the finances available to us. A considerable amount of resources continues to be provided for our health services. Outputs are increasing, in line with best practice, and the number of day cases being seen is increasing. The improvement in community services is a welcome aspect of the development of our health service. I do not regard the facilities that offer acute health services as stand-alone institutions. Our hospital network is in the best position to deliver such care to our people, in the context of the current budgetary situation. It is only right and proper that we should support that network. I will continue to travel to various parts of the country, as planned, in advance of next month's elections.

Deputy Caoimhghín Ó Caoláin: I understand the Taoiseach proposes to visit counties Cavan and Monaghan next Monday. Will he indicate whether he is willing to meet elected representatives and qualified professionals to hear their opinions?

An Ceann Comhairle: Questions on such matters of detail should be put to the relevant line Minister.

Deputy Caoimhghín Ó Caoláin: I appreciate that. I am making a brief point.

An Ceann Comhairle: We are dealing with the programme for Government in a general way.

Deputy Caoimhghín Ó Caoláin: I hope he will meet consultants, representatives of nursing staff, general practitioners, Members of the Oireachtas and campaigners on the ground.

An Ceann Comhairle: The Deputy can put more specific questions to the Minister for Health and Children.

Deputy Caoimhghín Ó Caoláin: Given what is imminent in relation to Monaghan General Hospital, surely the least the Taoiseach can do is meet us and listen to us.

An Ceann Comhairle: That has nothing to do with the programme for Government.

Deputy Caoimhghín Ó Caoláin: Having addressed the issue of health, I would like to address another aspect of the programme for Government. In the programme, the Government promises to make sure that all children will be given an opportunity to enjoy childhood and to develop to their full potential. How can the Taoiseach reconcile that commitment with the cuts that have been imposed by his Government? In this context, it is worth mentioning the terrible report on the abuse of children by religious orders in residential institutions over many decades, which was published by Mr. Justice Ryan last week. How can the Taoiseach reconcile the recent actions of his Government, such as the cut in funding to the all-Ireland centre of excellence for autism in Middletown, with the commitments outlined in the 2007 programme for Government?

An Ceann Comhairle: We cannot go into detail on matters that are more appropriate to the line Minister, in this case the Minister for Health and Children.

Deputy Caoimhghín Ó Caoláin: How can the promises in the programme for Government be reconciled with the cuts in special needs education?

An Ceann Comhairle: If the Deputy does not ask general questions about the programme for Government, I will have to ask him to resume his seat.

Deputy Caoimhghín Ó Caoláin: How can they be reconciled with the shortfall in funding for Our Lady's Children's Hospital in Crumlin, which has resulted in the closure of wards and theatres?

An Ceann Comhairle: We cannot have this level of detail.

Deputy Caoimhghín Ó Caoláin: These are valid questions in the context of the programme for Government.

An Ceann Comhairle: No, they are not. They would be more appropriate to the line Minister. The Deputy should be asking questions about the programme for Government, in general.

Deputy Caoimhghín Ó Caoláin: I am referring directly to the programme for Government.

An Ceann Comhairle: I must make the ruling, not you. I have made the ruling. Members cannot get into matters of detail on questions such as this. The Deputy's questions should be

put to the line Minister. The Taoiseach cannot be expected to answer them. I cannot allow them, in fairness to other Members of the Oireachtas.

Deputy Caoimhghín Ó Caoláin: The Taoiseach is one of those who signed the programme for Government.

An Ceann Comhairle: The Deputy should ask about the programme for Government.

Deputy Caoimhghín Ó Caoláin: I have described some of the commitments outlined in the programme for Government. The Taoiseach has absolutely failed to live up to those commitments. That is a fact of life.

An Ceann Comhairle: The Deputy should ask a question.

Deputy Caoimhghín Ó Caoláin: Looking at the situation in relation to children——

An Ceann Comhairle: The Deputy is not allowed to impart information at this time. If he does not ask a question, I will have to move on.

Deputy Caoimhghín Ó Caoláin: I have asked many questions.

An Ceann Comhairle: Several Members are offering.

Deputy Caoimhghín Ó Caoláin: How can the Taoiseach justify the outrageous cuts that are affecting children across this State today? I refer not only to cuts in the areas I have mentioned, but to cuts in areas I would have mentioned if the Ceann Comhairle had allowed me to do so.

An Ceann Comhairle: I cannot allow that.

Deputy Caoimhghín Ó Caoláin: The cuts in question cannot be reconciled with the commitments made by the Taoiseach and his colleagues, including the Minister, Deputy Gormley, two years ago. How can the Taoiseach continue to face the electorate in such circumstances?

An Ceann Comhairle: The Deputy has asked his question.

Deputy Caoimhghín Ó Caoláin: How can he have the gall to do that, while throwing the programme for Government's commitments in our faces?

An Ceann Comhairle: Other Members are offering.

Deputy Caoimhghín Ó Caoláin: I will conclude with this point.

An Ceann Comhairle: You certainly will conclude with this point, because I cannot listen to it anymore. Other Members are offering.

Deputy Caoimhghín Ó Caoláin: Is it not the case that the programme for Government is an absolute dead letter and the Government is a dead duck?

An Ceann Comhairle: We are talking about the programme for Government, for goodness' sake.

Deputy Caoimhghín Ó Caoláin: It is time for the Taoiseach and his Cabinet colleagues to resign their positions.

An Ceann Comhairle: I call the Taoiseach.

Deputy Caoimhghín Ó Caoláin: They should give the people the opportunity to pass judgment on their stewardship over the past 12 months.

An Ceann Comhairle: I have called the Taoiseach.

Deputy Caoimhghín Ó Caoláin: The chickens are coming home to roost, particularly for those whose Ministries predate the establishment of the current coalition.

An Ceann Comhairle: If the Deputy continues, I will have to ask him to leave. As I have said in previous replies, the luxury of opposition is to suggest that there are infinite resources for infinite numbers of things that can be provided at the flick of a switch.

The Taoiseach: As I have said in previous replies, the luxury of opposition is to suggest that there are infinite resources for infinite numbers of things that can be provided at the flick of a switch.

Deputy Billy Timmins: The Taoiseach will have that luxury soon enough.

The Taoiseach: The programme for Government is predicated on the continuing balance of our public finances. I have to reiterate that time and again. Without that the prospect of providing any sustainable level of services is at risk. The Deputy does not have to consider or worry about that point since he can continue to come into the House and seek more funds for this, that and the other in every area of policy while at the same time pronouncing that he is interested in the country being run on a sound basis with public finances that equate expenditure with income. That is not possible. All the commitments to which he refers are predicated on the overriding consideration that, as resources allow, these commitments will be implemented.

Resources have increased in recent years for people with disabilities and other areas. The level of services has greatly improved. While it is true that some adjustments will have to be made this year there has been steady improvement year on year for a considerable time in a way that has greatly enhanced the experience not only of those who require those services but also of their families who support them so lovingly and with such commitment. I do not accept the criticism that Government has made no commitment in these areas. We have ensured that by pursuing policies in good times to provide resources we have allocated unprecedentedly large resources to those areas. Issues remain to be dealt with. Needs change and the need to adapt for them is a continuing discipline for those who provide services and for the Department that provides the resources for those services.

I do not accept the premise of the Deputy's question that suggests that we have shown less than full commitment to this area. We have shown a great deal of commitment to this area and will continue to do so.

Deputy David Stanton: What has happened to the commitment in the programme of Government to pursue the issue of Oireachtas procedures and strengthen the role of committees? Is any progress being made and when will the Government bring forward any proposals of any shape, size or form in this area? Does the Taoiseach agree that reform is badly needed in this area and that probably part of the reason we are in the present mess is that this House is very weak *vis à vis* the Executive? For example, does he agree that reform is needed in respect of the various quangos and State agencies that are not directly accountable to this House, such as FÁS, the NRA, RSA, HSE and RPA? Does he agree that we need to make these agencies accountable to this House. How soon will he bring forward proposals from Government that we can discuss here?

The Taoiseach: I note the Deputy's continuing interest in this area. The Chief Whip is pursuing this matter in Cabinet. He has not yet finalised those arrangements. He is open to any ideas that people around the House have on these matters and as soon as he has concluded his consideration of these issues they can come in due course to the House to see how the House might be rendered more effective.

Deputy David Stanton: Would the Taoiseach agree to a rolling reform to bring in procedural change? Is he aware that the Opposition Parties have already put forward ideas and proposals in this area? Will he ensure that Government engages with this matter urgently?

The Taoiseach: I am aware that the various ideas have been promulgated and that the Chief Whip is considering all those issues in the context of proposals he wishes to make himself.

Deputy David Stanton: How soon will that happen? Will he make the proposals before summer?

The Taoiseach: The Chief Whip is taking up this matter and his thinking on it is quite advanced.

Deputy Phil Hogan: On page 36 of the programme for Government a reference is made to reforming the use of hospital beds to ensure equity of access and that patients are treated quickly, and to increase the number of consultants in accident and emergency units. In light of speculation that the HSE and the Department of Health and Children are to rationalise certain hospital facilities in the south east, particularly accident and emergency services, will the Taoiseach assure us categorically that there will be no closure of accident and emergency facilities in Kilkenny, Clonmel or Wexford and that the accident and emergency trauma facilities will not be centralised to Waterford Regional Hospital?

An Ceann Comhairle: We cannot go into that much detail, it is not possible to do so. The Deputy will have to ask that question to the Minister for Health and Children. I told Deputy Ó Caoláin the same.

Deputy Phil Hogan: I have quoted the references in An Agreed Programme for Government.

An Ceann Comhairle: I know that. The Deputy went into detail to the extent that his question has become one for the line Minister.

Deputy Phil Hogan: I will ask the Taoiseach a general question.

An Ceann Comhairle: He cannot be expected to answer that question.

Deputy Phil Hogan: Does he agree with what is in An Agreed Programme for Government, namely, that the number of accident and emergency consultants for the south east region will be increased?

An Ceann Comhairle: He cannot answer that question.

Deputy Phil Hogan: He can, of course.

The Taoiseach: Putting patients first must be the priority in respect of any reform of our health services. The services require continuing reform. In light of our economic circumstances, any suggestion that we can improve services or maintain existing levels of service without reform or addressing the need to have far more flexible work practices and redeployment is

[The Taoiseach.]

questionable. Addressing the needs of the health service is an absolute must in the context of public service reform and in the interest of those of us interested in promoting public services and showing we can be sufficiently responsive to the needs of the people. That presents a continuing challenge and commitment to which all social partners have subscribed and to which we need to give practical and visible effect. It is important that everyone has a positive agenda that will help provide services to a greater extent than is possible under present arrangements and agreements and help to provide these services to the extent and within the timeframe the people expect given the moneys hard-pressed taxpayers are providing for services.

Deputy Billy Timmins: An Agreed Programme for Government reiterated the long-standing commitment to overseas development aid of 0.7% of GNP, as enunciated by this Government and its predecessors over the past ten years. The two most recent budgets resulted in disproportionate cuts to overseas development aid. Is it the Government's policy that overseas development aid will reach 0.7% by 2012? Can the Taoiseach indicate how this might be done incrementally in view of the fact that the percentage has decreased over the past year?

The Taoiseach: No, I cannot give any indication for the coming years because we must take all these areas of expenditure into account in the context of the budgetary realities. A very significant improvement has been made in this area. We made a commitment prior to the financial crisis that we would reach the target of 0.7% of GNP by 2012. It remains an objective — whether it is achievable will have to be determined according to the facts and circumstances as outlined. A commitment of almost €800 million this year, compared to €116 million when we took office, is a fair indication of the commitment the Government has made in this area over the 12-year period and of the need for us to continue to strive to achieve the UN target. We are fifth or sixth per head of population in the world in terms of the contribution we make. All of us would subscribe to trying to improve that goal and to accelerate it to the greatest extent possible. We would all acknowledge that no area of expenditure, however worthy, is immune from consideration given the financial state of the country at present.

Deputy Jan O'Sullivan: In the context of the capital infrastructure plans in the programme for Government, the concept of a national recovery bond was put forward by the Irish Congress of Trade Unions and was mentioned in the budget speech by the Minister for Finance. Has the Taoiseach had discussions with the Irish Congress of Trade Unions and the construction industry with regard to using a national recovery bond to provide capital infrastructure? It has been suggested such a bond might be used for the construction of Thornton Hall prison. Is it also being considered for necessary health and education infrastructure? Have there been discussions in this regard? Is it likely that this could be a mechanism for some of the capital plans within the programme for Government?

The Taoiseach: Those discussions are continuing between various parties, including the Department of Finance and the Construction Industry Council, and we have had discussions in this regard with the Irish Congress of Trade Unions and as part of the social partnership talks. Trying to find sources of off-balance-sheet income that would meet with EU requirements and other rules is a continuing issue, but good discussions have taken place in this regard.

Visit of Australian Delegation.

An Ceann Comhairle: Before proceeding further, I have the honour to extend a warm welcome to the delegation from the Parliament of Victoria, Australia. On my behalf and that of

all Members, I extend a céad míle fáilte — a most sincere welcome — to the delegates. I hope their visit proves productive and fruitful.

Ceisteanna — Questions (Resumed).

Priority Questions.

Rural Transport Services.

48. **Deputy Fergus O'Dowd** asked the Minister for Transport his plans to improve public transport in communities outside Dublin; and if he will make a statement on the matter. [21639/09]

Minister for Transport (Deputy Noel Dempsey): In the past ten years the capacity and quality of bus and rail services provided by Iarnród Éireann and Bus Éireann have increased in line with high levels of capital and current funding. The majority of track and signalling infrastructure on the regional rail network has been upgraded, and the rolling stock fleet has been completely renewed. Station facilities and accessibility have been greatly improved and more frequent services have been introduced on most routes. Some formerly closed lines in the south and west are now being reopened as part of the Government's Transport 21 capital investment programme for rail. In particular, in the current year, the Midleton to Cork commuter line and the first phase of the western rail corridor between Ennis and Athenry will be reopened. Bus Éireann has expanded its commercial expressway services, increased public service obligation services and modernised its fleet throughout the country with the purchase of new buses, including the 239 new Exchequer-funded buses in 2007 and 2008.

The improvement in CIE services in the past ten years has been complemented by growing participation of private bus operators in the provision of scheduled bus services throughout the country. Bus services in rural areas also benefited from the major increase in investment in the rural transport programme, RTP, which addresses social exclusion in rural areas arising from unmet public transport needs. I am pleased to say the RTP is now operational in every county in Ireland.

Building on these achievements, Smarter Travel, which I published in February 2009, provides a strategic framework for the further development of public transport services throughout the country. Further improvement of public transport services in the provincial cities will be also guided by the outcome of the major land use and transport studies currently being funded by my Department. The provision of public transport generally outside the greater Dublin area will also be supported by a new legislative framework which will be promoted through the proposed public transport regulation Bill, the general scheme of which was approved by Government in January 2009. The Bill will contain proposals for a new regime for the licensing of all commercial bus services and contracts for public transport services.

Deputy Fergus O'Dowd: Notwithstanding the Minister's reply, the fact is that in Dublin Bus — even during the boom when capital investment in the industry was at its height — the number of passengers travelling to work by bus was falling. At this moment Bus Éireann is facing cutbacks due to the €30 million reduction in funding from the Department. We have heard that 150 buses may be withdrawn from routes around the country. Cork, for example, will lose 30 buses, Dublin will lose 25, Waterford will lose 14, Galway will lose 15, Dundalk will lose 12, Sligo will lose four, and Tralee will lose four. There is a serious crisis in public transport as a direct result of the Minister's policy.

[Deputy Fergus O'Dowd.]

The Deloitte report made it clear that Bus Éireann is largely efficient in its services. Is it not the case that due to the cutbacks that must be imposed as a result of the Minister's policy, the poor, the old and those who live in economically disadvantaged areas will suffer most?

Deputy Noel Dempsey: I do not know what cutbacks the Deputy is talking about. The subvention given to Bus Éireann and CIE companies generally increased this year. In the supplementary budget on 7 April, we had to take €10 million of the increased subvention from the company but we did not do that until we received an assurance from the company that it would be able to find that extra money through sales of property or other means.

The Deputy is wrong to suggest there have been cutbacks. There has been a cut in the number of people using buses, that is part of the economic downturn. The Deputy and his party have often spoken of not wasting public money. Is he suggesting now that Bus Éireann should be running empty buses? That would not be a good use of public funds.

Deputy Fergus O'Dowd: I have the press release here from Bus Éireann that states the company will have to make cutbacks of €30 million in its programme. Part of that is a result of the cuts in the subsidy from the Department while some of it is due to not enough people travelling to work by bus.

The fact is that Green Party policy has not been effective in Government and the Minister is cutting back in the area most valued by the Greens, public transport. The older, the poorer and those in disadvantaged areas who do not have the capacity to buy a car will lose out. Should the Minister not encourage a change in vehicle type? Why not have An Post and Bus Éireann operate a postal delivery and bus service together, using the same vehicle? We need new and radical thinking and we are not getting it from the Minister, all we are getting is cutbacks.

Deputy Noel Dempsey: The Deputy is wrong, we have not cut back the subsidy to Bus Éireann, I have told him that.

Deputy Fergus O'Dowd: That is not true.

Deputy Noel Dempsey: I explained what is happening to the Deputy a few minutes ago and I am not going to waste Dáil time repeating it. The overall subsidy available to Bus Éireann is as it was. The difficulty faced by CIE is being faced across the country in a range of sectors — a reduction in the number of passengers using the buses leading to a fall in revenue. We have asked Bus Éireann to live within its means as far as it can this year and next year.

Bus Éireann intends to maintain its network, although there may be a reduction in service levels on some routes.

Road Traffic Offences.

49. **Deputy Thomas P. Broughan** asked the Minister for Transport his views on the operation of the penalty points system in the context of the latest penalty points figures which show that as many as 192,686 drivers did not have their licences endorsed for committing an offence and in view of the role played by excessive speeding in a significant percentage of road collisions and deaths; whether he has met with Mr. Gay Byrne, chairman of the Road Safety Authority, and Mr. Noel Brett, chief executive, on current serious road safety issues; if he will reform the national vehicle driver file to record and address all motoring misdemeanours committed by drivers on roads here; and if he will make a statement on the matter. [21243/09]

Deputy Noel Dempsey: Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (SI No. 477 of 2006) the operation of the penalty points were applied. At the end of March 2009 there were 192,686 penalty points events recorded in respect of drivers who did not present an Irish driving licence. Of this total, a foreign licence was presented in 142,588 instances.

The NVDF only contains records of Irish driving licence holders and consequently it can only associate penalty points and other penalties for road traffic offences with the record of a driver with an Irish driving licence. The enforcement of penalties for road traffic offences on foreign-registered drivers is a complex legal and administrative matter and the Department is pursuing this question at European, British-Irish and North-South levels. I will also be proposing in the Road Traffic Bill currently being finalised a number of amendments which should improve some matters for driver records.

Unless motoring offences result in disqualification of the drivers concerned or in the application of penalty points, they cannot be recorded on the national vehicle and driver file. Operation of the penalty points system is a matter for the Road Safety Authority.

Until 21 April, the former Minister of State, Deputy Noel Ahern, had specific responsibility for road safety and in that role he met the chief executive officer and chairman of the RSA on a number of occasions, both formally and informally. My officials meet the chief executive and the RSA's senior management team formally twice a year, but there is also regular contact between the two organisations on the variety of issues of road safety.

The Deputy has made some suggestions on reforming the national vehicle driver file to record and address all motoring misdemeanours committed by drivers in this jurisdiction. The position is that where a person incurs penalty points and where details of Irish driving licences are not available, the data are stored on the file on the basis of individual instances.

No benefit would be derived from the recording of all motoring misdemeanours generally and in any event their recording would be likely to infringe the Data Protection Acts.

Deputy Thomas P. Broughan: I am seeking the protection of the Leas-Cheann Comhairle about questions. I have a substantial file of questions here that the Minister has refused to answer relating to agencies that fall within the remit of his Department. If the courts or the justice system were involved, the Minister also refused to answer.

An Leas-Cheann Comhairle: We cannot deal with them now but the Committee on Procedure and Privileges has discussed the answering of parliamentary questions so the Deputy might bring these matters to the attention of that body.

Deputy Thomas P. Broughan: This is a serious situation and I appreciate the help of the Leas-Cheann Comhairle.

Does the Minister agree the appalling number of collisions and fatalities this year is a cause for dismay? There have been 107 fatal collisions so far this year, as against 109 last year. This is the first year for a number of years that we are slipping back on our road safety targets. The last three months, March, April and May 2009, have seen higher numbers of horrific fatalities than the comparable time last year.

Does the Minister agree with the chairman of the Road Safety Authority when he castigates him? Is it not remarkable that Mr. Gay Byrne finds it necessary to castigate the Minister of the Department he serves because of a cut back of €2.3 million in the advertising budget? The advertisements last year played a huge role in diminishing road casualties but this year we are cutting back on the advertising budget. Mr. Byrne has said the Minister suffers from the awful

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sin of complacency. Is that not true? The Minister is complacent while casualties and fatalities are rising.

Deputy Noel Dempsey: The Deputy is silent when the number of fatalities decreases.

Deputy Thomas P. Broughan: No, I am not. I commended the Minister last year. This is an all-party issue.

Deputy Noel Dempsey: Let us keep it as an all-party issue then and not make political statements about it. As the Deputy knows, we have all had this experience at various times. There will be a decline in fatalities for a number of months then there will be a sudden increase in incidents.

The Deputy is right, the three months just past were worse than the same three months last year. Overall, fatalities are down by two up to this date. There is a slight improvement but I am disappointed by the figures we have seen in the last three months. I do not have any magic wand to rewind the clock but it has been serious. We started the year well, with a significant decrease, and we are still down two fatalities overall.

It is important, particularly coming up to a bank holiday, that we get the message across again. It is a matter of enforcement.

Deputy Thomas P. Broughan: The other key element of the question concerns penalty points. The Minister has stated 200,000 drivers out of 600,000 who were guilty of penalty points offences escaped. Some 31% were not fined or have points imposed on their licences. Is that not appalling? The public thinks it is ridiculous and it makes the penalty points system a farce. The Minister is talking about reforming the vehicle driver file and negotiating with Britain and the EU. Will he just do it?

Deputy Noel Dempsey: As I explained to the Deputy, of the 192,000 cases for which penalty points could not be recorded, 142,588 were foreign drivers.

Public Transport.

50. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on public transport cutbacks since 2007; the percentage decrease year on year for the public transport investment programme since 2007; the budget reductions implemented via supplementary estimate since 2007; the discussions that he has had with other Departments regarding the projects that he will now prioritise in view of the changed economic circumstances; and if he will make a statement on the matter. [21640/09]

Deputy Noel Dempsey: Significant investment in public transport has been undertaken in recent years which has facilitated major improvements in the safety of our transport systems and increased capacity on bus and rail networks. Work on three new Luas lines is currently under way as is work on the new commuter line in Cork, the first phase of the western rail corridor and the first phase of the Navan rail line from Clonsilla to Dunboyne. More than €500 million has been invested in railway safety under the second railway safety programme. Some €154 million has been spent on traffic management in the past three years and more than 500 new buses have been purchased for Dublin, provincial city and regional bus fleets. Significant progress is also continuing in the planning of major projects. The oral hearing on metro north commenced in April and Irish Rail is on target to lodge a railway order application for the DART underground later this year.

Transport 21 will continue to provide the guiding strategic framework for Government investment in public transport up to 2015. However, in light of the changed economic circumstances, it was necessary to review investment priorities across all Departments, including mine, and these priorities have been discussed with Department of Finance. The Exchequer allocation for public transport this year is €628 million plus a carryover of €40.5 million from last year. This will exceed the 2007 outturn of €640 million by 4%. In the current difficult financial circumstances, this is a major achievement.

As I have stated on previous occasions, the provision of increased capacity will be the key consideration in determining investment priorities. Given their potential to greatly increase capacity on the public transport network, Metro north and the DART underground are key projects. Investment in increased bus capacity and bus priority measures are also priorities. The bus-related investment will be guided by the Deloitte cost and efficiency review of the CIE bus companies and the availability of current funding for public service obligations.

The selection of projects and programmes will be also guided by the overarching priorities set out by the Minister for Finance for capital investment, namely, strengthening the productive capacity of the economy and sustaining employment. Further major Transport 21 capital projects currently at the planning and design stage will be released for construction as soon as they are through statutory procedures and the available financial resources permit, consistent with the priorities I have outlined.

Deputy Fergus O'Dowd: The public transport investment programme has been cut by 29% in the Minister's budget this year compared to last year. That is a reduction of €262 million. The Green Party put much emphasis on public transport and the Minister has done his best, however they have lost the budget battle at Cabinet. The Minister is attacking very important and constructive projects which are needed in the public transport investment programme. In his reply the Minister said the decisions are with the Minister for Finance. Can he outline what decisions have been already made on reductions in these transport investment programmes with particular reference to Metro west and the western rail corridor, and any other issues he may have on his file?

Deputy Noel Dempsey: As I said to the Deputy, no such decisions have been taken. Transport 21 remains the framework for what we want to achieve. I have made it clear here and outside this House that I intend to bring every project I can right through to the stage where they go to tender and money is required. At that stage the final decisions will be made on what projects go ahead based on an economic appraisal of them. The public transport projects in planning, and which will be in planning over the next 12 months, include Metro north, Navan phase two, DART underground, the Maynooth line development, which is a series of resignalling and removal of level crossing, the RTPI, rail traffic passenger information, in Dublin, the Luas line BXD and metro west. The feasibility studies for the various transport studies in the provincial cities and towns will go ahead. GDA traffic management projects are going ahead. We are talking about providing two additional green routes in Cork, two green routes plus phase one of a third in Limerick city and county, one bus lane in Limerick city and two sectors of the bus lane in Galway city, and northern and southern bus lanes in Claregalway are already completed.

Deputy Fergus O'Dowd: My question related to what is not being proceeded with. We know those projects are proceeding but what is not going ahead? When one takes €262 million from the programme there must be cutbacks. The Minister says he cannot give them here, but the Green Party route to power, getting into bed with Fianna Fáil, has proved ineffective in the

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context of Green policies on increased public transport, which the Minister and the Green Party have failed to provide.

Deputy Noel Dempsey: As I said to the Deputy on a number of occasions and just a few minutes ago, all the public transport projects in Transport 21 are being advanced this year.

Deputy Fergus O'Dowd: Where will the cutbacks be? Where will they fall?

Deputy Noel Dempsey: As I have tried to explain to the Deputy on a number of occasions, not all the roads or public transport budgets could be spent because of the number of projects still in planning. The crunch years for public transport projects and the decisions on whether they will go ahead will be next year and the year after.

Road Safety.

51. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on whether the reduction in the local and regional road maintenance budget will have a negative effect on road safety; and if he will make a statement on the matter. [21641/09]

Deputy Noel Dempsey: State road grants totalling €447.7 million were allocated to local authorities on 14 April for the improvement and maintenance of regional and local roads. These grants, which supplement expenditure by local authorities from their own resources, represent a very significant investment at a time when public finances are under severe pressure. The capital budget for improvement works this year is €321.5 million. This will fund 241 separate improvement projects at various stages of planning, design and construction, as well as 1,700 km of road reconstruction and improvement under the restoration improvement programme.

My Department also finances safety works at high accident locations on the regional and local road network. Grants were allocated to local authorities in April to finance measures at 257 locations. There was no reduction in the April supplementary budget in the provision for maintenance works, and grants of €126 million were allocated to local authorities. The bulk of this, €85 million, is being invested in the restoration maintenance programme and I fully expect to see an increase in surface dressing output achieved by local authorities under this programme this year compared with 2008. Safety is a fundamental consideration in the improvement and maintenance of our road network and this high level of investment is continuing to deliver a significant road safety dividend.

Deputy Fergus O'Dowd: Earlier this year we were, thankfully, 20 deaths down on last year. While every death in a road accident is appalling and regrettable, 70% of all fatal accidents occur on country roads. The Department of Transport's website states that these roads are the economic arteries of local communities, and we all agree. Local and regional roads account for more than 94% of the Irish road network. The Minister has cut €150 million from that network's funding, ranging from Cork to Donegal. The Minister cut €17 million from Cork's local roads fund, €9.7 million from Donegal and €8.8 million from Kildare. If we are serious about safety on our roads and reducing our road deaths, with 70% of all deaths on local roads, how can the Minister stand over cutbacks of €150 million, which mean dangerous bends are not being removed? Even Ministers must know about the serious and significant crumbling of our road structure through out the country. County councillors know about it because they have no funding for it. What will the Minister do about it?

Deputy Noel Dempsey: As I said to the Deputy, the allocation for safety to local authorities has not been touched. It is the same as it was last year. Works will take place in 257 different locations across all the local authorities this year. Work has already taken place in approximately 1,700 or 1,800 danger spots, or accident blackspots as we used to call them.

The Deputy wants to have it every way. His party suggested we cut services and the amounts being spent by €2.5 billion prior to April's budget. I would not have had any road funding for local authorities if I had gone——

Deputy Fergus O'Dowd: We were talking about cutbacks in Government waste, including on FÁS, the HSE and in Departments. We were not talking about what the Minister is doing. He is cutting back on safety and he cannot avoid the issue. If road potholes cannot be filled and if road surfaces are crumbling in every county, town and village, the Minister is making these roads extremely unsafe and dangerous by removing the funding to local government, which it expected. He has failed in his duty of care in regard to road safety. That is a damning indictment of him and his Department.

Deputy Noel Dempsey: The Deputy is talking absolute nonsense again. I have made it quite clear to him that portion of the local authorities' allocation of €126 million, which is used for road surface dressing, maintenance, repair and restoration, has not been touched this year.

An Leas-Cheann Comhairle: In the absence of Deputy McEntee, that concludes priority questions.

Other Questions.

Light Rail Projects.

53. **Deputy Paul Connaughton** asked the Minister for Transport his views on whether the international credit crunch will have a negative effect on the roll out of metro north; and if he will make a statement on the matter. [21160/09]

87. **Deputy John O'Mahony** asked the Minister for Transport if any of the consortia seeking to bid metro north have approached him to seek aid securing long term finance; and if he will make a statement on the matter. [21225/09]

Deputy Noel Dempsey: I propose to take Questions Nos. 53 and 87 together.

Good progress continues to be made on the metro north project. The oral hearing before An Bord Pleanála on the railway order application for the project commenced on 1 April. In addition, the procurement process is being advanced. Four bidding groups submitted the first round of tenders for the public private partnership contract to the Railway Procurement Agency at the end of February last. These continue to be evaluated by the RPA.

The credit crunch and resultant lack of liquidity in funding markets has affected all forms of bank lending. PPPs, which rely on bank lending, not unexpectedly, have not been immune to these developments. The lack of liquidity in global financial markets is affecting PPPs internationally. It is widely acknowledged that funding of PPP deals is costing more and taking longer to agree than had been the case in the past. There is also greater competition amongst projects internationally for the limited bank lending resources available. The European Investment Bank has become a very important source of finance for PPP projects and is supporting many projects throughout the EU.

[Deputy Noel Dempsey.]

Metro north is being procured as a PPP and, therefore, faces the same challenges as other PPPs in securing funding. However, the metro north contract is not due to be finalised until 2010 which allows time for the global funding markets to achieve greater stability. The RPA, the agency responsible for delivering the project, is also in discussions with the European Investment Bank in regard to the project.

The RPA remains of the view that the procurement and funding can be successfully concluded. This is based on the ongoing active participation by the international consortia in the PPP tender process and recent trends which indicate a continuing easing in the global financial markets. This easing is anticipated to continue further in 2010, when metro north is due to reach financial close.

I have no function in regard to the procurement of this project. I have not been approached by any of the bidding consortia to seek aid securing long-term finance.

Deputy Fergus O'Dowd: We all agree it is very important that metro north proceeds. Members of the Opposition have been approached by the different consortia in regard to the issues which have arisen. I have no preference for any one nor have I any interest in it but the point has been made to us that some consortia cannot raise the funds to tender for this project while others can do so.

The Minister referred to the European Investment Bank. The key point is that we ensure whoever gets this project gives value for money. If one of the companies bidding cannot put the financial package together out of its own resources and if it cannot get the money from the European Investment Bank or other sources, it places it at a competitive disadvantage. I appreciate what the Minister said about not having been approached on this issue but what else, if anything, can be done to create a level playing field?

Deputy Noel Dempsey: I do not believe anything can be done, in particular by Government, in the middle of a procurement process.

Deputy Fergus O'Dowd: I am not talking about that.

Deputy Noel Dempsey: I know the Deputy is trying to be helpful in this regard and I am not trying to be smart about it. However, I do not believe anything can be done in the middle of a tendering process. One of the criteria which must be used by the RPA in deciding on the preferred bidder will be whether or not it is financially able to support the project. The RPA and others would be in a position to talk to the European Investment Bank and to ascertain what might or might not be available because they are responsible for the tender. I am sure that facility is also available to the consortia. However, I do not believe we can become directly involved or give any kind of preferential treatment. Those who bid must be in a position to put the finances in place because it is one of the criteria.

Deputy Thomas P. Broughan: I agree with the Minister on this. A prerequisite for the four groups, which I understand are at the first tender stage, is that they are in a financial position to meet the Government's requirements in regard the private sector financing. Does the Minister agree there is a sort of nervousness, to put it mildly, among some of the tenderers in regard to the general financial position facing the Government, the evolution of the National Asset Management Agency and the fact the Government might have considerable financial burdens which could impact on this? There is certainly a sense of nervousness there.

Like Deputy O'Dowd, I believe the best proposal, or the best man or woman, should win. That is the best way for a competition to be run. Does the Minister agree there is a nervousness in regard to his commitment?

How much money will be spent in 2009 on bringing forward the proposal? At the beginning of the year, the Minister's officials told me approximately €80 million or €90 million would be spent? I understand the tenderers are spending up to €50 million. What is the Department's commitment in this financial year?

Deputy Noel Dempsey: I cannot answer the Deputy's last question off the top of my head. If he will accept a broad figure, it could be in the region of €30 million to €40 million but I will not be held to that. If he wants, I can ascertain the figure.

The sense of nervousness which might be felt by the tenderers has nothing to do with the National Asset Management Agency or Government finances, rather it relates to their ability to raise finance for the project on the international money markets. That is where they may be making approaches to different people to try to see what assistance and help they can get.

There has been a considerable amount of commentary since the project was first mooted. It is at oral hearing stage at present. The oral hearing has been adjourned in order that further information may be looked at in depth and so on. I presume that will delay the decision. Not as much will need to be spent this year as we anticipated. However, that is a function of the planning system and that is why I do not like to make predictions about when a project will finish until it has gone through the planning system.

Deputy Fergus O'Dowd: I will make the point I made earlier but perhaps in a better way. I appreciate nobody can intervene in this process but if there are two competitive tenderers and the cheaper of the two does not have the same access to finance it would have had if the financial crisis had not occurred, it would be reasonable to try to ensure, through the RPA or otherwise, that every effort is made to make finance available from international sources without political involvement, interference or whatever. If it would be cheaper for the taxpayer in the long run to do that, it should be done.

Deputy Thomas P. Broughan: When does the Minister expect the four tenders to be reduced to two and when will the preferred bidder emerge? Does he have a timeframe in that regard?

Regarding preparations for the project, when did he last meet the Dublin City Manager, Mr. John Tierney, whom I understand is directing all the preparations for central Dublin in the city centre region and when does he expect the bus gate to be up and running?

Deputy Noel Dempsey: I understand the city council has now decided the bus gate will operate from July. That decision was made about a week or ten days ago, two days after I met the city manager, the Dublin City Business Association, Dublin Chamber of Commerce, the CIE companies, the RPA and the Garda Síochána — in the stakeholders' group I meet on a quarterly basis, to keep myself updated on what is happening and the issues that are arising.

On the other point made by Deputy O'Dowd, it is the responsibility of the consortiums, if they have worries or fears about being able to finance their bids, to do the business themselves in relation to this matter. I emphasise, however, by way of being helpful, that in recent days the M25 road widening scheme, a major PPP, similar to the metro north in the UK, was successfully funded with the support of the EIB. This would indicate that matters are loosening up somewhat on that particular front and that should provide some hope and comfort to those who might be bidding.

Road Traffic Offences.

54. **Deputy Shane McEntee** asked the Minister for Transport the progress made to date in relation to resolving the issue of the application of penalty points to drivers from the UK and Northern Ireland; and if he will make a statement on the matter. [21200/09]

Deputy Noel Dempsey: The issue of cross-Border enforcement for road traffic offences has proved to be a difficult one over the years. Given the variety and complexity of the legal systems in different states, the development of a common approach, whether bilaterally between two states or at an EU level, has always proved extremely difficult. The key issue is how to enforce penalties outside the jurisdiction, that is, when non-resident drivers have returned home.

The mutual recognition of penalty points between ourselves and the United Kingdom is being pursued under the auspices of the British-Irish Council, BIC, and for which Northern Ireland has the lead role.

As separate penalty point systems operate not only in the two jurisdictions on this island, but also between Northern Ireland and Great Britain, this is a much more complex legal and administrative issue than the mutual recognition of driver disqualifications, work on which is nearing completion. Mutual recognition of penalty points will require the passage of primary legislation in both jurisdictions in due course. A feasibility study on areas of possible co-operation in this area was commissioned by the UK Department for Transport, with our agreement and that of our Northern Ireland colleagues. The consultants' final report was published on the UK Department for Transport's website last summer and the next step is to develop a joint programme to achieve mutual recognition of penalty points between the three jurisdictions.

Our commitment to this was reaffirmed at the recent meeting of the North-South Transport Council in April, but all recognise that it is a complex and long-term issue. It is also my view that experience on the operation of mutual recognition of driver disqualifications, which is currently being finalised, will be invaluable in addressing the penalty point project.

Deputy Fergus O'Dowd: As someone who travels on the M1 at least once or twice every week, I can also be assured, as I am sure the Minister can also, that the car or vehicle behind speeding aggressively and dangerously will have a Northern Ireland registration. People's lives are put at risk every day because of drivers from the North coming down here and driving in the most dangerous fashion. They have no fear because no penalty will be imposed on them. I am aware that the same is true of drivers from the South in Northern Ireland — I want to be very clear on that point.

In the absence of this primary legislation and the complications that exist, I believe that, if possible, the Minister should meet with his justice counterparts, North and South, to sort this out and see whether the gardaí need extra powers to stop and seize these cars. These drivers thumb their noses and just continue to get away with it. They flash everyone out of the way while travelling at speeds of up to 160 kph every day. Will the Minister agree that in the interim this needs to be dealt with effectively by taking such vehicles into custody, if necessary?

Deputy Noel Dempsey: The Deputy has balanced the issue well, because apparently it is a problem for Northern Ireland as well regarding Republic of Ireland cars in the North. However, the number of Northern registered cars here being driven by Republic of Ireland drivers appears to be increasing by the day. I accept what the Deputy is saying in relation to this matter. I met with Mr. Jim Fitzpatrick, MP, my UK counterpart, about 12 months ago and we discussed this issue. We agreed between ourselves, the Republic, Northern Ireland and Great Britain, that the UK will take the lead on this aspect of road safety. We met with the officials

and emphasised that progress must be made in this regard. However, it was made pretty clear to us that this project could take three to four years, since they had gone into it in some detail in their feasibility study. In that context, I believe that giving extra powers here in relation to drivers on both sides of the Border, and thereby mutually allowing the authorities to stop and seize cars until substantial fines are paid, is something that we should, perhaps, discuss in the context of the road traffic Bill.

Deputy Fergus O'Dowd: I would welcome that very much. That is what we need.

Deputy Thomas P. Broughan: When will we actually see the famous road traffic Bill, because we have been talking about it in terms of penalty points and many other problems to do with the administration of driving for the past two or three years and addressing the Minister about this for the past year or so? Were any of the 140,000 foreign drivers mentioned by the Minister followed up? Is there a way that any of them can be followed up? As regards the other 55,000, what exactly is their position and why are they able to dodge points? We all know people who have had a significant number of points imposed and finally changed their driving behaviour, so that there is no question that the mechanism is effective if we could get it right.

Obviously, this is a major gap in Irish law and Mr. Conor Faughnan of the AA has asked why some type of non-national driver file cannot be created to have some record of these drivers so that they can be pursued. In 2006, I recall that our sister party, the SDLP, was in Dublin and Ms Margaret Ritchie, MLA, Minister for Social Development, made a presentation to an Oireachtas committee attended by my colleague, Deputy Róisín Shortall, on this matter. Here we are three years later; we are still talking and meanwhile the collision casualties are rising. We should act urgently.

Deputy Noel Dempsey: My understanding is that all 146,000 are recorded, but not on the vehicle driver file—

Deputy Fergus O'Dowd: They are in a limbo file, which is going nowhere.

Deputy Noel Dempsey: They are actually recorded, in the event that they come to the attention of the Garda again. This comes back to Deputy O'Dowd's point to the effect that if they are persistent offenders, we should have a means of ensuring that this behaviour does not continue. This is well worthwhile pursuing.

I cannot give the Deputy details about the other 50,000 because it is a matter for the Courts Service and the Garda to follow up once the courts have made their decisions, as appropriate. I am not too sure but if I can find out for the Deputy, I will do so.

Deputy Thomas P. Broughan: It may have to do with invalid licences.

Deputy Noel Dempsey: Some of it may relate to no licences, or perhaps invalid ones.

Departmental Agencies.

55. **Deputy Joe Carey** asked the Minister for Transport the reasoning behind the cutting of the advertising budget for the Road Safety Authority; if there was an attempt to measure the way such a move would affect road safety; if there are other advertising budgets that could be cut to restore road advertising budgets; and if he will make a statement on the matter.

[21157/09]

Deputy Noel Dempsey: Fatalities on our roads have fallen in recent years and the number of fatalities in 2008, at 279, was the lowest since records began. We are well on target to meet the overall strategy objective of reducing road deaths to no greater than 60 fatalities per 1 million of population by the end of 2012, which equates to 252 deaths per year.

While road safety advertising campaigns are particularly effective in keeping the road safety message to the fore, difficult Exchequer funding decisions have had to be made this year. The advertising budget of the Road Safety Authority, RSA, has been reduced from €3.4 million to €900,000 for 2009 as a result of cuts in advertising budgets which were imposed this year across all Departments and agencies. This is in the context of €32.8 million of Exchequer funding which is still being provided to the RSA for 2009. The RSA will continue to implement its programme of road safety awareness, education and research, with a budget of €4 million for the current year.

These remain important elements of the authority's statutory functions and are key to getting the road safety message to all road users — pedestrians, cyclists, car and commercial vehicle drivers — and to changing road user behaviour. Road safety remains a key priority and this commitment is underpinned by the road safety strategy 2007-2012. The latter has set the framework for reducing deaths and injuries on our roads through a series of 126 actions, each with a responsible agency and target date.

I understand the Deputy's concerns in respect of reduced Exchequer funding for the RSA. As stated, however, these are difficult times and difficult decisions have been made. Road safety in Ireland has benefited immensely from the involvement and drive of the RSA since its establishment in late 2006. I anticipate that the authority will continue to maximise the road safety agenda, even in the context of limited resources.

Deputy Fergus O'Dowd: We all accept that the number of road deaths last year dropped significantly. However, we are off target now and this has given rise to deep concern. As stated in respect of an earlier question, funding for regional and local roads has been reduced by €150 million. Due to the fact that overtime has been cut back, there is serious concern that there are not as many members of the Garda Traffic Corps patrolling our roads on Friday and Saturday nights as ought to be the case. Does the Minister agree the funding for the road safety campaign should have been ring-fenced? This publicity campaign does more than provide information, it actually saves lives.

There is a great deal of Government expenditure which could be reduced. However, there should not be any cutbacks in respect of road safety and saving lives. I ask the Minister to re-enter discussions with the RSA to identify cuts elsewhere in order that the authority might continue with its campaigns, which are effective and which help to save lives. We are heading into a dangerous period when more people will die as a result of the cutbacks in the number of gardaí, in Garda overtime and in the amount available for road surface dressing.

Deputy Noel Dempsey: As the Deputy is aware, the question of Garda overtime is one for the Minister for Justice, Equality and Law Reform. I would be surprised if the dedicated traffic corps, which has 1,200 members and which was established following a commitment given in the programme for Government, was operating on the basis of overtime. I am not sure——

Deputy Fergus O'Dowd: With respect, overtime comes into operation at night, particularly as they are obliged to go out at weekends. That overtime is being cut back.

An Leas-Cheann Comhairle: That is a matter for a different Minister.

Deputy Fergus O'Dowd: The Minister for Justice, Equality and Law Reform will not answer questions on this matter.

An Leas-Cheann Comhairle: That is a matter for the Minister for Justice, Equality and Law Reform. It will not be dealt with now.

Deputy Noel Dempsey: With regard to the other matter to which the Deputy referred, he will be aware that quite a hullabaloo was kicked up in respect of advertising, PR, etc., in the middle of last year. The Department of Finance decided that the funding in this regard should be cut. Every Department and agency was obliged to make cuts and the RSA, the work of which is specifically focused on advertising, was no different in this regard. I accept the Deputy's point that there is a need for me to discuss this matter with the RSA. I will do so in order to discover whether it might be possible to identify savings that might be made elsewhere in its budget. I will then try to convince the Department of Finance to allow the authority to spend the money saved on its road safety campaigns.

Deputy Thomas P. Broughan: Advertising is essential for the RSA, particularly in the context of encouraging people to drive slowly and with care. The Minister, Deputy O'Dowd and I attended a presentation made by Mr. Gay Byrne, Mr. Noel Brett and their staff in respect of some extremely effective, if horrific, advertisements which made the point with regard to speeding. Cutting the budget of the RSA in this manner is reprehensible.

Since the turn of the century, almost 3,000 people have died on our roads. That is a shocking statistic. In 50, 80 or 100 years' time, people will look back and ask why we put up with such a high level of fatalities. The situation is crazy. Most citizens would agree that 90% to 95% of road accidents and fatalities result from speeding.

The Leas-Cheann Comhairle hit upon the nub of the problem we often have in invigilating the Department of Transport when he indicated that Garda overtime is a matter for another Minister. Deputy Dempsey is the Minister for Transport. During the lifetime of this Government and its predecessors, promises have been continually made with regard to the roll-out of speed cameras. Information provided by Deputy Deenihan and others throughout the country indicates that the programme of rolling out speed cameras has been discontinued as a result of Government cutbacks. The 1,200-member traffic corps and the network of speed cameras are essential if we are to end the culture of speeding. It is shocking that almost 3,000 people have died on our roads since the turn of the millennium.

Deputy Noel Dempsey: I agree with the Deputy that one death on our roads is one death too many. His figure of approximately 3,000 deaths on the roads since the turn of the millennium is reasonably accurate. However, if we had not taken the actions that we did take, the death toll would, on the basis of the figures for 1999 and 2000, have been 4,000. I agree with the Deputy that it is hugely important to maintain our focus on road safety, on saving lives, etc. While some 3,000 lives have been lost, some 1,000 have been saved. In addition, countless numbers of others who might have been injured were not hurt. That is an extremely important point.

The roll-out of speed cameras is a matter for the Minister for Justice, Equality and Law Reform. However, I assure the Deputy that work on rolling out these cameras is ongoing and has not been abandoned.

Deputy Thomas P. Broughan: Is the Minister in a position to indicate a date for the completion of the network?

Official Engagements.

56. **Deputy Kieran O'Donnell** asked the Minister for Transport the outcome of his discussions with Mr. Jim Fitzpatrick, MP, UK Under Secretary of State for Transport, on 21 May 2009; and if he will make a statement on the matter. [21213/09]

Deputy Noel Dempsey: I had a most constructive meeting with the UK Under Secretary of State for Transport on 21 May 2009. We discussed the delivery and development of the aids to navigation services in the UK and Ireland. We both appreciate the valuable work carried out by the service in both countries but stressed that we were anxious that optimum, cost-effective use should be made of the resources available in maintaining safe navigation in UK and Irish waters.

The Commissioners for Irish Lights, CIL, are funded by light dues which are paid into the general lighthouse fund for Great Britain and Ireland, together with a grant from the Irish Exchequer which is paid under an agreed formula. On the basis of a recent study, we agreed to alter the formula for apportioning Irish costs on a North-South basis. The existing 30-70 balance is to be replaced by a 15-85 apportionment, with effect from the current financial year, 2009-10, to be paid, as per the agreement, during the year 2010-11.

We also agreed on the need for an overall assessment of the provision of the integrated aids to navigation service to all regions in the UK and Ireland. An evaluation that will consider all aspects of delivery — including options for continuing increases in efficiency, potential improvements in structure and the overall arrangements for financing — is to be undertaken. My Department is continuing to engage with the Department of Transport UK in this regard.

Deputy Fergus O'Dowd: As a result of these discussions, will Ireland be obliged to fund the service to a greater degree? Will it mean a reduction in the safety issues in the operation of these lighthouses?

Deputy Noel Dempsey: The intention is that we will fund the extra service, not that we will cut back on any services.

Deputy Fergus O'Dowd: How much will that be?

Deputy Noel Dempsey: Off the top of my head, the change made will amount to an extra €2.5 million of Exchequer funding. I will check that for Deputy O'Dowd.

Airport Development Projects.

57. **Deputy Lucinda Creighton** asked the Minister for Transport if he has communicated concerns to the Dublin Airport Authority over delayed or cancelled aviation infrastructure projects in view of deteriorating finances; and if he will make a statement on the matter. [21169/09]

Deputy Noel Dempsey: The Dublin Airport Authority, DAA, operates under a clear commercial mandate and its capital investment programme is entirely funded from its own internal resources with no Exchequer funding involved. Accordingly, decisions on the delay or cancellation of aviation projects fall within the responsibility of the management and board of the DAA. Following the announcement of its annual results for 2008, which saw a drop in group profit of 28% from 2007, the DAA has been reviewing all aspects of its business, with a particular focus on costs, including capital development and operational expenditure.

The DAA is well advanced in delivering a €1.28 billion investment programme to upgrade terminal and airfield facilities including Terminal 2. The DAA has reduced its investment plans

at Dublin Airport for the 2010-14 period by about 50% to less than €400 million to take account of the current economic downturn. A number of major projects, including the planned new second runway and additional aircraft parking areas, will be deferred. These projects will be reactivated when appropriate circumstances dictate and these decisions should be made on the basis of the DAA's commercial assessment.

Deputy Fergus O'Dowd: Tá mé sásta leis an bhfreagra sin.

Deputy Thomas P. Broughan: The cutback in 400 jobs at the DAA is of great interest to the workforce there. Despite the aviation downturn, people ask why this was necessary. Does the Minister have views on this? He recently appointed a new head of the Dublin Airport Authority. Did he give any guidelines or lay down directives on management of the DAA over the coming years under the administration of the new chairman?

Deputy Noel Dempsey: Any proposed cut in jobs, whether in a semi-State body or in the private sector, is of concern. I do not interfere directly in the day to day operation of the DAA. All aspects of the aviation industry are suffering greatly. There are some small signs of recovery but in the current economic circumstances the company has a duty and a responsibility to live within its means and that is what it proposes to do in discussion with the trade unions.

Deputy Fergus O'Dowd: In respect of cost, now is the best and most effective time to undertake these infrastructure projects. Will the Minister communicate with the DAA to ensure it will prioritise whatever projects it can? These must be built anyway because the infrastructure will be needed when the economic cycle changes and the Irish and world economies recover.

Deputy Noel Dempsey: The DAA and I are conscious of what Deputy O'Dowd said. The DAA will advance planning for all projects and bring them as close to shovel-ready as possible before making a decision on whether the projects can go ahead and take advantage of any upturn.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Finance and the Public Service has completed its consideration of the Finance Bill 2009 and has made amendments thereto.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I 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 Jimmy Deenihan — the urgent need for the HSE to provide a digital mammography machine at Kerry General Hospital to replace the machine that was decommissioned in March 2009.; (2) Deputy P. J. Sheehan — following the publication of details of the report by the Dublin office of Teamwork Management Services entitled A Review of Acute Services in the HSE South, which is reported to recommend having one regional centre of excellence for acute care based in Cork city, at the Cork University Hospital site and that the other five hospitals in the Cork-Kerry region, including Bantry, will be downgraded to non-acute local centres of excellence, if the Minister for Health and Children will publish this report in full rather than waiting until four days after the people of this region have voted in the local and European elections, and if she will state her views on this report and confirm that a consultant surgeon will be employed and based in Bantry Hospital after the present consultant's contract is completed later this year; (3) Deputy Frank Feighan — to ask the Minister for Education and

[An Leas-Cheann Comhairle.]

Science to ensure a special needs class of 11 pupils, which has been put out of Enterprise Centre in Drumshanbo, County Leitrim because of health and safety problems, is given priority for funding to relocate in the Marion College in Mohill, which is now vacant and in which the VEC is willing to accommodate the class; (4) Deputy James Bannon — the need for the Minister for Education and Science to reconsider the decision to suppress the eighth mainstream teacher post in the convent primary school, Rochfortbridge, County Westmeath from September 2009; (5) Deputy Olwyn Enright — the provision of special needs classes at St. Brendan's boys' national school and Mercy primary school, Birr, County Offaly; (6) Deputy Brian O'Shea — the equipping of a new community hospital, Dungarvan and the demolition of the St. Vincent's District Hospital, County Waterford; (7) Deputy Pat Breen — the need for the Minister for Education and Science to clarify the future of adult psychology services in County Clare, where three full-time psychologists positions are being terminated at the Brothers of Charity in Ennis; (8) Deputy Seymour Crawford — the provision of substitute home help to replace carers who are temporarily absent; and (9) Deputy David Stanton — the need to develop policy regarding the prevention and diagnosis of foetal alcohol syndrome and improve supports for the children affected and their parents.

The matters raised by Deputies O'Shea, Crawford, Stanton and Enright have been selected for discussion.

Leaders' Questions.

Deputy Enda Kenny: This is the first occasion the House has met since the publication of the Ryan report of the Commission to Inquire into Child Abuse. I speak as a citizen, a father and a politician. Mary Brown is a pseudonym. She was taken from her mother when she was born. Her mother was put in a mental hospital for 40 years. She had no birthdays, no school, she was beaten, savaged, raped, brutalised and she was a slave. She wondered and wonders what she was born for and what is her purpose in life. She said to me that she has cried the equivalent of the River Liffey over the years. Not a night or day passes without her feeling the hurt, pain, the need for love and the need for atonement. It shames us all and leaves every person with a measure of guilt. This is an horrific story and a sad saga for the children of the island of saints and scholars.

The least we can do is extend a hand of unity, solidarity and friendship to these brave men and women who grew up with these terrible crimes so vivid in their minds and imprinted on their souls. It is not for me or anyone else to point the finger of political accusation. I extend to the Taoiseach and the Government the hand of unity, political solidarity and political necessity to deal with the consequences of these horrendous revelations. There must be a response from the religious institutions that provides real support for the victims and recognises the moral imperative of the revelations to which everyone has access. There must be an understanding that there are many whose stories have not been told and who now find the courage to come forward.

This unity should be based on three fundamental principles. The religious orders should make a greater financial contribution. That should be agreed and formalised, not discretionary. The victims of this appalling abuse, those who have recently come forward and those who want to come forward should be consulted in some form on what they consider a necessity to bring some sense of conclusion to this. Mary Brown told me it is not just about money; what is a child's life without love?

I propose that we agree a united motion in this House this week formulating these three fundamental principles and send out a message to everybody in this country and beyond that we have not lost our sense of purpose. We should indicate that the Oireachtas, representative

of all the people in this country, is able to respond in a dignified and united fashion that understands — or attempts to understand — the horrendous position in which thousands of this country's children found themselves for years. Such people are still in that position in their adult lives. I extend this invitation and will support the Government if the Taoiseach agrees that this House should send out that kind of message.

The Taoiseach: As Taoiseach, on behalf of the Government, the State and all our citizens, I reiterate the sincere apology to the victims of childhood abuse for our collective failure to intervene, detect their pain or come to their rescue. The report of the commission confronts the stark reality of what was a systemic abuse of children, which is a blight on the face of this country and its history. I hope the House can, through the Whips, come forward with a united motion that would enable us in our two-day debate to discuss the matter on an agreed basis. That should be attempted in any event.

With regard to what has been said, a special Cabinet meeting will take place this evening to seek to address all relevant aspects of this case and begin our detailed consideration of what is a voluminous report of over 2,500 pages. The executive summary alone in its reading exemplifies and sets out in a very graphic fashion the horrendous and harrowing nature of the experiences of so many who were in institutional care but who were obviously betrayed in terms of the trust bestowed on those acting on behalf of the State in regard to their benefit and care.

There was a contribution through the agreement reached and there is a very strong sense in this community and throughout the country — it has been exemplified and articulated by some eminent church men — that the moral responsibility in respect of these matters, which have been brought in such graphic detail to public attention, remains with all of us and with those congregations which had the responsibility for caring for these children in institutions. They clearly failed in that duty of care and the State also has its culpability in failing in its duty of care.

That moral responsibility extends to doing everything possible to ensure a contribution commensurate in some way — it will not be adequate — to the terrible harm done to so many people should be forthcoming. The Government will discuss this evening in what way we can give further voice to that and ways to ensure that further contribution is made in respect of both the redress scheme and continuing care and welfare of survivors, along with the lessons which need to be learned for the future.

It is the legal advice before Government that it is not possible to reopen that agreement. That in no way hinders additional voluntary contributions being made by those congregations as an indication of the sincerity of their position as a result of the graphic and horrendous details which form the central part of this report.

Deputy Enda Kenny: My request for all-party unity on this matter is based on that point. I would like to think and expect that the Taoiseach would arrange a meeting with the religious institutions and my view is that an all-party motion this week on this matter would be of great support to the Taoiseach and the Government in giving a cross-party Oireachtas view of the moral responsibility of religious institutions.

I fully understand the Taoiseach's comment about the wider debate on the Ryan commission, which will happen when the Dáil resumes after the election process. That is a matter for another day. I am concerned now about the message that the Oireachtas can send out this week with the first opportunity it has to address the consequences and findings of the Ryan commission.

I think of Mary Brown's tears to me last weekend when she recounted for me in graphic detail her being dragged from a black Volkswagen car by a child protection officer, her pants

[Deputy Enda Kenny.]

pulled down and her being raped in County Cork. It is for people like this that we need, as an Oireachtas and irrespective of our party political affiliations, to send out a message of support and solidarity.

I strongly recommend that the Taoiseach arrange with the Whips immediately on the conclusion of the Order of Business for us to come in tomorrow morning with a simple agreed motion of unity with a basis of support for the victims and the moral responsibility of religious institutions to face up to the consequences of this by making a greater contribution. The victims of these appalling incidents should be consulted and new people who have the courage to come forward should be taken into the arms of the Government in that sense. These fundamental principles should be enshrined in a simple motion that every Member of the Oireachtas can respond to in full and in total solidarity in dealing with this.

Mary Brown is a bright and intelligent woman. If one spoke to her for ten minutes, one would be convinced that the power of argument in her speaking from her soul is so strong that, irrespective of any political divide on any other issue, there should be unity about this. I strongly recommend to the Taoiseach and ask him again that we have a simple motion of unity and solidarity arising from the findings and publication of the report. We can deal with an all-party agreement in respect of the details of the Ryan commission when the House resumes in a couple of weeks.

There are other matters which need to be dealt with in respect of child protection and safeguarding as well. For now, there is a river of sentiment and powerful emotion among our people that this be dealt with. I extend across this Chamber the hand of political unity in the interests of all our people, the victims of abuse and the children, which we all were once. This is an occasion for the State to respond as a state. I offer that element of political leadership from this side of the House and I hope the Taoiseach will accept it in the spirit in which it is given.

The Taoiseach: Everyone in this House is appalled in equal measure by the terrible litany of crimes and abuse which is so clearly set out in this report. It is very important the House finds a way of showing a unity of purpose in acknowledging the contents and implications of the Ryan report. For that reason, it is a matter for the Whips to decide the format. I am not precluding it or setting out any issue to it but if they decide to have it this week and a two-day debate is agreed, there would be a need for motion to be put before the House.

The Government will discuss all these matters in great detail this evening. Without anticipating the outcome of that meeting, it would be my intention to ask the congregations to meet and indicate what further steps will now be taken in light of what has been stated in and the conclusions of this report. I welcome the statement made by the Christian Brothers this afternoon. It stated:

. . . the Brothers, in consultation with former residents and other stakeholders, including Government, will review how our resources can best be applied in reparation for abuses of the past and as an investment in child education and welfare for present and future generations. This review process will extend to all of our resources above and beyond such accommodation and means necessary to maintain the members of our Congregation and to support selected commitments at home and overseas.

I hope the remaining congregations will indicate similarly that they are minded to do the same or make a further important gesture to the victims in the aftermath of the report's publication. I hope they will be forthcoming. However, the Government will discuss this further this evening. It is my intention to seek that meeting.

Deputy Eamon Gilmore: The Labour Party is willing to co-operate in agreeing a joint motion and having a non-partisan and non-adversarial discussion of this report, its conclusions and the steps needed to be taken and the lessons learned from it.

No amount of compensation will ever compensate the victims for what they have suffered. No motion of this House will ever undo the damage done. No words spoken in here will ever take away the hurt the victims are suffering. As we saw last night on television, victims of this horrible abuse are living with the pain every day. I agree this issue needs to be debated quickly and conclusions in the House and between the Government and the religious orders need to be reached quickly. This is necessary because the dragging out of the issue will only contribute further to the pain the victims are suffering.

It would, however, be a mistake if we did not ourselves as a State face up to some very painful facts. The big question the House, the Government and all of us in public life must ask ourselves is not one concerning the horrific crimes committed against children and pointing the finger at those who committed them, but how it was allowed to happen. How was it that when these children, their families or people acting on their behalf came forward, no one believed them, no one wanted to believe them or no one wanted to hear? Why was it that Department inspectors turned a blind eye?

Deputy Michael D. Higgins: Why too did Secretaries General?

Deputy Eamon Gilmore: Why did Ministers and senior officials in Departments turn a blind eye? Why did gardaí or those in communities who heard of these abuses turn a blind eye?

A clue to this is to be found in recent comments made by the Taoiseach's predecessor, Deputy Bertie Ahern, and the former Minister for Education and Science, Deputy Michael Woods. In the case of Deputy Bertie Ahern, he has accused those of us seeking a reopening of the 2002 indemnity deal as being somehow anti-clerical. In the case of Deputy Woods, he has explained why he did not include the Attorney General in discussions because, as he put it, the legal people had fallen out with the religious. Therein lies a clue as to why the blind eye was turned over decades. There was an unhealthy deferential relationship between the State and its institutions and the Catholic Church and its religious orders. Until we honestly, as a country, Government and Parliament, face up to it and face it down to determine it will never happen again, we will again be failing the victims of these awful crimes.

The blind eye was turned and people did not or did not want to listen because of the danger of a belt of the crozier, the denunciation and accusation of being anti-clerical or being put out of step with the social consensus of the times. It is not enough for us to say this abuse was awful, move on from it and put it back under the carpet again. We have to face and deal with an unhealthy relationship which persisted for far too long in this State. That is why the 2002 deal made between Deputy Bertie Ahern's Government, his Minister for Education and Science, Deputy Woods, and the religious orders needs to be revisited. It is not because of the money. It is not about revenge because that gets us nowhere. It is about justice. It is about restoring the balance and ensuring they did not get away with it. It is about ensuring that as a people and a country that we have moved on from those horrific times in which children could be abused behind closed doors and walls while people did nothing about it because they were afraid.

This is not about politics. Will the Taoiseach speak to the religious orders about reopening the deal? Let us forget about the legalities of the agreement made. I note the Taoiseach welcomed, as I do, the statement from the Christian Brothers this afternoon. Could a fund be established whereby the compensation contributions be done on a 50:50 basis, along the lines of the advice given by the Department of Finance at the time, which could assist those who suffered from the horrendous ordeal and abuse in these institutions over many decades?

[Deputy Eamon Gilmore.]

I will co-operate with whatever motion is tabled. However, I believe the conclusion and closure of this will necessarily involve revisiting the 2002 indemnity deal with a real and meaningful contribution made by the religious orders. This is what the people want to see happening too.

An Ceann Comhairle: Iarraim ar an Taoiseach anois.

Deputy Michael Woods: On a point of order, I ask Deputy Gilmore to withdraw——

Deputy Pat Rabbitte: There is no point of order during Leaders' Questions.

An Ceann Comhairle: I cannot——

Deputy Michael Woods: ——the slanderous and scurrilous statement he made in respect of me.

Deputy Pat Rabbitte: The Deputy is a crawthumper.

Deputy Michael Woods: Let me speak please. I refer to the statement he made about me in respect of the Attorney General——

An Ceann Comhairle: I ask Deputy Woods to wait. While I will listen to the Deputy, he must understand that we are in the middle of Leaders' Questions at present. I will return to the Deputy when Leaders' Questions have concluded.

Deputy Michael Woods: However, a lie of that sort——

Deputy Emmet Stagg: The Deputy should withdraw that.

An Ceann Comhairle: I will return to the Deputy. While I will allow the Deputy to——

Deputy Michael Woods: ——which was scurrilous——

An Ceann Comhairle: ——to raise the matter on the Order of Business, I cannot allow him to do so now.

Deputy Pat Rabbitte: The Deputy is a crawthumper.

The Taoiseach: First, on how this could have happened, it is undoubtedly true that this represents a systems failure of huge magnitude over many decades. It is important to recognise that while much of what happened took place many decades ago, it in no way takes from the fact that there was a systems failure, as well as a failure to ensure that where wrongdoing occurred, it was corrected and redressed.

In fairness to my predecessor and the Government he led in 1998, which was some years after the programme on Goldenbridge was broadcast, it was then taken on board that such people's stories would have to be heard, a counselling service would be put in place and a commission would be set up to investigate the allegations of child abuse. It also was taken on board that subsequently, a redress scheme would be put in place and that we would proceed in a manner that would confront this dark corner of our past. In fairness to both Ms Justice Laffoy and Mr. Justice Ryan, the outcome of that comprehensive investigation, which gives voice to more than a thousand people and witnesses who came before the commission and the many thousands who have been able to go before the redress board, has been, however belatedly, a sincere attempt by the Government on behalf of the State and the people, to seek in some fashion to redress the wrongs that undoubtedly have been done.

The system that was in place clearly was inadequate in many respects and a grave injustice was imposed upon generations of people who, together with their children, were obliged to contend with what clearly was the oppressive nature of that institutional setting. This was the experience of many people. While this must be said, I also defend the Government's action in 1998 and the subsequent steps it took to confront this issue in a way that all previous Administrations had not been in a position to do. Moreover, everyone in that Government acted in good faith in this respect.

Second, on the agreement that has been referred to in the Deputy's statement, it is important to point out that the State's liability in this matter is independent of any indemnity agreement. Its liability in this matter arose out of acts and omissions of the State or its agents in the management of these institutions over many decades. At that time, anything up to 2,500 cases existed that eventually would end up in court with all the confrontational issues arising therefrom, as well as all the issues that arise under the Civil Liability Act 1961, as amended, as to how one would allocate responsibility and guilt in respect of the State and its agents. The need to avoid this adversarial situation, in so far as possible, was an important consideration. While putting victims at the centre of concern, there was a need to find a way in which redress could be made while at the same time allowing their story to be told and this was the entire purpose of the Government's response in setting up the commission, subsequently adopting the redress scheme and providing immediately comprehensive counselling services, which were a basic requirement.

I also make the point in respect of the indemnity agreement that rather than the State being obliged to follow on thereafter to try to find a way in which redress could be obtained from the institutions or the religious orders, the agreement imposed a responsibility on them to make a contribution towards the cost, which then was indeterminate, and this also was an important consideration. The indemnity agreement imposes a legal obligation on the religious orders to make such a contribution to the moneys to be paid by the State to victims.

The only other way in which an obligation could be imposed on religious orders to make a payment by way of a contribution to compensation was by fighting each claim of abuse through the courts and such an option was fraught with difficulties. It is important to be fair to everyone and as a member of that Government, I take my collective responsibility for that decision and for the means by which it came about, which were in line with procedures, as a memorandum came before the Government. I also make the point that it was because of the then Government's concern for victims that it sought to avoid a situation whereby a more confrontational outcome could have been in prospect.

However, regardless of the legalities of the agreement, this House, in the aftermath of the publication of this report, will make the case that there is a strong moral responsibility to make whatever further contributions can be made by those congregations in the interests of ensuring that the State, the victims and the people can see that every possible effort is being made by congregations and by the State to redress the wrongdoing that has been imposed upon the people concerned. I believe this to be the obligation that now has emerged. Moreover, as I stated, the indemnity agreement itself provided an ability to impose an obligation within the terms of the agreement on a contribution to be made. What has emerged now, as far as I am concerned, is the need for all the congregations, apparently now led by the Christian Brothers, to give a further commitment to provide whatever resources are available to them towards the establishment, by whatever mechanism, of a means that would ensure the people will perceive that further reparation and recompense will be made at this time.

Deputy Eamon Gilmore: Will the Taoiseach, perhaps with the Minister for Education and Science, call in the religious orders to discuss these matters? I note his comments regarding the imperative on the religious orders to make a bigger and better contribution. In recent days, I have heard and welcome the comments that have been made by leading figures in the Catholic

[Deputy Eamon Gilmore.]

Church, including Cardinal Brady, the Archbishop of Dublin and the Bishop of Down and Connor. However, I also heard the highly trenchant response from the religious orders to the effect that they do not wish to make a bigger contribution. I hope the statement made by the Christian Brothers this evening constitutes a change from that position. However, the Taoiseach and possibly the Minister for Education and Science, as the deal was made through that Department, must meet the religious orders as quickly as possible to further matters and to secure an appropriate contribution from those orders to whatever fund is to be established.

I am delighted to hear from Deputy Woods on the issue. It is a pity that in 2002 he did not bring the indemnity deal before the House for approval. What he did was to bring before the House the Residential Institutions Redress Act Bill, which enjoyed cross-party support at that time as the appropriate way of dealing with this issue. However, the indemnity deal which apportioned the various liabilities and which capped the contribution of the religious orders was never brought before the House. Some mechanism should be devised in the House which would give Deputy Woods ample opportunity to say what he has to say about that deal, how it was concluded, who was and was not present and what advices were provided. If, arising from that, there is anything I must withdraw, Deputy Woods or anyone else will not have to ask me to do so. However, in the first instance, we need to hear an awful lot more about what went on in the summer of 2002.

The Taoiseach: In fairness, the Committee of Public Accounts looked into this matter in some detail and correspondence between party leaders also took place at the time in terms of fair and reasonable questions being put and the Taoiseach of the day responding to clarify the Government position. I make the point that it is a feature of governmental power and of Government to be in a position to settle or dispose of cases against the State in the normal way under the Civil Liability Acts 1961 to 1964. One should not suggest that there is not a *vires* within Government to do this as Government does it all the time in terms of claims against the State. Therefore, the question of Government making that decision was totally in consonance with its powers and obligations, and any suggestion to the contrary is not helpful to the debate because it is not correct.

Second, in regard to this question of a meeting with the congregations, after the Government has given full consideration to all of these matters, I will, of course, as I have indicated to Deputy Kenny, seek to meet the representatives of the congregations. Regardless of the legalities of the situation, the issues we have to contend with here are the fact that this report graphically sets out the needs of victims and the imperative of ensuring that the right thing is done to redress what has happened and the suffering the victims have endured. The Government will not be deterred from this; we will seek to do it and we will do it. I hope the statement by the Christian Brothers today is a prelude to a similar disposition among all of the congregations to now meet their responsibilities, as they are seen, in the interests of a credible response to the appalling litany of abuse that marks the contents of this important report.

Deputy Michael Woods: A Cheann Comhairle, I wish to——

An Ceann Comhairle: I will call the Deputy following the Order of Business. I cannot give time on Leaders' Questions to any Member other than the leaders.

Order of Business.

The Taoiseach: It is proposed to take No. 8, motion re proposed approval by Dáil Éireann of the terms of the International Tropical Timber Agreement 2006 (back from committee); No. 9, motion re referral to joint committee of proposed approval by Dáil Éireann for a Council regulation on the establishment of an evaluation mechanism to verify the application of the Schengen *acquis*; No. 10, motion re appointment of Ombudsman; No. 11, motion re appoint-

ment of Information Commissioner; No. 23, Nursing Homes Support Scheme Bill 2008 — Order for Report, Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders, that: (1) the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10 p.m.; (2) Nos. 8 and 9 shall be decided without debate; (3) Nos. 10 and 11 shall be debated together and shall, if not previously concluded, be brought to a conclusion after 25 minutes and the following arrangements shall apply: (i) the speech of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin, who shall be called upon in that order, shall not exceed five minutes in each case; and (ii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; (4) the proceedings on the Report and Final Stages of No. 23 shall, if not previously concluded, be brought to a conclusion at 10 p.m. by one Question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Health and Children; and (5) in the event a division is in progress at the time fixed for taking Private Members' business, which shall be No. 71, motion re preschool year in early childhood care and education scheme, Standing Order 117(3) shall not apply and Private Members' business shall be adjourned after 90 minutes tonight.

An Ceann Comhairle: There are five proposals to be put to the House. Is the proposal that the Dáil shall sit later than 8.30 p.m. tonight agreed to? Agreed. Is the proposal for dealing with Nos. 8 and 9 without debate agreed to? Agreed. Is the proposal for dealing with Nos. 10 and 11 agreed to? Agreed. Is the proposal for dealing with No. 23 agreed to?

Deputy Caoimhghín Ó Caoláin: No, it is not.

Deputy Enda Kenny: I find myself unable to agree with this proposal, a guillotine motion in respect of the Nursing Homes Support Scheme Bill 2008. Deputy James Reilly has brought to my attention the fact there are 126 amendments on Report Stage. Some of these are innocuous and merely require changes of words but many of the 126 amendments will not be reached in the time available before the conclusion of the debate. Deputy Reilly has, in particular, drawn my attention to amendment No. 125, the impact of which will be to negate the principle which has been accepted by all in respect of a capping of a contribution for property or farms of land. Paragraph 8 will require that members of the medical profession are pressurised to produce particular forms of verification of sudden illness or similar. This amendment will not be reached in this debate and for that reason I cannot support the proposal for No. 23 being finalised in this way.

Deputy Jan O'Sullivan: The Labour Party cannot support the guillotining of this very important Bill either, which has been a number of years in coming before the House. There are more than 100 amendments to be dealt with and as many of the more important amendments are towards the end of the debate, there is no doubt that we will not reach them all. As we have spent so long discussing this issue — as I said, it is a number of years since the idea first came forward — there is no reason we should now find ourselves in the situation where we have not time to deal with the legislation appropriately and to tease out all its aspects. This is crucially important for the lives of our senior citizens, all of whom have given great service to the State but who now, in the latter years of their lives, find themselves in a situation where they are worried about finances, the family home and whether there will even be enough money in this scheme for them to qualify.

There are a number of very important aspects of this legislation which this House should deal with properly. We do not want to look back in one or two years time and find the legislation is not working properly because we did not give it proper debate in this House. For that reason, we oppose the guillotine on this legislation.

Deputy Caoimhghín Ó Caoláin: Sinn Féin also supports the argument for the lifting of the guillotine in regard to the Nursing Homes Support Scheme Bill. It is hugely important legislation that will have serious consequences for many people today and perhaps for many of us in the future. It is imperative that we give it full opportunity for proper debate in the House.

There is also a second matter, namely, we cannot agree to the proposition without an immediate indication that the Government will proceed to accommodate address of the Ryan child abuse commission report, which we urged last week would at least commence this week.

5 o'clock If one looks at the House's schedule of business for this week, one will see that none of the legislative business scheduled for Thursday could be described as urgent, especially when compared to the importance of the report of the Commission to Inquire into Child Abuse. As I understand it, the Chief Whip indicated at one point last week that the Government was prepared at least to start to address the report this week. That debate could be continued on 9 June, after the election recess. I urge the Taoiseach, the Chief Whip and the Government parties to reconsider this week's schedule and allow a proper debate to commence tomorrow or on Thursday. The process of addressing the horrors that were revealed in Mr. Justice Ryan's report should be aired in this House, which needs to play a part in influencing the thinking and decision-making of the hierarchy of the religious institutions. All the institutions of the State have a collective shared responsibility to the victims of these terrible crimes.

The Taoiseach: It is important to proceed with the enactment of this long-awaited and much-discussed legislation. The Chief Whip is anxious to proceed in this manner. I will be sorry if it does not receive the support of the Opposition. A vote may be required. We need to proceed in the manner that is envisaged in the Order of Business I have announced. Regarding the other matter raised by Deputy Ó Caoláin, time is needed not only to read and digest this voluminous report of 2,500 pages, but also to give considerable consideration to the many issues it raises and recommendations it makes. By agreement of the House, it was felt that two weeks were needed to add to the quality and effectiveness of the debate.

Deputy Caoimhghín Ó Caoláin: I have no doubt that the debate can continue in two weeks' time, but it should start this week.

Question put: "That the proposal for dealing with No. 23 be agreed to."

The Dáil divided: Tá, 73; Níl, 52.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Johnny.
Calleary, Dara.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.

Curran, John.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Kelleher, Billy.
Kelly, Peter.
Kenneally, Brendan.
Kennedy, Michael.

Tá—*continued*

Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McDaid, James.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.

