



## DÁIL ÉIREANN

—  
*Dé Céadaoin, 28 Eanáir 2004.*  
*Wednesday, 28 January 2004.*  
 —

Chuaigh an Ceann Comhairle i gceannas ar  
 10.30 a.m.

—  
*Paidir.*  
*Prayer.*  
 —

### Leaders' Questions.

**Mr. Kenny:** Cuireann is sé isteach go mór ormar an gcéad lá do mhí Bealtainele deich gcinn de tíortha nua ag teacht isteach san Aontas Eorpach, go mbeidh suas le 20 cinn de teangacha oifigiúilsan Aontasagus ní bheidh an Gaeilge leo siúd. Tá fhios ag an Taoiseach go gcuireann sé seo isteach ar cúrsaí oibritheorí agus cúrsaí aistreoirí. Os rud é gurb é seo an t-Uachtarántacht deireanach a bhéas againn-ne agus ós rud é gurb é an Taoiseach an Príomh-Aire agus an t-Uachtarán, an bhfuil sé i leith aige brú a chur chun go mbeidh ár dteanga bunreachtúilaontaitheleis na teangacha oifigiúil eile?

I have no wish to make a case here on the basis of this being purely a specific lobby group in respect of the Irish language. I regard it as a matter of national pride and in Ireland's interest that, as he is the President of the European Union and as we will not have a Presidency again in the form that it is currently conducted, and since on 1 May there will be 20 official languages in the European Union, a unique opportunity is presented for the Taoiseach and the country to have Irish recognised as an official language. Is it his intention, given the unique opportunity he has, to have Irish included as an official language, as a matter of pride for the country and for the next generation?

**The Taoiseach:** This issue has been raised a number of times in recent months. As Deputy Kenny knows, there was a debate on it at the Forum for Europe some weeks ago. The Government decided to put together a group to examine what can be done and whether it can be progressed. Deputy Kenny also knows that there has been a basis for many years — since one of the early enlargements — as to what classifies an official language. That was based on the premise that a language must be in total administrative use within a country. An example is Malta where 99% of business administration is conducted in Maltese, as is the work of the judiciary and parliament. That is not the situation with the Irish

language and that is why it was not classified as an official language from the start.

As the Deputy has acknowledged, a case is being made that translation should not be sought for everything. It should not be a question that the 100,000 pages or so a year should be translated, but a more limited *modus operandi* through the use of Irish in correspondence would provide opportunities for Irish-speaking people to obtain employment in the Commission. This has been well put by many of the groups that have made their cases to me. The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, has put together a small group to look at the possibilities and see if there is some middle ground.

I have read the 1973 position and the mid-1980s document on this. It seems that if it is not used fully in the work of parliamentary and judicial administration, it would not be one of the languages. The figures the Deputy has quoted are correct. There are 20 languages in the system from May. The recruitment for that is currently taking place. Some aspects of the case put by the Irish language movement we will try to facilitate. Hopefully, Deputy Ó Cuív's committee will report back in about a month or six weeks.

**Mr. Kenny:** Ba mhaith liom a rá go bhfuil mé fíor-bhuíoch as ucht an freagra sin. Bí cinnte go dtabharfaidh mise agus ár bpáirtí anseo cuille tacaíocht don Rialtas chun an rud seo a chur i gcríoch. Tá an ceart ag an Taoiseach. Níl sé i gceist ar chur ar bith to mbeadh chuille páipéir aistruithe go Gaeilge.

It would not be possible for people to read every document in Irish such as agricultural or economic directives, which are difficult enough to read in English. We contribute to a translation fund which we will continue to do in any event. My reason for raising this issue now is that time is relatively short. I know the Taoiseach has to do some administrative work with the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. I offer him the full support of my party in respect of this issue. It is not my intention to have a situation whereby every single document would have to be translated in Irish. However, our young people, if they wish to become translators or interpreters, should be able to avail of that opportunity in Europe also. This will be the last Presidency and the Taoiseach has this opportunity. All Governments since 1973, when we joined the Union, have been guilty of not addressing the problem.

Is ceann de na teangacha is sine é ár dteanga dúchais agus ba cheart go mbeadh seo curtha i gcrích ag an Rialtas. Tabharfaidh Fine Gael agus an Teach ar fad tacaíocht dó leis seo a reiteach.

**The Taoiseach:** I thank Deputy Kenny for his support. There is merit in some of the arguments he made. I do not want to give the impression that nothing has been done. The most recent constitutional papers were immediately

[The Taoiseach.] translated into Irish. The position is that opportunities do not exist within the Commission and the translation services for Irish-speaking people who want to do their business in Irish. We know from the campaign that many people would like to have that opportunity.

We will see if there is a middle road on this. I do not want to give the Deputy the impression that we can go the whole way because that is not possible. I have been lobbied on this and have examined it and I know it is not possible to do what the Deputy wishes. We cannot say we are in the same position as Malta; the criteria does not hold up. We will have an opportunity to provide limited translation as is currently the position.

The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, has, to his credit done a great deal of work on this during the past six months. I welcome the support of the Opposition parties.

**Mr. Rabbitte:** Chaill an Rialtas an seans seo a dhéanamh don chéad uair i 1973 agus caillfidh an Rialtas seo an seans go deo.

Does the Taoiseach agree with the Tánaiste in wanting to commence a debate on care for the elderly? The Tánaiste said the elderly have no right to expect the State to pay for their care.

**Ms Harney:** I did not say that.

*(Interruptions).*

**Mr. S. Ryan:** The Deputy does not know what the Tánaiste said.

**An Ceann Comhairle:** Deputy Rabbitte, without interruption, please.

**Ms Harney:** I did not say that.

**Mr. Rabbitte:** I have a copy of the Tánaiste's original statement.

**Mr. M. Ahern:** I suppose Deputy Rabbitte is quoting from Fintan O'Toole.

**An Ceann Comhairle:** Deputy Rabbitte, without interruption, please.

**Mr. Rabbitte:** I have a copy of the Tánaiste's original statement before—

**Ms Harney:** The Deputy should read it correctly.

**Mr. Rabbitte:** —she went on television last night to try to back-track.

**Ms Harney:** That is not true.

**Mr. Rabbitte:** The Tánaiste will have to accept responsibility for the fact that a few years ago she targeted single mothers and is now targeting

those she wants to care for their grandchildren. It is strange the Tánaiste never targets anybody with wealth. It is always the poor and the vulnerable who are targeted by the Tánaiste, who said the elderly have no right to expect the State to pick up the tab.

**Ms Harney:** I did not say that.

**Mr. Rabbitte:** That is what the Tánaiste is quoted as saying. Why did she not correct it?

**Ms Harney:** I know a great deal more than Deputy Rabbitte about the matter.

**Mr. Rabbitte:** I do not think the Tánaiste does know more and that is part of the problem.

**Ms Harney:** A Cheann Comhairle—

**An Ceann Comhairle:** Order, Deputy Rabbitte, without interruption, please.

**Mr. Rabbitte:** The Tánaiste has too many civil servants doing her constituency work. The problem is that the Tánaiste does not know.

**Ms Harney:** A Cheann Comhairle, I would expect Deputy Rabbitte—

**Mr. Rabbitte:** Is this customary, Sir?

**Ms Harney:** Yes, I am entitled to correct the record. I did not say what Deputy Rabbitte has suggested.

**An Ceann Comhairle:** I ask the Tánaiste to allow Deputy Rabbitte.

**Ms Harney:** I will, provided what he says is accurate.

**An Ceann Comhairle:** I would also suggest to Deputy Rabbitte that if a Member states their position on a particular issue, it should be accepted by other Members.

**Mr. Stagg:** Even if it contradicts what was said.

**Mr. M. Higgins:** That makes a farce of the Dáil.

*(Interruptions).*

**Mr. Rabbitte:** The Tánaiste had a full week to correct her remarks before this matter was raised with me from the floor by the National Widows Conference of Ireland who quoted her reported comments at the time. During that entire week she never corrected it. She went on last night to say that she is opposed to people being forced to sell their homes before they are cared for in residential care. People all over this city and country are selling their homes.

**Deputies:** Hear, hear.

**Mr. Rabbitte:** The Tánaiste has too many civil servants doing her constituency work if she does not know that is the case.

**Ms Harney:** I know a lot more than Deputy Rabbitte about it.

**An Ceann Comhairle:** Please allow Deputy Rabbitte to continue without interruption.

**Mr. Rabbitte:** How does the Tánaiste propose the elderly in our society be cared for in the community when one of the first things which this Government did was to cut back on home help?

I do not know how affected the Taoiseach is with the Tánaiste this morning after yesterday, but I would like him to state if this is the Government's position. Is the Government about to introduce family assessment, as mooted last year? Will any recognition be given to the fact that two people in many of our homes have to work to pay the mortgage and at the same time take care of their children? The Tánaiste now wants these people to take responsibility for looking after their elderly relatives as well.

**The Taoiseach:** Deputy Rabbitte should, when making his case, at least try to quote accurately the points made by the Tánaiste. She did not say anything near what Deputy Rabbitte has stated either inside or outside this House. For the record, everybody in the Government wants to continue on the road we have been going since 1997 in increasing the capital programme for services for elderly people and in continuing to assist those who work with them. We have substantially improved the carer's allowance in many ways and we make further improvements on it every year. We have increased spending on home help from €70 million to €110 million. We introduced the minimum wage for those engaged in home help services. Spending on health care services for the elderly is up almost €300 million since 1997 and staff numbers have increased by 800. We have made substantial efforts to increase services for the elderly. Nursing home subventions have been improved, as have housing grants for the elderly.

The Ministers for Social and Family Affairs and Health and Children have been involved in a consultation process which is considering finances in terms of long-term care. We will bring forward proposals in that regard. In fairness, Deputy Rabbitte is aware of what has been done right across a range of services from the old age pensions to facilities and services and he is not accurately reflecting the Tánaiste views in this area.

Deputy Rabbitte is also aware that there are few people in the House who know more about care of the elderly than the Tánaiste, given her own situation.

**Mr. M. Smith:** Hear, hear.

**Mr. Rabbitte:** I do not have time to quote the Tánaiste's entire interview but for the record she stated: "I know this seems controversial but is it

fair that people require the State to pick up the bill?"

**Ms Harney:** When they abandon their relatives.

**Mr. Rabbitte:** The Tánaiste stated that society was becoming increasingly greedy. The Progressive Democrats criticising society becoming greedy is like alcoholics criticising pubs. Speaking to *The Irish Times* following the seminar the Tánaiste called for a carrot and stick approach which would both encourage and reward people for looking after their loved ones when they required care. There is no doubt but that the Tánaiste has been caught out and is now trying to reverse engines.

I want the Taoiseach to set out Government policy in this area. The Minister for Finance, Deputy McCreevy, last year introduced a specific tax break for one constituent in Naas. Why, in terms of private nursing homes and the tax breaks he introduced, are there unoccupied beds in these facilities throughout the country? Why is the price not dropping? Why is the Taoiseach prepared to go along with a situation where beds in acute hospitals are being occupied because there is no step-down care provision? That is a serious question which the Tánaiste could answer if she wishes to have a debate on this issue. I ask the Taoiseach to address that matter.

**The Taoiseach:** As Deputy Rabbitte knows — at least I am sure he knows — one of the most attractive tax breaks that remains in the tax code relates to provision of nursing home places for the elderly.

**Ms Burton:** What about home-stay?

**The Taoiseach:** That is the reason——

**Mr. Stagg:** A person who received Government funding for a private day hospital now has €9 million in his back pocket.

**The Taoiseach:** That is the reason nursing home places throughout the country have massively increased. Facilities and the standard of nursing home places have dramatically improved as a result of the generous tax breaks given.

**Ms Burton:** How is it reflected in the price?

**The Taoiseach:** Deputy Rabbitte asked me to outline Government policy in this regard. The policy which both the Tánaiste and I have put in place over the past number of years is to increase substantially the old age pension, give medical cards to people aged over 70, substantially improve the carer's allowance and housing availability for the elderly through local authorities and to help as generously as possible those who look after the elderly, particularly home helps, who now receive the minimum wage as opposed to the pittance they used to get. We will continue to do it and to address this issue both in acute hospitals——

**Mr. S. Ryan:** Will the Taoiseach deal with the issue? What about the 140 beds that remain unoccupied?

**The Taoiseach:** This is the real issue.

**An Ceann Comhairle:** Deputy Ryan is not the leader of his party and he should not undermine his leader's right to hear the response to his question. I ask him to resume his seat. This is Leaders' Questions.

**Mr. S. Ryan:** There are 140 unoccupied beds which could be used——

**Mr. Cregan:** The Deputy should listen to the Taoiseach

**An Ceann Comhairle:** I will ask the Deputy to leave the House if he does not desist.

**Mr. S. Ryan:** Let us deal with the issue.

**The Taoiseach:** It shows that members of the Labour Party do not want people to hear what is being done in regard to pensions, subvention——

**Mr. S. Ryan:** Why does the Taoiseach not fill the vacant beds?

**The Taoiseach:** These schemes for the elderly are having a practical effect and the Government will continue to implement them. When other parties had the opportunity, they did nothing for the elderly and gave them a pittance.

**Mr. S. Ryan:** I will bring the Taoiseach to the houses of those who are trying to look after the elderly.

**Mr. Sargent:** One of the strengths of domestic planning law is the legal requirement that each planning authority and An Bord Pleanála should function independently of Government. I refer to an article in *The Irish Times* last Friday, which quoted the Minister against the environment as saying——

**Mr. Cullen:** That is original and wonderful. The Deputy must have been up all weekend thinking that one up. I hope he did not tax his brain power.

**Mr. D. Ahern:** There are many vegetables over there.

**Mr. Gormley:** The Minister should keep quiet.

**An Ceann Comhairle:** Please allow Deputy Sargent to speak without interruption.

**Mr. Sargent:** I am only quoting those who know a great deal more than the Minister for the Environment, Heritage and Local Government. The Minister stated, "Cork will get its facility," a reference to the incinerator at Ringaskiddy, and "Dublin is advancing and it will happen there too," a reference to the proposal for an incinerator at Ringsend.

**Mr. Quinn:** The Deputy should talk to the Progressive Democrats about that as well.

**Mr. D. Ahern:** Not in the Deputy's backyard.

**Mr. Quinn:** The Minister should know his boss.

**Mr. Sargent:** However, An Bord Pleanála operates under the Local Government (Planning and Development) Act 1976, which established it. It is quite clear that the Minister is breaking the law. Section 10(3) states, "Nothing in this section shall be construed as enabling the Minister to exercise power or control in relation to any particular case with which the Board is or may be concerned."

**Mr. Cullen:** Nor do I. I can enunciate policy.

**Mr. Sargent:** Has the Taoiseach spoken to the Minister for the Environment, Heritage and Local Government about this? Will he remind him that his illegal interference in the planning process is unacceptable? Will he be mindful and responsible enough to call for his resignation?

**The Taoiseach:** The Deputy is asking whether An Bord Pleanála is independent of the Minister——

**Mr. Gormley:** He did not ask that.

**Mr. Sargent:** I asked a different question.

**The Taoiseach:** ——and if the Minister can direct the board to make decisions. It is patently obvious, from a number of decisions recently, that the Minister has no such power.

**Mr. Sargent:** It is amazing to hear the Taoiseach say that. He has not been following the pattern that has developed. Does he realise public confidence in the planning process has been fatally undermined? An Bord Pleanála found many reasons to reject the application for an incinerator at Duleek, yet it is to go ahead. Likewise, 14 reasons were given by the planners to reject the incineration plan at Ringaskiddy, yet it is to go ahead. This is amazing when one considers the independent decision of An Bord Pleanála regarding Ballinaboy and the Corrib gas field.

The Government is engaged in intimidating the board to follow Government policy or become redundant. In framing the national infrastructure Bill, which is seen as the replacement for the board, has he had discussions with the board about this matter? Will he do so? He has had no problem talking to representatives of Shell or other people who are trying to override An Bord Pleanála.

**The Taoiseach:** I would not have anything to do with anyone trying to intimidate An Bord Pleanála.

**Mr. Boyle:** Only the Minister.

**Mr. D. Ahern:** Only the people want the board to be intimidated.

**The Taoiseach:** There is no intention by the Government to do anything other than accept An Bord Pleanála's decisions.

**Mr. Gormley:** So it is only incompetence then.

**The Taoiseach:** The Green Party is saying that when the decision suits it—

**Mr. Boyle:** There is a power.

**An Ceann Comhairle:** Deputy Boyle is not the leader of his party.

**The Taoiseach:** —it thinks it is very good but when the decision does not suit, it means it is being undermined. The Government takes the view that when An Bord Pleanála makes a decision, we accept it.

**Mr. Sargent:** The Government does not. It brings in an infrastructure board.

**The Taoiseach:** The Green Party wants An Bord Pleanála to do what it wants and that is what it is accusing us of doing. Deputy Sargent and his party are continually trying to bully and intimidate An Bord Pleanála.

**Mr. Sargent:** The Taoiseach should look at his Minister for the Environment, Heritage and Local Government.

**Mr. D. Ahern:** The Green Party does not accept An Bord Pleanála's decisions.

### Ceisteanna — Questions.

#### Departmental Bodies.

1. **Caoimhghín Ó Caoláin** asked the Taoiseach the cross-departmental teams and interdepartmental committees which his Department is represented on; the purpose of each; the number of times they meet; and if he will make a statement on the matter. [29730/03]

**The Taoiseach:** My Department participates in a wide range of cross-departmental teams and interdepartmental committees, many of which come under the aegis of other members of the Government and deal with issues primarily under their remit. If the Deputy wishes to obtain information about any specific activity of those teams or committees, he should table a question to the appropriate Minister or Ministers. The information requested by the Deputy is set out in the following schedule:

Schedule

Title of Teams/Committees	Purpose	Frequency of Meetings
Cross-Departmental Team on Housing, Infrastructure and PPPs which is chaired by a senior official from my Department.	To support the Cabinet Committee on Housing, Infrastructure and PPPs in the key task of providing a strong central guide and focus for the delivery of key national infrastructure, especially the investment programme set out in the National Development Plan.	The Team usually meets as required.
Senior Officials Group on Social Inclusion	To support the Cabinet Committee on Social Inclusion	Monthly
Subgroup of Senior Officials on Community Employment	To provide strategic advice on the future of Community Employment Schemes	As required
Subgroup of Senior Officials on Disability	To progress work in relation to the Disability Bill	As required
Strategic Task Force on Alcohol	To review international research to identify and recommend to Government, specific, evidence-based measures to prevent and reduce alcohol related harm.	As required
Inter-Departmental Group on Alcohol	Co-ordinate responses to the recommendations contained in the Task Force Report	As required
Inter-Departmental Group on Drugs	Co-ordinate the implementation of the National Drugs Strategy through partnership with Government Departments, State Agencies and Community and Voluntary sector and to bring to the attention of the Cabinet Committee on Social Inclusion any identified issues which have a detrimental effect on the implementation of policy	Monthly
National Drugs Strategy Team (NDST)	The NDST is responsible for co-ordinating the response to the drug problem nationally, as well as overseeing and supporting the work of the Regional and Local Drugs Task Forces.	Weekly
National Children's Office Advisory Board	To support the work of the Cabinet Committee on Children	Quarterly
Inter Departmental Group on Life Long Learning	Oversees implementation of the Report of the Taskforce on Lifelong Learning	As required
Monitoring Group for Social Economy	Oversees and Monitors the running of the Social Economy Programme	

Title of Teams/Committees	Purpose	Frequency of Meetings
NDP/CSF Equal Opportunities and Social Inclusion Co-ordinating Committee	Established to secure the maximum application of commitments on equal opportunities particularly gender equality and social inclusion across the National Development Plan	Twice a year
Inter-Departmental Committee on 10th Anniversary of UN Year of the Family	Established to co-ordinate a Governmental programme of activities for the 10th anniversary of the International Year of the Family in 2004	As required
Task Force on Integration of Local Government and Local Development Systems	Oversees the County and City Development Board process	As required
RAPID National Monitoring Committee	Oversees the operation of Strands I and II of the RAPID Programme.	Every 2-3 months
Implementation and Advisory Group on the White Paper Supporting Voluntary Activity	Oversees implementation of the White Paper on a Framework for Supporting Voluntary Activity and for Developing the Relationship between the State and the Community and Voluntary Sector.	Monthly
Management Group for Social Inclusion Office	Oversees the work of the National Office on Social Inclusion	As required
NAPS — Social Inclusion Consultative Group	To provide advice to the National Office on the development of NAPS	Twice a year
NAPS Technical Advisory Group	To provide technical advice to the National Office on data and research issues	As required
The National Security Committee is chaired by the Secretary General to the Government.	The Committee is concerned with ensuring that the Government are advised of high level security issues and the responses to them, but not involving operational security issues.	The Committee continues to meet as required and members liaise on an ongoing basis to monitor developments which might have national security implications, in particular in the international arena.
The eCabinet Stakeholders Group is chaired by an Assistant Secretary in the Department of the Taoiseach.	It provides a forum to allow for consultation with Government Departments in relation to the proposed eCabinet system.	The Group met on 3 occasions in 2003.
Interdepartmental Co-ordinating Committee on European Union Affairs (ICCEUA)	The ICCEUA is chaired by Minister of State for European Affairs, Mr. Dick Roche TD. The Committee co-ordinates national policy across all Government Departments on the EU's policy agenda and assists in the preparation of meetings of the Cabinet Committee on European Affairs. The Secretariat of the ICCEUA is in the Department of the Taoiseach. The following Committees /Groups report to the ICCEUA: 1. The Interdepartmental Co-ordinating Committee for the Presidency 2. The Interdepartmental Administrative Presidency Planning Group	The Committee meets every second week.
Intergovernmental Conference Group	This Group, chaired by the Taoiseach, was established to advise on Intergovernmental Conference (IGC) issues during Ireland's Presidency. The Minister for Foreign Affairs, the Minister of State for European Affairs and a number of senior officials from key Departments, including the Department of the Taoiseach, attend meetings of this Group.	Meets every second week as required.
Senior Officials Group on the Presidency	The Senior Officials' Group deals with day-to-day preparations of the policy aspects of the Presidency and, in particular, the overall approaches for both European Council meetings scheduled during our Presidency. It is chaired by a senior official in the Department of the Taoiseach and consists of senior officials from key Departments.	Meets weekly.
Interdepartmental Lisbon Group	This Group, chaired by the Department of the Taoiseach, was established in 2002 to identify priority areas to be addressed and advanced during the Irish Presidency of the EU so that the 10 year European economic, social and environmental reform programme known as the Lisbon Agenda is appropriately progressed at the Spring European Council in 2004. The Group also reviews national progress on implementing and achieving the Lisbon Agenda targets.	The Group meets on a monthly basis.

Title of Teams/Committees	Purpose	Frequency of Meetings
Other EU/International Committees	The Department of the Taoiseach chairs ad hoc interdepartmental groups as required. In 2003, for example, the Department of the Taoiseach chaired groups on the EU language regime and enlargement. In addition, the Department of the Taoiseach participates in a range of groups chaired by the Department of Foreign Affairs, the Department of Finance and the Department of Enterprise, Trade and Employment, including on the Presidency, the Initiative for Growth, Communicating Europe, Oireachtas Scrutiny, and the Asia Strategy.	
Freedom of Information Interdepartmental Working Group	Its purpose is to provide a background source of support to secure the successful implementation of Freedom of Information by providing advice and guidance on policy areas	Regular scheduled meetings throughout the year
Freedom of Information — Civil Service Users Network	It exists to promote best practice in FOI and to share knowledge and experience. Its work co-ordinates cross-Departmental FOI requests. It also acts as a conduit for the collection of statistics on FOI for member Departments and bodies directly under their aegis.	Approx. once a month
Emergency Response Co-ordination Committee	Under the National Emergency Plan for Nuclear Accidents, this committee meets. Its purpose is to recommend countermeasures to protect the population	As required
Consultative Committee on Nuclear Emergency Planning	The purpose of this is strategic planning for nuclear emergencies. Its work has largely been subsumed into the Government Task Force and the associated Interdepartmental Working Group on Emergency Planning both under the Minister for Defence and the Office of Emergency Planning.	As required
Attorney General's Consultative Committee on Law Reform Commission	A consultative committee comprising representatives of the Departments of the Taoiseach, Finance, Justice, Equality and Law Reform, Enterprise, Trade and Employment and Health and Children, the Bar Council and the Incorporated Law Society, under the auspices of the Office of the Attorney General, to: assist the Attorney General in his consultations with the Commission in relation to research programmes, in the selection of specific topics for examination by the Commission and monitor the implementation of the recommendations of the Commission.	As required
The Government Task Force on Emergency Planning	This Task Force is under the chairmanship of the Minister for Defence and is an important mechanism which works to ensure that a co-ordinated response to possible emergencies is provided by public authorities	Eight times in the last year
Interdepartmental Working Group on Emergency Planning	This group encompasses all Departments with lead roles in the various Government emergency plans and those key public authorities which plan to support such activities. The group works under the guidance of the Government Task Force on Emergency Planning and is a forum for the discussion and sharing of information as well as providing strategic guidance to all those involved in emergency planning.	Eight times in the last year
Interdepartmental Group on National Security	Established in 1974 arising from a recommendation of the Finlay Inquiry into National Security generally, the Committee initially considered broad areas of national security in the context of an overflow of the Northern Ireland situation. In recent years it has focused, almost exclusively, on security at the Government Buildings complex including Leinster House.	As required
National Allocation Plan Steering Committee chaired by Department of the Environment, Heritage & Local Government	Established in July, 2003 to oversee the work of consultants engaged to make recommendations to policy makers within an Irish policy context, on the most economically efficient apportionment of Ireland's assigned amount units (AAU's) under the Kyoto Protocol between those participating in emissions trading (including new entrants) and those outside emissions trading	At least once a month
Tax Strategy Group	Under the auspices of the Dept of Finance	As required



Title of Teams/Committees	Purpose	Frequency of Meetings
Contact Group on Affordable Housing Initiative	To co-ordinate the implementation of the Special Initiative under Sustaining Progress on Affordable Housing	Regularly
Cross Departmental Team on Housing, Infrastructure and PPPs — Legal Issues Subgroup	To support the Cabinet Committee on Housing Infrastructure and PPPs	As required
Cross Departmental Team on Housing, Infrastructure and PPPs — Wider Energy Issues subgroup	To support the Cabinet Committee on Housing Infrastructure and PPPs and to consider the Wider Energy Issues	As required
NDP Communications Strategy Group	To co-ordinate communications in relation to the National Development Plan	As required
Inter Departmental Committee on PPPs — Dept of Finance	This is a matter for the Department of Finance	
Standing Committee on the GGB — Dept of Finance	This is a matter for the Department of Finance	
Inter Departmental Committee on Science & Technology	This is a matter for the Dept. Enterprise, Trade & Employment	
Inter Departmental Committee on National Spatial Strategy	This is a matter for the Dept Environment Heritage & Local Govt.	
Inter Departmental Committee on NCCS	This is a matter for the Dept Environment Heritage & Local Government	
Inter Departmental Committee on Lisbon Strategy	To consider progress on the Lisbon Agenda	As required
Inter Departmental Committee on the OECD — Dept of Foreign Affairs	To co-ordinate communications with the OECD	As required
IDC on Non-Labour Market Aspects of EU enlargement	Established to look at the non-labour market aspects of EU enlargement	One meeting held to date
British Irish Interdepartmental Co-ordinators Group	To co-ordinate Government policy in relation to the work of the British-Irish Council	As necessary
High Level Interdepartmental Committee on North/South	to exchange information and to co-ordinate Government policy on North/South matters	On a regular basis
North/South Interdepartmental Co-ordinators Group	to exchange information and to co-ordinate Government policy on North/South matters	On a regular basis
Implementation Group of Secretaries General	This group provides leadership to and co-ordinates the modernisation programme for the Civil Service.	It generally meets on a monthly basis.
HRM Subgroup of the Implementation Group	This group reports to the Implementation Group in relation to the HRM aspects of the modernisation programme.	It generally meets four or five times a year.
Change Management Network	The Network assists the implementation and integration of the modernisation programme within Departments/Offices.	It generally meets every six weeks.
PMDS Network	This Network facilitates the sharing of information and best practice regarding the implementation of the Performance Management and Development System (PMDS) across the Civil Service.	It generally meets four times a year.
Subgroup of General Council on the Evaluation of PMDS	This Group is responsible for the evaluation of PMDS which is currently taking place.	It generally meets three to four times a year.
Subgroup of General Council on the Evaluation of Partnership	This Group is responsible for the Review of Partnership which is currently taking place.	It generally meets three to four times a year.
Steering Group on Implementation of the Strategic Review of the Civil Service & Local Appointments Commission (CSLAC)	This group oversees implementation of the recommendations of the Strategic Review of the Civil Service & Local Appointments Commission	It generally meets three to four times a year.
Ad Hoc Steering Group on Competitive Promotion Procedures	This Group was recently established to consider best practice for competitive, merit-based promotions in the Civil Service.	There will be two or three meetings this year.
Committee for Public Management Research (CPMR)	The Committee carries out and publishes research on public management issues.	It meets about four times a year.
Quality Customer Service (QCS) Working Group	This group's role is to oversee the development of the Quality Customer Service initiative.	It meets six times a year.
QCS Officers Network	This Network provides a forum for those directly involved in driving the QCS agenda in individual Departments to raise issues of concern and mutual interest and discuss ideas for improvements.	It meets six times a year.
QCS Research Sub Group	The role of this Group is to develop and oversee research projects in support of the wider QCS agenda.	The group has met nine times to date.

Title of Teams/Committees	Purpose	Frequency of Meetings
QCS Equality/Diversity Subgroup	This Subgroup addresses issues relating to equality (including legislative matters) and strategies for serving a diverse customer base.	The group meets approximately four times a year.
Communications Strategy Group	The function of this Group is to develop strategies for communicating the modernisation programme within the civil service and to the general public.	The group has met nine times to date.
High Level Group on Regulation	The role of this Group is to oversee the development and co-ordination of the Better Regulation agenda in Ireland.	The Group has met 16 times to date.
Regulation Policy Drafting Group	The role of the Regulation Policy Drafting Group is to assist in the drafting of a Government White Paper on Regulation.	The Group has met eight times to date.
Financial Management Subgroup	The Financial Management Subgroup, a subgroup of the Implementation Group of Secretaries General, provides a forum for discussion of the implications of Financial Management reforms, including Management Information Framework (MIF).	The Group has met on six occasions to date
MIF Consultative Committee	MIF Consultative Committee This Committee oversees the roll-out of MIF across Departments and Offices.	It is understood that the Group meets every two months.
MIF Project Management Group	This is a sub-committee of the MIF Consultative Committee whose purpose is the project management of the MIF roll-out in Departments	Approx. every 6 weeks
MIF Training Group	This is a sub-committee of the MIF Project Management Group whose purpose is to determine the requirements for and design training interventions for MIF across Departments	This Group meets quite frequently — approx. once per month depending on the work schedule.
Mullarkey Implementation Group	To oversee the implementation of the recommendations in the Mullarkey Report for improvements to systems and structures in Departments to support the Secretary General in discharging his responsibilities as Accounting Officer.	Monthly
Public Service Decentralisation Programme Liaison Offices Network	To act as a channel of communication between the Decentralisation Implementation Committee and Government Departments in relation to the roll-out of the Public Service Decentralisation Programme	As requested
Steering Group on Business Planning and Resource	The Group's role is to explore the potential for better links between business planning, resource allocation, financial management, accountability of resources at output/outcome level and managing performance at an individual level.	It is understood that the Group generally meets on a quarterly basis.
Personnel Officers Network	Provides a forum for discussion on HR issues and implementation of same	Every quarter
Working Group τ Resource Allocation and Business Planning Pilot Project	This Group is co-ordinating a Resource Allocation and Business Planning pilot project, the results of which will be considered in due course by the Steering Group on Resource Allocation and Business Planning.	It is understood that the Group usually meets on monthly basis.
Cross Departmental Civil Service Training and Development Committee	The committee will have overall responsibility, now and in the future, for advising on the implementation of the Civil Service Training and Development Framework 2004-2008 and addressing common Civil Service training and development needs. It will also promote collaboration and sharing of resources in addressing common training and development needs.	The Committee have not had their first meeting yet.

**Caoimhghín Ó Caoláin:** Are there operational cross-departmental teams below ministerial level that deal with aspects of the peace process or the all-Ireland ministerial council, given, for example, the shared responsibility between his Department and the Department of Foreign Affairs? As all Departments have a responsibility in this, given the work of the ministerial council and the Implementation Bodies, at what level is this work co-ordinated, if at all, between them? How has

this work been affected by the suspension of the institutions in the North? Are the structures being kept in place and is work continuing pending the resumption of those institutions?

How does the Taoiseach envisage the work of the cross-departmental committees and the working groups being affected by the proposals for decentralisation? Does he have concerns that the decentralisation of Departments will have an adverse effect on the effectiveness of the current arrangements between Departments in regard to

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the peace process and the all-Ireland ministerial council or other areas in which cross-departmental co-operation is important? Was that matter substantively evaluated prior to the announcement by the Minister for Finance of the Government's intent to decentralise?