O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Batt.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Barrett, Seán.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Connaughton, Paul.
 Crawford, Seymour.
 Creed, Michael.
 D'Arcy, Michael.
 Deenihan, Jimmy.
 Doyle, Andrew.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kenny, Enda.
 Lynch, Ciarán.

McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Perry, John.
 Quinn, Ruairí.
 Reilly, James.
 Shatter, Alan.
 Sheahan, Tom.
 Sherlock, Seán.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.

Tellers: Tá: Deputies Pat Carey and John Cregan; Níl: Deputies David Stanton and Emmet Stagg.

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with Private Member's business agreed to? Agreed.

Deputy Enda Kenny: A question beginning to arise in the course of the European election campaign is when the Government expects to hold the referendum on the Lisbon treaty. Will the Taoiseach give us some certainty on this issue by identifying a time within two or three weeks of the proposed date? Will it be the end of September or October? We will have to decide on this and the sooner we know for certain when it will be the better so that we can

[Deputy Enda Kenny.]

sequentially follow a list of issues that we have discussed before to ensure that people are properly and fully informed as to the content of the treaty.

I note the comment of the Minister for Finance that it may be necessary to recall the House to discuss the proposed legislation to set up the National Asset Management Agency. The Minister should for practical reasons be able to tell when that is likely to be. Will it be in July or August? I expect that people in the House have made vacation arrangements and I hope they all take their vacations in the country. Has a date been proposed for the Minister for Finance to present the Bill to the House?

The Taoiseach: We have to await the outcome of the June Council meeting before the Government can indicate its preparedness to hold a referendum.

Deputy Enda Kenny: We will get that.

The Taoiseach: Let us take it step by step rather than being presumptuous. The agreement of 26 member states is required.

Deputy Enda Kenny: We will get that.

The Taoiseach: We can discuss those issues on our return from the Council meeting.

The Minister intends to have the NAMA legislation published by late June or early July. He was simply saying what options he may consider if necessary. The legislation is being prepared as a matter of priority.

Deputy Enda Kenny: As a practical matter can we expect the House to be recalled before the end of July or during August or early September? People will want to know.

Deputy Ruairí Quinn: August.

The Taoiseach: The Minister was indicating that all options are being kept open but we have to prepare the legislation in the first instance.

Deputy Eamon Gilmore: The Circuit Criminal Court today imposed an 18 month prison sentence on former Government press secretary, Mr. Frank Dunlop. When does the Government expect the final report of the Mahon tribunal to be available? Would the Government accept the registration of lobbyists Bill, in the name of Deputy Brendan Howlin, which provides for the registration and regulation of lobbyists to show that legislative and regulatory lessons have been learned from the Frank Dunlop episode?

The Taoiseach: I cannot provide a date or time regarding when the Mahon tribunal expects to be able to furnish a report to the House, as requested. As Deputy Gilmore knows, this matter is being dealt with by the tribunal and one can only hope the report will be provided as soon as possible.

On the second matter raised by the Deputy, the Bill is a Private Members' Bill, which I am sure can be taken in Private Members' time.

Deputy Eamon Gilmore: The Taoiseach promised he would accept it.

Deputy Michael Woods: I thank Deputy Gilmore for being prepared to reconsider what he said. I take it he will obtain further information after this gathering.

I want to make two points that are relevant to what was said this afternoon, the first of which is that the indemnity is in the legislation. We discussed it in the House and it is on record. It was discussed time and again but the detail was ultimately a matter for the Attorney General. It was left to him and the Government and was finalised after the legislation was completed in the House.

The second point is that the Attorney General was never out of the loop. This matter has featured for a long time and it has been raised again today. The Committee of Public Accounts dealt with this whole issue forensically and actually produced an excellent report on it, in which it went into great detail. This is a good example of what the Committee of Public Accounts can do.

The talks with the negotiating team broke down between September and February. I was not on the negotiating team. My job was only in respect of a policy issue; it was to get the talks back on line and not to get into legal or other detail.

Deputy Emmet Stagg: Is that a point of order?

An Ceann Comhairle: I do not mean to cut Deputy Woods short. If the Deputy wishes to deal with this matter, there are a number of ways in which he can do so.

Deputy Michael Woods: These accusations have gone out——

An Ceann Comhairle: The Deputy can raise the matter in the promised debate.

Deputy Michael Woods: No.

An Ceann Comhairle: He can seek to make a personal explanation by making an application to my office.

Deputy Michael Woods: No.

An Ceann Comhairle: In the alternative, he can table a motion of substance if he perceives an allegation has been made against him. I cannot really deal with this on the Order of Business.

Deputy Michael Woods: The normal procedure is that the accusing Member tables a motion if there is a substantive issue. I do not want to go on at any length——

An Ceann Comhairle: I understand that.

Deputy Michael Woods: The statement has gone out to the media now and that is the purpose of the abuse of the House at this particular time.

Deputy Emmet Stagg: It is not an abuse of the House.

(Interruptions).

Deputy Michael Woods: My final point——

An Ceann Comhairle: I cannot allow a debate on this now.

Deputy Michael Woods: ——is that a final memo was submitted to the Government. It was considered thoroughly. As the Taoiseach has said——

An Ceann Comhairle: I have to move on.

Deputy Michael Woods: —it was considered fully. The Government's only objective was to provide a compassionate solution in so far as that could be done—

An Ceann Comhairle: Does the Deputy understand the difficulty in which he is placing me?

Deputy Michael Woods: —for the victims of the horrible abuse that took place.

Deputy Emmet Stagg: The people affected did not believe so.

Deputy Michael Woods: I let Deputy—

Deputy Emmet Stagg: The Deputy is out of order.

An Ceann Comhairle: I must move on. I call Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: In light of the report of the Commission to Inquire into Child Abuse, will the Government introduce two promised Bills, namely, the child care Bill, whose purpose is to amend the Child Care Act 1991 to allow the High Court to have exclusive statutory jurisdiction to hear special care cases, and the childcare (collection and exchange of information) Bill, whose purpose is to provide for the collection and exchange of information relating to the endangerment, sexual exploitation or sexual abuse, or risk thereof, of children? Will the Taoiseach indicate willingness on the part of the Government to bring forward both of these Bills? They are relevant and very important in the context of everything we have been exposed to over recent days as a result of the publication of the report of the Commission to Inquire into Child Abuse.

The Taoiseach: I understand the first Bill requested by the Deputy is due to be published this session. With regard to the second Bill, which, in addition to the first, is under the aegis of the Minister of State at the Department of Health and Children, Deputy Barry Andrews, there are still some issues to be resolved before it is finalised.

Deputy Ruairí Quinn: I am glad the Taoiseach is still in the House. On a number of occasions I raised with him issues relating to the successful passage of the second Lisbon referendum and particularly matters over which this House and his Administration have direct control. I refer specifically to commitments and understandings among the social partners to bring forward legislation to correct the current vacuum with regard to workers' rights and the right to strike. The House is due to rise officially on 2 July but there is still no indication of this matter being addressed either by the Taoiseach or his hapless Tánaiste. Can we please recognise that the Government has responsibility to deal with this matter? It has nothing to do with Brussels or the summit and everything to do with the competence of the Taoiseach's own Administration. If we miss the tide in July, we will be open to the accurate charge, by those who want to distort matters maliciously, that we are negligent in this area. It behoves the Administration to close the gap.

The Taoiseach: Indications have been already given as to the progress made on that legislation. I hope to bring it forward soon; that is the intention of the Government.

Deputy Emmet Stagg: I welcome the publication of the Bill to regulate management companies but I am disappointed that it will not outlaw management companies for single-unit standard housing or cover the abolition of existing management companies of this kind. Is it the Government's intention to deal with this in a separate Bill? The problem to which I refer is one of the greatest we have had, and we have been pursuing it now for approximately seven years. I welcome the Bill that has been published, which I hope is the first stage in addressing this

matter. The main stage concerns management companies for standard housing. Planning permission guidelines required that such companies be imposed on the residents in standard housing. There is nothing in the published Bill to deal with that at all according to my reading of it. Is there another Bill?

The Taoiseach: I will have to make inquiries on the matter.

Deputy Emmet Stagg: I thank the Taoiseach.

Deputy James Reilly: Over 20,000 people have been treated worldwide with cord cells and stem cells from cord blood and from the cord itself, yet in Ireland it is not possible to store the cord or the cord blood. Will the human tissue Bill remedy this? Can the Minister for Health and Children issue an edict, instruction or directive to the HSE-run hospitals to facilitate this? Many people are being discommoded at present.

An Ceann Comhairle: We cannot discuss the minutiae. When is the legislation due?

The Taoiseach: There is no date for that legislation.

Deputy Michael D. Higgins: It is just ten years and one week since former Minister for Education, the Minister, Deputy Micheál Martin, announced helpfully that he had appointed a senior archivist to the Department of Education because all the files accompanying the Kennedy report, except the Daingean file, had gone missing. I was spokesperson on education for the Labour Party at the time. The Daingean file was the file that had the details on a youngster that had been stripped naked and punished at midnight. The Daingean institution was visited by a secretary of the Department of Education who said we should all be grateful for the quality of the people running it. In preparing for the debate the Minister undertook to provide a list of the files that had been lost but which might have been recovered and to state whether any files relating to the Kennedy commission's visits to all the institutions would be made available publicly. In facilitating the debate on the Ryan report, does the Government intend to place a list on record of such files as have been recovered and if, as the former Minister for Education indicated, it will make such files as have been recovered available publicly to those of us who are interested?

The Taoiseach: I will have to ask the Minister for Education and Science about that matter and revert to the Deputy.

Deputy Joan Burton: Would it be possible for the Taoiseach to facilitate some discussion among the Whips on the content of the debate on the Ryan report? The leader of the Labour Party, Deputy Eamon Gilmore, proposed that an investigator be appointed to consider the circumstances surrounding the matters referred to by Deputy Woods. Those of us who pursued this in the House have been told many different things. It was interesting to hear him give quite a different take on events to that which I was given, as I recall, when I raised the issue.

More importantly, many of the people who were in these institutions as children have criminal records. It should be possible to rapidly bring before the House a Bill to expunge these records. Many of these people are still alive and it would be important to them and to their families and descendants.

An Ceann Comhairle: I cannot go into that now.

Deputy Joan Burton: In addition, can we have an up-to-date, final reckoning of how much the religious orders have paid out of the €128 million, how it was spent, and what properties

[Deputy Joan Burton.]

have been handed over? Will an audit be carried out of the rest of their assets? It seems many of them have been transferred into trusts.

An Ceann Comhairle: Will the documentation relevant to the debate be made available?

The Taoiseach: With regard to the indemnity, there is no need to go beyond what the Committee of Public Accounts has already forensically dealt with. This was gone into in detail at the time and nothing further has arisen since then.

With regard to criminal records that may have arisen due to the detention of children in these institutions, all these matters can be considered in the context of the report, which the Cabinet will consider this evening. The other matter to which the Deputy referred——

Deputy Joan Burton: I asked about the audit of the assets of the various religious bodies and whether they have been transferred into trusts. We understand many of them have been transferred in this way so they may not be available.

The Taoiseach: They continue to be used for the purposes for which they have been used and are available to the State for use as educational or health institutions.

Deputy Pat Rabbitte: When will the Spent Convictions Bill be brought back to the House? That would deal with part of the problem we have here.

Does the Taoiseach not agree that it is entirely misleading to seek to give the impression that the report of the Committee of Public Accounts somehow vindicated the deal made with the religious institutions? It did not do anything of the kind; in fact, it found to the contrary. However, it also found it could not do anything about it because it was probable that the deal could not legally be undone. Evidence was taken from the then Secretary General and Accounting Officer and from the two nuns who did a much better job of preserving their interests than the former Minister, Deputy Michael Woods, did for those of the taxpayer. It is wrong——

An Ceann Comhairle: We will not go into that again, Deputy Rabbitte.

Deputy Pat Rabbitte: I am sorry I was not here when this was discussed previously.

It is wrong to give the impression that the report of the Committee of Public Accounts somehow vindicated a negligent and bad deal in the interest of the taxpayer.

The Taoiseach: I was simply pointing out that the indemnity agreement placed legal responsibility on the religious orders to come up with a contribution. The agreement has the impact of making that a legal obligation. The alternative, in the context of apportioning liability, would have been to fight each case separately with the religious institutions concerned.

The question arose as to the best way of dealing with this issue. The number of cases was indeterminate because, while 2,500 claims of action had been undertaken, the total number before the redress scheme was in the region of 14,000. In the context of what was being done at the time, one option was to come to an arrangement with religious institutions, through an indemnity agreement, regarding the contribution they would make. If such a contribution were not made we would have to pursue each individual case thereafter. The question arises in all such cases of the best way, taking a schematic approach, to ensure that victims get redress. We are not dealing with a confrontational court case in each instance. The liability of the State arose because of acts and omissions of the State, regardless of whether there is an indemnity

agreement. The question arose of how we could obtain a contribution from those who acted on behalf of the State, and those decisions were made at that time.

To be helpful, I will elaborate on the question of criminal records. Given that the committal process to industrial schools had the trappings of a criminal process, it has given rise to certain perceptions. However, children committed to industrial schools do not have a criminal record associated with that committal. Section 35 of the Residential Institutions Redress Act 2002 puts beyond doubt that a person who was detained in an industrial school as a child in circumstances in which no criminal offence was committed by him or her is not to be regarded as having a criminal record. A much smaller number of children were committed to reformatory schools — effectively, that at Daingean — to serve sentences for specific criminal offences. However, the Children Act 2001 provides that any person convicted of an offence while a child shall be treated for all purposes in law as a person who has not been charged or found guilty of the offence provided he or she has not re-offended within a three-year period after conviction. The legislation has already gone further than a pardon in that respect. The question of a pardon can only apply to those children convicted of a criminal offence. The vast majority of people concerned were not convicted of any crime, and such a provision would not bestow any further benefit than that already provided for by the Children Act.

Deputy Joan Burton: Many of the people involved, of whom I know many, feel they were criminalised by virtue of the way in which the records are maintained.

An Ceann Comhairle: There will be a debate on this. We must conclude.

Deputy Joan Burton: It seems we are to have a blasphemy law in this country, which nobody wants, before we deal with this issue. This is very important to the people who lived through this episode and are still alive, and their children.

An Ceann Comhairle: This is not in order. Deputy Burton can make a contribution during the debate and she will have ample opportunity to make her views known.

Deputy Joan Burton: I urge the Taoiseach to consider this. They were criminalised.

The Taoiseach: I have provided this information for the benefit of the House.

Deputy Dermot Ahern: The Deputy should look at section 35 of the Residential Institutions Redress Act.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Finance and the Public Service has completed its consideration of the Finance Bill 2009 and has made amendments thereto.

International Tropical Timber Agreement: Motion.

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

That Dáil Éireann approves the terms of the International Tropical Timber Agreement (ITTA) 2006, the text of which was agreed at the United Nations Conference on Trade and Development (UNCTAD) in January 2006, a copy of which was laid before Dáil Éireann on 5 May 2009.

Question put and agreed to.

European Council Regulation: Motion.

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

That the proposal that Dáil Éireann approves the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measure:

a proposal for a Council Regulation on the establishment of an evaluation mechanism to verify the application of the Schengen acquis,

a copy of which proposed measure was laid before Dáil Éireann on 2nd April, 2009, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 10 June 2009, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Appointment of Ombudsman and Information Commissioner: Motions.

Minister for Finance (Deputy Brian Lenihan): I move the following motions:

That Dáil Éireann recommends Ms Emily O'Reilly for appointment by the President to be the Ombudsman.

That Dáil Éireann recommends Ms Emily O'Reilly for appointment by the President to be the Information Commissioner.

I am pleased to move these resolutions recommending Ms Emily O'Reilly for appointment by the President as the Ombudsman and Information Commissioner. This is an important appointment in the framework of our public administration and I hope the House will be able to support the resolutions, as it did when she was first appointed.

Ms O'Reilly was appointed to the Offices of the Ombudsman and Information Commissioner in June 2003 for a term of six years. I am pleased that she is willing to serve a second term, and to nominate her for re-appointment. I believe she is the right person to lead those offices in the challenging times that lie ahead of them and the public administration generally.

Ms O'Reilly is the third holder of the Office of the Ombudsman. Both her predecessors were reappointed and both contributed substantially to the development of the office during their tenure. The first Ombudsman, Mr. Michael Mills, a former political editor of *The Irish Press*, established and developed the Ombudsman's central role of examining individual complaints against public bodies. During his term, and thanks largely to his efforts, the office achieved widespread respect and acceptance within the public administration. The second Ombudsman, Mr. Kevin Murphy, a former Secretary General of public service management and development at the Department of Finance, was also the first Information Commissioner under the Freedom of Information Act 1997, a role in which he contributed to a fundamental shift towards openness and transparency in administration. The second Ombudsman, Mr. Kevin Murphy, formerly Secretary General in charge of public service management and development, was also the first Information Commissioner under the Freedom of Information Act 1997, a role in which he contributed to a fundamental change towards openness and transparency in administration.

I should mention that the current Ombudsman has also seen her role enlarged. Since 2007 she holds the Office of the Commissioner for Environmental Information, providing an independent appeals system to cater for applicants whose requests for environmental information have not been dealt with to their satisfaction.

The Freedom of Information Act 1997 made a fundamental change in the relationship between the Administration and the citizen. Where previously most of the business of Departments was conducted in secrecy, today, under the Act, that business is open for inspection. Twelve years on, freedom of information is well embedded in our public administration. More than 140,000 requests have been made over that period to more than 500 public bodies.

The Information Commissioner and her distinguished predecessor have played a central role in establishing the freedom of information regime in Ireland. As one would expect, there has not always been agreement between the Administration and the commissioner about the interpretation of the Act, nor should one always expect there to be. Her office has won the respect of citizens and of public servants alike for a very important and independent role in helping to bring about the necessary culture change and she has been a strong and relentless advocate in articulating the importance of openness and transparency in Government.

While the fundamental role of the Ombudsman's office is to examine individual complaints against certain public bodies, the Ombudsman has often referred to the "added value" that her office brings to bear arising from the complaint examination process. By this she means the wider improvements in public administration which her office brings about by the unearthing of systemic issues which come to light through individual complaints. Where public bodies use the lessons learned from her findings their clients will not have similar cause for complaint, thus improving public administration.

Based on lessons learned from individual complaints over the years, the Ombudsman and her office have produced a series of guidelines for the public service which serve as templates to improve the quality of specific aspects of customer service. These include the Ombudsman's Principles of Good Administration; the Ombudsman's Standards of Best Practice for Public Servants; the Ombudsman's Guide to Internal Complaints Systems; and Redress — Getting it Wrong and Putting it Right.

A long awaited extension of the Ombudsman's jurisdiction is provided for in the Ombudsman (Amendment) Bill 2008, which is now awaiting Report Stage in this House. When the Bill is enacted, the Ombudsman will be empowered to investigate the administrative actions of vocational education committees, higher education institutions and a range of other bodies whose administrative actions have not previously been subject to investigation. The Bill also provides the Ombudsman with additional powers and updates various provisions in the Ombudsman Act 1980 in the light of the passage of time.

Ms O'Reilly in her second term of office will be required to oversee the most significant extension of the Ombudsman's remit in almost 25 years.

Deputy Richard Bruton: I offer the support of Fine Gael for the reappointment of Emily O'Reilly as Ombudsman. She is a native of Tullamore, County Offaly, which no doubt commends her to the Government. She has many other traits that also make her suitable for this post.

She has brought great effectiveness to this office, which is now 25 years old. In that time the office has done excellent work, handling more than 70,000 complaints. It has been an important service to those who are not otherwise protected. The Ombudsman's office singularly pioneered

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an issue which is before the House today, the inequity in the way people who had cover under the Health Acts were abandoned by the State when it came to nursing home care. The Ombudsman's office continually highlighted this unfairness in its reports. The ultimate end of that process is in the legislation before us today which, flawed as it may be, tries to address something the Ombudsman has been pursuing for more than a decade.

The issue of holding power to account is one about which our society must think long and hard. Today we are seeing the fall-out from the failure to hold to account power in the church and the appalling impact that has had on people's lives. We are also grappling with the failure to hold to account power within the financial services system, with the appalling results for our economy. We must look afresh at how effectively we in the Dáil hold power to account. That includes political power, which is poorly held to account compared to other more forensic and powerful parliamentary systems. The accountability of agencies that are doing the work we fund must be also more powerfully monitored. Monopolies, private and public, that have the protection of being exclusive in their role in particular sectors sometimes abuse that power.

In the wake of all these problems we should afresh at the effectiveness of the Oireachtas at holding power to account and consider whether we should think about new avenues. The Ombudsman and the Freedom of Information Act are important protections and have had significant victories. We have a long way to go, however, to get a system where those elected by the people are in a position to shine a light into all corners of Irish life, ensuring those who are vulnerable are treated properly and that people are doing their work with due care and prudence, protecting all of our interests, including the interests of those who cannot express their concerns.

This is not the occasion for that debate but recent experiences underline the importance of Oireachtas Members taking this role more seriously and equipping our committees to deal with it more seriously. Hopefully that will be one result of the debates we will soon have on the protection of children, the protection of people against financial buccaneering and other debates that are necessary on holding power to account. It is to people like Emily O'Reilly we can look for advice on doing that.

Deputy Joan Burton: I welcome the Minister's decision to reappoint Ms Emily O'Reilly as Ombudsman and Information Commissioner. I also thank the Taoiseach for his courtesy in contacting and consulting Deputy Eamon Gilmore, leader of the Labour Party, in respect of the appointment. Ms O'Reilly has performed her functions as Ombudsman well and has been well served by a diligent and dedicated staff.

The Ombudsman is often the point of last resort for individuals who have been aggrieved by systems of public administration. There has been massive development of public bodies in the past 20 years, with large numbers of middle and senior managers appointed. Many of those appointments and structures are not amenable to the more informal advising and provision of information that was the norm at one time. Having an Ombudsman who can take up issues of how public authorities deal with those who pay their wages is a vital form of recourse. It is valued by those who approach the office.

Sometimes it takes a long time. The issues must be thoroughly investigated and there can be constraints on resources. We have made proposals for the extension of the office to cover information being made available to taxpayers independent of the Revenue Commissioners where an issue has arisen related to a taxpayer's rights.

That brings me to another question. Over the years of her appointment, the Ombudsman, on a number of occasions, has written to the various committees and the House in a number of reports about her dissatisfaction with her powers and has recommended substantial increases in the powers under her various offices or the extension of the remit of her powers to additional bodies. I welcome the fact that when the legislation is completed, her powers will be extended to vocational educational bodies. However, it is very bad that her powers do not extend to the financial area. We have a system of financial regulation in this country involving the Financial Regulator, the Central Bank, the NTMA, the National Development Finance Agency and the National Pensions Reserve Fund, and all of them are pretty much exempt from the freedom of information legislation and the Information Commissioner.

The Freedom of Information Act was introduced by the Labour Party and implemented by Fianna Fáil after it came into office in 1997. It has probably been responsible for some of the most important cultural changes in this country. Today, we have all been talking about different tragic aspects of the Ryan report on the abuse of children in institutions by clergy and others. If recourse to freedom of information had been available to many of the individuals who suffered in those institutions, it would have made an enormous difference.

Tens of thousands of people, pensioners and ordinary people have invested relatively small to medium and large sums of money in our banks. They have no recourse to freedom of information and the best tribute the Minister could pay to the Ombudsman would be to extend her remit to those areas. While we are all praising her here, the highest form of praise from the Minister would be to extend her remit to those areas that have been requested and serve the public demand for freedom of information.

Deputy Arthur Morgan: I welcome the opportunity to support this motion to reinstate Ms O'Reilly as Information Commissioner. I acknowledge the work Ms O'Reilly has done. It is a pity her views and recommendations have not been taken on board by the Government. In March 2007 the Information Commissioner published a list of suggestions aimed at improving the operation of the Freedom of Information Act. These included that fees for internal review of freedom of information decisions and appeals to her office be brought into line with other jurisdictions which do not charge or have only a nominal fee; that such fees be refunded in the event of a successful appeal of a public body's decision; that some of the amendments to the Freedom of Information Act in 2003 be removed, particularly those relating to Government records and the too-wide definition of Government; and that the Freedom of Information Act apply to all records of the Health and Safety Authority, the enforcement records of which were removed from the scope of the Act in 2005.

The Information Commissioner has also called for all new State bodies to come under FOI as soon as they are established. This is especially important for NAMA, which will place a major financial burden on taxpayers and where transparency is essential. None of these recommendations has been taken on board by the Government, although the Minister for Finance made positive soundings on NAMA and its remit under the Freedom of Information Act at this morning's finance committee meeting. The Government has continued to pursue a policy of making freedom of information requests costly and bureaucratic and this allows State bodies to get away with withholding information from the public, to which it should have access.

Recently, I made a freedom of information request to the National Treatment Purchase Fund, which has a budget of €100 million. I requested information on how much private hospitals are charging the NTPF for operations such as knee and hip replacements. The NTPF refused this information because it is "not in the public interest". It is saying it is not in the

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public interest that information on money being spent by a public body to the tune of €100 million per annum be given to the public. It is an obscene reply. If so-called State bodies can simply refuse to provide information, there is something wrong.

The Ombudsman's remit should be extended to cover the asylum and naturalisation process. Ms O'Reilly has repeatedly called for this power, which is held by every other Ombudsman in the EU. The Government never hesitates to use the excuse of bringing the State into line with the rest of the EU when it wishes to adopt repressive measures on immigration or other matters. The need for independent oversight of these processes was demonstrated again last week when a freedom of information request revealed that the Department of Justice, Equality and Law Reform deliberately held back a number of citizenship approvals last summer so the applicants could be charged the higher fees which came into effect on 1 August.

Regular violations of fair procedure in the asylum process, such as the continued use of *www.wikipedia.com* as evidence against protective claims, despite stated Department policy to the contrary, show the need for the Ombudsman to be given the power to monitor these processes. Recently, Ms O'Reilly expressed frustration that her repeated request to have the remit of her office extended to cover the asylum and naturalisation process have been rejected by the Government. She has complained that she lacks the jurisdiction of her European counterparts in this area.

At the official launch in Dublin yesterday of the Women's Health Council Report entitled *Translating Pain into Action: A Study of Gender-Based Violence and Minority Ethnic Women in Ireland*, Ms O'Reilly said:

I have been asking for the remit to be extended in relation to asylum seekers and naturalisation issues. All my EU colleagues have that. I have consistently been told, "No," my remit will not be extended into that area. It is a source of frustration to me that this has not been acted upon.

She said she wanted to monitor the administration of the asylum and naturalisation process rather than become involved in the final decisions in individual cases. She also said: "An Ombudsman does not seek to overturn decisions, which are a matter for the appropriate authorities, including the courts, but to ensure the process has been followed correctly and fairly." Surely that is a very reasonable request. Ms O'Reilly said her proposal was supported by the Council of Europe's Human Rights Commissioner, Thomas Hammarberg, who delivered a report on Ireland last year. Commissioner Hammarberg noted that the Ombudsman has actively sought an extension of her mandate "and is one of the few Ombudsman's office in Europe being restricted in these matters". I support the motion and welcome the reappointment.

Minister for Finance (Deputy Brian Lenihan): I thank Deputies for their unanimous endorsement of Ms O'Reilly as Ombudsman. A number of points were made on the legislation and we will have an opportunity to address that when the amending legislation on the Ombudsman comes before the House in the next few months. Deputy Burton thanked the Taoiseach for his courtesy in consulting the party leaders before the appointment. I am glad when Deputy Burton thanks the Taoiseach for his courtesy, but because the legislation requires the appointment to be made by resolution of the House, the intention was that in all cases the Opposition should be consulted not as a matter of courtesy, but as a matter of right on an appointment as important to the constitutional administration of the country as this.

Ms O'Reilly was well known to all of us as one of the ablest journalists of her generation in this country. We all read her work widely and sometimes heeded it and sometimes did not. The same can be said of her work over the past six years as Ombudsman and Information Commissioner and, naturally, we have heeded her warnings in that role. I am pleased that the House is recommending her reappointment.

Questions put and agreed to.

Nursing Homes Support Scheme Bill 2008: Report Stage.

An Ceann Comhairle: I draw the attention of Members to some printing errors in the amendment list. Amendment No. 2 should have a footnote indicating that it is referring to the subsection being inserted by amendment No. 99. Amendment No. 49 should begin, "Any decision under *subsection (4)*.....," not "Any decision under *subsection (2)*.....". Amendment No. 63 should propose to delete lines 32 to 41 and not 32 to 43. The footnotes to amendments Nos. 101 and 102 should read, "This is the correct reference if amendment No. 99 is accepted" and not "amendment No. 100".

Amendment No. 1 requires recommitment because it does not arise out of Committee proceedings. Amendments Nos. 45, 46 and 83 are related so amendments Nos. 1, 45, 46 and 83 may be discussed together.

Bill recommitted in respect of amendment No. 1

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I move amendment No. 1:

In page 6, between lines 49 and 50, to insert the following:

““authorised person” has the same meaning as it has in *section 17*.”.

The collective purpose of these amendments is to provide for the possibility of electronic registration and discharge of charging orders under the nursing homes support scheme. This is consistent with the current e-conveyancing programme being pursued by the Property Registration Authority. The amendments enable the electronic creation and registration of charging orders by authorised persons within the HSE and the electronic discharge of charging orders by authorised persons within the HSE following repayment of ancillary State support. They also provide for the prescription by regulation of simple forms of charging order and discharge application for the purposes of the nursing homes support scheme.

The benefit of the amendments is significant in terms of ensuring a speedy, standardised and extremely cost-effective approach to processing charging orders. This is important in terms of enhancing public sector efficiency but also in terms of ensuring that families are not unduly delayed in selling or transferring property.

A final important point is that the amendments are enabling rather than restrictive in nature. As such, charging orders and applications for the discharge of charging orders can also continue to be processed under the existing paper based system. I ask Deputies to support these beneficial amendments.

Deputy James Reilly: I ask the Minister of State for some clarity. In regard to amendment No. 45, is the board of the executive the board of the HSE?

Deputy Áine Brady: Yes.

Deputy James Reilly: In regard to amendment No. 46, is it correct that the HSE will notify the Property Registration Authority?

Deputy Áine Brady: Yes.

Deputy James Reilly: In regard to amendment No. 45, which refers to transmitting orders by electronic means to the Property Registration Authority in accordance with subsection (13), can we include “and other means” in case there is a systems or an electronic failure?

Deputy Áine Brady: It is not necessary because we have said they can be processed under the existing paper-based system.

Deputy James Reilly: Where is that?

Deputy Áine Brady: I have just given Deputy Reilly that information. It says “may” and not “shall”.

Deputy Jan O’Sullivan: Why is this being included in the Bill by way of recomittal? Why was it not included in the first place? I have no problem with it. We should use electronic means and find the best way to process and pass on information.

Deputy Áine Brady: The reason is the Property Registration Authority, which is referred to as “the authority”, commenced this electronic discharge of mortgages after 30 March last after Committee Stage. We saw this project as providing a new on-line system enabling the lending institutions to request the cancellation of registered charges by electronic means without the need to submit any paper to the authority. There are benefits to the new system. It only commenced this electronic discharge of mortgages after Committee Stage.

Amendment agreed to.

Bill reported with amendment.

Acting Chairman (Deputy Brian O’Shea): Amendment No. 2 arises out of Committee proceedings. Amendments Nos. 99 to 103, inclusive, are related to amendment No. 2. Amendments Nos. 2 and 99 to 103, inclusive, may be discussed together.

Deputy Áine Brady: I move amendment No. 2:

In page 8, line 14, to delete “shall specify“ and substitute “shall, subject to *section 33(2)*, specify”.

Amendments Nos. 2 and 99 to 102, inclusive, collectively address an issue raised by my colleague, Deputy Reilly, on Committee Stage. The Deputy had proposed that the basis for charges for public nursing home care should be laid before the Houses of Oireachtas. It is my intention that information on the goods and services that make up the public bed price, that is, the cost components, would be openly available to the public. Thus, in the interests of transparency, I am happy to accept the spirit of Deputy Reilly’s original proposal.

One will note that the wording differs somewhat from that proposed by Deputy Reilly. The reasons for this alteration are twofold — first, to ensure legal clarity in terms of what exactly the Minister must lay before the Houses and, second, to ensure consistency and correct alignment with the definition of long-term residential care services and other directly related provisions within the Bill. For that reason, I ask my colleagues to support these amendment in place of the amendment No.100 which has been resubmitted by the Deputy.

Amendment No. 103 proposes that the HSE, in determining the cost of care services, shall stipulate the services provided. As explained on Committee Stage, this amendment is unnecessary as the definition of long-term residential care services in section 3 already provides that the HSE must specify the health and personal care services to be provided when designating facilities for the purposes of the scheme. Moreover, this amendment could now conflict with amendment No. 99 which stipulates that the Minister, following consultation with the HSE, shall be ultimately responsible for publishing information on the services provided. For that reason, I do not propose to accept amendment No. 103.

Amendment agreed to.

Acting Chairman: Amendment No. 3 in the name of Deputy Reilly cannot be moved as it is a charge on the Revenue and is, therefore, out of order. Amendment No. 4 in the name of Deputy Jan O’Sullivan arises out of Committee proceedings. It is related to amendment No. 5 and both may be discussed together.

Amendment No. 3 not moved.

Deputy Jan O’Sullivan: I move amendment No. 4:

In page 11, between lines 25 and 26, to insert the following:

“5.—The scheme provided by this Act shall be subject to the principle that the applicant and where relevant his or her family can choose the nursing home that most suits their needs, and any applicant who is entitled to benefit from the scheme shall be informed of the details of all nursing homes from which to choose care.”.

I thank the Minister for taking my point on board. Her amendment No. 5 accepts the idea that there should be choice. What I was trying to achieve in amendment No. 4 was that the applicant and his or her family should have the choice of nursing home that most suits their needs. On Committee Stage, the Minister said she would look at it to see if she would come back with an amendment on Report Stage. While her amendment is not exactly the same as mine, it states that the applicant may select the relevant facility or approved nursing home from a list given. That is a reasonable acceptance of the point I made.

Amendment, by leave, withdrawn.

Deputy Áine Brady: I move amendment No. 5:

In page 11, after line 45, to insert the following:

“(5) The Scheme established by this Act shall be operated subject to the principles that—

(a) applicants who are determined by the Executive to need care services in accordance with *section 7(8)* shall be informed of the names and addresses of all relevant facilities and approved nursing homes, and

(b) subject to *section 12(3)* and subject to the availability of a long-term residential care bed, the applicant may select the relevant facility or approved nursing home in which to receive care services.”.

Amendment agreed to.

Acting Chairman: Amendment No. 6 in the name of Deputy O’Sullivan arises out of Committee proceedings.

Deputy Jan O’Sullivan: I move amendment No. 6:

In page 11, after line 45, to insert the following:

“(5) It is a function of the Executive to assess the adequacy of resources provided under *subsection (4)* and to report thereon to the Houses of the Oireachtas.”.

This is an important amendment which I intend to press if the Minister of State is unable to accept it. It states: “It is a function of the Executive to assess the adequacy of resources provided under *subsection (4)* and to report thereon to the Houses of the Oireachtas.” Basically, a limited amount of money is being set aside for the purposes of this legislation. We have already been told how much is being set aside this year and the scheme is being introduced in September, or at least the autumn. It may be adequate for the remainder of this year but we have no idea how much money will be set aside next year, or in future years.

While I am not allowed to table an amendment that would be a charge on the Exchequer, this amendment is as strong as I can make it. It seeks to impose an obligation on the HSE to inform the Houses of the Oireachtas if there is not adequate funding to pay for people in nursing homes who qualify under the scheme. If there is not enough money, we shall end up at some stage in the year with the money gone and people having an entitlement under the scheme, which is a frightening prospect for elderly people and their families. I alluded on Committee Stage to the types of schemes being implemented by local authorities where a house can be adapted to meet the needs of an elderly or disabled person. We all know from dealing with our respective local authorities that the money runs out. No matter how much a grab rail for a shower or a ramp for a wheelchair is needed or whatever, these services will not be available if the money is gone.

I do not want enshrined in this legislation the principle that somebody in an acute bed qualifies under the provisions of the Bill but there is no place to go because of a lack of funding with the result that the family cannot afford to pay for the nursing home. In all parts of the country long-stay public beds are being closed. Beds for old people in publicly run hospitals are being closed. In my constituency, the Abbey ward in St. Camillus’s hospital would have been closed were it not for nurses refusing to co-operate. There are many other cases such as this around the country.

My fear is that we shall see far fewer public beds available and more and more dependence on the private sector, which has been the trend in recent years. If the money runs out there is no way the private sector will care for people if there is not means of payment. Many families have been struggling already with the gap between the subventions as they currently exist — even with the top-up subvention, plus the pension and any moneys families can scrape together — and the actual cost of the nursing homes. The intention in this legislation is to bridge that gap, but it will be resource capped and there is not even a mechanism for the HSE to inform the Oireachtas, which has the power to introduce a supplementary Estimate to provide more money, as required. This is not provided for in the legislation and it is what my amendment is seeking to do. At least then the House could be told if there was a shortage of money and the Government of the day could then introduce some mechanism for providing it.

I hold strong views on this aspect. It is one of the areas of concern to the various representative organisations we have met. There is a weakness in the legislation that has not, perhaps, been as publicly aired as some other aspects. At a time when there is a shortage of public funds — I realise resources are limited — we must have a mechanism whereby if it is found there

are not sufficient resources for this scheme in any given year, there must be a mechanism for bringing this to the attention of the Legislature so that something may be done about it.

Deputy James Reilly: I support my colleague's amendment. The real danger concerns the assessment of people. What will meet requirements today will not do so tomorrow as the money runs out and the threshold for high dependency will rise, unless it is strictly laid down — which is something we shall address later — and there is independent assessment.

Deputy Caoimhghín Ó Caoláin: I, too, support Deputy Jan O'Sullivan's amendment. It focuses on one of the real deficiencies in relation to the whole approach behind this Bill. There is no commitment to ensure adequate provision for people who will need nursing home care at some stage in their lives. God forbid, it could be for any of us in this Chamber this evening.

I am deeply alarmed by one of the major purposes of the legislation, namely, to remove the entitlement to a public bed in a public nursing home free of charge. That has been a right heretofore but the Bill seeks to remove that entitlement. There has been a universal right, albeit against a shortage of bed provision has, to that entitlement. To put it in simple terms, if any of us was to have a cardiac arrest we are entitled under current legislation to have access to a free public bed in a public hospital to get the care required. However, if one of us was to have a stroke and required longer term nursing care support the person concerned would no longer have the same entitlement and right as a citizen as had been enjoyed up to now.

This will have very serious consequences for people in the future. Given the bent of this Government and this Minister — and I do not divorce one from the other although the Government would like to hid behind the current Minister — this is the position that has been repeatedly endorsed by the Taoiseach. Their whole bent is towards the privatisation of health care need and provision, something I strongly oppose. In a time of ever straitening economic circumstances it is another of those areas along with the litany of others involving people in greatest need, who will suffer first and most from the Government's approach.

It is very important to have the necessary assessment regarding provision of resources and accountability should be made directly to the Houses of the Oireachtas. This is something that needs to be affirmed and I hope the Minister of State will accept the amendment on behalf of the Minister and the Government. Given the make-up of this Government and the Department's stewardship there is little hope otherwise for people having their real concerns and needs aired honestly in the future.

Deputy Paul Connaughton: I agree with the sentiments expressed regarding Deputy O'Sullivan's amendment. This question arose on Committee Stage. I should like the Minister of State to reflect carefully on this because it is very important. As has been pointed out, we all know we are in very tight financial circumstances, which are likely to prevail in Ireland for a number of years. The problem arises in terms of the time it takes legislation to be interpreted once it is passed. There are several classifications of people outside the assessment eligibility for this scheme, and I want to put this on the record, as I did on Committee Stage.

In rural areas, there are a number of people who live on their own, who suffer from great loneliness and who have a certain type of mental health problem. The latter is not too severe and these individuals are just about able to care for themselves. However, they do not have anyone to look after them. I am of the view that by the time the legislation is enacted, they will not meet the assessment criteria. In such circumstances, what will they do? According to the Government, the playing field is supposed to be level but there is no place to which these people can go.

[Deputy Paul Connaughton.]

I made the case in respect of this matter quite strongly on Committee Stage and I am very disappointed that the Minister for Health and Children and the Government have not seen fit to ensure that the people to whom I refer will be catered for in the legislation. Will the Minister of State indicate who these individuals will be assisted in their old age when they will have no one else to care for them?

Deputy Áine Brady: The allocation and adequacy of resources is ultimately a matter for the Minister for Health and Children, Deputy Harney, and the Government. Notwithstanding that, the Minister is satisfied that sufficient provision has been made to ensure that the resources allocated under the scheme, and their adequacy, are constantly monitored.

Under section 31 of the Health Act 2004, the HSE must prepare and submit a service plan and the Minister will stipulate that this plan must indicate the numbers of people provided with support under the scheme. In addition, the HSE must also include in its annual report any information which may be specified by the Minister for Health and Children under section 37 of the 2004 Act. For the purposes of the scheme, a dedicated subhead, B16, has been established within Vote 40. This subhead will be subject to careful monitoring and my Department has already agreed a set of reporting requirements in this regard.

On the care needs, we do not accept that the benchmark for dependency will be moved upwards, particularly because it will be subject to a multidisciplinary panel of professionals and their codes of ethics. This will equalise access for both public and private patients because, as must be acknowledged, the majority of provision in nursing homes is in the private sector. By law, the care needs assessment, which is holistic in nature, must take family, social and community circumstances into account.

Deputy Jan O’Sullivan: I am not reassured by the Minister of State’s remarks. She indicated that the HSE will monitor whether adequate funding will be available. At present, however, the HSE is presiding over the closure of wards in Our Lady’s Children’s Hospital in Crumlin and other hospitals throughout the country and cutbacks that are affecting patients everywhere. I do not have any confidence that the HSE is suddenly going to provide adequate funding for the scheme under discussion.

On Committee Stage, the Minister for Health and Children, Deputy Harney, stated that the scheme is based on eligibility rather than entitlement. In other words, one can be eligible but not entitled. While one might be eligible, if there is no money one will not be catered for. As a result, one could be stuck in an acute bed with nowhere else to go.

As Deputy Ó Caoláin pointed out — this matter was also referred to by Deputy Bruton at an earlier stage — the Ombudsman differed with the Minister of the day in respect of the entitlement of elderly people to be provided with long-stay care as a matter of right under the Health Act 1970. The Bill removes that right. We fundamentally object to this development. In the absence of their having a right, we must ensure that adequate funding is provided in respect of people who require care. I feel strongly about the amendment and I intend to press it to a vote.

Deputy James Reilly: If I heard her correctly, the Minister of State indicated that adequate resources would be available to the HSE in order to allow it to monitor the position. That would not surprise me. Like Deputy Jan O’Sullivan, I have no faith in the HSE ensuring that adequate services are provided. In addition, I have no faith in the Minister for Health and Children who, as was the case with cervical vaccinations, cystic fibrosis facilities, etc., gives and takes away at the same time.

I do not accept the Minister of State's contention that a multidisciplinary team will act as a guard against standards changing. There has been much experience of this in the UK. In that jurisdiction, if a health authority has facilities relating to, for example, autism, there will be a much higher diagnostic incidence of autism. Among health authorities which lack such facilities, the incidence drops considerably. This is due to the fact that if a child is diagnosed with autism, he or she must be facilitated by a neighbouring health authority. In addition, his or her care must be paid for by his or her local health authority.

Unless, as the amendment suggests, an assessment process that will be independent of the HSE is put in place, there will not be a safeguard in place in respect of patients. As a result, I oppose the relevant provision in the Bill.

Deputy Caoimhghín Ó Caoláin: Will the Minister of State indicate the extent of the consultation that has taken place with the various representative bodies which work, campaign and lobby on behalf of senior citizens since the Second Stage debate took place? We noted on Second Stage and Committee Stage that consultation involving groups such as Age Action did not take place during the drafting process relating to the legislation. These groups strongly protested about the fact that they were left outside the door with regard to the compilation of the proposals contained in the Bill. Will the Minister of State indicate the extent of any engagement that has taken place since Second Stage? Was the extent of the concern that exists among the current cadre of senior citizens impressed upon the Minister or Ministers of State at the Department of Health and Children? In the future, and if God spares us, those of us present in the Chamber will be members of that cadre.

This is an extremely important matter. The Government is pressing ahead with legislation which is not favoured by those who have the first and direct responsibility of voicing the concerns of the aged. As stated earlier, a serious precedent is being set in the context of a section of society, the members of which will not have access, by right or entitlement, to an essential element of public health care provision, being carved off. The Government is saying that people of senior years who, for a variety of reasons, may have need of nursing home care will no longer have an entitlement to universal access to free public health care provision.

What will happen when this legislation is enacted? Will the Government carve off a further section of society, the members of which have specific problems relating to their age or the ailment or disease from which they suffer? Who is next?

Deputy Paul Connaughton: The longer this debate goes on, the more worried I become with regard to what will happen to the elderly in the future. In light of the Minister of State's remarks, I am of the view that huge waiting lists will be created and that there will be a competition among the elderly to qualify for the scheme. The Minister of State provided a guarantee that the HSE will have adequate funding. It is only two or three weeks ago the winter initiative respite service for the western region was discontinued. The official line from HSE West is that only people who do not have relatives to take care of them can avail of a two-week stay at a nursing home or step-down facility when they leave hospital. If the HSE is given the same power to cut budgets under this legislation, what will be the impact on the elderly? That aspect of the matter has not been highlighted to any great degree prior to now. The gloss is going off this scheme as every minute passes in the Chamber.

Deputy Áine Brady: Regarding the monitoring of resources, the allocation and adequacy of resources is a matter for the Minister and will be monitored by the Department. The HSE must prepare and submit the service plan and give all relevant information to the Department. Monitoring is done by the Minister and the Department on a dedicated subhead against a monthly profile and return.

[Deputy Áine Brady.]

Regarding Deputy Ó Caoláin's point, departmental officials met with anyone who requested a meeting after the debate on Second Stage. This included the Senior Citizens Parliament, Age Action Ireland and the IFA. Departmental officials also met with the social partners after the publication of the Bill in October 2008 and on the announcement of the scheme in December 2006.

Deputy Caoimhghín Ó Caoláin: Will the Minister indicate the extent of heeding of the submissions by the Department?

Deputy Áine Brady: I am sure the Department listened very carefully to what was said.

Deputy Caoimhghín Ó Caoláin: I am sure it did.

Deputy Paul Connaughton: There were many things of which it took no heed.

Deputy Jan O'Sullivan: As nothing the Minister of State said has convinced me otherwise, I will press the amendment. To be told that the HSE will propose a service plan and the Minister will monitor funding gives us no security in terms of safeguarding the needs of senior citizens.

Deputy James Reilly: It is cold comfort.

Deputy Jan O'Sullivan: We know the history of the HSE and the Minister, particularly in the past year, in terms of providing adequate funding for a variety of areas. I referred to the Our Lady's Hospital for Sick Children in Crumlin and other cuts. The HSE is largely responsible for this although the Department of Health and Children and the Department of Finance, which has a major role in deciding what money will be spent in health, are standing idly by while wards are being closed and waiting lists grow longer. There are more people on trolleys in accident and emergency units now than when the Minister said it was a national emergency.

Regarding the Minister standing over the rights of elderly people, she decided she could not introduce the HPV vaccine for young girls in order to protect them from a deadly disease. I do not have confidence in the Minister or the HSE to ensure that there is adequate funding for this scheme. The entitlement under the 1970 Act, which the Ombudsman referred to as an absolute entitlement although the then Minister, Deputy Micheál Martin, disagreed with the Ombudsman, has been taken away. It is up to legislators to do what we can and, as members of the Opposition, all we can do is press amendments to ensure that this legislation safeguards the needs of our elderly people so that they do not end up being told, halfway through the year, that they are entitled to a long-stay bed under the support scheme but that the HSE has no money to allow them to take up the entitlement. It is intolerable and I cannot stand over this proposal.

Amendment put.

The Dáil divided: Tá, 37; Níl, 75.

Tá

Bannon, James.
Breen, Pat.
Broughan, Thomas P..
Burke, Ulick.
Burton, Joan.
Byrne, Catherine.
Carey, Joe.
Connaughton, Paul.

Creed, Michael.
D'Arcy, Michael.
Enright, Olwyn.
Gilmore, Eamon.
Higgins, Michael D..
Hogan, Phil.
Howlin, Brendan.
Lynch, Ciarán.

Tá—*continued*

McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
Mitchell, Olivia.
Morgan, Arthur.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Donnell, Kieran.
O'Mahony, John.
O'Shea, Brian.

O'Sullivan, Jan.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Sherlock, Seán.
Stagg, Emmet.
Stanton, David.
Tuffy, Joanna.
Upton, Mary.

Níl

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Johnny.
Browne, John.
Calleary, Dara.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Kelleher, Billy.

Kelly, Peter.
Kenneally, Brendan.
Kennedy, Michael.
Kirk, Seamus.
Kitt, Michael P..
Kitt, Tom.
McDaid, James.
McEllistrim, Thomas.
McGrath, Mattie.
McGrath, Michael.
Mansergh, Martin.
Martin, Micheál.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J..
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Brien, Darragh.
O'Connor, Charlie.
O'Dea, Willie.
O'Flynn, Noel.
O'Hanlon, Rory.
O'Keefe, Batt.
O'Rourke, Mary.
O'Sullivan, Christy.
Power, Peter.
Power, Seán.
Roche, Dick.
Ryan, Eamon.
Sargent, Trevor.
Scanlon, Eamon.
Smith, Brendan.
Treacy, Noel.
Wallace, Mary.
White, Mary Alexandra.
Woods, Michael.

Tellers: Tá, Deputies Emmet Stagg and David Stanton; Níl, Deputies Pat Carey and John Cregan.

Amendment declared lost.

Acting Chairman: Amendment No. 7 arises from Committee proceedings and amendments Nos. 8 and 26 are related. Therefore, the amendments may be discussed together by agreement.

Deputy Jan O'Sullivan: I move amendment No. 7:

In page 12, line 34, after “possible” to insert “and in any event within two months”.

[Deputy Jan O'Sullivan.]

Two of these amendments are in my name, Nos. 7 and 26. The purpose of No. 7 is to have a deadline for the carrying out of care needs assessments. In other words there should not be an expansion of the time allowed for care needs assessment, as it is important that these be done as quickly as possible while giving a reasonable amount of time to them. I have suggested a timeframe of two months. Amendment No. 26 gives a timeframe for the preparation of reports.

Deputy James Reilly: My amendment is of a similar ilk but seeks to make the timeframe even shorter at six weeks, which is reasonable. I would be happy if the Minister of State agreed to leave it at two months.

Deputy Caoimhghín Ó Caoláin: I support the principle of setting a specified period within which the assessment must be carried out. The way the Bill is currently drafted leaves the matter very open-ended. The proposition “at the earliest time possible” or words to that effect is not good enough. The timeframe should be six or eight weeks but I would prefer it to be shorter having had experience of representing many cases over the years. That is what is needed. I ask the Minister of State to accept this principle and insert it into the legislation.

Deputy Áine Brady: Amendments Nos. 7 and 8 propose to impose a timeframe for the commencement of care needs assessments. I appreciate the policy intention of these amendments. It is envisaged that care needs assessments would be undertaken quickly. However, it is considered imperative the legislation should be flexible on this point. This is particularly pertinent having regard for the fact that the legislation will establish a scheme that will have to accommodate the needs of a rapidly growing demographic.

In drafting the Bill, careful consideration was given to the Disability Act 2005 which provides that assessments must be commenced within three months of the date of application. Assessments of need require a considerable level of resources, particularly dedicated input by health care professionals. As such the stipulation of the timeframe for commencing assessments within the Disability Act has necessitated that a phased approach be taken to the roll-out of needs assessments. However, even with a phased approach the HSE service plan 2009 reports that only 79% of assessments commenced within the timeframe.

Given the variable length and potentially time and resource consuming nature of the assessment, the rapidly growing demographic to which it relates and the experience gleaned from the roll-out of assessments under the Disability Act, it would be unwise to immediately implement a statutory timeframe in respect of care needs assessment.

For these reasons, I will not accept these amendments. I will, however, offer the Deputies a commitment that the issue will be addressed by way of published guidelines, approved by the Minister. Furthermore, the issue will be tabled for consideration in the review of the scheme which will take place three years after its introduction.

Deputy Jan O'Sullivan: I am disappointed by the Minister of State's reply. On Committee Stage, the Minister said she was minded to accept the amendment and would like to reflect on it before Report Stage. Today's reply is less positive in providing a timeframe for assessments. I accept the Minister has said there will be guidelines and it will be revisited at a later stage.

Deputy Áine Brady: Yes.

Deputy Jan O'Sullivan: While we want this to be done properly, there is a certain urgency to it. For example, a timeframe exists for a person in an acute bed but who after 20 days

is deemed not to be an acute patient any longer. However, there is none for carrying out an assessment.

The Minister of State has said the matter will be revisited. I am not minded, therefore, to call Members back into the House for a division on this amendment. There will also be an opportunity for our spokespersons to table amendments when the Bill goes to the Seanad where I hope there will be a more positive response to this matter.

Deputy James Reilly: I do not accept the Minister of State's response. This is what is at the core of all that is wrong with our health service. It is a health system that seeks to serve itself, setting limits to protect itself but not patients. Those who will be adjudged to be no longer in an acute bed will attract charges while the HSE is protected by the legislation.

Deputy Caoimhghín Ó Caoláin: Someone seeking access, or having access sought on their behalf by family or friends, to an assessment is not looking for a holiday break. This is a serious need. The whole process of assessment needs to be done in the quickest time possible. If people are in inappropriate bed accommodation in one of our acute hospital facilities, surely it gives the State all the more reason to progress the assessment in order to accommodate the person in a more appropriate setting such as a nursing home. It is imperative that those entrusted with assessment know exactly the timeframe in which they must report. There can be no drift in such an important matter.

Deputy Áine Brady: The Minister for Health and Children reflected carefully on the points raised by Deputy Jan O'Sullivan on Committee Stage. She is not in a position, as I outlined in my earlier reply, to accept the amendment. She will, however, provide the Deputy with the guidelines and they will be reviewed after three years of their introduction. An amendment will be introduced later which will clarify that a person in an acute bed cannot be charged for it while waiting for a care needs assessment.

Deputy Jan O'Sullivan: That is a welcome development and I am glad there has been a response. On that basis I will withdraw my amendment.

Deputy James Reilly: I will not push my amendment No. 8 on that basis too.

Amendment, by leave, withdrawn.

Amendment No. 8 not moved.

Acting Chairman: Amendments Nos. 25, 84, 85 and 110 are related to amendment No. 9 and all may be discussed together by agreement.

Deputy James Reilly: I move amendment No. 9:

In page 12, lines 38 to 41, to delete all words from and including "person" in line 38 down to and including "assessment." in line 41 and substitute the following:

"representative of the Health Information and Quality Authority."

Earlier I alluded to the need for independent assessments. There is a precedent for people not being diagnosed appropriately. Sometimes diagnosis can be an art and one doctor may have a slightly different opinion to another, even if there are guidelines in place. While I do not wish to show any disrespect to or disregard for my colleagues, there is a conflict of interest if the assessment team is in the employ of the HSE which is responsible for funding the service. There is a need for an independent body to supply the medical and social work expertise in

[Deputy James Reilly.]

the assessments. Will the Minister make a concession on this amendment to ensure people will be assessed in a fair fashion without any bias motivated by the lack of funds in the HSE?

Deputy Jan O’Sullivan: The independence of the assessment is important and I support Deputy Reilly’s amendment.

Deputy Caoimhghín Ó Caoláin: I record my support for Deputy Reilly’s arguments.

Deputy Paul Connaughton: Will there be an independent appeals mechanism for an applicant who feels they may have been wrongly turned down in an assessment?

Debate adjourned.

Private Members’ Business.

Early Childhood Care and Education.

Deputy Olwyn Enright: I move:

That Dáil Éireann:

is concerned:

- about the financial implications of the withdrawal of the early child care supplement on many families, particularly middle and low income families;
- that the pre-school year in early childhood care and education scheme was announced in absence of information on the number of participating service providers;
- about the viability of the scheme in practical terms, as currently set out;
- at the lack of detail published about the scheme, information provided to parents and the absence of proper consultation with service providers on the roll-out of the scheme, bearing in mind that the scheme is to be available on the 1 January 2010;
- about the availability of participating pre-school places, particularly in remote or more rural areas;
- at the inflexibility of the terms of the scheme and the fact that this may act as a barrier for service providers to participate; and
- that the flat-rate capitation grant may not be adequate in areas where the cost of providing pre-school services is more expensive than in other parts of the country;

calls on the Government to:

- provide parents with detailed information on how they can access the scheme in their area;
- outline the exact number of eligible children by county and the location of participating service providers;

- ensure that the terms of the scheme are flexible to reasonably accommodate differing family circumstances and the age profile and needs of the child;
- engage in proper consultation with service providers with a view to addressing and resolving outstanding issues; and
- apply a capitation fee structure that ensures the scheme is acceptable and affordable in all areas.

I wish to share time with Deputies Mitchell, Catherine Byrne, Joe Carey, Connaughton, Bannon and McCormack.

Acting Chairman: Is that agreed? Agreed.

Deputy Olwyn Enright: This budgetary move by the Government is another in a long line of budget and other announcements by a Government, which, like its predecessors, has not done its homework on the implications of such a move. This fact is what makes the viability and workability of this scheme so questionable. The introduction of the early child care supplement in the first place was made without any idea of the cost implications. At least six separate times, the then Taoiseach, the then Minister of State with responsibility for children, who now is the Minister for Finance, as well as other Ministers all gave different responses as to the cost implications. At the time, the Government had no idea that it would be obliged to pay the supplement for all EU children with a parent who was resident here, regardless of where the child was resident. This was despite the fact that its purpose was supposed to meet the costs of child care where it was most expensive and unaffordable, namely, in Ireland.

7 o'clock

This was of course at a time when the Government thought money was no object and its approach was to find a problem and buy it off or to throw money at it. Instead of attempting to find the best solution or attempting at that point to begin to develop and nurture a successful and viable preschool system in Ireland when the money was available, the Government ignored the sector. It has decided instead to develop it during a recession. The Government simply gave parents a few more quid to use howsoever they wished and ignored the opportunity to develop a long-term system that would serve generations. That is the background to this issue. Fine Gael and other parties produced detailed proposals for the development of a preschool system that recognised the practical steps that had to be taken to develop it. I wish to make clear that Fine Gael fully supports the concept of one year's free preschool for all children and regrets it took the Government so long to recognise its importance.

While the Government finally appears to have seen the light, the details remain hidden, perhaps even to itself. Its amendment to this motion sheds no further light on the issue and does not even reflect what the Minister of State, Deputy Barry Andrews, himself has admitted, which is there will be areas in which places will not be available in January 2010. Fine Gael has tabled this motion because of the deep uncertainty among both providers and parents, who need time to plan their arrangements, particularly when they are operating on far tighter budgets.

One should not forget the Government pulled the rug out completely from under Irish families. Young couples who struggled to pay massive mortgages in an era of pay cuts, job losses and pension levies at least had the early child care supplement to help meet child care costs and originally had the benefit of it until the child reached the age of six. However, the Government began to pull that back last year and then removed it completely for all children from the end of this year. No one has been fooled by the Government's sudden conversion to the importance of preschool. It introduced this measure suddenly in an attempt to blunt the

[Deputy Olwyn Enright.]

impact and response to this massive cut to families. To use the Government's favourite phrase, "we are where we are". However, the problem is that no one knows where we actually are with this commitment as there are a number of key difficulties, none of which are addressed by the Government's amendment to the motion.

The first and possibly the biggest problem is the issue of cost. According to the Irish Pre-school Play Association, IPPA, following meetings with the Minister of State, it seems the capitation fee was set by surveying costs notionally and taking an average the Department believes to be viable. Coincidentally, this figure is practically the same as that offered by the vocational education committees, VECs, for these services. However, this conveniently ignores the fact that the VECs require the service from 9 a.m. to 4 p.m. and allow extra charges to cover this extended period and in effect, the child care provider is able to ensure it is adequately covered for the entire period. Most worrying is that in trying to sort out this issue, there appears to be a veiled threat on the part of the Department, which according to an IPPA statement is insisting "the fund is hard won and generous", to the effect that if services do not make it work, the €170 million may be withdrawn as the sector would be perceived as being unready to implement the funds. In other words, it is a case of take it or leave it, regardless of viability, of whether one can afford to stay open and give a quality education to children. How can one expect a sector to be in a position to implement something so new and unexpected in eight months? It is the manner in which the Government has gone about this that has made it unimplementable, rather than the response of providers.

Has the Minister of State thought about where his plan will stand, were the providers to decide not to take it but to leave it? While he is concerned about creating a two-tiered system, there may be instances in which providers simply cannot continue to exist because of the scheme's impractical nature. How then will the commitment to a year's free preschool for every child be met? Although the providers are practical and know that parents will opt for places offering the scheme, many of them believe they will not be able to remain in operation on these figures. The Government announced this measure without any consultation with the sector on its roll-out or its practical implementation. It has asked the services to be creative and to ensure the scheme works. While they want it to work and parents desperately want and need it to work, it will not and cannot work because providers cannot afford to participate in it. I have met some providers and have examined their figures. This is not a case of seeking more simply for the sake of it but is a genuine issue of viability. Costs are not the same across the country as almost everything varies and rents, rates and wages in particular.

There is also an issue of affordability for parents. This is paramount and the Government should have taken that into consideration before it removed the early child care supplement and before it set the blanket fee of €64.50 for 38 weeks. Many providers will be unable to provide the service for this fee and those that charge below this rate will move up to this figure. If providers cannot offer this service, children will lose out either way. The Government should have negotiated on this issue this prior to the Budget. Did it learn nothing from the over-70s medical card fiasco? The difference in this regard is that families and children will lose out. These services pay wages, PRSI, PAYE, accountancy fees, telephone, ESB and heating bills, water rates, mortgages on premises and loans for equipment. They also rightly must meet strict HSE requirements in terms of staffing numbers and space. The Government is said to be considering the issue of what will be the fee. When will Members know the outcome? When will parents and providers have certainty in this regard as the notion of a voluntary top-up will only make an uncertain situation worse? Members are familiar with the experience of voluntary top-ups in primary schools.

The Government has created this problem and now must solve it in a way that allows pre-schools to operate and allows parents to afford to send their children. It could consider, for example, a regional difference index based on local authority areas. This would take the basic capitation fee and index it to regional differences in the cost of living, wages, rent and rates and would account for much of the variance that is raising concerns at present. The newly-founded National Association of Private Childcare Providers has also made suggestions and I believe it is meeting the Minister of State, Deputy Barry Andrews, on Thursday to discuss them. However, the Government cannot simply ignore the real difficulties many operators are raising. At an IPPA consultation meeting held to discuss this issue, only two out of 200 present voted in favour of the scheme as presently formulated and this was from a group that has campaigned so long for its introduction.

There is a related issue of duration of service. While the recommended duration for Montessori training is three and a half hours a day, 38 weeks a year, the Government only is offering three hours per day. Parents can be charged for the additional 30 minutes but those who do not wish to pay this can still avail of the three hours. What is to stop a provider only accepting children whose parents are willing to have them stay for three and a half hours? Moreover even if a provider is willing to operate on the basis of both periods, Members can imagine the practical difficulty in a class full of three and a half year olds in which half get up after three hours, pack their bags, put on their coats and exit the classroom. Nothing will happen for those who remain for the final half hour anyway. Montessori training also ideally starts at age two and a half. However, under the rules, children of that age cannot be in the class of those coming under the scheme. For smaller child care or preschool providers, this will mean that where space is limited, such children now will only be minded in crèche-type or child care settings, rather than being educated through the preschool model.

To judge by his statements and replies to parliamentary questions, the Minister of State seems to be convinced that availability will not be an issue and I genuinely question this conviction. The Government's amendment to the motion also states that more than 65,000 additional child care places will have been created by the end of 2010. Ignoring the fact that this will be a year too late to honour the Minister's commitment, this motion is not about child care but pertains to preschool, which is not the same thing.

The Government is now admitting that some issues of under-supply may arise in the initial period, although that is not mentioned in its amendment, but that it will monitor the situation carefully. How big does it expect that gap to be and how does it intend to address it? How will it be addressed for the children affected? Will they simply get nothing, that is, neither early child care supplement nor a year's free preschool? When the Government states that many providers are reporting vacancy rates of up to 25% in their facilities, does it refer to preschools or crèches? Moreover, exactly how many is many? How many areas has the Government examined to ascertain that such facilities have full occupancy and cannot afford to expand because it has removed all financial supports for set-up and expansion?

Finally, there is a difficulty with the imposition of a minimum quota of eight eligible children. It will be a nightmare to administer for smaller services. If only six eligible children are enrolled, they will not be allowed to operate and where will such children then go? This issue must be addressed. Moreover, the tax implications of the scheme must be addressed. I assume that people will only be taxed on the profit at the end of the year, rather than on the fee that will be paid to them.

In short, the principle is something that Fine Gael and I have long supported but the devil is in the detail, or in this case, the lack thereof. The Government has made this commitment and it is up to it and not the providers, to ensure it can be honoured in a workable way.

Deputy Olivia Mitchell: At the outset, I very much welcomed this idea because it recognised in a tangible way the value of early education and the role of pre-school in giving children the best chance of a good start in life and enabling them to maximise the benefit of all future educational opportunities. This is particularly true of disadvantaged children but the research underpins the point that all children benefit from early pre-school education. Given the way this scheme was introduced, however, I wonder if the Government is serious about it because it appears so clearly unworkable that it actually seems designed to fail and designed to create a scenario where the Minister could claim he went to the trouble of introducing a scheme and it was the pre-school providers who refused to co-operate, and so the money was lost. I hope the Minister is not so Machiavellian. I hope I am wrong and that he would not contrive to create a scenario where the scheme must fail. However, there are many issues with the scheme, including a dearth of hard information, which has gone on for some months.

I wish to deal with two specific areas, both of which have been raised by my colleague. The first is the decision that the cost of child care on average is €64.50 a week and that this will be the capitation fee per child. This may well be the average cost of child care to parents when one includes child care across the country, including heavily subvented and subsidised community play schools, low rent rural play schools and also urban play schools, such as those in my constituency where rents are mortgages are the highest in the country. If €64.50 is the average cost, then it is reasonable for the Government to pay that on average, which would mean less than €64.50 in the low cost areas and more in the high cost areas. However, to introduce a flat rate irrespective of location and other subsidies being received is the lazy, easy option. When this is coupled with the diktat that no top-up is to be allowed, it becomes an unworkable option which is bound to fail.

Put simply, the vast majority of urban providers cannot provide the service. For four weeks' work, this would yield €250 per child and for ten children would yield €2,500 to provide two salaries, rents, mortgages, materials, equipment, light, telephone, heat, insurance, water and bin charges, accountancy fees and, of course, income tax if there was any profit, which there would probably not be. The "no top-up" rule may initially be popular with the public but if it results in the local play school closing down, with all the family and educational disruption this entails, it will not win any popularity. If it is a principled position and the Government is genuinely opposed to a top-up, then it does not make any sense and is not consistent when one sees that every national school and secondary school in some guise or other charges a top-up fee to parents. Why is there one rule for State providers and a completely different rule for private providers? If this scheme could be introduced as it stands, the State would be the monopoly buyer of this service therefore, by dictating the maximum price, it is abusing its dominant position. If this were to happen or even be attempted in the private sector, it would be deemed illegal.

In the case of State schools where there is a top-up, parents have little or no choice as they must send their child to the local school. At least in the case of pre-schools, there is huge competition because there are pre-schools in many areas and they tend to be smaller. A top-up would ensure there is competition and that parents would not be fleeced. If it is a principled stand that the Government is against the top-up, the rate that must be paid must be the one that makes the scheme viable — that is the bottom line. If the scheme is to be viable, one must pay the rate. If the Government tries to go ahead with the scheme as it is, only a fraction of schools will sign up for it. Community schools which perhaps have a subsidy and perhaps some rural facilities, which are sparse enough as it is, would sign up but none in urban areas would do so, certainly none in my constituency, which means not one parent in Dublin South will avail of the scheme.

A point made several times by Deputy Enright is that there is no prospect of this scheme being introduced in January as planned because the basic infrastructure is not in place. Even at the current rate of fees, only a fraction of the places that will be needed are in place and, at the rate the Government proposes to pay, there will be even fewer places in January than there are today. This brings me back to my original question, namely, is the Government serious about this scheme or is it designed to fail?

Deputy Catherine Byrne: I welcome this motion because it serves to highlight a serious issue which is putting huge pressure on parents, families and service providers throughout the country. In 2006, the Government introduced the early child care supplement to facilitate and support families in caring for young children. To assist with the child care cost in particular, they committed €1,000 per year and then increased it to €1,100 in 2008. However, the Government clearly did not plan ahead or think past the PR exercise. It was easy to make a grand gesture to gain public support during a time when the country was enjoying an economic boom. Now, the parents have grown used to the additional income but the Government finds itself no longer able to foot the bill, which is almost €500 million. In April, therefore, in the emergency budget the Minister for Finance announced that the early childhood supplement would be reduced in 2009 and eventually abolished in 2010.

To soften the blow, the Minister then announced that child care would instead enjoy a year's free pre-school education. It sounds good in theory but, again, is to put the cart before the horse. The new scheme is for children aged between three years and three months and four years and six months, which means that approximately 80,000 children will in theory benefit from the scheme from next year if it goes ahead. How does the Government propose to create these many pre-school places, which would mean that all statutory requirements must be in place in a little over six months? There is huge confusion about this scheme and how it will operate on the ground. It is clear the Department of Health and Children is making up the rules as it goes along.

When the scheme was first announced, very little information was made available to parents and pre-school providers. Even now, almost two months later, it is not clear how the scheme will work into the future. Those who run private crèches and pre-schools are naturally concerned about the implementation of the scheme. There is a serious discrepancy between the capitation grant of €64.50 which is paid by the Government to cover 15 hours child care per week and the current fees some of these play schools must charge, which is up to €90. The Department is effectively fixing the price of child care across the board, which would not be allowed to happen if it was any other business. Private pre-school providers are understandably worried that the grant will not cover the running costs such as have been outlined by many speakers in the debate.

A top-up grant will not be allowed. If a pre-school accepts the maximum number of children it can accommodate under the new grants scheme it will be under huge pressure to stay afloat and pay day-to-day running costs. The new scheme will only pay providers for 38 weeks of the year but staff must be paid for 44 weeks, which will mean there is a shortfall in their salaries as holiday periods and maternity leave are not covered. This could lead to cases being brought to the Labour Court. In some cases, providers have been told to let their staff sign on the dole for the extra weeks, which is a ridiculous situation.

The choice to opt in or opt out of the scheme is also not as cut and dry as the Department leads us to believe. Many pre-school providers cannot afford to opt out because they risk their places not being filled as parents would naturally choose a free play school over a fee-paying one. On the other hand, we have thousands of parents who want to avail of the new scheme but are finding it difficult to establish who would actually be willing to participate in the scheme.

[Deputy Catherine Byrne.]

The cut-off age point is wrong. It should be from three to five years, which would give children an opportunity to be ready for school in time. The Minister of State with special responsibility for children must be careful not to create a two-tier child care scheme but I fear this is the way we are going, as if the situation was not bad enough for the young parents being hit by increases in income and health levies, PRSI and so on.

I urge the Minister to listen to the suggestions from the service providers and to establish a workable scheme which will not discriminate against children or providers. I ask for fairness and common sense on this important issue. Our children and their future are at stake.

Deputy Joe Carey: I commend Deputy Enright for bringing this Fine Gael motion before the House. The Minister has recognised that there are challenges and difficulties for the service providers in the implementation of this scheme. However, it would appear the bottom line is that the Government believes the challenge is for the provider to come up with creative solutions within the current constraints of the scheme. This whole concept smacks of something that was hurriedly thought up, with little consideration on its implementation.

The Minister has assured the House that spaces will be available from the start of the scheme. However, we continue to wait for specific detail. I cannot help thinking that in devising and presenting this scheme, the Government had an eye on the debacle that followed last October's disastrous and clumsy supplementary budget. On that occasion, there was no sugar-coated pill to accompany the Government's proposal to withdraw the automatic entitlement of people over the age of 70 to the medical card. This time around, it seems that the bad news — the abolition of the early child care supplement — had to be softened somewhat. The measure being used to that end — the introduction of a preschool year scheme — seems ill-conceived. The details of the scheme have deliberately been kept vague. I have received many representations on this issue over recent weeks. I have tabled parliamentary questions to the Minister to try to get clarity and flexibility on the scheme. I am sure the Minister and his officials are aware of the real dangers faced by service providers. It is likely that they will be unable to plan for the provision of a proper service.

Significant investment has taken place under the national child care investment programme. Service providers have told me that the current rate of unemployment allows many parents who are in work to choose alternative child care methods. The easy part of the equation has been the capital investment of €300 million that has taken place since 2006. Some €28 million has been invested in my own constituency of Clare. This national infrastructure, which is a significant resource, must not be allowed to wither and die. Having invested these capital moneys, the Minister must fund the ongoing running of child care services in a sustainable manner. He needs to protect the Government's capital investment. To a large extent, the voluntary sector is responsible for building and running child care facilities. Much credit is due to the many committees around the country that have risen to the challenge of providing child care in their own communities. The voluntary sector has driven child care developments in County Clare, for example in Kildysart, Liscannor, Tuamgraney, Mountshannon, Ruan, Flagmount and Killaloe. These volunteers are in the dark, just as parents are. There is confusion about how the volunteers should provide this new service from next year.

Approximately 75,000 children will qualify for this supplement next year. According to the relevant guidelines, there is a requirement to provide 2 sq. m per child in crèche or preschool facilities. Therefore, using a crude instrument, the Government will have to provide a minimum of 160,000 sq. m of space. Where is the evidence that this space is available? There are strict guidelines on staffing ratios, depending on the age of child. It is ironic that many of the facilities being built, including those I have mentioned, are adjacent to national schools. It has not

escaped the attention of voluntary service providers that the strict space and staffing criteria that apply to them no longer apply when children walk across the yard at four or five years of age to commence their primary education and their interaction with the State. Prefabs, converted cloakrooms, hallways and increasing pupil-teacher ratios are the norm in our primary schools. It is an example of the ultimate Orwellian approach, in that the State can do what it likes but everybody else must bow to its directives. This new scheme, which is being hurried, does not fulfil the necessary criteria and does not allow parents and service providers to plan properly. It is more geared to getting headlines than offering a genuine service to parents for their children. I commend this Fine Gael motion to the House.

Deputy Paul Connaughton: I congratulate Deputy Enright for bringing this motion to the floor of the House. As I do not want to repeat what has already been said, I will focus on two aspects of this debate. Regardless of what end of the scale one comes from, one cannot deny that we have had a series of anti-family budgets. When the early child care supplement scheme was introduced in 2006, many people believed it was a good thing. In retrospect, it is clear that it was introduced with a view to the 2007 general election. At that time, funds were being sent around the country in a most *flaithiúil* way. I do not believe anyone gave any sort of in-depth thought to where it would lead. In essence, it was directed at the kind of people we hoped it would help. I do not believe any overall thought — good or bad — was put into the scheme. Certainly, no thought has been put into its successor. I suggest that someone in the Department of Finance decided to start making cuts and came up with this scheme. I assume the Minister for Finance was involved in that process. I have to accept what service providers around the country are telling me. They do not think this scheme can be implemented. If it is not ready for next year, and the money that is to be provided is not spent, the only winner will be the Government, which will make more savings.

As Deputy Carey said, hundreds of volunteers have spent endless hours, over many years, getting crèches built in every constituency in the country. There are new crèches in the constituency of the Minister of State, Deputy Moloney, and in my constituency. The volunteers in question have no idea where they stand under the new funding arrangements that will accompany this measure. A fine system was being built, but the rug was pulled out from under the whole thing before we knew it. The Government has been damned with a lack of joined-up thinking over the last ten years. This is another example of it. Surely a lead-in period of five or six years is needed to get schemes of this nature bedded down. Just two years ago, everybody concerned, including officials in the Departments of Social and Family Affairs, Education and Science and Health and Children believed that the early child care supplement represented the best system for this country. All of a sudden, the Government decided to perform an about-turn. While I do not suggest that there is anything wrong with the philosophy that underpins this measure, I am concerned about the stop-start nature of the Government's approach. It seems to perform an about-turn every couple of years. Can the Members of the House imagine how upset the service providers who invested their money are feeling now? It is clear that they are sour about what the Government is doing.

I would like to refer briefly to child benefit. I ask the Minister of State to make his colleagues in the Government aware that the many mistakes they have made over the years will be nothing compared to the reaction they will get if they tamper with child benefit. I mean this genuinely. Child benefit, which is paid principally to the mother, has been of huge help to many families. Even in those households with the highest incomes, the woman of the House often has no access to any money other than that coming from the child benefit scheme. We are now being told that the Government is proposing to use the resources available to it, in the Department of Finance and elsewhere, to provide for a flat rate reduction in the amount of child benefit that is paid. It appears that people at the bottom of the ladder, as defined by various socio-

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economic data, will have to take the same beating as this country's top-rated bankers, county managers, Deputies and Ministers. Can the Members of the House imagine the unfairness of that? The Government reaped a whirlwind from the old age pensioners when it tried to take their medical cards, but it should watch for the kind of whirlwind it will reap in this instance.