**The Taoiseach:** The relevant point concerning my Department is that, in regard to the bodies involved in the British-Irish interdepartmental co-ordinating group, we have a high level interdepartmental committee on the North-South issues and a North-South interdepartmental co-ordinating group and, as the Deputy pointed out, there are three separate groups to deal with Northern Ireland issues together with the Department of Foreign Affairs.

I can confirm that all the arrangements put in place since the Good Friday Agreement to deal with aspects of North-South bodies and their operation are fully in place and working and it is our intention to keep them so. We have managed to keep them operating effectively with a work flow. It would better if the institutions were up and running but we have managed to keep the system in place and will continue to do so.

The other questions are more relevant to the Department of Finance. However, the Deputy's second question answers his third because all the meetings of the interdepartmental committees on the North-South bodies involve officials based in the secretariat in Northern Ireland. They are some of the most effective working committees there or elsewhere. Based on my long experience of six and a half to seven years, this system will also work well in other decentralised Departments and may well work better.

**Caoimhghín Ó Caoláin:** A Cheann Comhairle—

**An Ceann Comhairle:** The Chair has been generous. My predecessors have ruled that, when a reply is to be printed in the Official Report and not given orally, Members should await that reply rather than pursue the matter by supplementary questions. In the Chair's opinion, it does not make sense to have supplementary questions when the reply to the main question is not known.

**Caoimhghín Ó Caoláin:** With the Chair's indulgence, may I simply revisit one detail of the question I asked the Taoiseach to which he did not respond?

**An Ceann Comhairle:** I would prefer if we did not pursue the matter in this manner because, as my predecessors ruled, it does not make sense in the absence of having the details of the question.

**Caoimhghín Ó Caoláin:** It does not make sense for me to ask a question—

**An Ceann Comhairle:** The Deputy can submit questions to the appropriate member of the Government.

**Caoimhghín Ó Caoláin:** I must disagree, but if that is what the Ceann Comhairle insists on—

**An Ceann Comhairle:** It is in accordance with the rulings of my predecessors.

**Mr. Kenny:** In respect of the interdepartmental committees on which the Department of the Taoiseach is represented and in light of the announcement on decentralisation—

**An Ceann Comhairle:** Sorry, Deputy, but I have already ruled on this matter.

**Mr. Kenny:** It is one point in respect of the committee on which the Department of the Taoiseach is represented. Only 33% of Departments have conferencing facilities. Officials in the Department of the Taoiseach must be in contact with other departmental teams dealing with issues of State and Departments. How does the Taoiseach propose that officials of his Department on interdepartmental teams will be able to conduct their business efficiently and professionally, given the inadequacy of the communication service?

**The Taoiseach:** The two main aspects of my Department's work are Northern Ireland and Europe. We engage at all times with our colleagues in Northern Ireland. My main people on the Northern Ireland aspect work there and have done so for many years and for successive Governments. It works very well. In regard to European affairs, we co-ordinate with our people in Brussels, who come home for some meetings. However, this is not a problem and communications on these issues are very good. I do not wish to disrespect any other groups but my best committees are those which are spread out. Therefore, the concern about whether the system will work under decentralisation is not an issue.

#### **Decentralisation Programme.**

2. **Mr. Rabbitte** asked the Taoiseach his plans for decentralisation of any part of his Department or the bodies or agencies operating under the aegis of his Department; and if he will make a statement on the matter. [30744/03]

3. **Mr. Kenny** asked the Taoiseach his plans for the decentralisation of sections of his Department or bodies under his aegis; and if he will make a statement on the matter. [1037/04]

4. **Mr. Sargent** asked the Taoiseach the implications of the Government's decentralisation plans for his Department; and if he will make a statement on the matter. [1287/04]

**The Taoiseach:** I propose to take Questions Nos. 2 to 4, inclusive, together.

There are no proposals to decentralise sections of my Department or bodies or agencies operating under its aegis. A significant part of the Central Statistics Office is already located in Cork.

**Mr. Rabbitte:** Although it is unlikely to be announced before the local elections, will the Taoiseach confirm that a re-think of the decentralisation programme as announced is taking place?

**An Ceann Comhairle:** These questions refer specifically to the Taoiseach's Department. The question of decentralisation is more appropriate to the Minister for Finance who has responsibility for it.

**Mr. Rabbitte:** Does the Taoiseach acknowledge that his Department will inevitably be affected in the event of such a re-think? There is widespread dissatisfaction in the Civil Service, about which I presume the Taoiseach is aware.

**An Ceann Comhairle:** Sorry, Deputy, that does not arise. I suggest you submit a question to the Minister for Finance.

**Mr. Rabbitte:** Is that dissatisfaction represented in the Taoiseach's Department? What did he think of the "Follow me up to Carlow" interview by the Minister of State, Deputy Parlon?

**An Ceann Comhairle:** The Deputy is going well outside the realm of Questions Nos. 2 to 4, inclusive.

**Mr. Rabbitte:** The Taoiseach is the Head of Government and this is the first opportunity Members of the House have had to put questions to him on decentralisation.

**An Ceann Comhairle:** The Standing Order is quite specific.

**Mr. Rabbitte:** That is a time-honoured manner in which to frame a question to enable one to——

**An Ceann Comhairle:** The Chair is obliged to implement Standing Orders. Members of the House complained yesterday that they did not have an opportunity to ask supplementary questions. If the time is taken up by asking supplementary questions which have no relationship to the questions submitted, we will not be able to conduct the business of the House.

**Mr. Rabbitte:** A Cheann Comhairle, can you imagine what this looks like to a taxpayer outside the House?

**An Ceann Comhairle:** I will not engage in a discussion with the Deputy. The questions refer specifically to the Taoiseach's Department.

**Mr. Rabbitte:** This is the first opportunity we have had to put questions about a major decision such as the announcement on decentralisation to the Head of Government.

**An Ceann Comhairle:** There are many opportunities such as Leaders' Questions.

**Mr. Rabbitte:** The questions are precisely concerned with decentralisation as they relate to the Department of the Taoiseach and I merely ask if, as a component of the entire decentralisation programme, the matters I raise also reflect on that Department.

Is there resistance which is causing a re-think? Does the Taoiseach agree with the Minister of State, Deputy Parlon, that it is the case that only civil servants who move will get preferment? Does that affect the Taoiseach's Department? Does the Taoiseach believe the breaking up of the commission for the Civil and public service and devolving responsibility for recruitment to a local level is to be viewed in a new light in the context of decentralisation? Will the Taoiseach confirm there is a re-think in this area?

**An Ceann Comhairle:** I point out again that the Deputy's question is one more appropriate to the Minister for Finance who has responsibility for this matter.

**The Taoiseach:** I am not sure what I can answer. However, I assure Deputy Rabbitte he is wrong in his information. There is no re-think. He is correct that my Department is not moving. I am not aware of dissatisfaction in my Department, but there are a substantial number of people in my Department who would like to move. There might be dissatisfaction on that basis, but staff have not told me so.

**Mr. Sargent:** Dream on.

**The Taoiseach:** Close to 40 people in my Department, which is a small one, want to move. I am sure they are dissatisfied to some degree.

**Mr. Durkan:** They are afraid they will be sent to Coventry.

**Mr. Kenny:** I agree with the thrust of Deputy Rabbitte's questioning on this matter. After Deputy Parlon made his extraordinary——

**An Ceann Comhairle:** Sorry, Deputy, I ask you to confine yourself to the three questions.

**Mr. Kenny:** A Cheann Comhairle, you have not listened to what I have to say.

**Mr. Durkan:** It is relevant to the questions.

**Mr. Kenny:** The Minister for Finance, Deputy McCreevy, clarified that the Minister of State, Deputy Parlon, knew nothing about the decentralisation announcement nor had he or any other Minister hand, act or part in it. From questions put to other Departments under what is left of the Freedom of Information Act, there is no evidence that the Department of Agriculture and Food, Ordnance Survey Ireland or the Department of Community, Rural and Gaeltacht Affairs had prior knowledge of the proposal. The Equality Authority received an e-mail on the day of the budget.

**An Ceann Comhairle:** The question referred to the Taoiseach's Department.

**Mr. Kenny:** Did the Taoiseach know that the Minister for Finance was considering a massive decentralisation programme?

**An Ceann Comhairle:** That does not arise from this question. I suggest that you use Leaders' Questions if you want to ask the Taoiseach that question. Otherwise you should put a question to the appropriate Minister.

**Mr. Kenny:** This question is in your interests, a Cheann Comhairle.

**An Ceann Comhairle:** It does not arise. I call Deputy Sargent.

**Mr. Kenny:** This is in your interest, a Cheann Comhairle. The Taoiseach has said that many of his staff would like to move. The answer from the Department of Communications, Marine and Natural Resources is that 6.84% of the Department's staff say they would like to go to Cavan and 83.96% say they would not like to go there. The Taoiseach says many people in his Department would like to move. If a rethink is going on, would the Taoiseach consider that his Department should move to your constituency, Sir?

**Caoimhghín Ó Caoláin:** The Taoiseach should be from that constituency.

**An Ceann Comhairle:** I call Deputy Sargent to ask a supplementary question to Questions Nos. 2 to 4.

**Mr. Rabbitte:** A Cheann Comhairle, this is the first opportunity we have had to question the Government and you will not allow the Taoiseach to answer the question.

**An Ceann Comhairle:** The Chair will not have its ruling challenged on the floor of the House.

**Mr. Rabbitte:** You are making a farce of the House.

**An Ceann Comhairle:** You, Deputy, submitted a question—

**Mr. Rabbitte:** These are serious questions.

**An Ceann Comhairle:** Of course they are serious questions and they should be taken seriously.

**Mr. Rabbitte:** The Head of Government is here and you will not permit him to reply. You pass on to Deputy Sargent. What is the answer to the question?

**An Ceann Comhairle:** Deputy Rabbitte, you will not challenge the ruling of the Chair.

**Mr. Rabbitte:** Sir, I am afraid I have to when it is blatantly unfair.

**An Ceann Comhairle:** The Chair is ruling in accordance with precedent in the House. Deputy Rabbitte submitted a question to the Taoiseach regarding plans for decentralisation of any part of his Department or of the bodies or agencies under its aegis and whether he would make a statement on the matter.

**Mr. Rabbitte:** And you and the Taoiseach know why I submitted it.

**An Ceann Comhairle:** You are entitled to ask supplementary questions related to the question you submitted.

**Mr. Rabbitte:** Absolutely, and decentralisation is related to it.

**An Ceann Comhairle:** You may not broaden your contribution to include questions which are appropriate to the Minister for Finance.

**Mr. Rabbitte:** Since 1919 one can ask questions in this House that relate to the subject matter of the question submitted. One cannot encompass, in the framing of any question, every conceivable area of supplementary. It is entirely unreasonable of you, Sir, to rule out the possibility of Deputies asking questions about the decentralisation issue.

**An Ceann Comhairle:** The Chair will not be challenged. The Deputy knows the Standing Order as well as the Chair. If you are not happy with the Standing Order I suggest you approach the Dáil reform committee.

**Mr. Rabbitte:** I am not happy with the manner in which you are implementing it, Sir.

**An Ceann Comhairle:** I call the Taoiseach.

**The Taoiseach:** In reply to Deputies Kenny and Rabbitte, I was fully involved in the process throughout. I was on the committee. The 36 people I mentioned in my Department are on the list for normal transfer. They are properly in the system and want to go to decentralised locations.

**Mr. Kenny:** Do they want to go to Cavan?

**The Taoiseach:** The Opposition Deputies should not be against this measure. It is a good thing.

**Mr. Sargent:** The Taoiseach talks about being on the committee and being involved in the decision regarding decentralisation. Did the Taoiseach remind his colleagues of the difficulties that related to the relocation of the Central Statistics Office to Cork in June 1991? It was a voluntary scheme and only 60, or 10%, of the former CSO Dublin staff agreed to move to Cork and volunteers had to be taken from other Departments to make up the numbers. This entailed considerable disruption and the move did not happen until 1994. Should the lessons of that episode not have been learnt? The upheaval affected statistics gathering and dissemination in the CSO.

Following the relocation, the training of new staff and additional requirements, how many CSO staff are still in Dublin and how many are in Cork? Was the Taoiseach surprised by the low take-up of the current scheme, given that the closure of accident and emergency services in Ennis hospital will affect people thinking of moving to Kilrush, for example? Does the Government not need to go back to the drawing board and consider real decentralisation rather than office relocation.

**An Ceann Comhairle:** The first part of the Deputy's question is in order.

**The Taoiseach:** For as long as I have been a Deputy I have dealt with the issue of public servants in Dublin who want to get back to somewhere else in the country.

**Mr. Sargent:** Not enough.

**The Taoiseach:** It has always been the case. I well remember 1991. It was the only previous large decentralisation programme and I administered it as Minister for Finance. I remember the arguments regarding the Central Statistics Office and the reasons for them. I am sure we will experience similar difficulties again. The CSO successfully moved to Cork and the vast majority of the 800 staff moved there. Some senior people, mainly because of age profile, will have difficulties.

This House has been clamouring for more decentralisation since before 1991.

**Mr. Sargent:** Real decentralisation.

**The Taoiseach:** There is now a large body of public servants and members of public service unions who want to move. Some are concerned about how near they can move to their own homes or about clustering of locations. These issues are being considered within my Department but they have been dealt with successfully and will be dealt with in the future.

**Mr. Sargent:** How many are in Dublin? There were 840 staff in the CSO.

**The Taoiseach:** The vast majority are in Cork.

**Ms Burton:** In the context of the impact of the decentralisation proposal on the Taoiseach's Department and the Government's proposal to abolish the Civil Service Commission and the Local Appointments Commission and to give Secretaries General and private contractors the right to apply for recruitment licences and to recruit civil servants, does the Taoiseach propose that the Secretary General of his Department and the Secretary to the Government will apply for recruitment licences or will local contractors, maybe from Drumcondra, be recruiting for the Taoiseach's own Department?

**An Ceann Comhairle:** I ask the Deputy to submit a question to the Taoiseach on that matter about his Department.

**Ms Burton:** The question about localisation of recruitment and the abolition of the Civil Service Commission and the Local Appointments Commission is an integral part of decentralisation. That is stated in the memorandum.

**An Ceann Comhairle:** We are dealing with Questions Nos. 2 to 4, inclusive. We are not dealing with general decentralisation.

**Ms Burton:** I am asking the Taoiseach a legitimate supplementary question about the localisation of recruitment. I want to know what he is going to do.

**An Ceann Comhairle:** That is a question specifically for the Minister for Finance.

**Ms Burton:** It is part of decentralisation.

**An Ceann Comhairle:** It does not arise out of Questions Nos. 2 to 4. I call Deputy Rabbitte.

**Mr. Rabbitte:** Can I take it that the 36 people in the Taoiseach's Department who will use the transfer system to transfer out of his Department to locations of their choice will be replaced? Is the Taoiseach satisfied that they ought to be replaced under the terms now provided for in the Public Service Management (Recruitment and Appointments) Bill, whereby recruitment will be done locally and might be done by a private sector agency? Is the Taoiseach concerned that the renowned independence of the Civil Service and the fairness of recruitment to it will be damaged as a result of the arrangements proposed in the Bill? Is the Taoiseach worried that this will damage the effectiveness and traditional independence of the Civil Service? If that is multiplied 1,000 times throughout the country, are there not inherent dangers to the

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governance of the country in recruitment agencies being charged with recruitment to the public service?

**An Ceann Comhairle:** That is specifically a question for the Minister for Finance.

**Mr. Rabbitte:** I asked the Taoiseach this question in the context of the 36 people he said would be moving within his own Department. The Taoiseach is perfectly able to answer these questions without the Ceann Comhairle interfering to protect him. In respect of his Department, I suggest——

**An Ceann Comhairle:** Deputy Rabbitte, I ask you to withdraw the remark that the Chair is protecting the Taoiseach.

**Mr. Rabbitte:** How else am I supposed to interpret it?

**An Ceann Comhairle:** I ask you to withdraw the remark.

**Mr. Rabbitte:** You should then let the Taoiseach answer the question.

**An Ceann Comhairle:** The Chair is acting in accordance with Standing Orders. All my predecessors insisted that we stick to the questions submitted. I ask you to withdraw the remark that the Chair is protecting the Taoiseach.

**Mr. Rabbitte:** I will withdraw the remark if you permit the Taoiseach to reply.

**Mr. Kenny:** Some of your predecessors used to nod off occasionally

**An Ceann Comhairle:** I call Deputy Sargent. I will allow the question in so far as it affects the Department of the Taoiseach.

**The Taoiseach:** In so far as it affects my Department——

**Mr. Rabbitte:** We cannot go on for the next three years of this Government with you ruling like this.

**An Ceann Comhairle:** I ask you to resume your seat.

**The Taoiseach:** In so far as it affects my Department, the 36 people who would avail of the opportunities — they encompass all grades so I assume they would avail of opportunities — could well be replaced by people who do not want to move. It would be an interdepartmental transfer and would not automatically mean——

**Mr. Rabbitte:** What if the recruitment was from outside?

**The Taoiseach:** If they were recruited from outside, the new procedures allow flexibility. While there was an easing last year because of the employment situation, in the case of my Department we had great difficulty with the length of time it takes to fill vacancies because of the procedures. The idea of the new procedures is that a Secretary General would be able to recruit directly into my Department. Obviously the protections that exist from the 1924 Act would have to be maintained.

**Mr. Kenny:** A Cheann Comhairle, you have become very diligent at the start of the new session in implementing your predecessors' rulings. I do not want us to see a repeat of an occasion when former Deputy Paddy Harte spoke from these benches and addressed a Ceann Comhairle who snored away contentedly for about 20 minutes and precedent went by the board.

Does the Taoiseach know the grades of the 36 staff members who are willing to move from his Department? Are they principal officers, clerical officers and clerical assistants? Before the new Bill is implemented allowing Secretaries General to recruit locally, will these 36 people be offered equivalent positions in other locations throughout the country for which they might have a preference? I have referred to Cavan. The Tánaiste's Department of Enterprise, Trade and Employment, out of which she herself wishes to move, needs 250 people to go to Carlow to make it successful. However, only 69 out of 503 people surveyed are willing to make that move. Will the 36 staff members from the Department of the Taoiseach, be they in the categories of CA, CO, HEO, etc., be offered positions in Carlow or Cavan if they are willing to move there prior to implementation of the Secretaries General Bill allowing local recruitment?

**Mr. B. Smith:** Discerning civil servants would choose Cavan.

**An Ceann Comhairle:** Deputies should allow the Taoiseach to answer the question.

**The Taoiseach:** According to my list there are people who want to move to Carlow and Cavan. As is always the case, if they had the opportunity, these people would be gone on Friday. They will not be concerned about the regulations under which this might happen so long as they are on the list for transfer. In each Department and agency there would be a substantial number of such people. In a Department that is being decentralised, there would be a change for those who do not want to move. This happens all the time. It is forever changing between Departments. There are regular vacancies, especially just below the senior levels. However, it is increasingly the case at senior levels that people are moving interdepartmentally, which is good.

**Mr. Sargent:** A report in *The Irish Times* on 5 December gave a view from higher civil servants that the Departments of the Taoiseach and Finance would be the real beneficiaries of decentralisation, given that power would be concentrated in those Departments following the difficulties in the other eight Departments to be affected by the moves, which we covered when discussing the Central Statistics Office earlier. Does the Taoiseach agree that higher civil servants have some reason to complain given that they were stunned by the decentralisation announcement by the Minister for Finance, Deputy McCreevy, and suspect it is a stitch-up by the Departments of the Taoiseach and Finance to concentrate power?

**The Taoiseach:** I do not get into these hierarchical issues. However, when I look at it as a matter of interest, I always think the Department of Foreign Affairs believes it is the most powerful because it is spread across 40 countries.

**Mr. Sargent:** It is mainly located outside the State.

**Ms Burton:** The Taoiseach has indicated that the Secretary General of his Department is likely to apply for a recruitment licence to fill some of the vacancies that will arise as a result of the 36 people likely to move. Is the Taoiseach concerned about the impact this will have? This is a significant break with our tradition, which has existed since independence. It will go from centralised recruitment to the public service to localised recruitment via a Secretary General of a Department, especially one as powerful as the Department of the Taoiseach. Has the Taoiseach given detailed consideration to the impact of localising recruitment to the Secretary General of his Department and perhaps an outside recruitment agency? What impact is that likely to have on the justified reputation for probity of the Civil Service in recruitment? Is the Taoiseach not nervous that this kind of recruitment by the Secretary General will make people feel that, unfortunately, an inside track might develop regarding recruitment?

**An Ceann Comhairle:** Does the Deputy have a question?

**Ms Burton:** So far all parties when in Government have maintained public confidence in the integrity of the Civil Service recruitment system.

**The Taoiseach:** I can take this question in reference to my Department. It would be the same anywhere. If the Deputy is asking whether the independence and probity of the Civil Service should be maintained, I agree with that and that should be enshrined in the legislation. I have no difficulty with that. However, the Deputy should

look beyond that issue. The same standards in recruitment will be required in my Department.

Under the present system, the Department of the Taoiseach might seek to recruit someone for the European division. On his or her first day, a person might be sent by the Civil Service Commission to the Department of the Taoiseach. He or she might be interested in and have considerable knowledge of education, and he or she might have come from a household where education was the major issue. His or her parents might have been teachers. While the person might want to be in the Department of Education and Science, he or she is sent to the European division of my Department. The system that has been in place for years is not a good match.

In this case, at least at local level, the powers of recruitment are given to the Department. This takes nothing away from the standards, probity and independence, but it is common sense. In my Department I imagine it will be a matter for the civil servants to work it out. They would obviously want to interview the people.

In semi-State bodies like IDA Ireland, VHI and the Environmental Protection Agency, recruitment agencies are used and have been since the establishment of these agencies. I do not imagine the Deputy suggests that people recruited to these bodies, because they came through agencies, are unfit to sign the Official Secrets Act or other legislation.

The sense of this is updating the 1924 legislation. What was good in 1924 may have been very good in 1974, but it does not mean it is still good in 2004. This legislation has been carefully examined. Clearly it will have to be approved and go through the procedures. I do not try to detract from the point the Deputy makes about independence and probity. I have no argument that it should be the case. That said, we need to get away from the idea that, on recruitment, a public servant is sent to the last place he or she wants to be and told to make a career there until there is an opportunity to get out.

That is why we lose so many young people and what is wrong with the system. We need to change it so that people have an opportunity. If somebody wants to be in the Department of the Taoiseach, he or she should be located there. If someone does not want to have sight of Government Buildings or anything to do with it, he or she should have an opportunity to go elsewhere. Those with an interest in environmental or educational issues should be allowed to work in those areas. Let us not try to closet people into a system that was made for another generation.

**An Ceann Comhairle:** I will take two brief final questions from Deputies Rabbitte and Burton and we will then move on to the next question.

**Mr. Rabbitte:** Is there not a definite risk of placing every Member of the House in a position



[Mr. Rabbitte.]

where they will be at the behest of people making representations to them to be recruited to the Civil Service or the public service? Will the traditional independence and probity of the recruitment procedures relating to the Civil Service not be at risk if we go down the road of decentralising them and permitting outside recruitment agencies, etc., to adjudicate on people being recruited to the service?

In terms of the chances of the 36 people in the Taoiseach's Department, does the Taoiseach believe that the Minister of State, Deputy Parlon, articulated matters correctly when he stated that resistance in the Civil Service will abate as soon as the evenings grow longer, at which time civil servants will become more likely to travel outside Dublin? Does the Taoiseach deny that matters have been reconsidered? I refer, in particular, to the Tánaiste's remarks on 17 January when a newspaper article stated that she had hinted at a relocation rethink? Does that refer only to the Department of Enterprise, Trade and Employment?

**An Ceann Comhairle:** The Deputy has already asked that question and it has been answered.

**Mr. Rabbitte:** Perhaps the Tánaiste knows the real story about relocating.

**Ms Harney:** The Deputy is taking a great interest in everything I say. I will send him all my scripts from now on.

**Mr. Rabbitte:** I am indebted to the Tánaiste.

**Mr. J. Higgins:** Will she be sending them from Boston or Berlin?

**Ms Harney:** Both.

**Ms Burton:** Will the Taoiseach elaborate on his comment that the reason for the localisation of recruitment is perhaps that inappropriate people are allocated—

**An Ceann Comhairle:** That matter does not really arise out of the three questions originally tabled. The Chair allowed questions because the Taoiseach referred to the matter earlier.

**Ms Burton:** I am asking a question as a consequence of the interesting answer the Taoiseach gave. Why is it not possible, within an independent Civil Service recruitment process as opposed to a localised process to introduce a system whereby candidates could indicate their preferences in terms of the Departments in which they would be interested in serving?

**An Ceann Comhairle:** I suggest that the Deputy submit that question to the Minister for Finance.

**Ms Burton:** That would provide a simple solution.

**Mr. Kenny:** The Civil Service Commission has always been perceived as being impartial in terms of the way it does its business. I accept part of what the Taoiseach said about not wanting to closet people into systems. In that context, does he agree with the action by the Minister for Finance which will mean that, regardless of whether he or she joins by local or central recruitment agencies, a person joining the Civil Service at 17 will have to work for 47 years before he or she qualifies for pension rights? Is that not closeting people into a system?

**An Ceann Comhairle:** That issue does not arise. It is a matter for the Minister for Finance.

**Mr. Kenny:** It is a matter for the Taoiseach who does not want to closet people into a system.

**The Taoiseach:** The current pension age is 65 or people can retire after 40 years service. There is no change in that. I am sure that all the Civil Service Commission's good standards of probity will be maintained. It has been the rule for many decades, perhaps since 1924 but certainly since I started dealing with people in the public service in the early 1970s, that one is not allowed make written representations on behalf of a person in a recruitment process. That will remain the same. If such representations are made, one is automatically disqualified.

**Mr. Rabbitte:** This is Ireland.

**The Taoiseach:** It is a strict rule of the Civil Service Commission and of the Departments.

**Mr. Rabbitte:** How can we rely on private recruitment agencies to observe that rule?

**An Ceann Comhairle:** Allow the Taoiseach to speak without interruption.

**The Taoiseach:** Does the Deputy believe that is what is being done by State companies at present? What I have outlined is the way the system operates. The Civil Service is stricter and will continue to be so.

With regard to decentralisation in my Department, the reality is that some people would like to get out of Dublin city next Friday while others would not like to leave it for the next 50 years. With large numbers of staff, we must do our best to facilitate everyone. We have done it before and we can do it again.

Opinions are put to me concerning the level of congestion in the city, high house prices and the fact that we should be engaging in greater regionalisation. In this case, that is what we are doing. The State is taking the lead in moving people into the regions to try to better develop the country. We have a population of 4 million, 2

million of whom live in Leinster and the greater Dublin area. We are trying to change that and I would have thought that everybody involved in the political process would see the advantage of doing so. If we are successful, we will no longer be obliged to divide counties, etc., as happens in certain reviews. It is the way we should try to develop Ireland over the next 20 or 30 years. Unfortunately, those years will pass quickly. We must start somewhere and do so in a determined way.

**Mr. Kenny:** We will have to wait 30 years for the release of State papers relating to the present to discover what the Government is doing.

**The Taoiseach:** Ten thousand people will be moved out of Dublin. It will take time to do so and structures and people's mentalities will have to be changed. It will happen and will be a good thing for the Civil Service.

**An Ceann Comhairle:** As there are only a few minutes remaining, it would be better to proceed to the next business rather than dealing with the next question.

**Caoimhghín Ó Caoláin:** We would do a disservice to the Barron report if we were to try to cramp questions on it into the remaining minute. I regret that I must agree with the Ceann Comhairle for once.

**Mr. Sargent:** That is the peace process at work.

#### **Requests to move Adjournment of Dáil under Standing Order 31.**

**An Ceann Comhairle:** Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31 and I call first on Deputy Sargent to state his matter.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the appalling failure by the Government to fulfil official responsibility for environmental and heritage law which has resulted in 12 legal actions and 80 actions of instances for failure to implement EU directives falling within the remit of the Minister for the Environment, Heritage and Local Government, Deputy Cullen.

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the severe impact the EU nitrates directive will have on farmers, together with the considerable additional expense imposed on farmers to comply with the provisions of the directive by the levying of swingeing development charges due to the provision of slurry manure storage facilities to cope with the extra storage requirements arising from the directive.

**Mr. Boyle:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the contradictory and counter-productive nature of the Government's insistence on the construction of mass-burn incinerators and the use of incineration as a waste disposal method, given its commitment to reducing and controlling greenhouse gas emissions and its further commitment to prevent the creation of persistent organic pollutants.

**Mr. Gogarty:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the ongoing tensions regarding the issue of access to land for walkers and tourists, the potential damage to a large section of our tourism business should this issue not be resolved adequately and the question of what level and in what manner fair payment can be made to farmers as guardians of the countryside to ensure that properly marked routes are available without adding to landowners' public liability insurance.

**Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the Amnesty International finding that 13 of the 15 EU member states, including Britain and Ireland, have perpetrated abuses of human rights within their territories, that the most frequent violations were carried out by police forces, the urgent need therefore for the Government to take up the challenge of Amnesty's "Human Rights begin at Home" campaign during the time of the Irish EU Presidency and to show leadership by proposing the introduction of an EU legal framework for reviewing the record of member states on the promotion and protection of human rights and by initiating a process of developing a human rights-proofing mechanism for all EU law and policy as proposed Sinn Féin.

**An Ceann Comhairle:** Having considered the matters raised, they are not in order under Standing Order 31.

#### **Order of Business.**

**The Taoiseach:** It is proposed to take No. 5, the Civil Registration Bill 2003 — Second Stage (resumed) — and No. 6, the Central Bank and Financial Services Authority of Ireland Bill 2003 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the proceedings on the resumed Second Stage of No. 5 shall, if not previously concluded, be brought to a conclusion at 7 p.m. Private Members' Business shall be No. 35, motion re the economic plight of Irish emigrants (resumed), to conclude at 8.30 p.m.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with

[An Ceann Comhairle.]  
No. 5, conclusion of the Second Stage of the Civil Registration Bill 2003, agreed?

**Mr. Kenny:** I do not wish to be contentious but a considerable amount of the time allocated yesterday for the debate on the Civil Registration Bill was used for the Private Notice Question about international chickens. Is it proposed to give an extension of time to debate this Bill today?

**The Taoiseach:** Was that an hour?

**Mr. Kenny:** Yes.

**The Taoiseach:** We can give it an hour.

**Mr. Sargent:** I understood that the Immigration Bill was due to come before the House today or tomorrow, but it has not yet been published. Will it be both published and taken in the House tomorrow? Is that not an abuse of the House?

**An Ceann Comhairle:** That question is more appropriate to the Order of Business. It does not relate to the proposal before the House.

**Mr. Sargent:** I am concerned about it.

**Caoimhghín Ó Caoláin:** I noted the Taoiseach's response to Deputy Kenny. We disagree with the imposition of the guillotine at the end of Second Stage of the Civil Registration Bill. The Taoiseach has indicated additional time. Is that the case?

**The Taoiseach:** Yes.

**Caoimhghín Ó Caoláin:** It is unnecessary to apply a guillotine. This is only the second day of the so-called substantive resumption of the House and guillotines are being applied. Members should have the opportunity to participate fully. Guillotines are usually the preserve of the latter weeks or days of a session. I also intend to address the Immigration Bill on the Order of Business.

**The Taoiseach:** I propose that the House adjourn at 10 p.m. so there will be sufficient time to discuss the Bill. There is a degree of urgency about it. The preparation work took place over a long time with various groups outside the House. It is urgent to pass the Bill.

**An Ceann Comhairle:** There are now two proposals to put to the House. Is the late sitting agreed to? Agreed. Are the revised arrangements for concluding Second Stage of the Civil Registration Bill 2003 agreed? Agreed.

**Mr. Kenny:** I welcome the decision yesterday in respect of Lansdowne Road, an option I have favoured for a number of years. The list of proposed legislation published yesterday included

the Abbotstown sports centre authority Bill. Will that Bill deal with the unfinished business involving moneys outstanding to the GAA? Will the money be paid and will the two matters be dealt with together? The GAA still claims it is owed money by the Government.

**The Taoiseach:** Obviously the legislation will have to be revised before being introduced. The other issue is a matter for the Minister for Arts, Sport and Tourism.

**Mr. Rabbitte:** It is proposed to produce the promised Immigration Bill 2004 and move all Stages before 3.30 p.m. tomorrow. Is the Taoiseach aware that there has been no agreement to this on the part of the spokespersons? It was mistakenly conveyed to the Whips meeting that there was. The Minister for Justice, Equality and Law Reform spoke to the Labour Party spokesperson, Deputy Costello, and said that he will put the Bill through in any event. A draft copy of the Bill is not yet available and the Bill has not been published. It is now 11.45 a.m. and in respect of section 21 of the original Act which was struck down as unconstitutional, as was predicted at the time by Deputy Howlin, the Minister chooses to rectify the position by dealing with all Stages of the Bill in a matter of hours tomorrow, even though the text of the Bill is not yet available. Is that the way to do business? Is that the way to correct an error? It is the wrong way to address the serious matter encompassed by the anticipated Bill.