Deputy James Bannon: I compliment my colleague, Deputy Enright, on bringing this important motion to the House this evening. Even by the standards of this Government, it seems incredibly unfair to take the early child care supplement from families that are already struggling in the wake of one cutback after another. The Government is proposing to replace the supplement with a so-called "free" preschool scheme, which bears all the hallmarks of administrative chaos. While the new scheme essentially sounds straightforward, it throws up a rake of questions. The obvious question relates to eligibility. Who will meet the eligibility criteria? What exactly will those criteria be? I ask the Minister to bring some logical thinking to this matter. In the current Government-driven economic downturn, one would assume that a replacement scheme will be cheaper to implement.

I can safely assume that the free preschool places may be few and far between. Parents not only are in the dark about whether their child will qualify for a free preschool place but they are totally unaware of how to access the scheme in their area. A total of 15.4% of families in Longford-Westmeath have children at preschool level, which is slightly below the national average of 15.9% according to the Census of Population 2006. Can I assure them that all of these children will be entitled to a free place and that there will be sufficient places for all of them in their localities? I hope that the Minister of State will answer these questions in his summing up.

I very much doubt there will be sufficient places. I have a letter dated 17 April 2009 from Cluid Housing Association, which had applied for a grant of €744,000 for the provision of new child care facilities as part of the overall regeneration project at St. Michael's Road in Longford, only to be told by the local council that capital grants for the provision of child care facilities no longer exist and that there will be no money for such projects for the foreseeable future. This is a fact, in the Minister of State's heartland, the midlands.

I have an abundance of letters and e-mails from individual constituents who are paying huge sums for child care, and are left in an extremely difficult position, due to the withdrawal of the early child care supplement. Changes to child benefit on top of the withdrawal of this supplement, have led to a very high level of anger and despair among parents, as outlined by previous speakers.

Thousands of parents will not be able to avail of the new "free" preschool year because the places simply will not be there and even if they are, payments have been capped well below the fees many child care providers charge. The proposal is that the Government will pay preschools a maximum of €64.50 to cover three hours education, for five days a week. This would work out at a monthly payment of €258 for a four week month. Many preschools, especially in urban areas, however, are charging over €500 a month for a 15 hour week. Where does this leave parents as they will not be allowed to top up the grant? Service providers may in fact not participate, due to concerns about the implications of the scheme for their businesses.

The Government's amendments to the motion have only added to the confusion. It is stated that the Government will redirect over €170 million in savings from the removal of the early child care supplement into what is described as the child-centred approach of the scheme, which at the same time is designed to maximise flexibility for parents and service providers, including smaller services in rural areas. This is extremely puzzling.

While the Government is redirecting €170 million in savings from the early child care supplement, how much exactly will remain in the Exchequer? How exactly will the new scheme “maximise flexibility for parents”? Given the restrictions on the new scheme and the mysterious eligibility criteria, flexibility would not be the word I would use to describe it. As for the “child-centred” approach of the scheme I can only suppose that these are empty words designed to put a spin on the proposals such as the Government’s spin at the weekend when it promised to bring back the bonuses. It is an election gimmick and that is what Fianna Fáil has been good at since the foundation of the State, coddling and hoodwinking the people of this country. It will get its answer on 5 June because it has deceived the electorate time and again and the electorate has wakened up to that. It is time for the electorate to scuttle Fianna Fáil out of office and the quicker, the better given that in many parts of the country the jobless rate has increased by 90% in the past 12 months under this corrupt regime.

Deputy Pádraic McCormack: The Social Welfare and Pensions Act, passed in the Dáil on 29 April abolished the early child care supplement replacing it with a one year preschool grant. The Bill was passed by guillotine at midnight that night with the result that the Fine Gael amendment dealing with this problem was not reached. Until now parents received €83 per month in child care supplement for all children up to five years of age. Since 1 May this year this has been halved to €41.50 per month until 31 December 2009. That is a loss of €249 per child. A family with four children under the age of five will be at the loss of €1,000 in the second six months of this year.

From 1 January 2010 the early child care supplement will be abolished altogether and will be replaced with the early childhood care and education scheme, a one year preschool grant. Parents will be eligible for this grant if their child is between three years and seven months and four years and ten months on 1 January and if they use child care services their child will qualify for a grant of €64.50 for 38 weeks per school year. This is equivalent to an entire child care supplement grant of €2,451 while under the old supplement of €83 per month the total was €4,980. In other words, the child care supplement has been reduced by half and parents will lose €2,529 for each child over the five year period.

The new cutbacks will put a severe strain on low and middle income families. Worse still, this is anti-family legislation. The greatly reduced rate of payment which is worth half of the old rate will be paid for only 38 weeks if the family uses child care services. If one of the parents, usually the mother, works at home and decides to keep her child at home, which is normal in many houses, the family will not qualify for any supplement so they will lose their €5,000 over the five year period. This clearly discriminates against parents who look after children at home.

If the preschool service does not register with the Health Service Executive, HSE, or the Irish Montessori Education Board, IMEB, the reduced grant will not be paid. Some preschool services may not wish to register with the scheme. Those who opt into it will have to provide services for only three hours a day five days a week for 38 weeks. If the service provider charges more than €64.50 a week over 38 weeks, or more than €48.50 a week over 50 weeks the parents will have to pay the balance. To qualify for the scheme the preschool leader must have a qualification in child care services to level five or six. I fear that many preschool service providers may opt out of the scheme which will also deny parents the preschool grant.

What about the preschool child cared for by grandparents? That is an invaluable service that many grandparents provide for parents. I went every year to my grandmother for my summer holidays and learned more there than in my first two years at school. I learned about life and how to play cards. I learned many things that could not be taught or ingrained in a person and that probably got me to where I am today. Apart from being a cost-saving exercise this is an

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anti-family policy whereby people who wish to care for their children at home and not send them to preschool will lose the child care supplement and will not qualify for the preschool grant. Child service providers may choose to opt out of the service. Parents cannot get the money instead of sending their child to a preschool service. If the parents were eligible to get that money then they or the child's grandmother could mind the child, which might be more beneficial in the long run to the child and to the State.

Minister of State at the Department of Health and Children (Deputy John Moloney): I move amendment No. 1:

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

commends the Government on its decision to introduce a free preschool year in early childhood care and education, ECCE, scheme with effect from January 2010 and supports:

- the fact that the Government will re-direct over €170 million in savings from the removal of the early child care supplement in 2010, to provide for the introduction of a free ECCE scheme which has long been a key objective of the sector in accordance with international best practice;
- the fact, following a decade of investment of over €1 billion in developing a quality child care infrastructure, including the creation of 65,000 additional child care places, there are almost 4,700 preschool services notified to the Health Service Executive;
- the efficiency with which the scheme is being implemented, including the fact that applications will be accepted from 8 June, within nine weeks of the scheme's announcement, ensuring that some 70,000 children due to commence primary school in September 2010 will not miss out;
- the action taken to make comprehensive information in regard to the scheme available from the Office of the Minister for Children and Youth Affairs from 20 April 2009 and the fact that 5,000 information packs will be sent to all existing and prospective preschool services on 5 June 2009;
- the child-centred approach of the scheme while at the same time its design to maximise flexibility for parents and service providers, including smaller services in rural areas;
- the proposal to contact parents of preschool children in the coming months with full details of the scheme and that they will be able to finalise enrolment of their children in participating services from October 2009, three months in advance of its introduction;
- the introduction and supports provided for additional requirements for quality in preschool services, including qualification levels and the implementation of Síolta; and
- the fact that equality of opportunity is a core principle of the Scheme so that all children will have equal access to a universal system of early childhood care and education provision.

I apologise on behalf of the Minister of State, Deputy Barry Andrews, who cannot be present because he is attending a special Cabinet meeting.

I welcome the opportunity to provide details of the free preschool year in early childhood care and education, ECCE. The introduction of the scheme is one of the most significant developments in early childhood care and education that has taken place in Ireland to date. Building on the progress made over the past decade in terms of investing in child care and developing educational frameworks for young children, we are now taking the first major step in providing universal preschool education for all children.

Children will be eligible for the free preschool year when they are aged between three years and three months and four years and six months on 1 September of each year. Exceptions will be made where a child has special needs or to accommodate children due to the enrolment policy of a local primary school.

Research underpins the importance of delivering preschool education in a consistent format based on an appropriate educational framework. For this reason, the preschool year scheme has been designed to provide some 570 hours for each participating child. Delivery in this regard will be on a weekly basis over the course of each year. Where children attend a sessional play-school, they will receive three hours per day each week over 38 weeks. To take account of the fact that young children are cared for in a variety of settings, a child attending a full-time or part-time service will receive two hours and 15 minutes per day each week for 50 weeks.

An annual capitation fee of over €2,400 will be paid to participating service providers. This is equivalent to €64.50 per week where a service provider participates for 38 weeks and €48.50 per week where it participates for 50 weeks. Service providers will be paid in advance at the start of each term.

With regard to the free preschool year, participating service providers must agree to provide the service in return for the capitation grant. This does not preclude a service provider from charging for additional services provided these are clearly optional to parents. Optional services can include the provision of additional hours, over and above the free preschool year requirement, and additional services in the form of various one-off or ongoing activities, such as outings or birthday parties, and specific teaching resources such as dance, music or food.

By their nature, full-time or part-time service providers will offer hours in addition to those associated with preschool provision and sessional play-schools can offer an additional 30 minutes per day. However, providers must ensure that all such additional services are offered and charged for on an optional basis and are not compulsory. A parent's agreement cannot be a condition of initial or continued enrolment. It is also essential that appropriate programme-based activities be provided to children not participating in an optional activity where this takes place during the required period of preschool provision.

Flexibility is also provided for where a sessional service is, for good reason, unable to operate over five days. Such cases will be considered and, where accepted, will be accepted on the basis that they provide a service for three hours and 30 minutes per day for four days in each of 41 weeks per year.

Up to 70,000 children are expected to participate in the scheme following the early stages of its introduction when the pattern of enrolments in the year prior to starting primary school settles into place. A sufficient number of preschool places is expected to be available based on existing capacity in the sector and it will be open to all preschool service providers, of which there are almost 5,000, to participate. There has been significant interest in the scheme since its announcement and there have been many calls to the Department seeking details of the application process.

Deputy Pádraic McCormack: They were seeking clarification.

Deputy John Moloney: I am not too sure.

The introduction of this scheme, at a cost of €170 million in a full year, has been made possible at this time of extreme economic pressure because the decision has been taken to redirect the savings which will arise from the abolition of the early child care supplement to a targeted and child-centred measure, as has been called for by the sector for many years.

With the changed economic climate, it is no longer possible to sustain the early child care supplement payments. However, despite the economic crisis in which we find ourselves, I am very proud that this historic opportunity has been seized. We will now take this first crucial step in our nation's development of its early childhood care and education system.

From the motion proposed, Fine Gael appears to have major misgivings about the introduction of the free preschool year——

Deputy Olwyn Enright: Not the principle but the operation of the scheme.

Deputy Pádraic McCormack: It is the cutbacks.

Deputy John Moloney: I am just making a point about major misgivings and not about the principle. Many of us will remember the vehemence with which Fine Gael denounced the introduction of the ECS in 2006. It should be careful it does not follow the populist approach it took to the supplement — it objected to workers from other EU states, who were paying tax and PRSI in this State, being entitled to receive that payment — with an even shakier approach given the welcome for the scheme from parents and most preschool service providers.

One Fine Gael Deputy claimed——

Deputy Pádraic McCormack: The Minister of State would do better to concentrate on his own Deputies.

Deputy John Moloney: I am just responding to criticism and no more than that. Must I seek the authority of Deputy McCormack to continue? I believed I had possession.

An Leas-Cheann Comhairle: The Minister of State has total possession. If he did not respond to Deputy McCormack, we would probably be able to proceed very quickly.

Deputy Pádraic McCormack: I only kicked the ball out of his hand.

An Leas-Cheann Comhairle: The Minister of State should be allowed to make his contribution without interruption, as was Deputy McCormack.

Deputy John Moloney: The reality was that some €13 million to €14 million, that is, between 2% and 3% of the total expenditure, comprised the annual cost of meeting our EU obligation. Given the contribution such workers made to the Exchequer and the economy, Fine Gael's approach was unreasonable.

The introduction of the ECCE has been widely welcomed across the sector, including by Barnardos and the other major national child care organisations. Unfortunately, rather than supporting the first major intervention by the State in ECCE, the Opposition parties, particularly Fine Gael, appear to be bent on its destruction. Once again, rather than welcoming a positive step forward, their first response to a new policy is to oppose it and then look for reasons for doing so. The scheme was barely announced when Deputy Enright rubbished it and asked how we would meet the ambitious targets that have been set.

Deputy Olwyn Enright: I am still asking that.

Deputy John Moloney: This is, of course, a reasonable question. Noting that the scheme will be open to children aged between three years and three months and four years and six months, the Deputy assumed that all children in this category — 81,000 — would require places each year. It is difficult to understand how a pattern of full participation by children in the 15-month age range could arise year after year. In any event, based on CSO data, the potential number of children within a one-year age range will be between 61,000 and 64,000, which is significantly different from the number Deputy Enright claims will arise.

Deputy Olwyn Enright: Deputy Barry Andrews, the Minister of State responsible for children, claims it is 71,000 also.

Deputy John Moloney: I am just going by the CSO figures. One must rely on them because they cannot be interfered with.

Deputy Enright expressed another concern and asked, “How exactly does the Government propose creating 81,000 preschool places in just eight months? Out of thin air?” Her failure to account for developments under the Equal Opportunities Childcare Programme 2000-2006 and the National Childcare Investment Programme 2006-2010 and to acknowledge the introduction and revision of the child care (pre-school services) regulations and *Síolta*, the national framework for early learning, is deeply disappointing. Almost 5,000 preschool services are currently in operation in the State and the suggestion that places for the preschool year, irrespective of whether they amount to 61,000 or 81,000, would need to be created out of thin air is unacceptable.

Deputy Olivia Mitchell followed a different tack and argued that the scheme should not in fact be free for parents but that service providers should be subject to the capitation fee and then be allowed to charge what they want in the form of a top-up. Calling fees a top-up, as Deputy Mitchell did, does not stop them from being fees. Most Deputies will recall the widely held view that the funding provided by the State for the first-time buyer’s grant was simply added to the sale price of houses. This was certainly what led to its ultimate abolition. Most parents would recognise the potential for this to happen if the same route were taken with the ECCE scheme.

Allowing fees to be charged by participating services would reduce the benefit of the scheme to all families. While better-off parents would probably continue to send their children to preschool, children associated with the unfortunately growing number of families suffering unemployment would lose out. Given that all research shows that the greatest relative benefit from preschool is experienced by disadvantaged children, this would be doubly unfair and would be an outcome over which we could not stand. As I have already outlined, services will be allowed to charge for additional hours and optional extras such as dance classes as long as the other children receive a full programme on those days. However, the principle of this scheme — that is, that children should be accepted regardless of the means of their parents — is one that will not change.

Some of what is contained in the motion proposed by the Opposition does not even make sense. For example, the motion states that the scheme was announced “in the absence of information on the number of participating service providers”; however, services could hardly have applied for the scheme in advance of its announcement.

The exact number of participating services will be known by the start of October, when the application process is due to be fully completed. In addition, a census of preschool services which will be undertaken in September 2009 should yield valuable additional data on a range

[Deputy John Moloney.]

of issues regarding current service provision levels. While the majority of services will participate, there may be some that will choose to stay outside it, in much the same way as private primary schools do to collect school fees. Many qualified child care workers in the sector have contacted the Department and the county child care committees with a view to setting up new services in anticipation of the scheme. Interest from existing providers is high and a large majority of telephone calls to the Department concerning the scheme have been positive.

The motion also takes the Government to task for not having enough details nailed down from the start while at the same time stating there should be greater consultation with the sector in advance of deciding upon these details. The Minister of State, Deputy Andrews, has met with child care providers and their national representative organisations since the announcement of the scheme as a budget measure, and this has provided an important input into the shape of the scheme and its roll-out. Most of them have been calling for some years for the introduction of a free preschool year and have welcomed the opportunities presented by the scheme. The application packs are due to be sent to all preschool services at the end of next week and will be also available on the Department's website and from the county child care committees.

The motion's call for parents to be provided with information regarding the scheme is welcomed. I recall that when the early child care supplement, ECS, was announced, the current Minister for Finance, who was then Minister of State with responsibility for children, sent a mailshot to qualified parents informing them about the scheme. Fine Gael accused him of wasting money despite the fact that such mailshots generally result in Exchequer savings as some are returned as "not known at this address", thereby allowing for a data clean-up.

Deputy Pádraic McCormack: Who wrote this stuff?

Deputy John Moloney: Fine Gael suggested at the time that it was a pointless exercise and that everyone knew about the payment, yet one of its own Deputies distributed a leaflet giving details of the scheme to his constituents. The Minister of State intends to contact qualified parents in the coming months to be sure they are fully informed about the scheme and inform them of how to ensure a place for their children.

The motion also appears to suggest that the capitation rate should be higher in some parts of the country and, given Deputy Mitchell's previous intervention on the matter, such areas would apparently include south Dublin. However, this is a national scheme and the Minister of State remains unconvinced that a higher rate should be paid in some areas and a lower one in others. While there is variance in the fees charged by different services, the underlying costs do not vary as much as one might think.

On average, about 65% to 70% of the cost of running a commercial preschool service consists of wages and PRSI. Unfortunately, wage rates in this sector tend to be relatively low and anyone who checks the FÁS jobseeker's website for rates of pay in the area of child care will be aware that many, if not most, services operating in the south Dublin area pay between €8.65 and €10 per hour for qualified staff. There are of course exceptions, but this would not be limited to one part of the country. Given that services in other parts of the country cannot pay below the minimum wage, this means that any higher cost levels are based in the 30% to 35% of costs which are non-wage. I am not saying these would be insignificant, but they would not amount to the disparity claimed in some representations made to the Department. It is not the intention of the scheme to provide some services with a higher profit margin simply because they operate in an area that previously tolerated higher fees. The Minister of State does not propose, therefore, to introduce a higher capitation fee for such urban areas, and notes that

paying a lower fee in rural areas would undermine another concern raised in the Fine Gael motion, namely, supply in rural areas.

The Fine Gael motion calls on the Government to provide details of the exact number of children who will qualify for the scheme. As I outlined earlier, a certain flexibility has been built into the scheme to enable parents to match their take-up of the preschool year with their child's school enrolment. The Department has already provided a county-by-county estimate of the number of qualifying children to the National Children's Nurseries Association, which is using these to promote the scheme to their members. Given that the scheme was announced only last month and services will be sent their application packs next week, there is no list of participating services at this stage. However, the county child care committees will act as a key local link between parents and providers, particularly in the autumn period as parents seek to enrol their children. A list of participating services will also be maintained on the Department's website.

Many of those reading the Fine Gael motion will be disappointed that such a long motion on early childhood care and education, ECCE, is so silent on matters relating to outcomes for children. ECCE has been introduced as a child-centred measure. The benefit of a preschool year for any child who avails of it is immense, and the benefits for society as a whole are well documented.

Deputy Olwyn Enright: We had a full policy on it long before Fianna Fáil came up with the idea.

Deputy John Moloney: Yet there is not one mention in the motion of any issue relevant to the quality of provision or the best way to provide equal opportunities for all our children. Nor, curiously, is there any probing of the qualifications required by staff in the delivery of the scheme.

Deputy Pádraic McCormack: I mentioned that.

Deputy John Moloney: The scheme will, for the first time, introduce requirements for staff to hold qualifications in child care. This is an enormous step forward and I expect to see further advances being made in the next few years, supported by the workforce development plan for the sector. There will be flexibility in the initial period of the scheme to enable services to meet the requirements in a short timeframe. If the motion were more clearly concerned with children rather than profit margins, I would have expected such issues to appear prominently.

The counter-motion being presented by the Government contains a more accurate summation of the scheme. The introduction of ECCE has answered calls made over the years by many bodies, such as the OECD and the NESF. The Labour Party called for such a scheme to be introduced a few years ago, which would similarly have involved the payment of a capitation rate to community and commercial preschool services. This was costed by the Labour Party at €180 million in 2007, although I understand that would have had to accommodate 48 weeks' provision, making the weekly rate of capitation some 15% to 20% lower.

I was particularly interested to note a comment made by Fintan O'Toole in the run-up to last October's budget. On 14 October he wrote:

[T]here's a very simple test of Brian Lenihan's first budget. If it contains a commitment to scrap the early childcare supplement and to create a universal preschool system, we have intelligent government.

It is worth reading a second time.

Deputy Olwyn Enright: He has made many comments about which the Government would not be so enthusiastic.

Deputy Pádraic McCormack: He did not know the Government was halving the grant at the time.

Deputy John Moloney: As I have already stated, research shows that a preschool year is of great benefit to all children, but particularly to those from disadvantaged backgrounds. These benefits extend long after the year, with a much lower likelihood of anti-social behaviour, lower drop-out rates in school and higher lifetime earnings. That is why I am pleased this scheme, while having a number of benefits to recommend it, puts the best interests of the child first.

We already have high standards in the sector with the preschool regulations, and the standards required for participation in this scheme raise the bar higher. This will not affect the highest quality services, but those with lower standards will be required to improve the quality of the service they supply if they wish to be funded under the scheme. preschool leaders delivering the early childhood care and education year will, for the first time, be required to hold appropriate qualifications. They will be required to implement the Síolta framework for early learning and will be supported in this process by Síolta co-ordinators and by the city and county child care committees.

8 o'clock
The scheme will encourage workers in the sector to develop their skills and qualifications and this process will also be facilitated by the new workforce development plan which will be published shortly. It will provide a framework for future training and education for early years workers. The national voluntary child care organisations, which are funded by the Department, have already been invited to work to support the new scheme and its implementation of Síolta.

The ECCE clearly provides a real opportunity to bring all of the developments which have taken place over the last decade together in a new cohesive framework which encompasses care and education as intrinsically linked components of high quality preschool provision. This is a very important opportunity to secure the best outcomes for all of our children and I ask the Members of this House to forget partisanship and support the Government's initiative.

Some have commented on the 38 weeks provision, and the Minister of State, Deputy Barry Andrews, has received representations from services variously stating that preschools open for a greater or a lesser number of weeks. The reality is that most preschools mirror the local primary school, which will open for 183 days over the course of 38 weeks, and that is the requirement under this scheme.

Some services have argued that they should be paid for weeks that they are not open, saying that they have received fees for these weeks up to now. However, there are a great many services which only charge for the weeks they are open at present, and holiday pay is another overhead absorbed into their costs, paid for from fees received during the weeks the children attend. This will remain in principle the same under the new scheme.

Aside from the benefits for children, there are very significant benefits for the sector itself. The Minister of State has met many commercial child care providers over the last year who have been badly hit by the current economic downturn. As parents have lost their jobs, they have withdrawn their children from child care and preschools, and where their wages have been cut, many have started using childminders.

Deputy Pádraic McCormack: They will get nothing now.

Deputy John Moloney: Vacancy rates of 15 to 20% are now the norm, and many services, particularly in the preschool sector, were concerned that enrolments next September would be

well down, forcing many services to close. This scheme will allow those services to instead ride out what are very trying times for all sectors of the economy.

While there are some high cost services that have argued that the rate of capitation should be higher, the majority of services contacting the Department since the announcement of the scheme have expressed their support in strong terms.

Deputy Pádraic McCormack: Not the parents.

Deputy John Moloney: I refer the Deputy to Fintan O'Toole again.

The level of capitation allowed for in this scheme is significantly higher than that proposed under the NESF's proposed free preschool year scheme and is far higher than that allowed for under the equivalent scheme operating in Northern Ireland, which amounts to £30 per week, despite having similar conditions. Given current budgetary circumstances, I am glad that it is higher not just than the fees charged in most services in Ireland but by a great many in Dublin.

Deputy Pádraic McCormack: It is a reduction by half of what was there.

Deputy John Moloney: For most services, the scheme will see an increase in their income and this will allow them to meet the higher standards required for participation relative to the existing requirements under the child care regulations. These higher standards concerning qualification of staff and the educational programme guided by *Síolta* will ensure that a quality service is provided to all children in their preschool year and not just those whose parents can afford to pay higher fees.

Some high cost services may choose to stay out of the scheme in much the same way as fee paying private primary schools choose to operate outside the national school system but the very large majority of eligible services will participate in this scheme. To allow commercially based preschools and Montessoris to continue to charge fees in addition to collecting the capitation fee, in the form of a top-up, would greatly reduce the benefit of the scheme for those families, and would also make the scheme inaccessible for families who are under financial pressure, inevitably leading to disadvantaged children losing out. Research demonstrates that the greatest benefit from preschool is found among children who are from disadvantaged backgrounds so this would be doubly unfair.

Participating services may charge for additional hours or extras such as dancing classes, provided these are offered on an optional basis. However, the principle of free access for all eligible children in participating services will not be undermined, and all participating services must remain available to all in their community, regardless of the ability of parents to pay for additional services.

I am delighted that the Government has made the far-sighted decision to introduce this new scheme. It will give equal opportunities to all children, particularly the most marginalised, who would not otherwise be able to attend preschool, as well as helping parents who, up to now, had to meet the cost of preschool provision themselves. It will also benefit services which will gain certainty and sustainability in what are, for most, very trying times.

The long-term benefits will be enormously significant to all of our children and to society as a whole. It will involve time and effort to ensure the greatest possible levels of participation in the scheme and to reach the highest standards of early years care and education provision but I am confident that the scheme which is being introduced provides the framework to achieve this ambition.

I commend the Government's amendment to the motion to the House.

Deputy Pádraic McCormack: The Minister of State should ask the parents what they think of the cutbacks.

Deputy Ciarán Lynch: I thank Deputy Enright and Fine Gael for bringing this motion before the House. The issue has been debated several times in my short time in the House. In October 2007, when the community child care programmes were under threat, we debated a similar issue on the Adjournment and, subsequently, in November, the issue was debated once more.

One of the founding principles of an independent Ireland was that the Republic would cherish all the children of the nation equally. The recent publication of the report of the Commission to Inquire into Child Abuse demonstrates the appalling consequences of a failure to adhere to those guiding principles. The State, along with the important duty and responsibility to protect children, also has a responsibility to create an environment where children can flourish and reach their full potential. That is why the Labour Party has consistently argued for a universal preschool system, something Fianna Fáil has only belatedly come around to. Even now it seems Fianna Fáil's late conversion to universal preschool education has more to do with saving money than creating a high quality preschool system for children.

Despite references to Fintan O'Toole from the Minister of State, questions must be asked about how the Government arrived at this position. As my father would say to me, a stopped clock is right twice a day. Fianna Fáil might be locked into a position at present so inevitably it will get it right on occasion. Time moves on, however, and we must move with it.

With only seven months to go before every three year old child is entitled to a free year of preschool education, we still do not know what curriculum they will be following, if any, or if there are enough places or qualified staff to meet the demand. While investment in high quality preschool can pay for itself up to seven times over, research has shown that poor quality preschool education delivers no dividend whatsoever and can even hold children back.

While I welcome the announcement of a year's free preschool provision, the Labour Party will be monitoring its development to see if Fianna Fáil will yet again opt to be penny wise and pound poor when it comes to education. How did we arrive in this situation after child care being such a significant issue for the last 15 years?

There are approximately 25,000 attending University College Cork. If 10% of them are parents, 2,500 of them would have been in receipt of the €1,100 per year supplement. That would have realised a childhood campus to the value of €2.5 million per annum. The return the State, the parents and the children would have got for that money when times were better would go a long way for a very long time. Given our situation, we cannot ignore the changing needs of 21st century families or the importance of education for a child's life chances just because Fianna Fáil has blown the boom. The issue is still on the table; the question is how we address it. We need to act to protect children and develop their potential so this recession does not blight their future long after it has passed, and pass it will. The question we need to ask is where we will be at the other side of it and where education eventually brings us if we take the approach that education is a lifelong journey which begins at the cradle and continues through adolescence and adulthood.

The Government promised to abolish the early child care supplement in April's supplementary 2009 budget. This supplement was introduced in recent years and provided €1,100 per year per child to cover the cost of putting children under the age of five and a half years in crèches and day care. From 1 May this year the monthly supplement fell from €83 to €41.50 and from 1 January next year the supplement will be abolished. It is proposed to be replaced by a universal preschool year system where the State will pay for one year of child care before the

child reaches school-going age. Some 292,000 families have been receiving the early child care supplement, providing a fund to 414,000 children.

When the scheme was first introduced it was criticised as a fudge. It would have cost less to introduce a universal child care service, as the Government opted to do in April 2009 and as mentioned in the example I gave of the UCC campus. The money given to parents was likely to cause further inflation in the cost of child care. Thus it did not solve the core issue facing many families, namely the expense of providing child care and ensuring children are in quality preschool education at a sustained and ongoing level.

Before being abolished the €1,100 supplement was estimated to cover a mere 10% of the cost of child care. Parents had to fund the remaining 90%, and this illustrates the complete failure of the supplement to tackle the cost of child care and suggests the supplement was responsible for placing much of the burden for children on parents. Some had even commented that the supplement was a deliberate fudge so the State could not be seen to be choosing between families with two working parents and those with one stay-home parent. The supplement, as first introduced, was not targeted at any particular sector of society and fits very well with the years of the former Minister for Finance, Charlie McCreevy, and his philosophy that if one has it, one spends it, which was so dominant during the period of waste this Government delivered.

The Labour Party has called for the creation of a universal preschool scheme since 2003. It was part of our 2007 general election manifesto and the Government's decision to implement our policy in light of the economic downturn shows Labour always had the correct idea. Fianna Fáil's conversion to our policy of universal child care shows the key difference between Labour and other political parties. We support genuine public services which are equitable and cost-effective, and which play a role where only the State can. Labour has always shied away from using the State as a mere means to dispense largesse to bribe the electorate. We want decent child care for our children and have consistently argued that in this House.

The Labour Party has always understood that child care is also about the child. For example, investment in high quality preschool pays for itself, as I mentioned, seven times over in reduced spending on education, social welfare and prisons, and in higher income tax receipts. Investment in child care in the early years unlocks potential and the ability of each child to contribute fully to our society over time. It is a short-term investment that provides a long-term delivery.

The rise and fall of the early child care supplement is much like Fianna Fáil and its handling of the economy over the last ten years. It let the boom time roll on and now that the economy is in a dire position, every basic level of public provision is subject to cutbacks. Although the decision to launch an early child care and education scheme, which has been done in the recent budget, is welcomed by the Labour Party, there is no guarantee the scheme will be fully operational by 1 January next year. The Minister's comments in the House this evening add further to that concern.

Significant and unanswered concerns have been raised in this House this evening on the capitation grant of €64.50 to cover three hours of early child care for five days each week. Many preschools in urban areas charge approximately €500 per month, but the capitation grant will cover only €258 of this. This brings me back to the Adjournment debate of October 2007 when I spoke to the Minister about concerns in the community child care sector. That sector is very focused on its position in the new scheme, which is proposed to come in on 1 January. It is critical that this vital and important sector continues to do its vital work and is not sidelined into some sort of ghetto of providing a particular type of child care for the most needy that is not delivered in any integrated fashion and becomes some sort of secondary, second-class child care provision as a result.

[Deputy Ciarán Lynch.]

There has been no decision on what sort of curriculum children in the proposed scheme will be taught. Will it be a sort of baby-sitting service or will it be preschool in the true meaning of the word where a curriculum, ethos and philosophy governs the type of provision and structure these children are engaged in? We do not even know if there will be enough places or qualified staff to meet that demand if those structures are put in place. In rural areas child care places are often divided on a *pro-rata* basis. Some parents want their children in care for two or three days a week. Under the Government's proposal, children must avail of the programme for five days per week and there is no provision to reallocate resource as needs dictate. This may act as a barrier to the success of the scheme. This is a central issue in that many people who avail of child care do so because they are in part-time education and do not require child care Monday to Friday but need a provision that is flexible and attuned to their needs. Anything structured on a whole-time basis will prohibit them from participating in it.

As with all forms of education, there is a philosophical question to be asked. Over the last 15 years, particularly during the McCreevy period, the philosophy of education in the preschool sector was to leave it to the private sector. If we ran our primary school systems like that — allocating schools a couple of thousand euro per year per child and telling them to look after the primary education themselves — people would be up in arms. That has been the State's approach to child care during that period. There has been no consultation with many of the stakeholders in the area and the policy decision this evening still smacks of a desire to cut costs rather than any real aim of providing high quality, affordable child care for families.

I hope Fintan O'Toole is correct and this is the beginning of a new type of Ireland where children are not only protected but cherished and allowed to flourish. I hope we are beginning to see a change in direction and that the Government understands that.

Deputy Caoimhghín Ó Caoláin: I thank my Labour Party colleagues for sharing time.

Ba mhaith liom tacú ar son Sinn Féin leis an rún in ainm na dTeachtaí Fhine Gael ar chúram leanaí, sampla eile é den bpraiseach atá déanta ag an Rialtas seo ar pholasáí poiblí fíor-thábhachtach.

On behalf of the Sinn Féin Teachtaí Dála, I support this motion in the name of the Fine Gael Deputies. It is timely and necessary to highlight the issue of child care which, regrettably, has received relatively little attention recently and which has been almost lost among the many other public policy disasters perpetrated by this Fianna Fáil-Green Party Government.

Having failed to put in place a proper child care infrastructure during the past decade, the Government announced the preschool year in early childhood care and education scheme. As the motion states, the scheme has not been properly explained, seems ill thought-out and certainly appears to be undeliverable by the start of 2010, as promised. I hope the Minister will address that specific issue at some length and with some certainty.

The announcement of the scheme accompanied one of the Government's many savage cuts, that is, the withdrawal of the early child care supplement which was supposed to make up for the very poor State provision of child care. Sinn Féin, over a series of pre-budget submissions, had argued that Government needed to properly address the clear requirement of State provided early child care provision. Time after time, regrettably, the Government has failed to heed that appeal and the appeals of many non-governmental organisations which have been lobbying in this regard over many years.

That poor provision over which this Government has presided was confirmed embarrassingly for everyone on 11 December last when UNICEF issued a report which found that this State

came last in a league table of the 25 OECD countries in terms of provision of early childhood education and care. That was a damning indictment of the Government's policy on child care.

This is a direct result of Government neglect over the past decade. I have no doubt this will be seen as one of the greatest policy failures by this series of Fianna Fáil-led Governments since 1997 and during the so-called Celtic tiger years when they refused to put in place high-standard care and early education accessible to all children.

In the very week the UNICEF report came out, parents, children and child care workers were forced to protest in Dublin and Cork at the Government's community child care subvention scheme. The ill-conceived scheme has created divisions between children from families who receive social welfare payments and children from families who do not. It is inadequate to fund community child care and many crèches are closing as a result, something I have witnessed in my constituency. Crèches have been burdened with bureaucracy to administer the scheme. The Government has failed to address the disgracefully low pay of child care workers in the community sector. This glaring need must be addressed.

Last September the Dublin inner-city partnership and the Dublin inner-city child care providers network published a critical study of the effects of the community child care subvention scheme which reflects the experience of child care providers throughout the country. Of the 12 child care providers studied in the research, seven, or 58%, saw their funding increase on their average annual grant under the previous scheme, the equal opportunities child care programme, and five saw their funding reduced. Those whose funding was reduced experienced the equivalent of a 4.8% reduction in 2008 from the average annual grant level provided under the EOCP. The study found that community child care providers who experienced reductions in funding in 2008 would continue to have their funding reduced to 85% of their 2007 level in 2009 and further reduced to 75% of the 2007 level in 2010.

It was found, most critically, that child care providers no longer have discretionary power to provide for the most needy cases. That merits emphasis because that discretion is critical in being able to respond to specific cases of hardship which we all must realise and recognise are in every constituency. If we are doing our work as Dáil representatives, we will know the cases concerned and we must use the opportunity to press Government to restore some measure of discretion in order that the most needy of cases are properly addressed.

The implementation of the scheme was found to be cumbersome. Given that subvention payments are paid forward based on enrolments in previous years, projects are now no longer able to plan in a coherent and business-like fashion for the subsequent year. Some 58% of projects were worried there would be an impact on quality of services for children and families. It is stated in the report:

There is a real risk that services will close. Local people in some of the most disadvantaged communities may not be able to afford childcare. Some of the most vulnerable families will be affected, and some families who struggled the hardest to get themselves out of poverty and into employment are very likely to lose their support. Vulnerable children, will lose their valuable access to preschool education and care. Working parents may see increases in childcare fees ranging from 50% increase to 166% increase over 2007 costs.

That report surely must be a wake-up call for the Government.

The report highlighted the low wages and salaries in community child care in comparison with other similar employments and found that implementation of the scheme would result in reduction of job security for community child care workers. Given that experience, is it any wonder people are sceptical about the latest announcement from Government in regard to

[Deputy Caoimhghín Ó Caoláin.]

child care? The community child care subvention scheme caused huge confusion when first introduced and, clearly, the problems about which the Government was warned came to pass.

We now have this latest addition to the tattered patchwork of child care provision in this State. In place of that patchwork, we need a new approach based on the rights of children to the best care and on the needs of parents for adequate child care so that they can avail of their rights to education, training and employment to sustain themselves and their families.

We in Sinn Féin have set out our vision of how the State should address the vital issue of child care and we have submitted our proposals repeatedly in a series of pre-budget submissions over the years in which we have focused on the need for child care and on child care provision as a critical area almost as important in terms of family budgets as the provision of home itself.

Debate adjourned.

Nursing Homes Support Scheme Bill 2008: Report Stage (Resumed) and Remaining Stages.

Debate resumed on amendment No. 9:

In page 12, lines 38 to 41, to delete all words from and including “person” in line 38 down to and including “assessment” in line 41 and substitute the following:

“representative of the Health Information and Quality Authority.”.

—(Deputy James Reilly.)

An Leas-Cheann Comhairle: Amendments Nos. 9, 25, 84, 85 and 110 are being discussed together and the Minister of State was in possession.

Minister of State at the Department of the Health and Children (Deputy Áine Brady): Amendment No. 9 proposes that care needs assessments should be undertaken by HIQA. The function of HIQA will be to register and inspect all designated centres, including public, private and voluntary nursing homes. The undertaking of care needs assessments would be outside HIQA’s role and distract from its critical function as a national regulatory authority. It would also represent an inefficient use of public resources. By maintaining the function of undertaking care needs assessments with the HSE, the legislation ensures that the applicant has access to a multi-disciplinary team of health care professionals located close to his or her place of residence. Such health care professionals will simultaneously be engaged in the provision of care, either within the acute sector as part of the primary care teams or in the community setting generally.

The transfer of this function to HIQA would require significant dedicated resources to be provided with the resulting drain on the provision of frontline health care staff from the HSE. The fact that HIQA is a centralised regulatory authority would also represent problems in terms of providing efficient and cost-effective assessments to applicants at local level. For these reasons I do not propose to accept this amendment.

Amendment No. 25 proposes that financial assessments should be undertaken by an independent third party. However, as the HSE would still be making and financing the arrangements, it is questionable how this independence could be achieved or guaranteed. This amendment is also impractical in terms of the use of public resources. It would require a dedicated budget to finance an independent third party organisation. It would also result in the existing officers who administer the subvention scheme and the public long-stay charges system, and who have received no preliminary training in relation to this new scheme, having to be redeployed by the HSE. Finally, it would result in another layer of bureaucracy, with applications being submitted to the HSE but processed by a third party. This is likely to prove inefficient and to

raise issues around governance as, for example, to whom the individual would complain if the application is lost or mishandled. There are also issues regarding data protection and confidentiality for applicants to this scheme. For these reasons I cannot accept amendment No. 25.

Similarly, amendments Nos. 84 and 85 propose that reviews should be undertaken by an independent third party appointed by HIQA. For the reasons already outlined, which are that it detracts from HIQA's core functions, inefficient use of resources and the potential governance issues, I do not propose to accept these amendments.

Amendment No. 110 is related to amendment No. 9, and I do not propose to accept it.

Deputy Paul Connaughton: Just before the break I was asking the Minister of State what mechanism was available to people who believed they did not get a fair deal on the assessment. I am referring to the opportunity for a person who believes that he or she did not get the full crack of the whip and is genuinely convinced the assessment was wrong. Is there a direct appeal mechanism?

Deputy Áine Brady: A person can request a review, but it must be considered afresh the second time. In other words, they do not look at the first application. Of course, an appeals panel will be appointed by the Minister and if that fails applicants always have recourse to the Ombudsman.

Deputy Paul Connaughton: It is a long journey, then.

Deputy James Reilly: The Minister of State has rejected what I have said in relation to the independence of the medical assessment. Amendments Nos. 84 and 85 again refer to an independent third party appointed by HIQA, although not necessarily of HIQA. I believe these are safeguards towards the independence of the process. I cannot accept they are a waste of resources, and if ensuring independence of the process, fairness, transparency and accountability — three principles sorely lacking in this and previous Bills, which are currently at the root of what this country is gripped by — that would not be a waste but a very wise use of resources which might save us all much grief in years to come.

Deputy Áine Brady: The existing officers who are administering the subvention scheme, the public long-stay charges, etc., would have to be redeployed. These people have had some initial training and the Deputy is also seeking another lair of bureaucracy.

Deputy James Reilly: I reject the bureaucracy charge. I am looking for independent assessment.

Amendment put and declared lost.

An Ceann Comhairle: Amendment No. 10 is in the name of Deputy Jan O'Sullivan. Amendments Nos. 11, 18 and 19 are related, therefore, amendments Nos. 10, 11, 18 and 19 may be discussed together by agreement.

Deputy Jan O'Sullivan: I move amendment No. 10:

In page 13, line 29, to delete "as it thinks appropriate" and substitute the following:

"based on whether there is a reasonable possibility that the person would not, but for the provision by or on behalf of the Executive of care services, be able satisfactorily to care for himself or herself or to have satisfactory care services provided otherwise,".

[Deputy Jan O’Sullivan.]

In some ways this refers to the previous amendment in Deputy Reilly’s name in that I am seeking to establish where the bar is in terms of a person’s qualification for the scheme. This section gives a whole list of the various things that will be looked at in terms of the care needs assessment, including cognitive ability, extent of orientation, degree of mobility to dress unaided, etc. However, it does not indicate what the level of ability under each of those headings must be for a person to qualify. In other words, we do not know what degree of mobility, for example, a person needs to have in order to qualify. While it lists the different things that will be looked at it does not indicate where the bar will be set and what level a person must reach in order to qualify.

Amendment No. 10 is the only one of the four in my name. I am arguing that instead of saying “as it thinks appropriate” we should say, “based on whether there is a reasonable possibility that the person would not, but for the provision by or on behalf of the Executive of care services, be able satisfactorily to care for himself or herself or to have satisfactory care services provided otherwise”. In other words, I am trying to establish the criteria for a person to qualify under the various headings.

It is a major flaw in the Bill that we do not actually know where the care needs assessment will set the line. Again, this relates to my concern about the capping of the resource because I wonder whether as the resource is depleted a person will have to be more and more disabled or dependant in order to qualify. Will it mean that the type of people Deputy Connaughton was talking about earlier, for example, will not be included and also, perhaps, many of those people in nursing homes at the moment who do not have families to look after them? Such people would need a considerable amount of care if they had to live at home. The home help services, while being great aspirationally in terms of home help teams, packages, etc., within the HSE, in reality are often not there for the family concerned.

I am therefore trying to set some type of bar at which a person will qualify. My fear is that it will be dependent on the amount of money available, and if there is not too much money, a person will practically not be able to move anything him or herself in order to qualify. That means a great many families will find themselves in the position whereby they do not have any facility for their loved one. As I said earlier, it is very wrong that we force elderly people to worry about how they will be looked after and make them feel they are a burden on their families when the State should be providing for them. I want to get some sense of a standard that will apply across the system, which will not vary, or depend on the amount of money available at the time.

Deputy James Reilly: I support Deputy Jan O’Sullivan in respect of this matter. I am of the view that amendment No. 10 should be accepted. A person’s medical circumstances could change dramatically but, under the legislation, the review will not take place for six months. The period is far too long and it must either be shortened or a provision put in place to take account of a change in a person’s medical circumstances.

I wish to raise my serious objections to the manner in which this extremely important legislation is being dealt with. We have not yet managed to dispose of even one sixth of the amendments. In addition, the Minister for Health and Children is not present to take the debate. I accept that she may have business elsewhere. However, the reality is that if a guillotine were not being applied, she should have dealt with some of the more salient matters relating to the legislation.

The final two amendments tabled in respect of the Bill relate to the rights of people with regard to the capping of other assets and qualifying criteria. We will not have the opportunity

to discuss this matter, which is a key part of the legislation. Amendment No. 125 in the Minister's name states:

“7. Subject to *paragraphs 8 and 9*, the interest of a person in a farm or relevant business shall not be or shall cease to be a relevant asset where the person concerned is receiving or has received—

(a) care services,

(b) transitional care services within the meaning of *section 13*,

(c) services in a nursing home which services would, if they had been provided after the coming into operation of the definition of “approved nursing home” have come within the meaning of the definition of “long-term residential care services”, or

(d) any combination of the services referred to in *subparagraphs (a) to (c)*, for a period of 3 years (which period need not be continuous).”

However, it also states that paragraph 7 shall not apply unless “the person receiving care services has suffered a sudden illness”. This will give rise to a fiasco whereby medical professionals and others will be obliged to determine what constitutes a sudden illness. Will doctors be placed under pressure to say that people have suffered a sudden deterioration in their conditions or will the provision only apply in respect of those who suffer strokes? This will prove to be unworkable.

Under the new paragraph 8, as set down in amendment No. 125, paragraph 7 shall further not apply unless:

(b) a substantial part of the working day of the person requiring care services or his or her partner was regularly and consistently applied to the farming of the farm or carrying on of the relevant business . . .

This will automatically exclude anyone who gradually becomes infirm, that is, the vast majority of the population.

The final part of the new paragraph 8 is the most laughable of all — the Ceann Comhairle, as a Kerryman, will appreciate this — because it stipulates that paragraph 7 shall not apply unless:

(c) a family successor certifies in writing that he or she will on a consistent and regular basis apply a substantial part of his or her working day to the farming of the farm or carrying on of the relevant business.

This will return us to feudal times. The Minister wants to enter people into bondage on the land. They must sign up to state that they will remain on and work the land regardless of whatever changes may occur with regard to their financial, personal or other circumstances. They will be tied to the land and a period in respect of which this provision shall apply is not defined. That is outrageous.

The Ceann Comhairle has been extremely kind in allowing me to discuss this amendment, which we have not yet reached. I strenuously object to the manner in which this debate is being conducted, to the way it is being guillotined and to the fact that some of the core issues relating to the Bill have been left until last. On that note, I wish to call a quorum.

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Deputy Áine Brady: Amendments Nos. 10 and 11, which relate to determinations on care needs assessments, are already addressed in the legislation. Amendment No. 10 seeks to provide that the HSE shall take into account whether a person is capable of caring for himself or herself or of having care services provided. However, section 7(6) already provides that the care needs assessment must take account of the services and supports available to a person and any other matter likely to affect his or her ability to care for himself or herself. As such, the assessment will encompass these matters and the HSE's determination will then be based on the findings of the assessment. It is difficult to set a bar because each individual case is different. The care needs assessment is holistic in nature and takes into account the family and community supports available to a person.

Amendment No. 11 seeks to stipulate that a determination may be revised where a person's care needs are materially altered. This is already provided for under section 8, which ensures that a person can seek a review of his or her care needs and clarifies the basis for such a review. For these reasons, I do not propose to accept amendments Nos. 10 and 11.

Amendments Nos. 18 and 19, which seek to reduce the timeframe for reviews under section 8 are also unnecessary. This is because a person can seek a review prior to the expiration of the six month timeframe if certified by a medical practitioner as having experienced a material change in health or circumstances or if the HSE is satisfied that this has occurred. For these reasons, I do not propose to accept amendments Nos. 18 and 19.

If Deputy Reilly wishes, I will clarify the position with regard to the amendments relating to the treatment of farms.

Deputy James Reilly: Please do so.

Deputy Áine Brady: A number of Deputies expressed concern on Second Stage and Committee Stage regarding the treatment of farms under the Bill. In particular, they indicated their concerns with regard to the potential impact of the 5% annual contribution on the sustainability of family farms and businesses specifically in situation where care is required from an early age and for a prolonged period. This issue was also raised by stakeholder groups.

Amendments Nos. 117, 118, 120, 121 and 125 reflect a commitment the Minister made on Committee Stage to consider extending the three-year 15% cap to farms in certain circumstances. At the time she stated that any beneficial measure extended to farms would, in the interests of equity, also have to be extended to businesses. The amendments provide that a farm or business shall be taken into account within the financial assessment for three years only in circumstances where a person has suffered a sudden illness or disability which causes them to require long-term residential care; where a person or his or her partner were actively engaged in the daily management of the farm or relevant business, as the case may be, up until the advent of the sudden illness or disability; and where a family successor certifies that he or she will continue the management of the farm or relevant business, as the case may be. In the case of couples, the measure will apply where the applicant suffers a sudden and unforeseen illness and where either or both members of the couple have been involved in running the family farm or business. This stipulation is in keeping with the principle of joint assessment of couples.

This proposal necessitated new definitions of the following words "business", "family successor", "farm", "farming", "relevant business" and "unquoted". I ask Deputies to accept these beneficial amendments.

Deputy Jan O'Sullivan: The Minister of State said my amendment will not be necessary because of what will be assessed but the Bill does not state what account will be taken of these

matters or how bad one must be in order to qualify. That is a major flaw in the Bill and the assessments will be very subjective. What one HSE official decides is a level of dependence for which a person qualifies, another might decide is not. The bar might be set differently in different parts of the country and that is not fair.

The issue of farms is of particular concern to my colleagues in Fine Gael and I share their concern. Coming from the county where “The Field” was written, the Ceann Comhairle understands the deep feelings Irish people have about family farms and continuity. This measure will have major resonance in Ireland. I am not sure the amendments proposed by the Minister of State fully address the concerns expressed by my colleagues in Fine Gael.

Deputy Paul Connaughton: There was a great debate on this point on Committee Stage. The Minister was present for the debate and gave an undertaking to revisit this matter. This is the greatest sidestep I have seen in a long time. This amendment does not help the people I spoke about on that day. Deputy Dan Neville raised the matter the Minister has addressed but she did not address the lack of a cap on farms owned by the person in the nursing home or that person’s spouse. Under normal circumstances, where someone who owns a house and a farm goes to a nursing home, the valuation of the house will be capped at 5% for three years. We do not like this concept but in the times we are in it appears there is no alternative. The amended legislation provides that, if a farmer with 40 acres of land remains in a nursing home at rates of €800 per week, which will be normal in years to come, no cap is put on the assets of the business or farm, unlike the three year cap on the residential house. Taken to its logical conclusion, with agricultural land valued at €10,000 per acre, the 40 acre farm is worth €400,000. At €800 per week over ten years, the cost of nursing home care also equals €400,000. When that person is called away from this world, the Revenue Commissioners will own the farm rather than the son or daughter who had hoped to inherit it. There is an important rural culture in Ireland, as rural Deputies from any party will confirm, that it is expected that a son or daughter who helps his or her parents will inherit the farm.

The amendment proposed by the Minister of State does not cover the type of case I referred to on Committee Stage. This is the problem every farming family will see after this legislation is passed. There is no way Fine Gael will back this legislation because of this fundamental flaw. The amendment tabled by the Minister of State is better than having none but the Minister of State and the senior Minister should not think they are getting around the principle problem of the farming community by tabling this amendment because it has nothing to do with the principle on which I spoke.

The Minister of State comes from the same part of the world as I do and she fully understands the expectation one generation has of the previous generation, namely, that the younger generation will inherit the farm. Can the Minister of State imagine the bitterness in families? This measure will split families. If this measure is brought to its logical conclusion, the Revenue Commissioners will own the farm after ten years. On behalf of every farming family in the country, I could not be more opposed to this oppressive legislation.

Deputy Seán Ó Feargháil: Enshrined in this legislation is the principle that nobody will pay more than the cost of care. From the debate on Committee Stage, I understood that the Minister, Deputy Mary Harney, would listen to the points raised so eloquently by Deputy Connaughton on Committee Stage and take them on board. The amendments tabled by the Minister of State appear to take on board the concerns expressed and have gone further in embracing the business community at large, not just the agricultural community. I am sure the Minister of State will clarify this point.

Deputy James Reilly: The Lord giveth and the Minister taketh away.

An Ceann Comhairle: Deputy Reilly is correct, and the meek shall inherit the Earth.

Deputy James Reilly: Indeed, and those who have inherited it like to hold onto it and not have it taken from them by the Minister and the Revenue Commissioners. Regarding what Deputy Ó Fearghaíl said, in sections 7(8) and 7(9), the Minister gives the lie to the fact she is taking into consideration the matters raised by Deputy Connaughton and others. She has raised the issue and then, in section 7(8), she takes it away unless one is the victim of a sudden illness. No other circumstance will apply. One may develop Alzheimer's, become infirm over the years or develop multi-infarct dementia or cancer. When we are older, these disease can be far slower in taking one away. Cancer in a young person can be aggressive and lead to someone's demise within four to six weeks, while it may go on for five years in an older person and something else might be the cause of the person's demise. In the interim the person has become enfeebled and needs care.

As my colleague has pointed out, with a farm worth €400,000, care could amount to €800 per week, and getting 20% back this amounts to €30,000 per year, or €300,000 after ten years. At this point the Revenue Commissioners will take the farm. The relative, who may have toiled on the farm for a subsistence wage in the expectation of inheriting it, will inherit nothing but a bill from the Revenue Commissioners and a forced closure. That is what my colleague pointed to and the reason we object to this so strongly.

The issue is not confined to farming and is relevant to all small businesses where people have lived over a shop, for example, and a nephew has taken over, or where there are two or three siblings living and aging together.

An Ceann Comhairle: The Deputy's time has expired.

Deputy James Reilly: We are curtailed by time. There are many elderly people in the country who have been encouraged to let younger people on the land or who have let their land. Are they being described in 8(b), which states, "a substantial part of the working day of the person requiring care services or his or her partner was regularly and consistently applied to the farming of the farm"? What interval does this relate to?

This legislation is very loose and unworkable and smacks of the bad old days of feudalism. It is unconscionable that anybody would even think of putting it down on paper. It beggars belief and will be utterly opposed.

Deputy Áine Brady: With regard to the issue of care need assessment as raised by Deputy Jan O'Sullivan, there will be a multidisciplinary team in each HSE region and the HSE has agreed a national common needs assessment summary to standardise the procedure.

With regard to the farm or small business issue, the representations from the farming organisations asked specifically that we take into account unexpected or unforeseen illness.

Deputy James Reilly: The Department was not meant to see that as exclusive. I hate to interrupt the Minister of State and I have not done so before. She is intimating that the IFA may have asked that sudden illness be taken into account but it did not ask that this would be the only way illness would be taken into account. The Minister of State has reversed its request to exclude 99% of people in this position.

Deputy Áine Brady: The other request from the farming organisations related to cases involving a family farm business where the successor would depend on the farm for a living or part thereof. Older people are encouraged to plan and sign over farms to their successors, and

it is presumed that somebody who has become infirm over a number of years would have done this many years previously.

Deputy James Reilly: Unfortunately, that may not happen. People like the security the farm provides.

Deputy Paul Connaughton: The Minister of State is living in cloud cuckoo land.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Deputy James Reilly: I move amendment No. 11:

In page 13, between lines 33 and 34, to insert the following:

“(9) Any determination made under *subsection 8* may be revised where the person’s care services needs materially alter.”.

Amendment put and declared lost.

An Ceann Comhairle: Amendment No. 12 is in the name of the Minister and arises from Committee proceedings. Amendments Nos. 12, 23, 30, 32, 34, 42, 43, 50, 58, 71, 72, 74, 75, 77, 79, 86, 89, 90, 91, 92 and 93 are related. Amendment No. 13 is an alternative to amendment No. 12, amendment No. 24 is an alternative to amendment No. 23, amendment No. 31 is an alternative to amendment No. 30, amendment No. 33 is an alternative to amendment No. 32, amendment No. 73 is an alternative to amendment No. 72, amendment No. 76 is an alternative to amendment No. 75, amendment No. 78 is an alternative to amendment No. 77, amendment No. 80 is an alternative to amendment No. 79 and amendment No. 90 is an alternative to amendment No. 89. The amendments will be discussed together.

Deputy Áine Brady: I move amendment No. 12:

In page 13, line 34, to delete “15 working days” and substitute “10 working days”.

I will speak to amendments Nos. 12, 23, 30, 32, 34, 42, 43, 50, 58, 71, 73, 74, 75, 77, 79, 86, 89, 91, 92 and 93. On Committee Stage the Minister indicated she would consider a number of issues relating to timeframes. She indicated she would consider the reduction of timeframes for notifying applicants from 15 working days to ten. Amendments Nos. 12, 23, 32, 34, 43, 58, 73, 89, 91 and 92 reflect that commitment. They provide that the HSE must notify an applicant of any decision within ten working days of making that decision.

The Minister also committed to considering an issue raised by one stakeholder in regard to the standardisation of the timeframes within the Bill. Accordingly, amendments Nos. 42, 50, 74, 75, 77, 79, 86 and 93 seek to standardise the timeframes in the Bill with a few notable exceptions so that all refer to working days rather than days. This is beneficial from the perspective of administrative simplicity and will also ensure greater clarity for applicants to the scheme.

The Minister also indicated she would accept current amendment No. 31 as proposed by Deputy Reilly. However, I propose amendment No. 30 in place of amendment No. 31 in acknowledgement of the standardisation of timeframes as they relate to the working day as outlined above.

Amendment No. 71 reflects a commitment to Deputy Reilly to increase the timeframe for nursing home proprietors notifying the HSE. It proposes to increase the timeframe from 48

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hours to three working days in cases where a resident dies or is discharged and requires the nursing home proprietor to notify the HSE. I ask the Deputies to support all these amendments.

I note amendment No. 72 submitted by Deputy Reilly, which proposes to alter the timeframe for notification by the HSE to a nursing home of an alteration in the level of financial support provided to a person from 15 working days to immediately. I emphasise that this timeframe will be reduced to ten working days.

I also clarify that the amendment is unnecessary. As mentioned previously, the HSE will provide financial support on behalf of individuals by way of bloc monthly payments to nursing homes rather than on a weekly basis. As such, the timeframe of ten working days will allow the HSE notify a proprietor of all alterations in the level of financial support payable to all residents within the nursing home at the time of or prior to making bloc payments. From an administrative perspective, this will enable a more efficient approach to be adopted.

Where a person's level of financial support alters, he or she will be notified within ten working days. Any timeframe for notifying the nursing home proprietor must be consistent with this and I cannot commit to a timeframe that would result in more beneficial treatment for the nursing home proprietor than the nursing home resident, as that would be disrespectful to the resident. For such reasons, I cannot accept the amendment.

Amendments Nos. 76, 78 and 80 all propose to amend the timeframe for notification of a change in circumstances of a connected person from 30 days to three months. This timeframe will generally relate to where a person has sold the principal private residence or has ceased to qualify as a connected person. As such, the timeframe outlined in the Bill must be considered in conjunction with the timeframe for notifying Revenue of amounts due for collection. For this reason, I do not propose to accept amendments Nos. 76, 78 and 80.

Deputy James Reilly: I appreciate the Minister has moved some way to meeting our concerns with some of the amendments she alludes to. Some amendments were discussed earlier in a batch rather than individually. I seek indulgence to be able to go through these amendments as some are without objection from me as the Minister of State has come some of the way. If I looked for 15 days, for example, the Minister of State has given me ten, and that is fine. I do not want to be specious in disputing such matters. There are areas where the Minister has not moved and I would like the option of having them addressed individually so we know which we are dealing with.

The Minister of State used the term "administrative ease" a number of times in her speech. I accept we all want efficient administration and we do not want to make it any more difficult for administrators than is necessary. My concern, which ought to be shared by the House, is for the elderly and citizens who must avail of these nursing home facilities. Administrative ease will always take second place, as far as I am concerned, to the needs of our elderly and the protection of their rights.

Deputy Paul Connaughton: One of the amendments arose because many nursing home owners and administrators were concerned that, with the poor track record of the Department of Health and Children and the Health Service Executive, HSE, they would not be able to draw down the funding necessary to keep their operations going. The Minister of State said that because the block grant would be paid monthly, there was less chance there would be a problem. What would happen if the HSE could not come up with the money for the homes?

Deputy Jan O'Sullivan: Quite a number of amendments are being taken together. I welcome the Minister of State meeting Opposition amendments. However, on the notification of changes

in circumstances of connected persons from 30 days, the Minister's amendments propose 20 working days, which is really the same period. In circumstances such as the death of a spouse, it is reasonable to allow for more than a month and my amendments sought a period of three months. It would give a certain leeway in circumstances in which a family may have other matters to cope with and may require more time to notify the HSE.

Deputy Áine Brady: Amendment No. 39 stipulates the periodic basis for ancillary State support shall not exceed two months. This approach acknowledges the administrative reality that the State will provide financial support by transferring funds in block payments to the nursing home monthly or mostly bi-monthly. By enabling the Minister for Health and Children to specify the exact period in writing, the primary legislation retains flexibility. This will ensure it remains responsive to evolving situations and growing social or economic sectors.

Regarding Deputy Jan O'Sullivan's query, in the case of death, the timeframe does not apply until the grant of representation. This provision will arise in a later amendment.

Amendment agreed to.

Amendment No. 13 not moved.

An Ceann Comhairle: Amendments Nos. 14, 15 and 17 are related and will be discussed together. Is that agreed? Agreed.

Deputy Áine Brady: I move amendment No. 14:

In page 14, between lines 13 and 14, to insert the following:

“(13) The content of a care needs assessment report may be provided to a relevant facility or approved nursing home with the prior consent of the person who is the subject of the report.”

This amendment reflects the commitment given to Deputy Reilly on Committee Stage to provide that care needs assessments may be shared with nursing homes. The amendment acknowledges that care needs assessment reports can be a key tool in discharge planning from an acute care setting. Critically, it also acknowledges that the provision of a care needs assessment report to a nursing home is ultimately a matter for the individual or, where relevant, the individual's representative and the nursing home.

A care needs assessment report will contain sensitive information regarding the person's health and well-being. It would not be appropriate for the HSE to ignore a person's right to confidentiality in this regard. Specifically, it is considered that the provision of the care needs assessment report to a nursing home without a person's prior consent would be a contravention of section 2(b) of the Data Protection Act 1988, as amended by the Data Protection (Amendment) Act 2003 — processing of sensitive data. I ask the House to support this amendment in place of Deputy Reilly's resubmitted amendment No. 15.

I accept the good intention underlying amendment No. 17. However, the Bill contains sufficient provisions to ensure a person receives assistance in applying for a care needs assessment, where necessary. Section 7 enables a specified person, including a medical practitioner, to apply for a care needs assessment on a person's behalf. In addition, there is nothing to prevent any person from offering assistance in the completion of application forms. I understand medical social workers regularly assist patients and their families in this regard. The HSE will be producing information leaflets and explanatory material on the scheme. Preliminary work has commenced on this. A further provision in this matter is unnecessary. The proposed

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provision could leave the HSE legally vulnerable in determining when the statutory requirement to offer administrative assistance amounts to applying on a person's behalf. There would be a potential conflict of interest should the HSE apply on a person's behalf. For this reason, I do not propose to accept amendment No. 17.

Deputy James Reilly: My amendment No. 17 seeks to ensure there is an identifiable individual, not necessarily from the HSE, and that there is some onus of responsibility placed on some third party to ensure people get the requisite help needed. Some mechanism should be in place which would allow an identifiable third party, say a family solicitor or the executor of a will, to represent a patient who has become slightly confused. The patient may be *compos mentis* under the definition of the legislation but that may not necessarily mean he or she could get through the system on his or her own owing to mild confusion or illiteracy.

I welcome amendment No. 14 in the name of the Minister which supplants my amendment No. 15. I acknowledge the Minister of State's point that prior consent would be necessary.

Deputy Paul Connaughton: In such circumstances could a family doctor act in this role?

Deputy Áine Brady: Yes. The Minister believes it should not be a case of only certain people being allowed to be selected. Medical social workers already undertake this role of assistance. Under sections 21 and 47, a family can nominate any person they wish to fulfil the role, including a solicitor or doctor. The HSE cannot do this directly because of a conflict of interest.

Amendment agreed to.

Amendment No. 15 not moved.

An Ceann Comhairle: Amendments Nos. 16, 20 and 114 are related and will be discussed together.

Deputy Áine Brady: I move amendment No. 16:

In page 14, to delete lines 14 to 26 and substitute the following:

“(13) In this section “specified person” has the same meaning as it has in *section 47*.”.

Taken collectively, amendments Nos. 16 and 114 streamline the Bill's provision in respect of non-court appointed representatives. Their aim is to ensure a clear and coherent approach on the issue of non-court appointed representatives by providing for such representatives comprehensively in a single section of the Bill, rather than being spread over two sections. The amendments make it clear that a representative should only be able to act on behalf of the applicant if the latter lacks capacity. This is important as the specified person is explicitly empowered to apply for State support and to review and appeal decisions. However, it should be noted that section 7 still allows a specified person to request a care needs assessment on behalf of a person where that person is unable to so do because of ill health, a physical disability or a mental condition, that is, it is not simply restricted to cases of diminished capacity.

The list of specified persons has been amended in two key respects. Importantly, it now stipulates that those with formal authority to act on behalf of a person of diminished capacity, such as for example the committee of a ward of court or a person appointed under the enduring power of attorney, are recognised ahead of those without such formal authority. In addition, following observations by stakeholders, the final category has been expanded to include registered nurses and registered social workers. Previously, this category had been limited to medical practitioners. Finally, the amendment also provides additional protection for the applicant by

empowering the HSE to refuse to deal with a person if it has concerns that the person either does not qualify as a specified person or is not acting in the interests of the applicant. I ask Members to support these amendments.

Amendment No. 20 seeks to clarify that a specified person may apply for State support on behalf of an applicant. The amendment is not necessary as section 47 already provides that a specified person may act on behalf of the applicant in respect of this matter. For this reason, I do not accept amendment No. 20.

Deputy Jan O’Sullivan: There is sense in the Minister of State’s amendments particularly in respect of amendment No. 114, which is quite detailed. It is important to be clear in these matters as to who can represent a person because unfortunately there are cases in which advantage can be taken of elderly people who are unable to make decisions for themselves. There can be unscrupulous family members or others who are connected to people who might pretend to act in the interests of such people while in fact acting in their own interests. Consequently, I welcome that further thought has been given to this issue. I hope it is watertight and is in the interests of the elderly person, which is what all Members seek.

I do not have a problem with the amendments tabled by the Minister of State, which deal with concerns raised previously by Members.

Amendment agreed to.

Amendment No. 17 not moved.

Deputy James Reilly: I move amendment No. 18:

In page 14, line 34, to delete “6” and substitute “3”.

I still am not happy and will press the amendment to a voice vote.

Question, “That the figure proposed to be deleted stand,” put and declared carried.

Amendment declared lost.

Deputy James Reilly: I move amendment No. 19:

In page 14, line 38, to delete “6” and substitute “3”.

Question, “That the figure proposed to be deleted stand,” put and declared carried.

Amendment declared lost.

Amendment No. 20 not moved.

An Ceann Comhairle: As amendments Nos. 21, 22 and 29 are cognate, they will be discussed together.

Deputy Jan O’Sullivan: I move amendment No. 21:

In page 15, line 22, after “may” to insert “reasonably”.

Basically, the purpose of all three proposed amendments is to insert the word “reasonably” and pertains to the information the HSE seeks when making the assessment. The Bill as it stands states, “shall furnish all information which the Executive may request in connection with the consideration of the application”. I suggest the phrase should be “reasonably request” and

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my reason for so doing is that at times, people have great difficulty when applying for items and can be asked constantly for more information. Although they supply what they think is all the requisite information, they then are informed that other information, such as a bank balance statement or something similar is required.

I made the point on Committee Stage that this trend is obvious in respect of applications for third level grants. One may appear before one’s local authority in the belief that one has brought in everything but its officials respond by requesting a household bill from where one lived two years previously or whatever. Such applicants can be reduced to tears at times because they are asked for so many new items every time they visit the office. My purpose in tabling this amendment was to achieve a sense of reasonableness about the information that would be required by the HSE. Obviously one must provide everything necessary to make a fair assessment of whether a person should qualify but if the HSE is given *carte blanche* in this regard, it could seek all sorts of extraneous information that is not relevant. Moreover, it also could ask for new information each time an applicant thinks he or she has completed the application. In summary, the purpose of these amendments is to achieve a sense of reasonableness in this regard and to ensure that people are not sent through all sorts of unnecessary hoops when making an application.

Deputy James Reilly: I support my colleague, Deputy O’Sullivan, in this regard. It is eminently reasonable, if Members will pardon the pun, to insert this word. There has been a sense that attempts have been made in the past by various arms of the State to frustrate people in their rights by creating additional hurdles for them to jump through. Clearly this would be a classic case, particularly as one is dealing with a vulnerable group. One can imagine an elderly man trying to process such information for his unwell sister or *vice versa*. This group is vulnerable and people should not seek unreasonable amounts of information. There ought to be a limit and someone must arbitrate as to what is reasonable in this regard, in order that applicants at least have some rights and do not end up being completely frustrated as do many people, who give up after three or four attempts to deal with State machinery and who do not receive their entitlements. Consequently, I support this amendment.

Deputy Áine Brady: Amendments Nos. 21, 22 and 29 relate to the application for State support and the financial assessment of means. They propose to qualify requests for information by the HSE by stating that such requests should be reasonable. While I accept the good intention of the Deputy that underlies these amendments, all information requested by the application form for the scheme or during the course of the financial assessment will be necessary for the purposes of the scheme. Furthermore, the Parliamentary Counsel has cautioned against accepting this amendment as the term could be legally ambiguous and could undermine the authority of the HSE to request necessary information. Accordingly, I do not propose to accept amendments Nos. 21, 22 and 29.

Deputy Paul Connaughton: For clarity, is it possible for the Minister of State to give a commitment to the House this evening that only the information that is originally sought will be required? In other words, the normal information that one would expect to be sought for such an application. Members fully appreciate that, as Deputy O’Sullivan noted, reasonable questions must be asked and no one is making a case against that. While the information sought obviously must be specifically demonstrated and clearly illustrated to the person concerned, will the Minister of State give a commitment that no further information will be needed thereafter? In other words, a person would not need to spend an hour in a bureaucratic way drawing up a list of other items that would be required, even though this was not specified on the application form. Will the Minister of State give a commitment that this will not be the case?

Deputy James Reilly: To follow on from that, for related but not specific information there is a sense in Nursing Homes Ireland that it is being asked to give full disclosure of its accounts in regard to its dealings with the NTPF, which it feels is grossly unfair. If there is failure to agree with the NTPF and a third party arbitrator wants to have a look at its accounts in order to settle the matter, that would be eminently sensible.

This brings us to the second part, namely, that there is no appeals mechanism for nursing homes if they do not satisfy or fail to come to an arrangement with the NTPF. They are simply cut off and there is no justice in that. There needs to be third party arbitration somewhere within the scheme to allow for a situation where a nursing home and the NTPF fail to reach agreement. One cannot put people out of business without having some third party arbitration given that the NTPF will have a monopoly and will be the sole body dealing on behalf of the State.

Those two issues need to be considered. I ask that the Minister of State consider them and ensure that unreasonable information is not sought. I agree with Nursing Homes Ireland that to be asked to lay one's audited accounts before the NTPF before one even begins negotiations seems unreasonable and may introduce a cost to some of the smaller, family-run nursing homes which might not have audited accounts.

Deputy Jan O'Sullivan: To make some progress, will the Minister of State give an undertaking that in the guidelines that will be drawn up in regard to this legislation, the family concerned would be given a list of all the requirements on their first visit or when they are making the application, and that this list would not be added to at a later stage. In other words, when the family first makes the application, they would be told in writing exactly what items of information are required so, when they come back, they are not given further items to search for. If this was included in the guidelines, it would address the concerns we have highlighted.

Deputy James Reilly: Hear, hear.

Deputy Paul Connaughton: That is correct.

Deputy Áine Brady: The Department of Health and Children has undertaken that it will examine the whole area and there will be a review in three years to check whether there have been any problems. The Department will also review the draft application form to ensure that it will only seek necessary information. I will have to check with regard to any legal ambiguity regarding the point that requests should be reasonable. The Ombudsman is also open to examining complaints where there is any undue delay. The review of the scheme in three years should pick up any problems and the fact we reviewing the draft application form will ensure we are not looking for information that is not necessary.

Deputy James Reilly: With respect, I asked the Minister of State to respond to Deputy O'Sullivan's request that there will be——

An Ceann Comhairle: The Deputy has spoken on two occasions already. On Report Stage, that is it.

Deputy James Reilly: The Minister of State has not said she will or will not. It is a very reasonable request——

An Ceann Comhairle: The Deputy can only speak twice under Standing Orders.

Deputy James Reilly: ——that the application form would have all information requested on it and there would be no additional——

An Ceann Comhairle: I cannot go into that. Deputy O’Sullivan is in a different category as it is her amendment. She may speak again.

Deputy Jan O’Sullivan: In many applications, such as applications for housing through a local authority, for example, there is a list on the back of the form of the items one must bring along, such as a birth certificate, photographs and so on. We are seeking something similar, namely, one would be given the list in writing when one is making the application. I ask the Minister of State to take this on board.

Deputy Áine Brady: I am unable to give such a broad commitment today. My understanding is that a list of all the items one must bring in regard to the application will be contained on the application form. Given that we are now reviewing the draft application form, which has already been drawn up, we will be able to ensure all the information is included.

An Ceann Comhairle: How stands amendment No. 21?

Deputy Jan O’Sullivan: As this is far as we can get, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment No. 22 not moved.

Deputy Áine Brady: I move amendment No. 23:

In page 15, line 34, to delete “15 working days” and substitute “10 working days”.

Amendment agreed to.

Amendment No. 24 not moved.

Deputy James Reilly: I move amendment No. 25:

In page 15, line 44, to delete “a suitable person” and substitute “an independent third party”.

I will press the amendment as I believe we need independence in this regard.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Deputy Jan O’Sullivan: I move amendment No. 26:

In page 15, line 45, after “Executive” to insert “within two months of the application”.

Amendment put and declared lost.

An Ceann Comhairle: Amendments Nos. 27 and 28 are related and may be discussed together.

Deputy James Reilly: I move amendment No. 27:

In page 16, line 19, after “may” to insert “authorise a suitable independent third party to”.

Again, we come back to the principle of independent assessment. Whether it be in health, finances or financial evaluation, there needs to be independence and transparency. We have

no way of being assured that people who are appointed and who are, therefore, in some way tied to the HSE or other bodies will act in the best of faith. They may start off that way but they may find pressure is brought to bear on them as time goes by. We want to ensure independence and transparency, which is the reasoning behind the two amendments. I hope the Minister of State will see they are reasonable and accept them.

Deputy Áine Brady: Amendments Nos. 27 and 28 propose to remove the right of the HSE to appoint a suitable person to value assets and stipulate that any valuation must be undertaken by an independent third party. First, it should be noted that individuals will be submitting their own valuations alongside their application form for State support. As such, this provision is merely a necessary safeguard within the legislation. It provides for the right of the HSE to undertake valuations at its own expense, which is imperative from the perspective of accountability and the HSE's audit functions. Furthermore, this amendment will be problematic as the HSE will meet the cost of any valuation requested under section 10. As such, it is questionable whether the valuer authorised and funded by the HSE could be deemed to be an independent third party. It is, therefore, not proposed to accept amendments Nos. 27 and 28.

Deputy James Reilly: The Minister of State has acknowledged my point that the person who is being appointed and paid for by the HSE cannot be construed as being independent. That is what this amounts to. We want an independent assessment and we want people to be protected. We do not want a scenario arising where people are afraid to lose their contracts and, therefore, find favour more with the State than with the individual whose premises they are valuing. I rest my case.

Deputy Paul Connaughton: This could turn out to be a very serious matter. Over the years, there have been many good debates and robust exchanges on the valuation of farms. There is no exact science in this regard. Normally, the Valuation Office would have the average prices that were paid either for buildings, houses or lands in various areas throughout the country. The problem is that there is always a much higher price above and beyond the level that normally pertains in the area. That is one of the reasons I have always thought this could become problematic. I find it difficult to understand why there is no independent appeals mechanism in this area. People who have spent a lifetime doing land valuation find it extremely difficult. Basically, we are talking about the concept of an open market price. The price achieved at an auction depends on who is bidding. Variations in the number of bidders can make a difference of between €30,000 and €60,000 in the price achieved for two houses of the same size and in similar locations. Who is to say what is the right market valuation? There is a huge issue here. I do not think the measure being presented by the Minister of State will work in these circumstances. We need a means of referring back to some type of independent valuation system. It is obvious that the proposed measure could lead to court proceedings. Of all the matters about which we have spoken, the question of valuations is the most likely to be contested in a court of law. In light of the complexity of this issue, I am surprised the Minister of State has not seen fit to provide for an independent assessment. As this is a very complex matter, it might be advisable to provide for some sort of tribunal where all of these issues could be taken into account.

Deputy Jan O'Sullivan: I support the points that have been made. This very tricky area could well end up in the courts. I think an independent system would have a better chance of surviving any court challenges. I assume the Minister of State has received legal advice. It would be interesting if she could share it with the House.

Deputy Áine Brady: Generally, we expect the applicant's valuation to be accepted. This amendment, which is a safeguard, will ensure that the HSE will pay for it if it disputes the applicant's valuation. Deputy Reilly's amendment would require the HSE to fund the cost of the valuation. Under the legislation as it stands, the HSE will not seek a second opinion unless the applicant's valuation is disputed.

Deputy James Reilly: The Government wants the elderly person to pay for his or her house to be valued. It also wants the HSE to have the right to employ someone to value the house on its behalf. What will happen then?

Deputy Áine Brady: The HSE will not seek a valuation unless there is a dispute about the application.

Deputy James Reilly: If there is a dispute, what will happen then?

Deputy Áine Brady: The matter will be reviewed by the financial review section.

Deputy James Reilly: In what way? Will an independent arbitrator be employed?

Deputy Paul Connaughton: That is the point. Where will it go at that stage?

Deputy James Reilly: I am sorry. There is no justice in that.

Deputy Áine Brady: Under Deputy Reilly's amendment, we would have to meet every applicant's costs.

Deputy Paul Connaughton: No. If I may say so, the Minister of State is missing our point. If there is a difference of opinion between the applicant and the HSE, where will all of this go? What will be the next step at that stage? Who will decide which participant's valuation will be accepted? That is the question.

Deputy Áine Brady: The applicant would be able to make an appeal to the relevant officers in the financial review section.

Deputy Paul Connaughton: Who are they? Where are they?

Deputy Áine Brady: They are on a panel appointed by the Minister.

Deputy James Reilly: I think the Minister of State is making it up as she goes along, which is not good. This will be a serious issue. With all due respect, people do not trust the HSE.

Deputy Áine Brady: The appeals officers, who will be appointed by the Minister, will settle any disputes in the financial review section.

Deputy James Reilly: I do not accept what has been said.

Amendment put and declared lost.

Deputy James Reilly: I move amendment No. 28:

In page 16, lines 19 to 21, to delete all words from and including "in" in line 19 down to and including "appropriate" in line 21.

Amendment put and declared lost.

Amendment No. 29 not moved.

Deputy Áine Brady: I move amendment No. 30:

In page 16, line 29, to delete “28 days” and substitute “40 working days”.

Amendment agreed to.

An Ceann Comhairle: As amendment No. 30 has been agreed, amendment No. 31 cannot be moved.

Amendment No. 31 not moved.

Deputy Áine Brady: I move amendment No. 32:

In page 16, lines 34 and 35, to delete “15 working days” and substitute “10 working days”.

Amendment agreed to.

An Ceann Comhairle: As amendment No. 32 has been agreed, amendment No. 33 cannot be moved.

Amendment No. 33 not moved.

Deputy Áine Brady: I move amendment No. 34:

In page 17, line 2, to delete “15 working days” and substitute “10 working days”.

Amendment agreed to.

An Ceann Comhairle: As amendments Nos. 35, 48 and 49 are related, they may be discussed together. Amendment No. 49 is an alternative to amendment No. 48.

Deputy Áine Brady: I move amendment No. 35:

In page 17, to delete lines 32 to 37.

Amendments Nos. 35 and 48, which reflect commitments made to Deputy Reilly on Committee Stage, will remove the right of the HSE to cease paying financial support when a person fails to pay his or her contribution. This is appropriate, given that the payment of the contribution is a private matter between the individual and the nursing home. I urge Deputies to support amendments Nos. 35 and 48, which achieve the intention of amendments Nos. 36 and 49.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 36, in the name of Deputy Reilly, is out of order, unfortunately, as it would represent a charge on the Exchequer.

Amendment No. 36 not moved.

An Ceann Comhairle: As amendments Nos. 37 and 44 are related, they may be discussed together.

Deputy Áine Brady: I move amendment No. 37:

[Deputy Áine Brady.]

In page 19, lines 28 to 30, to delete all words from and including “and” in line 28 down to and including “relates,” in line 30.

The purpose of amendment No. 37 is to ensure that, in the case of couples, both members of the couple apply for ancillary State support. At present, both members of the couple must request the payment of ancillary State support only where the other member has an interest in the asset concerned. However, this stipulation could give rise to an unintentional administrative burden. This is because in interpreting what constitutes an interest in an asset, the HSE may be obliged to undertake an investigation of title. Such a course of action would delay the applicant in accessing support and would be detrimental from the perspective of administrative efficiency. In the interests of clarity and efficiency for both applicants and administrators, I propose to simplify this section of the Bill in order that an application is always made by both members of a couple. The simplification of this procedure should remove any confusion or ambiguity for applicants to the scheme. This amendment is accompanied by a regulation provision, amendment No. 44, which enables the requirement for both members of a couple to apply for ancillary State support to be waived in certain circumstances. I ask the Deputies to support these amendments.

Deputy Jan O’Sullivan: What will happen if one member of a couple wants to apply but the other does not? Has provision been made for a dispute within a couple? Couples do not always agree on everything, a Ceann Comhairle.

An Ceann Comhairle: That is true.

Deputy Áine Brady: If the regulations do not deal with that, such a couple will not be able to make an application.

Deputy Jan O’Sullivan: They cannot apply if they do not agree.

Deputy Áine Brady: I am informed that the regulations will deal with that.

Deputy James Reilly: I am not really clear on this.

Deputy Jan O’Sullivan: Neither am I.

Deputy James Reilly: We need more clarification. With no disrespect to the Minister of State I think she is also a little confused by this. Given that the Bill will pass we should at least do the public the service of understanding what we will vote on.

Deputy Áine Brady: The requirement to interpret what constitutes an interest in an asset could also render the scheme vulnerable for the following reason: if the HSE interprets an interest to refer only to a beneficial interest then, notwithstanding other legislative provisions, this could leave it open to challenge when the time comes to collect the repayable amount, for example, a married person could claim to have an interest in his or her partner’s asset even though his or her name does not appear on the title deeds. In such a case the spouse not having a beneficial interest would not have formally requested ancillary State support thereby consenting to the creation of the charge and could subsequently seek to contest the validity of the charge. On the other hand, if the HSE asks both members of a couple to request support in cases such as the one I have outlined the couple may point out that it is not required under the legislation as the term “interest” is not defined and refuse to comply. In such a case it does not appear that the HSE could subsequently refuse to deal with the application.

Deputy Paul Connaughton: What would happen in a case where the couple are the beneficial but not the legal owners of the asset, if for example, they are not registered in the Land Registry office but have been in possession of the asset all their lives? There are thousands of such cases around the country. Where would they stand in so far as this legislation is concerned?

Deputy Jan O'Sullivan: I am still concerned about a couple who might not agree. It is feasible that one partner would say that he or she is not allowing his or her future family home to be paid into a nursing home for the other partner's mother or father. I am not condoning this but saying that it could happen. There is a great deal of difficulty in it. I can see why the Minister of State might want to tie it up because if there is disagreement and this is not in the legislation it can cause problems but there will be problems either way if there is disagreement. The courts could be dragged into this procedure too. I appreciate that it is difficult no matter which the Minister of State does. Can she clarify this any further?

Deputy James Reilly: I accept what the Minister of State is attempting but she could find herself in conflict with property rights. Many married couples who remain married but live apart still have legal rights over one another's property. One partner might seriously object to any possible diminution of the property if he or she knew that someone was ailing and needed to go into a nursing home. This could cause serious difficulties for people who need to avail of the scheme if a truculent individual does not want to co-operate. This might apply not only to an in-law but to an estranged spouse who still has rights in law. This will require much more work because it cannot fly as it is, although I understand what the HSE and the Minister of State are attempting.

Deputy Áine Brady: In response to Deputy Connaughton, if the couple are not legal owners of the asset it is not taken into account in financial assessment.

Deputy Paul Connaughton: In that case who pays for the time in the nursing home because the 5% cap cannot apply to that property?

Deputy Áine Brady: The spouse who is not formally requesting the support because he or she does not have a legal interest does not have to pay and the State picks up the cost.

Deputy Paul Connaughton: If that is the case nobody will register their property. If people knew that if they were not registered, even though they were in possession of their house, would it not be to their benefit not to be registered owners?

Deputy Áine Brady: If they are a couple both members must apply even if only one is the legal owner of the asset.

Deputy Paul Connaughton: What happens if neither is?

Deputy Áine Brady: If neither is?

Deputy Paul Connaughton: What happens?

Deputy Áine Brady: Then there is nothing to take into account.

Deputy Paul Connaughton: The State will pay the nursing home costs.

Deputy Áine Brady: If they do not own the house and have no asset.

Deputy Paul Connaughton: That is a remarkable situation.

Deputy James Reilly: I am coming at this from a different angle. My concern is that the patient who requires care will be disadvantaged and frustrated in his or her attempt to attain that care by the unwillingness of the estranged spouse or even of a spouse who is in the house but has a particular mindset and will not cooperate. The patient is disadvantaged. The Act needs to accommodate this possibility. This will not cover it. This will seriously disadvantage people who find themselves in that situation.

Deputy Áine Brady: The definition of a couple is that they must live together.

Deputy James Reilly: I can repeat the definition, a married couple or a couple living together as a married couple would. It does not preclude a married couple who may not be living together.

Deputy Áine Brady: The definition of “couple” is set out in section 4. Section 4(1) states:

In this Act, “couple” means—

(a) two persons married to each other,

(b) a man and woman who are not married to each other but are cohabiting as husband and wife, or

(c) two persons of the same sex who are cohabiting in domestic circumstances comparable to that of a man and woman who are not married to each other but are cohabiting as husband and wife,

who are habitually living together at the date of the making of an application for State support...

Deputy James Reilly: It does not accommodate the persons habitually living together but who will not co-operate. That is the problem.

Deputy Paul Connaughton: What is there for those who do not own their own house?

Amendment put and agreed to.

An Ceann Comhairle: Amendment No. 38 arises out of committee proceedings. Amendment No. 39 is related and is an alternative, therefore, amendments Nos. 38 and 39 may be discussed together by agreement. Deputy Reilly has approximately one and a half minutes to speak.

Deputy James Reilly: I move amendment No. 38:

In page 20, to delete lines 11 to 13.

This refers to the payment of ancillary support and I would like to delete the lines that it “may be advanced on such periodic basis as is specified in writing by the Minister”.

Deputy Áine Brady: Amendment No. 38 proposes to remove the right of the Minister to specify the periodic basis on which ancillary State support will be paid. This right is necessary, however, from a practical administrative perspective. The legislation provides for the weekly means of an applicant to be assessed and a weekly contribution to be calculated. While a person

will make his or her contribution on a weekly basis in practice the State will provide financial support by transferring funds in block payments to the nursing home on a monthly basis. This is consistent with current practice under the subvention scheme whereby a weekly maximum basic subvention of €300 is payable under law but is paid to nursing homes on behalf of their residents on a monthly basis. It is therefore not proposed to accept this amendment.

I accept, however, the Deputy's point in this regard that the periodic basis for payment of ancillary State support is open-ended and unqualified. In order to address this concern I propose to move amendment No. 39 in place of amendment No. 38. Amendment No. 39 stipulates that the periodic basis for ancillary support shall not exceed two months. This approach acknowledges the administrative reality that the State will provide financial support by transferring funds in block payments to nursing homes on a monthly or at most bi-monthly basis. By enabling the Minister for Health and Children to specify the exact time period in writing the primary legislation retains flexibility. This will ensure that it remains responsive to evolving situations in growing social or economic sectors. I ask Deputies to support this amendment.

An Ceann Comhairle: As it is now 10 p.m., I am required to put the following question in accordance with an Order of the Dáil of this day: "That the amendments set down by the Minister for Health and Children, and not disposed of, including those in respect of which recommittal would in the normal course be required, are hereby made to the Bill; Fourth Stage is hereby completed; and the Bill is hereby passed."

Question put.

The Dáil divided: Tá, 78; Níl, 52.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Johnny.
 Browne, John.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Cowen, Brian.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.

Grealish, Noel.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistrim, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 Mansergh, Martin.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Batt.

Tá—*continued*

O'Keeffe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.

Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Connaughton, Paul.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deenihan, Jimmy.
 Doyle, Andrew.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Hayes, Tom.
 Hogan, Phil.
 Howlin, Brendan.
 Lynch, Ciarán.
 Lynch, Kathleen.

McCormack, Pádraic.
 McGinley, Dinny.
 McHugh, Joe.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Perry, John.
 Rabbitte, Pat.
 Reilly, James.
 Shatter, Alan.
 Sheahan, Tom.
 Sherlock, Seán.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.

Tellers: Tá, Deputies Pat Carey and John Cregan; Níl, Deputies David Stanton and Emmet Stagg.

Question declared carried.

Adjournment Debate.

Hospital Services.

Deputy Brian O'Shea: St. Vincent's District Hospital, Dungarvan, has long been one of the worst hospital buildings in the country. Its replacement, the 32-bed community hospital in Dungarvan, is almost complete, and as part of the project the existing St. Vincent's hospital is to be demolished. Although belated, this is to be welcomed. Unfortunately, a new obstacle has arisen. The building is about to be taken in charge by the HSE and, in line with revised procedures introduced by the Department of Finance this year, the HSE has made a formal submission to the Department of Finance seeking release of the funding to proceed with equipping the hospital. However, no decision is forthcoming.

Last Thursday I tabled a parliamentary question to the Minister for Finance which was accompanied by a letter I received from the HSE outlining the position regarding the sub-

mission made to the Department of Finance. I was seeking to find out when a decision would be reached on the release of the funding to proceed with the equipping of the hospital. The question was transferred to the Department of Health and Children, and the answer I received from the Minister of State, Deputy Áine Brady, was one line as follows: "As this is a service matter it has been referred to the Health Service Executive for direct reply."

As a long-standing Deputy I am appalled and outraged at how my question was dealt with by both the Minister for Finance and the Minister for Health and Children. The question originated from a reply I had received from the HSE. The letter was then transferred from the Department of Finance, where the answer I was seeking should have been given, to the Department of Health and Children, which in turn sent it back to the HSE. This is bureaucratic evasion at its most contemptible and I am registering the strongest possible protest in this regard. The people of Dungarvan have waited long enough for their hospital and I am demanding that a positive decision in regard to the equipping of the new hospital and the demolition of St. Vincent's District Hospital is made without delay.

The HSE has completed the equipping source list as part of the process for its submission, and it anticipates that the process from order to delivery will take six to eight weeks. I once again demand that this appalling mess be rectified as a matter of the greatest urgency and that the people of Dungarvan and west Waterford be provided without further delay with the 32-bed facility that has long been awaited and is much needed.

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I thank the Deputy for raising this issue as it provides me with an opportunity to reaffirm the Government's commitment to developing community-based services at local level.

Government policy with regard to older people is to support them in living with dignity and independence in their own homes and communities for as long as possible. Where this is not feasible, the health service supports access to high-quality long-term residential care where appropriate. This policy approach is renewed and developed in the current partnership agreement Towards 2016.

The Government's objective of continued development of community-based services for older persons is reflected in the funding given to the system in recent times. Since 2006, more than €200 million has been provided to develop community care services. As the Deputy is aware, the Health Act 2004 provides the HSE with responsibility for the management and delivery of health and personal social services. As a statutory body, the provision of these services, including progressing community services at local level is an operational matter for the executive.

The HSE is committed through its national service and capital plans to deliver services within its Vote provided by the Oireachtas. In Dungarvan, construction has just been completed at the community hospital and the executive has recently taken charge of the building. The facility includes a new 32-bed unit, eight of which are additional beds and 24 of which will be replacement beds, along with a 15-place day hospital.

The new building will replace the existing St. Vincent's district hospital for older people. It will provide GP access beds, convalescent, respite and terminal care, and short-term accommodation for dependent, chronically-ill young patients. Its role will be focused on providing non-acute services to complement those of the general hospital. The community day hospital will provide outpatient services for older persons, the intention being to enable older people to continue to live at home and avoid hospital admission. The overall capital cost of this development is approximately €12 million.

[Deputy Áine Brady.]

In light of the current financial difficulties generally, it will be a matter for the HSE to progress the equipping phase, or undertaking the demolition works, as part of the agreed HSE capital programme for 2009 or beyond. This would have to take account of priorities determined nationally by the executive, including decisions in relation to new community facilities coming on stream. Such initiatives have to be in line with agreed capital envelopes and identify any additional revenue or staffing implications arising from a particular project.

Care of the Elderly.

Deputy Seymour Crawford: I thank the Ceann Comhairle for the opportunity to raise this important issue on the Adjournment.

A number of cases have recently been brought to my attention. In one case, the carer for a 93 year old woman who is almost blind had to go into hospital. Initially, it was not certain how long the hospital stay would last and an application was made for the provision of care to the woman in the meantime. It was refused. Fortunately, her carer only had to go on two individual days so the situation was not as serious as it might have been. This 93 year old woman has to have her food liquidised three times a day and the only support she was given while her carer was absent was one visit in the morning. This person has no living relatives. Her sister in law, who is in her 70s, lives eight miles away. She visited at lunch time and another neighbour helped in the evening. This is a typical situation where no cover is provided by the HSE and it is unacceptable.

Another case was that of an 86 year old woman who has had two strokes and is confined to a wheelchair. Her daughter, who lives with her and cares for her with the help of other carers, has been seriously ill following a difficult child birth. She wants to go for a week's holiday in June and when she asked for that, she was told it was not possible and that the family would have to look after her mother.

This is not acceptable. Money can be found for all sorts of issues but those are two cases from many. Another lady on the far side of Cavan is unable to walk. She was checked a year ago but has not been reviewed since. When she was checked, it was estimated that she did not need too much help. She must use a walking aid and she cannot get to the toilet in time. We all know the result of that. Any female would have an understanding of the dire needs of that person but she cannot get a carer when her own carer is absent.

I spoke to someone in charge of an outside agency. She spelled out the difficulties that occur in Cavan-Monaghan. She no longer wants to do business there because regulations are so lacking in understanding, sympathy or care for the elderly. She works in other counties where the situation is totally different.

This comes down to one thing. In the north-eastern area, which consists of four counties, there has been a massive increase in population. The budget for the region, however, was never increased and, as a result, there is penny pinching everywhere. I beg that this not be taken out on the elderly, the most vulnerable in the country. When millions can be found for other issues, as happened in the past few days in our own area, the few euro it would take to employ a carer or an agency worker to carry on for the few days in question must be provided. It is not so bad if there is a family who can help out but some of these people have no living relatives and it is desperately unfair on them. I spoke to this lady on the phone and she is a lovely person who does not deserve such treatment.

I urge the Minister to ensure, no matter what it takes, that people like her get the care they deserve in their later years. These people are saving the country a mint by staying at home but they are being penny-pinched.

Deputy Áine Brady: I thank the Deputy for raising this issue as it provides me with an opportunity to reaffirm the Government's continued commitment to services for older people generally and, in particular, to the important area of home care services.

The development of these services nationally reflects the prioritisation and significant investment by the Government in recent years with, for example, just over €200 million in additional funding provided to develop or expand such services over the period 2006-08. This additional funding related to a range of services such as home care packages, home help, meals-on-wheels, and day and respite care.

Home care services are delivered either directly by the Health Service Executive or on behalf of the executive in partnership as appropriate with the voluntary sector or through private providers. The position in the home help programme shows for expected expenditure this year by the HSE of around €210 million, including just over €55 million development funding provided since 2006; an increase from 10.8 million home help hours in 2006 to nearly 12 million hours this year; and an increase in the number of clients benefiting from around 41,500 in 2006 to 54,500 this year.

Home care packages are a relatively new initiative introduced by the HSE in 2006 and developed nationally in the meantime through phased investment of €120 million new funding made available by the Government. A package comprises a variety of community-based services and supports, including a significant home help element in many cases, to best meet the needs of an older person. Clients may have significant medical, nursing and-or therapy requirements and may be recently discharged from hospital, or at risk of admission to hospital, if such needs are not met in a planned way. The HSE service plan envisages around 8,700 people benefiting from packages at any one time, or over 11,000 people benefiting over the course of this year.

I wish to highlight that, notwithstanding the current financial pressures generally across the health system, the Government has made every effort to protect home-care services for older people. This year, the HSE aims to deliver the same quantity and quality of home help and home care packages nationally in line with 2008. If the Deputy can supply details of the individual cases raised today to the HSE, or to me personally, the executive will arrange to urgently review these and report back direct to the Deputy.

The capacity of the HSE to provide approved levels of home help services continues to be reviewed in the context of overall available resources. It is incumbent on each local health manager to ensure home help services are delivered within allocated budgets. This requires a stringent ongoing review of the application of the resources.

As with every service, a limitless resource is not available for the provision of home help services and while the resources available are substantial, they are finite. Levels of services provided are reviewed regularly and, as a result, this in individual cases may increase, decrease or remain constant based on the assessed need in each case. Professional staff on the front line, who are aware of local circumstances, undertake the individual client assessments. Services are targeted at clients with a high level of dependency, and in accordance with their assessed need.

An example would be a person discharged from an acute hospital who may require home help assistance for a period following discharge, until he or she has regained independence. In this case, the level of service provided on discharge would be kept under review. When the person is in a position to live more independently, the home help hours may be reduced or withdrawn in line with the re-assessed care needs.

The Government has made considerable improvements in recent years to enhance home care provision throughout the country. Demand can at times exceed service resources, especially in cases involving the need for temporary cover. I am satisfied, however, that the HSE will con-

[Deputy Áine Brady.]

tinue to deliver the home help service in the best manner possible, taking account of evolving circumstances at national and local level.

Deputy Seymour Crawford: I gave the names and addresses of the people concerned so the Department knew the exact situation.

Acting Chairman (Deputy Johnny Brady): I cannot let Deputy Crawford speak again.

Foetal Alcohol Spectrum Disorders.

Deputy David Stanton: Foetal alcohol syndrome is the biggest cause of non-genetic mental disability in the western world. It is 100% preventable and is caused only when a mother drinks during pregnancy. In addition to foetal alcohol syndrome, there is a range of other alcohol related problems such as alcohol related birth defects and neurological disorders. Maternal risk factors for children developing any of these are advanced maternal age, low socioeconomic status, frequent binge drinking, family and friends with drinking problems and poor social and psychological indicators. Symptoms are babies who are small, underweight, and have poor muscle control and different facial characteristics. Other symptoms are permanent brain damage, speech impediments, hyperactivity, heart and eye disorders, genetic deformities and behavioural problems such as autism, aggressiveness and impaired social skills. Prevalence rates in the US have been estimated to be between 0.5 and two per 1,000 births, but other estimates of mild foetal alcohol syndrome have been much higher, at almost one in every 100 births.

I questioned the Minister for Health and Children on this recently and was told that the incidence in Ireland is unknown but that the Health Service Executive is developing proposals for a research project to be carried out in a large maternity hospital to evaluate the prevalence of alcohol in pregnancy. Can the Minister of State tell me where this will happen and when this study will begin? We should take account of the research carried out in the US, other countries in Europe and the UK where lifestyles, culture and attitudes to alcohol are similar to here. It would be safe to assume the estimates for Germany and, perhaps, the UK would apply here as we have cultures where alcohol is consumed in large amounts and is heavily connected to special occasions and social life.

Last week the Minister agreed that symptoms can range from mild attention deficit problems to lifelong problems such as neurological, cognitive and behavioural problems, growth retardation and developmental delay. I am concerned about this when one sees the rise in issues such as these in our schools with children with hyperactivity and other problems. There is possibly a link. The Minister advised at the time that the promotion of healthy behaviour in alcohol intake is a national priority, but we need to do more. We must advise and inform people much more than we have been doing about the dangers of this alcohol syndrome.

I am pleased to note that the Health (Miscellaneous Provisions) Bill will provide for a mandatory labelling of alcohol to advise of risk of drinking during pregnancy. Such labelling is in place in a number of countries such as Canada and will go some way to raising without delay the necessary awareness in this country of the dangers to children. Other awareness raising measures will be included. It is clear from international research that more people need to be aware of the dangers of drinking even a small amount of alcohol when pregnant to stop the needless suffering of many children affected by foetal alcohol syndrome. I urge the Minister of State to develop as a matter of urgency a national policy on the issue and begin initiatives to improve awareness of the risk and dangers as soon as possible. I look forward to the Minister of State's response to this very important matter which is not known to many people. The awareness levels in this country are very low.

Deputy Áine Brady: I thank the Deputy for raising this matter on the Adjournment which I am taking on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. Pre-natal exposure to alcohol can produce a range of effects known as foetal alcohol spectrum disorders, FASD. Depending on factors such as the amount of alcohol consumed during pregnancy, the stage of pregnancy at exposure and the duration of alcohol exposure, FASD can range from mild attention deficit problems to full foetal alcohol syndrome with its lifelong problems such as neurological, cognitive and behavioural problems, growth retardation and developmental delay. FASD is often difficult to diagnose and can be diagnosed as another disorder with clinically similar features. Thus, in many countries, FASD in particular is under-diagnosed.

To establish the levels of alcohol, smoking, and illicit drug use during pregnancy, a research team reviewed maternal records spanning 1988 to 2005 held by the Coombe Women's Hospital. The study revealed that there has been a change in drinking behaviour in women presenting for antenatal care over the past two decades. In the main, alcohol consumption has increased. The study revealed that one in ten women report drinking more than six units of alcohol per week in pregnancy and two thirds of all pregnant women under 18 years old reported drinking alcohol during pregnancy. The promotion of healthy behaviour in one's alcohol intake is a national priority, not least among women who are planning or embarking upon pregnancy.

To create greater awareness of the risks associated with alcohol consumption, the Health Service Executive has published a booklet entitled *Women and Alcohol*. This includes advice for women to avoid alcohol in pregnancy.

The Department is devising legislation to provide for mandatory labelling of alcohol containers advising of the risk of consuming alcohol during pregnancy. The legislation is part of a miscellaneous public health Bill being prepared.

The Health Service Executive is developing proposals for a new research project in a large maternity hospital which aims to evaluate the prevalence of alcohol exposure in pregnancy, the patterns of behaviour, such as social drinking, binge drinking and sustained heavy drinking, and the factors that influence whether a woman drinks alcohol before conception and during each trimester of pregnancy. The research project aims to follow a cohort of women who drink alcohol during pregnancy to evaluate the impact on the infant's condition at birth and subsequent development.

The diagnosis and management of foetal alcohol syndrome is a clinical issue requiring contact with general practitioners and specialists as appropriate. The Health Service Executive also provides a range of child and adolescent services at local and community level to support children and families. If appropriate in particular cases, a child under five may have an assessment which covers the full range of a child's health and education needs.

The Government is committed to ensuring all pupils, including those with special educational needs, can have access to an education appropriate to their needs, preferably in school settings through the primary and post-primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum. The Department of Education and Science provides for the education of children with special educational needs through a number of support mechanisms depending on the child's assessed special educational need.

I am concerned about the harm caused by alcohol misuse in Ireland. FASDs are one of the many consequences of our alcohol culture and especially our binge drinking culture. As my responsibilities as Minister of State include health promotion, I intend to identify and seek implementation of the necessary policy measures and actions required to reduce the overall level of alcohol related harm in society.

Special Educational Needs.

Deputy Olwyn Enright: I thank the Ceann Comhairle for the opportunity to raise this issue. While I am delighted to have the Minister of State, Deputy Áine Brady, here in her new position, I would have liked to have had the Minister with responsibility at the Department of Education and Science taking this, as it is a serious issue. The forthcoming closure of the special classes at St. Brendan's boys primary school and the Mercy primary school in Birr has caused great upset and concern in the area, especially for the children and families affected.

We debated this issue in the House a number of weeks ago and at the time, I outlined the plight of the children who I know are affected. When the Minister first made this announcement to close 128 classes last February, it caused consternation in the schools and among the families affected. There was rightly and understandably outrage at the decision.

At the time, the Minister committed that local arrangements could be made where numbers allowed them, and I believe the numbers allow them here. Indeed, during the debate in Private Members' time, many Deputies from the Minister's side of the House looked for special arrangements to be made in the areas they represent.

I raise this issue because I want to know exactly what local arrangements can be made in regard to the two primary schools in Birr. There are 13 children between the two primary schools in the special classes. There have always been special classes in both these schools. The key issue appears to be a push towards total integration, regardless of whether it suits the child.

Some 12 of the 13 children in Birr — children from all over south and west Offaly — already tried mainstream class but it did not work. These 12 children were already in mainstream classes in their local primary schools. Mainstream class is where every parent hopes their child will be. These 12 families made the very difficult decision with professional advice and guidance that the mainstream class was not helping their children. They made the decision to move their children to one of these two schools because of what was best for them. They have told me of their delight and joy in watching their children finally begin to blossom, develop and make friends in a way which did not seem possible before.

St. Brendan's has had four full-time special needs assistants for children designated as being in need of this help. This school should be at DEIS band 1 like its sister school but it is stuck at band 2 with no opportunity for review until after 2010. Along with Mercy primary school, it will now lose its special class. However, in addition, St. Brendan's is expecting to lose two-thirds of a special needs assistant post. It has not been officially notified yet. It has been told by its special educational needs organiser that she has made this finding but is submitting it to a higher authority for approval. Not only are these children being forcibly reintegrated into mainstream classes, which have proved not to suit them, with the withdrawal of the special classes, they are also set to see a reduction in special needs assistant support. They will have less than they had before they went into the special class.

This is wrong. The original decision was wrong and these extra cuts reinforce the error being made. Instead of compensating these children for the loss of these classes, the Minister is taking more away from them.

The Minister stated in a letter to me last week that the decision to take away special classes is not being done for economic reasons so he should use that money being saved to help those children. He promised there would be a solution. Those representing his party promised a solution and Fianna Fáil Deputies looked for one in the debate last week.

I would like an outline of exactly what will be done. Both schools are willing to enter into any arrangement where they could still have a special class, whether sharing a teacher or whatever, because anything is better than the total loss they expect. I hope the issue of the

possible withdrawal of special needs assistant support from St. Brendan's will also be addressed because these children cannot afford to be in a worse off position than they were before they entered the school.

Deputy Áine Brady: I am taking this Adjournment matter on behalf of my colleague, the Minister for Education and Science, Deputy Batt O'Keeffe. I am pleased have the opportunity to clarify the position in regard to the matter raised by Deputy Enright.

The Deputy will be aware that allocations to schools typically increase or decrease depending on pupil enrolment. In the case of special classes for pupils with a mild general learning disability, the normal pupil-teacher ratio that applies is 11:1. The Department, however, allows for a small reduction in this number and permits schools to retain a teaching post where it has a minimum of nine pupils in the class. The minimum was not fulfilled in the schools in question and, therefore, the schools no longer qualify to retain the special classes for mild general learning disability.

In the case of 128 classes in 119 schools, the number of pupils dropped below this minimum. These schools, therefore, are no longer entitled to retain the teaching posts in these classes. All of the 119 schools from which the teaching posts are now being removed are in receipt of additional teaching resources under the general allocation model of teaching support to enable them support pupils with high incidence special educational needs, including mild general learning disability. These schools, therefore, have been resourced to cater for the categories of pupils in question.

It is also important to note that the 3,000 schools which do not have special classes for pupils with mild general learning disability meet the needs of these children through mainstream classes and the use of their general allocation teaching resources. Furthermore, some schools in recent years voluntarily disbanded their special classes and mainstreamed the pupils with the associated loss of the mild special class post.

The pupils from the 128 classes will now be placed in mainstream classes and will receive support from their class teacher and all will benefit from the support available to them through the schools' general allocation model. As I stated, other primary schools which do not have classes for children with mild general learning disability cater for these pupils from within the general allocation model.

The Minister for Education and Science has previously stated that he is open to listening to proposals from schools where they can demonstrate that it is educationally more beneficial for the pupils involved to be in a special class of their own rather than to be integrated with their peers and supported by the mainstream classroom teacher and the learning support-resource teacher. I understand that correspondence has been received by the Department from both of the schools in question in this regard and it is currently being considered by the Department. This process is well advanced and it is expected that a decision will be conveyed to the schools shortly.

There has been unprecedented investment in providing supports for children with special needs in recent years. There are now approximately 19,000 adults in our schools working solely with children with special needs. There are over 8,000 resource and learning support teachers in our schools compared to 2,000 in 1998. More than 1,000 other teachers support children in our special schools. Some 76 classes for children with mild general learning disability are being retained where there are nine children or more in these classes.

The Minister would like to emphasise that priority will continue to be given to provision for children with special educational needs. As stated, the establishment of these classes for mild general learning disability pre-date many of the developments in special education policy in

[Deputy Áine Brady.]

recent years and we now have a system for providing schools with supports for children with high incidence special needs through the general allocation model.

I again thank the Deputy for giving me the opportunity to clarify the position in regard to this matter.

The Dáil adjourned at 10.50 p.m. until 10.30 a.m. on Wednesday, 27 May 2009.

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 5, inclusive, answered orally.

Questions Nos. 6 to 47, inclusive, resubmitted.

Questions Nos. 48 to 57, inclusive, answered orally.

Haulage Licences.

58. **Deputy Pat Breen** asked the Minister for Transport if he received complaints or correspondences regarding the issuing of haulage licences to people with criminal convictions in the past five years; and if he will make a statement on the matter. [21148/09]

98. **Deputy John O'Mahony** asked the Minister for Transport if he received complaints or correspondence from the gardaí in the past five years regarding the issuing of haulage licences to people with criminal convictions; and if he will make a statement on the matter. [21224/09]

99. **Deputy Fergus O'Dowd** asked the Minister for Transport if he received complaints or correspondence from licensed road hauliers regarding the issuing of haulage licences to people with criminal convictions in the past five years; and if he will make a statement on the matter. [21223/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 58, 98 and 99 together.

A number of complaints have been received in the Road Transport Operator Licensing Unit of my Department. These complaints have come from a variety of sources, including individuals and organisations such as the Road Safety Authority and the Revenue Commissioners. However, it is not possible to indicate the exact number of complaints attributed to different organisations and individuals, as this would involve an inspection of a substantial number of individual files over a number of years.

Some of the complaints received relate to licensed hauliers who may have a conviction, for example, in relation to green diesel or driving offences.

[Deputy Noel Dempsey.]

Each complaint received is investigated by the section and enquiries made with the appropriate authorities to check if the licence holder continues to comply with all the licensing requirements, including good repute, financial standing, professional competence, and vehicle documentation.

Road Safety.

59. **Deputy Kathleen Lynch** asked the Minister for Transport if his attention has been drawn to recent preliminary figures from the Vehicle and Operator Services Agency in the UK which found that 36% of Irish registered vehicles in the UK are not roadworthy; the percentage of HGVs on roads here which have been found to be unroadworthy in 2008 and to date in 2009; if he will review the system to invigilate HGVs; and if he will make a statement on the matter. [21245/09]

Minister for Transport (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has responsibility for matters relating to vehicle testing, including Heavy Goods Vehicles (HGVs).

The RSA was tasked with undertaking a comprehensive review of the arrangements for the for the roadworthiness testing of commercial vehicles in Ireland. In early 2008, I approved proposals from the RSA to reform the Commercial vehicle Roadworthiness system. The phasing and means of resourcing implementation of the reform plan is under consideration in light of current constrained Exchequer circumstances.

Departmental Agencies.

60. **Deputy Charles Flanagan** asked the Minister for Transport when he expects the Dublin Transport Authority to be fully operational; his views on whether the delay is acceptable in view of the fact that the act was signed on 8 July 2008; the action taken by him to have the authority operational in time for 2009; and if he will make a statement on the matter. [21185/09]

82. **Deputy Liz McManus** asked the Minister for Transport when the new Dublin Transport Authority will be established and fully operational; the process being run to appoint a chief executive officer for the DTA; if this is a national or internationally based process; when legislation will be published to transform the DTA into the National Transport Regulator; and if he will make a statement on the matter. [21261/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 60 and 82 together.

Following the enactment of the Dublin Transport Authority my Department is proceeding with preparations for the establishment of the Dublin Transport Authority (DTA) during 2009.

A key part of those preparations is the recruitment of a Chief Executive Officer (CEO) designate. The recruitment process which was overseen by the Public Appointments Service, was aimed at attracting interest from suitable candidates in Ireland and abroad. That process has now been concluded and I expect to be in a position to announce the CEO designate in the near future.

Last March I sought applications from persons interested in being appointed as a member of the new Authority. I am pleased to report that the process yielded 66 applications, which I am currently considering.

The renaming of the Dublin Transport Authority as the National Transport Authority is among the proposals included in the General Scheme of the Public Transport Regulation Bill, which was approved by the Government earlier this year. The Bill is now being drafted and it will be published as soon as possible.

Road Traffic Offences.

61. **Deputy Phil Hogan** asked the Minister for Transport his plans to introduce new transport legislation or regulations to pursue drivers accused of speeding outside the District Court system; and if he will make a statement on the matter. [21192/09]

Minister for Transport (Deputy Noel Dempsey): The fixed charge system is an important element of the enforcement of road traffic offences, which is provided for in the Road Traffic Acts. While enforcement and issuing of notices is a matter for the Gardai, I would not agree that road safety is suffering in this regard.

The key indicator of road safety is the number of fatalities on the road, and we are still on target to reduce road deaths to no greater than 60 fatalities per million of population by the end of 2012 which equates to 252 deaths per year.

Fatalities on our roads have fallen in recent years, and the number for 2008, at 279, is the lowest since records began. The number of fatalities to date is 105 (22 May), and while this is one up on the same date last year, it is often difficult to match the same rate of progress of a record year such as 2008 and overall we are still well on target to meet the overall Strategy target.

I have no plans to introduce new legislation to deal with speeding or any road traffic offences outside the District Court system.

62. **Deputy Thomas P. Broughan** asked the Minister for Transport if he has reviewed the operation of the random roadside drug driving programme in the Australian state of New South Wales; the reason he has not introduced a similar programme to target drug drivers on roads here; the number of drivers who have been tested for drug driving each year since 2004; and if he will make a statement on the matter. [21253/09]

Minister for Transport (Deputy Noel Dempsey): Driving under the influence of intoxicants, drugs as well as alcohol, is one of many key issues in road safety, and the testing of drivers in relation to drugs is already provided for in the Road Traffic Acts.

Currently, where a member of the Garda Síochána is of the opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of a drug or drugs to such an extent as to be incapable of having proper control of that vehicle, he or she may require that person to go to a Garda station and further require that person to submit to a blood test or to provide a urine sample.

I understand that the random drug driving testing scheme referred to by the Deputy is limited in application. It is based on saliva and the test is carried out at the roadside for the presence of methamphetamine and cannabis only.

There is no feasible basis yet in Europe for the introduction of a scheme of preliminary roadside testing for drugs. Testing devices are still in the prototype stages and the Medical Bureau of Road Safety (MBRS) is keeping abreast of developments. I will be guided by them as to when a roadside test suitable for use here becomes available and should be introduced.

In the meantime, the Road Traffic Bill, the drafting of which is nearing completion, includes provisions for “field impairment testing” i.e. non-technological methods by which the Gardai can make a preliminary assessment about the possible presence of drugs.

[Deputy Noel Dempsey.]

The number of specimens tested for the presence of a drug or drugs by the Medical Bureau of Road Safety for the years 2004 to 2008 is as follows:

2004 — 569

2005 — 747

2006 — 879

2007 — 1,555

and the provisional figure for 2008 is 1,900.

Departmental Agencies.

63. **Deputy Emmet Stagg** asked the Minister for Transport if he will include the statutory provision of a passengers champion within the structure of the new Dublin Transport Authority/National Transport Regulator to make sure that commuters' concerns in all modes of public transport including bus, rail, LUAS and taxis are at the heart of the system of transport regulation; the way passengers and commuters will be fully represented in the new transport regulatory system; and if he will make a statement on the matter. [21262/09]

Minister for Transport (Deputy Noel Dempsey): Section 17 of the Dublin Transport Authority Act 2008 provides for the appointment of an Advisory Council to perform the following functions—

- making recommendations to the Authority on a draft transport strategy, draft integrated implementation plan and draft strategic traffic management plan,
- monitoring the implementation of the transport strategy, integrated implementation plan and strategic traffic management plan and making any recommendations it considers appropriate to the Authority,
- making recommendations to the Authority in relation to the discharge of any of its functions.

The Advisory Council will comprise a chairperson and 23 ordinary members representing a wide range of interests. Of the 23 ordinary members, 4 members will be representative of the public interest. The procedure for the appointment of these 4 public interest representatives is that the Minister for Transport may prescribe organisations, which shall be invited to nominate candidates to be appointed by the Minister. The prescribed organisations may include organisations which, in the opinion of the Minister for Transport, are representative of:

- the interests of transport users,
- the interests of people with disabilities, or
- persons whose professions or occupations relate to transport, land use planning, urban design, architecture or civil engineering.

In January 2009, the Government approved the General Scheme of the Public Transport Regulation Bill which contains proposals for a new regime for the licensing of commercial bus services, including those provided by Dublin Bus and Bus Eireann, and for the extension nationally of the new structures that will apply to contracts for public transport services that

have been established in respect of the Greater Dublin Area through the Dublin Transport Authority Act 2008.

The new Bill will also provide for the amalgamation of the Commission for Taxi Regulation into the Dublin Transport Authority and the renaming of the DTA as the National Transport Authority. In association with that particular initiative, it is proposed that the Bill will provide for the retention of the advisory structures that are in place to support the Commission for Taxi Regulation, which provide that at least two members of the Council must represent consumer interests.

Public Transport.

64. **Deputy Tom Sheahan** asked the Minister for Transport the details of discussions he has had with Bus Éireann in relation to cutbacks in their services; and if he will make a statement on the matter. [21233/09]

88. **Deputy Eamon Gilmore** asked the Minister for Transport if he has had contact with Bus Éireann management, workers or their representatives on proposals to cut 150 buses and 300 jobs at the company with reports that as many as 52 Bus Éireann routes will be axed; the action he will take before the 19 June 2009 deadline to maintain critical fleets, services and jobs at Bus Éireann particularly in the context of the positive invigilation of Bus Éireann in the recent Deloitte review of efficiencies in the bus sector; and if he will make a statement on the matter. [21258/09]

Minister for Transport (Deputy Noel Dempsey): I propose to answer Questions Nos. 64 and 88 together.

I have been briefed by the company on the deterioration in its financial position due in the main to declining demand, revenue and increased costs. Decisions in relation to service rationalizations are a matter for the company itself. I understand that Bus Éireann are currently engaged in detailed discussions with its staff and their representatives on the measures proposed in this regard.

Traffic Management.

65. **Deputy Joan Burton** asked the Minister for Transport if he has responded to the concerns of the residents and business people in Dublin city centre on the proposed busgate for College Green, Dublin which may have an impact on commercial life in Dublin City, if not properly managed; and if he will make a statement on the matter. [21271/09]

Minister for Transport (Deputy Noel Dempsey): Traffic management in Dublin City centre is a matter for Dublin City Council, and I have no function in the implementation of such schemes.

Air Services.

66. **Deputy Pat Rabbitte** asked the Minister for Transport his views on legislation to protect airline passengers from the range of extra charges and levies that are continually being imposed upon them and particularly in view of the need to maintain passenger volumes in the airline sector; if he has had contact with the Department of Enterprise, Trade and Employment, the Commission on Aviation Regulation and the National Consumer Agency to review the increasing burden of additional charges on airline passengers including the new €30 levy on passengers carrying a separate duty free bag and the charge for accessing a boarding card at the airport; and if he will make a statement on the matter. [21265/09]

Minister for Transport (Deputy Noel Dempsey): It is not open to Ireland to introduce national legislation as the operation of air services, including the setting of fares, is the subject of common EU rules which are set down in Regulation (EC) No. 1008/2008 which is directly applicable in the State. European carriers providing commercial air services can freely set their fares. This has been the case since 1992 when the market was first liberalised.

In the EC Regulation, which revised the common rules for the operation of the market last year, new provisions were introduced requiring greater pricing transparency. When publishing or advertising air fares, airlines must now include all applicable conditions and all applicable taxes and charges which are unavoidable and foreseeable at the time of publication. These pricing transparency provisions were introduced because the fare structure in the industry in recent years has changed significantly with many airlines now having differentiated pricing structures consisting of a basic fare with a number of optional pricing elements. The new rules require greater transparency in pricing information but airlines still have full pricing freedom. This ensures that consumers have fuller information available to them in making their travel choices.

Light Rail Projects.

67. **Deputy Joanna Tuffy** asked the Minister for Transport the estimated commencement and completion dates for Metro West, LUAS line BX and D, and the Dublin rail interconnector; and if he will make a statement on the matter. [21270/09]

Minister for Transport (Deputy Noel Dempsey): The start and completion dates for projects which are yet to commence construction, including Metro West, Luas Line BXD, and the DART Underground, will be determined as appropriate by the outcome of public consultation, the statutory planning approval process, the public procurement process and the funding available during the current difficult economic climate.

The provision of increased capacity will be a key consideration in determining public transport investment priorities in the period ahead. In that context, the DART Underground and Metro North, are particularly important rail investments as they form a core part of the planned integrated public transport network for the Greater Dublin Area envisaged by Transport 21.

Proposed Legislation.

68. **Deputy Liz McManus** asked the Minister for Transport when he will introduce legislation to revise the 1932 bus licensing legislation; the proposed measures the new legislation will contain to reform the system of bus licensing; the reason for the delay in introducing this legislation; and if he will make a statement on the matter. [21260/09]

Minister for Transport (Deputy Noel Dempsey): In January 2009, the Government approved the General Scheme of the Public Transport Regulation Bill which contains proposals for a new bus licensing regime which will replace the Road Transport Act 1932, and the provisions of the Transport Act 1958 that relate to the provision of bus services by the State bus companies. In accordance with the Programme for Government commitment, the proposed licensing regime will provide a level playing field for all bus market participants.

The new licensing structure will apply in respect of all commercial bus passenger services, including those provided by Dublin Bus and Bus Éireann. It will establish a clear framework for assessing applications for bus route licences as well as a modern system of penalties and associated powers for revocation of licences.

The General Scheme of the Bill also contains proposals for extending nationally the provisions of the Dublin Transport Authority Act 2008 in relation to the provision of public service

obligations that are consistent with EU Regulation No. 1370/2007 on public passenger transport services by rail and by road.

The Bill will assign responsibility to the Dublin Transport Authority for bus route licensing and the award of public service contracts nationwide. It will also provide for the amalgamation of the Commission for Taxi Regulation into the DTA, as well as the renaming of the DTA as the National Transport Authority given its proposed national responsibility in relation to commercial bus licensing, bus and rail subvention and the regulation of small public service vehicles.

There has been no delay in introducing the legislation.

In the light of the Government approval of the General Scheme of the Public Transport Regulation Bill, the Bill is now being drafted and it will be published as soon as possible.

Rural Transport Services.

69. **Deputy Jack Wall** asked the Minister for Transport if he will confirm the amount of money allocated to the rural transport programme for 2009; and if there are plans to reduce the funding or service. [16736/09]

Minister for Transport (Deputy Noel Dempsey): Funding of Euro 11 million is being provided by my Department for the Rural Transport Programme in 2009, an increase of Euro 1 million on the outturn for 2008. This will maintain the existing level of service for this year.

Funding for the Programme beyond 2009 will be considered in the context of the Estimates process for 2010.

Public Transport.

70. **Deputy James Reilly** asked the Minister for Transport the number of written warnings he has given State funded transport operators for anti-competitive practices since 2000 to date in 2009; and if he will make a statement on the matter. [21229/09]

74. **Deputy Alan Shatter** asked the Minister for Transport the number of outstanding accusations of anti-competitive practices by State funded transport operators he is currently investigating; when he expects a determination for each complaint; and if he will make a statement on the matter. [21230/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 70 and 74 together.

Since 2000 my Department has received 22 complaints in relation to anti-competitive practices by State funded transport operators.

In eight of the cases my Department issued written warnings to State funded transport operators. All of the cases have been resolved apart from one, which is ongoing. It is envisaged that this investigation will be concluded shortly.

71. **Deputy Bernard J. Durkan** asked the Minister for Transport his priorities to encourage commuters onto public rail and bus transport; the extent to which efforts have been made to identify the reasons most likely to encourage the public in this direction such as free parking, adequate bus shelters or other steps, other than punitive measures likely to be most helpful in this regard; and if he will make a statement on the matter. [21241/09]

237. **Deputy Bernard J. Durkan** asked the Minister for Transport if studies have been done to identify the most compelling reasons for commuters to opt for bus and rail services in north

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Kildare and throughout the commuter belt; if punctuality, frequency of service, reliability, parking, adequate and safe waiting areas such as bus shelters and accommodation at rail stations have been studied; his plans to address these issues directly or in the context of Transport 21; and if he will make a statement on the matter. [21530/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 71 and 237 together.

The priorities of the Government in relation to further improving and encouraging the greater use of public transport services is set out in the Government's sustainable transport policy, Smarter Travel published in February 2009.

It is clear from the public consultation undertaken for this policy document that among the key issues in promoting greater public transport use, in Co. Kildare and elsewhere, are increased capacity and improved quality together with the other factors referred to by the Deputy. Smarter Travel accordingly provides for increased public transport provision, better integration between modes, integrated ticketing and the availability of better travel information.

Investment in the projects under Transport 21 are being pursued in a manner consistent with these objectives and by the relevant agencies involved in the delivery of these projects.

Rail Services.

72. **Deputy Denis Naughten** asked the Minister for Transport his plans for the enhancement of rail services; and if he will make a statement on the matter. [20980/09]

Minister for Transport (Deputy Noel Dempsey): The day to day operation of train services, including scheduling of trains, is an operational matter for the relevant company and I have no function in this matter.

Significant investment is also being provided to ensure the safety, enhance the quality and increase the capacity of the rail network.

Work on three new Luas lines is currently underway as is work on the new commuter line in Cork, the first phase of the Western Rail Corridor and the first phase of the Navan rail line from Clonsilla to Dunboyne. Over €500 has been invested in railway safety under the Second Railway Safety Programme. The third Railway Safety Programme is being finalised by the Railway Safety Task Force. 234 new railcars have been ordered and have started to enter service. Significant progress is also continuing in the planning of major projects. The Oral Hearing on Metro North commenced in April and Irish Rail are on target to lodge a railway order application for the DART Underground later this year.

As I have stated previously the provision of increased capacity will be a key consideration in determining public transport investment priorities. In this context, Metro North and the DART Underground Project are particularly important rail investments as they form a core part of the planned integrated public transport network for the Greater Dublin Area envisaged by Transport 21.

Transport 21.

73. **Deputy Alan Shatter** asked the Minister for Transport the number of projects detailed in Transport 21 which have yet to commence; the number which will not meet the deadline for the Transport 21 investment programme; the projects which have gone over budget; the amount in relation to same; and if he will make a statement on the matter. [21231/09]

241. **Deputy Bernard J. Durkan** asked the Minister for Transport if all of the proposals contained in Transport 21 are on target to proceed as planned; the exceptions, if any; and if he will make a statement on the matter. [21534/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 73 and 241 together.

Transport 21 continues to provide the strategic framework guiding Government investment in transport up to 2015.

Over 60% of the major inter urban roads programme, linking Dublin with Cork, Limerick, Galway, Waterford and the Border with Northern Ireland, has been completed and the remainder is under construction and on target for completion in 2010. The upgrade of the M50 motorway is also on target for completion in 2010.

On public transport, the new Docklands railway station has opened and Irish Rail has completely modernised its intercity rolling stock under Transport 21. A number of projects such as the Midleton rail line, Phase 1 of the Western Rail Corridor, the Luas line to Docklands and the Kildare rail project are scheduled to be completed this year, while construction continues on other projects such as the Luas lines to Cherrywood and Citywest and the first phase of the Navan rail line between Clonsilla and Pace.

However, in the light of the changed economic circumstances, it has been necessary to review investment priorities across all Government Departments. As a result of this review, my Department's priorities for the coming years have been identified as:

- completion of the five major inter-urban roads
- completion of the M50 upgrade project
- progress on the Atlantic Road Corridor
- provision of additional capacity on the public transport network through the delivery of key projects such as Metro North and the DART Underground programme.

The planning of the major transport capital projects identified in Transport 21 is continuing and they will be released for construction as soon as they are through statutory procedures and the available financial resources permit and consistent with the priorities I have outlined.

Since the commencement of Transport 21, 35 national roads projects have been completed, the vast majority on or under budget. However, seven projects have gone over budget:

- N52 Mullingar Bypass;
- N55 Cavan Bypass;
- Dublin Port Tunnel;
- N77 Kilkenny Ring Road Extension;
- N5 Charlestown Bypass;
- M50 Upgrade Phase 1 and N51 Navan Inner Relief Road.

These projects still have close out costs associated with them and it is not possible to say definitively what the final costs will be. However it is not expected that the final costs will be significantly more than originally anticipated.

Question No. 74 answered with Question No. 70.

State Airports.

75. **Deputy Jack Wall** asked the Minister for Transport if he has been briefed by the Dublin Airport Authority on their €20 million programme of cutbacks which may see the loss of up to 400 DAA jobs at Dublin, Cork and Shannon Airports; if he will report on the steps he is taking with the Department of Enterprise, Trade and Employment to protect aviation jobs and the aviation industry here in general in view of the recent loss of jobs in the aviation sector; and if he will make a statement on the matter. [21264/09]

Minister for Transport (Deputy Noel Dempsey): Issues relating to business matters generally and employment levels in particular at the three state airports are day-to-day commercial matters for the Dublin Airport Authority (DAA) in which I have no statutory function.

The reality is that the world wide economic downturn has had a seriously negative impact on the aviation industry generally and this in turn has severely affected the financial position of the DAA. The recently published DAA annual report for 2008 shows that passenger number arrivals at the three State airports are down 0.6% which is the first fall in passenger numbers for 17 years. I understand that there have been further declines in the first quarter of this year.

I know that following the announcement of its annual results for 2008, which saw a drop in Group profit of 28% from 2007, the DAA has been reviewing all aspects of its business, with a particular focus on costs, including capital development and operational expenditure.

I also understand that discussions have commenced between the DAA and the airport unions on a major cost recovery programme. The programme is to be company wide applying to Dublin, Cork and Shannon Airports.

In the context of our national aviation policy, my priorities are to maintain the highest possible levels of connectivity between Ireland and key markets around the world to support economic and tourism activity and to ensure that the development of our airports facilitates this. My Department will continue to closely monitor developments in the aviation sector that affect the attainment of these objectives.

I am very sensitive to the employment implications of the downturn on the aviation industry and I have kept in close contact with my colleague, the Tanaiste and Minister for Enterprise, Trade and Employment, who, the Deputy will appreciate, has cabinet responsibility for employment matters generally.

In the context of my responsibilities as Minister for Transport, I hope shortly to introduce to the House, the Aviation (Preclearance) Bill 2009, which will facilitate the introduction of Preclearance at Shannon Airport, later this year and at Dublin Airport next year when Terminal 2 opens. Preclearance will boost development at the airport and open a range of potential opportunities for services between Ireland and the United States.

Proposed Legislation.

76. **Deputy Róisín Shortall** asked the Minister for Transport when he will bring forward the new Road Traffic Amendment Bill; if it will include a provision for the mandatory testing of all drivers involved in a road collision; the reason there has been such a delay in bringing this legislation forward; and if he will make a statement on the matter. [21244/09]

Minister for Transport (Deputy Noel Dempsey): The drafting of a Road Traffic Bill, which inter alia includes measures for the mandatory testing for alcohol of drivers involved in road traffic collisions, is near completion. It is my intention to publish it in this session.

The Road Traffic Acts already provide that a member of An Garda Síochána, if of the opinion that a driver is under the influence of an intoxicant or intoxicants to such an extent as to be incapable of having proper control of the vehicle, may require that person to go to a Garda station and further require that person to submit to a blood test or to provide a urine sample.

Transport 21.

77. **Deputy John Perry** asked the Minister for Transport the projects he will prioritise in view of the changed financial circumstances since the publication of the Programme for Government; and if he will make a statement on the matter. [21226/09]

Minister for Transport (Deputy Noel Dempsey): In the absence of a new Programme for Government the issue of what projects may or may not be included does not arise.

Taxi Regulations.

78. **Deputy Michael D. Higgins** asked the Minister for Transport when he will respond to the Commission on Taxi Regulations submission on long-standing proposals to take over responsibility for the issuing of small public service vehicle driver licences from An Garda Síochána; if he will confirm, if a ban on the recruitment of new staff is the reason this reform of the taxi licensing system has been delayed indefinitely; and if he will make a statement on the matter. [21273/09]

Minister for Transport (Deputy Noel Dempsey): The proposal to transfer the function of small public service vehicle driver licensing from An Garda Síochána to the Commission for Taxi Regulation will require additional staffing levels in the Commission.

It is not envisaged that this proposal will be delayed indefinitely. However, in light of the current moratorium on recruitment in the Public Service, the proposal will need to be reviewed with a view to identifying if alternative arrangements can be made.

Public Transport.

79. **Deputy James Reilly** asked the Minister for Transport the progress Dublin Bus has made in implementing the recommendations of the Deloitte report on Dublin Bus efficiency; and if he will make a statement on the matter. [21228/09]

90. **Deputy Eamon Gilmore** asked the Minister for Transport if he will report on his recent meeting with Dublin Bus management on the recent axing of 120 buses from the Dublin Bus fleet and its impact on commuters in the Greater Dublin Area; when the long promised range of technical bus improvements including integrated ticketing, real time information and an AVT system will be introduced which were also recommended in the recent Deloitte Report on the bus sector; and if he will make a statement on the matter. [21259/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 79 and 90 together.

My most recent meeting with Dublin Bus was on 9 March when I was briefed on the financial position of the company and the arrangements in place for the implementation of the recommendations of the Deloitte report. Operational matters including service rationalisations are a matter for the company.

I understand from Dublin Bus that it has commenced implementation of the recommendations of the Deloitte report including the application of the principles identified in the

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report such as the amalgamation of route legs and the use of even headways between buses as part of its cost recovery plan and the commencement of work on redesign of the network.

I am informed that the position in relation to Automatic Vehicle Location (AVL) and real time passenger information is that Dublin Bus is rolling out AVL on a depot-by-depot basis with the first depot to be completed by the end of this year. Once AVL has been introduced this will enable Dublin Bus to provide Real Time Passenger Information (RTPI) by way of internet or mobile phone access. Funding has also been set aside for Dublin City Council to enable the installation of RTPI display signs at bus stops in a similar fashion to those at Luas and DART stops.

Integrated ticketing in the Greater Dublin Area is being introduced on a phased basis, based on smart card technology. A progressive approach is being adopted to allow customers to familiarise themselves with using the new system and to permit transport operators to undertake the necessary testing associated with the integration of the technologies involved. Smart cards are now in use on Dublin Bus services in respect of a number of integrated ticket products such as annual and monthly integrated bus and rail and bus and Luas tickets. During 2010 smartcards with an electronic purse will be available to almost all public transport users in the Greater Dublin Area.

Departmental Schemes.

80. **Deputy Seán Sherlock** asked the Minister for Transport when the cycle to work scheme will be fully operational; the amount the scheme will cost to operate in 2009 and for all full subsequent years; the health and safety and legal issues which have arisen from the implementation of the scheme; and if he will make a statement on the matter. [21276/09]

Minister for Transport (Deputy Noel Dempsey): I refer to the reply by the Minister for Finance to Question Number 157 on 19 May in which he referred to a number of issues that had arisen in relation to the implementation of the scheme in the civil service. Any clarification required in relation to such issues is a matter for the Department of Finance.

In relation to the date on which the scheme will become fully operational, the Minister for Finance's reply referred to earlier indicated that a circular is due to issue from his Department shortly.

The cost of the scheme will of course depend on the number of applications received and in the absence of information in this respect it is not possible to give a definitive estimate at this juncture.

Driving Tests.

81. **Deputy Ruairí Quinn** asked the Minister for Transport when he plans to publish proposals for a new green driving test; the measures the new green driving test will contain; if he will bring forward a full new eco-driving programme; if so, the amount of funding which will be allocated to it and the time period involved; and if he will make a statement on the matter. [21246/09]

Minister for Transport (Deputy Noel Dempsey): Smarter Travel, the new sustainable transport policy, specifically mentions eco-driving. Action 36 states:

We will include a module on efficient driving as part of the rules of the road and national driver test. We will also require that all public authorities ensure that their drivers are trained in efficient driving and that this is part of their job specification. We will ensure that, as part

of the Climate Change Awareness Campaign, there is a sustained focus on the issue of driver behaviour. We will commission research to determine the on-board technology that can be introduced in public vehicles to reinforce eco-driving behaviour and promote efficient driving in the haulage industry.

Although the new Smarter Travel Policy was only launched in February, my officials have already held two meetings with the Road Safety Authority to examine the issues relating to the implementation of this action. It has been agreed that a team will be assigned to develop a programme to deliver the action and, later this year, I will be setting out the steps we will be taking to meet it.

Question No. 82 answered with Question No. 60.

Haulage Licences.

83. **Deputy Fergus O'Dowd** asked the Minister for Transport the criteria for awarding a haulage licence here; the restrictions in place for applicants with former criminal convictions; and if he will make a statement on the matter. [21215/09]

Minister for Transport (Deputy Noel Dempsey): A Road Haulage Operator's Licence is granted under Section 2 of the Road Traffic and Transport Act 2006, and entitles the holder to carry on a road haulage business for hire or reward.

The criteria for the grant of a Road Haulage Operator's Licence are set out in Irish and EU legislation. The three criteria that must be met by every applicant are:

1. Good Repute,
2. Professional Competence, and
3. Financial Standing.

Good Repute is decided by reference to the criteria contained in the European Communities (Merchandise Road Transport) Regulations 1991, (S.I. No. 60 of 1991). Confirmation on convictions is sought from An Garda Síochána when deciding the issue of Good Repute.

Cycle Facilities.

84. **Deputy Mary Upton** asked the Minister for Transport if he will report on the recently published National Cycling Policy Framework; the reason there are no deadlines for the achievement of actions on the NCPF in the document; when and the amount of funding which will be provided for the implementation of the NCPF; if he will further report on the recently announced national bike week; if he will confirm when the national pedestrian and walking strategy will be published; the key measures it will contain; the amount of funding he will allocate to the national pedestrian strategy; the time period over which it will be allocated; and if he will make a statement on the matter. [21275/09]

Minister for Transport (Deputy Noel Dempsey): The National Cycle Policy Framework is a long-term vision that stretches from 2009 to 2020. The cost of delivery of the 109 actions that the NCPF envisages is estimated to be in the region of €2.3 billion.

The key ambition under NCPF is an increase in the modal share enjoyed by cycling from its current level of around 2% to 10%. I believe that this is an ambitious, yet achievable, target within the action period of 12 years. The wide-ranging nature of the individual interventions, their interlinked nature, and the undeniable challenges that face us in terms of availability of

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resources, means that it would not be productive, at this stage, to assign precise deadlines to each action.

I am satisfied that significant progress on implementing the NCPF can be made within existing resources this year. This will include holding National Bike Week as a key awareness raising event, investment in refurbishment of key cycle routes in Dublin City, advancement of work on the Sutton to Sandycove Cycle Route, identification of inter-urban cycle routes, initial legislative changes to facilitate safer cycling, and piloting of innovative cycling demonstration projects.

Insofar a Bike Week is concerned, I am happy that there has been a very high level of engagement from a wide range of stakeholders. I invite everyone to visit the dedicated website www.bikeweek.ie.

It is my intention to commence the process of developing a National Walking Policy later this year. It would be premature, in advance of its development, to speculate on the measures it might contain, the likely period it might span, or the potential cost of implementation.

Road Network.

85. **Deputy David Stanton** asked the Minister for Transport the amount being made available to Cork County Council in 2009 under the regional and local road grant allocations; the amount allocated under these schemes in the previous three years; and if he will make a statement on the matter. [21234/09]

Minister for Transport (Deputy Noel Dempsey): The road grant allocations to Cork County Council for regional and local roads in each of the years 2006-2009 are set out in the following table.

Year	€ million
2006	52.825
2007	60.726
2008	65.335
2009	43.881

Proposed Legislation.

86. **Deputy John Perry** asked the Minister for Transport if he will ensure legislation is passed to enable comprehensive transport plans to be included in all future county and city development plans; and if he will make a statement on the matter. [21227/09]

Minister for Transport (Deputy Noel Dempsey): Action 42 of Smartertravel, the Government's policy framework for a sustainable transport future, provides that local authorities will be empowered to prepare transport plans that will complement their development plans. It is my intention to include proposals relating to transport plans in a Sustainable Travel and Transport Bill, on which preliminary work is underway in my Department, to underpin the objectives contained in Smartertravel.

Separately, the Minister for the Environment, Heritage and Local Government is preparing to bring the Planning and Development (Amendment) Bill to Government shortly which reinforces the need for development plans to include, inter alia, mandatory objectives for the promotion of sustainable settlement and transportation strategies in urban and rural areas,

including the promotion of measures to reduce man-made greenhouse gas emissions. This strengthening of planning law will improve integration of land use and transport planning and investment.

Question No. 87 answered with Question No. 53.

Question No. 88 answered with Question No. 64.

Rights of Seafarers.

89. **Deputy Willie Penrose** asked the Minister for Transport if he will report on the entry of a ship (details supplied) into Irish waters and the allegations that its crew members are owed thousands of euro in unpaid wages; the action he is taking to address exploitation of workers in the maritime sector; and if he will make a statement on the matter. [21280/09]

Minister for Transport (Deputy Noel Dempsey): The *mv Defender*, IMO Number 6919837, is registered in Cambodia. As a foreign ship entering an Irish port, she is subject to Port State Control inspections carried out in accordance with the Paris Memorandum of Understanding on Port State Control.

The vessel was detained in Cork on 17th April 2008 following an inspection carried out by marine surveyors from my Department. The inspection revealed a total of 14 deficiencies, 5 of which posed an immediate and serious threat to the safety of the ship and the crew. The detention was lifted after 5 days following a re-inspection of the vessel.

During January 2009 the vessel was under detention for 11 days in the United Kingdom.

On 3rd March 2009, the vessel was inspected in Cork and the surveyors noted several deficiencies including watch keeping arrangements, safety management and matters related to living and working conditions onboard, which warranted the further detention of the ship. This detention was lifted after a period of 40 days following a further re-inspection of the vessel.

My Department does not have responsibility for the non-payment of wages on board foreign flagged ships which is a matter for the flag State, in this case Cambodia.

Ireland has consistently supported the International Labour Organisation in its efforts to promote global labour standards for seafarers. A new consolidated Maritime Labour Convention was adopted in February 2006 at the 94th International Labour Conference in Geneva. Ireland was represented at the Conference by a tripartite delegation consisting of Government officials, nominees of the employers (IBEC) and of the workers (ICTU). The new Convention sets out clear principles and rights for seafarers. EU member states are committed to ratifying the new Convention by 31 December 2010 and it is expected to come into force internationally in 2011.

Question No. 90 answered with Question No. 79.

Taxi Regulations.

91. **Deputy Mary Upton** asked the Minister for Transport when he will respond to the Commission on Taxi Regulation's proposals to introduce a subsidy scheme to increase the number of wheelchair accessible taxis in view of the fact that at present as few as 7.5% of a fleet of more than 27,000 are wheelchair accessible; if he will review the recent €5 million reduction in accessibility to public transport programmes for people with a disability in Budget 2009; and if he will make a statement on the matter. [21274/09]

Minister for Transport (Deputy Noel Dempsey): I understand that the Commission for Taxi Regulation, in the context of its follow up to the economic review of the small public service vehicle sector, is reconsidering the options for increasing the availability of wheelchair accessible taxis. I will further consider the Commission's proposals for a subsidy scheme to incentivise the provision of more wheelchair accessible taxis in the light of the outcome of this further work.

It should be noted in regard to the funding of accessibility improvements in public transport that accessibility is being built into new transport infrastructure and, while it is true to say that the funding for 2009 has been reduced by €5 million, the revised allocation of €20 million still represents an increase of 43% over the 2008 allocation and will be sufficient to cater for accessibility improvement projects over the course of the year.

Transport 21.

92. **Deputy Bernard J. Durkan** asked the Minister for Transport the degree to which arrangements have been put in place to encourage a reduction in the cost of all aspects of Transport 21 in line with the economic downturn and keeping in mind the need to achieve such reductions in line with increased competitiveness; and if he will make a statement on the matter. [21242/09]

Minister for Transport (Deputy Noel Dempsey): A significant number of roads and rail projects are under construction at the present time and the costs involved were set on the award and signing of the associated contracts. Contracts for future projects will be awarded following competitive public procurement processes and costs will be determined by the bids received.

The implementing State agencies have indicated to my Department that there is a general downward trend in the cost of land purchases and tender prices in recent times.

Taxi Regulations.

93. **Deputy Joan Burton** asked the Minister for Transport his views on the introduction of a moratorium on the issuing of taxi plates in view of the escalating crisis in the taxi industry and the need for regulatory reform; and if he will make a statement on the matter. [21272/09]

Minister for Transport (Deputy Noel Dempsey): As the Deputy will be aware, the Commission for Taxi Regulation has completed a major public consultation exercise on the recent Economic Review of the small public service vehicle sector which addressed, inter alia, a cap or moratorium on the issue of taxi licences which is not allowed under the Taxi Regulation Act, 2003. The Commission is currently engaged in meetings with taxi interests around the country and will be finalising a response to the submissions received and will be submitting its proposals for the further improvement of taxi services to the Advisory Council.

I will consider the outcome of this process and the views of the Oireachtas Committee on Transport, the official representatives of the taxi industry and consumers and consumer interest groups insofar as they relate to my statutory responsibilities.

Light Rail Project.

94. **Deputy Brian O'Shea** asked the Minister for Transport if he will report on Metro North; when infrastructural works will commence for Metro North; if he will confirm that there have

been no changes to the route or underground nature of the service provided in the long-standing Metro North plans; and if he will make a statement on the matter. [21267/09]

Minister for Transport (Deputy Noel Dempsey): Good progress continues to be made on the Metro North Project. The first round of tenders for the Public Private Partnership contract were submitted to the Railway Procurement (RPA) on 27th February 2009 and those tenders are being evaluated by the RPA.

The Oral Hearing before An Bórd Pleanála on the railway order application for Metro North commenced on the 1st of April. No enabling works on the project can take place unless and until the RPA secure an enforceable railway order which is expected towards the end of this year.

There have been no changes made to the draft railway order, including the proposed route and underground sections, as submitted by the RPA to An Bord Pleanála.

Road Traffic Offences.

95. **Deputy Pat Rabbitte** asked the Minister for Transport the level of consultation which occurs between his Department, the Department of Justice, Equality and Law Reform and An Garda Síochána on strategy and levels of enforcement for road traffic and transport law; if he has been briefed by the Department of Justice, Equality and Law Reform and An Garda Síochána on reduced levels of enforcement in view of the imposition of cutbacks on An Garda Síochána; if he has proposed permanently increasing road safety enforcement to the levels that are often seen during bank holiday weekend road safety campaigns; and if he will make a statement on the matter. [21257/09]

Minister for Transport (Deputy Noel Dempsey): Both enforcement of road traffic offences and enforcement levels are matter for the Garda Commissioner.

In relation to implementation of the overall Road Safety Strategy, a Cabinet Sub-Committee on Road Safety, which I chair, meets regularly to monitor progress, assess priorities, and identify any difficulties in implementation. Both the Minister for Justice, Equality and Law Reform and the Garda Commissioner are members of this committee, among others.

Appointments to State Boards.

96. **Deputy Emmet Stagg** asked the Minister for Transport when he will appoint a new chairman for the Dublin Port Company; if he is considering internal and external candidates for the role; the criteria which has been laid down to select a suitable candidate for the job in view of the challenges facing Dublin and all of the national ports at present; and if he will make a statement on the matter. [21263/09]

Minister for Transport (Deputy Noel Dempsey): I refer the Deputy to my answer to Dáil Question No. 189 answered on 20 May 2009.

Rights of Seafarers.

97. **Deputy Ciarán Lynch** asked the Minister for Transport if he will review the operation of the port State control in view of the fact that all matters relating to the fiscal entitlements of maritime workers are not within its remit and the ongoing allegations of abuse of many mariners in terms of wages and working conditions; the number of inspectors currently invigilating ships that use Irish waters and ports; the number of prosecutions which have been brought for

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non-payment or wages and breaches of health and safety conditions; and if he will make a statement on the matter. [21279/09]

Minister for Transport (Deputy Noel Dempsey): Port State Control inspections onboard foreign flagged ships in Irish ports are carried out under the auspices of the Paris Memorandum of Understanding (MoU) on port state control and EU Directives. These inspections are carried out to check for compliance with international law.

Ireland will continue to work within the Paris MoU and with the other EU Member States so as to ensure the development of the necessary port state control procedures that will be required in connection with the entry into force of the Maritime Labour Convention. The new Convention sets out clear principles and rights for seafarers. EU member states are committed to ratifying the new Convention by 31 December 2010 and it is expected to come into force internationally in 2011.

The number of marine surveyors employed by my Department and who carry out a range of duties, currently stands at 22. A further 6 marine surveyors are currently under training.

With regard to prosecutions for non-payment of wages and breaches of health and safety conditions, the primary responsibility for the compliance with the law on board ships rests with the flag state in each case.

The payment of wages on foreign flagged ships is a matter for the flag state where the ship is registered and is a matter for the internal domestic law of that country.

The Department's surveyors inspect over 400 foreign flagged ships per year and they detain any ship which poses a safety hazard or which does not comply with the international requirements on living and working arrangements. However, non-payment of wages is not in itself a basis for detention of a vessel by surveyors of my Department.

Questions Nos. 98 and 99 answered with Question No. 58.

Rail Network.

100. **Deputy Michael D. Higgins** asked the Minister for Transport if his recently expressed personal support for phase two and three of the western rail corridor means that the full western rail corridor project will proceed on deadline; and if he will make a statement on the matter. [21269/09]

Minister for Transport (Deputy Noel Dempsey): Transport 21 provides for the reopening of the Western Rail Corridor on a phased basis in the period to 2015. Phase 1 of the Corridor, between Ennis and Athenry, is on target to be completed this year, with services due to commence in the Autumn.

In September 2006 the Government made a decision in principle to support funding for the development of Phase 2 of the Corridor between Athenry and Tuam. Once Phase 1 is completed the next step will be for Iarnród Éireann to conduct further studies to ascertain more reliable costings for Phases 2 and 3. This work is commencing in 2009.

Airport Development Projects.

101. **Deputy Brian O'Shea** asked the Minister for Transport his views on proposals to develop a new national airport in the midlands; if he has been briefed on the proposals for same; the

contacts he has had with stakeholders involved in this project; and if he will make a statement on the matter. [21266/09]

Minister for Transport (Deputy Noel Dempsey): Private interests may develop airports in whatever location they wish provided that the requirements of the Irish Aviation Authority are met and that planning permission is secured it is, of course, a matter for the promoters to satisfy themselves that a new airport can function as a viable commercial entity. My Department has no plans to support the development of any new airports. I should add that there are also significant Dublin Airport Authority investment plans underway to meet national needs in the short to medium term.

In recent weeks my officials met a stakeholder of a proposal to develop an airport in the midlands and the long-standing policy of my Department, as outlined above, was conveyed at that meeting.

Light Rail Projects.

102. **Deputy Joanna Tuffy** asked the Minister for Transport the position regarding contingency plans for the upcoming big dig for the major infrastructural works necessary for Metro North, the Dublin rail interconnector and the LUAS link-up including all relevant stakeholders, residents, community and local business groups; when the public information campaign will begin to inform the general public of what to expect with the big dig infrastructural works; and if he will make a statement on the matter. [21268/09]

Minister for Transport (Deputy Noel Dempsey): I have previously advised the House that traffic management in Dublin City centre, including public information campaigns relating to traffic management, is a matter for Dublin City Council.

As the Deputy will be aware, the Dublin City Manager chairs the Dublin Transport 21 Implementation Group, which coordinates and oversees the Transport 21 investment programme in Dublin, pending the establishment of the Dublin Transport Authority.

Two sub-groups have been established:

- The Contingency Planning Group, which is chaired by an official from Dublin City Council, deals with the traffic management strategy for the Transport 21 construction phase, focused particularly on the city centre. I understand that the Contingency Planning Sub-Group meet monthly. Contingency planning will be an ongoing process during project construction. The contingency Planning Group has developed an initial plan which includes traffic measures such as the provision of Park and Ride Sites, enhanced public transport services, Real Time Information installations for bus stops, dedicated breakdown towing services, a bus gate at College Green and improved traffic light control at specific junctions. This will be kept under regular review by the Transport 21 Implementation Group.
- The Communications Group, which has prepared a co-ordinated communications strategy for the construction period of major Transport 21 projects, such as Metro North and the Interconnector.

I last met the Stakeholders Group regarding the major Transport 21 infrastructural works in Dublin on 11 May 2009 at which the co-ordinated communications plan for the construction period of the major Transport 21 projects such as Metro North and the DART Underground

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was presented. A key theme of communications during construction works is “Dublin is open for business”.

The communications campaign will be rolled out in advance of works on Metro North. The commencement of works is subject to the grant of an enforceable railway order by An Bord Pleanála.

Crime Prevention.