**Mr. Sargent:** The Green Party is extremely concerned about the manner in which the Immigration Bill is to be taken. This issue arises from flawed legislation, which must be a lesson to us not to bounce legislation through the House with minimal consultation. However, that is effectively what is happening now. Will the Taoiseach not acknowledge that this type of engagement with Parliament really belongs more to the Reichstag of the 1930s than to democracy today in Ireland? It is clear from the court hearings that the legislation must be changed but it must be changed in a manner which permits all views to be taken on board to ensure it is properly constructed and not challenged again in the court. However, that is more likely to occur if the legislation is bounced through the House tomorrow. When will the Bill be published? If it is published tomorrow, there will not be much time even to read it.

**Caoimhghín Ó Caoláin:** The indications are that the Immigration Bill will be presented to Deputies tomorrow and that all five Stages will proceed. Will the Taoiseach confirm that this is the Government's intention? If so, it will only confirm what many people, including Members of the House and press correspondents, have said, that the House is being reduced to a rubber stamp. We will not have prior perusal of the

legislation or the time to prepare necessary amendments.

It was not just Labour Party Members but other Opposition Members who raised valid concerns and tried to make considered and substantive contributions to the debate in the House. They were pooh-poohed by the Minister for Justice, Equality and Law Reform who is always of the opinion that he knows better than the other Members. The truth is that the concerns and opposition voiced on that occasion by the Opposition have been vindicated by the High Court decision. Now we are set to replicate that error because the House will not be given its due responsibility to scrutinise legislation properly and to engage in a substantive debate. I ask the Taoiseach not to allow this to proceed in the way proposed.

**The Taoiseach:** Members are aware of what happened in this case. It is urgent that a Bill be passed. That has been explained by the Minister in interviews during the last few days. I understood there was agreement on this issue. Arrangements have been made for the spokespersons to receive a draft copy of the Bill shortly.

**Mr. Stagg:** They have not received it yet.

**The Taoiseach:** It was to be given to them by midday. That was my information.

**Caoimhghín Ó Caoláin:** We have heard no such statement.

**The Taoiseach:** I am informed that the spokespersons are to receive a draft copy of the Bill today. The Bill reproduces in the form of a primary statute the content of the 1946 Aliens Order. That order was thought to exist up to 22 January, the date of the High Court judgment. Some modernising textual amendments will be incorporated in the Bill and the opportunity is being taken to prune some of the dead wood based on operational experience with some of the provisions. The only completely new element is the power to impose charges for registration. The rest is just a restatement of the 1946 Aliens Order through the legislation. That draft will be with the spokespersons shortly.

**Ms Enright:** Prior to the Christmas break, we discussed during Private Members' time the issue of the vetting and registering of people considered unsafe to work with children. The impression was given by the Government that we did not need to be concerned about it because the Bill would come before the House in January. I was surprised earlier this week when the legislative programme was published that the Bill was not included in section B — it has been relegated to section C — or in the less than busy schedule for the Department of Education and

Science for the coming term. When will the heads of the Bill be published?

**The Taoiseach:** I do not have a current date. A cross-departmental working group has been established by the Department of Justice, Equality and Law Reform to consider proposals to reform the vetting of employees by gardaí. Further work on the report is ongoing. It is expected that a final meeting of the group will take place during this month. I cannot tell the Deputy if that took place, but I will try to find out. The arrangement at Christmas was that the group would meet and finalise its work in January. I would then be able to give a date. I will check it with the Department and communicate with the Deputy.

**Ms Shortall:** On promised legislation, the State airports Bill to provide for the break-up of Aer Rianta was promised last December. In light of the advice the Minister has received, what is the most up-to-date publication date for that Bill? In light of the chaotic transport and traffic situation in Dublin because of the involvement of a large number of State agencies, does the Taoiseach accept that there is an urgent need for a single transport authority? There is some doubt about the status of the promised greater Dublin area land use and transport authority Bill. Is it the Taoiseach's intention to proceed with that legislation and when can we expect it?

**The Taoiseach:** The State airports Bill is due in this session. As regards the greater Dublin area land use and transport authority Bill, the policy is being reviewed and an alternative strategy is being considered to achieve the same objectives. Two Ministers are working on it. It has not been decided which Minister will bring forward the legislation, although it will probably be the Minister for Transport.

**Ms Shortall:** When will it be finished?

**The Taoiseach:** It may already be finished; I am not sure about that. My note states there is no date for legislation. The review of the strategy is close to being finished, if it is not already finished.

**Mr. Timmins:** I am sure we are all familiar with the debate in recent years about safety on our streets. Does the Taoiseach agree it is a sad day when someone serving a prison sentence is killed while serving that sentence? What plans does the Government have to make prisons a safer place? When will the prison service Bill be published?

**The Taoiseach:** I do not have a date for that. The heads of the Bill are being drafted. There are 70 heads in this legislation and work is in progress. I do not have an up-to-date position, but I presume it is some way off.

**Mr. Sherlock:** I want to ask a question about the Higher Education Authority (Amendment) Bill. Is the Taoiseach aware that the higher education grants section of Cork County Council has been closed because of lack of funding from the Department?

**An Ceann Comhairle:** The Deputy could submit the second part of his question to the Minister for Education and Science.

**Mr. Sherlock:** Is the Taoiseach aware that the grants section has been closed because of lack of funding from the Department?

**The Taoiseach:** As regards the transfer of certain responsibilities in relation to funding and operational matters from the Department of Education and Science, discussions are ongoing between the Department and the Higher Education Authority on the legislation. As soon as those discussions are complete, the drafting of the Bill will commence.

**Mr. Hayes:** Is legislation promised to deal with landowners' rights in terms of people trespassing on the land? This is a major issue. Landowners need people to have respect for private property. Perhaps the Taoiseach could clarify if legislation is promised. This will become an urban *versus* a rural issue, which the country does not need.

**The Taoiseach:** The land Bill is due this session, which will give people an opportunity to raise that issue. I am not sure if the substance of the issue is covered in the legislation.

**Aengus Ó Snodaigh:** Yesterday the Taoiseach failed to answer this question on legislation. What is the status of the disability Bill? When will the heads of the Bill be published in accordance with the Government's action programme, the White Paper on better regulation? Will the Government make time available for the concerns of the disability legislation consultative group to be incorporated in the Bill which has been a long time in gestation?

**The Taoiseach:** I answered that question yesterday. The Bill will be published in a few weeks' time.

**Aengus Ó Snodaigh:** The specific question was about the heads of the Bill. When will they be published?

**The Taoiseach:** They will be published in approximately two weeks' time.

**Mr. Gilmore:** I understand the Minister for the Environment, Heritage and Local Government is required to make regulations governing the operation of the local elections in June which would include the provisions for electronic

voting. When will those regulations be laid before the House?

**The Taoiseach:** If there are regulations, they are not on my list. I will ask the Minister to communicate with the Deputy.

**Mr. Gilmore:** The Minister has invited all and sundry to a public launch of the electronic voting system next Wednesday. Will the regulations be laid before the House to allow for —

**An Ceann Comhairle:** The Taoiseach has already answered that question. I call Deputy Joe Higgins.

**Mr. Gilmore:** The Taoiseach has not. The electronic voting system will be put on public display next Wednesday. Regulations are required to be laid before and considered by the House before that can be done.

**An Ceann Comhairle:** The Deputy's question has already been answered.

**The Taoiseach:** I do not want to mislead the House. I have been told by the Minister that there are no regulations. Guidelines have been issued.

**Mr. Gilmore:** There are regulations.

**Mr. J. Higgins:** I am touched by how the Tánaiste has remained faithfully by the Taoiseach's side all morning. Given that she has a handkerchief in her hand, was she expecting tears of disappointment?

**An Ceann Comhairle:** That does not arise on the Order of Business.

**The Taoiseach:** She has a head cold.

**Mr. D. Ahern:** Is she not allowed to have a cold?

**Mr. J. Higgins:** I thought the Tánaiste might be ready to assuage any disappointment the Taoiseach might feel.

**An Ceann Comhairle:** The Deputy should ask a question appropriate to the Order of Business.

**Mr. J. Higgins:** The Taoiseach said that legislation on Campus Stadium Ireland would be modified. Will specific new legislation be introduced to encompass the new agreement on the planned stadium at Lansdowne Road?

**The Taoiseach:** The stadium at Lansdowne Road will not require legislation.

**Mr. Kenny:** I am interested in No. 104 on the Government's legislation programme under the Department of the Taoiseach — the statute law revision Bill. It states that its purpose is to repeal

irrelevant statutes. Will the Taoiseach indicate what these might be?

**The Taoiseach:** That is the legislation which deals with pre-1922 legislation. Work has been undertaken and it is close to being finished. There are several hundred pieces of legislation dating back almost 600 years. Some are still used, which is amazing, but most are not. However, they are still law. The intention is to try to——

**Mr. Kenny:** Who was the Taoiseach in 1404?

**The Taoiseach:** Unfortunately, the rules still apply, which surprises me, particularly when one examines them. The process is to try to update those and re-enact them. That work is ongoing.

**Mr. Durkan:** That should be fun.

**Ms O'Sullivan:** In view of the significant delay in the work of the Commission to Inquire into Child Abuse which led to the resignation of Justice Laffoy, I note in section (b) that it is not possible to indicate the date for the publication of the Commission to Inquire into Child Abuse (Amendment) Bill. I would have thought there would be a sense of urgency about this issue, in light of the length of time survivors have had to wait for the work of the commission to continue. Is there a publication date for that Bill?

**The Taoiseach:** I do not have a publication date but the heads of the Bill have been completed and the Department of Education and Science is considering the recent Ryan report and is in consultation with the Attorney General. The legislation to be brought forward will be different because it will be based on the up-to-date assessment by Judge Ryan.

**Ms O'Sullivan:** Will the work of the Laffoy commission be included in that consideration?

**The Taoiseach:** That will have to be included. The legislation cannot be concluded until both are considered.

**Mr. Durkan:** If the same urgency were applied to housing issues as to revising the voting system we would not have a housing crisis but that is for discussion another day. Is the provision whereby the DPP can appeal unduly lenient sentences in the District Court still part of An Agreed Programme for Government or is it intended to revive it after the next election?

The word "rates" in the Local Government (Rates) Bill immediately conjures unhappy memories for many. Is it proposed to bring that Bill into the House before or after the local elections next June?

**The Taoiseach:** The Attorney General has referred the provision for the DPP to appeal against unduly lenient sentences in serious cases before the District Court to the Law Reform Commission for consideration as a matter of urgent public interest. We await that report. The heads of the Local Government (Rates) Bill are expected in the next month or two and the legislation will then be brought forward.

**Mr. Durkan:** Will it be before the elections?

**The Taoiseach:** Before the 2004 elections.

**Mr. Boyle:** The public service broker Bill seems to have gone the way of the corruption in public office Bill and has disappeared altogether from the legislation programme. Can the Taoiseach tell us whether either of these Bills is being subsumed into other Bills to be brought before the House and the titles of the legislation to be put before us?

**The Taoiseach:** Progression of the public service broker Bill is not planned for 2004. It will be some time before it comes back.

**Mr. Boyle:** What about the corruption in public office Bill which was proposed in the last session?

**The Taoiseach:** We do not have such a Bill.

**Mr. Boyle:** It was announced with a loud fanfare a year ago.

**The Taoiseach:** We do not have such legislation.

**Ms Hanafin:** We do not have corruption in public office.

**Mr. Boyle:** We have forgotten about it. We will remind the Government.

**The Taoiseach:** The Judicial Conduct and Ethics Bill is the closest to that.

**Mr. Boyle:** It was promised last year.

**The Taoiseach:** The changes in the law contemplated in the proceeds of corruption Bill are being included in the Proceeds of Crime (Amendment) Bill which awaits drafting.

**Mr. Kehoe:** Is the Taoiseach aware that several gardaí were badly injured in Enniscorthy in recent weeks due to public order offences? It is widely known that Enniscorthy Garda station is understaffed and the superintendent there has told me that an extra four or five gardaí would alleviate the serious situation. What is the up-to-date position on the 2,000 extra gardaí promised in the last general election? Is the Taoiseach waiting for legislation to be passed to employ these 2,000 extra gardaí and when is the crimes Bill coming before the House?

**The Taoiseach:** The expert group advising on possible approaches to codification continues to work and it is expected that the group will report in early 2004 and the Bill will be drafted then.

**Mr. Kenny:** I note the presence of the Minister for Justice, Equality and Law Reform in the House. Under the terms of the Criminal Justice Bill, does he intend to make a statement to the House about the fatal stabbing of a person in Mountjoy prison yesterday?

**The Taoiseach:** If this matter comes up in some form in the normal procedures the Minister will deal with it.

**Mr. Durkan:** Surely it requires some response.

**An Ceann Comhairle:** It may come up as a matter on the Adjournment.

**The Taoiseach:** Everybody in the House must be concerned by this and would condemn this terrible act. I am sure the Minister would be glad to say a few words on it if he gets an opportunity under the procedures during the day.

**Mr. Sargent:** Deputy Cuffe has tabled a Private Notice Question on that matter.

**Caoimhghín Ó Caoláin:** On the legislative programme for the last session there were two Bills listed under the aegis of the Department of Health and Children, the adoption information (post-adoption contact and associated issues) Bill and the Hague Convention on the Protection of Children and International Co-operation in respect of Inter-country Adoption Bill. Item No. 75 on the programme for this session is a single entry "Adoption Bill". Do the Department and the Government now propose to amalgamate the proposed focus of the previous Nos. 73 and 74 into a single Bill and when is it expected that the legislation now described as the Adoption Bill will come before the House?

When will the Health Bill, item No. 76 on the new list, be published and is there a timetable for its enactment, given that it is expected to address the issue of the dissolution of health boards and that there will be local government elections in June?

**The Taoiseach:** I addressed the issue of the Adoption Bill yesterday and said that the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, is examining the feedback from the consultation process. It is the intention to amalgamate the proposed Bills, to update all the adoption procedures and to bring forward one Bill, the heads of which will be available in a few months. The Health Bill is listed for 2004.

### Civil Registration Bill 2003: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

**Mr. Neville:** I wish to share my time with Deputy Timmins.

The Minister's adversary, Deputy Ring, is not present and I feel somewhat intimidated trying to fill his shoes while he is defending the citizens' right to decide who they should elect to county councils. We wait in anticipation but the Minister must be disappointed. We had many concerns about this Bill when it was published, some of which remain, but we appreciate the Minister's briefing which allayed many of our concerns yesterday. That was a very positive approach by the Minister and her Department.

It is timely to introduce this Bill. The procedures for registration of births, marriages and deaths, and now other issues such as divorce, date back two centuries, long before anyone even dreamt of computers and information technology as it has developed to date. It is welcome that we will be able to use, and have information on, these subjects at the touch of a button instead of the old way of visiting and writing to various offices, seeking the register, and receiving short and long certificates. The old registers required for the different applications will be no more.

It is also welcome that the Departments will share information on the PPS number. We have been talking about this for some time, particularly in the health and social welfare areas where means testing takes place for various benefits. If one has a medical card, a means test is carried out for all benefits, including disability pension and so on. Different means tests could take place within weeks. Perhaps the Minister is setting a precedent for other Departments in this regard.

What progress has been made on decentralisation of the General Register Office to Roscommon? The Minister referred to the modernisation of the Civil Registration Service and facilities. What progress has been made in this regard and what has been the reaction of the staff of the Civil Registration Service to the proposal to move to Roscommon?

We must welcome the establishment of the new registers of divorce and civil nullity. When registration commenced, the issue of divorce and civil nullity was decades if not centuries into the future. Given the modern changes, it is necessary that this should take place.

I was impressed with the volume of work carried out in the General Register Office and compliment the staff. In 2003, more than 110,000 life events were registered, half a million certificates were produced and approximately 1.2 million searches of registration records were carried out. This is a very impressive list.

The new provision will result in a visible improvement from the customer's perspective in that a single interaction with a public service

agency, for example the registration of a birth, will not only achieve its original purpose but trigger a series of related services by another agency. In this instance, customers of the Minister's Department availing of the e-mail service no longer have to source and complete a multi-page paper application form and supply a paper birth certificate. This highlights one of the key improvements in customer service.