103. **Deputy Ciarán Lynch** asked the Minister for Transport if he has received and reviewed Europol’s new document Cargo Theft Report which highlights the way haulage operators are being targeted by organised crime gangs who see heavy goods vehicle drivers as easy targets; if he has had contacts with HGV drivers and their representatives on this issue; the action he is taking with EU partner states to address this matter; and if he will make a statement on the matter. [21278/09]

Minister for Transport (Deputy Noel Dempsey): Issues relating to EUROPOL and criminal matters relating to the prevention of crime and theft are a matter for An Garda Síochána.

Departmental Agencies.

104. **Deputy Ruairí Quinn** asked the Minister for Transport the changes to the Road Safety Authority’s budget under Budget 2009 and the supplementary Budget on 7 April 2009; the impact on his Department of changes (details supplied); and if he will make a statement on the matter. [21251/09]

Minister for Transport (Deputy Noel Dempsey): The budget for the Road Safety Authority for 2009 is €32.646m as per the Revised Estimates Volume published in April. Figures published before the REV are estimated and subject to revision, but as the Deputy will be aware from recent media coverage, the RSA’s advertising budget in particular was reduced from €3.4m to €0.9m.

While my Department provides funding to Road Safety Authority, the allocation of resources, including own resources, to the various programmes is a matter for the Authority itself.

The functions delegated to the Minister of State are now exercised by me.

Cabinet Committee Meetings.

105. **Deputy Liz McManus** asked the Taoiseach if the Cabinet Committee on Climate Change met in April 2009 as planned; the timeframe for the next meeting; the schedule for meetings in 2009. [21046/09]

The Taoiseach: The Cabinet Committee on Climate Change and Energy Security recently met on 29 April last.

The next meeting of the Cabinet Committee on Climate Change and Energy Security has not been scheduled but is likely to take place before the Summer with further meetings as required during the remainder of 2009.

Nursing Home Fees.

106. **Deputy Róisín Shortall** asked the Taoiseach if, further to the May 2009 publication of

the Consumer Price Index Detailed Sub-Indices, it is possible to provide specific details of the year on year percentage change in the typical price of nursing home fees and legal fees.
[20741/09]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): The Consumer Price Index covers Nursing Home Fees and Legal Fees but cannot produce individual information on either of these two categories. This is because both items form part of a wider category of services; nursing home fees are combined with fees charged by nursing agencies while legal services are one of the constituent components of the category covering professional and legal services, which includes other professional services such as auctioneers, estate agents, solicitors and engineers.

The CSO does not currently produce information on the individual components of these overall categories. However, the following table shows the annual changes for each month for Nursing Homes and Nursing Agencies and Professional Legal Services.

Table: Year on Year percentage changes (%)

Title	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	
Nursing homes and Nursing agencies	2003	7.4	7.4	7.4	6.2	6.2	6.2	2.8	2.8	2.8	2.4	2.4	2.4	4.7	
	2004	3.1	3.1	3.1	2.0	2.0	2.0	3.5	3.5	3.5	3.6	3.6	3.6	3.1	
	2005	4.6	4.6	4.6	4.3	4.3	4.3	4.2	4.2	4.2	4.4	4.4	4.4	4.3	
	2006	2.9	2.9	2.9	3.5	3.5	3.5	4.2	4.2	4.2	4.7	4.7	4.7	3.9	
	2007	7.6	7.6	7.6	11.0	11.0	11.0	15.0	15.0	15.0	14.6	14.6	14.6	12.0	
	2008	15.6	15.6	15.6	12.3	12.3	12.3	9.2	9.2	9.2	10.6	10.6	10.6	11.8	
	2009	7.9	7.9	7.9	6.5	6.5	6.5								
	Professional and legal services	2003	4.3	4.3	4.1	4.1	4.1	2.5	2.5	2.5	3.3	3.3	3.3	2.6	3.4
		2004	2.6	2.6	1.5	1.5	1.5	1.7	1.7	1.7	0.5	0.5	0.5	1.9	1.4
2005		1.9	1.9	3.2	3.2	3.2	1.3	1.3	1.3	0.9	0.9	0.9	1.9	1.9	
2006		1.9	1.9	0.5	0.5	0.5	6.2	6.2	6.2	7.6	7.6	7.6	5.5	4.3	
2007		5.5	5.5	4.9	4.9	4.9	3.3	3.3	3.3	5.0	5.0	5.0	7.9	4.9	
2008		7.9	7.9	11.9	11.9	11.9	9.7	9.7	9.7	7.8	7.8	7.8	5.3	9.1	
2009		5.3	5.3	0.1	0.1	0.1									

Departmental Payments.

107. **Deputy Leo Varadkar** asked the Taoiseach the average time as of the end of April 2009 for payments to be made by his Department and each individual agency of his Department to outside businesses in respect of goods and services received; and if he will make a statement on the matter. [20932/09]

The Taoiseach: The average time for processing of invoices by my Department based on a review of invoices from 1st January to 30 April 2009 is 13 working days.

Departmental Expenditure.

108. **Deputy Aengus Ó Snodaigh** asked the Taoiseach his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20960/09]

The Taoiseach: My Department has no funding allocation for the purposes raised by the Deputy.

Responsibility for measures in the area of alcohol and drugs misuse rests with the Department of Justice, Equality & Law Reform, the Department of Health & Children and the Department of Community, Rural and Gaeltacht Affairs.

Departmental Surveys.

109. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the business surveys conducted by her Department; the surveys conducted by her enterprise support agencies; the surveys completed within the past 12 months; the list of surveys given to her for her information; the response she makes to business surveys; and if she will make a statement on the matter. [20939/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The detailed information being sought by the Deputy, going back to 2004, is currently being compiled across my Department. However, in the short time available to me since the Deputy tabled this Question, I am not in a position to provide those details at present. A full response will be forwarded to the Deputy as soon as possible.

Departmental Expenditure.

110. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment her Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20953/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): My Department provides support to members of staff affected by alcohol/illegal drug use through the Employee Assistance Service and facilitates attendance at treatment and rehabilitation programmes, where appropriate.

The cost of such programmes is the responsibility of the officers concerned.

Small Business Sector.

111. **Deputy Finian McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment if he will support a matter (details supplied). [20993/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I am very much aware of the difficulties facing small firms as a result of the current economic difficulties and whilst my Department does not provide funding or grants to business, my Department's continuous support for indigenous companies arises through maintaining a positive business environment and through particular interventions from the State development agencies such as Enterprise Ireland and the County and City Enterprise Boards (CEBs).

The CEBs provide support to small businesses with 10 employees or fewer. Subject to certain eligibility criteria new and developing enterprises may qualify for financial support from the CEBs in the form of feasibility, employment and capital grants. In addition, the CEBs deliver a range of non-financial supports to improve management capability development within micro-enterprises designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow. All of the CEBs operate to the same criteria in relation to the assistance which they can offer i.e. they can support the establishment and/or the development of enterprises provided that the projects have the capacity to achieve commercial viability and which over time may develop into strong exporting entities.

However, I would stress that priority is given to projects in the manufacturing and internationally traded services sectors. It is considered inappropriate to support other areas such as retail enterprises, personal services (e.g. hairdressers, gardeners, etc), professional services (accountants, solicitors, etc), construction, as it is considered that these enterprises generally give rise to unacceptable deadweight (where projects would have proceeded anyway) and/or displacement (where the projects simply displace business from other players in the market) concerns.

As detailed above, not all projects fall within the CEB eligibility criteria for grant assistance, however, the company are advised to contact their local CEB to discuss matters in greater detail. In addition to providing direct financial assistance, the CEBs also provide a range of indirect business advice and information assistance such as mentoring services, management capability training and development programmes, e-Commerce training initiatives, and the delivery of targeted Programmes to promote female entrepreneurship; these services may be available to the company. In order to more fully explore the range of options that may be available to them, they should initially contact Dublin City Enterprise Board, 5th Floor, O'Connell Bridge House, D'Olier Street, Dublin 2, (Tel No. 01 635 1144; e-mail: info@dceb.ie) to discuss their business needs with the relevant staff of the Board.

Redundancy Payments.

112. **Deputy Pat Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason a person (details supplied) has not received redundancy payments; and if she will make a statement on the matter. [21044/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): My Department is in receipt of applications under the Insolvency and Redundancy Payments Schemes in respect of Arrears of Wages, Holiday Pay and Redundancy entitlement on behalf of the individual mentioned.

The Protection of Employees (Employers' Insolvency) Act, 1984 and the Redundancy Payments Acts 1967-2007 state that an employee must be employed in employment, which is insurable for all benefits under the Social Welfare Acts, 1981 to 1984 to be eligible for these payments. The Department of Social and Family Affairs has confirmed that the individual in question was not insurable for all benefits under the Social Welfare Acts at the date of termin-

ation of his employment. His applications therefore, were refused and both the individual concerned and the relevant Liquidator were subsequently informed of this decision by letter.

If the individual concerned wishes, he may appeal this decision to the SCOPE Section of the Department of Social and Family Affairs, First Floor, Oisín House, Pearse Street, Dublin 2.

113. **Deputy Jimmy Deenihan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a redundancy payment will be made to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [21083/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Under the Redundancy Payments Acts 1967-2007 all eligible employees are entitled to a statutory redundancy lump sum payment on being made redundant. Payment of statutory redundancy is, in the first instance, a matter for the employer. In general, a redundancy situation exists where an employee's job no longer exists. It is up to the employer concerned to determine whether or not a redundancy situation exists. In the event of a dispute arising as to whether or not a redundancy situation exists, it is open to either party to apply to the Employment Appeals Tribunal for a determination on the matter. If an employer cannot pay the statutory redundancy to the employee, then my Department will pay the employee, provided that the employer provides satisfactory documentary evidence that he is not in a position to pay.

The Redundancy Payments Section of my Department has received an application from the individual concerned but still awaits the submission from the employer of satisfactory documentation of inability to pay. Once this is received, this individual's application will be processed within the time frame of 6-8 weeks.

Company Closures.

114. **Deputy Richard Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on declaring a company (details supplied) in County Dublin eligible under the Employers Insolvency Act, 1984. [21096/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Protection of Employees (Employers' Insolvency) Act 1984, which transposed EU Council Directive 80/987/EEC into Irish law, is the legal base for the Insolvency Payments Scheme. This Scheme provides for payment of certain entitlements owed to employees by their employer at the time of liquidation. These entitlements include wages, holiday pay, sick pay, minimum notice and pension contributions. Claims in respect of such entitlements under the Insolvency Payments Scheme can only be processed if a company is insolvent within the definition of the Protection of Employees (Employers' Insolvency) Act 1984, and a "relevant officer" — normally, a receiver or liquidator — has been appointed and certifies the claims; or if an employer is insolvent in accordance with the laws of another EU Member State. It is my understanding that SR Technics is not in an insolvency situation within the meaning of the Act. No notification has been received to this effect and no claims by or on behalf of the workers in the company have been received under the Insolvency Payments Scheme.

An employer could not be deemed to be insolvent for one limited purpose only without reference to wider company law implications.

Work Permits.

115. **Deputy Brendan Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the fact that an employer has indicated that, due to economic constraints, their firm will not be in a position to fund renewal of the work

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permit application of a person (details supplied) in County Wexford; the steps he will take to ensure that this person does not lose their employment by virtue of their employer's refusal to fund a work permit renewal application; and if she will make a statement on the matter. [21141/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Under the Employment Permits Act 2006, the prospective employer or prospective employee can submit an application for an employment permit. The fees required for this application can be paid by the applicant.

FÁS Training Programmes.

116. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of training places supplied through FÁS for each of the years 2005, 2006, 2007, 2008 and to date in 2009, broken down according to FÁS division and funding allocated to FÁS by her Department in each of these years; and if she will make a statement on the matter. [21318/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The details requested by the Deputy are set out as follows.

FÁS Training for Employment Expenditure plus Apprenticeship — 2005 to April 2009

Analysed by FÁS Division

Funding Expenditure	Training Services Unit	Community Services Unit	Services to Business Unit	Total
	€ m	€ m	€ m	€ m
2009 (April Year To Date — YTD — Actual)	45.431	44.773	25.690	115.894
2008	160.259	137.623	63.810	361.692
2007	154.689	129.538	60.954	345.181
2006	143.541	118.132	53.092	314.765
2005	134.492	109.896	50.473	294.861
TOTAL EXPENDITURE	638.412	539.962	254.019	1,432.393
<i>Places supplied Throughput</i>				
2009 (April YTD Actual)	14,945	8,480	7,334	30,759
2008	21,661	5,788	11,357	38,806
2007	20,743	6,085	11,132	37,960
2006	22,045	5,920	10,639	38,604
2005	23,062	6,376	11,265	40,703
TOTAL	102,456	32,649	51,727	186,832

Notes

1. Employment Schemes, Part-time course and Sponsored Training are not included in the figures above.
2. Places supplied 2005-2008 — based on persons who have completed their training in the year specified. i.e. Throughput; does not include persons in-training at year end.
3. Places supplied 2009 ytd — based on throughput ytd plus persons in training at the end of Apr 09.

117. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the breakdown of the 18,525 training places for the unemployed referred to in Parliamentary Question No. 146 of 22 April 2009, detailing the type of training places available;

the sector responsible for delivering these places; if these places represent additional funding or a re-allocation of resources within her Department; and if she will make a statement on the matter. [21319/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Government announced in the supplementary budget that €128 million was being redeployed across my Department, the Department of Social and Family Affairs and the Department of Education and Science to provide increased support services and activation training places for the unemployed. This has enabled an additional 23,435 training and education activation places to be created from within existing resources.

As part of this process my Department has reallocated €61.4 million, largely from training people in employment programmes (such as the apprenticeship programme and Skillnets) towards training the unemployed. This redeployment of funds has enabled my Department to fund an additional 18,725 training, education and work placement places specifically for the unemployed.

The majority of these additional places are being provided under FÁS Training Initiatives Strategy and are short courses in specific skills training. These courses are designed to develop new skills and competencies for the unemployed to assist them in securing employment. FÁS is providing such courses for a broad range of different sectors including the retail, IT, construction, manufacturing and services sectors. Details are provided in the following table.

Programme	Training Places	Provided By
Short Courses	13,848	FÁS
Community Employment	400	FÁS
Work Placement Programme†	2,000	FÁS
Short Time Working Training Prog+	277	FÁS
Third Level part-time places*	1,500	HEA
Institutes of Technology-Redundant Apprentices Prog*	700	IOT/ FÁS
Total Places	18,725	

†Joint Initiatives between the Department of Enterprise, Trade and Employment and the Department of Social and Family Affairs.

*Joint Initiatives between the Department of Enterprise, Trade and Employment and the Department of Education and Science.

118. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the work experience scheme announced in the supplementary budget on 7 April 2009 is currently operational; if not, when it is due to be operational; the way the scheme operates or will operate; the criteria for participation in such a scheme; the number of places that will be available; the cost per place in the scheme; and if she will make a statement on the matter. [21320/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I am happy to say that a working group consisting of representatives of my Department, the Department of Education and Science, the Department of Social and Family Affairs, FÁS and the Higher Education Authority have largely concluded their work on developing the proposals for the Work Placement Programme, which was announced in last month's supplementary budget. I expect that we will be in a position to announce further details on this programme in the very near future.

[Deputy Mary Coughlan.]

I can confirm that the programme will provide 2,000 six-month places to individuals who are unemployed. Under the programme there will be two streams. The first stream will be for 1,000 unemployed graduates and the second stream will consist of 1,000 places for other individuals. There is no direct cost to the Exchequer per place on the programme, as whilst on the programme participants will continue to receive their social welfare entitlements only from the Exchequer.

Work Permits.

119. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will postpone her proposed changes to the work permits system to allow for a proper review and consideration of possible alternatives; and if she will make a statement on the matter. [21362/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The recent review of our employment permit arrangements was undertaken by my Department in order to ensure that they continue to be appropriate to the needs of a changing labour market, and were announced following the outcome of a consultation process with the Social Partners.

Under the Community Preference Principle, Irish employers must be satisfied that no suitable EEA nationals are available to fill a position before that job can be offered to a non-EEA national. My Department is anxious to ensure that a meaningful effort is made to apply Community preference in filling all job vacancies. It was, therefore, decided to strengthen this test in order to ensure that only those vacancies that cannot genuinely be filled by nationals of EEA countries are considered for work permit applications.

My Department recognises the fact that many permit holders have been living in Ireland for several years and have made a genuine contribution to the economy. Therefore, even where these permit holders have been made redundant from a post which is now considered ineligible for a work permit, they may continue to seek work in an ineligible category.

New arrangements regarding work permit renewals will only apply to non-EEA nationals whose permit application was approved on or after 1 June 2009. Persons who were granted a permit prior to this date will retain the original renewal conditions. My Department will continue to keep employment permit arrangements under review to ensure they remain suitable and relevant to current labour market conditions.

120. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has evaluated the impact that the new work permit rules will have on the exploitation of migrant workers; if she has assessed the cost implications to the taxpayer here of these changes through social welfare, lost taxes, undermining of tax compliant employment via the development of the black economy and the increased cost of forced deportations; and if she will make a statement on the matter. [21443/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The revised permit arrangements for new entrants only, that take effect on 1 June 2009, apply to existing schemes introduced under the Employment Permits Act 2006. A particular focus in developing these schemes was on increasing the rights and protections afforded to migrant workers and the means to ensure redress in the event of exploitative practices. The Act's provisions gave immigrants greater freedom, autonomy and control over their own employment choices by enabling workers for the first time to apply and re-apply for their own permit and allowing workers to change their employer and move to another employment in order to take

advantage of better conditions or career options. In the case of Green Cards, migrants' commitment and contribution to their destination country was rewarded by fast tracking the process to long-term residency and the right and entitlements associated with such residency status.

The revisions being implemented on 1 June will not create any negative effects on the social welfare system. On the contrary, re-strengthening of the demand-led aspects of the system through a more robust labour market needs test will ensure that new entrants only come in where there is a job requirement.

The measures introduced under the 2006 Act also provided that employment permit applications are not approved for wages below the Employment Regulation Order/Registered Employment Agreement rates or the national minimum wage, and employers are prohibited from deducting recruitment expenses from employees, and from retaining their employees' personal documentation. As regards ensuring compliance with and enforcement of such provisions, the Employment law Compliance Bill, when enacted, will empower the National Employment Rights Authority (NERA) to promote, encourage and secure compliance with the provisions of the Employment Permits Acts as well as other employment legislation. It is intended, through the co-operation of NERA and the Garda National Immigration Bureau (GNIB) in enforcement of provisions under the Permits Acts, to increase compliance and to act as a deterrent to illegal work as a pull for illegal immigration.

There will be no diminution of such rights and protections as a result of the changes being introduced on 1 June 2009, and all workers, irrespective of country of origin, will continue to benefit from the coverage of the extensive body of employment rights legislation introduced in recent years.

121. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of work permits which were issued in each of the past 12 months to applicants who had been made redundant by their previous employer; and if she will make a statement on the matter. [21445/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The information requested is currently being complied and will be forwarded to the Deputy in the coming days.

Communications Masts.

122. **Deputy Joe McHugh** asked the Minister for Finance if he will make a statement on the telecommunications mast beside Letterkenny Garda barracks; the number of commercial users there are; and the amount of rent that accrues from it. [20924/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The primary objective of the telecommunications mast adjacent to Letterkenny Garda Station, and all Garda masts, is to facilitate the services and activities of An Garda Síochána.

There are three mobile phone operators licensed by the Commissioners of Public Works to install equipment, for the provision of mobile telephony services, on the mast at Letterkenny Garda Station. These licences generate a gross annual revenue of €27,500 approximately.

Regulations Review.

123. **Deputy Dan Neville** asked the Minister for Finance if he plans to repeal section 9 of the Financial Emergency Measures in the Public Interest Act 2009. [21041/09]

Minister for Finance (Deputy Brian Lenihan): I have no plans to repeal section 9 of the Financial Emergency Measures in Public Interest Act 2009. However, I understand that the Minister for Health and Children in accordance with the legislation will be initiating a review before 30 June 2010 of the operation of regulations made under the section.

Séadchomharthaí Náisiúnta.

124. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Airgeadais cá bhfuil an leacht marmair a bhíodh ar crochadh gar don Fháiltiú i Scoil Éanna, Ráth Fearnáin i gcuimhne orthu siúd a fuair bás in 1916, agus nach ann dó a thuilleadh ó rinneadh athchóiriú ar an bhfoirgneamh. [21049/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Tógadh an leacht marmair as Scoil Éanna nuair a bhí obráithe leasaithe a dhéanamh, agus beidh sé curtha as air in áit feiliúnach nuair a tá an ionad taispeantais réidh.

125. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Airgeadais an bhfuil treoir tugtha ag Oifig na nOibreacha Poiblí do threoraithe turais 'Ballaí agus Doirse' sna tithe móra galánta agus sna hionaid stairiúla eile faoina stiúir ag cur cosc ar thagairtí do na hÓglaigh agus dóibh siúd a d'fhulaing ar son na 'Saoirse' agus sa chogadh i gcoinne na Sasanach, nó má tá sí tugtha, an aistarraingeofar í. [21050/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Níor thug Oifig na nOibreacha Poiblí treoir mar sin. Tá gach turas fíor don stair na haoise i gceist.

Insurance Industry.

126. **Deputy Finian McGrath** asked the Minister for Finance if he will support a matter (details supplied). [21651/09]

Minister for Finance (Deputy Brian Lenihan): The pricing of insurance products reflect a broad range of factors, including for example, the level of cover, the number of claims, legal and administration costs, the cost of fraud as well as the overall cost level in the economy.

My Department has been advised by the Financial Regulator that while the non-life insurance market performed well up to the end of 2006, market sources indicate that much non-life business was written at a loss in 2007. This trend continued in 2008, but the companies were still willing to write business at a loss in order to maintain their market share. They were able to do this as a result of the reserves they had built up during profitable years. However, the situation could not go on indefinitely and indications are that firms are now taking action on pricing to underpin their financial positions.

In the current difficult trading climate, there is a delicate balance to be struck between ensuring the long-term sustainability of the insurance industry and at the same time making sure that the consumer obtains good value for money. I am particularly conscious of the impact of a significant increase in premiums for both the consumer and business and it must be a priority for insurance companies to ensure that insurance cover is provided as competitively as possible consistent with long term commercial sustainability and viability.

The Deputy will be aware that like all financial service providers, the insurance industry is also affected by financial market conditions and the economic situation. This is likely to be one of the reasons for increases in areas such as motor insurance.

In conclusion, the recent upward trend in insurance prices reflects a range of factors outside the control of the industry. It would not, therefore be appropriate from a policy perspective to

seek to intervene in the commercial conduct or decision making of insurance firms in the absence of clear evidence of market failure in respect of which there is scope to address from a national perspective.

Tax Code.

127. **Deputy Jimmy Deenihan** asked the Minister for Finance if he will explain the reason a person should have to pay the Government levy on a credit card drawn on a UK bank; and if he will make a statement on the matter. [20941/09]

Minister for Finance (Deputy Brian Lenihan): I have been informed by the Revenue Commissioners that section 124 of the Stamp Duties Consolidation Act 1999 provides for a stamp duty charge in respect of credit cards.

The primary determining factor in establishing a charge to stamp duty on a credit card is that the individual credit card holder has an address in the State. Accordingly, where an individual has an address in the State a charge to stamp duty applies in respect of a credit card issued by a bank (including a UK bank) to that individual.

Departmental Expenditure.

128. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20955/09]

Minister for Finance (Deputy Brian Lenihan): It is assumed that the Deputy is referring to the cost of managing issues arising from alcohol and drug misuse by officers of the Department. Departments do not contribute in any way to the actual cost of treatment programmes; the only cost incurred is in the payment of the appropriate rate of pay, while the staff member participates in a residential programme. While there are indirect costs in dealing with problematic alcohol-illegal drug use e.g. cost of personnel staff time, including the support of the Employee Assistance Service, these must be offset against the Department's responsibilities to its staff and the potential cost of reduced performance and the loss of valuable expertise if staff succumb to an addiction.

An updated Alcohol and Drugs Misuse Policy for the Civil Service (Circular 8/2009) was circulated on 30 April 2009. That policy is designed to facilitate Departments in addressing alcohol and/or drug misuse and supporting officers with problems relating to alcohol and/or drug misuse.

Museum Projects.

129. **Deputy Paul Kehoe** asked the Minister for Finance if he will confirm that a museum (details supplied) is to be re-opened to the public; the expected timescale of same; and if he will make a statement on the matter. [20967/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): With a view to the re-establishment of the County Museum in Enniscorthy Castle, a survey and condition report on the fabric of the castle is in progress. This, together with a report on the necessary upgraded services, will inform the program of works, costs and timescale for completion.

Financial Institutions Support Scheme.

130. **Deputy James Reilly** asked the Minister for Finance if, in his dealings with the banks and building societies, he will insist as part of these negotiations that the banks offer flexible

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affordable terms to fixed rate mortgage holders without excessive penalties in view of the fact that these homeowners are trapped in expensive mortgages at high rates; if he will request the banks to show generosity and flexibility to fixed rate mortgage homeowners; the number of homeowners on fixed rate mortgages; and if he will make a statement on the matter. [20987/09]

Minister for Finance (Deputy Brian Lenihan): I am assuming that the Deputy is referring to my dealings with those financial institutions covered by the Bank Guarantee Scheme.

I am advised that the number of owner-occupier homeowners on fixed rate mortgages is in the region of 96,000, based on information recently provided by the covered institutions.

Generally mortgages are for long periods. To some consumers a fixed interest rate on a mortgage offers peace of mind in that the borrower benefits from certainty regarding the cost of their mortgage and can accordingly budget more confidently. In doing so they avoid the risk of rate increases, but of course they forgo the chance to benefit from rate reductions. The choice of mortgage product ultimately rests with the consumer in light of the terms and conditions that their lending institution offers. The decision of borrowers is influenced by factors such as their personal preferences and their own assessment of the relative merits of fixed and variable rate mortgages.

Where a bank offers a fixed rate over a certain period it incurs additional costs in obtaining fixed or other funding in respect of the loan over the period. The additional costs will reflect both the market view in relation to future trends in interest rates for the period and the fact that longer term deposits generally attract higher interest rates than short term. In addition, where a customer changes from a fixed interest rate contract to a variable rate contract before the end of the term for which the interest rate was fixed, there is an associated cost to the lender. If lenders were prohibited from passing the entire costs to borrowers switching to variable rates, this could increase the price and reduce the availability of fixed rate mortgages. However, if a mortgage provider were charging fees other than the recouping of costs, then the Financial Regulator would require notification of same and could require the lender to amend such charges.

On 26 March 2009, I undertook, in this House, to raise concerns regarding the level of redemption fees with the Consumer Director of the Financial Regulator who has a statutory mandate to safeguard the interests of consumers. At the beginning of April my Department wrote to the Consumer Director to request confirmation that redemption fees charged for switching from a fixed rate mortgage cover funding costs only and that there are no other costs included.

To date, the Financial Regulator has been able to confirm to my Department, that all mortgage lenders have responded and that all have provided the formula used by that lender when calculating the early redemption fee applying to fixed rate mortgages.

The Financial Regulator is awaiting independent verification, by an actuary, from a number of lenders that the fee being charged recoups only those costs incurred by the lender when financing the fixed rate mortgage. However, the verifications received indicate that the formulae applied by lenders seek to recoup the loss to the lender arising from the early redemption of the fixed rate mortgage and do not seek to apply a penalty charge on the borrower.

The Financial Regulator is also examining whether any other costs are being charged such as administrative fees, etc. Any such charges may be subject to approval by the Regulator under section 149 of the Consumer Credit Act 1995 and will be examined further in that light. To date the responses indicate that most lenders do not levy additional charges in the case of early redemption of fixed rate mortgages.

The Financial Regulator has advised that further analysis may be necessary once all of the information is received and reviewed. Should the remaining analysis by the Financial Regulator indicate that further consideration of this issue is required, it will be carried out.

Tax Code.

131. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance the reason a person (details supplied) did not receive their full refund for recent dental work carried out; the further reason they were not told that the illness benefit was taxable; the reason tax was not deducted from their wages; and if he will make a statement on the matter. [21004/09]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that the taxpayer returned to work in August 2008. The Department of Social and Family Affairs normally notify the employer of the weekly taxable disability benefit and the date that it commenced. Unfortunately, because the Department of Social and Family Affairs records were not fully up to date, this did not occur in this instance.

When a review of their liability was carried out in respect of their Health Expenses claim for the year 2008, the disability benefit was included thus giving rise to the underpayment. Revenue has now carried out a review of this case for 2007. An overpayment of €1,396.00 has arisen due to the fact that there were unused credits for the period April 2007 – 17 November 2007.

The overpayment for 2007 has been reduced by the underpayment for 2008 leaving a net refund due of €981.14, which will issue shortly.

132. **Deputy Brian Hayes** asked the Minister for Finance if a person (details supplied) in Dublin 6W will have to pay the 2% income levy; and if he will make a statement on the matter. [21042/09]

Minister for Finance (Deputy Brian Lenihan): The position is that any individual with an entitlement to a full medical card is exempt from paying the income levy.

I am advised by the Revenue Commissioners that this person holds a full medical card and the income levy is not being deducted.

Tax Yield.

133. **Deputy Andrew Doyle** asked the Minister for Finance the revenues received from betting tax in respect of the months of January, February, March and April for 2008 and 2009. [21051/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the Betting Duty received for the months January to April 2008 was €15.36 million and the provisional yield for the same period in 2009 is €13 million.

Financial Services Regulation.

134. **Deputy Dinny McGinley** asked the Minister for Finance if he will establish an appeals mechanism for people who believe they are not being treated fairly by financial institutions; if he will use his influence on banks to reduce measures to allow fixed rate mortgage holders to switch to a variable rate and save money; and if he will make a statement on the matter. [21073/09]

Minister for Finance (Deputy Brian Lenihan): There already is in place an appeals mechanism for people who believe that they are not being treated fairly by financial institutions. Where a customer of a financial service provider, regulated by the Financial Regulator, complains in writing to a financial institution regarding a particular matter and this fails to resolve it to her / his satisfaction, s/he may take the complaint up directly with the Financial Services Ombudsman (FSO).

The FSO is an independent statutory body whose remit is to investigate, mediate and adjudicate unresolved complaints of customers about financial service providers. There is no charge for using the services of the FSO who can be contacted at the following address: Financial Services Ombudsman's Bureau, 3rd Floor, Lincoln House, Lincoln Place, Dublin 2, by phone to LoCall number 1890 88 20 90. Alternatively, one may make an online complaint using the FSO online complaints form at the FSO website www.financialombudsman.ie

The Deputy may wish to note that under the General Principles of the Financial Regulator's Consumer Protection Code, a regulated entity must ensure that in all its dealings with customers and within the context of its authorisation, it acts honestly, fairly and professionally in the best interests of its customers and the integrity of the market. In addition, in its Common Rules for all Regulated Entities, the Consumer Protection Code stipulates that a regulated entity must have in place a written procedure for the proper handling of complaints.

As to whether banks should reduce measures to allow fixed-rate mortgage holders to switch to a variable-rate and save money, the Deputy will be aware that fixed rate mortgages can be regarded as a form of insurance against interest rate changes as fixed rate mortgages provide certainty and security to borrowers regarding the level of their repayments.

As referred to in the Deputy's question in circumstances that many households are faced with significantly increased financial pressures, the current environment of very low interest rates clearly highlights to fixed rate mortgage holders the saving that would be available if they benefited from a variable interest rate. It is clear, therefore, why many fixed rate mortgage holders seek to switch to secure lower repayments.

However, when a borrower signs a fixed-rate mortgage contract with a mortgage provider, the lender in turn enters into an agreement where they borrow the money at an agreed rate. The mortgage lender must repay the money at this agreed rate, so there is a cost to the institution if the fixed rate agreement is terminated before the agreed term which gives rise to the redemption fee charged in these cases.

On 26 March 2009, I undertook, in this House, to raise concerns regarding the level of redemption fees with the Consumer Director of the Financial Regulator who has a statutory mandate to safeguard the interests of consumers. At the beginning of April my Department wrote to the Consumer Director to request confirmation that redemption fees charged for switching from a fixed rate mortgage cover funding costs only and that there are no other costs included.

To date, the Financial Regulator has been able to confirm to my Department, that all mortgage lenders have responded and that all have provided the formula used by that lender when calculating the early redemption fee applying to fixed rate mortgages.

The Financial Regulator is awaiting independent verification, by an actuary, from a number of lenders that the fee being charged recoups only those costs incurred by the lender when financing the fixed rate mortgage. However, the verifications received indicate that the formulae applied by lenders seek to recoup the loss to the lender arising from the early redemption of the fixed rate mortgage and do not seek to apply a penalty charge on the borrower.

The Financial Regulator is also examining whether any other costs are being charged such as administrative fees, etc. Any such charges may be subject to approval by the Regulator under Section 149 of the Consumer Credit Act 1995 and will be examined further in that light. To date the responses indicate that most lenders do not levy additional charges in the case of early redemption of fixed rate mortgages.

The Financial Regulator has advised that further analysis may be necessary once all of the information is received and reviewed. Should the remaining analysis by the Financial Regulator indicate that further consideration of this issue is required, it will be carried out.

It is important to note that a number of important initiatives have been put in place by Government to assist borrowers in difficulties. These include the mandatory Code of Conduct for Mortgage Arrears requires that when a borrower is in difficulty the lender shall make every reasonable effort to agree an alternative repayment schedule. Under the Code consideration should be given on a case-by-case basis to alternatives such as deferral of payments, extending the term of the mortgage, changing the type of mortgage, or capitalising arrears and interest. In any case, lenders will not commence legal action for repossession until after six months from the time arrears first arise.

Finally, as part of the subscription agreement for their recapitalisation Bank of Ireland and AIB will not commence court proceedings for repossession of a principal private residence until after 12 months of arrears appearing where the customer continues to co-operate with the banks.

135. **Deputy Richard Bruton** asked the Minister for Finance if he will report on the likely capital requirements of the credit unions in view of expected losses in 2009 and of the move to review the regulatory reserve ratio from September 2009; and the action he will take in the event that credit unions are unable to meet these new ratios. [21097/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy may wish to note that the financial structure of credit unions as mutual societies owned by their members is that they are not subject to capital requirements. Rather, under the legal framework for credit unions set out in the Credit Union Act 1997, a credit union must allocate 10% of each year's surplus to a statutory reserve.

According to the prudential return for credit unions as at 31 December 2008, the statutory reserve for credit unions stood at €1.3 billion representing 9.1% of credit union assets. In addition to the statutory reserves €0.4 billion (or €400 million) was held in other reserves bringing total reserves to 12% of assets.

The Registrar of Credit Unions in the Financial Regulator issued a consultation document on minimum requirements for the maintenance of reserves in credit unions on 3rd April 2009. Responses were requested by 15 May 2009. A number of the bodies consulted requested an extension to the deadline and this was extended to 22 May 2009. Following receipt and review of these submissions, the Registrar of Credit Unions intends to meet with the main representative bodies to discuss their concerns with a view to finalising the approach to implementation of the new regulatory reserve requirements for credit unions.

I understand that it is the intention that the measures will be implemented in a constructive and positive way that strikes an appropriate balance between the longer term goals which everyone supports and the short-term financial pressures on credit unions.

Pension Provisions.

136. **Deputy Richard Bruton** asked the Minister for Finance the rationale for excluding class

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seven pension schemes from the insurance levy while including all other pension schemes; his view on whether this will distort the market; and if he will make a statement on the matter.

[21098/09]

Minister for Finance (Deputy Brian Lenihan): I announced in my Supplementary Budget on 7 April 2009 that a 1% levy was being introduced on life assurance premiums from 1 June 2009. However, following talks with the industry, this date has been changed to allow for a lead-in period. The implementation date, as set out in the Finance Bill is 1 August 2009.

The life levy applies to all premium income regarding policies of insurance referred to in classes I, II, III, IV, V and VI of Annex I to Directive 2002/83/EC, the “Life Assurance Directive”.

The levy has been introduced on the same classes of life assurance as the previous life assurance levy, which was in place from 1982 to 1993. Class VII, as described in the Life Assurance Directive, relates to the management of group pension funds, and was not included in the previous levy on the basis of representations made by the life insurance industry at that time. For this reason, I have excluded the same insurance classes as were excluded from the previous life insurance levy.

137. **Deputy Richard Bruton** asked the Minister for Finance if the income levies will be applied to employer contributions to personal retirement savings accounts but not to employer contributions to old style pension plans; and if he will make a statement on the matter.

[21099/09]

Minister for Finance (Deputy Brian Lenihan): The income levy applies to all emoluments of an employment, including anything treated as a taxable benefit-in-kind.

The position is that an employer contribution to a personal retirement savings account (PRSA) is chargeable to income tax in the hands of the employee as a benefit-in-kind under section 118 of the Taxes Consolidation Act 1997. As the income levy treatment follows the income tax treatment the employer’s contribution to the personal retirement savings account will also be subject to the income levy.

Section 778 of the Taxes Consolidation Act 1997 provides that an employer contribution made to an approved retirement benefit scheme or a statutory scheme is not treated as a benefit-in-kind for income tax purposes. Again, as the income levy treatment follows the income levy treatment, any employer’s contribution to such schemes will not be subject to income levy.

Tax Code.

138. **Deputy Michael Creed** asked the Minister for Finance the criteria used by the Revenue Commissioners to determine entitlement to a tax credit for an incapacitated child; the reason intellectual disability is not accepted as a basis for entitlement; and if he will make a statement on the matter. [21117/09]

Minister for Finance (Deputy Brian Lenihan): Firstly, as regards the criteria for entitlement to the incapacitated child tax credit, the position is that section 465 of the Taxes Consolidation Act 1997 provides for a tax credit of €3,660 for the tax year 2009 where the claimant has living with him or her any child who, at any time during the relevant tax year to which the claim refers — (a) is under the age of 18 years and is permanently incapacitated by reason of mental or physical infirmity, or (b) if over the age of 18 years at the commencement of the year, is

permanently incapacitated by reason of mental or physical infirmity from maintaining himself or herself. If the child is aged 21 or over, the incapacity must have arisen before the child became 21 or while the child was in receipt of full time instruction at any university, college, school or other educational establishment.

The tax credit can also be claimed in respect of: a step-child; a formally adopted child; or an informally adopted child or any child in respect of whom the claimant has custody, who meets the criteria set out above and who is maintained at the claimant's own expense. Where more than one child is permanently incapacitated, a tax credit may be claimed in respect of each such child.

Secondly, as to a child with an intellectual disability, the legislation does not make any reference to intellectual disability or, indeed, to any specific type of disability. The matter to be considered for the purposes of the incapacitated child tax credit in respect of a child with intellectual disability is the same as that for children with other types of disability and as outlined in the legislation.

“A child under 18 years of age shall be regarded as permanently incapacitated by reason of mental or physical infirmity only if the infirmity is such that there would be a reasonable expectation that if the child were over the age of 18 years the child would be incapacitated from maintaining himself or herself.”

In this regard, where it is not obvious that the child's incapacity is of a serious and permanent nature, the general practice is for a doctor's certificate to be submitted with the initial claim for the tax credit. In such circumstances, the doctor's certificate should contain the following information: the date the incapacity first arose; the degree and extent of the incapacity; if the child is over 18 years of age, is he or she able to maintain himself or herself independently; or if the child is under 18 years of age, whether there would be a reasonable expectation that, if the child were over the age of 18 years, the child would be incapacitated from maintaining himself or herself.

Finally, if the Deputy has a particular case in mind, the Revenue Commissioners tell me that they are prepared to examine such case if the Deputy so wishes. As is usual, the Deputy can give the relevant details to my officials.

Infrastructural Projects.

139. **Deputy Olivia Mitchell** asked the Minister for Finance if the commitment in the supplementary Budget of 7 April 2009 to explore the proposal by the Construction Industry Federation to fund infrastructural projects has been progressed; if a scheme is under preparation; if it will be announced before the summer 2009 recess; if details of the type of projects, such as new school buildings are yet decided; and if he will make a statement on the matter. [21293/09]

Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware that we are spending a considerable sum on Capital this year — 5% of GNP — one of the highest ratios in the world. This supports a substantial level of employment, while the reductions in tender prices mean that we can do more with less. Nonetheless, the Government is prepared to look at new ways to fund needed capital investment and support activity and employment in the construction sector provided: the terms are right and in the taxpayers' favour; the investment makes economic sense; value for money is secured; and the private sector shares the appropriate level of risk so as not to have a disproportionate impact on the public finances.

My officials have actively engaged with representatives of the pensions industry and other interested parties to discuss alternative funding proposals. These discussions have focused on

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both the possible sources of additional funding and on what steps would be required to access such funding. Further discussions on potential funding structures are scheduled for the coming days, and additional meetings will be arranged as necessary.

Architectural Heritage.

140. **Deputy Jimmy Deenihan** asked the Minister for Finance if conservation work will be carried out on Rattoo Round Tower, Ballyduff, County Kerry in 2009 in view of the historical and architectural importance of this national monument; and if he will make a statement on the matter. [21316/09]

Minister for Finance (Deputy Brian Lenihan): Rattoo Round Tower is not included in the 2009 programme of works. The south-west corner of the adjacent Rattoo Church will be re-pointed this year.

Decentralisation Programme.

141. **Deputy Paul Kehoe** asked the Minister for Finance if he has plans to relocate additional staff to the Revenue office in an area (details supplied); and if he will make a statement on the matter. [21327/09]

142. **Deputy Paul Kehoe** asked the Minister for Finance if there are plans to relocate additional staff to an area (details supplied) under the decentralisation plans; and if he will make a statement on the matter. [21342/09]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 141 and 142 together.

The Revenue Commissioners have completed the decentralisation of staff to the office (details supplied) in accordance with the Government Decentralisation Programme, and there are currently 51 staff in place.

The ongoing deployment of staff in the Office of the Revenue Commissioners is a matter for the Commissioners in the normal manner and I am advised by them that there are no plans to relocate additional staff to this location.

Tax Code.

143. **Deputy Richard Bruton** asked the Minister for Finance if he has taken steps to ensure that VAT numbers are not being used illegally in Northern Ireland by persons who are not authorised; and if he will make a statement on the matter. [21348/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the intra-Community movement of goods between Member States is subject to a system of control whereby details of goods that have been zero VAT rated in the Member State of supply are notified to the authorities of the Member State of destination through the VAT Information Exchange System (VIES). This enables the authorities of the Member State of destination to ensure that VAT is accounted for. Furthermore, the supplier is obliged to confirm that the customer from the other Member State is registered for VAT and that the goods are removed from the Member State of supply. Otherwise the supplier is liable for payment of the VAT involved. The validity of the VAT registration number can be checked by the supplier via an online Europa website set up for this purpose.

In order to tackle intra-Community VAT fraud, the European Commission has enacted legislation (Council Regulation 1798/2003) governing administrative co-operation in the field of Value Added Tax with a view to combating cross-border VAT fraud. This legislation is used extensively by the Revenue authorities on both sides of the border who actively exchange information and provide mutual assistance with a view to detecting discrepancies or irregular transactions. Special programmes have been set up precisely for this purpose. The frauds detected to date include the use of hijacked, missing trader, and ceased VAT numbers. The penalties for non-compliance include the raising of VAT assessments against the supplier, the seizure of the goods involved and the prosecution of offenders.

144. **Deputy James Bannon** asked the Minister for Finance his views on whether it makes economic sense to deprive homeowners of mortgage tax relief after seven years, impose tax increases and levies; and if he will make a statement on the matter. [21431/09]

Minister for Finance (Deputy Brian Lenihan): As I said in my Supplementary Budget 2009 speech, the most urgent step required to restore and renew our economy is to stabilise our public finances. This, I believe, is crucial to the recovery of confidence among investors, consumers and businesses. In this context, as announced in my Supplementary Budget 2009 speech, the income and health levies were doubled and the thresholds reduced from 1 May 2009.

I believe that in these times of scarce resources support should be targeted at those most in need. Mortgage interest relief has therefore been limited to the first seven years of a mortgage from 1 May 2009. The relief is now targeted at those who bought their home when prices were at their peak while also supporting those who wish to move, improve or buy for the first time.

I understand that the Department of Social and Family Affairs provides a payment known as the Mortgage Interest Supplement for mortgage holders who have found themselves out of work or on reduced hours. Queries in relation to this payment should be directed to the Minister for Social and Family Affairs.

Child Care Services.

145. **Deputy Mary Upton** asked the Minister for Health and Children if she will address the concerns of a person (details supplied) in Dublin 12 whose child will not benefit from the new child care grant but who will commence school in September 2010; and if she will make a statement on the matter. [20938/09]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which was announced recently by the Minister of Finance.

The ECCE is being introduced from January 2010 as a free scheme to benefit children in the key developmental period prior to commencing school. The scheme will allow eligible children to avail of a free pre-school place in the year before the commence school. This will consist, generally, of 3 hours per day, 5 days per week over 38 weeks or 2 hours and 15 minutes per day, 5 days per week over 50 weeks. As the new scheme will be introduced from January next, the first full year will be from September 2010. Participating services will receive capitation of €64.50 per week where children attend for 38 weeks, and €48.50 per week where they attend for 50 weeks. Services will receive payments at the start of each term.

Participating children must, normally be aged between 3 years 3 months and 4 years 6 months on the 1st September of each year. Exceptions will be allowed where children have special needs or it is necessary to accept children at an older age due to the enrolment policy of the

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local primary school. As the child in question will be aged 3 years and 6 months in January 2010, he will be eligible to participate in the free pre-school year prior to commencing primary school in September 2010.

Departmental Staff.

146. **Deputy Paul Kehoe** asked the Minister for Health and Children if her attention has been drawn to the fact that persons (details supplied) wanting to make an application under the incentivised scheme for early retirement not being able to do so despite the opening date of 1 May 2009 having passed; the action being taken to assist these applicants to make their application; and if she will make a statement on the matter. [21067/09]

Minister for Health and Children (Deputy Mary Harney): The incentivised scheme of early retirement for the public health sector is effective from 18th May 2009 and the final date for receipt of applications is the 18th September 2009. The relevant circular (8/2009) and a question and answer document is available on the employer's intranet. Applications can be made on the provided application form and a final acceptance form is also provided.

In addition, a dedicated team is available to answer any specific questions employees or line managers may have and regional contact telephone numbers and e-mail addresses are available on the employer's intranet.

Health Service Allowances.

147. **Deputy Damien English** asked the Minister for Health and Children when an application for a person (details supplied) in County Meath for the domiciliary care allowance will be decided on; and if she will make a statement on the matter. [21137/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Positive Ageing Strategy.

148. **Deputy Michael Noonan** asked the Minister for Health and Children the progress made in implementing the objectives of the National Positive Ageing Strategy; and if she will make a statement on the matter. [21289/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The commitment to develop a National Positive Ageing Strategy is set out in the Programme for Government 2007-2012 and is a key objective of my Office. The Government Decision of 17 January 2008 establishing the Office for Older People stipulated that the Strategy would be prepared by a cross departmental group chaired by the Director of the Office. The Group has met on two occasions and comprises representatives of eleven Government Departments and the Central Statistics Office.

In preparation for the development of the Strategy, the National Council on Ageing and Older People commissioned a research study on National Strategies for Older People which was finalised in October last year. The staff of the National Council, which is being subsumed into the Department of Health and Children, will join the Office for Older People to support the preparation of the Strategy.

Since my appointment in April, I have met with a considerable number of older people's organisations and have sought their views on the Positive Ageing Strategy. Arrangements for the launch of consultations on the Strategy are at an advanced stage.

Child Care Services.

149. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she has received correspondence from persons involved in the ECCE scheme; the views expressed in this regard that the proposed operation of this scheme will be inoperable; and if she will make a statement on the matter. [21378/09]

150. **Deputy Michael D. Higgins** asked the Minister for Health and Children if, with regard to the proposed ECCE scheme, she agrees with persons working in the area who feel that fixing the fee at €64.50 per child per week is equivalent to price fixing in the industry and in that regard may be open to legal challenge; and if she will make a statement on the matter. [21379/09]

152. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she will explain the way the fee of €64.50 was reached in relation to the ECCE scheme; and if she will make a statement on the matter. [21381/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 149, 150 and 152 together.

As the Deputy will be aware, I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) with effect from January 2010.

An annual capitation fee of over €2,400 will be paid to participating services in return for the provision of a free pre-school year to each child. The payment will be made in advance at the start of each term or quarter, as applicable. The scheme will be open to the almost 5,000 pre-school services operating in the State, including full and part-time daycare services as well as sessional playschool services. The capitation fee was set at a rate of €4.30 per hour which is considered sufficient to accommodate the majority of services. It is accepted that some services at the higher end of the market may not choose to enter the scheme, in much the same way as some fee paying primary schools are outside of the national school system, however, I expect the majority of services will enter the scheme.

Services can participate in the scheme on the basis of a number of options. A full or part-time daycare service will be required to provide a pre-school service for 2 hours 15 minutes per day, five days a week for 50 weeks (241 days) per year, in return for the capitation fee of €48.50 per week. A playschool sessional service, such as a Montessori, will be required to provide a pre-school service for 3 hours per day, five days a week for 38 weeks (183 days) per year, in return for a capitation fee of €64.50 per week. However, where for good reason a sessional service is unable to operate over 5 days, consideration will be given to allowing it to participate in the scheme on the basis of providing the pre-school year for 3 hours 30 minutes per day for 4 days per week. In such cases, a service will be required to provide the pre-school year over 41 weeks (157 days). Further flexibility is provided for in that, a full or part-time service may choose to provide a sessional service over 38 weeks of a year (or 2 sessional services each day) while a sessional service may choose to provide 2 hours 15 minutes per day over 50 weeks.

As a free pre-school year, participating services must agree to provide the service in return for the capitation grant. This does not preclude a service from charging for additional services

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provided these are clearly optional to parents. Optional services can include additional hours, over and above the free pre-school year requirement, and additional services in the form of various one-off, or on-going, activities or services such as outings, birthday parties, specific teaching resources such as dance or music or food. By their nature, full or part-time services will offer additional hours to the pre-school provision and sessional playschools can offer an additional 30 minutes per day. However, services must ensure that all such additional services are offered and charged for on an optional basis and are not compulsory. A parent's agreement cannot be a condition of initial or continued enrolment. It is also essential that appropriate programme based activities must be provided to children not participating in an optional activity where this takes place during the required period of pre-school provision.

The large majority of services contacting my Office since the announcement of the scheme have expressed their support for the scheme in strong terms. With regard to the question of price-fixing, I am satisfied that this does not arise, however it is open to individuals to seek legal advice should they consider this appropriate. I understand that a number of individuals have raised this issue with the Competition Authority but, to date, no grounds for action or concern have been identified.

151. **Deputy Michael D. Higgins** asked the Minister for Health and Children her views on whether the ECCE scheme, in its attempt to extend the pre-school year by two weeks beyond that required by primary schools, is unacceptable for two reasons, namely as discrimination to require pre-school montessori teachers to work a longer school year than that which is required by national school teachers, at a reduced rate of pay, as well as the fact that under these proposals children of a very young age would then have a longer school year than they ought to have; and if she will make a statement on the matter. [21380/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware, I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which was announced recently by the Minister for Finance.

The scheme, which is being introduced from January 2010, will be open to almost 5,000 private and voluntary pre-school services, including montessori schools. Services such as Montessori schools, which are likely to participate in the scheme as a sessional playschool service open for 38 weeks of the year, will be expected to operate for 183 days, the same number as that required for national primary schools.

Pre-school services in Ireland are provided in the private and voluntary sector and the terms and conditions of staff working in these services are a matter for their employer.

Question No. 152 answered with Question No. 149.

153. **Deputy Mary Upton** asked the Minister for Health and Children the qualifications that will be required of teachers and carers in the schools operating the new preschool child care scheme; the location at which a person (details supplied) can obtain the necessary qualifications and information on suitable courses; and if she will make a statement on the matter. [21403/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which was announced recently by the Minister of Finance.

The ECCE is being introduced from January 2010 as a free scheme to benefit children in the key developmental period prior to commencing school. The scheme will allow eligible children to avail of a free pre-school place in the year before they commence school, generally either for 3 hours per day, 5 days per week over 38 weeks or for 2 hours 15 minutes per day, 5 days per week over 50 weeks. As the new scheme will be introduced from January next, the first full year will be from September 2010.

With the introduction of the pre-school year, the required qualifications are that the pre-school year Leader should hold a certification for a major award in childcare/early education at a minimum of level 5 on the National Framework of Qualifications of Ireland (NFQ) or an equivalent recognised qualification in the childcare/early education field. In recognition of the complex nature of educational attainment of staff within the early childhood care and education workforce in Ireland, during the first two full years of the scheme, where the pre-school year Leader has an award in early childhood care and education that includes significant content relating to early childhood education/early learning and child development and has at least two years experience of working in a position of responsibility with children in the 0-6 age range, this will be accepted as meeting the requirement.

For people who intend to make a career in this area, there are a number of options. The VECs are the major providers of accredited courses in childcare at NFQ level 5. By contacting the local VEC provider or by looking at their website, it should be possible to find a listing of accredited courses. The Institutes of Technology and some Universities also offer courses in childcare/early education and again, by contacting the IOTs or by looking at their websites, it will be possible to determine what courses are on offer. There are, as well, a number of courses offering Montessori qualifications but the most important factor in determining what course to do is that the course is recognised, accredited and will give the student an award that is on or aligned to the National Framework of Qualifications.

Inter-Country Adoptions.

154. **Deputy Emmet Stagg** asked the Minister for Health and Children further to Parliamentary Question No. 203 of 6 May 2009, if there has been further progress in resolving the issue of inter-country adoption with Vietnam; if she remains committed to her Minister of State for Children travelling to Vietnam to resolve and conclude a further bilateral agreement; and when this will occur. [21744/09]

189. **Deputy Jim O’Keeffe** asked the Minister for Health and Children if in view of the trauma caused to people arising from the indefinite postponement of adoptions of Vietnamese children and further in view of the issues arising in relation to the Hague Convention, she will arrange to put in place a further interim two year agreement pending the resolution of issues in relation to the Convention by both Ireland and Vietnam; and if she will make a statement on the matter. [21306/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 154 and 189 together.

My office is working to create the appropriate legislative, policy and administrative frameworks that will ensure a well regulated regime of adoption. Our aim is to support and protect the children for whom adoption services are devised and provided as well as prospective parents.

The Government is working towards securing a strengthened agreement with Vietnam. In light of concerns raised by other countries and which emerged during 2008, the Government decided that it was necessary to seek a strengthening of the existing agreement with Vietnam.

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With the publication of the Adoption Bill, 2009, it was also considered necessary to ensure that both the content of a new agreement and its implementation would meet the minimum standards set out in that Bill and under the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption.

There has been on-going dialogue with the Vietnamese authorities, with the focus on achieving the requisite strengthening of procedures for the protection of children. All options, including an interim agreement, are actively being pursued to allow for the conclusion of discussions on a strengthened bi-lateral agreement and to facilitate continuity of the strong and positive relationship between both jurisdictions.

I am anxious to conclude discussions on the text of the bi-lateral agreement already under consideration. However, that is not to say that any guarantee can be provided in relation to the outcome of that process. In addition, it must be pointed out that the wider policy agenda priority is the enactment of the Adoption Bill and subsequent ratification of the Hague Convention. The agreement must have regard to this forthcoming change in adoption legislation.

I do not wish to speculate on the timeframe for or the outcome of these negotiations. There has been a high level of engagement on both sides and it is clear from progress so far that there is a willingness on both sides to bring the negotiations to a successful conclusion.

The need for a further visit will be guided by the developments in the coming days and weeks. I am committed to travelling to the Socialist Republic of Vietnam at any time to facilitate the successful conclusion of these discussions, as and when appropriate.

Overall, it must be acknowledged that another sovereign government is party to all negotiations on inter-country adoptions and, consequently, it would be unwise and inappropriate to attempt to air the issues or negotiate these very sensitive matters in the public domain. This may, in fact, jeopardise the prospects of concluding any new agreements. For that reason, further details on negotiations are not being made available at this time. Furthermore, it is also the case that speculation on either the nature of the issues or the degree of progress being made is unhelpful and indeed may prove misleading and distressing to those applicants who are currently waiting to adopt.

Medical Cards.

155. **Deputy Ciarán Lynch** asked the Minister for Health and Children the reason full medical cards were refused to persons (details supplied) in County Cork on income grounds when the cards were originally provided on health grounds and when their asthmatic condition persists; and if she will make a statement on the matter. [20915/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Staff.

156. **Deputy James Reilly** asked the Minister for Health and Children the reason she is suppressing a nursing post (details supplied) at Killarney Community Hospital, County Kerry; and if she will make a statement on the matter. [20919/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

157. **Deputy Joe McHugh** asked the Minister for Health and Children the position regarding temporary health workers at a hospital (details supplied) in County Donegal; and if she will make a statement on the matter. [20926/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Departmental Expenditure.

158. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children her Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20957/09]

Minister for Health and Children (Deputy Mary Harney): In relation to tackling problematic alcohol and illegal drug use the provision of treatment and related services is a service matter primarily for the Health Service Executive. In relation to alcohol my Department has incurred some expenditure in the last three years as follows: €0.219 million in 2006; €0.063 million in 2007 and; €0.083 million in 2008.

The expenditure in 2006 refers mainly to final payments in respect of social marketing and awareness campaigns on alcohol, responsibility for which transferred to the Health Service Executive during 2006. Expenditure in 2006, 2007 and 2008 includes costs associated with the monitoring of adherence to the Codes on Alcohol Advertising and Marketing.

My Department has spent the following amounts directly attributable to drugs for each of the past three years: €0.978 million in 2006; €0.984 million in 2007 and; €1.033 million in 2008.

The above funding for drugs was primarily for the Alcohol and Drug Research Unit of the Health Research Board.

As the Deputy will be aware the Department of Community, Rural and Gaeltacht Affairs has policy responsibility for the co-ordination of the National Drugs Strategy while the Department of Health and Children has policy responsibility for drug treatment issues and for some aspects of prevention.

159. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the Health Service Executive's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20962/09]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to a service matter it has been referred to the HSE for direct reply.

Food Safety.

160. **Deputy Andrew Doyle** asked the Minister for Health and Children if bottled water is being tested for fluoride. [20977/09]

Minister of State at the Department of the Health and Children (Deputy Trevor Sargent): I have been informed by the Food Safety Authority of Ireland that the three types of bottled water namely, natural mineral water, spring water and other waters are tested for fluoride content.

Medical Cards.

161. **Deputy James Reilly** asked the Minister for Health and Children if a medical card will

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be provided for a person (details supplied) in Dublin 8 on the grounds of undue financial hardship; and if she will make a statement on the matter. [20982/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services.

162. **Deputy James Reilly** asked the Minister for Health and Children the therapeutic programmes and supervision arrangements in place and the staffing level at Grove Lodge, Portrane, County Dublin; the arrangements currently in place for the supervision of clients there; the age grouping; and if she will make a statement on the matter. [20988/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

Health Service Staff.

163. **Deputy James Reilly** asked the Minister for Health and Children the personnel among the 113,000 or so employees on the management administrative side who are responsible for paediatric care, that is the person who is in charge of paediatric care in the Health Service Executive; their title and the assistance they have; the other roles they occupy; and if she will make a statement on the matter. [20989/09]

Minister for Health and Children (Deputy Mary Harney): I wish to advise that the Health Service Personnel Census indicates that, as at March 2009, there were 111,770 wholetime equivalents employed in the public health service, of which 17,954 were in the Management/Administrative grade category.

As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Medical Aids and Appliances.

164. **Deputy Michael McGrath** asked the Minister for Health and Children if she will ensure that a piece of medical equipment is provided for a person (details supplied) in County Cork. [20998/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Medicinal Products.

165. **Deputy Joe Carey** asked the Minister for Health and Children if there has been guidance issued to the Health Service Executive in relation to the provision of the drug Tysabri to multiple sclerosis sufferers here; if the cost of provision of this drug has been established; and if she will make a statement on the matter. [21000/09]

Minister for Health and Children (Deputy Mary Harney): The Summary of Product Characteristics for Tysabri, which was approved as part of the procedure for its product authorisation, contains specific information regarding the safe and effective use of the product. In addition, specific "Physician Information and Management Guidelines" have been issued for

the use of Tysabri and all physicians who prescribe Tysabri should be familiar with these guidelines.

Tysabri is indicated for two specific categories of Multiple Sclerosis patients, i.e. patients with high disease activity despite treatment with beta-interferon and patients with rapidly evolving severe relapsing remitting form of the condition. In the past 12 months the manufacturer has sent two letters to health care professionals in Ireland, following approval by the Irish Medicines Board, outlining specifically the risk of liver toxicity and the risk of progressive multifocal leukoencephalopathy (progressive damage of the white matter in the brain).

The provision of this drug to patients is currently a matter for decision by the hospital concerned. The issue of access to the drug in question is also under consideration by the Health Service Executive. Arising from a recent review of neurology services, a clinician led review group is to advise on how best to ensure that there is fair and equitable access to this drug and other agents used to treat this particular condition, taking account of clinical need, benefits and cost. The group is to include patient representation.

The current maximum ex-factory price of Tysabri is €1636.85 per 300mg infusion. However, individual hospitals can negotiate revised arrangements with pharmaceutical manufacturers. I have asked the Health Service Executive to respond directly to the Deputy with regard to the cost of the provision of this drug to patients in Ireland.

Health Services.

166. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 8 has been told they have to pay for their own orthodontic braces despite the fact that they qualify and fulfil all the criteria for free ones. [21002/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Nursing Home Subventions.

167. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 130 of 7 April 2009, when a reply will be furnished from the Primary, Community and Continuing Care outside the southern areas; the reason a simple answer cannot be provided by the Health Service Executive to this question; if she will clarify that each PCCC is making the payment in the southern area; and if she will make a statement on the matter. [21008/09]

Minister for Health and Children (Deputy Mary Harney): I understand that a full response to the Deputy's question issued yesterday and that supplementary information will be sent to him today.

National Treatment Purchase Fund.

168. **Deputy Joe Costello** asked the Minister for Health and Children if her attention has been drawn to the case of a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [21053/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply. The National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. 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 Services.

169. **Deputy Finian McGrath** asked the Minister for Health and Children if a person (details supplied) in Dublin 15 will be supported. [21057/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Child Care Services.

170. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding the recently announced free pre-school year; when the scheme will commence; if it will be open to all pre-schools to apply; and if she will make a statement on the matter. [21061/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year in Early Childhood Care and Education (ECCE), which will commence in January 2010.

It is open to all voluntary and commercial pre-school services, which are notified to the Health Service Executive (HSE) or registered with the Irish Montessori Education Board.(IMEB), to apply to participate in the scheme. All services will be required to provide an educational programme consistent with the principles of Síolta and appropriate to the age of participating children. A national team of Síolta co-ordinators and the City and County Childcare Committees will assist services in meeting these standards. Details of the application process will be issued very shortly by my Office to the almost 5,000 services concerned.

To be eligible, children must be aged between 3 years 3 months and 4 years 6 months on the 1st September each year, however, exceptions will be allowed where children have special needs or it is necessary to accept children at an older age due to the enrolment policy of the local primary school. Eligible children will avail of a free pre-school place provided for 3 hours a day, 5 days a week over 38 weeks or, alternatively, for 2 hours 15 minutes a day, 5 days a week over 50 weeks. In certain cases, services will be allowed to participate on the basis of providing 3 hours 30 minutes a day, 4 days a week over 41 weeks. As the new scheme will be introduced from January next, the first full year will be from September 2010 and children availing of the scheme in January 2010 will have a reduced period of free pre-school provision.

In return for providing a free pre-school place, services will receive a weekly capitation fee of €64.50, where children attend for 38 weeks, and of €48.50 where children attend for 50 weeks of the year. The grant will be paid to services at the start of each term, or quarter, as applicable. While it is a condition of the scheme that the pre-school year is provided free of charge, services may charge for additional services (e.g. additional hours or activities) provided these are offered to parents on an optional basis and provided children not availing of an additional service continue to receive appropriate pre-school provision.

Pre-School leaders will be expected to hold a certification for a major award in childcare/early education at a minimum of level 5 on the National Framework of Qualifications of Ireland (NFQ) or an equivalent recognised qualification in the childcare/early education field. In the first two full years of the scheme, a person holding an award in early childhood care and education that includes significant content relating to early childhood education/early learning and child development, and who has at least two years experience of working in a position of responsibility with children in the 0-6 age range, will be considered to meet the qualification requirement.

171. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the reason an application for capital grant aid to build a pre-school facility by a person (details supplied) in County Monaghan was unsuccessful; the financial supports that may be available to this business; and if she will make a statement on the matter. [21062/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme (NCIP) 2006 -2010 under which capital grant funding is made available to community and commercial childcare providers for the development of childcare facilities.

With the economic downturn Government expenditure, particularly in the area of new capital commitments, has been subject to review and a decision was taken in April of this year not to approve additional grant applications under the NCIP capital programme at this time. All capital grants applicants, including the applicant referred to by the Deputy have been advised of the position. Existing capital commitments will continue to be processed during 2009 and 2010.

The City and County Childcare Committees will be advised by my Office if and when additional capital funding becomes available to my Office in 2011 and 2012.

Health Services.

172. **Deputy Finian McGrath** asked the Minister for Health and Children if persons (details supplied) will be supported. [21085/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Organ Retention.

173. **Deputy Tom Kitt** asked the Minister for Health and Children the position with regarding the report by a person (details supplied) of the independent review of the national audit of human organs stored in hospitals and institutions here; when this report will be published; and if it will be published in full and not redacted. [21089/09]

Minister for Health and Children (Deputy Mary Harney): Dr Deirdre Madden's report on Post Mortem Practice and Procedures recommended that "an independent audit must be carried out of currently retained organs in all hospitals in the State". To implement this recommendation, the Health Service Executive (HSE) commissioned Ms Michaela Willis, former Member of the UK Human Tissue Authority and founder member and Chair of the UK National Committee relating to Organ Retention, to undertake an independent audit.

The HSE has advised that field work for Ms Willis's independent audit, which included site-visits to all hospitals that carry out post-mortem examinations in the State, has been completed. This data is being compiled and a report based on the audit is currently being prepared by the author. When this report of the independent audit is completed, the HSE will make preparations for the publication of the full and final report. I understand that this process will be completed later this year.

Hospital Services.

174. **Deputy Catherine Byrne** asked the Minister for Health and Children when a person (details supplied) in Dublin 12 will receive an appointment for an assessment in respect of a hip replacement; and if she will make a statement on the matter. [21090/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards.

175. **Deputy Catherine Byrne** asked the Minister for Health and Children when a decision will be made on a medical card application by a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [21091/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services.

176. **Deputy Jimmy Deenihan** asked the Minister for Health and Children when a person (details supplied) in County Kerry will be called for an assessment; and if she will make a statement on the matter. [21101/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

177. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the number of treatments and operations carried out in the soon to be closed theatre in Crumlin children's hospital, Dublin; the type of procedure for each year since it was opened in 2004 and the systems put in place to ensure that other theatres in the hospital or in other children's hospitals can cater for the demand for operating space, due to the reduced capacity with the proposed closure in July 2009. [21106/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

National Treatment Purchase Fund.

178. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the number of operations or procedures on children which were sub-contracted out to private hospitals directly or via the National Treatment Purchase Fund Scheme in each of the past five years; and the cost annually of these procedures. [21107/09]

Minister for Health and Children (Deputy Mary Harney): My Department has requested material in respect of the information sought by the Deputy from both the HSE and the National Treatment Purchase Fund. I will be in contact with the Deputy in this regard as soon as possible.

Hospital Services.

179. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to the closure of wards in Crumlin children's hospital, Dublin; if, in view of the consequences that this closure will cause, the distress that the prospective closure is causing and will continue to cause, the wards will be kept open; and if she will make a statement on the matter. [21113/09]

196. **Deputy Joe Carey** asked the Minister for Health and Children if she will instruct the Health Service Executive not to close any services provided at Crumlin children's hospital as

part of their response to budgetary changes; and if she will make a statement on the matter. [21360/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 179 and 196 together.

In common with all hospitals, Our Lady's Children's Hospital, Crumlin is addressing the challenge of delivering a high quality service to its patients, while remaining within budget. The Hospital is committed to providing the full level of services that it promised in its service plan for 2009. The top priority will be to protect patient care.

So far this year, Crumlin Hospital has delivered more treatments to patients than for the same period last year. In the first three months of 2009 there were 2,745 treatments for children as in-patients and 3,841 as day cases— up by 244 over 2008. Crumlin also had 21,252 attendances at the out-patient department — up by 1,041 from the first quarter of last year.

The allocation to Crumlin for 2009 is €139.6m, an increase of some 39% over the last five years. This includes a reduction of 3% this year over 2008, in line with the budgetary constraints facing the entire public sector and the wider economy. A particular challenge for the Hospital is that it is operating at some 100 posts above its employment ceiling — it employed 1,650 people (wholetime equivalents) at the end of March compared with its ceiling of 1,550. This is contributing to its current financial difficulties.

The HSE is working closely with Crumlin Hospital to achieve an agreed programme of savings, totalling €6.5m this year. The focus of these savings will be on non-pay areas of expenditure and on protecting front-line services. On this basis, the HSE believes that the Hospital will achieve a break-even position this year.

I believe that we need to look more strategically at the way in which we provide paediatric services in Dublin. In 2009 the Government will provide over €250m for the running of three paediatric hospitals in Dublin — Crumlin, Temple Street and Tallaght. We can achieve significant cost savings if services and practices are more closely integrated across the three hospital sites, even before the new National Paediatric Hospital has been completed. With this in mind, the HSE is pursuing ways in which services across the three hospitals can best be co-ordinated, to avoid unnecessary duplication and to achieve savings that can be put back into patient care.

180. **Deputy Michael Ring** asked the Minister for Health and Children if she will not to allow closure of beds in a hospital (details supplied) in County Galway. [21125/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

181. **Deputy Pat Breen** asked the Minister for Health and Children if she will report on the type, cost and commissioning date of a CAT scanner for Ennis General Hospital, County Clare; and if she will make a statement on the matter. [21126/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Nursing Homes Repayment Scheme.

182. **Deputy Seán Ó Fearghail** asked the Minister for Health and Children her views on correspondence in the case of a person (details supplied) in County Kildare who has submitted an appeal in respect of the health repayment scheme; and if she will make a statement on the matter. [21127/09]

Minister for Health and Children (Deputy Mary Harney): The Health Repayment Scheme Appeals Office is an independent office established to provide an appeals service to those who wish to appeal the decision of the Scheme Administrator under the Health (Repayment Scheme) Act 2006.

Two Appeals Officers have been appointed to consider appeals. The Appeals Officers must investigate each appeal independently, these investigations can require additional reviews by the Health Service Executive and the Scheme Administrator and certain appeals present a high level of complexity. In addition a very high percentage of appellants have requested an Oral Hearing. Up to the 22 May 2009 the Appeals Officers have carefully and thoroughly considered and assessed 3,415 appeals and have issued decisions to each of these appellants.

The claimant referred to by the Deputy lodged an Appeal Form with the Health Repayment Scheme Appeals Office on 14 April 2008 and the Appeals Officer is currently awaiting additional information from the Scheme Administrator. When the Appeals Officer has made a determination on this appeal he/she will write to the claimant and will provide the claimant with the reasons for the decision.

Hospital Services.

183. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children her views on correspondence in relation to surgical intervention in respect of a child (details supplied) in County Kildare; and if she will make a statement on the matter. [21128/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Services for People with Disabilities.

184. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if a person (details supplied) in County Dublin will be given access to services at Cheeverstown. [21214/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Hospitals Building Programme.

185. **Deputy Dan Neville** asked the Minister for Health and Children the position regarding the construction of the replacement of the Central Mental Hospital. [21222/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): The Project Team established to progress the redevelopment of the hospital has completed an Outline Development Brief. Shortlisting for the appointment of a Project Manager has taken place; shortlisting for the design team is almost complete. Work is ongoing on the preparation of a design brief for the new hospital but none of the work undertaken to date has been site specific.

It should be noted that the redevelopment of the Central Mental Hospital constitutes a separate capital development project, independent of the Thornton Hall prison complex. However, the implications, if any, of the decision of the Irish Prison Service to end negotiations with the preferred bidder for the prison project, will be considered by the Project Team.

Health Services.

186. **Deputy Michael Ring** asked the Minister for Health and Children the reason a section of the Health Service Executive (details supplied) will not respond to queries which this Deputy has sent to them. [21285/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

187. **Deputy Joe Costello** asked the Minister for Health and Children the reason a person (details supplied) has spent 18 months in the Mater Hospital, Dublin, after their treatment was complete; her proposals for providing care for them in the community; and if she will make a statement on the matter. [21297/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

188. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if her attention has been drawn to the fact that a laundry service provided by the Health Service Executive for the past 19 years for vulnerable elderly people in the Manorcunningham area in County Donegal ceased in November 2008; if her further attention has been drawn to the effect that removal of this service has had on those most in need of it; when this service will be reintroduced; and if she will make a statement on the matter. [21305/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Question No. 189 answered with Question No. 154.

190. **Deputy Jack Wall** asked the Minister for Health and Children the position of an application for a primary certificate by a person (details supplied) in County Kildare; and if she will make a statement on the matter. [21308/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

191. **Deputy Billy Timmins** asked the Minister for Health and Children the position in relation to a person (details supplied); if she will have this matter examined; and if she will make a statement on the matter. [21326/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

192. **Deputy Deirdre Clune** asked the Minister for Health and Children if she will provide funding to an organisation (details supplied) in County Cork to provide day services for new individuals in 2009. [21329/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Health Service Staff.

193. **Deputy James Reilly** asked the Minister for Health and Children the position regarding the reduction of payments to health professionals as outlined in the Financial Emergency Measures in the Public Interest Act, 2009; and if she will make a statement on the matter. [21333/09]

Minister for Health and Children (Deputy Mary Harney): On 29 April 2009, I announced reductions in fees payable to certain health professionals in accordance with the provisions of the Financial Emergency Measures in the Public Interest Act 2009. The professionals involved include general practitioners, dentists, pharmacists, ophthalmologists, optometrists and dispensing opticians who hold contracts with the HSE. Professionals who render services on behalf of the National Cancer Screening Service Board under a contract for the provision of smear taking as part of the National Cervical Screening Programme and consultant psychiatrists who participate in the Mental Health Tribunal process are also included. My decisions had regard to the outcome of a public consultation process undertaken by my Department including consideration of written and oral submissions made by the main representative bodies for the professionals involved.

I have made Regulations under the Act, with the consent of the Minister for Finance, to give effect to the fee reductions in the case of dentists, ophthalmologists, optometrists, dispensing opticians, smeatakers and psychiatrists. The Regulations relating to general practitioners and pharmacists are being prepared and I expect them to be made shortly.

Hospital Services.

194. **Deputy Richard Bruton** asked the Minister for Health and Children the progress she has made in putting together a plan for the provision of additional cystic fibrosis beds; the timelines for this development; and if she will make a statement on the matter. [21349/09]

Minister for Health and Children (Deputy Mary Harney): Refurbishment work took place last year in St Vincent's University Hospital to provide eight single en-suite rooms for the exclusive use of people with cystic fibrosis.

The next stage in the development of St. Vincent's Hospital will involve the building of a new ward block to replace existing accommodation. The new ward block will include accommodation for cystic fibrosis patients.

I am anxious to ensure that the project is delivered without delay. The HSE, in partnership with St. Vincent's Hospital, have structured the tender for this development in such a way that payments for the works can be deferred towards the end of the construction period.

The design team have been instructed to proceed on this basis. They have now signed off on the design and will shortly be going to tender for the construction of the new building. It is intended that the construction, equipping and commissioning of this block will be completed as early as possible in 2011.

Health Services.

195. **Deputy Joe Carey** asked the Minister for Health and Children the situation on children awaiting orthodontic treatment here; if she will introduce a waiting list initiative for orthodontics similar to that provided in 2001 and 2002; and if she will make a statement on the matter. [21359/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Question No. 196 answered with Question No. 179.

Medical Aids and Appliances.

197. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of crutches or pairs of crutches purchased by the Health Service Executive in the years 2005, 2006, 2007 and 2008; the cost to the HSE for such crutches over the four year period; the number of crutches returned or accepted by the HSE during that same period; the policy of the HSE in respect of re-using or re-cycling crutches; and if she will make a statement on the matter. [21365/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Health Services.

198. **Deputy Catherine Byrne** asked the Minister for Health and Children if she will confirm that funding for an organisation (details supplied) in Dublin 8 has been cut; the amount by which it was cut; if this will result in services, including a bus service for adults and children, being withdrawn; and if she will make a statement on the matter. [21366/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

199. **Deputy Paul Connaughton** asked the Minister for Health and Children if her attention has been drawn to the cutbacks that are imminent in the services of an organisation (details supplied), particularly in relation to respite care services and the anxiety expressed by many parents regarding the future of their children; and if she will make a statement on the matter. [21374/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Medical Cards.

200. **Deputy Paul Connaughton** asked the Minister for Health and Children the position regarding an over 70 years medical card review in the name of a person (details supplied) in County Galway; and if she will make a statement on the matter. [21376/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

201. **Deputy Michael Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo has had their medical card renewed; and the reason no response to this query was forthcoming. [21377/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists.

202. **Deputy Michael Creed** asked the Minister for Health and Children when a person (details supplied) in County Cork will be called for surgery for a knee replacement; and if she will make a statement on the matter. [21398/09]

Minister for Health and Children (Deputy Mary Harney): The management of waiting lists generally is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Executive for direct reply.

The National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. 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 Service Allowances.

203. **Deputy Michael Creed** asked the Minister for Health and Children the reason for the delay in dealing with an issue of arrears of domiciliary care allowance for a person (details supplied) in County Cork; and if she will make a statement on the matter. [21400/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Mental Health Services.

204. **Deputy Joe Costello** asked the Minister for Health and Children the strategy and timetable for the implementation of the new national policy framework for mental health, A Vision for Change; the way she proposes to ensure that all Government Departments will be involved in the implementation; and if she will make a statement on the matter. [21404/09]

209. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the way she plans to ensure that their policy on mental health as expressed in A Vision for Change is fully implemented; the way she will ensure that all Government Departments implement the recommendations relevant to them; and if she will make a statement on the matter. [21425/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): I propose to take Questions Nos. 204 and 209 together.

'A Vision for Change' provides a framework for action to develop a modern, high quality mental health service over a 7 to 10 year period. Implementation of the recommendations in the Report is primarily the responsibility of the Health Service Executive (HSE). In February 2008, the HSE adopted an interim implementation plan which set out six key priorities for 2008 and 2009. An implementation plan for implementing 'A Vision for Change' over the five year period 2009-2013 was approved by the HSE in April 2009 and is currently being considered by the Department.

The HSE recently confirmed that a national lead dedicated to mental health will be appointed. The person assigned to the position will work closely with the National Clinical Director to drive the modernisation of mental health services.

In January 2008, the Government established the Office for Disability and Mental Health as a cross-cutting Government Office with a remit across four Government Departments: Health and Children, Education and Science, Enterprise, Trade and Employment and Justice, Equality and Law Reform. The Office was assigned four key priorities one of which is to bring a new impetus to the implementation of 'A Vision for Change' working in partnership with the HSE

and other stakeholders including other Government Departments to achieve implementation of agreed targets. The Office aims to bring about improvements in the manner in which services respond to the needs of people with disabilities and mental health difficulties, by working to develop person-centred services, focusing on the holistic needs of clients and service users and actively involving them in their own care. Bilateral meetings with officials from other Government Departments to discuss progressing recommendations in ‘A Vision for Change’ and ‘Reach Out’ the National Strategy for Action on Suicide Prevention take place within this context.

General Medical Services Scheme.

205. **Deputy Jan O’Sullivan** asked the Minister for Health and Children the annual cost to the health services of the five most prescribed drugs including their individual annual cost; her plans to reduce such costs; and if she will make a statement on the matter. [21405/09]

Minister for Health and Children (Deputy Mary Harney): I am advised by the Health Service Executive (HSE) that the five products/product categories of highest cost under the GMS scheme in 2008 are as follows:

	€m
Atorvastatin	62.2
Clinical Nutritional Products	41.2
Salmeterol and other drugs for obstructive airway diseases	26.9
Esomeprazole	25.3
Omeprazole	24.8

Public expenditure on prescribed drugs was €2.26 billion in 2008, consisting of €1.96 billion on drugs dispensed in the community and €300 million on drugs provided in hospitals. A number of initiatives have been implemented to obtain greater value for money from this area of expenditure and to control spending.

Agreements were concluded by the HSE with the proprietary and generic manufacturers, the Irish Pharmaceutical Healthcare Association and the Association of Pharmaceutical Manufacturers in Ireland, in June and September 2006 respectively. Over the period of the agreements, which run to 2010, the HSE estimates savings of the order of €260 million through off-patent price cuts of 35% for drugs with substitutable alternatives in two stages, 20% in March 2007 and a further 15% in January 2009.

Other measures initiated by the HSE to improve value for money in the drugs schemes include reducing wastage and inappropriate prescribing of oral nutritional products, moving selected products to the High Tech Drugs Scheme where appropriate (products supplied under this scheme do not incur a retail mark-up) and the planned establishment of joint formularies for drugs and non-drug items for community and hospital settings.

The report on Economies in Drug Usage in the Irish Healthcare Sector, submitted to me in December 2008 by a group chaired by Dr Michael Barry of the National Centre for Pharmacoeconomics, made a number of recommendations in regard to efficiencies in the prescribing and reimbursement status of certain drugs and medicines, including a recommendation that generic prescribing by GPs should be encouraged and facilitated. Arising from this report, I established an implementation group, chaired by Dr Barry, and comprising of representatives of my Department, the HSE and the IMO, to identify and oversee the implementation of specific

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measures that would deliver more cost effective prescribing by GPs, greater use of generic preparations and quality prescribing indicators. The work of the group is ongoing.

I am firmly of the view that the costs of pharmacy services under the GMS and community drugs schemes are not sustainable, a view that is reinforced by the current budgetary challenges. It is clear that significant savings must be made for taxpayers, and I have instructed my Department to pursue this in consultation with the HSE.

Health Services.

206. **Deputy John Perry** asked the Minister for Health and Children if she will confirm that funding will be in place after December 2009 for a person (details supplied) in County Sligo who is in their final year of rehabilitative training in order that they can complete their training; and if she will make a statement on the matter. [21410/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Ambulance Service.

207. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the reason, when an ambulance is called to a town (details supplied) in County Carlow, the patient does not have a choice as to which of two hospitals that are taken to; and if she will make a statement on the matter. [21423/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Health Service Staff.

208. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the reason a doctor against whom a claim of negligence has been made is allowed to continue to practice while that complaint is under investigation; and if she will make a statement on the matter. [21424/09]

Minister for Health and Children (Deputy Mary Harney): If the case referred to by the Deputy relates to a civil action I would have no involvement in the matter.

The procedure for making a complaint to the Medical Council concerning a registered medical practitioner is set out in the Medical Practitioners Act 2007. A person may make a complaint to the Council's Preliminary Proceedings Committee on specified grounds. If, following examination of the complaint, the Preliminary Proceedings Committee considers that a prima facie case exists, it is referred to the Fitness to Practise Committee for an inquiry. Following an inquiry, if relevant allegations are considered proven by the Fitness to Practise Committee the Medical Council decides on what sanction should be imposed.

The Medical Council, however, may make an application to the High Court for an order to suspend the registration of a registered medical practitioner, whether or not the practitioner is the subject of a complaint, if the Council considers that the suspension is necessary to protect the public. Under the Act it is unlawful for any unregistered medical practitioner to practise medicine.

Question No. 209 answered with Question No. 204.

Care of the Elderly.

210. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if she will set out the actual bed complement that will exist within the Killarney area for the care of the elderly services in the context of the proposed amalgamation of St. Columbanus Home and Killarney Community Hospital; if she will give the breakdown of long stay beds, step down beds, respite and palliative care facilities that will be available to the public following this amalgamation; if the proposed changes in Killarney are indicative of a policy shift that may lead to the closure of community hospitals; and if she will make a statement on the matter. [21426/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As the Deputy is aware Government policy in relation to older people is to support them to live in dignity and independence in their own homes and communities for as long as possible. Where this is not feasible, the health service supports access to quality long-term residential care. The current long stay residential care needs for older people in the Kerry area are met by the provision of continuing care beds in public facilities and contracted beds in private registered nursing homes.

St. Columbanus Home, Killarney is a long stay residential unit, Killarney Community Hospital is a step down facility which does not have long stay beds but a range of respite, convalescent and palliative care beds. Both hospitals are adjacent to one another. Following the retirement of the Director of Nursing of Killarney Community Hospital, the matron of St Columbanus Home assumed responsibility for the management and governance of service provision across the two sites. The HSE has advised that this amalgamation will bring greater efficiencies, better integration of services and an enhanced governance structure. It will also enhance the continuum of care for older people and support where possible those that reside in the community through respite and convalescence, as well as providing continuing care facilities for those with an assessed need.

The HSE is preparing for the introduction of the National Quality Standards for Residential Care Settings for Older People in Ireland. These will be introduced in July 2009 and the HSE sees the new nursing management structure of the two hospitals as the appropriate direction to take in readiness for the introduction of these standards.

The priority capital developments for long stay care which have been approved for Co. Kerry are the new community hospital in Dingle, and the new community nursing unit at Killerisk, Tralee. In Dingle construction has just been completed at the community hospital and the unit is currently being commissioned. It replaces the existing 43 bedded unit and will also provide an additional 25 beds for the catchment area. The new 50 bed unit at Tralee, is also currently being commissioned.

The overall capital cost of these developments is in excess of €25m and with revenue costs of €7.6m. This represents a major commitment to support the development of Services for Older People in the Kerry area.

The breakdown of long stay beds, step down beds, respite and palliative care facilities that will be available to the public following this amalgamation, is a service matter and accordingly it has been referred to the Health Service Executive for direct reply.

Hospital Services.

211. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if her attention has been drawn to the fact that, due to cutbacks, a phlebotomy service will no longer be available in a hospital (details supplied) in County Limerick; if she will ensure that this service is maintained in view of the fact that it makes a positive contribution to providing a service in cooper-

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ation with general practitioners in a community context in accordance her policy; and if she will make a statement on the matter. [21428/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

General Medical Services Scheme.

212. **Deputy Denis Naughten** asked the Minister for Health and Children if she will include haemochromatosis as a life long chronic illness to be covered by the GMS; the reason for not including this to date; and if she will make a statement on the matter. [21438/09]

Minister for Health and Children (Deputy Mary Harney): At present, medical cards are granted primarily on the basis of means and individual circumstances. Under the Health Act, 2004, determination of eligibility for medical cards is the responsibility of the Health Service Executive. The HSE has discretion, in cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused.

Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of general practitioner services. In 2005, the GP visit card was introduced as a graduated benefit so that people on lower incomes who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP. In June 2006, I agreed with the HSE to raise the assessment guidelines for GP visit cards and these are now 50% higher than those in respect of medical cards. For medical card and GP visit card applications, the HSE now considers an applicant's income after tax and PRSI are deducted, rather than total income. Allowances are also made for expenses on childcare, rent and mortgage costs and the cost of travel to work.

I have no plans to provide for the granting of medical cards to any particular group as a whole. However, my Department is currently reviewing the eligibility criteria for medical cards with a view to making the system as fair and transparent as possible, taking into account financial and medical need.

Child Care Services.

213. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 169 of 13 May 2009, if she will furnish the facility from which each child has disappeared in each year in question; and if she will make a statement on the matter. [21439/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

Medicinal Products.

214. **Deputy Brian O'Shea** asked the Minister for Health and Children the reason the drug sodium amytal was withdrawn from the market here; and if she will make a statement on the matter. [21450/09]

Minister for Health and Children (Deputy Mary Harney): The Irish Medicines Board is the competent authority for the regulation of medicinal products in Ireland. I am advised by the Board that the drug sodium amytal was licenced in 1977. There are a number of different formulations (oral and injection) and doses (50mg, 100mg etc) available. The manufacturer

ceased to distribute some formulations in the early 1990s. The licence was not renewed by the manufacturer in 1997 for commercial reasons.

Health Services.

215. **Deputy John McGuinness** asked the Minister for Health and Children the reason for the delay in putting in place a plan for the care of a person (details supplied) in County Kilkenny; if an early appointment either public or private will be arranged for them with the appropriate professional; the steps she is taking to provide proper services in this area; and if she will make a statement on the matter. [21461/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter the question has been referred to the HSE for direct reply.

216. **Deputy John McGuinness** asked the Minister for Health and Children if orthodontic treatment will be arranged as a matter of urgency for a person (details supplied) in County Kilkenny; and if she will investigate the matter and expedite a positive response. [21463/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Services for People with Disabilities.

217. **Deputy Noel Ahern** asked the Minister for Health and Children the situation in relation to funding for persons with an intellectual disability; if all existing funding schemes are being maintained; the reason persons (details supplied) in Dublin 9 are being told there will be no service for them from September 2009 unless additional funds are provided by her. [21465/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Medical Cards.

218. **Deputy Noel Ahern** asked the Minister for Health and Children the entitlements to a medical card, dental and optical benefits and so on for a 26 year old full time university student living at home; the regulations regarding same; if family income is still the over-riding measure; if at 25 years they are treated on their own income, which is nil; if a medical card is linked to provision of education grants; and if social welfare entitlements to dental and optical would be automatic if their parents have an entitlement; and if she will make a statement on the matter. [21468/09]

Minister for Health and Children (Deputy Mary Harney): The assessment of eligibility for medical cards and GP visit cards is a statutory function of the Health Service Executive (HSE) and eligibility is determined following the examination of the means of the applicant and of his/her dependants. Under Section 45 of the Health Act 1970 medical cards are provided to persons who, in the opinion of the HSE, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants.

Under the Health Services (No. 3) Regulations, 1983 (S.I. No. 381 of 1983) persons aged between 16 and 25 years, who are financially dependent on their parents qualify for a medical card and associated benefits if their parents are medical card holders.

Students aged 26 years and above are assessed independently and the determination of eligibility for a medical card is based on their own income. The assessment is carried out in accord-

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ance with the general medical card / GP visit card income guidelines and in this regard, third-level education maintenance grants are disregarded when assessing income.

Persons with a medical card are entitled to general practitioner services, prescribed drugs, medicines and appliances, all in-patient public hospital services in public wards including consultant services, all out-patient public hospital services including consultant services, dental, ophthalmic and aural services and appliances, child health services, home nursing and a maternity and infant care service. They are also exempt from paying the health levy and the income levy.

The range of dental services for adult medical card holders available under the Dental Treatment Services Scheme from participating dentists holding contracts with the HSE, includes examinations, fillings, extractions, dentures, x-rays and certain root canal treatment.

The range of optical services for adult medical card holders available under the Community Optometric Services Scheme and the Community Spectacle Dispensing Services Scheme from participating ophthalmologists, optometrists and dispensing opticians holding contracts with the HSE, includes eye examinations and the dispensing of spectacles where necessary.

My Department is informed by the Department of Social and Family Affairs that Treatment Benefits consist of three separate benefit types:

- (i) Dental Benefit
- (ii) Optical Benefit
- (iii) Medical Appliance (Hearing Aid) Benefit

These schemes are PRSI based and offer assistance to persons who satisfy certain qualifying conditions and to their dependent spouses under certain qualifying conditions. These schemes do not cover children of parents who are qualified.

219. **Deputy Michael Creed** asked the Minister for Health and Children when a decision will be made on an application for a medical card by a person (details supplied) in County Cork; and if she will make a statement on the matter. [21520/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Cancer Treatment Services.

220. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position in regard to the future of St. Luke's Hospital, Dublin 6; the extent of negotiations that have taken place with any body or bodies expected to have a bearing on the future use of the hospital; and if she will make a statement on the matter. [21523/09]

Minister for Health and Children (Deputy Mary Harney): Radiotherapy services will transfer from St. Luke's to St James's as part of the implementation of the National Plan for Radiation Oncology. The decision is based on expert advice and is designed to ensure that radiation oncology is integrated with all other aspects of cancer care, including surgery and medical oncology. This is in line with best international practice. The Board of St. Luke's Hospital and its Executive Management Team are fully committed to supporting the Government's decision in relation to the development of radiation oncology and a Transition Team has been established to oversee developments.

No decisions have yet been taken in relation to the future use of the site and facilities at St. Luke's. However, I am anxious to ensure that these resources are utilised in the best interest of the health services. I understand that the Friends of St. Luke's are preparing a report on possible future uses of the site and facilities and I hope to receive a copy within the next few months.

It is important to note that the transfer of services from St. Luke's Hospital to new facilities at St. James's Hospital is not due to take place for a number of years. In the meantime, two additional and two replacement linear accelerators were commissioned at St. Luke's earlier this year in order to provide much needed interim capacity pending the roll out of the National Plan for Radiation Oncology.

Care of the Elderly.

221. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a permanent public bed will be made available to a person (details supplied) in Dublin 8 in a nursing care facility of their family's choice; and if she will make a statement on the matter. [21524/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

222. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a person (details supplied) in Dublin 8 will be transferred from the Mater Private Hospital Dublin to St. Mary's; when the person will be transferred to new wing or section of St. Mary's Hospital, Phoenix Park Dublin pending assessment of their case in view of the family's anxiety and concerns; and if she will make a statement on the matter. [21525/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Fishing Fleet Regulations.

223. **Deputy Joe McHugh** asked the Minister for Transport the reason there is such a high cost for surveying fishing boats; the way this figure compares with Northern Ireland; and if he will make a statement on the matter. [20925/09]

Minister for Transport (Deputy Noel Dempsey): The survey of fishing vessels of 15 metres length and over is a process that generally involves inspection of the vessel's structure, machinery and safety equipment to ensure compliance with the safety regulations. The vessel will be surveyed while she is in a dry-dock or on a slipway and again when back in the water. An initial survey will involve the carrying out of an inclining experiment to establish the elements of a vessel's stability and an office based analysis of the stability data.

In Ireland for vessels of 15 metres length and over, the Fishing Vessel (Fees) Regulations 2007 as amended is the applicable legislation. These prescribed fees take into account the size of a vessel and the nature of the survey required. There is a reduced scale of fees for vessels that are maintained in classification with a Recognised Organisation. No additional fees apply in relation to the travel and subsistence of the attending surveyor if the survey is carried out within the island of Ireland.

The fees applicable to vessels registered in Northern Ireland are set out in the United Kingdom's Merchant Shipping (Fees) Regulations 2006, as amended. The fee payable for a survey is charged on the basis of an hourly rate of £94 per hour. Additional fees apply where

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the travelling time of the surveyor is above 4 hours and where the survey location is outside the United Kingdom.

To give an example, the expected time required for an initial survey of a 24 metre vessel would be approximately 40 hours with a fee of €2400 applying for such a survey to be carried out within Ireland. The cost of a survey of the same duration for a fishing vessel in the United Kingdom would be £3760. The Marine Survey Office's experience to date, since the introduction of the various fishing vessel survey regimes in Ireland, is that up to 60 hours may be required to complete the survey of vessels that are not in class with a Recognised Organisation and no extra cost is incurred by the owners under the existing arrangements for such an extended survey.

For fishing vessels of less than 15 metres, there are no comparable survey regimes in operation in the two jurisdictions. In Ireland, a panel of private surveyors who have been approved by my Department carry out the surveys. Fees are not prescribed in legislation and normal commercial practices prevail in respect of the fees that these surveyors charge their customers.

Departmental Agencies.

224. **Deputy Fergus O'Dowd** asked the Minister for Transport if he has given consent to employ a chief executive officer for the Dublin Transport Authority; and to employ additional personnel to work in the Dublin Transport Authority; and if he will make a statement on the matter. [21010/09]

Minister for Transport (Deputy Noel Dempsey): I refer to my reply to Question No. 254 on 12 May last.

The process to recruit a Chief Executive Officer (CEO) designate for the Dublin Transport Authority has now been concluded and I expect to be in a position to announce the CEO designate in the near future.

With regard to the staffing of the Authority the position is that the Authority must determine its needs with the approval of the Ministers for Transport and Finance. Accordingly, that process will begin in earnest once a CEO designate has been appointed.

Travel Trade Regulation.

225. **Deputy Andrew Doyle** asked the Minister for Transport the reason for retaining the travel agents bond at 4%; if he has reviewed the impact on the future economic viability of travel agents of this high rate for a bond; his views on reducing the bond to 2% in view of the changing level of competition within the sector due to low cost airlines; his further views on the impact of applying VAT on the travel agency sector and the unfair competition in the travel sector if the travel agency is singled out alone for VAT payments; and if he will make a statement on the matter. [21350/09]

Minister for Transport (Deputy Noel Dempsey): Statutory responsibility for regulation of the travel trade rests with the Commission for Aviation Regulation.

As the existing legislative framework for the regulation of the travel trade has been in existence since 1982, I asked the Commission for Aviation Regulation to undertake a comprehensive review of the travel trade legislation. The purpose of the review was to assess the operation of the current regulatory arrangements and to recommend any reforms that may be warranted.

Following an extensive consultation process, the Commission submitted their report to me on 30 December 2008 which I have published on my Department's website www.transport.ie.

I have consulted with my colleague, the Tánaiste and Minister for Enterprise Trade and Employment, on the report's findings from the general consumer protection policy perspective and I expect to finalise my consideration of the report shortly.

In relation to VAT, I am advised that the Finance (No. 2) Act 2008 introduced a new VAT margin scheme from 1 January 2010 for tour operators. I understand that the requirement to introduce a margin scheme arose from a decision of the Revenue Appeal Commissioner in 2007 and is the system applied in most EU Member States. VAT will be chargeable only on the profit margin realised by tour operators and entitlement to VAT deduction will be allowed on overheads.

As a consequence to this change, it is also provided that travel agents be made subject to VAT in order to avoid tax planning on the part of tour operators who could arrange to have some or all of their economic activity classified as exempt travel agent services. However, travel agents will only be liable to pay VAT on their commission and, as in the case of tour operators, they will also have the right to deduct VAT in respect of their overheads.

With regard to unfair competition, as already stated, both tour operators and travel agents are being made subject to VAT. With regard to airlines who supply air transport, these continue to be exempt from VAT under the general VAT exemption in respect of the transport of passengers, under paragraph (xiv) of the First Schedule to the VAT Act 1972. It is not considered that airlines supplying transport offer the same service as that of a travel agency.

Road Safety.

226. **Deputy Thomas P. Broughan** asked the Minister for Transport his views on the recent criticism by the chairman of the Road Safety Authority of the Government and himself in terms of the recent cutting of the RSA's campaign and advertising budgets, the failure to rollout the national speed camera programme and the reduced level of enforcement of critical road traffic law due to budgetary constraints on An Garda Síochána; if he has met the chairman and the CEO of the RSA on these issues; and if he will make a statement on the matter. [21334/09]

Minister for Transport (Deputy Noel Dempsey): Road safety remains a key priority for Government, and this commitment is underpinned by the Road Safety Strategy 2007-2012 which has set the framework for reducing deaths and injuries on our roads through a series of 126 Actions, each with a responsible agency and target date. The primary aim of the Strategy is to reduce road deaths to no greater than 60 fatalities per million of population by the end of 2012 which equates 252 deaths per year.

Fatalities on our roads have fallen in recent years, and the number of fatalities in 2008 at 279 is the lowest since records began. We are well on target to meet the overall Strategy objective.

While road safety advertising campaigns are particularly effective in keeping the road safety message to the fore, difficult Exchequer funding decisions have had to be made this year, nevertheless the Exchequer is providing €32.8m to the Authority in 2009.

The RSA will continue to implement its programme of road safety awareness, education and research, with a budget of €4m in 2009.

These remain important elements of the Authority's statutory functions and key to getting the road safety message to all road users (pedestrians, cyclists, car and commercial vehicle drivers), and to changing road user behaviour.

I can understand the concerns of the Chairman of the RSA, but as I have said, these are difficult times and difficult decisions have been made. Road safety in Ireland has benefited immensely from the involvement and drive of the RSA since its establishment in late 2006, and

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I anticipate that the agency will continue to maximise the road safety agenda, even in the context of limited resources.

Haulage Licences.

227. **Deputy Joe McHugh** asked the Minister for Transport his views on facilitating an arrangement for persons (details supplied) to train a lorry driver in acquiring a haulage licence; and if he will make a statement on the matter. [20927/09]

Minister for Transport (Deputy Noel Dempsey): A Road Haulage Operator's Licence is granted under Section 2 of the Road Traffic and Transport Act 2006, and entitles the holder to carry on a road haulage business for hire or reward.

The criteria for the grant of a Road Haulage Operator's Licence are set out in Irish and EU legislation. The three criteria that must be met by every applicant are:

1. Good Repute,
2. Professional Competence, and
3. Financial Standing.

A road haulage operator's licence is not transferable from one individual to another, nor from one business to another.

To satisfy the criteria in relation to professional competence one person in the business must hold a Certificate of Professional Competence (CPC) and that individual must be nominated as a Transport Manager to continuously and effectively manage the business. A CPC can be obtained by individuals who have followed a specified course and successfully sat an exam that is overseen by the Chartered Institute of Transport and Logistics and Transport in Ireland.

Planning Issues.

228. **Deputy Pat Breen** asked the Minister for Transport further to his confirmation by way of reply to Parliamentary Question No. 294 of 6 May 2009 that the two dimensional red safety areas formerly established in 1997 by the Irish Aviation Authority at ground level at the State airports no longer apply, if the IAA has informed each of the many landowners so affected by such earlier 1997 decision of the volte face in question; and if he will make a statement on the matter. [20929/09]

Minister for Transport (Deputy Noel Dempsey): As I set out in reply to Dáil Question 294 of 6 May, the Irish Aviation Authority (IAA) has advised me that they will object to proposed developments anywhere in the State, which may affect the safe navigation of aircraft.

The issue referred to by the Deputy is an operational matter for the IAA and one in which I have no function.

Departmental Expenditure.

229. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20961/09]

Minister for Transport (Deputy Noel Dempsey): The Department of Transport does not provide specific funding for tackling problematic alcohol and illegal drug use. It is however part of the overall service provided by Human Resources and the Employee Assistance Service.

Public Transport.

230. **Deputy Seán Barrett** asked the Minister for Transport the reason for the protracted delay in the development of an integrated ticketing system for Dublin's public transport network since it was first mooted in the late 1990s; the further reason the Railway Procurement Agency was entrusted with this task; the expenditure to date on the project; and if he will make a statement on the matter. [20981/09]

Minister for Transport (Deputy Noel Dempsey): The Railway Procurement Agency (RPA), currently has responsibility for procuring an integrated ticketing system. The RPA was given this responsibility as it has no responsibility for providing transport services directly to the public and thus any concerns about the project being captured by an existing operator and causing difficulties as regards competition issues was thereby avoided.

The integrated ticketing system in the Greater Dublin Area (GDA) is being introduced on a phased basis, based on smart card technology, with the phasing out of magnetic strip technology. A progressive approach is being adopted to allow customers to familiarise themselves with using the new system and to allow transport operators to undertake the necessary testing associated with the integration of the various technologies involved.

A smart card for public transport services in the GDA is now available on Luas and Dublin Bus services. All buses in the Dublin Bus fleet have been fitted with smart card validators. Smart cards are now in use on these buses in respect of a number of ticket products such as annual and monthly bus tickets, as well as integrated annual and monthly bus and rail tickets, bus and Luas tickets and 5-day Rambler tickets. Irish Rail will also introduce an interim smart card scheme in the coming month. These interim systems, will then migrate to a single integrated smart card with electronic purse capability over the period to end-2010.

This system will also be extended to Bus Éireann on a pilot basis on a number of its commuter routes. It is also envisaged that private bus operators will join the scheme over this timeframe.

€18.3 million has been paid out by the Exchequer on integrated ticketing since the inception of the project in 2002. This expenditure encompasses project management, design and development costs and operator contributions.

Cycle Facilities.

231. **Deputy Ciarán Cuffe** asked the Minister for Transport when he will revoke the Road Traffic (Traffic and Parking) Amendment Regulations, S.I. No. 274 of 1998 with regard to the requirement of cyclists to use cycle tracks, as outlined in the National Cycle Policy Framework; and if he will make a statement on the matter. [21105/09]

Minister for Transport (Deputy Noel Dempsey): In the National Cycle Policy all the recommendations, including the legislative recommendations, are being actively considered by my Department for early implementation.

Fisheries Protection.

232. **Deputy Denis Naughten** asked the Minister for Transport the action he is taking to ensure that ballast water does not transport alien species to estuaries here and as a result inland waterways; and if he will make a statement on the matter. [21134/09]

Minister for Transport (Deputy Noel Dempsey): The International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004 (BWM Convention) was

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adopted by the International Maritime Organization in February 2004. The Convention is to apply internationally. Its purpose is to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments. The Convention has not yet entered into force; it has not yet been ratified by the required number of states.

Work is proceeding to ensure that the legislation necessary to give effect to the convention in the State when the Convention enters into force. The Sea Pollution (Miscellaneous Provisions) Act 2006 included amendments to the Sea Pollution Act 1991 which allowed, for regulations to be made to give effect to the Convention. Preparation of these regulations is at an advanced stage.

The Marine Institute continues to monitor developments in certain sectors in relation to the potential introduction, presence and effect of harmful aquatic species.

Rail Services.

233. **Deputy Olivia Mitchell** asked the Minister for Transport the traffic volumes of rail freight carried in each of the past ten years; and if he will make a statement on the matter. [21292/09]

Minister for Transport (Deputy Noel Dempsey): The volumes of rail freight carried in millions of tonnes for the last ten years are as follows:

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Tonnes	2.9m	2.7m	2.6m	2.3m	2.3m	2.1m	1.8m	1.3m	0.8m	0.7m

The reduction in Iarnród Éireann's freight traffic volumes over the past 10 years reflects the discontinuation of the production of certain commodities formerly conveyed by rail such as sugar beet and the discontinuation of certain loss-making rail freight activities such as the conveyance of unit load containers and palletised traffic.

Iarnród Éireann continues to pursue a policy of developing its rail freight business where opportunities are available and returning the rail freight business to profitability.

Rail Network.

234. **Deputy Olivia Mitchell** asked the Minister for Transport the access and other charges which are or will be paid by operators, since the opening up of railways to competing operators in 2007, for using the network, the terminals and for the hire of rolling stock for any prospective freight service; and the location at which these charges are documented and available to possible service users. [21294/09]

Minister for Transport (Deputy Noel Dempsey): The charging regime to which the Deputy refers, and which is a requirement under EU law relating to access by rail freight operators to the railway network, is currently under development.

Iarnród Eireann has carried out work on chargeable costs for the use of the infrastructure, and my Department has engaged consultancy assistance to examine these costs with a view to ensuring a transparent and equitable charging regime is put in place and made available as soon as possible to any prospective applicants for track access.

It should be noted that although the market for rail freight services has been open since 2007, no expressions of interest in running rail freight services have been received. Any such

interest would be welcome notwithstanding the work to be completed in finalising the access charging regime.

Traffic Management.

235. **Deputy Seán Ó Feargháil** asked the Minister for Transport if it is his policy to provide funding to local authorities in the Greater Dublin Area, via the Dublin Transportation Office, for traffic management and road design purposes in circumstances in which such local authorities engage external consultants; if it is the case that similar funding is not forthcoming in situations in which the required planning and design work is carried out by the local authority's staff; and if he will make a statement on the matter. [21354/09]

Minister for Transport (Deputy Noel Dempsey): The issue raised by the Deputy is a matter for the Dublin Transportation Office.

Rail Services.

236. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which it is intended to enhance commuter rail services to each of the towns throughout north Kildare in the context of Transport 21; and if he will make a statement on the matter. [21528/09]

Minister for Transport (Deputy Noel Dempsey): The operation of train services, including commuter services, is an operational matter for Iarnród Eireann and I have no function in the matter.

In relation to the provision of additional capacity, Transport 21 provides for the electrification of the Maynooth line to Maynooth, the re-signalling of the Maynooth line and also the removal of Level Crossings on the Maynooth line.

This will enable the extension of the DART network to Maynooth as part of the DART Underground Project. The DART Underground Project will also include the acquisition of electric railcars for use on the newly electrified line to Maynooth.

The start and completion dates of projects which are yet to commence construction will be determined as appropriate by the outcome of public consultation, the statutory planning process, the public process and the funding available to my Department during the current economic climate.

Question No. 237 answered with Question No. 71.

Health and Safety Issues.

238. **Deputy Bernard J. Durkan** asked the Minister for Transport if he is satisfied that all health and safety issues identified in the past 10 years in the public transport area such as bus, rail, ferry and air services have been addressed and resolved satisfactorily; and if he will make a statement on the matter. [21531/09]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is being compiled and will be forwarded as soon as possible.

Public Transport Accidents.

239. **Deputy Bernard J. Durkan** asked the Minister for Transport the number of accidents that have occurred throughout the public rail and bus services in the past 10 years; the degree to which the issues arising have been addressed; the issues still outstanding; and if he will make a statement on the matter. [21532/09]

Minister for Transport (Deputy Noel Dempsey): Information on accidents that have occurred on the Irish Rail and Luas networks is published in the annual report of the Railway Safety Commission. The 2008 report is available on the Railway Safety Commission's website at www.rsc.ie.

Railway accidents are investigated by the Railway Accident Investigation Unit of the Railway Safety Commission and the reports of these investigations include recommendations for the avoidance of incidents in the future or for the improvement of railway safety. The implementation of these recommendations by rail operators is monitored by the Railway Safety Commission and followed up as appropriate.

Information on road collisions, including information on collisions involving public service vehicles, is contained in Road Collision Facts 2007, published by the Road Safety Authority and is available on their website www.rsa.ie.

Airport Development Projects.

240. **Deputy Bernard J. Durkan** asked the Minister for Transport if Dublin Airport has reached maximum capacity; his plans to provide extra capacity at other or existing airports or new facilities at existing or new locations; and if he will make a statement on the matter. [21533/09]

Minister for Transport (Deputy Noel Dempsey): I am confident that the current levels of airport infrastructure capacity at the three State airports, including the airport infrastructure projects currently under construction, are sufficient to meet Ireland's short to medium term aviation needs.

Over the last 5 years the DAA has invested in a significant capital development programme at Dublin airport that has seen major capacity enhancements to the airfield, terminals and piers. There has also been significant improvements to the airport access and to airport utilities. The delivery of Terminal 2 and Pier E in 2010 will see the completion of the immediate major terminal and pier capacity enhancements at Dublin airport.

In recent years there has also been significant infrastructure capacity improvements at Cork and Shannon airports. The new pre-clearance facility at Shannon airport, which is a very significant capital investment, is due to be completed in July this year. This will provide for the full pre-clearance of U.S. bound passengers from Shannon.

The current decline in the aviation markets has affected traffic at all airports and in this context DAA has deferred some elements of its proposed capital programme for Dublin airport for the period 2010-2014 including the construction of a second runway. It is currently planned to build a second runway at Dublin Airport when the demand dictates.

Question No. 241 answered with Question No. 73.

Public Transport.

242. **Deputy Bernard J. Durkan** asked the Minister for Transport his plans to address the concerns expressed at the cessation of a number of already established bus services; if his attention has been drawn to the fact that this is a contradiction in terms of creating improved public transport; and if he will make a statement on the matter. [21536/09]

Minister for Transport (Deputy Noel Dempsey): I refer the Deputy to my replies to Question Nos. 64 and 88 regarding Bus Éireann and Question Nos. 79 and 90 regarding Dublin Bus which I answered earlier.

Road Network.

243. **Deputy Bernard J. Durkan** asked the Minister for Transport the daily traffic volumes on the M50, M1, M7, M3, and the Port Tunnel; the way these figures compare with daily usage in each of the past five years to date in 2009; and if he will make a statement on the matter. [21538/09]

Minister for Transport (Deputy Noel Dempsey): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The construction, improvement and maintenance of individual national roads projects, including the collection of statistics in relation to them, is a matter for the National Roads Authority (NRA) under the Roads Act, 1993, as amended by the Roads Act 2007, in conjunction with the local authorities concerned.

244. **Deputy Bernard J. Durkan** asked the Minister for Transport the daily revenue accruing from tolls on the M50, M1, M4 and the Port Tunnel; and if he will make a statement on the matter. [21539/09]

Minister for Transport (Deputy Noel Dempsey): The statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the National Roads Authority under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007). Accordingly, the matter raised by the Deputy falls entirely within the responsibility of the NRA.

245. **Deputy Bernard J. Durkan** asked the Minister for Transport if he will increase the funding to Kildare County Council for road restoration in the aftermath of severe weather conditions; and if he will make a statement on the matter. [21540/09]

Minister for Transport (Deputy Noel Dempsey): The improvement and maintenance of regional and local roads, in its area, is a statutory function of each individual local authority to be funded from its own resources supplemented by State road grants paid by my Department. The funding available to my Department for 2009 has already been fully allocated to local authorities.

The funds available to local authorities for improvement and maintenance of regional and local roads are intended to cover contingencies arising from severe weather conditions. The “Memorandum on Grants for Non-National Roads” provides that the cost of remedial works necessitated by such conditions must be met from these resources and that local authorities should set aside contingency sums to finance these works.

My Department is also prepared to consider sympathetically any request from local authorities to adjust their multi-annual restoration programmes in order to prioritise work on regional and local roads necessitated by severe weather conditions.

Driving Regulations.

246. **Deputy Olivia Mitchell** asked the Minister for Transport if he will ensure that the revised legislation dealing with driver working hours does not disadvantage Irish tour operators and make them uncompetitive relative to those crossing international borders. [21543/09]

247. **Deputy Olivia Mitchell** asked the Minister for Transport if he will respond positively to the request from Irish tour operators at the next Council of Ministers meeting to promote the

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reinstatement of the 12-day driver working rule for coach tours as proposed for international coach tours under the revised EU legislation. [21544/09]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 246 and 247 together.

The European Parliament proposed in 2008 that current EU rules on drivers hours and rest periods be amended to allow drivers engaged on cross border tours to drive 12 consecutive days, with out a break, commonly known as the ‘12-day rule’.

The proposal was framed as an amendment to the draft Regulation on common rules for access to the international market for coach and bus services. This Regulation is currently being finalised with a view to formal adoption at a Council of Ministers later this year.

The majority of Member States and the European Commission, including Ireland, support this proposal.

Greenhouse Gas Emissions.

248. **Deputy Thomas P. Broughan** asked the Minister for Transport whether he has received and reviewed the second greenhouse gas study of the International Maritime Organisation; his views on the way maritime emissions should be assessed in the upcoming successor to the Kyoto Protocol to be agreed in Copenhagen in December 2009; if he will report on the level of maritime greenhouse gas emissions here in 2005, 2006 , 2007 and 2008; the measures in place to target the CO₂ emissions in the maritime sector; and if he will make a statement on the matter. [21647/09]

Minister for Transport (Deputy Noel Dempsey): The study has recently been received in my Department and its contents are currently being reviewed.

As regards the way maritime emissions should be assessed in the upcoming successor to the Kyoto Protocol to be agreed in Copenhagen in December 2009, Ireland supports the adoption of a mandatory CO₂ Design Index for Ships and the development of market-based measures. This has been the subject of ongoing discussion at working group level in the IMO and with our EU partners.

The Environmental Protection Agency figures for marine bunker CO₂ emissions for Ireland are as follows:

2005 — 330.25 kilotonnes;

2006 — 404.11 kt;

2007 — 356.84 kt.

Data in relation to 2008 is provisional. Emissions are provisionally estimated to be 213.77 kt.

There are no measures in place at present to directly target global maritime CO₂ emissions. If no agreement is reached in the IMO Ireland will work within the EU on the development of suitable measures for Europe.

Child Abuse.

249. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the way a person can report abuse on a social networking site (details supplied); his plans to introduce legislation in this area; and if he will make a statement on the matter. [21007/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy is no doubt aware, the Internet is an international and worldwide phenomenon, it has no borders and no single organisation controlling it. Therefore efforts to combat illegal and harmful materials and activities on it can often be hampered by the multiplicity of jurisdictions, differing legal systems and differing societal norms. In this particular instance many of the major Social Networking Sites, including the site referred to by the Deputy, available here in Ireland are hosted outside this jurisdiction, principally in the United States. As such they are subject to the US jurisdiction.

While acknowledging these difficulties, I should emphasise that there is a robust self-regulatory framework for internet service providers (ISPs) in operation here in Ireland which actively encourages the adoption of best practice procedures aimed at limiting the proliferation of illegal and harmful content online. The Internet Service Providers Association of Ireland (ISPAI) Code of Practice and Ethics sets out clear guidelines and minimum standards in respect of dealing with complaints regarding suspected illegal or harmful material online.

The first thing someone should do if they are having issues with content on a Social Networking Site is report the matter to the website owners. A person can use the website reporting tools to do this and should also contact the service provider through its Customer Care or Report Abuse facility.

I wish to advise the Deputy that in 2008, the European Commission convened 18 of Europe's major social networking operators, including the operator of the site referred to, as well as researchers and child welfare organisations, to form a European Social Networking Task Force to discuss guidelines for the use of social networking sites by children. These guidelines were to be adopted voluntarily by the European industry. The Safer Social Networking Principles for EU were signed on Safer Internet Day, February 10 2009, in Luxembourg. The Safer Social Networking Principles for the EU have been developed to provide good practice recommendations for the providers of social networking and other user interactive sites, to enhance the safety of children and young people using their services. The Principles provide that social networking providers should, *inter alia*, provide a mechanism for reporting inappropriate content, respond to notifications of illegal content or conduct and should review their systems for examining reports of inappropriate or illegal content. The European Commission has indicated that it will monitor on an ongoing basis the implementation of the Social Networking Principles.

Voluntary Work.

250. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform if, in view of the Government's commitment to encouraging community endeavour and volunteerism, he has given consideration to the legal impediment to voluntary activities due to fear of legal liability; if, in this regard legislative changes are envisaged; and if he will make a statement on the matter. [21029/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Law Reform Commission published its Consultation Paper on the Civil Liability of "Good Samaritans" and Volunteers in November 2007. The Consultation Paper included provisional recommendations in relation to the standard of conduct to be expected of Good Samaritans, voluntary rescuers and other volunteers and defences against civil liability claims for such people.

I understand that the Law Reform Commission's consultation process has been completed. The Commission's final report will be published later today and I look forward to examining its final recommendations for reform of the law in this area.

Road Traffic Regulations.

251. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform his views on the recent criticism by the chairman of the Road Safety Authority of the Government and the Minister in terms of the failure to roll out the national speed camera programme and the reduced level of enforcement of critical road traffic law due to budgetary constraints on An Garda Síochána; if he has met the chairman and the CEO of the RSA on these issues; and if he will make a statement on the matter. [21334/09]

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 significantly reduce the incidence of fatal and serious injuries on the roads and improve road safety.

I am informed by the Garda authorities that there has been no reduction in the efforts of members of An Garda Síochána in the enforcement of road traffic legislation. While members of the Garda Traffic Corps in every Garda Division are specifically tasked with the enforcement of the road traffic and road transport legislation, all members of An Garda Síochána are tasked with enforcing the provisions of all criminal law, including the relevant provisions of road traffic and road transport legislation. An Garda Síochána continuously conducts awareness and education campaigns and enforcement initiatives to reduce road fatalities and serious injuries, increase driver awareness, prevent and detect breaches of road traffic and transport legislation and promote an improved compliance culture among road-users.

Members of An Garda Síochána conduct planned, unplanned and ad hoc checkpoints, including mandatory alcohol testing checkpoints. Planned multi-agency checkpoints are also conducted on a weekly basis, in conjunction with the Road Safety Authority, the Revenue Commissioners (Customs and Excise Branch) and the Department of Social and Family Affairs.

The emphasis of Garda speed enforcement is on the use of mobile speed cameras, and their capacity in this area has been substantially enhanced recently. In September, 2008 the Garda Commissioner and I launched eight new Garda mobile speed detection vehicles. These state of the art vehicles represent a substantial upgrading of the resources available to An Garda Síochána to address the problem of speeding on our roads, particularly in collision prone zones. An Garda Síochána also has over 400 hand held speed detection devices.

The Garda authorities support the action in the Road Safety Strategy 2007-2012 to implement a safety camera network. Consequently, An Garda Síochána is engaging in a procurement process, in accordance with EU Directives, national public procurement procedures and relevant legislation, for the provision and operation of safety cameras. As a result, a preferred supplier has been selected.

Discussions are taking place between my Department, the Departments of Transport and Finance and An Garda Síochána with a view to making every effort to proceed with this project as speedily as possible. Until contract discussions are concluded, it is not possible to indicate a specific timescale for the project.

Garda Deployment.

252. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of additional garda assets profilers deployed to Limerick since January 2009; and the number in Limerick at present. [20946/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by An Garda Síochána that there are four Garda Assets Profilers allocated to the Limerick Garda

Division. Their remit is to identify assets believed to be the proceeds of crime derived by persons suspected of involvement in crime and organised criminal activity.

While there has been no increase in the number of Asset Profilers allocated to this Division since January 2009, the complement and allocation of Divisional Profilers throughout the State is closely monitored by Divisional Officers in consultation with the Chief Bureau Officer and will be kept under constant review.

Departmental Expenditure.

253. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20958/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy will appreciate that it can be difficult to arrive at an accurate estimate of costs within the criminal justice system associated specifically with drug misuse as services such as An Garda Síochána, the Prisons, the Courts and Probation Service all deal with drugs issues as a part of their wider daily remit, as indeed do a number of officials of this Department as a feature of their designated employment.

I have, therefore, confined details of this Department's direct drugs-related expenditure to the following specific programmes and initiatives:

- (i) Garda Youth Diversion Programme;
- (ii) Community based projects funded through the Probation Service which deal with substance abuse, treatment and aftercare;
- (iii) The National Drug Related Death Index;
- (iv) Drug Court;
- (v) Dial to stop drug dealing initiative The details of the expenditure on these programmes for each of the past three years are shown on the following table.

Programme	2006 Spend	2007 Spend	2008 Spend
	€m	€m	€m
(i) Garda Youth Diversion Programme	6.65	9.80	8.40
(ii) Community based projects funded through the Probation Service with deal with substance abuse, treatment, and aftercare	2.44	2.63	2.30
(iii) National Drug Related Index	0.11	0.11	0.11
(iv) Drug Court	0.33	0.35	0.27
(v) Dial to stop drug dealing initiative*	0.00	0.00	0.05
Total	9.53	12.89	11.13

*This programme only began during 2008.

I am advised that my Department has no readily available separate data in relation to its annual spend concerning the tackling of alcohol use.

Finally I should advise the Deputy that recently the Government directed that alcohol will be included in the development of an overall National Substance Misuse Strategy for the period

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2010-2016 on which work will begin next Autumn. This Strategy will incorporate the soon to be finalised interim National Drugs Strategy.

As a feature of this I am informed that it is intended to develop an overall performance management framework for this Strategy across all Departments and Agencies to assess and monitor progress. This should, therefore, assist in the future provision of expenditure data relating to the tackling of problematic alcohol and drug misuse.

Witness Intimidation.

254. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of people investigated in respect of, and convicted for, witness intimidation each year for the past five years. [20963/09]

255. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of people investigated in respect of, and convicted for, jury intimidation each year for the past five years. [20964/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 254 and 255 together.

There is a specific statutory offence of intimidation of witnesses or jurors. Section 41 of the Criminal Justice Act 1999 makes it an offence to harm or threaten or in any other way intimidate or put in fear another person who is assisting in the investigation by the Garda Síochána of an offence or is a witness or potential witness or a juror or potential juror in proceedings for an offence, or a member of his or her family, with the intention thereby of causing the investigation or the course of justice to be obstructed, perverted or interfered with.

I am informed by the Garda authorities that separate records are not maintained of offences under section 41 directed against witnesses and those directed against jurors.

Therefore, the table hereunder shows the present position with regard to the number of proceedings commenced, persons charged/summonsed and convictions for the offences of harming, threatening to harm, menacing, intimidating and putting in fear another person, who was assisting in the investigation by the Garda Síochána of an offence or is a witness/potential witness or juror/potential juror in proceedings for an offence, with the intention of causing the investigation or the course of justice to be obstructed, perverted or interfered with, for the years 2004 to 20 May 2009.

Year	Proceedings commenced	Persons charged/summonsed	Convictions
2009	4	4	0
2008	16	16	0
2007	16	16	2
2006	44	30	10
2005	22	16	6
2004	30	22	10
Total	132	104	28

Residency Permits.

256. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform when

a person (details supplied) in County Cork will receive a residence card which was approved in 2008. [21019/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that a letter of intention to revoke the permission granted on 17 September 2008 issued to the person referred to by the Deputy on 21 May 2009.

The person concerned has been given 10 days from the date of this letter in which to respond to the issues raised.

Garda Reserve.

257. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform when he expects the next phase of entrants to the Garda Reserve to be recruited; and if he will make a statement on the matter. [21070/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Recruitment to the Garda Reserve is on-going. It is proposed that a new group of Reserve trainees will commence their training next month.

Citizenship Applications.

258. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if, in respect of the revelations obtained by RTÉ under the Freedom of Information Act 1997 that staff in the naturalisation section of the Irish Naturalisation and Immigration Service were ordered in July 2008 to stop processing citizenship applications until the higher fees came into effect, he approved this order; the number of applications delayed for this reason; if this delay had a knock-on effect which has contributed to the excessively long processing times as revealed in his reply to Parliamentary Question No. 278 of 12 May 2009; if he will refund the €300 difference to those applicants whose naturalisation was unfairly delayed for this reason; and if he will make a statement on the matter. [21075/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Certificates of naturalisation are issued on payment of the prescribed fee at the time of certification as set out in the Irish Nationality and Citizenship Act 1956, as amended. Certification fees for Citizenship were last changed in 1993. The regulations that came into force on 1st August 2008 were the result of a review of citizenship fees that began some time prior to that date and merely bring the amounts in line with inflation for the period 1993-2008. While the fees are designed to reflect the effort and cost involved in processing the different categories of applicant, the current certification fees do not recoup the full cost of processing in any category.

As this is a certification fee, it is the date of issue of the certificate rather than the date of application that must be taken into account. Certificates of naturalisation can only be issued on payment of the prescribed fee at the time of certification. In practice, a necessary period of time elapses between when an applicant is informed of my decision and when the certificate is issued, because the applicant must make their declaration of fidelity to the nation and loyalty to the State in open court and also submit any supporting documentation. This period can range from a minimum of a couple of weeks to several months.

In the knowledge that almost 100% of applicants issued with letters of approval in July 2008 would not be issued certificates until after 1 August, 2008, it was decided not to issue any letters of approval for the weeks leading up to 1 August. This did not result in processing delays as resources were fully utilised on related work.

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In order to prevent a scenario where we would require the applicants to submit the difference between the old fee quoted on their letter and the new fee due for all certificates issued after 1 August, 2008, it was decided that any applicant who was issued their letter of approval before that date, yet were liable to the new fees, would nonetheless be charged the old fee.

I am happy that this was the efficient and appropriate action to take. No applications were unfairly delayed and there are no refunds due as it is the prescribed fee at the time of certification that is applicable. In fact many people who received their letters in August and September 2008 did so many months earlier than they could have expected as August 2008 saw the first files processed by the expanded decentralised resources in Tipperary reaching decision stage.

The Deputy will be aware that the increased resources that I have allocated to this area have resulted in a considerable improvement in processing times over the past year even though the number of applications for a certificate of naturalisation has continued to see significant growth. However, there is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Crime Levels.

259. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the number of recorded drug crimes where the suspected offenders were on bail for each year from 1 January 2004 to 31 December 2009; the number of those suspected offenders who were subsequently granted continuing bail for the new drug offence for which they were arrested in each year from 1 January 2004 to 31 December 2009; and if he will make a statement on the matter. [21079/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised that the information being sought by the Deputy is not recorded by my Department.

As the Deputy will be aware, following the submission of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency.

The Garda Síochána Act 2005 consequently makes provision for this, and the CSO has established a dedicated unit for this purpose.

I have therefore requested the CSO to provide any available crime statistics sought by the Deputy in these questions directly to him.

In relation to statistics on the granting of bail, under the Courts Service Act, 1988, the Courts Service is independent in the performance of its functions, which include the provision of statistics.

260. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the number of crimes recorded for the possession of drugs for sale or supply for each year from 1 January 2004 to 31 December 2009; the number of the suspected offenders who were granted bail; and if he will make a statement on the matter. [21080/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised that the information being sought by the Deputy is not recorded by my Department.

As the Deputy will be aware, following the submission of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency.

The Garda Síochána Act 2005 consequently makes provision for this, and the CSO has established a dedicated unit for this purpose.

I have therefore requested the CSO to provide any available crime statistics sought by the Deputy in these questions directly to him.

In relation to statistics on the granting of bail, under the Courts Service Act, 1988, the Courts Service is independent in the performance of its functions, which include the provision of statistics.

Visa Applications.

261. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if an application for a holiday visa will be granted to a person (details supplied). [21094/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The visa application referred to by the Deputy was received in the Visa Office, Beijing on 27 March 2009. It was refused by the Visa Officer on 11 May 2009 for the following reason:

1. Obligations to return to the home country not shown — e.g. no social, economic or professional ties in home country shown.

The applicant subsequently lodged an appeal and the decision of the Visa Officer was upheld by the Appeals Officer on 20 May 2009. Only one appeal per application is allowed. The only option available to the applicant now is to make a fresh application.

Departmental Staff.

262. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he plans to cut the number of staff in the naturalisation section of the Irish Naturalisation and Immigration Service; the number of staff to be cut; when these cuts will be made; and the measures he will put in place to minimise further delays occurring in the processing of applications as a result of these cuts. [21118/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My Department is required to operate in accordance with Government policy on civil and public service numbers. Having said that, I have no plans to cut the number of staff working on naturalisation in the Irish Naturalisation and Immigration Service. In fact, following the decentralisation of the Citizenship Division to Tipperary Town in April 2008, there are now more staff working on naturalisation than before the move.

Road Traffic Offences.

263. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that two people (details supplied) have been charged with the same driving offence; and if he will make a statement on the matter. [21138/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship Division of my Department in January 2007.

Officials in the Citizenship Division of my Department prepared submissions in respect of the applications and it was clear that a driving offence had been recorded by An Garda Síoch-

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ána against the second named person only. Having considered the submissions, I decided not to grant the applications. The reasons for refusal were disclosed to the persons concerned in letters dated 2 April 2009.

Citizenship Applications.

264. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform if he will reconsider his decision not to grant a certificate of naturalisation to a person (details supplied) in County Cork in view of the fact that this person is just under the one year continuous reckonable residency in the State immediately preceding the date of their application and that if he has to reapply he would be waiting a number of years before a decision will be made. [21286/09]

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 Division of my Department in February 2008.

On examination of the application submitted it was determined that the person in question did not have one year's continuous reckonable residence in the State immediately preceding the date of application. The person concerned was informed of this in a letter issued to him on 25 July, 2008. This is a statutory requirement as set out in the Irish Nationality and Citizenship Act, 1956, as amended.

It is open to the person concerned to lodge a new application for a certificate of naturalisation with the Citizenship Division of my Department if and when he is in a position to meet the statutory residency requirements.

Noise Pollution.

265. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the problem of house alarms whose setting is too sensitive, resulting in false alerts to the gardaí and the frequent noise nuisance for neighbours; his views on the introduction of by-laws or guidelines to contain this problem; and if he will make a statement on the matter. [21287/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The legislation in relation to noise pollution is a matter for my colleague the Minister for the Environment, Heritage and Local Government. In line with the commitment in the Programme for Government and following a public consultation process the Government has recently approved the Minister's proposals for the drafting of a Noise Nuisance Bill.

While there is already a wide range of measures in place to deal with noise from a variety of sources, it is intended that the new legislation will take a more integrated approach to noise pollution. There will be a greater emphasis on codes of practice for construction, commercial and domestic situations. Local authorities will have more effective and speedier enforcement powers to deal with nuisances from particular noise sources, including specific powers of direct intervention in the case of continuously sounding alarms. It is also proposed to extend some of the enhanced powers to An Garda Síochána in certain circumstances. There will, in addition, be measures to increase awareness of noise nuisance and of how it can be remedied.

Under the Bill it will be possible to prescribe time limits for the operation of alarms and to provide for direct intervention to disable alarms from the outside of premises and to issue fixed payment notices for breaches of the time limit.

The Environmental Protection Agency Act 1992 governs noise nuisance. Section 108 of the Act, in relation to noise nuisance, provides that a local authority, the Environmental Protection Agency or a member of the public may make a complaint to the District Court.

In circumstances where the noise nuisance relating to neighbours is anti-social within the meaning of the Criminal Justice Act 2006 a member of the Garda Síochána may issue a behaviour warning.

Garda Operations.

266. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform when the garda free telephone service was established; the amount that has been spent on the service in each of the past five years; the number of calls that have been received countrywide in each of the past five years; and if he will make a statement on the matter. [21295/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that the Confidential Line Service was established in 1992. The Superintendent, DMR Communications Centre, Harcourt Square, has responsibility for the monitoring and management of the country-wide service.

Based on an extrapolation of data over a 6 month period from August, 2008 to January, 2009, the Freefone line, 1 800 666 111, receives on average over 9 calls per day, equating to approximately 3,400 calls per annum.

The cost of the freefone number including monthly line rental amounts to €480 per annum. The call costs are not readily available and would take a disproportionate amount of Garda resources to quantify same.

Citizenship Applications.

267. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in Dublin 15 who has applied for naturalisation; and when this will issue. [21313/09]

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 on 18 October 2006.

Officials in that section inform me that processing of this application is ongoing and the file will be forwarded to me for a decision in the coming months.

Visa Applications.

268. **Deputy Seán Power** asked the Minister for Justice, Equality and Law Reform if, following the decision of the British authorities to make changes in its visa requirements for short-term visitors from Taiwan, he is considering making similar changes; and if he will make a statement on the matter. [21344/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Matters in relation to all countries which are visa required are reviewed on an ongoing basis. My Department is currently conducting a review of the requirements for Taiwanese nationals to obtain a visa prior to entry into the State. The decision of the British authorities to make changes in relation to Taiwan will be considered as part of this review. A decision in relation to any changes to the visa requirements for Taiwan will issue in due course.

Drugs in Prisons.

269. **Deputy Seán Power** asked the Minister for Justice, Equality and Law Reform the progress made and his plans to reduce the amount of illegal drug consumption in prisons here; and if he will make a statement on the matter. [21346/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Prison Service continues to work to implement its Drugs Policy & Strategy, entitled Keeping Drugs Out of Prison, which was launched in May 2006. Working to fulfil the commitments contained in the Policy and Strategy involves the implementation of stringent measures to prevent drugs from getting into prisons while, at the same time, continuing to invest in services within prisons to reduce the demand for illicit drugs in the prisoner population as well as meeting prisoners' treatment and rehabilitative needs.

Elimination of Supply

The implementation of the Drugs Policy and Strategy has seen an intensification of efforts to eliminate the availability of illicit drugs within prisons including; Tighter control and monitoring of prisoner visits in all closed prisons; New visiting arrangements in most closed prisons, with visitors required to be pre-approved by the Governor and required to provide identification on each visit; Greater use of screened visits; Greater vigilance in examining mail by prison censors and searching of other items entering the prison; Increased random searching of cells and their occupants; Stricter searching of all persons committed to custody and prisoners returning from court, temporary release, after visits or on receipt of intelligence; Use of modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, under floor boards and other cavities; Use of Body Orifice Security Scanner (BOSS) chairs; Installation of nets over exercise yards to prevent access to contraband items, including mobile phones and drugs; Use of phone detectors and phased installation of mobile phone inhibition technology.

The Deputy will be aware that in June 2007 the Government approved the resources necessary to introduce a package of security measures which target the routes whereby contraband such as drugs are trafficked into our prisons. As a result, a number of new security initiatives have been introduced in all closed prisons including: The introduction of enhanced security screening for all persons (visitors and staff) entering our prisons; The establishment of a drug detection dog service within the Irish Prison Service involving approximately 31 handling teams; The establishment of Operational Support Units dedicated to, and developing expertise in, searching and gathering intelligence in our prisons.

Reducing Demand

The drug treatment programmes currently in place seek to reduce the demand for drugs within the prison system through education, treatment and rehabilitation services for drug addicted prisoners. Particular initiatives include, inter alia, the provision of detoxification, methadone maintenance, education programmes, addiction counselling and drug therapy programmes.

At present, any person entering prison giving a history of opiate use and testing positive for opioids on committal are offered a medically assisted symptomatic detoxification if clinically indicated. Patients can, as part of the assessment process, discuss with healthcare staff other treatment options which may include stabilization on methadone maintenance for persons who wish to continue on maintenance while in prison and when they return to the community on release. Methadone maintenance is available in 8 of the 14 places of detention (accommodating

over 80% of the prison population). The table below provides the number of prisoners who received opiate substitution treatment with methadone (detox, stabilisation or maintenance) since 2003.

Methadone Treatment Per Person

Prison	Number of Prisoners Treated					
	2003	2004	2005	2006	2007	2008
Cloverhill	591	528	571	678	710	827
Dochas	257	211	228	216	225	245
Limerick	15	3	4	8	10	37
Midlands	—	6	6	19	90	110
Mountjoy	592	394	590	464	594	553
Portlaoise	30	6	2	2	3	4
St.Patrick's	43	3	1	8	15	28
Wheatfield	226	158	162	184	193	210
TOTALS	1,754	1,309	1,564	1,579	1,840	2,014

The IPS has committed significant investment in recent years in responding to addiction issues in the prison system. The most significant recent development has been the awarding of a contract for the provision of addiction counselling services to Merchants Quay Ireland. This contract has been rolled out, and addiction counselling services are now available in prisons and places of detention where prisoners require such a service. The addiction counselling service delivers approximately 1000 hours per week of prisoner access to addiction counselling.

In addition, the Medical Unit in Mountjoy Prison has 9 spaces specifically allocated for a therapeutic drug free programme. This programme is 6 weeks in duration and includes involvement from both prison based staff and external community agencies. Its aim is to assist prisoners in achieving a drug free status.

Juvenile Offenders.

270. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of good behaviour contracts entered into in the juvenile justice system involving children to deal with the number of behaviour orders issued to children by the Courts since 1 January 2009; and if he will make a statement on the matter. [21363/09]

271. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of behaviour warnings issued by the Courts to adults since 1 January 2009; and if he will make a statement on the matter. [21364/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 270 and 271 together.

Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act relating to anti-social behaviour by children was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the

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Children's Court. With regard to adults, the provisions include a behaviour warning and a civil order issued by the courts.

In setting up the procedures, the intention was that these interventions would address the problem behaviour. It is only if they fail that a court order will be applied for. Consequently, if they succeed, there will be no need to apply to the courts for an order. Where warnings or good behaviour contracts do not succeed in altering a person's behaviour, however, they will culminate in orders being sought by the Garda authorities from the courts.

I am informed by the Garda authorities that in 2009 up to 30 April, 160 behaviour warnings have been issued, no formal good behaviour contracts have been entered into and no behaviour orders have been issued by the courts in respect of children and that 143 behaviour warnings have been issued to adults.

Garda Investigations.

272. **Deputy Noel Grealish** asked the Minister for Justice, Equality and Law Reform the outcome of the garda investigation into an incident in relation to a person (details supplied); and if he will make a statement on the matter. [21369/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An Garda Síochána completed and forwarded a file in this matter to the D.P.P recommending a prosecution against a suspect. While the file was with the office of the D.P.P, the suspect was murdered. Accordingly, no further action can be taken in this matter.

Citizenship Applications.

273. **Deputy Mary O'Rourke** asked the Minister for Justice, Equality and Law Reform if he will review the case of persons (details supplied) in County Westmeath. [21372/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Section 15 of the Irish Nationality and Citizenship Act, 1956, as amended provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. These conditions are that the applicant is of full age, or is a minor born in the State; is of good character; has had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, has had a total residence in the State amounting to four years; intends in good faith to continue to reside in the State after naturalisation; has made, either before a Judge of the District Court in open court or in such a manner as the Minister for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

“Applicant” means, in relation to an application for a certificate of naturalisation by a minor, the parent or guardian of, or person who is in loco parentis, the minor. In effect, the parent, guardian or person who is in loco parentis to the minor must submit an application for naturalisation in their own right and, if it is approved, submits a supplementary form on behalf of the minor.

Garda Stations.

274. **Deputy Paul Connaughton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the local opposition to the proposed closure of the Garda station at Kilrickle, Loughrea, County Galway and that this growing area on the periphery of a large town like Loughrea needs a permanent Garda presence; if his attention has further

been drawn to the fact that the policing resources are stretched to the maximum in the area generally; and if he will make a statement on the matter. [21373/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am aware of the matters raised by the Deputy.

I am advised by the Garda Authorities that, as an interim measure, the Kilrickle station party was temporarily transferred to Loughrea Garda Station on 11th May on Health and Safety grounds. The Garda station will be re-opened when the present building has been made fit for purpose or alternative suitable accommodation has been sourced. This matter is being pursued by the Garda authorities and the Office of Public Works.

I am further advised that local Garda management are satisfied that existing resources are sufficient to meet the policing needs of the District.

Garda Equipment.

275. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the information technology section of the Immigration Bureau at Dublin Airport has an Internet connection to enable it to operate properly and verify data; and if he will make a statement on the matter. [21418/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): All members of An Garda Síochána involved in immigration duties, including those members at Dublin airport, have access to the Garda National Immigration Bureau Information System (GNIB-IS). This system supports An Garda Síochána and the Garda National Immigration Bureau in executing its responsibilities relating to immigration matters on a national basis and is available 24 hours per day, 7 days per week.

Limited web access is also available to members of An Garda Síochána involved in immigration duties (at Dublin airport) to provide internet access as appropriate for business and operational purposes. This includes access to international agencies as required.

Immigration Procedures.

276. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform if there is a document expert employed by the Immigration Bureau of her Department at Dublin Airport to check forgeries; and if he will make a statement on the matter. [21419/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Document experts in An Garda Síochána are attached to the Document Section, Garda Technical Bureau, Garda Headquarters, Dublin. Members of the Garda National Immigration Bureau have attended training modules on the examination of documents and received on the job training by experienced members.

Members of An Garda Síochána who perform duty at the points of entry have developed significant and valuable experience in the identification of documents that they believe or suspect to be forgeries or may have been altered. This experience allows the member to have reasonable grounds for a suspicion that the document may be false or have been interfered with.

Equipment is available to members who perform Immigration duties at Dublin Airport to check on forgeries or suspect documents. Members of the Garda National Immigration Bureau also have access to the Interpol database of stolen and forged documents worldwide.

277. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the information technology section of the Immigration Bureau at all Irish ports and airports have sufficient IT networks and Internet connections to enable them to operate properly and verify data; and if he will make a statement on the matter. [21420/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): All members of An Garda Síochána involved in immigration duties, including those members at all registered ports of entry, have access to the Garda National Immigration Bureau Information System (GNIB-IS). This system supports An Garda Síochána and the Garda National Immigration Bureau in executing its responsibilities relating to immigration matters on a national basis and is available 24 hours per day, 7 days per week.

Limited web access is also available to members of An Garda Síochána involved in immigration duties to provide internet access as appropriate for business and operational purposes. This includes access to international agencies as required.

278. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform if there is a document expert employed by the Immigration Bureau or his Department at all Irish ports and airport to check forgeries; and if he will make a statement on the matter. [21421/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Document experts in An Garda Síochána are attached to the Document Section, Garda Technical Bureau, Garda Headquarters, Dublin. Members of the Garda National Immigration Bureau have attended training modules on the examination of documents and received on the job training by experienced members.

Members of An Garda Síochána who perform duty at the points of entry have developed significant and valuable experience in the identification of documents that they believe or suspect to be forgeries or may have been altered. This experience allows the member to have reasonable grounds for a suspicion that the document may be false or have been interfered with.

Equipment is available to members who perform Immigration duties at Dublin Airport to check on forgeries or suspect documents. Members of the Garda National Immigration Bureau also have access to the Interpol database of stolen and forged documents worldwide.

Garda Recruitment.

279. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question Nos. 271 to 273 of 19 May 2009, if he will explain the reason the age restrictions for recruitment to and retirement from An Garda Síochána have been set at 35 and 60 respectively. [21433/09]

280. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the reason for and the justification behind the setting of An Garda Síochána recruitment and retirement age limits at 35 and 60 respectively; the considerations taken into account in arriving at these age limits; if they are objectively and reasonably justifiable by a legitimate aim; if so, the legitimate aim in relation to same and the way it is justified; and if he will make a statement on the matter. [21434/09]

281. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the reason it is justifiable that members of the Garda Reserve, who have to face equally dangerous situations as members of An Garda Síochána, can be recruited at up to age 60 and can continue in service until they are 65 years of age, while at the same time a fully trained member

of An Garda Síochána, able, fit, mature and with vast experience, must retire at age 60; and if he will make a statement on the matter. [21435/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 279 to 281, inclusive, together.

I refer the Deputy to my answer to Questions Nos. 271 to 273, inclusive, of May 19th 2009.

The maximum recruitment age limit for admission as a trainee full time member of An Garda Síochána was set taking into account a number of criteria including the significant training cost which can only be recouped by serving a sufficient period and the operational requirements of the Force in terms of having an age profile appropriate to the demands placed on members in the course of their duty.

Retirement of members of An Garda Síochána is governed by a number of statutory regulations which have the cumulative effect of setting the standard retirement age for members at 60 years of age. This age is objectively and reasonably justifiable taking into account the general operational requirements of the force and is consistent with Equality legislation and EU directives on the matter. Of course members with 30 years service may retire on a full pension at any time once they reach 50 years of age for those who joined prior to 2004 and 55 years of age for those who joined since that date.

The higher recruitment and retirement ages for membership of the Garda Reserve take into account the volunteer nature of that force, the reduced number of hours of duty required of them and the limited nature of the duties assigned to them by the Commissioner.

Citizenship Applications.

282. **Deputy John McGuinness** asked the Minister for Justice, Equality and Law Reform the expected date for a decision in the case of a person (details supplied) in County Kilkenny in view of the fact that the file is now submitted for decision; and if he will expedite the matter. [21460/09]

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 Division of my Department in March 2006.

I expect to reach a decision on this application shortly. The person concerned will be informed of that decision in due course.

Garda Deployment.

283. **Deputy Charlie O'Connor** asked the Minister for Justice, Equality and Law Reform if he will discuss with the Garda Commissioner the question of an area (details supplied) in Dublin 24 being policed entirely by Tallaght Garda station; his views on the difficulties being experienced by the community in respect of anti-social behaviour and other issues; and if he will make a statement on the matter. [21514/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have requested the information sought from the Garda authorities and I will communicate further with the Deputy when the information is to hand.

Asylum Applications.

284. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

[Deputy Bernard J. Durkan.]

the position in relation to a residency application in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [21526/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 16 October, 2002. 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 11 February, 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file is passed to me for decision.

285. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if particular or specific provision will be made in respect of residency and accommodation in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [21527/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The first and second named persons, a mother and her minor child, were admitted into the State on 20 January, 2005 on foot of a student visa, valid until 6 June, 2007. They have remained in the State since that date without the permission of the Minister.

Consequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the first named person was informed, by letter dated 12 March, 2009, 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 have been submitted on behalf of the first and second named persons and these representations will be fully considered, under Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

The third named person, an adult daughter of the first named person, arrived in the State in January 2008 but failed to register with her local Registration Office as required under the Immigration Act 2004 and is therefore illegally resident in the State. She gave birth to a child, the fourth named person, in the State in 2008.

Arising from her position as a person with no valid basis for being in the State, and in accordance with Section 3 of the Immigration Act 1999 (as amended), the third named person was informed, by letter dated 12 March, 2009, that the Minister proposed to make Deportation Orders in respect of her and her child. She was also given the options referred to above in respect of the first and second named persons.

Representations have been submitted on behalf of the third named person and these representations will be fully considered, under Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

Human Trafficking.

286. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if he has investigated the alleged use of ports here for the trafficking of people; if so, the measures being taken to combat this criminal activity in these ports; and if he will make a statement on the matter. [21646/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Síochána that all members of the force are tasked with enforcing the criminal law, with any breaches detected being the subject of investigation and the preparation of an investigation file for the direction of the Law Officers.

I have also been informed by the Garda Síochána that information/intelligence regarding immigration-related criminality is collated, analysed and disseminated by the Garda National Immigration Bureau (GNIB). This includes such information and intelligence received, on a regular basis, through the Europol and Interpol National Units, based in Garda Headquarters. In particular, personnel from the GNIB assist in investigations relating to the suspected trafficking and smuggling of persons, initiated in other jurisdictions, where it is suspected either the suspect(s) or victim(s) have entered this State.

To this end a substantial programme of training related to human trafficking has been underway.

Restorative Justice.

287. **Deputy Máire Hootor** asked the Minister for Justice, Equality and Law Reform the progress made since the publication of the first report by the Restorative Justice Commission; and the timeframe for when he will publish the final report. [21649/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An Interim Report from the National Commission on Restorative Justice was published on the 21st May, 2008. I expect to receive the final report from the National Commission shortly. These two reports will inform future decisions on how we may be able to make greater use of the restorative justice process. The Deputy can be assured that my Department will give careful consideration to the Commission's work in this area.

As the Deputy will be aware the two pilot project schemes currently operating in Nenagh, Co. Tipperary and in Tallaght are funded by my Department, through the Probation Service.

Residency Permits.

288. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the case of a person (details supplied) in County Galway. [21652/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that an application for residence was received from the person referred to by the Deputy on the 18 March 2009.

Applications based on EU Treaty Rights are processed within a six month time frame. A decision will issue to the applicant in due course.

Departmental Expenditure.

289. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20956/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The Department of Foreign Affairs, through its overseas development programme, Irish Aid, supports the work of the United Nations Office on Drugs and Crime (UNODC) through voluntary contributions. UNODC is mandated to assist Member States in their work against illicit drugs, crime and terrorism.

Funding provided over the last three years is as follows:

2008: € 1,000,000;

2007: € 1,400,000;

2006: € 1,140,000.

In addition, under the Emigrant Support Programme, the Government has, over the past three years, allocated funding totalling over €41 million to support Irish communities overseas, including €15.183 million in 2008. The focus of this funding is on supporting voluntary sector organisations engaged in the delivery of key frontline welfare services to Irish communities abroad.

The culturally sensitive outreach, information and advisory services provided are targeted at the most vulnerable members of our overseas communities, including the elderly, the homeless and those suffering from addiction. Many of our most vulnerable emigrants experience a range of interlinked challenges, requiring the Government funded organisations to provide broad outreach services, which can include responses to alcohol or drug abuse. It is not possible, however, to provide specific figures on this programme's annual spend on alcohol and illegal drug use.

The Deputy may also wish to be aware that a new Civil Service Alcohol and Drugs Misuse Policy was published recently by the Department of Finance. The policy sets out guidelines on addressing alcohol and/or drugs misuse and on supporting affected officers. It recognises that officers who disclose that they have a problem with alcohol and/or drugs need to be treated with sensitivity and discretion, and aims to provide guidance and to increase awareness among employees of alcohol and drug problems. In the context of the new policy, my Department will continue to support employees who may have drug and alcohol problems.

In the years specified by the Deputy, there were no instances which gave rise to expenditure specifically allocated to the provision of support to officers in my Department with alcohol and/or drug problems.

Passport Applications.

290. **Deputy Damien English** asked the Minister for Foreign Affairs the reason a person (details supplied) in County Carlow cannot attain a passport; the steps this person must follow

in order to successfully apply for a passport; and if he will make a statement on the matter. [20984/09]

Minister for Foreign Affairs (Deputy Micheál Martin): The applicant in question has informed the Passport Office that her birth was not registered and therefore she was unable to provide a birth certificate. A birth certificate is essential in order to obtain a passport. The Office of the Registrar General has responsibility for records relating to Births, Marriages and Deaths in the State.

The person in question has been requested to contact the General Register's Office which will explain the procedure for the late registration of a birth. Once the birth has been registered, the Passport Office will assist in issuing a passport.

The contact details for the Registrar General's Office are: General Register Office, Government Offices, Convent Road, Roscommon. Tel: 090 6632900, LoCall: 1890 252076.

Overseas Development Aid.

291. **Deputy Terence Flanagan** asked the Minister for Foreign Affairs the amount of Irish Aid given to the USA in relation to natural disasters, for example towards Hurricane Katrina and so on; and if he will make a statement on the matter. [21066/09]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): On 28 August 2005, Hurricane Katrina hit the southern coast of the United States with devastating effect. Total fatalities were recorded at 1,800 people, while it is estimated that the hurricane caused US\$81 billion in damage.

In light of the scale of the humanitarian disaster, and as an act of solidarity with the American people at that most difficult time, the Government provided funding of €1 million through Irish Aid to assist those affected by Hurricane Katrina. Of the total, €700,000 was channelled to the American Red Cross through the Irish Red Cross. The remainder was disbursed by our Embassy in Washington to assist civil society groups in the Gulf Coast area in the local recovery effort.

Irish Aid has not provided any funding to the US for natural disaster response since Hurricane Katrina.

Human Rights Issues.

292. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs the action being taken with Ireland's EU and UN partner states to secure the release of a person (details supplied) from prison in Burma; and if he will make a statement on the matter. [21100/09]

Minister for Foreign Affairs (Deputy Micheál Martin): I deplore the arrest of Daw Aung San Suu Kyi, leader of the National League for Democracy in Burma and esteemed Nobel Peace laureate, her imprisonment in the notorious Insein Prison in Rangoon and the laying of charges and institution of court proceedings against her.

In a statement on 14 May, I condemned her arrest, saying that it represented the latest chapter in an ongoing effort to silence this courageous pro-democracy advocate and opposition leader before, during and after the elections which are due to be held in Burma in 2010. I noted also that her arrest and incarceration were particularly distressing given the very real concerns regarding her state of health. I made clear my view that Aung San Suu Kyi and all political prisoners in Burma must be released and a process of dialogue and reconciliation initiated without delay.

[Deputy Micheál Martin.]

The EU Presidency also issued a Declaration on 14 May, deeply regretting the arrest of Aung San Suu Kyi and strongly urging the Burmese authorities to release her. The Declaration called on the regime to engage in an inclusive process of national reconciliation, which is essential for setting Burma on a genuine path to stability and prosperity, and to initiate a new phase in the development of the country.

At the General Affairs and External Relations Council (GAERC) meeting on 22 April, EU Foreign Ministers agreed the renewal of the Common Position on restrictive measures on Burma for an additional year. We also agreed to keep open the possibility of revising the Common Position in the light of developments on the ground. In this context, the situation in Burma was discussed again at the GAERC on 18 May and Ministers agreed that, following the arrest of Aung San Suu Kyi, the EU should look at new steps, including additional restrictive measures, which could be taken against the Burmese regime.