Sections 23 and 24 provide for a birth to be re-registered to allow the father's details to be entered where they were not entered in the register at the time of registration. I would like the provision to be strengthened. It is a child's right to know and be parented by both parents, regardless of the status of their relationship. Both parents have an obligation to take an active part in the upbringing of children, which the law should facilitate. I am aware that another area of justice inhibits this happening at the moment, which is a different debate. There should be a stronger statement on the registration of the father's name. This aspect should be explored further on Committee Stage to see if we could place more emphasis on the right of the child to know and be parented by both parents and to have access to their extended family on both sides. It is a child's right to have both parents' names included on their birth certificate and to have access to both parents, except in exceptional circumstances where violence is involved or where either the father or mother should not have access to the child.

A child has a right to know and have access to all the elements of his or her family tree, including genealogy and medical information. One of the questions people are often asked when presenting to a doctor is whether there is a history of heart disease or cancer in the family. A child has a right to that medical information. The State should support all parents, mothers and fathers alike, for the benefit of the community and society as a whole, in seeking that they be equally involved in the shared parenting of their children, both within relationships and marriage and through the promotion of the concept of joint custody of children as a normal expectation in the case of separation and relationship breakdown.

The welfare of the children should be of paramount importance at all times. There should be continuing research into the effects on children of parents' shared parenting, marital breakdown, joint custody, absence of parents and so on. If the provision were strengthened, not only would there be an opportunity to register the father but it would be implied that there is an obligation to register the father's name. If there is a dispute, taking a DNA test might be considered because there is always a danger of such a procedure being exploited or abused. There would have to be checks and balances and protection against abuse, because where there are rights there are responsibilities.

Sections 28 and 29 provide for the registration of stillbirths. In future parents or a relative may register the stillbirth within 12 months. Currently only the parents can register the stillbirth within 42 days. The new provisions are being introduced to allow the family of the child more time to undertake the necessary registration procedures while coping with their loss. When I was in the Seanad the Stillbirths Registration Bill went through both Houses. At the time we explored in detail the trauma, deep upset and level of bereavement of the mother to a great extent, and to a very large extent of the father and siblings of a stillborn baby. The level of bereavement experienced by the parents and siblings of a baby who is stillborn cannot be overstated. There is also the loss of sympathy from society. Very often people do not receive assistance from friends and neighbours on the death of the child. Allowing more time, or another relevant person to register the birth, is helpful in the context of the experience of the parents. A parent can now ask a friend or a significant person in their lives to register the birth rather than having to go through the trauma of having their child registered and named.

Section 35 provides that access to the register of adoptions or an index which makes traceable the connection between this register and the register of births will not be available except by order of the Adoption Board or a court order and only when it is in the best interests of the adopted person concerned.

There is no mention of the best interest of the birth parents. I do not know what their best interest is but I know the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, is probably exploring it in some way. The Minister has spoken specifically about the best interest of the adopted person but has not mentioned it in conjunction with the best interests of the adoptive parents and the birth parents. Emphasis should be placed on "parents" because an adopted child has a birth mother and a birth father. This area has been debated to some extent but we should ask whether the registrar should also examine the best interests of the adoptive parents.

I want to touch briefly on the subject of marriage. The rule requiring a couple to notify the registrar of marriages at least three months before the intended date of marriage will continue to be in force, which is welcome. The Minister stated recently that the State should no longer accept marriage as the norm. There are good reasons the State should be firmly in favour of marriage rather than softening its stance in any way, while recognising what is happening in society. This is because marriage gives legal protection to the spouse and children and confers real benefits in rearing children. The State does not do enough to encourage marriage and does not provide real help for families. To say that the State should encourage marriage does not imply



[Mr. Neville.]  
 blindness to the reality that families break up or to the reluctance of those who have been hurt in a relationship to make a fresh commitment.

The Minister was correct when she stated that a priority of family policy should be to encourage the proper care of children and to encourage both parents to contribute to the rearing of children. However, the reality is that current public policy often militates against both objectives. For example, under present Government policy, greater tax benefits are available to parents who live apart and much tougher rules of social welfare assessment apply to parents who live together. Rent supplement will now be automatically refused once a working spouse moves in, irrespective of how little that spouse earns. It is not clear what policy instrument the State has in place to encourage joint guardianship or joint caring where the parents are not living together.

There is no coherent support structure for the development of child care services, and the system does not encourage marriage. Therefore, the State should be more overtly in favour of marriage and ensure that its policies do not discourage unions.

On marriage notification, where a couple intend to marry, they must both notify a registrar in writing of their intention to marry at least three months prior to the event or else obtain a court exemption from the notification requirement under section 46. This notification of marriage is not a new development as it was a feature of the Family Law Act 1995, but the Bill introduces a new provision whereby the couple will be required to attend at the registrar's office or such other specified place at least five days prior to the date of the intended marriage and sign a declaration that there is no impediment to their intended marriage. Could this five day notification proposal affect those living abroad and returning just before their weddings? In most cases, including mine, couples allocated their annual holidays for their marriage and honeymoon but the new provision will now oblige couples to return to Ireland five days before their marriage.

**Mary Coughlan:** The signing of the declaration only takes two minutes.

**Mr. Neville:** Yes. However, if those living in the United States want to be married in their local church in Ireland, as they do, is the Minister suggesting that they should fly over to sign the declaration, fly home again and then fly back again for their marriage?

**Mary Coughlan:** No. It is only five days. Most couples are home five days before their marriage anyway.

**Mr. Neville:** I know people who returned closer to the day of their marriage. Although I do not

object to what the Minister says, a legal procedure could be established whereby people could sign the declaration from abroad and have that declaration certified by a notary or legal person to satisfy the requirements laid down in the Bill.

On section 46(2) and (3), newly married couples will be required to register their marriages within one month of the event. In the past, priests and clergy returned the marriage registration form to the registrar even though they were not legally required to do so. The priest or person solemnising the marriage could still return the form on behalf of the couple but the onus was on the couple to ensure that this happened. Safeguards were built into the legislation to deal with circumstances in which a marriage registration form was lost or damaged. The registrar could oversee the completion of a second form.

The Law Society of Ireland has warned that some unscrupulous people may not register their marriages in the hope of making it easier to seek an annulment later. However, there are safeguards such as the requirement on the registrar to contact the couple if the form is not received 56 days after the marriage. The Law Society of Ireland has warned that this element could muddy the waters and lead to inaccuracies in the marriage register. It claims that, if a marriage is not registered, a person may attempt to nullify it or sell a house without the spouse's knowledge. The non-registration of a marriage could be used to frighten a spouse into agreeing less favourable terms of separation. The society claims that, even with the safeguards, an unscrupulous person may try to circumvent them.

Let us consider the concerns of the Genealogical Society of Ireland about the Bill. First, it believes the date of birth should be entered on the death certificate and that the Bill should make this a requirement. This would create a more accurate record, given that Ireland, unlike other countries, has relatively few surnames and many thousands of our citizens have the exact same forename and surname. The society gives the examples of "John Murphy" and "Mary O'Connor". How many John Murphys and Mary O'Connors have been registered in the past 50 to 100 years?

The Genealogical Society of Ireland also believes the birth certificate process should permit the recording of an optional Irish language version of the baby's forename and surname, as supplied by the parents. This would provide legal recognition of both the English and Irish versions of the person's name, permitting him or her to use either or both during the course of his or her lifetime. The society believes it is strange that the Taoiseach and many Ministers, for example, will sign official documents using the Irish language versions of their names, yet there is no official recognition of the existence of the two-language

naming system in the registration process. This is because it was introduced in the 1800s.

The registration system in a multi-ethnic and multi-cultural society should allow for the recording of the traditional naming patterns of minority groups within the State, including names applied at certain stages of life or religious names. The system should be optional and at the behest of the parents or guardians. Jewish people should be able to use Hebrew and English names.

This Bill does not specifically state that there will be a public search facility in Dublin. Successive Ministers have assured the genealogical community that such a facility will be maintained in Dublin and that should be reflected in the text of the Bill. As it stands, the public search facility will only be available in cyber-space and limited to a credit card pay-per-view service. The Bill is unclear on public accessibility to future civil registration records.

An opportunity to define historical records, thus permitting them to be transferred to the National Archives after 70 years, should be a feature of this legislation. This would ensure microfilm copies of the original GRO records of births, marriages and deaths would be transferred to the National Archives to facilitate research in non-fragmented, non-computerised format. A computerised format will not facilitate certain localised searches which are important to medical, demographic, labour, social and genealogical research. The members of genealogical societies would appreciate it if the Minister could examine this area before Committee Stage.

**Mr. Timmins:** Deputy Neville spoke about the registration of names but will this Bill prevent the multiplicity and derivatives of names we have seen mentioned at the tribunals, with some people having six different names?

There are issues raised by the Bill that fall outside the remit of the Minister for Social and Family Affairs but her officials might pass them on to the relevant Departments. The explanatory memorandum states that this Bill will assist in planning for the development of schools, housing and hospitals but the Minister did not refer to that in her speech. How will that be picked up by other Departments?

I forward development plans in my constituency to the relevant Minister and they seem to be ignored. In Wicklow there is a village with a population of 2,000 that is set to increase to 5,000 but garda numbers have been reduced. It is important that the Department passes on relevant information to other Departments so they can plan ahead. We want to avoid the situation in Lucan arising in other areas in future.

Deputy Neville mentioned sections 28 and 29 which cover the registration of stillbirths. We are familiar with the expression "the good old days" but I often think they were the bad old days. In many communities, stillborn children and suicides were buried outside graveyards in unmarked

areas that are recalled only in local folklore. The Department of the Environment, Heritage and Local Government or the Departments of Arts, Sport and Tourism should record that information before it is lost. We should identify these places and erect memorials to those forgotten people who were buried in them. Stillbirths are always tragic and I compliment the Minister for extending the 42 day period for registration of a stillbirth to a year and allowing a relative to register the death.

This Bill should hinder those who would falsify documents. I can get anyone's birth certificate and create a new identity and that should be prevented. People do it to escape previous criminal convictions or to join organisations. There was a story about the siege of Jadotville in the Belgian Congo on the radio recently. One of the officers involved mentioned that he found out afterwards that there were troops serving under him who were 15 and 16. The youngest soldier killed in the First World War was aged 14 and we should prevent such things from happening.

Genealogy is close to my heart. One arm of the Genealogical Society of Ireland made a submission to the Minister. She did not refer to it in her speech or indicate that she would meet its concerns on Committee Stage but they are pertinent. The cost of accessing records was one of the issues raised. The register of births, deaths and marriages since 1864 is held in the offices on Lombard Street. It is several years since I was there, because I have not had time since I entered politics, but at the time a five year search cost £5, a search of every year cost much more and to get a photocopy of a birth certificate cost £1. Going back to the 1880s, however, to look for a person called John Murphy of Adamstown often resulted in the wrong John Murphy being located. It was tradition in the 19th century that if a child called Dan died, the next male child would also be called Dan. There can be confusion between a Dan born in 1886 and a Dan born in 1888.

In America there are 40 million people of Irish descent and they are crying out to know from where they came. The ancestry websites contain message boards with many people seeking information. One such site I visited over Christmas had a message from a man who sent a stamped addressed envelope to a group seeking information but he did not get a reply. He said looking for information in Ireland was like looking for a needle in a haystack. The messages in those websites were posted up to four years ago. John Murphy would be looking for information on Mary Murphy who left Bunbeg in 1847. Many people would be able to respond if they knew the messages were there. This could also be raised with the Department of Arts, Sports and Tourism. We could be more proactive in the area because it would have a knock-on effect on tourism.

[Mr. Timmins.]

“Full many a flower was born to blush unseen” but I hope the Minister will take on board the points I made.

**Mr. Penrose:** I thank the Minister for introducing this Bill, which the Labour Party broadly supports. It is an attempt to modernise the recording of events as one goes through life, from birth to death. It recognises the events that were not pertinent in earlier years, annulments and divorces. Such statistics are important in recording events and information that can be used by Departments and organisations to project what will happen in future. The Bill is an attempt to modernise bureaucratic administration and that is something on which I will elaborate at a later stage because I would be concerned that something might be lost in that.

Part of the thrust of the Bill is to suit the bureaucracy of administration as opposed to recognising the rights of the people involved. If there is some element of help — Deputy Neville referred to this — it is important that registration of guardianship and so on should also be recognised. People, including young children, have rights and it is important that they are recognised. I will refer to that at a later stage. The Bill deals with the administration of the registration of births, stillbirths, adoptions, deaths, marriages, divorce and annulments and introduces some changes. There are other ancillary provisions to bring us out of the 1800s and into this new millennium, and they are important.

As a lawyer I am a strong advocate of codifying and modernising legislation. It is important to do that because it is a major problem. Some of the costs of a lawyer may be linked to the amount of research that must be done, some dating back to 1845. The Taoiseach referred to laws which dated back to 1400 and are applicable today. That is nonsensical. The Government should consider employing more parliamentary draftsmen — I suppose that is what they are still called in a throwback to the old age — to ensure that the legislation is brought up to date, modernised and codified so that the ordinary citizen can understand it. It would eliminate much of the bureaucratic and antiquated language. That cannot be done so handily in the context of titles but it can be done in other areas.

The longer period to effect registration of various events is important and welcome. The five day period is like the three month notice under the 1995 Act. One can apply to the judge and the hearing takes place *in camera*. I am sure there will be some system whereby one can apply to the appropriate registrar because of specific extenuating circumstances as outlined by Deputy Neville. The fact that it might not be possible to postpone a wedding might represent an extenuating circumstance. I would be disappointed if the legislation did not recognise or vest in the registrar or superintendent the

power and discretion to take cognisance of such a situation. In this Bill we recognise the reality of what is happening in that regard.

The system for the registration of births, marriages and deaths in Ireland dates back to at least 1844. That is how it appears from the list of statutes repealed in the Second Schedule to the Bill. The system is one which has evolved naturally over the years. The Labour Party in Government has been vigilant and active in playing its part in that regard. I recall and am proud of the fact that, when we were last in Government, we introduced the Stillbirths Registration Act 1994, to which Deputy Neville referred. It provided, for the first time, a statutory system for the registration of births of stillborn children. This has been of tremendous benefit and comfort to the parents of stillborn children. It would be remiss of me not to acknowledge the tremendous work of the former Deputy and Minister for Equality and Law Reform, Mervyn Taylor, in bringing forward the Act. He is now a member of the Commission on Human Rights.

Another significant innovation introduced by the former Minister, Mr. Taylor, was the Registration of Births Act 1996 which, for the first time, provided a new form of birth certificate which treated mothers and fathers equally. Prior to that, the registration of births system requested information regarding a father's occupation but not a mother's. Furthermore, there was no provision for registration of a surname for a child. In the absence of such a provision, the regulation regarding short birth certificates provided that a child automatically took the father's surname if the parents were married and the mother's if they were not. These outdated provisions were replaced by a modern form of birth certificate by the legislation introduced by the Labour Party in Government. I stand over that principle.

It is a matter of some regret, therefore, that the principle of equal treatment of both parents is being swept away by the Bill and replaced once again by a discriminatory provision which, if I read it correctly and I am open to correction, requires different information in respect of mothers and fathers. The offensive provision in this regard is the new requirement that a mother's marital status be included on a birth or stillbirth registration certificate. This is a regressive measure and one which the Minister should reconsider. While one might have no problem about such information now, it may cause problems for somebody in that situation in future.

A number of aspects of the Bill have received considerable attention. I want to highlight the absence of registration of orders or agreements regarding guardianship. It seems that guardianship is a sufficiently major life event to warrant registration in a formal way. I support calls for the inclusion of guardianship registration in the Bill. On a more general level, however, it is important that we approach the question of the guardianship of children of parents who are not

married to each other in a spirit of equality. This has not yet been achieved. While the law has moved in the direction of greater protection for natural parents in recent years, the days of complete equality are still some way off. The aim is to try to achieve this. It is something that falls outside the scope of this Bill. However, the ambit of the Minister's departmental responsibilities is wide in this regard. Given its complexity, it is something to which we should return on a future occasion to ensure that the legitimate entitlements of natural mothers are also recognised.

The failure to make provision for registration of orders or agreements regarding guardianship illustrates a fundamental shortcoming of the Bill, namely, that it is driven by organisational and bureaucratic considerations rather than by ideological motivation. The primary objectives of the Bill are not to facilitate the rights of individuals but the convenience of the system. Accordingly, in a significant number of areas, the Bill fails to come to grips with the fact that individuals have rights — a point Deputy Neville made — which cannot be readily accommodated within the framework of a bureaucratic control mechanism which has traditionally existed and is perpetuated by the Bill. It may seem to some that registration of births, marriages, deaths and other life events is inherently a bureaucratic process and the question of individual rights does not arise. I reject this proposition. It is clear from experience that the registration of life events is a matter of great sensitivity and importance to many individuals. It is important and essential that our administrative systems are geared to the needs of individuals rather than, as the Bill appears to provide, individuals being required to submit to the dictates of the system and the rigid rules it prescribes.