Ministers at the GAERC also discussed the then up-coming EU-Troika meeting with Burma in the margin of the ASEM Ministerial meeting in Hanoi, which took place yesterday. There was also an opportunity at the ASEM Ministerial itself to convey to the representatives of many of Burma's neighbours our very strong concerns and views about Aung San Suu Kyi and the situation in Burma more generally. The EU-ASEAN Foreign Ministers' Meeting in Phnom Penh, which starts tomorrow, will offer further opportunities in this respect. It is essential that we make clear to Burma's neighbours, individually and collectively, how important it is that they use their influence in relation to the situation in Burma, including the position of Aung San Suu Kyi and the elections scheduled for 2010.

I myself have repeatedly made clear the Government's view that the elections will have no credibility unless all political prisoners are released unconditionally and a political process is initiated with the support of the United Nations on the basis of an inclusive, long-term dialogue in which the opposition and ethnic groups can participate fully. I fully support the role of the UN Secretary General's Special Envoy, Dr Ibrahim Gambari, and the personal engagement of the UN Secretary General himself. I spoke to him about the situation in Burma when I was in New York on 8 May. I very much hope that Secretary General Ban will be able to visit Burma shortly, as he plans, and to make concrete progress on the political and humanitarian agenda there.

I welcome the UN Security Council statement of 22 May expressing concern at the detention of Aung San Suu Kyi and calling for her release. This action by the Council is an important development, particularly given the difficulties in securing consensus on matters relating to Burma, which have existed in the past. I hope the Council will remain seized of the issue and take further action as is necessary.

I will continue to work in the EU and UN frameworks and with the countries of the region to do all possible to advance our objectives in relation to Burma.

293. **Deputy Pat Breen** asked the Minister for Foreign Affairs if he will report on the international efforts being made to assist those people who have been displaced in Sri Lanka; his views on recent developments in Sri Lanka; and if he will make a statement on the matter.

[21111/09]

Minister for Foreign Affairs (Deputy Micheál Martin): As stated on many occasions in this House, most recently on 21 May in reply to a Parliamentary Question, I remain deeply concerned about the situation in Sri Lanka and in particular about the grave humanitarian crisis that is taking place there.

I fully endorse the conclusions of the EU External Relations Council held on 18 May, which stated that “the EU . . . is appalled by the loss of innocent lives as a result of the conflict and by the high number of casualties, including children, following recent intense fighting”.

I am also deeply disturbed by the reports of serious breaches of international humanitarian law by both sides in the conflict and I am firmly of the view that these must be subject to independent review. I note that a Special Session of the UN Human Rights Council on the situation of human rights in Sri Lanka is taking place in Geneva today. Ireland is making a national statement at this Special Session.

The Government of Sri Lanka has declared that the war is over and that they have won it. The LTTE have admitted defeat. The immediate priority now must be to ensure the safety and welfare of all displaced civilians. This is going to be an enormous undertaking as there are already over 200,000 requiring assistance and at least 50,000 more who will be seeking it in the coming days. The Government of Sri Lanka must fulfil its obligations under international law to protect all people under its jurisdiction. Camps in which displaced people are being assisted must be transferred from army to civilian control, entry to and departure from them must be strictly voluntary, and the camps must be temporary. Humanitarian agencies and independent observers must be given full access to these areas and the people in them.

The second priority is to get a post-conflict strategy underway without delay. This will need to focus on reconstruction, economic and social development, and the restoration of basic services in the Tamil North. Hopefully, plans can be agreed with the Government to enable a comprehensive programme to be mounted.

Thirdly, an inclusive reconciliation and peace process must be initiated. The fact that the war is over will not, of itself, achieve stability in Sri Lanka. It will be essential that arrangements and mechanisms are in place to ensure the representation of the Tamil population and facilitate dialogue, negotiation and reconciliation. I welcome President Rajapakse’s stated intention to pursue a negotiated settlement with the Tamil community. The fact that the war is over will not, of itself, achieve stability in Sri Lanka. It will be essential that arrangements and mechanisms are in place to ensure the representation of the Tamil population and facilitate dialogue, negotiation and reconciliation. I welcome President Rajapakse’s stated intention to pursue a negotiated settlement with the Tamil community and very much hope that this can begin at an early date. Key to a successful process and sustainable peace will be a dialogue mechanism, based on the principles of parity of esteem, consent, equality and the rule of law.

It will be important that the international community is involved in the peace process. International experience, expertise and support will be invaluable in terms of guiding the process, keeping it on track and serving as an independent facilitator. As I have stated in this House on a number of occasions, should the relevant parties there seek our advice in relation to the peace process, we would be happy to give consideration as to how we could best help.

Ireland would welcome further action by the international community, in particular by the UN Secretary General and the UN Security Council, to assist in this process. In this context, I warmly welcome the visit to Sri Lanka made by the Secretary General on 22-23 May.

In view of the serious humanitarian crisis in the affected areas, Irish Aid is now providing funding of €308,000 for emergency response through NGO partners, to include emergency medical and nutrition support, the provision of shelter, and distribution of food and non-food items. In addition, a member of Irish Aid’s Rapid Response Corps has been deployed to Sri Lanka to assist in the emergency response effort of the UN Refugee Agency (UNHCR).

Sports Capital Funding.

294. **Deputy Finian McGrath** asked the Minister for Arts, Sport and Tourism if he will support a club (details supplied) in Dublin 3. [20934/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): An unsuccessful application was made by Dublin City Council under the 2008 programme for a facility used by the club in question at Marino Park. No decision has been taken about the timing of future rounds of the Programme.

Departmental Expenditure.

295. **Deputy Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20948/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Department does not provide funding for the specific purpose of tackling problematic alcohol and illegal drug use.

The Department's various funding schemes and programmes, particularly in the sports and arts sectors, may contribute to this goal indirectly by encouraging healthy lifestyles through sport and recreation and promoting personal and social development. For example the Code of Ethics and Good Practice for Children's Sport, which has been disseminated to sports clubs and in respect of which the Irish Sports Council has organised training courses, discourages the use of drugs, alcohol and tobacco. However, it is not practicable to estimate that portion of the funding devoted to sports and the arts which achieves positive substance misuse outcomes.

Sports Capital Funding.

296. **Deputy Willie Penrose** asked the Minister for Arts, Sport and Tourism if he will confirm that his Department is processing an application from a body (details supplied) in County Westmeath; and if he will make a statement on the matter. [21063/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Under the Sports Capital Programme, which is administered by my Department funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Since 1998, over €725 million has been allocated to over 7,400 projects across the country.

Applications for funding under the 2008 programme were invited through advertisements in the Press on 13th and 14th of January 2008 and the deadline for receipt of applications was 29th February 2008 for paper-based applications and 7th March 2008 for online applications. Allocations were announced at the end of July 2008. The Department did not receive an application from the organisation in question.

No decision has been made on the timing of the next round of the Programme.

297. **Deputy Seán Power** asked the Minister for Arts, Sport and Tourism when a lottery grant will be granted to a club (details supplied). [21345/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Grant allocations are subject to the terms and conditions of the Sports Capital Programme, which include, for allocations above certain specified thresholds, the execution of a deed of covenant and charge. This places a charge on the grantee's title to the property and is intended to protect the taxpayer's investment by ensuring that the facility remains in sporting use for at least 15 years. The Department's legal adviser, the Chief State Solicitor's Office (CSSO), deals with the grantee's solicitor

in executing this Deed. My Department was notified by the CSSO on 25 May that certain legal matters are still outstanding. The CSSO wrote to the grantee in question on 21 May outlining the legal items outstanding. Formal approval of the allocation in question is not possible until the CSSO notifies my Department that all the legal issues relating to the allocation are completed.

298. **Deputy Michael McGrath** asked the Minister for Arts, Sport and Tourism the position in relation to the draw-down of a sports capital grant by a club (details supplied) in County Cork. [21358/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The organisation in question has been allocated €476,184 under the programme since 1998 — €76,184 in 1999, €200,000 in 2002 and €200,000 in 2006. Both the 1999 and 2002 grants have been drawn down in full.

Grant allocations are subject to the terms and conditions of the Programme, which include, for allocations above certain specified thresholds, the execution of a deed of covenant and charge. This places a charge on the grantee's title to the property and is intended to protect the taxpayer's investment by ensuring that the facility remains in sporting use for at least 15 years. The Department's legal adviser, the Chief State Solicitor's Office (CSSO), deals with the grantee's solicitor in executing this Deed. My Department was notified by the CSSO on 25 May that certain legal matters in relation to the registration of charges for previous grants are still outstanding. Formal approval of the 2006 allocation is not possible until the CSSO notifies my Department that all issues relating to charges are completed. A priority agreement is also awaited from the club's solicitors.

Tourism Industry.

299. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the extent to which he expects tourism to grow in 2009 here; and if he will make a statement on the matter. [21387/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): After six years of successive growth culminating in a record high in 2007, overseas visitor numbers declined slightly (2.2%) in 2008 to 7,839,000. In revenue terms overseas visitors generated an estimated €4.8 billion in revenue (including carrier receipts and cross-border expenditure) which was a reduction of 2.46% on the record expenditure generated in 2007. This resilient performance was achieved against a background of exceptionally challenging conditions affecting nearly all of our main markets, including volatile financial markets, economic contraction and negative consumer sentiment, as well as sharply fluctuating fuel costs and exchange rates.

Global economic growth is expected to remain weak in 2009. In particular, it is expected that trading conditions in two of our major source markets, Great Britain and the United States, will remain particularly challenging. When preparing its draft Business Plan for 2009, late last year, Tourism Ireland, which has responsibility for the overseas marketing of the island of Ireland as a tourist destination, forecast between 7.1 million and 7.4 million overseas visitors to the Republic of Ireland in 2009. To reflect the volatility of the market environment, Tourism Ireland committed to constantly review these forecasts and adopt a quarterly forecasting approach through 2009. Given the significant deterioration in global conditions, their latest projections are for between 6.8 and 7.2 million overseas visitors this year. The most recent published figures by the CSO show a reduction of 9.1% in overseas visitor numbers for the first three months of 2009 compared to 2008.

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On the domestic front Fáilte Ireland has committed to its largest ever campaign to promote home holidays in 2009. The new marketing drive comes on foot of research indicating that more Irish people will consider swapping their overseas trips with breaks in Ireland in the current economic climate.

The relevant tourism agencies are working together to support the marketing of Irish tourism, to improve our product offerings and to help improve business capability. These are being supported by the positive response of the tourism sector at enterprise level to the challenges we face.

While I know that our businesses and tourism agencies are responding constructively to current challenges, it is just as important that the strategic framework for tourism development responds to the changing environment. Accordingly, last year I established the Tourism Renewal Group, which has been tasked with reviewing and, where appropriate, renewing the current tourism strategy, in order to ensure that this strategy is focused for future development and that the tourist industry is well placed to benefit from the upturn. This group is expected to report in the near future.

Ferry Services.

300. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs if the Lough Foyle and Lough Swilly ferries will be in operation in 2009; if he will make an announcement that will bring some closure to this issue in view of the fact that tourism purveyors in the north west are currently unable to plan for the summer; and if he will make a statement on the matter. [20749/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I have no Ministerial responsibility in relation to the matter raised by the Deputy.

Enquiries by my Department indicate that the issue is one for Donegal County Council, in conjunction with Limavady District Council in Northern Ireland, and I understand that Donegal County Council will be in contact with the Deputy to explain the background and current state of play in relation to this issue.

Pension Provisions.

301. **Deputy Frank Feighan** asked the Minister for Community, Rural and Gaeltacht Affairs if the pension agreed between Waterways Ireland and their agent and a person (details supplied) in County Leitrim can be re-calculated at a lower figure three months after receipt of lumpsum and monthly pension payment. [20991/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The person concerned is a pensioner in the North/South Pension Scheme, established for the North/South Implementation Bodies and Tourism Ireland Ltd. Waterways Ireland, which is under the aegis of my Department, is a participating employer in the Scheme.

I have been informed that a complaint has been lodged, on behalf of this individual, with the Pensions Ombudsman on the matter to which the Deputy refers. For that reason, it would be inappropriate to comment further pending a determination by the Pensions Ombudsman.

National Drugs Strategy.

302. **Deputy Joe Costello** asked the Minister for Community, Rural and Gaeltacht Affairs the number of areas at which the dial to stop drug dealing campaign has been launched; the

number of areas at which it is yet to be launched; the number of calls that have been received; the number that have been forwarded to the gardaí; the prospects for the future funding of this campaign; and if he will make a statement on the matter. [21296/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The Dial-to-Stop Drug Dealing Campaign was officially launched on 30 September 2008. The first phase ran across five Local and Regional Drugs Task Forces areas with funding provided by my Department (€100,000) and the Department of Justice, Equality and Law Reform (€50,000). The second phase ran across a further five Task Forces and the third phase, which I have launched in the last few weeks, is being run across five additional areas. Both the second and third phases received funding from the Dormant Accounts Fund (€300,000).

The Deputy should note that all of the Task Forces were consulted to assess their interest in rolling out a local campaign. While several opted not to run one, I am satisfied that, with the available funding, the majority of the Task Force areas will be engaged in the process. In this context, I would like to point out that the campaign confidential number is open for all to use, regardless of the area they come from.

Overall, the campaign has proved to be very successful. There has been in excess of 2,600 calls to the phone-line that have generated over 700 information reports to the Gardaí.

In regards to future funding, it must be noted that from the outset the Dial to Stop Drug Dealing Campaign was to run over a discrete period of time. This was based on the findings from the initial pilot project in Blanchardstown which found that the vast majority of calls were received early in the campaign following its launch. Last week I launched the final part of the campaign in Athlone which will cover the Midlands Regional Drugs Task Force area. The line will remain open until approximately September.

Offshore Islands.

303. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs the status of Aughnish Isle, Ramelton, County Donegal; his views on whether it meets all criteria; and if he will make a statement on the matter. [20923/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As Aughnish is not cut off daily by the tide from the mainland, it is not eligible to receive island development funding from my Department.

Departmental Expenditure.

304. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20950/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): At the outset, I would like to advise the Deputy that expenditure on alcohol services rests with my colleague, Mary Harney T.D., Minister for Health and Children.

The table below sets out the expenditure from my Department's Vote on tackling drugs misuse for each of the years 2007, 2008 and the 2009 allocation. The main areas of expenditure covered include current and capital initiatives delivered by the 14 Local and 10 Regional Drugs Task Forces; the research programme and administrative supports for the National Advisory Committee on Drugs and administrative costs of the former National Drugs Strategy Team. The funding in 2007 and 2008 also includes expenditure under the Young People's Facilities

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and Services Fund, responsibility for which transferred to the Office of the Minister for Children and Youth Affairs (OMYCA) in January 2009.

As the Deputy is aware, the Drugs Strategy is based on a co-ordinated effort across many Government Departments and Agencies and my Department's funding is only part of a much bigger investment programme in drugs services by these other bodies. In 2008, it was estimated that total expenditure on drugs programmes was over €264m. Considerable resources are targeted at problem substance use across Ireland and the challenge over the coming years, given the current financial constraints facing the country, will be to maximise the overall effectiveness of that funding.

Expenditure for 2007, 2008 and 2009 allocation on Tackling Drugs Misuse

2007	2008	2009
€m	€m	€m
51.518	65.207	40.611*

*This figure excludes funding for the Young Peoples Facilities and Services Fund which transferred to the OMYCA on 1st January 2009.

Grant Payments.

305. **Deputy Olwyn Enright** asked the Minister for Community, Rural and Gaeltacht Affairs when a grant will be awarded to a group (details supplied) in County Laois which has been due since April 2009; if his attention has been drawn to the importance of this grant being awarded in order that the group can meet its schedule or repayments; and if he will make a statement on the matter. [21032/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The group in question applied to my Department for funding under the Programme of Grants for Locally-Based Community and Voluntary Organisations. Funding of €60,000 was approved for refurbishment works with a further €7,000 approved for equipment for the community centre. An advance of €36,300 issued to the group on the 19th of May and the balance of the funding will be paid in accordance with the payment guidelines attaching to the Programme. Details of the Programme and the related information is available on my Department's website www.pobail.ie.

Departmental Expenditure.

306. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if funding will be continued for both the wages of the staff and the overheads involved in projects (details supplied); and if he will make a statement on the matter. [21302/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Community Services Programme supports a range of community business and social enterprises to deliver a diverse range of local services and employment opportunities. The Programme focuses on employing people who are currently without work or have limited employment opportunities, and delivering services through community and voluntary organisations, where gaps exist.

During 2008, 359 individual projects received funds totalling in excess of €44m to support the delivery of services and employment. The provision in my Department's vote for the CSP in 2009 has increased to almost €51m. By the end of the year, it is anticipated that the number

of projects approved under the Programme will rise to around 450, providing an estimated 2,700 people with employment opportunities. Funding of the Programme for 2010 will be considered in the context of the preparation of the Estimates.

Rural Social Scheme.

307. **Deputy Andrew Doyle** asked the Minister for Community, Rural and Gaeltacht Affairs if she will continue the embargo on new candidates for employment under the rural social scheme; and if he will make a statement on the matter. [21310/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): In the current economic circumstances, all aspects of the operation of the Rural Social Scheme are kept under ongoing review to ensure that the fullest possible levels of participation are maintained. In this context, the filling of vacancies that arise on an ongoing basis under the Scheme will be undertaken within the Scheme's overall operational budget.

Community Employment Schemes.

308. **Deputy David Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the discussions he has had with local partnerships community and Leader groups regarding the development of initiatives to create employment in local areas and enhance rural employment prospects; and if he will make a statement on the matter. [21518/09]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I am in ongoing contact with the Integrated Local Development Companies that implement a range of programmes on behalf of my Department. The supports that my Department deliver with the co-operation of these companies include several key actions that focus on enterprise support and job creation.

The LEADER elements of the Rural Development Programme 2007-2013 — which are currently being implemented by 36 Local Action Groups throughout the country — aim to improve the quality of life in rural areas and promote the diversification of the rural economy. The funding available for the delivery of these LEADER activities amounts to over €425m and includes a number of measures that support enterprise and jobs. For example, under the Support for Business Creation and Development measure, €48.26m will be available over the lifetime of the Programme for a range of rural enterprise activity based on the exploitation of traditional rural resources. Other measures also provide funding that facilitates support for job creation, including:

- Diversification into Non-Agricultural Activities (€16.66m);
- Encouragement of Tourism Activities (€45.4m);
- Basic Services for the Economy and Rural Population (€49.61m);
- and Implementing Co-operation Projects (€10.7m).

It is expected that approximately 10,000 new or existing micro-enterprises will be supported, with the potential to create 12,600 full-time equivalent jobs over the lifetime of the Programme.

Funding of some €51.74m is available for the implementation of the Local Development Social Inclusion Programme in 2009. The Companies/Partnerships delivering the Programme provide an area-based response across three sub-measures, one of which relates to services to

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the unemployed. This sub-measure specifically supports individuals into employment and self-employment through education, training, work experience, job placement, enterprise and the social economy. During 2008, 27,807 adults were supported under the measure and it is anticipated that an equal number will be supported under the measure in 2009.

Other initiatives supported by my Department and delivered in co-operation with the Integrated Local Development Companies also facilitate and enhance rural employment. Such initiatives include the Walks Scheme launched in 2008 to enhance and maintain National Way-marked Ways, Looped Walking Routes and Heritage Routes. The Scheme currently facilitates the participation of approx 600 people in the upkeep and maintenance of approved walks and trails throughout the country. It also supports the employment of 12 Rural Recreation Officers, in association with Fáilte Ireland, who have been appointed to promote walking tourism in areas where there are clusters of suitable accessible walks and to assist in the introduction of the Walks Scheme.

The Rural Social Scheme, launched in May 2004, aims to provide income support for low-income farmers and fisher persons by allowing them to earn a supplementary income while providing certain services of benefit to rural communities. While communities benefit from the skills and talents of local farmers and fisher persons, participants also have the opportunity to improve existing, or develop new skills and perform valuable work in their local communities. Currently, there is provision for 2,600 participants and 130 supervisors on the Scheme.

My Department also works with the Integrated Local Development Companies to deliver the Community Services Programme, which supports a range of community business and social enterprises to deliver a range of local services and employment opportunities. The Programme focuses on employing people who are currently without work and have limited employment opportunities. Funding available under the Programme has increased to almost €51m for 2009 and it is expected that around 450 community and voluntary organisations will receive support this year, resulting in employment for approximately 2,700 people. Moreover, I have encouraged CSP supported organisations to continue to explore ways to use their resources with a view to employing additional staff and, in this context, I have undertaken to consider making additional resources available for where a clear case can be made for the delivery of additional services.

Social Welfare Benefits.

309. **Deputy Michael Creed** asked the Minister for Social and Family Affairs if she will clarify the criteria governing eligibility for domiciliary care allowance and, specifically, the position regarding those children diagnosed with an intellectual disability; and if she will make a statement on the matter. [21116/09]

322. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the criteria used by her Department to determine eligibility for domiciliary care allowance when the scheme was administered therein; if she will clarify the definition of disability used in respect of such claims; if persons diagnosed with autism qualified for an allowance; and if she will make a statement on the matter. [21115/09]

323. **Deputy David Stanton** asked the Minister for Social and Family Affairs the number of applications for domiciliary care allowance that have been received in her Department since her Department took over the administration of the payment of the allowance; the number of

these applications that have been refused; and if she will make a statement on the matter. [21220/09]

324. **Deputy David Stanton** asked the Minister for Social and Family Affairs if the criteria for granting domiciliary care allowance in respect of children with autism has been changed since her Department took over administration of the allowance; if so, the details of such changes; and if she will make a statement on the matter. [21221/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 309 and 322 to 324, inclusive, together.

The transfer of the Domiciliary Care Allowance scheme from the Health Service Executive to my Department arises from a Government decision on 28th February 2006 to reallocate certain functions between Departments and Agencies as part of the health service reform programme.

The Domiciliary Care Allowance scheme is now a statutory scheme with the primary legislation provided for in the Social Welfare and Pensions Act 2008. As there were no agreed national medical guidelines for the scheme while it was administered in the Health Service Executive, an Expert Medical Group was established in advance of the transfer of functions. This Group was chaired by the Department's Chief Medical Advisor and comprised of senior medical personnel from the HSE as well as eminent professionals in the areas of physical disabilities which affect children, and child psychiatry/psychology. This report was reviewed independently by external medical experts. The primary purpose of this Group was to agree a set of consistent and objective guidelines for use in determining eligibility of children for Domiciliary Care Allowance.

To qualify for Domiciliary Care Allowance a child must have a disability so severe that he or she requires care and attention and / or supervision substantially in excess of another child of the same age. The level of care and attention required to allow the child to deal with the activities of daily living must essentially require the full-time attention of the applicant. The child must be likely to require this level of care and care and attention for at least 12 months.

The Group considered that the most appropriate way for the Department to conduct assessments for medical eligibility was by assessing evidence submitted by the claimant rather than by way of individual examination by the Department's Medical Assessors as they are not involved in advice or treatment of the child. The new process in operation in the department involves the submission of a detailed statement by the parent or guardian of the child; a detailed statement by the child's General practitioner; and any other relevant evidence from qualified experts who have examined the child. The evidence is assessed by designated departmental Medical Assessors who have received special training.

Eligibility for Domiciliary Care Allowance is not based primarily on the medical or psychological condition, but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis taking account of the evidence submitted as outlined earlier. In the case of an application which is refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed by a different Medical Assessor specially designated for this task.

Since the 1st April 2009 the Department has been accepting new claims for Domiciliary Care Allowance. In the period 1st April 2009 to 22nd May 2009 a total of 445 applications have been received in the required format of which 249 cases have been fully processed by the Department's Medical Assessors, 149 of these applications have been deemed not to satisfy the

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criteria. Where a person is not satisfied with the decision of a Deciding Officer they may appeal the decision to the Social Welfare Appeals Office.

Departmental Expenditure.

310. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs her Department’s annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20959/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Family and Community Services Resource Centre Programme is operated by the Family Support Agency which is under the auspices of my Department. There are currently 107 Family Resource Centres (FRCs) nationwide. The total budget for the Family and Community Services Resource Centre Programme in 2009 is over €18m.

FRCs provide support to families tailored to the needs of the local community. Typically, services include provision of education or training opportunities, childcare facilities for those attending courses run by the project and practical assistance to community groups such as training, information and support. While they do not have a specific remit to tackle problematic alcohol or drug use, providing support to families experiencing such problems could be one of the services provided. Funding is provided to a Specialist Support Agency, the Family Support Network, to assist FRCs to respond to the drugs problem. The role of the Family Support Network is to provide technical assistance and expertise to local communities to develop their capacity to respond to the drugs crisis in their areas and work alongside statutory and other agencies in tackling the problem at local level. Funding received by the Family Support Network in recent years is given in the Appendix.

Appendix

The Family Support Network was approved as a Specialist Support Agency for Drugs to projects in the Family and Community Services Resource Centre Programme in April 2008. This new group replaced the former Specialist Support Agency, Dublin Citywide Drugs Crisis Campaign.

Table 1: Funding Received by the Specialist Support Agency for Drugs, the Family Support Network, in 2009 and 2008

Year	Amount of Funding
	€
2009	123,660
2008	123,660

Table 2: Funding Received by the Specialist Support Agency for Drugs, Dublin Citywide Drugs Crisis Campaign, in 2007 and 2006

Year	Amount of Funding
	€
2007	116,660
2006	83,840

Social Welfare Programmes.

311. **Deputy Joe McHugh** asked the Minister for Social and Family Affairs if she will address with measured incentives the ever increasing anomaly regarding incentives to work in comparison to the incentive to claim social welfare; and if she will make a statement on the matter. [20978/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): General social welfare programmes aim to be responsive to the needs of those who depend on income maintenance support while providing incentives to assist people to become more independent financially, particularly through employment. In addition, Family income supplement (FIS) provides cash support for employees, on low earnings, with families or those seeking to make the transition from welfare to work. This preserves the incentive to remain in employment in circumstances where the employee might only be marginally better off than if he or she were unemployed and claiming other social welfare payments. Take-up of the scheme has increased significantly in recent years with almost 43,000 new and renewal FIS claims in 2008, compared to almost 37,900 in 2007.

A number of progressive measures have also been introduced in recent years aimed at removing disincentives for people wishing to take employment and to assist in the transition from welfare to work. These measures include the introduction of a tapered withdrawal of means-tested payments for unemployed people and people with disabilities who engage in employment and a tapered withdrawal of certain earnings for people in receipt of the rent and mortgage interest supplements.

The potential for welfare rates to weaken the financial incentive to work are measured by replacement rate values, which compare the ratio between net income when unemployed to income when employed. When social welfare rates are being set a number of factors are taken into consideration, including replacement rates. The levels of social welfare payments are kept under review in light of the changing economic circumstances. Any change to the Social Welfare rates would be for Government to consider in a budgetary context.

Social Welfare Benefits.

312. **Deputy Damien English** asked the Minister for Social and Family Affairs when a person (details supplied) will have an application for the jobseeker's allowance decided on; and if she will make a statement on the matter. [20985/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned made an application for Jobseeker's Allowance to the Department on 24 March 2009. Payment of Jobseeker's Allowance is subject to a means test and in this regard, his application was referred to a Social Welfare Inspector for investigation. Arrangements are being made to have the person's means assessed and he will be contacted shortly for interview. A person may apply for Supplementary Welfare Allowance from their local Community Welfare Officer while an application for Jobseeker's Allowance is being processed.

313. **Deputy Kieran O'Donnell** asked the Minister for Social and Family Affairs the number of people in receipt of jobseeker's benefit in Limerick City on 31 December 2006, 31 December 2007, 31 December 2008 and at present; the number of people in receipt of jobseeker's allowance in Limerick City on the same dates; if she will make the information available in tabular format; and if she will make a statement on the matter. [21022/09]

314. **Deputy Kieran O'Donnell** asked the Minister for Social and Family Affairs the number of people in receipt of jobseeker's allowance in County Limerick on 31 December 2006, 31

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December 2007, 31 December 2009 and at present; the number of people in receipt of job-seeker's benefit in County Limerick on the same dates; if she will make this information available in tabular form; and if she will make a statement on the matter. [21023/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to answer Questions Nos. 313 and 314 together.

The figures for Jobseeker's Benefit and Jobseeker's allowance are collated at social welfare local office level and aggregated by county. The details for the offices in county Limerick are set out on this basis in tabular form.

JB and JA by Social Welfare Local Office for Co. Limerick

Local Office	Scheme	Dec 2006	Dec 2007	Dec 2008	April 2009
Limerick	JB	1,876	2,445	4,747	6,654
	JA	3,245	3,414	4,980	6,128
Killmallock	JB	475	549	1,023	1,378
	JA	376	394	638	848
Newcastlewest	JB	627	639	1,427	1,906
	JA	387	452	748	1,040
Total	JB	2,978	3,633	7,197	9,938
	JA	4,006	4,260	6,366	8,016

The increase in the numbers on Jobseeker's Benefit and Jobseeker's Allowance from December 2006 to date reflects the increase at national level.

The Government is acutely aware of how the loss of a job impacts on individuals and on families. The Department of Social and Family Affairs' first priority for people who are unemployed is to ensure they receive adequate income support. For this reason, despite the economic downturn, the rates of payment have been maintained above the level of inflation. While income support is crucial, we must also do all we can to help get people back to work. The Department, through its Employment Support Services and in conjunction with other agencies, continues to assist people on the live register to make the transition to work, education or training.

The Government is now providing, through FÁS, a total of 128,000 training and activation places for unemployed people this year. This is a substantial increase on the approximate 66,000 places taken up last year. In addition there are 146,700 places in further education programmes in 2009. The recent supplementary budget outlined a joint approach to activation agreed between the Departments of Social and Family Affairs, Enterprise Trade and Employment and Education and Science. A range of additional measures were outlined aimed at maintaining people in employment, reskilling and facilitating better access to allowances while avoiding undue negative impacts on vulnerable individuals. This Government is committed to ensuring that people are best positioned to get back into employment.

Social Welfare Appeals.

315. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the outcome of an appeal for a person (details supplied) in County Mayo. [21035/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The claim for disability allowance, by the person concerned, was disallowed by a Deciding Officer of the Department on 04 March 2009 following an examination by a Medical Assessor who expressed the opinion that he was not medically suitable for the allowance. An appeal was opened on 12 May 2009 and I am advised by the Social Welfare Appeals Office that, in accordance with statutory requirements, the Department has been asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be advised when the arrangements have been completed. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

316. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the average waiting time for decisions on appeals of applications for social welfare payments, divided into all categories; the average time on same for the same period in 2008 and for the same period in 2007; and if she will make a statement on the matter. [21047/09]

317. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if her attention has been drawn to the increasing number of social welfare applications going to appeal; the additional measures put in place in the Appeals Office by her to address this increasing number; and if she will make a statement on the matter. [21048/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 316 and 317 together.

I am advised by the Social Welfare Appeals Office that during 2008 the number of appeals to that Office increased by 27% over the number received in 2007 and, based on receipts so far in 2009, the Social Welfare Appeals Office project a further increase of 18% for 2009. The details required by the Deputy with regard to the average waiting times for decisions on appeals of applications for social welfare payments, divided into all categories are given in tabular form below.

The processing time for appeals covers all phases of the appeal process including the submission by the Department of its comments on the grounds for the appeal, further examination by the Department's Medical Assessors in certain illness related cases and further investigation by Social Welfare Inspectors where required. Circumstances may also arise outside of the control of the Social Welfare Appeals Office which have the effect of unduly prolonging the time taken to process appeals. For example, delays can occur where the appellant submits new information or evidence, often at an advanced stage in the proceedings. In some cases, also, adjournments may be sought by the appellant or his/her representative.

Having said that, however, I am concerned about processing times for appeals being further increased and, having regard to the current level of appeals awaiting determination, two additional Appeals Officers were appointed in January to the Social Welfare Appeals Office. Furthermore, in the light of the current situation, I am advised by the Chief Appeals Officer that the processes in his Office are being kept under constant review with a view to achieving a more effective throughput of appeals having regard to due process in terms of the rights of appellants and adherence to the requirements of natural justice. While improving processing times remains a major objective of the Social Welfare Appeals Office, it is necessary at all times, given the quasi-judicial nature of the process, to ensure that progress in this regard is

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achieved in a manner which is not in conflict with the demands of justice and the requirement that every appeal be fully investigated and examined on all its merits.

Average Time Taken (in weeks) To Process Appeals (by scheme)

	2007	2008	2009 (to 30/4/2009)
Adoptive Benefit	13.2	12.4	—
Blind Pension	22.4	31.0	25.7
Carers Allowance	24.4	23.9	25.9
Carers Benefit	18.5	18.5	19.1
Child Benefit	22.7	27.2	31.5
Disability Allowance	23.8	24.8	24.4
Illness Benefit	24.2	24.9	24.5
Deserted Wives Allowance	53.6	28.2	—
Deserted Wives Benefit	23.7	27.1	31.0
Farm Assist	23.4	26.3	19.6
Bereavement Grant	15.1	18.8	7.7
Family Income Supplement	20.8	22.3	15.4
Invalidity Pension	27.9	24.3	30.6
Liabile Relatives	27.1	22.5	23.9
One Parent Family Payment	41.9	30.9	18.3
Maternity Benefit	30.9	15.7	8.1
State Pension (Contributory)	69.0	48.8	38.5
State Pension (Non-Contributory)	24.9	29.5	25.1
State Pension (Transition)	28.4	51.3	56.2
Occupational Injury Benefit	22.6	33.2	52.1
Occupational Injury Benefit (Medical)	34.8	36.3	33.0
Disablement Pension	28.7	43.3	52.4
Incapacity Supplement	28.9	34.7	52.1
Guardian's Payment (Contributory)	35.5	22.1	22.4
Guardian's Payment (Non-Contributory)	31.0	15.4	20.9
Pre-Retirement Allowance	32.6	29.1	38.5
Jobseeker's Allowance (Means)	24.0	21.4	21.6
Jobseeker's Allowance	14.0	14.5	16.2
Jobseeker's Benefit	15.1	13.6	16.6
JA/JB Fraud Control	28.9	28.6	64.3
Rent Allowance	21.5	1.3	—
Respite Care Grant	23.8	22.7	24.4
Insurability of Employment	36.2	55.3	31.2
Supplementary Welfare Allowance	8.0	8.3	12.5
Treatment Benefits	21.9	12.2	16.1
Survivor's Pension (Contributory)	31.4	15.8	23.0
Survivor's Pension (Non-Contributory)	29.9	23.7	22.1

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318. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs if she will ensure that there is an orderly system of queuing in all social welfare offices that respects the dignity of the people in the queues; and if she will make a statement on the matter. [21064/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Live Register has increased to unprecedented levels as a result of the economic downturn that the country is currently experiencing. This in turn has led to large numbers attending at our offices and the consequent delays that claimants are experiencing.

In order to deal with extensive queuing, we have introduced an appointment system for taking claims in a number of offices with high volumes. Under this initiative, when a person first attends at a local office to claim, they are given details of the supporting documents required together with an appointment to make their claims. The appointment system has been introduced in 16 local offices to date and will be extended to a number of other offices over the coming months having regard to the volume of new claims at particular offices.

The signing arrangements for people who are already on the live register have been reviewed at a number of offices and additional signing days have been introduced where necessary. In addition, at some offices specific signing times have been allocated to claimants to reduce queuing times. The Department has instituted a number of process improvement measures in order to improve the claim taking process. In addition, we are reviewing the processes involved in administering claims for those who are working reduced hours i.e. part-time, casual and systematic short time. The existing arrangements are very labour intensive and it is envisaged that more streamlined arrangements which will benefit both customers and the Department will be introduced in the near future. These improvements are part of a programme of streamlining initiatives being developed by the Department and it is intended that further improvements will be introduced on an on-going basis during 2009.

319. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs if her attention has been drawn to incidents whereby persons receiving jobseeker's benefit, who have been offered temporary work for a number of weeks and which holds some prospect of possible long-term employment, are unwilling to take the short-term position since the person would then have to, for the sake of a short period of employment, withdraw from jobseeker's benefit and are reluctant to do so due to the difficulties experienced in seeking such payment in the first place and fears that returning to the system following such period of employment would again mean a lengthy period waiting for payment to resume; and if she will make a statement on the matter. [21076/09]

320. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs if her attention has been drawn to incidents whereby employers seeking to offer short-term work to persons receiving jobseeker's benefit, but who have not been successful in this due to the persons in question being unwilling to withdraw temporarily from the social welfare system, have contacted her Department to seek clarification of difficulties in this regard but have yet to be responded to; and if she will make a statement on the matter. [21077/09]

321. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs if, particularly in view of the current economic difficulties, it is proposed to simplify and streamline the bureaucratic transition from receiving jobseeker's allowance to temporary paid employment and back; and if she will make a statement on the matter. [21078/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 319 to 321, inclusive, together.

The Deputy will be aware of the huge increase in the number of people applying for jobseeker's payments in recent months. This has placed increased pressure on all of the Depart-

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ment's offices and on branch offices. Staff in these offices are working extremely hard to process claims as quickly as possible.

In order to deal with the unprecedented number of claims, during the past year additional staff have been assigned to local offices throughout the country. Many offices are now at capacity in relation to accommodation and to support these offices the Department has set up four central decision units around the country and a further three are planned.

In addition, since early in 2008 we have been examining all aspects of the work associated with the processing of claims and streamlining them wherever possible with a view to expediting decisions.

For several years, the Department has operated a fast-tracking system for certain categories of claims. For example, where a person supplies all the necessary information and documentation to support their claim at the outset, their claim will be decided ahead of other claimants who have not produced all of the required information. Customers who have already established entitlement on an earlier claim and who then sign off to go to work will, generally speaking, not require significant re-investigation of entitlement if they have to sign-on again and will fall into the fast-tracking arrangements. There should be only minimal delay in deciding this type of claim. Inevitably there will be some claims that may require further examination and delays may arise in such cases. However, these should be the minority of cases. Where there is a delay in processing a jobseeker's claim, the person may apply for Supplementary Welfare Allowance from the local Community Welfare Officer.

Questions Nos. 322 to 324, inclusive, answered with Question No. 309.

325. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs if she has taken steps to ensure that the changes to rent supplement announced in the supplementary Budget of 7 April 2009 will not cause undue hardship to tenants whose landlords refuse to lower their rents; and if she will make a statement on the matter. [21288/09]

327. **Deputy Andrew Doyle** asked the Minister for Social and Family Affairs the action she is taking to assist persons affected by the cut in rent supplement benefit; if she entered into discussion with landlords in receipt of benefit cheques regarding the impact of the reduction of rent supplement benefit; and if she will make a statement on the matter. [21309/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 325 and 327 together.

There are currently over 87,000 people in receipt of rent supplement, an increase of 46% since the end of December 2007. The recent Supplementary Budget provided that the weekly minimum contribution payable towards rent be increased from €18 to €24 a week, with effect from 1 June 2009. It also provided that payments currently being made to existing rent supplement tenants be reduced by a further 8% from the same date. While tenants may be contractually obliged to pay the rent agreed to in their lease, it is expected that landlords will decrease the rent in recognition of the fact that rents have fallen generally and that there are now a large number of vacant rental properties nationally.

Data published by the CSO shows that rents fell by almost 7% between November 2008 and February 2009. A leading property website recently reported that rents have fallen by almost 16% in the twelve months to March 2009 with 5% of the fall occurring since the start of 2009. It is essential that state support for tenants who form a substantial section of the rental market, does not give rise to inflated rental prices and overcharging by landlords.

Other changes in the Supplementary Budget provide for new maximum rent limits to be prescribed in regulations to take effect from 1 June 2009 to reflect the general reductions in private sector rent levels.

Existing recipients of rent supplement are being advised by letter this week of the change being made to their rent payment and this communication can be shown to landlords as evidence of the revised rent supplement in payment in individual cases. Landlords have already been advised through advertising in national newspapers of the general reduction in rent supplement payments. There will be further advertisements in provincial newspapers later this week. A number of organisations representing landlords and tenants have also been contacted and advised of the changes to the rent supplement scheme.

In the current climate, where there is a large number of vacant rental properties, it is expected that people will be able to get accommodation at the appropriate rental level.

Community Welfare Officers have discretion to provide assistance where exceptional circumstances exist in any individual case e.g. where homelessness might result due to the inability of a person to meet their rent payment. The Department is also in discussions with the Department of the Environment, Heritage and Local Government regarding the role of local authorities who are responsible for providing a wide range of social housing supports for those with a long-term housing need.

326. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that applicants for jobseeker's allowance are being told at social welfare offices that they may have to wait up to 14 weeks for their applications to be processed; if she is monitoring these waiting times; if so, the average waiting time; the measures being taken to expedite the processing of applications and the reduction of waiting times, particularly in view of the fact that in the 1980s such waiting times were shorter, despite the absence of computerisation; and if she will make a statement on the matter. [21301/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Live Register has increased to unprecedented levels as a result of the economic downturn that the country is currently experiencing. The length of time it takes to process claims varies depending on the complexity of the claim, the availability of the necessary documentation from the applicant or his/her employer and the need to carry out additional enquires including assessment of means and whether the claimant satisfies the Habitual Residence Condition.

Furthermore, processing times can vary from office to office for a number of reasons including the extent of the increased number of claims, the number of staff vacancies, the duration of such vacancies and the turnover of staff in the office which impacts on the overall level of experience in the office.

The average time for jobseeker's allowance claims decided in April was 7 weeks. During the past year additional staff have been assigned to local offices. In addition, as many local offices are very close to capacity as regards accommodating further staff, we have set up a number of central support units around the country. Four such units are currently set up in Dublin, Sligo, Finglas and Carrick-on-Shannon. Each unit has 10 staff. It is now planned to establish three further units with 10 staff each in Roscommon, Tallaght and Wexford. As well as assigning additional staff to local offices, a further 16 Social Welfare Inspectors have been assigned to various locations throughout the country to undertake means testing and other work associated with processing claims for the jobseeker's allowance.

The Department recognises that the provision of additional staff in itself will not deal with the rising claimload. Since early 2008 we have been examining all aspects of the work associated

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with the processing of claims and streamlining them wherever possible without, of course, compromising our scheme controls.

The following initiatives have been introduced at all local and branch offices. A new streamlined process has been introduced for people who had a claim in the previous 2 years. The application form has been simplified so that the claimant has only to provide details of circumstances that have changed since the previous claim. A simplified procedure has been introduced for people moving to jobseeker's allowance when their jobseeker's benefit expires. More straight-forward procedures have been introduced for providing evidence of identity and address.

Application forms for jobseeker schemes are now available on the Department's website with comprehensive information on claiming a jobseeker's payment including details of the supporting documents required. This means that a person making a claim for jobseeker's benefit or allowance can download and complete a claim form and bring it to their nearest local office. An appointment system for taking claims is in operation in a number of offices. There are plans to extend this to other offices with high volumes of new claims over the coming months.

In addition, a review of the processes involved in administering claims for those who are working reduced hours i.e. part-time, casual and systematic short time is under way. The existing arrangements are very labour intensive and it is envisaged that more streamlined arrangements, which will benefit both customers and the Department, will be introduced in the near future.

These improvements are part of a programme of initiatives being developed by the Department to streamline processes and procedures in local and branch offices and it is intended that further improvements will be implemented on an ongoing basis during 2009. The Deputy will be aware that anyone who is under financial pressure while awaiting a decision on their claim for a jobseeker's payment can apply for Supplementary Welfare Allowance which is subject to a means test and other qualifying conditions.

Question No. 327 answered with Question No. 325.

Immigration Procedures.

328. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if she is satisfied that the information technology section of the Immigration Bureau at Dublin Airport has an internet connection to enable it to operate properly and verify data; and if she will make a statement on the matter. [21412/09]

331. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if she is satisfied that the information technology section of the Immigration Bureau at all Irish ports and airports have sufficient IT networks and internet connections to enable them to operate properly and verify data; and if she will make a statement on the matter. [21415/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 328 and 331 together.

The Immigration Bureau in Irish ports and airports is under the aegis of my colleague, the Minister for Justice Equality and Law Reform and the provision of IT operational equipment is a matter for him. I note that identical questions have been tabled to him and would refer the Deputy to those replies when received.

329. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if there is a document expert employed by the Immigration Bureau of her Department at Dublin Airport to check forgeries; and if she will make a statement on the matter. [21413/09]

332. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if there is a document expert employed by the Immigration Bureau or her Department at all Irish ports and airport to check forgeries; and if she will make a statement on the matter. [21416/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 329 and 332 together.

The Immigration Bureau in Irish ports and airports is under the aegis of my colleague, the Minister for Justice Equality and Law Reform. I note that identical questions have been tabled to him and would refer the Deputy to those replies when received.

330. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if there is a social welfare inspector or other person from her Department working at Dublin Airport; and if she will make a statement on the matter. [21414/09]

333. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if there is a social welfare inspector or other person from her Department working at all Irish ports and airports; and if she will make a statement on the matter. [21417/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 330 and 333 together.

There are currently two Social Welfare Inspectors assigned to the Garda National Immigration Bureau (GNIB) to assist the Department and the Bureau in the investigation of social welfare fraud and breaches of the Immigration Acts, to provide information and intelligence and to promote the benefits of a multi-agency approach to immigration and employment law enforcement. As part of their duties, the Social Welfare Inspectors in the GNIB participate in Operation Gull, a joint control exercise undertaken periodically at Airports and Ports in the Republic, Northern Ireland and Great Britain. The operations involve personnel from the GNIB, and the United Kingdom Immigration Service.

I am satisfied that assigning Social Welfare Inspectors to the GNIB has proved beneficial for both organisations and that Operation Gull is an example of the benefits of inter agency and international co-operation. The operation is ongoing and the Department will continue to support such operations in every possible way.

Question No. 331 answered with Question No. 328.

Question No. 332 answered with Question No. 329.

Question No. 333 answered with Question No. 330.

Social Welfare Benefits.

334. **Deputy James Bannon** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Longford was not paid rent in December 2008 and January, February and March 2009 in respect of a tenant who was in receipt of rent allowance and could get no satisfaction from the local welfare office; and if she will make a statement on the matter. [21429/09]

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. The purpose of the rent supplement scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

The tenant makes the application for rent supplement and the Department's relationship is with the tenant. Payment is made to the tenant and is specifically for the benefit of the tenant to assist them with their accommodation needs. Where the Executive becomes aware that a person receiving rent supplement is not using that supplement to meet housing costs, payment of the supplement is stopped. Payment of rent supplement can only be made direct to a landlord or landlord's agent at a tenant's request.

Disputes arising between landlords and tenants can be referred to the Private Residential Tenancies Board for either mediation or adjudication as chosen by the parties.

335. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the average cost of each unemployment claim; and if she will make a statement on the matter. [21444/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The average weekly payment for those in receipt of Jobseeker's benefit is €240.66 and €238.83 for those in receipt of jobseeker's allowance. Jobseeker's Benefit is based on paid PRSI contributions while jobseeker's allowance is a means tested payment. The figures quoted include increases for qualified adults and children where appropriate. These figures are based on those who are fully unemployed and do not take into account those who are on a reduced working week or those availing of the Back to Education Allowance scheme.

Social Welfare Appeals.

336. **Deputy Seymour Crawford** asked the Minister for Social and Family Affairs when a decision will be made on a social welfare appeal regarding persons (details supplied) in County Monaghan; if she is satisfied with the length of time it has taken to deal with this appeal; and if she will make a statement on the matter. [21453/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The claim for jobseeker's allowance, by the person concerned, was refused by a Deciding Officer of the Department on the grounds that he did not satisfy the statutory means test for the allowance. An appeal was opened on 15 April 2008 and I am advised by the Social Welfare Appeals Office, that in accordance with the statutory requirements, the Department was asked for the documentation in the case and the Deciding Officers comments on the grounds of appeal.

The relevant documentation was received on 17 November 2008 and the case was considered by an Appeals Officer on 6 January 2009 who decided to hold an oral hearing which took place on 31 March 2009. At the hearing both the Department and the Citizens Information Board, who were representing the person concerned, were afforded the opportunity to make further submissions. The Appeals Officer received the last of these submissions on 7 May 2009 and is presently considering the case. The Chief Appeals Officer will write to the Deputy when the appeal has been determined.

I am advised by the Social Welfare Appeals Office that every effort is made to treat all appeals in a fair and equitable manner and within this context to have the appeal dealt with as quickly as possible. Improving processing times remains a major objective of the Social Welfare Appeals Office. However, it is necessary at all times to ensure that progress in this regard is

achieved in a manner which is not in conflict with the demands of justice and the requirement that every appeal be fully investigated and examined on all its merits.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits.

337. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that the final bullet point of paragraph 1.1.2 of Annex F of the Budget 2009 document sets out different qualifying criteria for the revised back to work enterprise allowance than was set out in page four of her Budget 2009 press statement in that the former stipulates that a person receiving statutory redundancy can qualify whereas the latter sets down that only someone who received statutory redundancy and is in receipt of jobseeker's benefit, that is, excluding jobseeker's allowance, may qualify; the reason two different sets of criteria were published and which one is correct; and the location at which the full and correct qualifying rules are set down and available to the public. [21508/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A number of reforms were introduced in the recent supplementary budget to support people on welfare who wish to become self employed. The changes were introduced from May 1st 2009. Someone who wishes to become self employed, if they are in receipt of Jobseeker's Benefit, having either been awarded statutory redundancy or if they have 104 full PRSI contributions paid, can access a new scheme, called the Short Term Enterprise Allowance. This scheme is payable for the duration of their Jobseeker's Benefit. This scheme is not available to someone who does not qualify for Jobseeker's Benefit.

In addition it is now possible to access the Back to Work Enterprise Allowance at 12 months (instead of 24 months) provided a person has an underlying entitlement to Jobseeker's Allowance. The duration of payment on the scheme is two years with 100% in year 1 and 75% in year 2. The other qualifying criteria for the BTWEA remain unchanged by the budget.

Other changes to the scheme in the budget allow for someone with a new business idea, who previously availed of the Back to Work Enterprise Allowance scheme and exhausted their entitlement, to participate a second time after a period of at least 5 years has elapsed. These changes are currently available on the Department's website under press releases and the full qualifying conditions will be available on the website shortly.

Defence Forces Property.

338. **Deputy Pat Breen** asked the Minister for Defence if he has lodged an aerodrome safeguarding map in respect of Baldonnell Aerodrome with both South Dublin County Council and An Bord Pleanála with the dates such maps were lodged with the said bodies; and if he will make a statement on the matter. [20928/09]

Minister for Defence (Deputy Willie O'Dea): The current safeguarding policy for Casement Aerodrome was instigated in 2000. A colour-coded map was provided to South Dublin County Council at that time for use as an informal reference guide only.

A copy of the safeguarding policy, included maps, was provided to An Bord Pleanála on 2nd March 2009.

Departmental Expenditure.

339. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence his Department's annual

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spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20951/09]

Minister for Defence (Deputy Willie O’Dea): While my Department has incurred no direct expenditure in relation to civil servants and civilian employees during the last three years, support is provided to staff through the work of the Employee Assistance Officer and Social Workers respectively.

Furthermore, I am advised by the military authorities that alcoholism is dealt with in the Defence Forces by either the Personnel Support Service (PSS)/Social Workers or the Medical Corps. Notwithstanding the fact that the costs associated with the treatment of alcoholism are absorbed in the overall running of the PSS and the Medical Corps, the latter have advised that year to date expenditure on specific alcohol abuse medication amounts to €107.56. This expenditure relates to the restocking of supplies purchased in 2005. No expenditure in this regard was incurred between 2006 and 2008.

The Irish Defence Forces policy on drug and substance abuse or misuse is based on the premise that unlawful possession, supply or use of a controlled drug is incompatible with membership of the Defence Forces. Any member who tests positive is liable to be removed from the Defence Forces. A Compulsory Random Drug Testing programme aimed at deterrence was introduced in October 2002. The detailed cost of running this programme over the last three years is contained in the following table:

Year	Testing Costs	Military Costs	Transport	Total
	€	€	€	€
2006	103,252	20,700	2,770	126,722
2007	78,648	27,500	3,570	109,718
2008	160,492	43,500	4,070	208,062

Naval Service Operations.

340. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the number of boats boarded by the Navy on suspicion of drug smuggling each year for the past three years. [20965/09]

341. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the number of boats boarded by the Navy on suspicion of breaching fishing quotas each year for the past three years. [20966/09]

Minister for Defence (Deputy Willie O’Dea): I propose to take Questions Nos. 340 and 341 together.

Responsibility for the prevention of drug trafficking rests primarily with the Garda Síochána and the Revenue Commissioners. However, the White Paper on Defence provides for a security role for the Naval Service to assist and support the civil authorities in this important work. Government measures to improve law enforcement in relation to drugs, including the establishment in 1993 of a Joint Task Force involving the Garda, the Customs Service and the Naval Service, have helped to maximise the effective use of Naval Service resources in combating drug trafficking.

The Naval Service as part of the Joint Task Force, in conjunction with either the Gardai or the Customs Service or both, was involved in 3 operations to counter drug trafficking during 2006, 5 in 2007 and 5 in 2008.

The Naval Service was involved in the detention of one vessel in 2008 which resulted in the conviction of three individuals on drug smuggling charges.

The main day to day role of the Naval Service is to provide a fishery protection service in accordance with the State's obligations as a member of the European Union. The Service is tasked with patrolling all Irish waters from the shoreline to the outer limits of the Exclusive Fishery Limit, which covers 132,000 square miles. Boardings of fishing vessels are carried out in order to verify compliance with a wide range of fisheries legislation, and in order to monitor fishing activity. These boardings are not carried out solely for the purpose of identifying breaches in fishing quotas.

The following table sets out details of fishery protection activity by the Naval Service for the past three years.

	2006	2007	2008
Sightings	2,452	2,559	2,405
Boardings	1,897	1,846	1,920
Detentions	19	18	27

Defence Force Representative Associations.

342. **Deputy Brian O'Shea** asked the Minister for Defence further to Parliamentary Question No. 222 of 13 May 2009, if he will respond to points raised by PDFORRA in regard to the reply; and if he will make a statement on the matter. [21442/09]

Minister for Defence (Deputy Willie O'Dea): In my response to the Deputy on 13th May I outlined the position in relation to this issue including the legislative position and the issues around the industrial relations aspect. I also outlined the mechanisms that have been put in place through the Defence Forces Conciliation and Arbitration Scheme to compensate for the prohibition on affiliation to ICTU and highlighted the framework that exists which facilitates the Association engaging with the official side in talks parallel to those taking place between the Social Partners at National level.

Whilst I am fully aware of views put forward by the Association I am also satisfied with the current arrangements in place.

Special Protection Areas.

343. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government when a hen harrier payment will be made to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [20933/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The person in question appealed to have part of his land included in, and part of his land excluded from, the Special Protection Area (SPA) for the Hen Harrier in Co. Kerry.

My Department will shortly be writing to the applicant informing him of the outcome of this appeal. On receipt of this, he will be able to have an individual farm plan drawn up by a qualified farm planner and submitted to my Department's National Parks and Wildlife Service (NPWS) for approval.

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When the farm plan has been approved any compensation due will be paid to the applicant.

Water Quality.

344. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the level of safety in fluoride dosing at water supplies both for public and public group water supplies having regard to the Environmental Protection Agency's, Drinking Water Report 2007 to 2008, in which fluoride exceedances were 8.9% of reported samples for public water supplies and 12.4% for public group water schemes; and if he will make a statement on the matter. [20971/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The EPA's latest report on Drinking Water Quality, The Provision and Quality of Drinking Water in Ireland 2007-2008 notes that non-compliances with the fluoride standard are almost entirely due to excessive dosing of fluoride by water services authorities. The EPA has attributed the compliance rates of 91.1% and 87.6%, for public water supplies and public group schemes respectively, to confusion regarding adherence to the fluoride parametric value in the Drinking Water Regulations 2007 and the Fluoridation of Water Supplies Regulations 2007. The Drinking Water Regulations set a standard of 0.8mg/litre which could not be exceeded from 1 July 2007. Prior to 1 July 2007, a standard of 1.0mg/litre applied. The Fluoridation of Water Supplies Regulations 2007 require that the minimum dose of fluoride be at least 0.8mg/litre and no more than 1.0mg/litre. The EPA report that the majority of fluoride non-compliances were marginally above the parametric value (0.8mg/litre). Following the harmonisation of both standards in July 2007, compliance with the fluoride standard increased to 96.9% for the second six months of 2007.

The Drinking Water Regulations 2007 require a water services authority to ensure that any failure to meet quality standards in any water supply in its functional area is investigated immediately to determine the cause. Where there is a failure to meet the chemical standards set out in the Regulations, or where there is a risk to human health, the water services authority must inform the EPA, which is responsible for the supervision of public water supplies.

UN Climate Change Summit.

345. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government his position on the upcoming climate talks in Copenhagen; if he will confirm the persons who will be attending these talks; if he has pushed for higher EU targets in the run-up to Copenhagen; and if he will make a statement on the matter. [21046/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Cabinet Committee on Climate Change and Energy Security recently met on 29 April last.

The next meeting of the Cabinet Committee on Climate Change and Energy Security has not been scheduled but is likely to take place before the Summer with further meetings as required during the remainder of 2009.

Housing Grants.

346. **Deputy Tom Hayes** asked the Minister for the Environment, Heritage and Local Government the reason capital assistance scheme funding administered by the Health Service Executive through his Department has been cancelled; when funding for a group (details supplied) for a further 20 accommodation units under this fund will be granted having previously been approved; the number of other projects in his Department that were cancelled

under this scheme; if the fact that legal contracts were made, and commitments to those wishing to move into the units were made will be taken into account; and if he will make a statement on the matter. [21395/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Capital Assistance Scheme (CAS) provides funding to approved housing bodies of up to 100% of the approved cost of accommodation for the elderly, the homeless and persons with special housing needs, including those with an intellectual or physical disability.

Currently, projects to the value of €160 million are being advanced through construction stage under the CAS and further projects will be progressed in light of the available funding and competing demands. Funding approval has not been cancelled for any project approved to commence construction under the Capital Assistance Scheme.

Departmental Expenditure.

347. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government his Department’s annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20954/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Expenditure by my Department in respect of the issues concerned relates to the funding of 5 Local Drug Task Force mainstreamed projects in respect of estate management and community safety. The projects funded are as follows:

Dublin City Council

- (1) Ballyfermot Star Project (provides support for people using drugs or with a history of using drugs, their families, parents and community to cope with and overcome the effect of addiction in their everyday lives);
- (2) Canal Communities — Development Workers for Flats Complexes South Dublin County Council;
- (3) Tallaght — Fettercairn Estate Management Group;
- (4) Tallaght — Killinarden Estate Management Group;
- (5) Clondalkin — Community Forum Expenditure by my Department in respect of these projects for each of the past three years is as follows:

Year	Expenditure
	€
2006	461,000
2007	481,000
2008	496,000

An allocation of €461,000 has been provided for the funding of these projects in 2009.

Animal Welfare.

348. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the steps being taken following reports regarding the suspected presence of bru-

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cella canis in a suspected case (details supplied); when he plans to bring in the necessary legislation to safeguard against the breeding conditions that cause diseases such as this to manifest themselves; the action he plans to take between the present time and then to ensure further outbreaks or virulent disease does not happen in the canine population; and if he will make a statement on the matter. [20970/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Matters relating generally to animal health and welfare are a matter for my colleague, the Minister for Agriculture, Fisheries and Food.

As indicated in previous replies on this matter, work has been ongoing for some time in my Department in drafting measures to provide for statutory regulation of dog breeding establishments within the dog control legislative regime. This process has included discussions with a number of organisations, bodies, public agencies and interests active in this area. The issues involved are complex and required detailed consideration. Following advice, it is my intention to introduce amending legislation in this area. My proposals in this regard are at an advanced stage and will be published as soon as possible.

Water and Sewerage Schemes.

349. **Deputy Seán Connick** asked the Minister for the Environment, Heritage and Local Government the position regarding an application by Wexford County Council for funding in respect of a strategic land initiative in Taghmon, Piercestown and Castlebridge; when a decision will be made on this application; and if he will make a statement on the matter. [20975/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Further to the reply to Question No. 498 of 6 May 2009, Wexford County Council has recently made application to my Department for the continued funding of the Taghmon, Piercestown and Castlebridge Sewerage Schemes. This application is currently under consideration and a decision will be notified to the Council as soon as possible.

Building Regulations.

350. **Deputy James Reilly** asked the Minister for the Environment, Heritage and Local Government if he will report on the difficulties that homeowners are experiencing in north Dublin and environs with regard to the pyrite issue which has left those homeowners with defective homes; the measures he has taken to help homeowners resolve this issue in a timely manner; the measures or regulations he has put in place to ensure that this does not occur again; and if he will make a statement on the matter. [20986/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The position on this matter was most recently set out in reply to Questions Nos. 285 and 286 of 18 December 2008.

The difficulties being experienced by homeowners whose homes have been affected by pyrite in certain developments in and around County Dublin are fully recognized. However, the resolution of problems arising between building owners and builders are matters between the parties concerned, namely, the building owner, the relevant developer and the builder's insurers. Where the construction of a building is the subject of a contract between the client and the builder, enforcement is a civil matter.

When the issue of pyrite arose, and following an intervention from my Department, the National Standards Authority of Ireland (NSAI) proceeded to publish a new amended Stan-

standard Recommendation on the use of aggregates as infill for civil engineering and road construction work. The new Standard Recommendation came into effect on 7 December 2007 and it is intended to address the quality standards of new homes and buildings insofar as problems relating to pyrite are concerned. My Department incorporated this NSAI Standard Recommendation into the relevant Technical Guidance Document (TGD-C) of the Building Regulations. A copy of the relevant amendment to TGD-C is available on my Department's website at www.environ.ie. My Department has also notified Local Authorities, the Construction Industry Federation, the Irish Home Builders' Association and other key stakeholders of the provisions of the amended TGD-C. In addition, I am aware that HomeBond has included the amended NSAI Standard Recommendation in their published 6th edition of the House Building Manual.

Housing Aid for the Elderly.

351. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the amount each local authority sought in 2009 in housing adaptation mobility aids and essential repairs grants; the amount allocated to each local authority; the amount each local authority had to provide in matching funds; and if he will make a statement on the matter. [20994/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department's involvement with the Housing Adaptation Grant Schemes for Older People and People with a Disability relates primarily to the recoupment of a proportion of local authority expenditure on the payment of individual grants. These schemes, introduced in November 2007, are funded by 80% recoups available from my Department together with a 20% contribution from the resources of the local authority. In the case of the old Disabled Persons' and Essential Repairs Grant Schemes, these are funded by 67% recoups together with a 33% contribution from the resources of the local authority. The detailed administration of these schemes, including the assessment and approval of individual applications, is the responsibility of the relevant local authority.

The total estimated demand by local authorities for the operation of the new Housing Adaptation Grant Schemes for Older People and People with a Disability and the old Disabled Persons Grant and Essential Repairs Grant Schemes in 2009 is approximately €147 million. This estimate includes applications that have been received as eligible, as well as applications not yet assessed and the projected intake of new applications during the year.

Details of the total estimated demand, the combined exchequer/local authority allocations and local authority own-resources contributions for 2009 are set out in the following table:

Housing Adaptation Grants for Older People and People with a Disability, Disabled Persons and Emergency Repairs Grant Schemes.

Local Authority	Total Estimated Demand in 2009	Combined Exchequer/Local Authority Allocations 2009	Local Authority Contribution 2009
	€	€	€
Carlow County Council	2,701,403	1,357,500	311,500
Cavan County Council	2,147,616	1,312,500	282,500
Clare County Council	2,487,092	1,490,000	369,000
Cork County Council	16,722,000	2,235,000	505,000
Donegal County Council	5,050,000	4,820,000	1,140,667

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Local Authority	Total Estimated Demand in 2009	Combined Exchequer/Local Authority Allocations 2009	Local Authority Contribution 2009
	€	€	€
Dun Laoghaire/Rathdown County Council	3,040,000	2,160,000	452,000
Fingal County Council	2,500,000	1,795,000	359,000
Galway County Council	14,200,000	2,074,000	553,067
Kerry County Council	3,200,000	2,950,000	723,333
Kildare County Council	5,037,471	1,870,000	399,333
Kilkenny County Council	1,660,000	930,000	201,333
Laois County Council	1,815,000	1,910,000	446,000
Leitrim County Council	1,200,000	1,790,000	477,433
Limerick County Council	5,204,969	1,640,000	415,467
Longford County Council	5,275,000	727,500	176,833
Louth County Council	3,550,000	2,067,500	453,500
Mayo County Council	3,950,000	2,775,834	581,834
Meath County Council	1,000,000	1,000,000	200,000
Monaghan County Council	2,713,814	2,177,500	513,500
North Tipperary County Council	1,930,000	1,790,000	448,667
Offaly County Council	1,880,000	1,465,000	300,333
Roscommon County Council	2,222,000	1,910,000	436,667
Sligo County Council	1,407,343	560,000	116,000
South Dublin County Council	5,268,226	4,545,000	994,330
South Tipperary County Council	2,631,785	1,530,000	344,667
Waterford County Council	1,800,000	1,707,500	345,500
Westmeath County Council	2,490,000	1,660,000	344,000
Wexford County Council	5,366,214	2,325,000	495,667
Wicklow County Council	4,820,992	1,230,000	328,000
Cork City Council	6,359,000	2,112,500	477,167
Dublin City Council	12,500,000	14,400,000	4,133,333
Galway City Council	3,650,000	1,270,000	288,667
Limerick City Council	1,760,000	940,000	196,000
Waterford City Council	8,122,812	512,500	132,500
Sligo Borough Council	1,560,000	472,750	94,550
TOTAL	147,222,737	79,562,584	18,954,014

Social and Affordable Housing.

352. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will clarify the position in respect of when owners of properties purchased under local government affordable housing schemes would have to pay their local authority a clawback if they were to remortgage their properties; and if he will make a statement on the matter. [21006/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Legislative provision to facilitate arrangements under which a local authority could agree to its clawback charge ranking in second place behind a new or topped-up mortgage charge, thereby facilitating persons in affordable housing wishing to re-

mortgage with a private lender, is included in the Housing (Miscellaneous Provisions) Bill 2008 which is currently before the Oireachtas and is targeted for enactment by the Summer recess. This provision is designed to operate so as to facilitate remortgaging of affordable housing without the clawback becoming payable.

Water and Sewerage Schemes.

353. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government the number of fully automated water treatment plants here; the number of water treatment plants that it is proposed to fully automate; and if he will make a statement on the matter. [21011/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested is not available in my Department. As management of water treatment plants falls to water services authorities and the Group Water Sector, as appropriate, the information requested can be sought locally.

354. **Deputy Frank Fahey** asked the Minister for the Environment, Heritage and Local Government when, in view of the fact that contract documents for the collection networks and the design build operate contract documents for the waste water treatment plant for Claregalway, County Galway were submitted to his Department and in view of the fact that Claregalway has been identified as a likely source of the cryptosporidium problem in Galway, he will approve the contract documents as approval for funding has been allocated under the serviced land initiative; and the timescale and commencement date for the scheme. [21014/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Claregalway Sewerage Scheme is included for funding in my Department's Water Services Investment Programme 2007-2009 with one element included for funding under the Serviced Land Initiative component of the Programme.

Galway County Council's contract documents for the scheme are being examined in my Department and are being dealt with as quickly as possible.

Last month, my Department, following a review of the Serviced Land Initiative in light of developments in the economy at large, and in the housing market in particular during 2008, and having regard to the oversupply of housing in some areas, informed all local authorities that all existing approvals under the initiative, for which contracts have not been signed or letters of intent have issued, were being withdrawn.

I understand that, in this case, no letter of intent has issued and that a contract has not been signed. However, authorities were also informed that where a water services authority is of the opinion that the continuation of an approved scheme for which contracts have not been signed is necessary for the proper development of the area, it is open to the authority to make a case to my Department, by the 29 May 2009, for the scheme to progress. My Department will consider any case, which Galway County Council may make in respect of this scheme within the specified time limit, as quickly as possible.

Local Authority Housing.

355. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the percentage of local authority housing each county council dedicated to people with disabilities; and if he will make a statement on the matter. [21020/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): It is a matter for individual housing authorities to plan the composition of their housing programmes having regard to the specific social housing priorities in their areas and to the Exchequer funding allocated to them, based on the housing needs identified in their 2008 statutory assessment. The allocation of a dwelling to a household is also a matter for each individual local authority in accordance with its scheme of letting priorities, the making of which is a reserved function of the authority under section 11 of the Housing Act 1988. Data on the proportion of housing allocated by local authorities to people with disabilities are not gathered by my Department.

Local Authority Funding.

356. **Deputy Bobby Aylward** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for an eight bed unit for an organisation (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21033/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): An application for post-tender approval for this project, costing an estimated €1.613 million, has been received in my Department from Kilkenny County Council who are responsible for the administration of the Capital Funding Schemes in their area. The application is being considered in light of the available funding and competing demands.

Local Government Ethics.

357. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the rules and regulations for local authorities in respect of outings (details supplied); the legal position in relation to same; and his views on whether a conflict of interest may exist in a situation such as this. [21034/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The ethical framework that applies to local authority councillors and employees is contained in the Local Government Act 2001 and Codes of Conduct that have been issued under that Act. The Act requires such councillors and employees to maintain proper standards of integrity, conduct and concern for the public interest. It also provides that they may not accept any reward or favour for anything done or not done by virtue of their office or employment. The issue of the acceptance of hospitality is also dealt with in the Codes of Conduct which, inter alia, specify that every care must be taken by councillors and employees to ensure that any acceptance of hospitality does not influence them in discharging their official functions.

Where a possible contravention of the framework arises, it is the responsibility of the locally-appointed Ethics Registrar to bring the issue to the attention of the Cathaoirleach and/or the manager who in the first instance, have responsibility for considering such matters under the Act. The Act provides for offences and penalties for breaches of the framework. I have no function in considering such matters.

Polling Stations.

358. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the number of polling stations, on a county basis, which are wheelchair accessible; and if he will make a statement on the matter. [21060/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under electoral law, returning officers are responsible for all matters in relation to the conduct of elections, including the provision of polling stations. The information requested is not available in my Department.

The law provides that local authorities, in making polling schemes, shall endeavour to appoint polling places which allow the returning officer to provide at each place at least one polling station that is accessible to wheelchair users and requires that the returning officer shall, where practicable, provide polling stations which are accessible to wheelchair users. The returning officer must also, where practicable, give public notice of all polling stations which are inaccessible to wheelchair users not later than the eighth day before polling day. If an elector will have difficulty gaining access to his or her polling station, he or she may apply in writing to the returning officer for authorisation to vote at another polling station in the same constituency/local electoral area. My Department has advertised the availability of this facility in the context of the elections on 5 June.

If a person has a physical illness or physical disability which prevents him or her from going to the polling station, the person can vote by post if he or she applies to be included in the postal voters list which is drawn up each year as part of the register of electors. In order to be entered on the postal voters list, the person must apply to the appropriate local authority by 25 November each year. After that date, an application for inclusion on the supplement to the postal voters list may be made. The closing date for receipt of such supplement applications in respect of the elections to be held on 5 June was 15 May.

Local Authority Archives.

359. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 503 of 6 May 2009, the funding provided to each local authority in each of the past five years; and if he will make a statement on the matter. [21114/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Local authorities are required by Section 80 of the Local Government Act 2001 to make proper arrangements for the management, custody, care and conservation of their records and archives and to provide public access to their archives.

In order to support and encourage local authorities, my Department established a subsidy scheme whereby local authorities may recoup 50% of the salary of an archivist employed by them, for up to 2 years, subject to certain conditions. They may also qualify for short term assistance in respect of leasing accommodation for the purposes of processing archives. The following table shows the local authorities that availed of the scheme in the last five years and the amounts paid to each.

Local Authority	2005	2006	2007	2008	2009
	€	€	€	€	€
Cork City	30,069.55	7,082.89	1,396.89		
Donegal		3,015.63			
Monaghan			21,121.59		
Roscommon			30,799.00	42,969.50	14,037.95
Wexford		7,954.04	3,977.04		
Total	30,069.55	18,052.23	57,294.52	42,969.50	14,037.95

Water and Sewerage Schemes.

360. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the position with regard to a scheme (details supplied) in County Mayo. [21122/09]

361. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government when an application was submitted for a scheme (details supplied) in County Mayo. [21123/09]

362. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government when funding will be provided for a scheme (details supplied) in County Mayo. [21124/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 360 to 362, inclusive, together.

A scheme to extend the Lough Mask Regional Water Supply Scheme from Shrah to Westport is included for funding in my Department's Water Services Investment Programme 2007-2009. My Department is awaiting Mayo County Council's application for sanction to progress the scheme to construction on the basis of the tenders received by the Council.

363. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government his views on correspondence in relation to an infrastructural project (details supplied) in County Kildare; if approval from his Department for this project to proceed to construction is imminent; if he is satisfied that there will be no further delays with the project; and if he will make a statement on the matter. [21129/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Kildare Town Sewerage Scheme is included for funding in my Department's Water Services Investment Programme 2007-2009 at an estimated cost of €21.4 million. My Department is currently examining Kildare County Council's tender report and recommendation, recently received, for the wastewater treatment plant element of this scheme. I understand that the Council expects to submit the contract documents for the collection networks shortly.

Traveller Accommodation.

364. **Deputy James Reilly** asked the Minister for the Environment, Heritage and Local Government if he has made a decision to fund the construction of 10 units of Traveller accommodation at Milverton, Skerries, County Dublin; when he expects the project will commence; the expected completion date; the projected cost per unit of this accommodation; the projected cost of the development; and if he will make a statement on the matter. [21132/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department recently approved the proposal by Fingal County Council to construct 10 new Traveller group houses at Ardla, Skerries. The approved all-in budget cost is €2,188,937, giving a unit cost per house of €218,893. I understand the Council intend to award the contract to the successful tenderer very shortly with a view to commencing construction as soon as possible.

Habitats Regulations.

365. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local

Government the steps he is taking to ensure the proper regulation of exotic pond plants in shops and gardening outlets; the implications that this may have for biodiversity; and if he will make a statement on the matter. [21136/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The threat to biodiversity and habitats by non-native invasive plant and animal species is widely recognised. My Department is currently preparing new Habitats Regulations, which I expect to make later this year, and which will include provision to prohibit the sale and distribution of non-native plants and animals that are known to pose a threat to native species and habitats.

Official Engagements.

366. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government if he will meet a delegation (details supplied) from County Mayo; and if he will make a statement on the matter. [21217/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I will be responding to the Deputy's request to meet the delegation in question shortly.

Tax Code.

367. **Deputy Brian Hayes** asked the Minister for the Environment, Heritage and Local Government if there is a possibility of securing an exemption from the emissions tax for cars based on being elderly, disabled or a means test; and if he will make a statement on the matter. [21307/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under motor tax law, exemptions from motor tax relate primarily to State-owned and emergency vehicles and there are no proposals to change the current position. However, relevant concessions for disabled drivers, including exemption from motor tax, are contained in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 made by the Minister for Finance and administered by the Revenue Commissioners.

Housing Aid for the Elderly.

368. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government the position in relation to grants in respect of improvements for the elderly in view of the fact that funding has not been available from Wicklow County Council for some time (details supplied); if funding will be made available as funding is not available in Wicklow County Council for new applications; when new applications will be accepted; and if he will make a statement on the matter. [21314/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Allocations totalling €79.562 million for 2009 were notified to local authorities in respect of the Housing Adaptation Grant Schemes for Older People and People with a Disability and the old Disabled Persons and Essential Repairs Grant Schemes on 7 May 2009. These allocations represent an increase of 11.4% on the initial allocations for 2008. The 2009 allocation to Wicklow County Council amounts to €1,230,000 compared to an initial allocation of €1,079,910 in 2008, an increase of almost 14%. The administration of the grant schemes and decisions on individual applications are the responsibility of the relevant local authority.

Planning Issues.

369. **Deputy Charlie O'Connor** asked the Minister for the Environment, Heritage and Local Government if he is satisfied with the operation of Class 5, Part 2, Exempted Development Advertisement, of the Planning and Development Regulations 2001, which allows the display of a professional name plate not exceeding 0.3 square metres in the area outside a premises at which any practice of the profession by the person named is illegal due to the named person not being registered with the professional body as required by law; his views on whether without amendment, this law could permit illegal activity to be advertised under planning laws; if so, if he plans to propose amendments; his further views on whether Section 157 (4)(a)(i) of the Planning and Development Acts, 2000 to 2006 which statute bars enforcement action after a period of time is appropriate in cases in which the purporting of a professional practice is illegal under other legislation; if he does not consider it appropriate, if he will bring forward amendments; and if he will make a statement on the matter. [21328/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under Article 6 and Schedule 2, Part 2, Class 5 of the Planning and Development Regulations 2001, advertisements exhibited at the entrance to any premises, relating to any person, partnership or company carrying on a public service or a profession, business or trade at the premises are, subject to certain conditions, exempted development. It is a matter for a person carrying on a relevant activity to which such an advertisement relates to comply with any other legal requirements or obligations imposed under other legislation, including regarding the conduct of a professional practice. Enforcement under the Planning Acts arises only in respect of alleged breaches of planning legislation, and is a matter for the relevant planning authority. Enforcement of other legislation, for instance in relation to the conduct of a professional practice, is a matter for the relevant authorities.

Local Authority Staff.

370. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will support a person (details supplied). [21361/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The provisions governing local authority membership and local authority employment are set out in sections 13 and 161 of the Local Government Act 2001. Under section 13 of the Act, a person employed by a local authority who is not the holder of a class, description, or grade of employment designated by order under section 161 is disqualified from being elected or co-opted to, or from being a member of, a local authority. For the purposes of the Local Government Act 2001 (Section 161) Order 2004, designated employments are employments whose maximum salary does not exceed the maximum salary for the post of Clerical Officer in a local authority. It is the responsibility of the returning officer to rule on the validity of each nomination based on the information provided.

Water and Sewerage Schemes.

371. **Deputy Noel Grealish** asked the Minister for the Environment, Heritage and Local Government if he has made a decision regarding the provision of grant aid for the replacement of lead pipes in peoples homes in Mervue, County Galway; when a decision is expected to be made on same; and if he will make a statement on the matter. [21370/09]

372. **Deputy Noel Grealish** asked the Minister for the Environment, Heritage and Local Government if he will direct Galway City Council to use a portion of the €12 million leak eradication scheme for the replacement of lead pipes in peoples homes in Old Mervue, Galway; and if he will make a statement on the matter. [21371/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 371 and 372 together.

Substantial funding towards local authorities' water conservation programmes, including the replacement of old pipework in the public network, is provided under my Department's Water Services Investment Programme. It is open to each authority to prioritise any necessary pipe replacement in its own area from their grant allocation. Galway City Council has written to my Department regarding grant assistance to householders and inquiring if the Council would be permitted to use €1 million from the Council's water conservation allocation for a grant scheme to replace lead pipes in the domestic household network. Water services legislation provides that the owner of a premises is responsible for ensuring that the internal water distribution system is capable of delivering drinking water that complies with drinking water standards. My Department's Water Services Investment Programme does not extend to funding or providing grants for replacement of individual service connections or other measures relating to single households or premises. This is similar to the provision of an electricity supply to a house where the internal wiring is the responsibility of the owner or occupants, not the supplier. Carefully focused prioritisation under other grant schemes, namely the Disabled Persons and Essential Repairs Grants and the Housing Adaptation Grant Schemes for Older People and People with a Disability, may facilitate necessary grant assistance being provided in appropriate cases. It is a matter for individual local authorities, including Galway City Council in this case, to determine what works, including the replacement of lead supply pipes, are eligible and to prioritise these in line with their systems of prioritisation.

Housing Aid for the Elderly.

373. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government if he will allocate extra funding to pay grants under the housing aid for older people, the housing adaptation grant for people with a disability and the essential repairs grant; and if he will make a statement on the matter. [21386/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Allocations totalling €79.562 million for 2009 were notified to local authorities under the Housing Adaptation Grant Schemes for Older People and People with a Disability and the old Disabled Persons and Essential Repairs Grant Schemes on 7 May 2009. These allocations represent an 11.4% increase on the initial allocations for 2008. At this stage, I do not envisage making further allocations to local authorities in respect of the operation of these schemes in 2009. However, I will review the funding position later in the year, in the event of any under-spend by local authorities of their allocations for the grant schemes or other allocations under the wider social housing investment programme.

Waste Management.

374. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government the progress of his report to Cabinet on the waste stored at Haulbowline Island, County Cork; and if he will make a statement on the matter. [21391/09]

375. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government if he will publish the safety file on Haulbowline Island, County Cork on his Department's website (details supplied); and if he will make a statement on the matter. [21392/09]

376. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to concerns by the European Commission regarding the storage of waste at Haulbowline Island, County Cork; his views on whether any measure must be taken by the Irish authorities to satisfy waste legislation under EU Directives 75/442/EEC, now codified as Directive 2006/12/EC, and Directive 91/659/EEC; and if he will make a statement on the matter. [21393/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 374 to 376, inclusive, together.

The Government is considering the position in relation to Haulbowline having regard to works and investigations undertaken since 2003 under the aegis of my Department. My Department does not intend to publish the documentation referred to in the question on its website. However, I would be happy to furnish a hard copy of the file to the Deputy if that would be of assistance to him. The European Commission has recently communicated to Ireland a complaint concerning the site at Haulbowline. My Department is currently formulating Ireland's response. It would be inappropriate for me to comment further at this juncture.

Serviced Land Initiative.

377. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if the serviced land initiative has been shelved; the implications this will have on planned developments; when local authorities were informed of the decision; and if he will make a statement on the matter. [21440/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Last month, my Department, following a review of the Serviced Land Initiative in light of developments in the economy at large, and in the housing market in particular during 2008, and having regard to the oversupply of housing in some areas, informed all local authorities that the Initiative was being discontinued. All existing scheme approvals under the Initiative, for which contracts had not been signed or letters of intent had not issued, were withdrawn. However, water services authorities were also informed that where they are of the opinion that the continuation of a scheme is necessary for the proper development of an area, it is open to the relevant authority to make a case to my Department by 29 May 2009 for the scheme to progress. My Department will consider any case that a water services authority may make within the specified time limit.

Water and Sewerage Schemes.

378. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if, in view of recent studies highlighting the problems with septic tanks, he will introduce a grant for their upgrade and revise the level of grant aid available for group sewerage schemes; and if he will make a statement on the matter. [21441/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Programme for Government includes a commitment in regard to a scheme of support for

the replacement and upgrade of septic tanks older than 15 years with newer systems. While my Department has been examining the conditions which might attach to such a scheme, the timeframe for pursuing this commitment will remain under ongoing review, having regard to current budgetary constraints. My Department has funded a pilot programme to test a range of new, small-scale wastewater collection and treatment systems under Irish conditions, to evaluate new approaches to meeting the wastewater collection and treatment needs of rural communities and to examine the potential role for group sewerage schemes in extending collection systems to households outside the catchment of new or existing public sewerage networks. The performance of new infrastructure provided under the pilot programme is being monitored and evaluated. The National Rural Water Services Committee will report to me on the results as they become available. I will review the future role of group sewerage schemes in the provision of wastewater collection systems and the grants for such schemes in the light of the outcome.

Capital Assistance Scheme.

379. **Deputy John McGuinness** asked the Minister for the Environment, Heritage and Local Government if payment due to a project (details supplied) in County Kilkenny will be issued shortly; the amount involved; and if he will make a statement on the matter. [21462/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Funding of €878,472 was approved for this project under my Department's Capital Assistance Scheme. To date, €853,385 has been paid to Kilkenny County Council, which is responsible for the administration of the scheme in its area. An application from the Council for supplementary funding of €21,528 is under consideration in my Department and a decision will be made as soon as possible.

Architectural Heritage.

380. **Deputy Michael D'Arcy** asked the Minister for the Environment, Heritage and Local Government if the grant allocation for restoration works in respect of houses of historical value and interest was increased in Budget 2009 or otherwise changed; the current allocation; and if he will make a statement on the matter. [21509/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As set out in the Revised Estimates for the Public Service 2009, the 2009 allocation for the built heritage capital programme is €12.5 million, compared to a 2008 provisional outturn of €26.034 million.

Departmental Properties.

381. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the reason a person (details supplied) in County Longford has not received payment under the designated bog compensation scheme; and if he will make a statement on the matter. [21513/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that the person in question applied to sell some bog to my Department in October 2004. However, the documentation received was incomplete, as it did not contain a Land Registry folio or maps. My Department wrote to the applicant in November 2004 requesting the missing documents. The applicant did not respond to this letter, nor to a reminder, until

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September 2008, when the required documents were received. The land on offer has since been surveyed and recommended for purchase, but it is necessary this year to give priority to applications relating to 32 raised bog Special Areas of Conservation originally designated in 1999. This application is not in respect of one of those areas and my Department will be writing to the applicant shortly to this effect.

Local Authority Housing.

382. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if he has written to local authorities in respect of the way local authorities deal with local authority mortgagors that are having difficulties making repayments at present due to changes in their income as a result of the economic recession; if local authorities have been given instructions in relation to requests by mortgagors to pay interest only on a temporary basis; and if he will make a statement on the matter. [21517/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Local authority borrowers have benefited from very significant easing of mortgage costs in recent months. The effective rate for local authority borrowers from 1 June 2009 will be 2.25% — a cumulative rate decrease since October 2008 of 3%.

To date there is no evidence to suggest that wider economic circumstances are creating problems specifically for local authority borrowers in meeting mortgage repayments. Rates charged to local authority borrowers offer very good value by comparison to rates charged by commercial lenders; as of 1 June, the local authority rate will be 0.85% lower than the average market variable rate.

Where any borrower, either from a local authority or from a financial institution, is facing difficulties in meeting mortgage repayments, they should engage proactively and constructively with the lender to seek to achieve an agreed solution. The services of the Money Advice and Budgetary Service are also available to such borrowers and support is also available through the Supplementary Welfare Allowance Scheme.

Departmental Expenditure.

383. **Deputy Aengus Ó Snodaigh** asked the Minister for Communications, Energy and Natural Resources his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20949/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Since the formation of my Department in June 2007 no moneys have been expended on tackling problematic alcohol and illegal drug use among staff. It is not the policy of the Civil Service to contribute to the cost of rehabilitative treatment for staff members who undergo such treatment, other than to continue salary payment in accordance with Department of Finance sick leave regulations.

Energy Resources.

384. **Deputy Mary Upton** asked the Minister for Communications, Energy and Natural Resources if he has studied a proposal (details supplied); his views on the feasibility of this project; if he will support same; and if he will make a statement on the matter. [20983/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I welcome all private sector endeavours seeking to promote and deploy renewable energy to the benefit of the economy and consumers.

The promoters of the Spirit of Ireland project have presented their proposal in a recent meeting with my Department and in meetings with other Departments as well as with the ESB, EirGrid and the Commission for Energy Regulation. I have also met the promoters in recent days. These initial meetings have given me and my Department good preliminary insight into this highly ambitious and complex proposal to meet Ireland's energy needs. There are clearly very many elements to the project which need to be further explored and evaluated through appropriate evidence based engagement. That engagement will continue in the coming months.

Telecommunications Services.

385. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the progress made by a company (details supplied) since it secured the contract for the roll-out of broadband nationally; the company's liaison for the north west; the person with whom people can engage regarding progress; and if he will make a statement on the matter. [21009/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In December 2008, my Department entered into a contract with "3", a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS). 3 will be required to provide services to all residences and businesses that are located within the NBS area and who seek a service.

Challenging roll-out targets have been agreed with 3 and NBS services have already been launched in a small number of rural areas at the end of April 2009. The first programme milestone of 15% of the Electoral Divisions (EDs) in the NBS coverage area will be met by end June 2009, with monthly coverage increments thereafter. The EDs to be covered by end June have been identified and are now highlighted on 3's NBS coverage map available at <http://www.three.ie/nbs/index.htm>. 3 has commenced its marketing campaign in these areas to announce the forthcoming service availability.

Almost half of the entire NBS coverage area will be broadband enabled by end 2009 while all residential and business premises within the NBS coverage area will have broadband connectivity by end September 2010. Further information regarding the NBS and the most up-to-date rollout information can be found by contacting 3's dedicated NBS customer service team on 1913 or by accessing 3's website at <http://three.ie/nbs/>. Details of the availability of broadband services in the specific areas not covered by the NBS are available at www.broadband.gov.ie.

386. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources when it is envisaged that the roll out of the national broadband scheme will be available to the residents of the Creeslough electoral division in County Donegal; the timeframe for the availability of broadband in this area; and if he will make a statement on the matter. [21045/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department has entered into a contract with "3", a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS). 3 will be required to provide services to

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all residences and businesses that are within the NBS area and who seek a service. The general area of Creeslough, County Donegal will be covered by the NBS.

3 is currently planning the construction and rollout of the infrastructure required for the provision of the service. Challenging roll out targets have been agreed with 3. Services were launched in a small number of rural areas at the end of April 2009 and the entire NBS area must be covered by September 2010. However, 3 is not in a position at this juncture, to predict the progression of site rollout in advance of obtaining the necessary planning permissions. One month prior to the NBS being launched in any given area, 3 will implement a marketing campaign to announce the forthcoming service availability. The campaign will include, inter alia, local press and outdoor advertising.

Details of the areas to be covered by 3 under the NBS are available at www.three.ie/nbs.

387. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the measures he has put in place to ensure that a high quality of service remains for emergency calls in view of the fact that there has been a change in service providers. [21074/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The current Emergency Call Answering Service (ECAS) is provided by eircom.

Following an open tender process, a concession agreement for the provision of the replacement ECAS was awarded to BT Ireland, the preferred highest ranked bidder. A number of quality of service parameters, have been agreed and documented in the contract. These parameters include the delivery of a new purpose built platform for the answering of calls, the training of the staff to the highest level, the building of a highly resilient communications network to service the two call answering centres in Ballyshannon, County Donegal and in Navan, County Meath. The contract also provides for continuous monitoring and reporting on the performance of the service as well as providing for financial penalties where key performance indicators have not been satisfied.

I am confident that the high standards concerning this important service will be delivered and maintained during the term of the concession agreement.

Fisheries Protection.

388. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the action he is taking to address the problems caused by the zebra mussel and potentially by the bloody red shrimp which have established themselves in the Shannon waterway network; and if he will make a statement on the matter. [21135/09]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): Under the Fisheries Acts, primary responsibility for the management, conservation, protection and development of the inland fisheries resource is the responsibility of the Central and Regional Fisheries Boards. In addition, the National Parks and Wildlife Service (NPWS) of the Department of Environment, Heritage and Local Government, has responsibility for the enactment of legislation to control the ecological impact of invasive species on freshwater ecology and native species under the Wildlife Acts 1976–2000. I understand that the Department of Environment, Heritage and Local Government, through the NPWS, is currently considering proposals for the enactment of legislation in this area.

As regards Zebra mussels, I have been advised that the Regional Fisheries Boards, including the Shannon Regional Fisheries Board, along with the relevant local authorities and other agencies, have sought to make water users aware of the spread of this species and how it can be prevented. This has been done through erecting signage at slipways, providing information brochures, and the publication of information on their respective websites.

In regard to *Hemimysis anomala* (bloody red shrimp), I understand that the Shannon Regional Fisheries Board has only recently become aware of its presence in Lough Ree and is working with the Central Fisheries Board to ascertain the extent of its spread within Lough Ree and also in Lough Derg. The Boards are also working together to develop a joint study to ascertain the impact of *Hemimysis anomala* on our native fish populations. This study will commence shortly. At this stage it not possible to state what effect this invasive species will have on our fisheries but early indications suggest that it could lead to a reduction in the coarse fish stocks.

Telecommunications Services.

389. **Deputy Paul Kehoe** asked the Minister for Communications, Energy and Natural Resources when a telephone exchange (details supplied) will be broadband enabled; his plans for the roll out of broadband in this area; and if he will make a statement on the matter. [21343/09]

390. **Deputy Paul Kehoe** asked the Minister for Communications, Energy and Natural Resources if the telephone exchange in an area (details supplied) is broadband enabled; his plans to roll out broadband in the area; and if he will make a statement on the matter. [21351/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 389 and 390 together.

The enabling of exchanges for broadband purposes is a matter for the owners of the relevant exchanges. 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.

In order to provide broadband services to areas that are not currently served by broadband my Department has entered into a contract with “3”, a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS). 3 will be required to provide services to all residences and businesses that are within the NBS area and who seek a service. The general area of Ardagh, County Limerick will be provided with broadband services under this scheme in the coming weeks. A marketing campaign to announce the forthcoming service availability will commence shortly.

391. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Communications, Energy and Natural Resources if the townland of Clontrain, Carrickmacross, County Monaghan is included for roll-out of broadband under the national broadband scheme; and, if so, when it is expected to have broadband available to residents of this area. [21422/09]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Broadband services can now be provided over various platforms DSL (i.e. over the telephone line), fixed wireless, cable, mobile and satellite by the private sector service providers. I understand

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that Clontrain, County Monaghan, already has broadband on offer from a number of service providers as detailed in the table below.

As the general area of Clontrain, County Monaghan, is located in a currently served area it will not be addressed by the National Broadband Scheme (NBS). In this regard, EU State Aid and competition rules govern how States can intervene in areas where there are existing service providers. Accordingly, the NBS, which was approved by the EU Commission) is prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion.

My Department operates a dedicated website, www.broadband.gov.ie where potential broadband customers can ascertain the availability of services in their area.

Platform	Service Provider	Website	Phone
Mobile	O2 Ireland	http://www.o2.ie/broadband	1800 226 086
Wireless	Net1 Ltd	http://www.net1.ie	041 9844040
Satellite	Applied Solutions	http://www.ADSLnow.ie	1890 924 854
	Avonline	http://www.avonlinebroadband.co.uk	0044 800 073 1102
	Broadband Wherever	http://www.broadbandwherever.net	0044 800 068 3358
	Cross Country Broadband Ltd	http://www.crosscountrybroadband.com	053 925 5428
	Digiweb Satellite	http://broadband.digiweb.ie	042 939 3300
	e3 Broadband	http://www.e3broadband.ie	1850 303 333
	Ehotspot	http://www.ehotspot.ie	0044 1262 409 109
	Eircom Satellite	http://www.eircom.ie	1800 242 633
	Fastnet Broadband Satellite	http://www.fastnetbroadband.com	01 2303 746
	Media Satellite Ireland Ltd	http://www.mediasat.ie	1850 202 144
	National Broadband Ltd	http://nbb.ie	045 982 130
	Orblink	http://www.orblink.ie	01 860 1995
	Pure Telecom Satellite	http://www.puretelecom.ie	01 289 5555
	Satellite Broadband Ireland Ltd	http://www.satellitebroadbandireland.ie	044 937 2514

Departmental Agencies.

392. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the rationale in refusing to allow Teagasc contract research staff to take up their posts where the research has been awarded and the funds are available to pay for the research staff; and if he will make a statement on the matter. [21024/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Under the terms of the recent Government moratorium on recruitment and promotion in the Public Sector, it was made clear that the prior sanction of the Minister for Finance is required for any exceptions. The recruitment of contract research staff is an area where some exceptions may arise in research institutions including Teagasc, and the matter is currently under discussion with the Minister for Finance. These discussions will be brought to a conclusion very shortly.

Bovine Disease Controls.

393. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food

the reason a herd number has not been registered in the joint names of persons (details supplied). [20916/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Subsequent to the submission of the formal request that the herd number in question be Registered in the joint names of the persons named, the person in whose sole name the herd number is currently registered contacted the Department directly and requested that no change be made in regard to the herd number registration, i.e. that the herd number should not be registered in the joint names. The second person named, who is not registered as the herd owner, has been advised by my Department officials on a number of occasions that the registration details will be amended if both persons named visit my Department's Local Office, together in person, in order that the necessary documentation may be completed in the presence of a Department official.

Departmental Expenditure.

394. **Deputy Aengus Ó Snodaigh** asked the Minister for Agriculture, Fisheries and Food his Department's annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20947/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department's Employee Assistance Service provides advice and assistance to staff experiencing difficulties. My Department does not otherwise fund or provide financial assistance to staff receiving treatment for alcohol or drug use.

International Agreements.

395. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the action he is taking to ensure research is being carried out on the potential impact of WTO trade talks on the food producing sector here in advance of the restart of the negotiations at the end of 2009; and when this research will be published. [20976/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Currently talks on a new WTO Agreement are stalled following the failure to reach agreement at the Ministerial meeting in July of last year and the decision to defer indefinitely a second Ministerial meeting planned for last December. In consequence, at present there are no new proposals to analyse. However, I am in a position to call upon the wealth of research that has been conducted prior to the breakdown of negotiations to assess the potential impact of the talks on the Irish food-producing sector.

Prior to last December, my Department had conducted a significant amount of detailed analysis and research of the issues within the WTO talks since the outset of the negotiations. Assessments were carried out on an ongoing and continuous basis of the various negotiating proposals which emerged in the negotiations. This analysis covered a large number of different scenarios and their impacts on the different agricultural sectors. In particular, the analysis evaluated the levels of import protection for individual products under the various different tariff cut scenarios that had been proposed in the course of the negotiations. It provided a basis for assessing the impact of such cuts and the relative benefits of seeking sensitive product status to mitigate their effects.

Similar estimations were made by various representative bodies and shared with the Department. These assessments were used to evaluate the various negotiating proposals which

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emerged from the discussions and to develop the Irish negotiating position in these negotiations.

A number of other bodies and research institutes, in Ireland and elsewhere, also carried out economic studies and research. Some of these analyses attempted a broader, overall assessment of possible outcomes of the negotiations. Inevitably these studies were based on a wide range of assumptions about issues that are yet to be decided in the negotiations. My Department also considered these studies and continues to use them to inform our negotiating strategy.

In particular I would point to the FAPRI Ireland WTO Analysis of Impacts on Irish and EU Agriculture study of March 2006 and the 2003 Forfás WTO Negotiating Objectives for Irish Enterprise Report. The FAPRI analysis was updated in 2008 in the light of new proposals emerging from the negotiations.

The FAPRI results represent the most thorough, professional and independent assessment of the impacts available. Their results also are broadly in line with the findings of static product level estimates of import protection undertaken by my Department, which show a significant challenge to the beef sector from imports even without the WTO tariff reductions.

Departmental Offices.

396. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food when it is envisaged that the new district veterinary office for County Leitrim based in Drumshanbo will be officially opened and occupied by staff; and the number of staff who will be working in the new offices based at Derryhollow, Drumshanbo. [21015/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A date has not been set for the official opening of the new offices in Drumshanbo. The number of staff will be determined by the outcome of the current review of the Department's local offices.

397. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food if there are proposals to close local offices (details supplied) in County Clare in the review of his Department's office network; and if he will make a statement on the matter. [21055/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department is currently reviewing its local office structure. No decisions have been taken regarding the future of any local office, other than the Dublin local office, already announced.

Grant Payments.

398. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the position of a REP scheme application in the name of a person (details supplied) in County Galway; and if he will make a statement on the matter. [21088/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): On the 22 May 2009 my officials received additional information from the person named and they are currently reviewing his agri-environmental plan in the light of this information.

Landowner Compensation.

399. **Deputy Michael D'Arcy** asked the Minister for Agriculture, Fisheries and Food if there is a mediatory process in place to determine the compensation farmers get from the ESB when they sterilise the use of their land in private forestry; and if he will make a statement on the matter. [21219/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The IFA and the ESB entered into an agreement in relation to the manner in which landowners would be compensated as a result of the presence of an ESB line. Landowners reserve the right to negotiate their own deal with the ESB and my Department does not enter into any mediation process to determine the compensation farmers should obtain from them.

My Department provides a statement of the loss of premium that the applicant would incur as a result of the presence of an ESB line.

Disadvantaged Areas Scheme.

400. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food the representations he has made at European level to ensure that all existing disadvantaged areas are retained and that new natural handicap criteria will be introduced to allow new areas to be included; and if he will make a statement on the matter. [21299/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Commission is currently conducting a review of Disadvantaged Areas across the Community, having been mandated by the Council of Ministers to conduct the review. The object of the exercise is to establish a Community-wide system which will allow comparisons between regions, on the basis of eight bio-physical criteria, rather than the socio-economic criteria which were used when defining the current Disadvantaged Areas.

This is a very important issue for Ireland as the total area designated as disadvantaged is almost 75% of Ireland's total land area. From an economic perspective the Disadvantaged Areas Scheme is particularly significant, contributing to the support of in excess of 100,000 Irish farm families, whose ability to farm is restricted by the physical environment, in particular, the impact of the prevailing wet cold climatic conditions in Ireland.

I can fully understand and appreciate the current proposal to move from the existing socio-economic criteria for defining Disadvantaged Areas to a system of definition based on physical and climatic criteria. However, despite the significant progress made between officials of the Commission, the Joint Research Centre and this Department in addressing the scope of the new criteria, there are still areas which need further attention in order to ensure that the new criteria may accurately reflect the reality of farming in Ireland.

If, as seems to be the case, physical characteristics will be used to classify Disadvantaged Areas, the crucial one from our point of view is soil drainage, taking into account the impact of water logging. While the proposed criteria includes climate, it appears only to provide for the impact of drought on farming activities in the EU. In my view, there is also need to provide for the climate in North Western Europe and the impact of heavy rainfall on soil moisture conditions and the adverse impact this has on farming activities for long periods of the year, resulting in the land being unsuitable for grazing or machinery traffic — what is referred to technically as trafficability.

The other important criteria from Ireland's viewpoint are Soil and Slope. In common with most other Member States, currently there is insufficient information available to classify areas using the soil characteristics of texture/stoniness and rooting depth. The lack of detailed data across Member States is recognised by the Commission in this Communication and, as the Commission is already aware, a comprehensive soil classification survey is currently being undertaken in Ireland, following completion of which the required information will then be available.

I have raised concerns regarding the criteria at the Council of Ministers and has argued strongly for due recognition to be given to the restrictions which our climate places on farming

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activities for long periods of the year. My officials have had numerous meetings with Commission officials and, currently, a series of Working Groups involving all Member States, together with Commission officials and officials of the Joint Research Centre, under the chairmanship of the Czech Presidency, is ongoing.

I remain committed to working closely with the Commission to progress work in this area in order that the necessary analysis is completed allowing appropriate proposals to be brought forward to Council.

Food Safety Standards.

401. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the testing regime in place to ensure that imported meat is growth hormone residue free; if the imported meat will be labelled as hormone residue free with the country of origin; and if he will make a statement on the matter. [21315/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Countries approved by the EU for export of animal products must operate residue controls that provide appropriate guarantees as regards compliance with the Community's feed and food law, including that banning the use of hormones in the production of meat. Health certification as to compliance with EU standards with regard to microbiological levels and residues is a requirement for import. The Food and Veterinary Office (FVO) carries out assessments and audits production and hygiene controls and the results of tests earned out in third countries.

Testing of food placed on the EU market is an integral part of the Hazard Analysis and Critical Control Points (HACCP) approach to food safety in the Community's Food Hygiene Regulations. In consultation with the Food Safety Authority of Ireland my Department is involved in the drawing up of multi-annual national control plans to apply a testing programmes to best promote risk based, consistent and comprehensive approach to controls on feed and food, animal health and animal welfare legislation. The plans embrace all sectors and stages of the feed and food chain, including imports.

The results of tests are published annually.

Herd Number Transfers.

402. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food if he will arrange for confirmation by his Department in relation to the transfer of a single farm payment entitlement for a person (details supplied) in County Cork; and if he will ensure that this is done immediately. [21382/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Three applications were received on the 12 May 2009 from the person named requesting the transfer of 5.54, 7.0 and 4.0 Standard (National Reserve) entitlements to other farmers.

Upon review, it was noted that two of these applications involve transfers to herd numbers that are held in joint names but only one person has signed as transferee. Copies of the application forms have been returned to the transferees requesting completion of the form.

Upon receipt of the completed forms, all applications that relate to the person named will be processed without delay.

Pigmeat Sector.

403. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the

amount of funds currently paid out by his Department in financial aid to the pig sector arising from the recent pork dioxin contamination incident; the categories of beneficiaries from these payments; and if he will make a statement on the matter. [21399/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department has two separate schemes in place dealing with aspects of the Recall. One is the Pigmear Recall Scheme, which deals with affected product; the other is the Pig and Cattle Disposal Scheme which deals with affected live animals.

Under the Pigmear Recall Scheme, my Department has paid out a total of €55m to date. Some €17m has been paid to primary processors, and €34m to secondary processors. A total of €4m has been paid to renderers for the destruction of affected product.

Under the Pig and cattle Disposal Scheme, my Department has paid out a total of €24m to date. Compensation amounting to €15m has been paid to (13) pig producers, €6m paid to (27) cattle producers, and the balance of €3m to general creditors including renderers and slaughter plants. Payments to general creditors and a balance of payment to the pig producers is currently ongoing.

Grant Payments.

404. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive their installation aid payment; and if he will make a statement on the matter. [21402/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned is an applicant under the Installation Aid Scheme. His application for payment is currently being examined and a decision will be made in regard to the application as soon as possible.

405. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Monaghan will be granted their suckler cow grant; if he is satisfied that this grant should still not be paid; and if he will make a statement on the matter. [21407/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The latest correspondence from the person named indicates that he did not comply with the requirement to feed meal to the calves for at least four weeks before weaning. An official from my Department will make contact with the applicant.

406. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food if he will expedite an application to his Department in respect of a person (details supplied) in County Longford; the reason for the delay in processing the application and making REP scheme payments under the rural development plan; and if he will make a statement on the matter. [21432/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named was asked to submit an amended plan in September 2008 but this plan was not received until 13 May 2009. Payment issued on 25 May 2009.

Pigmear Sector.

407. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the fact that a plant (details supplied) in County Tyrone slaughters more than 8,000 pigs from south of the Border weekly and accounts for approxi-

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mately 15% of south of the Border pig production annually; the steps he proposes to take to protect southern producers who export to processors north of the Border in the event of a recurrence of the damaging dioxin incident or some such outbreak or scare; his views on whether Irish pig producers are entitled to the same levels of support, protection and emergency assistance, if needed, as fellow Irish pig producers who supply to processors based in the Twenty-six Counties; and if he will make a statement on the matter. [21436/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am aware that cross-Border trade is a significant feature in the pig sector. As regards the dioxin contamination incident, the Government made financial assistance available for pigmeat subject to the recall initiated by the Food Safety Authority of Ireland, i.e. pigmeat derived from pigs slaughtered in Ireland. Pigmeat derived from pigs slaughtered in Northern Ireland was subject to the recall initiated there and the financial assistance subsequently made available by the Northern Ireland authorities.

In regard to possible future food safety issues, my Department will continue to afford primacy to protection of the consumer. While each issue will have to be assessed individually, I do not envisage as a general rule that this would involve differentiated treatment at farm level on the basis of usual places of slaughter.

Grant Payments.

408. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when an application under the farm waste management scheme will be completed for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21448/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. I have also announced that a special *ex-gratia* payment not exceeding 3.5 per cent of the value of the deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment.

My Department is currently processing the application concerned and a decision will be made as soon as possible.

409. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when a REP scheme three payment will be granted to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [21456/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment will issue to the persons named within the next 10 days.

Veterinary Inspection Service.

410. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if he will make public the reports conducted on the farm of a person (details supplied) in County Kilkenny; the further action that will be taken arising from the reports; and if he will make a statement on the matter. [21458/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In 2004, my Department's Veterinary Laboratory Service arranged for a wide-ranging study to be undertaken into

the problems on the farm following which a report was produced in June 2006. This report documented the range of the investigations, the methodology involved and the results of different aspects. The farmer involved had certain difficulties with some aspects of the report, and, at his request, this report was not published at that time.

The farm is currently the subject of a follow-up investigation under the direction of the Centre for Veterinary Epidemiology and Risk Analysis (CVERA) at UCD. A draft report arising from this work has recently been sent for peer review. The peer review has recommended that some additional verification of the results obtained be carried out. When this is completed, the report will be finalised and published.

Grant Payments.

411. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will have their premises inspected and receive payment under the farm waste management scheme; and if he will make a statement on the matter. [21510/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. I have also announced that a special *ex-gratia* payment not exceeding 3.5 per cent of the value of the deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment.

My Department is currently processing the application concerned and a decision will be made as soon as possible.

Third Level Courses.

412. **Deputy Ciarán Lynch** asked the Minister for Education and Science if he will confirm that it is intended that Cork Institute of Technology will continue to provide a course in speech, drama and theatre studies; and if he will make a statement on the matter. [20920/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Institutes of Technology are autonomous institutions and my Department does not have any function in their day to day operational affairs or in relation to decisions concerning course provision. The Institutes receive a block grant from the Higher Education Authority and it is a matter for each institution to determine how this is allocated internally across different academic programmes. However, it is my understanding that the existing education programmes in speech, drama and theatre studies in Cork Institute of Technology will continue to be offered as heretofore.

Schools Building Projects.

413. **Deputy Joe McHugh** asked the Minister for Education and Science if he will expand on a works proposal at a school (details supplied) in County Donegal; and if he will make a statement on the matter. [20922/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The development of a building project for the school to which the Deputy refers is at an early stage of architectural planning. I recently met with the school authorities and discussed with them the current status of their project. My Department will shortly be in contact with the school authority regarding the next stage of the project.

Special Educational Needs.

414. **Deputy Joe McHugh** asked the Minister for Education and Science if every primary school in County Donegal will be reviewed by the special educational needs organiser in the near future for assessment of special needs assistants posts; the number of SNAs working in County Donegal; the number of Donegal SNA jobs that will be cut; if the SENO is aware of the importance of SNAs for special needs children; his views on whether it is unfair to sack SNAs who have worked for ten years; the amount of notice which schools receive for reviews; and if he will make a statement on the matter. [20944/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I take it that the Deputy is referring to the review of all Special Needs Assistant (SNA) posts in primary, special and post-primary schools by the National Council for Special Education (NCSE).

I wish to advise the Deputy that the NCSE has been requested by my Department to arrange for its Special Educational Needs Organisers (SENOs) to review SNA allocations in all schools with a view to ensuring that the criteria governing the allocation of such posts are properly met. I wish to clarify that there has been no change in these criteria and the current review will be carried out by reference to those criteria. The review is currently underway and it is intended that it will be completed by the end of this school year.

SNAs are sanctioned by SENOs to schools specifically to assist in the care of pupils and students with disabilities in an educational context. SNAs may be appointed to a special school or a mainstream school to assist school authorities in making suitable provision for children who have been assessed as having such needs.

For some pupils, as they mature, their care needs may diminish over time. Pupils may move to a different school or on to a post-primary school. In such circumstances, the NCSE will review and adjust the overall level of SNA support in the school concerned. This may mean that some pupils who had previously been supported by a full time SNA may have their needs met through the shared support of an SNA or perhaps they may have no need for SNA support.

There are currently 459 whole time equivalent SNAs in primary and post primary schools in Donegal. With regard to the review visit to schools, SENOs contact schools by telephone to agree a date. The SENO subsequently sends a letter confirming the date to the schools.

Priority within the budgetary process has been given to allocations for pupils with special educational needs in relation to additional teaching, SNA and other resources (e.g. capital and equipment). Sustaining this priority requires adherence to the criteria underpinning the allocation processes.

Notwithstanding the possibility only a minority of SNA allocations do not meet the set criteria, it is necessary to ensure that the criteria are applied in the case of all schools and in a consistent manner. The proper application of the criteria should ensure equity of treatment as between schools and pupils as well as ensuring that inappropriate allocations are not adversely impacting on other services within the education sector.

Departmental Expenditure.

415. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science his Department’s annual spend on tackling problematic alcohol and illegal drug use respectively for each of the past three years. [20952/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department provides funding for 38 projects in Local Drugs Task Force areas. The projects are located in very disadvantaged areas and, through a variety of programmes and activities, seek to encourage susceptible

young people not to engage in drug-taking. Expenditure on these projects for the past three years is as follows:

2006 — €3,316,743

2007 — €3,621,000

2008 — €3,651,262

Prior to 2009, my Department also had responsibility for administering over 100 projects under the Young Persons Facilities and Services Fund, which aims through the provision of services and facilities funded by the programme to divert “at risk” young people in disadvantaged areas from the dangers of substance misuse. With effect from 1 January 2009, responsibility for the administration of these projects transferred to the Office of the Minister for Children and Youth Affairs. Expenditure on these projects for the past three years is as follows:

2006 — €8,176,210

2007 — €8,512,000

2008 — €8,735,000

Apart from funding these projects, my Department, through substance misuse prevention education, contributes to the overall aim of Government policy in relation to drugs, which is to provide an effective, integrated response to the problems posed by drug misuse. Social Personal Health and Education (SPHE) is the foundation for developing awareness of drugs and alcohol issues in schools. Substance misuse prevention education is implemented as part of SPHE in all primary and post-primary school and is a mandatory part of the curriculum at primary and junior cycle in second level. The implementation of these programmes in schools is supported by full-time support services at primary and second level, which provide professional development for teachers and advice and support to schools.

SPHE has matching funding from the Health Service Executive/Department of Health and Children. The following funding details relate to the overall cost of the programme and are not specific to substance misuse. Costs in relation to the substance misuse module of SPHE are not available as modules are not taught in isolation, but in the overall context of SPHE.

	2006	2007	2008
Substance Misuse Prevention Programme (SMPP)	538,000	420,557	416,616
Social Personal Health and Education (SPHE)	250,000	202,000	276,362
Total	788,000	622,557	692,978

While education has a role to play in addressing the problem of drug and alcohol misuse, behavioural change will not happen without the support and co-operation of parents, the drinks industry and society as a whole. Parents have a responsibility to help children and young people to adopt sensible and responsible attitudes and behaviours in relation to alcohol.

Special Educational Needs.

416. **Deputy Frank Feighan** asked the Minister for Education and Science if he will ensure that special needs pupils and their special needs assistance currently being accommodated at a centre (details supplied) will be facilitated at another location. [20992/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports. The NCSE operates within my Department’s criteria in allocating such support. The responsibility also includes identifying appropriate educational placements for individual children with special educational needs.

I understand that the SENO is actively involved in discussions with the school authorities regarding an alternative location for the pupils in question. The level of SNA support for the children will be determined by the NCSE with reference to the care needs of the children and the level of SNA support available in the school(s) in which they enrol to identify whether additionality is needed or whether the school(s) might reasonably be expected to meet the needs of the pupils from its current level of resources.

The responsibility for the appointment of SNAs rests with the Board of Management of the school(s) in question.

Schools Building Projects.

417. **Deputy Paul Gogarty** asked the Minister for Education and Science if his attention has been drawn to the long-standing need for an extension at a school (details supplied) in County Dublin; if he will announce progress on this project in the near future; and if he will make a statement on the matter. [20996/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that my Department has received a major capital application from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 1.1. The building project is awaiting the appointment of a Design Team.

The progression of all large scale building projects, including the project in question, 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.

Physical Education Facilities.

418. **Deputy Michael McGrath** asked the Minister for Education and Science his plans to make the facilities, such as multipurpose halls, playing pitches, basketball courts and so on, of those primary and post-primary schools, owned by his Department, available for community use during school holidays. [20997/09]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has a general policy of encouraging the use of school facilities by community and other groups where this is possible and where appropriate arrangements are made to reimburse the school for any additional expenditure incurred by the school associated with such usage (heating, lighting, caretaking, insurance, etc). However, any proposal for the use of school facilities outside of normal schools hours must be approved by the local school management authorities in the first instance.

In 2005, my Department issued a circular letter to all school authorities urging them to make their facilities available, where possible, for community and recreation purposes.

Schools Building Projects.

419. **Deputy Brian Hayes** asked the Minister for Education and Science his views on the need for additional classroom accommodation at a school (details supplied) in County Dublin; the stage of consideration this project is at; his views on whether the school, its board of management, parents association and its children are in need of up-to-date information, most specifically when the extra permanent classroom accommodation will be provided at the school; and if he will make a statement on the matter. [21005/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The building project for the school to which the Deputy refers is currently at an early stage of architectural planning.

The project will provide for a 16 classroom extension and refurbishment of the existing school. A Stage 2A submission (Developed Sketch Scheme) was received by my Department in April 2009. My Department will revert to the school when the submission has been examined.

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 Department’s capital budget, it is not possible to give an indicative timeframe for the further progression of the project at this time.

420. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a school (details supplied) in County Laois which was allowed proceed to tender over three years ago, will see the commencement of its refurbishment and extension; and if he will make a statement on the matter. [21012/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The development of a building project for 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 Department’s capital budget, it is not possible to give an indicative timeframe for the further progression of the project at this time.

421. **Deputy Olwyn Enright** asked the Minister for Education and Science further to Parliamentary Question No. 500 of 10 March 2009, when a school (details supplied) in County Offaly which has applied for the replacement of its old building and prefabricated buildings on site, will be considered under his multi-annual school building and modernisation programme; and if he will make a statement on the matter. [21013/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The building project for the school to which the Deputy refers is currently at an advanced stage of architectural planning.

As the Deputy will be aware, in February, I announced details of 43 major building projects to proceed to tender and construction and 25 high priority projects to commence architectural planning.

The project to which the Deputy refers was not included in this announcement. Therefore, it is unlikely that it will be progressed further in 2009.

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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.

Special Educational Needs.

422. **Deputy Kathleen Lynch** asked the Minister for Education and Science if he will intervene with the Health Service Executive to ensure the provision of a special needs assistant in a school for a child (details supplied) in County Cork; and if he will make a statement on the matter. [21026/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support. Health staff may make professional reports available to education providers and SENOs. The SENO considers such professional reports when determining the level of additional resources, if any, required by the school to support a pupil.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on *www.ncse.ie*.

I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

Higher Education Grants.

423. **Deputy Michael Creed** asked the Minister for Education and Science if he will clarify the way a formal appeal regarding a decision made on a higher education grant application can be submitted to his Department; and if he will make a statement on the matter. [21030/09]

Minister for Education and Science (Deputy Batt O’Keeffe): If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of maintenance grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant Local Authority or VEC and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department. The appeal form is available from the relevant Local Authority or VEC.

National Education Welfare Board.

424. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position regarding plans to absorb the home school liaison service and Traveller support services into the functions of the National Education Welfare Board; and if he will make a statement on the matter. [21038/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The National Educational Welfare Board (NEWB), which was established under the Educational Welfare act 2000, is just one aspect of the comprehensive framework that this Government has put in place to improve school attendance, to encourage more young people to finish school and to support parents and the wider community in addressing the individual needs of children at risk of educational exclusion. The Home School Community Liaison Scheme (HSCL) is a school-based preventative strategy which is targeted at building the capacity of parents and guardians of pupils who are at risk of not reaching their potential in the education system because of background characteristics which tend to affect adversely pupil attainment and school retention. The School Completion Programme (SCP) is targeted at young people between the ages of 4 and 18 years who are at risk of early school leaving. SCP involves an integrated services approach based on the development of local strategies to ensure maximum participation levels in the education process. HSCL and SCP are available to all schools participating in DEIS. The Visiting Teacher Service for Travellers (VTST) works to promote, facilitate and support the education of Travellers from pre-school to third level access.

On 18 May I announced plans to expand the remit of the National Educational Welfare Board, from 1 September 2009, to include responsibility for the Home School Community Liaison Scheme and the School Completion Programme as well as Visiting Teacher Service for Traveller pupils. Under its expanded roll the Board will bring together the individual services under one common management team. The Board will be responsible for the development of a single strategic approach, reflecting equally the nature and strengths of each of the services and provide for more focussed service delivery at local, regional and national levels. This integrated approach is part of the Government's overall approach to Transforming Public Services announced in November 2008.

As Minister with responsibility for Educational Disadvantage, I am committed to securing significant improvements in school attendance and school retention rates. Supporting parents and pupils will help to encourage those most at risk of experiencing difficulties to remain engaged within their schools and, by ensuring that these supports are fully integrated and coordinated, I am confident that significant improvements can be achieved. Furthermore, I am committed to the full integration of Traveller Children within the mainstream school environment, as envisaged in the Report and Recommendations for a Traveller Education strategy 2006. This integrated approach will significantly benefit service delivery to children and their families and assist schools in meeting the challenges they face in tackling poor attendance and early school leaving.

The full benefits of this integration will undoubtedly take some time to be realised. However I consider that bringing together these significant resources, under a common management structure will also deliver some immediate benefits through improved targeting and appropriate responses for children at risk of early school leaving or poor attendance, reduction or elimination of any overlap that may currently exist and strengthening the Board to deliver upon its objectives.

Schools Building Projects.

425. **Deputy Alan Shatter** asked the Minister for Education and Science the reason for the continuing delay in permitting a school (details supplied) in Dublin 16 to apply for planning permission and for his continuing failure to sanction the construction of the new school; if his attention has been drawn to the fact that substantial moneys have been spent on the design of the new school; and if he has abandoned the commitment given to the Knocklyon community

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prior to the 2007 general election that the construction of the school would be sanctioned without delay. [21052/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The building project for the school to which the Deputy refers is currently at an early stage of architectural planning.

The progression of all large scale building projects, including this project, 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 Department’s capital budget, it is not possible to give an indicative timeframe for the further progression of the project at this time.

Schools Amalgamation.

426. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a matter (details supplied). [21056/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to advise that the patron and management authority of the schools referred to by the Deputy have agreed to amalgamate from 1 Sept 2009 forming a new school called the Holy Child National School. The Department has approved the amalgamation and is currently in the process of issuing a formal letter of approval to the school Patron and Board of Management.

Special Educational Needs.

427. **Deputy Terence Flanagan** asked the Minister for Education and Science the reason a home tuition grant was refused for a person (details supplied) in Dublin 20; if he will reconsider the matter; and if he will make a statement on the matter. [21069/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Deputy will be aware that the home tuition scheme provides a grant to parents to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting an educational placement and to provide early intervention for pre-school children with autism.

I understand from officials in my Department that home tuition was not sanctioned for the child in question as the application did not meet the criteria under the terms of the home tuition scheme. Additional information has now been received in support of the application and this will now be considered by my Department. A decision will be conveyed to the parent as soon as this process has been completed.

Schools Recognition.

428. **Deputy Pat Breen** asked the Minister for Education and Science when a school (details supplied) in County Clare will receive full recognition; and if he will make a statement on the matter. [21108/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers was granted provisional recognition for a period of one year from September 2008 subject to compliance with a number of terms and conditions. In general, to be considered for permanent recognition a school must make an application stating that they have met the Criteria for Recognition of New Primary Schools, which include the requirement to follow the primary

school curriculum, to comply with the Rules for National Schools and to demonstrate, usually over a period of 3 years, that enrolments are sufficient for the long-term viability of the school. In the meantime, my Department is reviewing the position now that the school has been in operation for almost one year and will be in contact with the school as quickly as possible.

Schools Building Projects.

429. **Deputy Pat Breen** asked the Minister for Education and Science further to parliamentary Question No. 172 of 4 March 2009, if a meeting will be arranged for a school (details supplied); and if he will make a statement on the matter. [21109/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has made application for capital funding for an extension to their school. The project has been assigned a band rating of 2.2. The next step is the appointment of a design team. The Department is currently examining a proposal from this school and will be in contact with the school shortly in this regard. 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 Department’s capital budget, it is not possible to give an indicative timeframe for the further progression of the project at this time.

School Staffing.

430. **Deputy John Perry** asked the Minister for Education and Science if he will ensure that a temporary replacement teacher will be appointed to replace a teacher who will soon be going on maternity leave at a school (details supplied) in County Sligo; and if he will make a statement on the matter. [21110/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The recruitment and appointment of teachers to fill vacancies in an individual school is a matter for the Board of Management of the school concerned. Under present arrangements a teacher on maternity leave is replaced by a substitute teacher recruited by the Board of Management.

Schools Building Projects.

431. **Deputy Brendan Howlin** asked the Minister for Education and Science the stage of development of a new school (details supplied) in County Wexford for pupils with special needs is at; when it is envisaged that construction will commence. [21112/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The project referred to by the Deputy was included in my announcement, earlier this year, of 25 high priority projects to commence architectural planning. My Department will shortly be in contact with the school to finalise the brief for this project and to agree the schedules of accommodation, following which, a design team will be appointed. At this early stage, when architectural planning is just beginning, it is not possible to give an indicative timeframe as to when construction on the new school will commence.

432. **Deputy Seán Ó Fearghail** asked the Minister for Education and Science if officials from his Department, in their routine meetings with officials in the planning department at Kildare County Council, have discussed the building requirements of a school (details supplied) in County Kildare; his plans to meet the accommodation requirements of this school; and if he will make a statement on the matter. [21130/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that my Department has received a major capital application from the school to which he refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 2.2. The progression of all large scale building projects, including the project in question, 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.

As a matter of course, there is ongoing liaison between my Department and local authorities to establish the location, scale and pace of any major proposed developments and their possible implications for school provision. Officials from my Department meet regularly with Kildare County Council in this regard. However, the school referred to by the Deputy has not been specifically discussed at these meetings.

Special Educational Needs.

433. **Deputy Michael Ring** asked the Minister for Education and Science if the necessary educational provisions will be made in respect of a child (details supplied) in County Mayo for the academic year 2009-2010 in view of the fact that they were not made for the academic year 2008-2009. [21216/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Department is in receipt of an application for capital funding to provide an ASD unit at the school to which the Deputy refers. On foot of this application the Department authorised the school to commission a feasibility study for the conversion of an adjacent premises for use as an ASD Unit. The Department is awaiting costings for this conversion. Once these costing are received and examined, further progress of this project will be considered. The Department will continue to work with the school towards an early delivery of accommodation for the ASD Unit.

Site Acquisitions.

434. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he will report on his efforts to secure a site for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [21236/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The OPW has been recently instructed to recommence negotiations up to contract stage for a site for the school. Due to 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. The acquisition of the site will then be considered in the context of the capital budget available to my Department for school buildings generally.

435. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he will report on the response he has received from South Dublin County Council on the feasibility of additional lands to be included in the Liffey Valley special area amenity order; the status of proposal to extend the SAAO; and if he will make a statement on the matter. [21237/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to advise the Deputy that the Department has sought and received clarification from South Dublin County Council in relation to prospective lands for a site for a school in the Lucan area. The Local Authority has confirmed that the site is not situated within the Liffey Valley Special Area Amenity

Area Order (SAAO) boundary. The question of extending the SAAO is not a matter for my Department.

Schools Building Projects.

436. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he will report on the retendering progress and the timeframe for building works at a school (details supplied) in Dublin 20; and if he will make a statement on the matter. [21238/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers is one of ten projects announced in January to be re-tendered with a view to going on site as soon as possible. My Department reviewed the Stage 2B (detailed design) submission from the Design Team, and identified some issues to be clarified. A meeting has been held with the school authorities and their Design Team. Upon confirmation from the school and Design Team that all outstanding issues with the Stage submission have been resolved, my Department will consider its progression to tender.

437. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the timeframe for the construction of the new building for a school (details supplied) in County Dublin; and if he will make a statement on the matter. [21239/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The provision of a new building for the school to which the Deputy refers necessitates the acquisition of a site. I am pleased to inform the Deputy that County Dublin VEC has agreed to make a site available to the Department for this purpose. The legalities attaching are currently being executed.

Once the site is acquired, consideration can be given to the inclusion of a building project for the school in the School Building and Modernisation Programme. However, in light of the level of demand currently on the Department’s capital budget, it is not possible to give an indicative timeframe as to when the project might progress.

Further Education.

438. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of participants in further education for the years 2005, 2006, 2007, 2008 and to date in 2009; the breakdown of these participants according to the category of institution attended; and if he will make a statement on the matter. [21321/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The information requested by the Deputy is set out in the table. For full-time programmes, the number of approved places is supplied. For part-time programmes, the number of participants is supplied. This information is collected at the end of the year so the 2009 information will not be available until early 2010.

Full Time Approved Places

	2005	2006	2007	2008	2009	Type of Centre
PLC	30,188	30,188	30,188	30,188	31,688*	VEC sector, Secondary and Community & Comprehensive schools
Youthreach	3,258	3,292	3,692**	3,692	3,692	Youthreach Centres
STTCs	1,084	1,084	1,084	1,084	984*	Senior Traveller Training Centres
VTOS	5,000	5,000	5,000	5,000	5,000	In VTOS centres (core VTOS) and as part of the PLC provision (dispersed VTOS)

Part Time Participants

	2005	2006	2007	2008	2009	Type of Centre
BTEI	22,019	24,728	25,860	27,104	Not yet available	BTEI is provided in a range of educational and community settings
Literacy	35,738	40,678	45,812	49,000	Not yet available	Literacy tuition is provided in a range of educational and community settings
Community Education***	N/A	N/A	N/A	50,634	Not yet available	Community Education is provided in a range of educational and community settings

*With effect from September 2009.

**400 new places allocated in 2007 to VECs.

***Statistical information on Community Education is not available prior to 2008.

State Examinations.

439. **Deputy Deirdre Clune** asked the Minister for Education and Science if he will ensure that relevant exam supports are in place in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [21324/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations.

I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the certificate Examinations. Applications for such accommodations are submitted by schools on behalf of their students.

In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

School Accommodation.

440. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of prefab buildings being used as classrooms at a school (details supplied) in County Kildare; the cost in 2008 for rental of these buildings; if plans are in place to build a new school or new buildings; when it is expected that work will begin on this project; if he will make alternative provision for the school in the meantime; and if he will make a statement on the matter. [21325/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy is currently using prefabricated accommodation pending the provision of a major building project. This school was included in my announcement on 12 February last of forty three major school building projects which are to progress to tender and construction. My Department is awaiting the submission of the Stage 2(b) — Detailed design — from the project Design Team.

The temporary accommodation used by the school at present is mainly purchased except for one small sized prefab being rented since September 2007 with an annual rental cost of €2,843.

Special Educational Needs.

441. **Deputy Richard Bruton** asked the Minister for Education and Science if an audit of the special needs service has been completed; the recommendations that have been made as a result of the audit; if changes are envisaged in this service; and the way he will consult with parents and staff regarding the recommended changes. [21331/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The National Council for Special Education (NCSE) has arranged for its Special Educational Needs Organisers (SENOs) to review Special Needs Assistant (SNA) allocations in all schools with a view to ensuring that the criteria governing the allocation of such posts are properly met.

I wish to clarify that there has been no change in these criteria and the current review will be carried out by reference to those criteria. The review is currently underway and it is intended that it will be completed by the end of this school year. It is too early at this point to anticipate the findings that will emerge from the review.

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My Department is separately carrying out a Value for Money and Policy Review of the Special Needs Assistant Scheme. It is expected that this review will be completed by the end of 2009. The review will examine the SNA support allocated to children with care needs in schools. My officials have met with the Education Partners to advise them of the review and to outline the process involved and have formally invited the partners to furnish their views on the scheme. Engagement has also taken place through focus group meetings with interested parties such as parent representatives, schools, education partners and other representative groups.

School Staffing.

442. **Deputy Emmet Stagg** asked the Minister for Education and Science if his attention has been drawn to the fact that the caretaker of a school (details supplied) in County Kildare is retiring at the end of the 2008-09 school year; the arrangements in place to enable the appointment of a new caretaker in view of the recruitment ban; and if he will ensure that the school can re-open in September 2009. [21335/09]

Minister for Education and Science (Deputy Batt O’Keeffe): Circular 0023/2009 outlines the impact on community and comprehensive schools and VECs of the Government decision to implement a recruitment and promotion moratorium in the public sector. As the Deputy will be aware, positions other than teacher and SNA posts in schools and VECs, including the caretaker post referred to by the Deputy, are comprehended by this decision.

Officials of my Department will be consulting with Co. Kildare VEC and the Department of Finance in relation to this matter.

Schools Building Projects.

443. **Deputy Brian O’Shea** asked the Minister for Education and Science the progress that has been made on the construction project for a school (details supplied) in County Waterford; and if he will make a statement on the matter. [21367/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that my Department has received a major capital application from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 2.2. The building project is awaiting the appointment of a Design Team.

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.

Special Educational Needs.

444. **Deputy Brendan Howlin** asked the Minister for Education and Science if his attention has been drawn to the fact that under current practice his Department will not appoint a special needs assistant for a child (details supplied) in County Wexford who has been diagnosed with ADHD and related behavioural difficulties until they have been assessed by a clinical psychologist, that there is a two-year delay in the public system for child psychologist assessment and that their parents paid for their child’s developmental paediatrics evaluation and cannot fund a private clinical psychologist assessment as both are unemployed; the action that will be taken

by her Department in conjunction with the health services to ensure that an SNA is appointed for this child without further delay; and if he will make a statement on the matter. [21368/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy is aware the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs. The NCSE operates within the Department’s criteria in allocating such support.

Each SENO works in an assigned local area with parents, schools, teachers, psychologists, health professionals and other staff who are involved in the provision of services in that area for children with special educational needs.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie.

I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

Schools Building Projects.

445. **Deputy John O’Mahony** asked the Minister for Education and Science the action he is taking to upgrade primary schools in County Mayo; and if he will make a statement on the matter. [21383/09]

Minister for Education and Science (Deputy Batt O’Keeffe): In Mayo, at the moment, a major project involving two special schools is nearing completion. The new building should be ready for occupation by September of this year. Two other major primary school projects reached completion in 2008 and a further twelve major projects have been completed since 2002. There are three other major primary school projects currently progressing through architectural planning, one of which was included in my announcement of February last to proceed to tender and construction. This latter project has recently been advertised for prequalification of contractors on the Governments e-tenders web-site and the closing date for expressions of interest by suitably qualified contractors is the 28th of this month. Details on these schools are contained in the following tabular statement.

In recent years, my Department has adopted a policy of devolving much greater authority to local school management authorities to manage and deliver smaller building projects in their schools. This has allowed officials in my Department to concentrate on delivering larger scale projects, while also ensuring that the school authorities can use their local knowledge to manage projects efficiently. Overall, the use of such devolved schemes has resulted in cost efficient and effective delivery of minor projects in schools.

The devolved Small Schools Scheme and the Permanent Accommodation Scheme, were introduced in 2003. The purpose of the Schemes was to devolve funding to individual school authorities to undertake smaller scale building works such as refurbishment of existing buildings/provision of small extensions with guaranteed funding. Under the terms of the Schemes, school authorities were empowered to manage these works with guidance from and minimal interaction with the Department.

Since the introduction of these schemes, 44 primary schools in Mayo have been approved funding for capital works under the SSS and PAS.

The Summer Works Scheme was introduced in 2004 with the purpose of devolving funding to primary and post-primary school to carry out works to school buildings with minimum inter-

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action with the Department. As part of the Summer Works Scheme for 2009, 35 projects have been approved in 24 primary schools in County Mayo.

It is also open to schools to claim grant-aid from my Department under the Emergency Works Fund. Grants from this fund are available for very urgent unforeseen works, primarily of a major health and safety nature, to schools that are in most need of resources for capital works. Since January 2008, ten primary schools in County Mayo have been sanctioned funding under the Emergency Works Fund.

Primary school authorities may use their annual minor works grant to deal with small scale projects. The Minor Works Grant, which increased by 44% in 2006, provides school authorities with the funds to carry out ongoing repairs and maintenance work of a minor nature on school buildings. It allows the school to prioritise how the money is spent on their schools, again using their local knowledge.

Major Projects in County Mayo

Roll No.	School	Status
20142I	Scoil Íosa, Ballyhaunis	Advanced architectural planning
13667H	St. Joseph’s NS, Bonniclonlon	Advanced architectural planning
20046M	Gaelscoil na Cruaiche, Westport	Proceeding to tender
19387I & 19773N	St Dympna’s and St Nicholas Special Schools	In Construction
19916J	St Peter’s NS	Completed 2008
15866A	Carrakennedy NS, Westport	Completed 2008
18542M	St. Patrick’s, Castlebar	Completed 2007
13781F	Breaffy N.S., Castlebar, Co Mayo	Completed 2006
14534Q	Gortjordan N.S. Kilmaine, Claremorris	Completed 2005
15555G	Breafy N.S. Ballina, Co Mayo	Completed 2005
17562N	SN Oilean Eadaigh, Caislean A Barraigh	Completed 2005
18694M	Convent of Mercy N.S Castlebar	Completed 2005
17098O	Ardagh NS	Completed 2003
19248R	St. Anthony’s Special School	Completed 2003
14728G	Crossmolina N.S.	Completed 2002
16052I	Saula (St. Patrick’s NS)	Completed 2002
17678J	Manulla N.S.	Completed 2002
19951L	Swinford NS	Completed 2002

446. **Deputy John O’Mahony** asked the Minister for Education and Science the amount which has been spent on the schools building programme in each county for the years 2006, 2007 and 2008 in tabular form; and if he will make a statement on the matter. [21384/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The amount spent in capital funding to primary and post-primary schools in each county for the years 2006, 2007 and 2008 is contained in the table.

Capital Funding for Primary and Post Primary Schools 2006-2008

	Post Primary Schools			Primary Schools		
	2006	2007	2008	2006	2007	2008
	€	€	€	€	€	€
Armagh	0	0	0	17,241	162,457	243,269.00
Carlow	10,279,001	10,167,804	2,008,138	7,803,500	7,728,475	5,738,560.00
Cavan	3,442,102	2,712,857	1,811,485	3,905,225	5,775,293	7,863,415.00
Clare	3,005,309	1,651,247	1,266,667	5,539,033	7,995,461	8,573,920.00
Cork	17,773,555	16,049,930	14,716,468	13,709,800	25,897,572	26,245,880.00
Donegal	10,976,420	10,773,020	6,848,133	6,599,097	10,423,380	11,445,372.00
Dublin	68,719,769	54,671,024	36,519,540	68,052,427	96,836,759	128,759,172.00
Galway	10,596,567	7,340,747	5,944,868	9,530,055	17,686,787	17,252,669.00
Kerry	6,267,142	6,829,163	1,168,698	5,097,150	11,451,066	8,013,251.00
Kildare	10,797,485	12,947,876	2,978,511	11,787,732	9,941,257	35,717,254.00
Kilkenny	1,213,601	2,348,027	1,159,595	2,783,307	5,001,972	8,524,712.00
Laois	7,415,621	1,724,993	5,294,988	5,487,369	10,020,086	8,518,021.00
Leitrim	178,927	2,532,712	6,804,569	771,259	3,317,339	2,513,653.00
Limerick	15,216,461	11,175,508	10,789,992	8,320,907	10,667,334	7,302,807.00
Longford	1,312,113	1,636,383	683,442	1,518,724	1,552,861	4,565,680.00
Louth	3,837,819	5,741,964	2,002,563	3,174,345	4,494,937	14,690,550.00
Mayo	3,297,244	4,974,300	14,531,633	6,580,851	8,700,826	10,287,846.00
Meath	9,378,169	15,803,914	2,050,371	4,374,547	11,536,652	16,382,077.00
Monaghan	7,471,868	7,080,986	1,023,873	1,351,107	4,626,070	3,719,882.00
Offaly	2,429,144	2,086,750	1,295,066	4,783,593	7,738,225	16,519,533.00
Roscommon	695,453	2,177,484	633,452	1,636,682	4,210,329	6,998,707.00
Sligo	8,561,170	3,628,105	1,879,362	3,662,900	4,189,230	4,085,064.00
Tipperary	5,480,872	8,090,812	7,119,024	5,884,461	15,744,787	9,673,814.00
Waterford	2,337,706	4,241,840	4,582,346	8,053,995	12,379,675	9,598,003.00
Westmeath	2,463,152	8,918,812	2,346,296	5,957,316	6,305,151	20,970,523.00
Wexford	6,339,812	11,413,861	7,128,281	6,856,809	15,577,786	27,643,405.00
Wicklow	7,829,000	13,636,663	3,262,745	5,801,146	8,037,200	28,065,430.00
TOTAL	227,315,481	230,356,783	145,850,106	209,023,337	327,836,510	449,669,200

Physical Education Facilities.

447. **Deputy John O'Mahony** asked the Minister for Education and Science if, following the sod turning by himself, a contractor has been appointed to build the new sports hall in a school (details supplied) in County Mayo; and if he will make a statement on the matter. [21385/09]

Minister for Education and Science (Deputy Batt O'Keeffe): I am pleased to inform the Deputy that the project to which he refers is currently out to tender. Subject to the necessary technical and financial approvals, it is expected that I will be in a position to place a contract in the near future.

Vocational Training Opportunities Scheme.

448. **Deputy John O'Mahony** asked the Minister for Education and Science when allowances including travel allowances are expected to be increased for vocational training opportunities scheme students; and if he will make a statement on the matter. [21389/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): VTOS students are paid a training allowance in lieu of their previous qualifying social welfare payment, at a rate equivalent to the maximum rate of jobseekers benefit. Students retain their social welfare secondary benefits and may also receive a payment for an adult or child dependant if appropriate. Social welfare rates are determined in the annual Government Budget.

VTOS students in receipt of their social welfare payment for one year prior to course commencement also receive a weekly training bonus of €31.80. Students are entitled to a meal allowance and a travel allowance if they reside more than 3 miles from a centre. These allowances are equivalent to those paid to participants on FÁS training courses and are set in line with those rates. There are currently no plans to increase these allowances.

School Staffing.

449. **Deputy John O'Mahony** asked the Minister for Education and Science the number of school secretaries, special needs teachers and school principals who are operating in rooms that are converted broom cupboards and storage rooms in schools throughout the State; the county and location of each school; and if he will make a statement on the matter. [21390/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The information sought by the Deputy is not readily available in my Department and depends on the utilisation by schools of available accommodation and may vary from year to year. Minor works required to convert areas within the existing school premises may be completed under the "Grant Scheme for Minor Works to National School Properties which is a devolved grant scheme, introduced in 1997, to enable school managements to carry out small scale projects to their school buildings. Schools are not required to communicate with my Department in respect of minor works being undertaken under that Scheme.

The demand for additional classroom and ancillary accommodation in schools has risen significantly over the last number of years with the appointment of 6,000 extra teachers since 2002 in the primary sector alone. It is the policy of my Department to provide a permanent accommodation solution in so far as possible to meet accommodation demands presenting in schools.

However, the time span involved in architectural design and obtaining planning permission processes effectively means that, in all instances, it may not be possible to provide a permanent accommodation solution as soon as it is required.

Devolved Schemes introduced by my Department in recent years such as the Summer Works, Emergency Works, Permanent Accommodation and Small Schools Schemes have also assisted school managements in addressing renovation/accommodation issues in their school buildings in as short a time frame as possible.

Arrangements are being made to conduct a survey of accommodation at primary and post-primary level using the Department's recently commissioned Geographical Information System (GIS) and this will establish the position relating to the extent of all accommodation. The specifications for this inventory are being drafted and my Department will be in contact with the education partners in relation to this later this year.

In 2009 almost €614 million will be spent on school infrastructure. It represents a significant investment in the School Building and Modernisation Programme at a time of great pressure on public finances and is a sign of the very real commitment of this Government to investing in school infrastructure and will permit the continuation of progress in the overall improvement of school accommodation.

Special Educational Needs.

450. **Deputy Michael Creed** asked the Minister for Education and Science the level of support available from his Department for a child (details supplied) in County Cork who has recently been diagnosed as autistic; if this level of service provision is equivalent to the needs identified in the child's assessment; his views on the child's access to occupational therapy, speech and language therapy and home support; and if he will make a statement on the matter. [21401/09]

Minister for Education and Science (Deputy Batt O'Keeffe): The Deputy is aware of the Government's commitment to ensuring that all children with special educational needs, including those with autism, can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum.

My Department has put in place a training programme for teachers in autism-specific interventions including TEACCH, PECS and ABA through the Special Education Support Service (SESS). The SESS facilitates a partnership approach involving support teams of practising teachers, Education Centres, the Inspectorate, the National Educational Psychological Service, the National Council for Curriculum and Assessment, the National Council for Special Education, Third Level Colleges, Health Board Personnel, Teacher Unions and other relevant bodies and services.

Parents of children with autism now have three distinct choices available to them depending on the needs of the child; their child can either attend a mainstream class in their local school with additional supports as required, they can attend a special class in a mainstream school or they can attend a special school. While some children with autism can thrive in a mainstream class, special classes in both mainstream and special schools have been specifically designed to meet the needs of those who require more intensive support.

I am satisfied with the current policy of providing schools who have special classes for children with autism with qualified teachers, low pupil teacher ratios, a minimum of 2 special needs assistants per class, access to professional development as well as training courses in autism specific interventions, enhanced capitation and grants for specialist equipment and furniture, if required, together with special school transport arrangements.

Educational provision in schools will be generally augmented by my intention to continue the recruitment of additional NEPS psychologists. The Deputy will be also be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants to special and mainstream schools to support children with autism. The NCSE operates within my Department's criteria in allocating such support. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

The home tuition scheme provides a grant to parents to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting an educational placement and to provide early intervention for pre-school children with autism. I understand that an application for home tuition for the child in question is currently under consideration within my Department.

The provision of therapy supports is a matter for the Health Service Executive and the family may wish to contact the HSE directly in this regard.

Educational Disadvantage.

451. **Deputy John O'Mahony** asked the Minister for Education and Science the reason there is a difference in the implementation of the DEIS programme for rural and urban schools in respect of pupil/teacher ratio (details supplied); and if he will make a statement on the matter. [21406/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and an integrated School Support Programme (SSP). DEIS brings together and builds upon a number of existing interventions in schools with concentrated levels of disadvantage.

The process of identifying schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of the Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate. There are 876 schools in DEIS. These comprise 673 primary schools (199 Urban Band 1, 141 Urban Band 2 and 333 Rural) and 203 second-level schools.

The ERC's overall approach was guided by the definition of educational disadvantage in the Education Act (1998), as: "the impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from the education in schools".

In the primary sector, the identification process was based on a survey carried out by the ERC in May 2005, from which a response rate of more than 97% was achieved. The analysis of the survey returns from primary schools by the ERC identified the socio-economic variables that collectively best predict achievement, and these variables were then used to identify schools for participation in the School Support Programme. The variables involved were: % unemployment; % local authority accommodation; % lone parenthood; % Travellers; % large families (5 or more children); and % pupils eligible for free books.

The identification process was in line with international best practice and had regard to and employed the existing and most appropriate data sources available. Primary schools serving rural communities including towns with populations below 1500 are designated as rural. In relation to the supports available under the DEIS programme, the following supports are available to both urban and rural DEIS schools: additional non-pay/capitation allocation based on level of disadvantage; additional capitation for School Books; access to the School Meals Programme; access to Home, School, Community Liaison services or access to Rural Co-ordinator; and access to planning supports.

In addition to this, urban DEIS schools also benefit from: reduced class size of 20:1 in junior classes and 24:1 in senior classes (Band 1 urban schools only); allocation of administrative principal on lower enrolment and staffing figures than apply in primary schools generally; access to literacy/numeracy supports such as Reading Recovery, First Steps, Maths Recovery; and access to the School Completion Programme.

For schools other than those that benefit from lower PTR under DEIS, the mechanism used to allocate classroom teachers to primary schools is the staffing schedule and with effect from September 2009 the enrolment bands will be based on an average of 28 pupils per class teacher.

Schools Building Projects.

452. **Deputy Jimmy Deenihan** asked the Minister for Education and Science the position

regarding the provision of a new primary school at Blennerville, Tralee, County Kerry; and if he will make a statement on the matter. [21408/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that my Department has received a major capital application from the school to which he refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 2.2.

The project is awaiting the appointment of a Design Team. 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 further progression of the project at this time.

School Enrolments.

453. **Deputy Emmet Stagg** asked the Minister for Education and Science if his attention has been drawn to the shortage of places for pupils intending to commence secondary education in a school (details supplied) in County Offaly, in particular, pupils from north west Kildare; the action he will take to rectify this problem; and if he will make a statement on the matter. [21411/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The Forward Planning Section of my Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for future school years.

Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within an area.

Post-primary accommodation requirements for the area referred to by the Deputy will be considered in this regard.

School Transport.

454. **Deputy Arthur Morgan** asked the Minister for Education and Science if he will review his decision to increase school transport costs to parents, many of whom are facing financial hardship as a result of this cut-back; if he has plans to review this decision in the near future, taking account of the hardship and negative impact it is having on parents in rural areas; his views on amending the payment arrangements from the structure which requires payment at September and Christmas which are two points of considerable expenditure for parents and spread the cost over several additional months to reduce impact on hard pressed families; and if he will make a statement on the matter. [21427/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The school transport scheme, which is operated by Bus Éireann on my Department’s behalf, facilitates the transportation of over 135,000 children to primary and post-primary schools each day. School transport is a very significant operation involving about 42 million journeys and over 82 million kilometres on 6,000 routes every school year.

The cost of school transport in 2009 is now estimated to be €192 million. However, this still represents a significant increase of over €82 million (over 75%) since 2004, up from €109.8 million. Costs in school transport have been increasing arising from a range of issues. These

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include the phasing out of the 3 for 2 seating arrangement on both primary and post-primary services and the addition of a considerable number of vehicles to address capacity shortfalls arising from the decision to provide each child with an individual seat and the equipping of all dedicated school buses with safety belts. Increases in rates for private contractors in the 2000-2007 period and increased demands to meet the needs of special needs children and parental choice of school have also impacted on school transport costs.

I wish to point out that, despite the escalating costs of the service, charges for school transport had not been increased from 1998 until the third school term in the 2007/08 school year. A further increase was put in place at the start of the 2008/09 school year and the new charges come into effect from September 2009.

The total contribution of charges from parents in 2009 will still only represent about 8.6% of the overall expenditure for school transport.

In the overall context and in order to minimise the overall effects, charge increases have been confined to the eligible post-primary and children availing of concessionary transport. Charges continue to be waived in the case of eligible post-primary children where the family is in possession of a valid medical card. Eligible children attending primary schools and children with special needs will still travel free. A maximum family rate of €650 will also be applied.

Parents are also being given the option of spreading the amount due over two payments payable in July and December 2009. Those who pay the full annual charge, in advance, will benefit from a ticket being issued for the school year and this includes pupils on concessionary travel.

While I appreciate the Deputy's concerns, given the factors that I have outlined, it is not envisaged that there will be a reduction in the annual charge system, the estimated expenditure or a change in the payment arrangements. My Department has also commenced a Value for Money Review of the School Transport Scheme which is to be completed before the end of the year.

School Curriculum.

455. **Deputy Phil Hogan** asked the Minister for Education and Science if a working group was established to address physical education as a subject for the leaving certificate; if this group was abolished; if so, the reason for same; and if he will make a statement on the matter. [21447/09]

Minister for Education and Science (Deputy Batt O'Keeffe): Following a joint initiative of my Department and the National Council for Curriculum and Assessment, three draft syllabuses in Physical Education (PE) were submitted to my Department by the Council for consideration in 2002. These consisted of revised syllabuses for PE in junior and senior cycle and a syllabus for Leaving Certificate PE as an examination subject.

The revised syllabus in Physical Education at junior cycle was implemented, phased over a 3 year period, beginning in 2003, supported by a comprehensive programme of professional development for teachers. No date was agreed for implementation at senior cycle, and issues concerning the inclusion of PE as an examination subject at Leaving Certificate level remain to be addressed. In the meantime, the Council made proposals for a fundamental re-structuring of senior cycle into subjects, short courses and transition units.

The proposals included the provision of PE as a subject, and the inclusion of a short course in Sports Studies. It was considered that the inclusion of PE as both a subject and Sports

Studies short course could only be examined within the broader context of plans for senior cycle reform generally.

The Council has continued to undertake further analysis and development work with schools on the issue of senior cycle reform. It currently has a specialist committee working on a syllabus for Leaving Certificate Physical Education and will have a draft available for consultation with schools towards the end of the current year. When revised proposals are submitted to my Department, the implementation implications will be examined in the context of the overall priorities and resources available to the education sector at that stage.

School Staffing.

456. **Deputy Brian O'Shea** asked the Minister for Education and Science the action he proposes to take to ensure that a primary school (details supplied) in County Waterford will not lose a teacher in September 2009; and if he will make a statement on the matter. [21457/09]

Minister for Education and Science (Deputy Batt O'Keeffe): I am committed to providing information in relation to the allocation of teachers to schools and as a new feature on my Department's website. The process has begun with the provision earlier this year of initial information on the allocation of mainstream classroom teachers to primary schools under the revised schedule for 2009/10.

In terms of the position at individual primary school level the key factor for determining the level of resources provided by my Department is the pupil enrolment at 30 September 2008. The annual process of seeking this enrolment data from schools took place in the autumn and the data has since been received and processed in my Department enabling the commencement of the processes by which teaching resources are allocated to schools for the school year that begins next September.

My Department has written to the primary schools that are projected to have a net loss or gain in classroom teaching posts in September, 2009. As part of my efforts to ensure that relevant information is openly available to the public detailed information on the opening position for primary schools is now published on my Department's website. This provisional list sets out the details on individual schools that, taken collectively, are projected to gain 128 posts and to lose 382 posts — a net reduction of 254 posts. It is my intention to have this information updated and ultimately to set out the final position when the allocation processes are completed.

The final position for any one school will depend on a number of other factors such as additional posts for schools that are developing rapidly and posts allocated as a result of the appeals processes. The operation of redeployment arrangements also impacts on the final position as a teacher can remain in his or her existing school where a suitable redeployment position does not exist. The final staffing position for all schools will therefore not be known until the autumn. At that stage the allocation process will be fully completed for mainstream classroom teachers and appeals to the Staffing Appeals Board will have been considered.

I understand that the school referred to by the Deputy submitted an appeal to the Primary Staffing Appeal Board and that the appeal has been upheld. The Board of Management of the school has been notified in this regard.

Special Educational Needs.

457. **Deputy John McGuinness** asked the Minister for Education and Science if special needs assistants will continue to be provided in the case of persons (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21459/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to both primary and post primary schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support.

Applications for SNAs may be considered by the NCSE where a pupil has a significant medical need for such assistance and where there are identified care needs arising from a diagnosed disability. A pupil’s level of care may diminish over time as the child matures. Pupils may move to a different school or on to post-primary school. In such situations, the NCSE will review and adjust the SNA support required in the school. This may mean that some pupils who had previously been supported by a full time SNA may have their needs met through the shared support of an SNA or perhaps they may have no need for SNA support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie.

I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

Schools Building Projects.

458. **Deputy Seán Fleming** asked the Minister for Education and Science when a project at a school (details supplied) in County Laois which is at stage 2A will progress. [21648/09]

Minister for Education and Science (Deputy Batt O’Keeffe): A building project for the school to which the Deputy refers is at an early stage of architectural planning. A stage 2A submission for this project was recently received by my Department and is currently under consideration. My Department will revert to the school in due course when the submission has been reviewed.