I will give one example of the rigidity of the system contained in the Bill. It provides for appeals against the decision of registrars. At first sight this appears to be a useful provision and, in so far as it goes, I welcome it. On closer inspection, however, the limitations of the appeals system become obvious. Only two categories of decisions can be appealed against, namely, failure to register details which have been supplied and refusal to correct an error. There are many types of dispute which might arise with the registrar which fall outside this provision and in relation to which the Minister makes no provision for appeal.

For example, by virtue of the Schedule 1 to the Bill, the surname of a child is to be that provided in the first instance by the person registering the birth. There may be cases, albeit isolated, but we must try to stretch our minds in that way, where parents wish to give the child a joint surname based on the surnames of both parents but the hospital registers it as, for example, Penrose rather than Penrose-Fitzsimons. In circumstances where the hospital registers the birth with the

father's surname only, there is no right vested in the parents to have the surname corrected. The only right that would arise under the Bill would be for the correction of an error, and this is not an error within the meaning of the Bill. The Minister should take cognisance of that. It is a situation that does not arise often but it needs to be taken into account.

There are other areas. Another example I found is where a child is born in an ambulance on the way to the hospital and the registrar registers the birth as occurring on a particular road between two named places. That is not a satisfactory description of the place of birth. It would be far better if the name of a townland were used. In these circumstances a dispute does not appear to constitute an error for the purposes of the Bill. Accordingly appeal procedures will not be available to a parent in such a situation.

Another instance of the narrow and bureaucratic approach taken to disputes is in further appeals to the High Court. The Minister has provided the narrowest form of appeal. The appeal lies in a question of law indicating an intention on the part of the Minister to make the registrar's determination and question of fact final and conclusive. It is often on a question of fact that the argument arises, not on a question of law. This is inappropriate in any appeal system and it is a matter on which I have strong views.

If one is a barrister by profession and makes an argument, people tend to question one's motives and accuse one of arguing one's own case. Far be it from me to do that and I say that sincerely. I hold no brief for the prolongation of litigation, but there is a worrying and inappropriate trend towards the restriction of the right of appeal to the Supreme Court. This has been removed by the Minister in this Bill.

It is interesting that the right of appeal to the Supreme Court, which was prohibited under the Freedom of Information Act 1997, was restored in the 2003 Act. It would be desirable if other Ministers would take note and follow the same practice.

For all the concern and attention to bureaucratic detail outlined in the Bill, a number of provisions do not seem to have been fully thought out. For example, it is ironic that the primary registration function under the Bill has been given to the health boards, notwithstanding the fact that it is being debated at a time when these bodies are on the endangered species list with a view to their abolition. It is also somewhat strange that the Bill retains many of the 19th century provisions as regards registration such as the requirement that persons registering a birth, for example, must physically attend registration. I accept the elongation of the time period for registration of birth and the widening of the definition of "qualified persons" who can register an event, such as undertakers and so on. However, it would seem to be unlawful to transmit notice of births, or indeed many other

[Mr. Penrose.]

events to be registered under this Bill, by means of the post. Whatever excuse there may be for Victorian legislation enacted 1884 not accommodating the penny post, it seems strange that this Bill does not accommodate information transmitted other than in person.

I know there is a degree of urgency about this Bill as court decisions are pending. I welcome the fact that the particular life event can now be registered anywhere and that it is not prescribed by the geographical area in which it occurs. The issue of a certificate is vitally important. I acknowledge the Minister has done work as regards the immediacy of registration that will now take place following the birth of a child. This has a bearing on aspects of children's allowance. It may now be the case that if a child is registered the children's allowance will arrive within three or four days. It will be automatic in the case of a second child because of computerised records. I am always wary as to where the information will be available, however. Everyone says it is great to have the PPS number, but I hope that the provision of the Data Protection Act 1988 will apply to certain important information that is personal. There is a certain sensitivity about some information and it is important that this should be respected.

We received some information from the Genealogical Society of Ireland. I noted a recent article from that source on the importance of what the society does. It is an independent voluntary non-governmental organisation which promotes the study of genealogy, heraldry and social historical subjects. It has an Irish and international membership. Likewise the Irish Genealogical Research Society has been examining this area. It has campaigned for a civil registration Bill for many years and kept up the pressure for the introduction of a comprehensive structure of legislation for Irish civil registration that caters for the requirements of a modern technological environment and meets the needs of researchers of many disciplines, including genealogy.

I read an article recently by a member of the Irish Genealogical Research Society. We lost records from the Public Record Office in 1922 and that was obviously a blow to genealogical research. Nevertheless, the point was made that a substantial and voluminous body of civil records dating back to 1845 remains. It was only in 1864 that legislation first came into force to compel the registration in Ireland of all births, deaths and marriages. Death registration has remained virtually unchanged since 1964. Currently, nothing is being recorded about the date or place of birth or parents' names. This is a weakness in the current civil record. In the case of marriage registrations it is only since 1956 that the dates of birth of both parties have been recorded in full as well as their parents' names. It is important to

insert the maximum amount of information in the records, particularly death registration.

The Bill, as drafted, contains a provision to record a deceased person's date of birth, but the Irish Genealogical Research Society and indeed the Genealogical Society of Ireland advocate the insertion of more details such as a person's place of birth. I support this because one's place of birth is of historical and familial importance. My own name is virtually confined to the Midlands. The Americans will find one, nonetheless. They will find a gravestone and trace the connection and establish a relationship. The name might be Murphy, O'Connor or whatever. Locally, people might be known as Black Jack, Red Sean or Micky Joe, but for people trying to trace their ancestors the place of birth is paramount.

On reading the Bill last night, I thought the Minister was acceding to this request. I was prepared to challenge the argument that there was no need to record the place of birth as the computerised system could make links of all civil records through the use of the PPS number. This is absolutely critical because it is only future registrations that will include the PPS number. From that point onwards the linkage will be in place.

We are only complying with UN legislation. The model civil registration law includes precisely date and place of birth etc. Only one other EU country, Greece, does not have a model system. Northern Ireland has had all the relevant paraphernalia in place for the last 31 years as regards deceased persons' places of birth and it causes no difficulties. In this legislation it is important we reflect the norms that pertain in most other jurisdictions as regards the inclusion of the place as well as the date of birth in the death registration process. That point has been made by Michael Merrigan on behalf of the Genealogical Society of Ireland. The society has done excellent work which should be acknowledged. We used this Bill to advance a number of the points he made.

As Deputy Neville said, the birth certification process should permit the recording of an option to have an Irish language version of the baby's forename and surname as supplied by the parents. This would, obviously, provide a legal recognition of the English and Irish version of the person's name, enabling him or her to use either or both during the course of his or her lifetime. It is important that the Irish version of the name is duly recorded.

The third point was that the registration system in Ireland which is now multi-ethnic and multi-cultural should provide for the recording of the traditional naming patterns of minority groups within the State, including names applied at certain stages of life or religious names. That should be optional and at the behest of the parents or guardians. It is important we take cognisance of that point.

The fourth point — Deputy Neville referred to this — is that the Bill does not specifically state that public search facilities will be situated in the city of Dublin. Successive Ministers have assured the genealogical community that such a facility will be maintained in Dublin and they are anxious that this be reflected in the text of the Bill. As it stands, the public search facility might only be available in cyber-space and might be limited to a credit card based pay-per-view service. That is the worst of all options. We want to ensure that will not be the end result.

My fifth point relates to the fact that the Bill is unclear on the nature of any public accessibility of future civil registration records. It creates an opportunity to provide for a definition of historical records and permits same to be transferred to the National Archives following 70 years. This should be a feature of the legislation. I appreciate the Minister may feel such a provision extends beyond the scope of this legislation. Nevertheless, we should respect that those involved in this area know the situation. This would indicate that microfilm copies of GRO records of births, marriages and deaths would be transferred each year from the General Register Office to the National Archives to facilitate research on these records in a non-fragmented format. A computerised format will not facilitate certain localised searches which are important in medical, demographic, labour, social and genealogical research.

The above points are reasonably made and we should take cognisance of them. I make my points in the spirit of partnership and of trying to improve the Bill and I hope the Minister will take some of them on board. As legislators, we are obliged to examine the legislation to see if we can improve upon it.

The Bill also reflects and brings into being matters already provided for in the Status of Children Act. It is important that a reflection of current reality is outlined in this Bill. The matter of devolution of authority to superintendents is also important. It is critical that death certificates are issued as quickly as possible. I have raised this matter with the Minister before. I know death certificates cannot be released until the medical staff have written in the cause of death but it is important the process is expedited. A significant number of people require death certificates within a short time, particularly if they wish to gain access to funding from banks and so on to pay for outgoings. One of the marks of elderly people — people like myself in the middle age group are a little slower to pay up immediately and instead obtain the maximum amount of credit — is that they like to deal with matters as soon as possible. Such a provision is important to them. A positive and notable advantage of the new registration system will be an acceleration in the process of issuing certificates.

One is now required to attend a particular register office five days before the date of

intention to marry. Obviously, that is to ensure one is not aware of any impediment to one's marriage. I am sure the legislation makes provision in that regard. One is also required to have two witnesses of at least 18 years of age. That brings into line the substantive requirements of the solemnisation of a valid marriage. The flexibility in terms of venues where a marriage can take place will necessitate the issue of guidelines. Obviously, the church will prescribe its own guidelines in this area. I would like the Minister's views on what type of venues will be permitted under the flexibility clause which I broadly welcome.

On the devolution of powers, will the Minister say what decisions will now be appealable to an tArd-Chláraitheoir who might refuse to register people who make an application to him or her to be included in the register of solemnised marriages? On what basis could the right of appeal be affected?

Despite my misgivings on some of the shortcomings of the Bill, I broadly welcome and support it. I give notice that I intend to bring forward amendments on Committee Stage with a view to addressing some of the inadequacies I have identified today. The Bill is timely and it will modernise an extremely important area. I ask the Minister to ensure the availability of information and to take cognisance of the various sensitivities in terms of events which are important to people.

**Mr. Boyle:** I wish to share time with Deputies Ferris and Twomey.

**Acting Chairman (Dr. Cowley):** Is that agreed? Agreed.

**Mr. Boyle:** There can be no argument about this being necessary legislation. It is an area that has, for a number of years, required a legislative clean-up. There is now an urgency, on foot of judicial proceedings, to some aspects contained in the Bill. The hope should be that changes that have long been apparent in terms of anomalies will be tackled not only during this Second Stage debate but on Committee Stage. I note the Minister has already indicated her intention to put down a number of Committee Stage amendments. I hope she will recognise there are other anomalies in the Bill which she may accept or on which she will be prepared to table further amendments.

The fact that the Bill deals first with administrative changes gives an air that this Bill is, in the main, about the administrative convenience of processing the system. Other speakers have commented on that. It would be unfortunate if we put administrative convenience ahead of public service in what is an important part of recording who and what we are in society and the manner of our leaving it. We must record all the necessary aspects in a manner which is sensitive to the needs of each citizen. As I will state later, there are serious questions as to how

[Mr. Boyle.]

this will be done in respect of a number of categories of people.

The proposals on the registration of births is generally acceptable as necessary change and I note the comments of the Irish Genealogical Society, which points out that further changes can be made in this regard, especially on recognising the cultural diversity which now exists. In that context, people from other cultural backgrounds have systems of naming which do not consist of the forename-surname approach, which has been prevalent in our society since we started recording these matters.

We must also recognise that birth certificates still ask questions the relevance of which I do not understand. For example, both the father's mother's and mother's mother's names will remain on the birth certificate, as required by this Bill. Perhaps someone would explain why they were ever recorded on the birth certificate, why it is still necessary to do so and why there are no consistent details on the father's father or the mother's father if we are trying to provide back-up material on the person being registered for birth.

The fact that the Irish Genealogical Society has raised the question of having the Irish version of the name as an optional extra on the birth certificate should be given strong consideration. If we have two national languages, we should formally record it as such and it would give a greater legal basis to the name being used in the first official language. The Irish Genealogical Society points out that members of the Government regularly sign documents using the official Irish language version of their name but it is doubtful whether any of those names have ever been recorded on an official birth certificate. That issue should be examined.

I welcome the changes to the registration of stillbirths and the recognition that the lives brought into being in this manner should be recorded and certain sensitivities should be accorded by the State registrar to ensure this is done sensitively and properly. The extension of time to record such stillbirths is to be welcomed.

I draw attention to the register of adoptions, legislation on which has yet to come before the House. I have raised the issue with the Minister for Social and Family Affairs and her officials. It is a glaring anomaly that not only the adoption certificate for adopted people but the short birth certificate that adopted people receive does not mention a place of birth. It records the registration of where the adoption occurs, which invariably is in Dublin north central 4 or 5, where the adoption agency has operated in the past. It is unacceptable in current adoption law for the State not to assist people who choose to seek information on their biological history and to compromise adopted people in regard to their geographical history.

I note that, in the Schedule to the Bill, the register of adoption only records the country of birth. An important amendment which should be accepted by the Minister and which would not affect future legislation would recognise that adopted people come from a certain place and not only have a biological family background, but a cultural history of where they were born, all of which should be recorded in State documents. I am prepared to supply whatever information to the Minister's officials in that regard as is required.

The Irish Genealogical Society also points out that the date of birth should be recorded in the registration of deaths. There is an option for the date of the last recorded time of birth — it is an either-or option — and the place of birth has always been asked for. However, in terms of genealogy and recording where we are as a society, the more information which can be put on one document, the better. It is a small request which should be acceded to.

The area of marriage has witnessed a number of changes. The Minister has proposed to examine the list of solemnisers on Committee Stage, which is a recognition of the cultural diversity which exists in terms of forms of religious expression. I know the Minister has examined the issue, but I am disappointed that people who have other religious belief systems, who choose to enter into partnerships and wish to have them solemnised in other ways cannot be recognised by the Bill. The issue should be examined and overcome in some way.

The other aspect in regard to marriages relates to the venues in which marriages can take place and be recognised. In this regard, the Bill gives the appearance that the law is being liberalised but there is too much vagueness and we should define categories of buildings, for instance civic buildings, on Committee Stage. For example, Dublin City Hall has been mentioned as a venue. Likewise, other venues could be licensed on a regular basis for the conduct of marriages of this nature. As a result of this vagueness and the fact that this issue will be dealt with through a future agreement with the health boards, their successors or some type of ministerial order, it is unhelpful to the Opposition that we refer to where marriages might happen without knowing precisely where. We are unlikely to have an opportunity of passing legislation of this nature possibly for another 60 years, as Deputy Penrose has already indicated. On that basis, it is important we get things right now and introduce as many changes as possible.

On the issue of registering births, I am the only Member of this House born in the United States and I know the Bill recognises births outside the State—

**Mr. Neville:** The Deputy is not the first Member to be born there.

**Mr. Boyle:** I am not the first. I suspect that is why the planes, boats and trains amendment has been proposed because I cannot see how the founder of the party opposite could have been properly registered if this did not exist in the first instance.

There are provisions for people who have lost information, having been born to Irish citizens outside the State or born on planes, boats or trains. However, since we are a nation of emigrants, it would be a great help to people who, for administrative convenience on their own part seek to re-register a birth to avoid having to seek such information, which in my case was 4,000 miles away, if there were a provision to allow Irish citizens born outside the State re-register their official documents received in another state and receive such subsequent documentation whenever it is needed. I will argue on Committee Stage that the Minister might give consideration to such a provision.

**Mr. Ferris:** I wish to make some points on Part 5 dealing with the registration of deaths. I welcome the Minister's decision to include provision to record the date of birth of a deceased person and I congratulate the various legal and genealogical groups which have campaigned for this change for so long.

Looking through the list of legislation amended by the Bill, I was struck by how much of it dates from the middle part of the 19th century. The opportunity to amend and change the registration process does not occur that often. Therefore, it is all the more important to ensure that, when we have the opportunity to make changes, and a number of positive ones will be made by this legislation, we do so properly because we do not want to have to wait for another 150 years to come back to it.

Despite the fact that 85% of countries studied by the United Nations recorded the place of birth of the deceased on the register, that every EU state except Greece records the place of birth and that, since 1973, accurate registration of the place of birth of the deceased has been recorded in the Six Counties, it is not included in the legislation. The explanation advanced is that people would not know where their parents were from, but I dispute that. People can trace each other all over this country and this point has been well made by other Members. This suggests the Minister believes the powers of recall of Irish citizens living in the Six Counties are superior to those of citizens living in this State. As someone who spends time north of the Border, like the Minister, I assure her this is not the case, nor do I believe that the people of France or Italy have better memories than the people of this State. If this is the explanation being offered by the Minister, it is unacceptable. The decision not to include the place of birth might have more to do with cost and convenience than alleged memory problems, especially in a culture still rooted in parish and county, as in Donegal and Kerry.

**Mary Coughlan:** I will address this on Committee Stage.

**Mr. Ferris:** The other explanation provided by the General Register Office is that the extra detail is not required because the computerised system referred to in the legislation will include the use of personal public service numbers against which records can be checked. The flaws in this argument have been pointed out to the Minister. It will be decades before those who die have a birth record on the system that includes a PPS number and thus can link one record to another.

Will the Minister outline why the UN's model civil registration law, which provides for the recording of the place of birth of the deceased, is not appropriate to this jurisdiction? Does she accept it would merely require minor amendment to Part 5 of Schedule 1? I urge the Minister to accept an amendment in this regard on Committee Stage,

I also have a concern regarding section 22(1), which provides that the father of a child who was not married to the mother of the child at the date of his or her birth or during the ten months prior to the birth is not obliged to give information. I am astonished that this provision is in the legislation because it makes fatherhood optional, something that can be indulged in or avoided as the father sees fit, and it places an extraordinary burden on a woman who wants her child fully registered. The mother's name is entered on the register and there is no reason to leave the mother's name off the register. Why then is it different for the fathers of Irish children? Why should they be able to father children, dump them on their mothers and walk away? Why should that continue to be the mother's burden? Children of single mothers who wish to trace their fathers will be unable to find them. This section is loaded against women, children and the right to information. Children have a right to know who are their fathers.

The Minister will no doubt point to section 23, which deals with the re-registration of the child but I refer her to a reply she gave to a parliamentary question on 19 June 2003. She stated, "A single mother is required to furnish details of her own PPS number and that of the father, where his details are being included on the register." Quite apart from the fact that according to this statement the mother is again responsible for providing the father's PPS number and he is not, if the father exerts his right under section 22 to refuse to give information he will not helpfully provide the mother of the child with his PPS number. If the mother than re-registers the birth, using perhaps a court order as evidence that a named individual is the father of the child, then the information entered on to the register will merely be that which appears in the court order and it will not include the PPS number.

I would like the Minister to answer a number of questions on this matter when she replies. Why



[Mr. Ferris.]

is the father allowed under section 22 (1) to refuse to provide information about the birth? Why is the onus and the pressure on the mother? Why is the mother obliged to provide her PPS number but not the father? Does the Minister accept that under section 23, which covers the re-registering of the birth, the father will not be obliged to provide his number? What effect will the lack of provision of the father's PPS number on the record have on the ability of researchers to carry out searches of records? The Department claims that records of births, marriages and deaths will be linked through the use of PPS numbers but, if unmarried fathers can refuse to supply their PPS numbers, does this not completely undermine the process?

I refer to another related aspect of the registration of births. Since 1997 it has been necessary for a surname to be chosen for the child and, if there is no co-operation between the parents, the child receives the mother's name by default. Is it correct that the father's name will not be on the register and will not be available to be used as a search criterion? If so, will the Minister outline the reason?

I am also concerned about section 53, which deals with public access to the records. The statutory right of members of the public to search the indexes and also the register books provided for in the legislation of 1863 and 1880 will be abolished. A search can only be undertaken of the index, not the register. A person carrying out a search can only request a copy of an entry that he or she specifies on the register. People carrying out research need to be able to examine the register. I am aware of one case where a researcher requested the details of a birth that took place on a specific date in Jervis Street Hospital and was told no such record existed when a check was carried out on the computerised index. However, through her own perseverance, she was allowed to examine the register and she discovered that the search had mistakenly been carried out on the index for St. James's Hospital. She was, therefore, able to identify the material she wanted. This may occur again.

It is 150 years since these issues were addressed. It is necessary to get the legislation right. I compliment much of the legislation but I would like the Minister to respond to the issues I raised. It is incumbent on all of us to ensure we get the legislation right, not only for the parents but also for the children.

**Dr. Twomey:** The Bill should be commended because it has been introduced following a good housekeeping exercise. A number of Acts will be repealed under this legislation, many of which were introduced between 1844 and 1880. The Victorian legislators who enacted those Bills would be proud that their laws remained on our Statute Book for so long. Amendments will also be made to 12 Bills that have been enacted since

the foundation of the Republic. If we get it right this time, few changes will be needed in future.

The legislation is important in terms of the functioning of the State. Information on the civil register will be used by eight Departments to carry out their duties and most Departments will use it to provide rights and entitlements to our citizens. It is important, therefore, that the information should be accurate. Such information is often placed on the register by relatives of those who have passed away.

Based on my experience as a doctor, birth registration are better regulated than deaths because birth information is compiled by maternity hospitals. The majority of people are born in hospitals and the information is, therefore, supplied by them to the registrar whereas a different scenario pertains to death. The vast majority of people die at home, not in hospital, and the registration of deaths is carried out by family members or neighbours using a death certificate signed by the local GP. This can be haphazard because the certificates are sometimes signed by locums who might not know the deceased.

Information technology will be used to implement the Bill's provisions. Will checks and balances be provided in the system so that individuals such as Harold Shipman will show up? Society is changing Doctors know all their patients and their communities well.

Debate adjourned.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

### Priority Questions.

#### Airport Development Projects.

123. **Mr. Naughten** asked the Minister for Transport his plans for the commercial viability of the three State airports given the threatened industrial action at Aer Rianta last week; and if he will make a statement on the matter. [2421/04]

127. **Ms Shortall** asked the Minister for Transport the position on the Government's proposals for the division of Aer Rianta; the thrust of the advice to date of the consultants employed in this regard; when he expects to receive their final report; the estimated cost of their contract; when he expects to publish the legislation; and if he will make a statement on the matter. [2425/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 123 and 127 together.

Work on the implementation of the restructuring of Aer Rianta, including the drafting of necessary amending legislation, is

proceeding in my Department. This work is led by a steering group comprising officials of my Department and the Department of Finance, Aer Rianta management and advisers retained respectively by my Department and the company.

I will shortly announce the remaining members of the boards designate for Dublin and Cork airports. As in the case of the Shannon board, which I announced in October, the new boards for Dublin and Cork will bring together people of the highest calibre combining international, national and regional expertise. The new boards designate for the three airports will be closely involved with the work of the steering group in bringing about the transition to independent and autonomous authorities for the three State airports.

Following a public tender process conducted in accordance with EU public procurement procedures, my Department engaged a consortium of advisers comprising PricewaterhouseCoopers, Matheson Ormsby Prentice and a UK based transport consulting firm, Steer Davies Gleave, to advise on all aspects of the preparation, procedures and implementation of the restructuring of the State airports. The matters being addressed by the advisers include advice on corporate finance, accounting and tax issues, economic regulation of airports and associated legal advice.

The advisers have not been engaged to produce a report but rather to provide expert advice on the options for giving effect to the establishment of the three new airport authorities, including the optimum mechanisms for allocating airport assets among the three airports. While the precise cost of the advisers will ultimately depend on the level of expert resources necessary to bring this important project to fruition, the consortium tendered an estimated cost of €1.555 million, inclusive of VAT and expenses.

As part of the ongoing work on the implementation of the Government decision, detailed financial projections for the three airports will be prepared over the coming weeks. Clearly, it is essential that each of the new airport authorities will have sound opening balance sheets and that each will be able to trade successfully on a commercial basis in future.

The proposal that the new airport authorities for Shannon and Cork will both commence business free of debt will have a major positive impact on the commercial viability of the two airports. It is proposed that the debts associated with them, including the debt associated with the major new investment programme under way at Cork Airport, will remain with Dublin Airport. I am also giving detailed consideration to the implications for Dublin Airport of absorbing the debt of Shannon and Cork, as envisaged. In this regard, the issue of other significant assets of the Aer Rianta group, such as Great Southern hotels and Aer Rianta International, is being carefully examined. The preparation of revised and

updated financial projections will not inhibit the commercial freedom and responsibility of the new airport authorities, when formally appointed, to develop strategic and business plans, including marketing strategies, for each of the three airports.

In tandem with this ongoing work, senior officials of my Department and I will maintain the process of full engagement with the Aer Rianta unions to deal with issues of concern to workers in the company arising from the implementation of the Government decision. In correspondence with ICTU and the Aer Rianta unions over the past fortnight, I have conveyed assurances and clarifications on the protection of the tenure and terms and conditions of employment of Aer Rianta workers in the context of the three new independent authorities. I have also reaffirmed my willingness to underpin this undertaking by including a provision in the amending legislation being drafted which will ensure that the existing workers in the company will not be brought to lesser terms and conditions of employment than they enjoy. I am pleased that SIPTU decided to call off the threatened industrial action at the airports on Thursday last and look forward to a resumption of the discussions between the unions and my Department and under the chairmanship of the Labour Relations Commission at which these and other issues of concern to the unions can be further debated.

I have stated in recent correspondence with trade union representatives that the appropriate way to reflect my commitment to maintain the security and quality of employment of Aer Rianta workers in the aftermath of restructuring remains to be finalised between my Department and the trade unions. I have suggested that the talks being chaired by an official of the Labour Relations Commission provide the appropriate forum for this.

**Mr. Naughten:** In light of the Minister's commitment last week to the employees of Aer Rianta guaranteeing them jobs for life, today's leaked decision regarding Ryanair at Charleroi which has implications for Cork and Shannon airports as State companies independent of Dublin Airport, and the Minister's comments in the House on 20 November last when he stated that the airports would, at worst, be in a break-even situation, does the Minister still believe it is financially viable for Cork and Shannon airports to stand alone? Does he revise his estimate of the impact of the announcements last week and this week on the future viability of the two airports?

**Mr. Brennan:** "Jobs for life" is not a phrase I used at any point, nor to my knowledge did anyone in the trade union movement use the phrase. I do not believe they would use such terms. As was common when State companies were restructured in the past, it has been

[Mr. Brennan.] suggested that employees' terms and conditions remain the same as before. This process has been gone through many times and terms have been negotiated successfully. I do not see why we cannot do the same on this occasion. That is the Government's commitment. It does not help to have it expressed in the more colourful language which has been used in some quarters. I do not suggest Deputy Naughten did so.

I have not seen the final details of the Commission's decision regarding Charleroi. I gather it is due next week. From what I have seen in the newspapers and from the briefing I received this morning in Brussels where I spoke with the Commissioner before lunch when I attended meetings there, I gather that the effect of the issue on companies such as Aer Lingus and other airports, including regional airports, will have to be assessed. It is too early to be negative. This morning I heard there might be some positive aspects to the ruling. Regardless of ownership or structure, ultimately all airports must be well managed to allow them develop, seek maximum profitability, service passengers and increase numbers. I do not see a connection between the Charleroi decision and the Government's decision to restructure Aer Rianta. Regardless of the structure, there will be a level playing pitch and the same rules will apply to everybody.

**Ms Shortall:** Does the Minister now accept he has seriously mishandled the proposed changes to Aer Rianta? His behaviour and attitude to the different interests in the company has brought us to the point of industrial relations chaos. All trust has broken down between him and the workers in Aer Rianta to the extent that they will not accept any undertaking by him unless it is underwritten and guaranteed by the Taoiseach. In that regard, what is the Minister's view of the need for the Taoiseach to intervene on two occasions in the recent past to avoid industrial chaos?

Following from that, does the Minister now accept that the Minister for Finance was right in recommending legal advice before agreeing the heads of legislation? In my question, I asked about the main thrust of the advice the Minister has received from the three groups of consultants he employed after the event. Does he accept it would have been better to have consulted the interests in Aer Rianta and obtained legal and financial advice to determine the possibilities for the future of the company?

The legislation on Aer Rianta was promised in December and the Taoiseach later promised it this month. It is unlikely to appear before the weekend. Will the Minister furnish a rough timescale for when the legislation might appear? Have the consultants advised whether it is possible to legislate for what the Minister has decided to do on the basis of a hunch?

Last week the board of Aer Rianta took the initiative to try to break the impasse that had developed between the Minister and the unions and undertook to be involved in drawing up a business plan for each of the airports in conjunction with officials from the Department of Transport. How does the Minister view the fact that the two chairpersons designate appointed by him and who are members of the board of Aer Rianta agreed with the other members that this was the right way forward? The board took a unanimous decision that it should have a central role in drawing up the business plans for each of the airports.

**Mr. Brennan:** The Deputy has asked many questions. The Taoiseach and the Minister for Finance were involved in the Government decision on restructuring the airports. As such both have shown full support. The Cabinet is collectively responsible for our decision. I welcome the support of the Taoiseach and the Minister for Finance. The latter has a duty to ensure that every Department complies with his financial guidelines. He is doing no more or less than that in ensuring we go through proper procedures, which we are doing.

I have no wish to make changes with which the Department of Finance would not be fully satisfied. Before we sign off on the legislation, the Minister for Finance must be satisfied that the decision meets national accounting rules and represents value for money for the Exchequer. We have had a number of meetings with the Minister for Finance and good progress has been made. I believe he, along with the rest of the Government, will be in a position to sign off on the legislation soon.

The Deputy asked whether I should have obtained consultants' advice before the policy decision. We are often criticised for not making up our minds. On this occasion the Government made a decision. The consultants were not hired to advise whether it was a good idea.

**Ms Shortall:** They were hired to determine whether it was possible.

**Mr. Brennan:** They were hired to help us unravel the technical issues surrounding the Government decision.

**Ms Shortall:** There are major technical issues.

**Mr. Brennan:** The Deputy is right in saying there are major technical issues. However once the Cabinet took the decision to follow this route, we needed good professional advice on how to deal with it. Aer Rianta is a public liability company and there are plc rules as well as EU regulations surrounding the maintenance of capital. We are working our way solidly through those complicated issues and the consultants are helping us implement them. The advisers are not engaged to decide or even advise on the policy

but to implement and unravel some difficult technical issues. We are making good progress and I am satisfied that the Department of Finance and the Government are comfortable with the pace and quality of the work.

**Ms Shortall:** When will we see the legislation?

**Mr. Brennan:** I hope to be able to introduce it as soon as I possibly can. It will be after we deal with these issues.

**Ms Shortall:** When?

**Mr. Brennan:** It will certainly be in this session.

**Ms Shortall:** What happened to the January deadline?

**Mr. Brennan:** As the Deputy pointed out — perhaps she should give herself some credit — there are serious technical issues, which resulted in me not being able to meet the deadline. There are serious issues relating to capital maintenance. However we have been working our way through them and are nearly done with them. I am pleased that the legislation now appears quite solid. If this process means slipping by a month or two, so be it. When I give a time estimate, it is merely an estimate. If I run into an unanticipated issue—

**Mr. Naughten:** Such as the unions.

**Mr. Brennan:** — I must deal with that.

**Ms Shortall:** This issue should have been anticipated.

**Mr. Brennan:** When the Government made the decision last July, it said it should be implemented by July 2004. We are well within that timeframe

**Ms Shortall:** Does the Minister expect to meet that deadline?

**Mr. Brennan:** I fully expect to meet that deadline.

**Ms Shortall:** Would the Minister put money on it?

**Mr. Brennan:** Whose money? This is my expectation at this stage. We have to complete the work with the consultants and I have undertaken to share more information and have further discussions with the unions, which I will do. I believe we can do all that and complete the legislation as soon as possible

**Mr. Naughten:** How will the Minister ensure capital investment will be available for each of the three airports? It seems he is only hoping to generate that capital from passenger numbers, which will be insufficient. On 20 November he

stated that a decision on a second terminal for Dublin Airport would go before Government within a couple of weeks. As that has a significant impact on the viability of Dublin Airport, will he elaborate on it?

**Ms Shortall:** What are the Minister's views on last week's proposal by the Aer Rianta board, which includes the two chairpersons designate?

**Mr. Brennan:** I welcome the general thrust of last week's decision. The company has financial projections and the new chairpersons will be involved in updating those. The new chairpersons, along with the outgoing board, undertook to assist and produce broad financial projections and I thank them for that effort.

**Ms Shortall:** What about a business plan?

**Mr. Brennan:** It is up to the new authorities to decide on future business plans. This was where I had a difference of opinion. I disagreed with the outgoing authority presenting fully-fledged business plans, which would have to be implemented by an incoming authority. The incoming authority must be at the centre of that. Subject to that I have no difficulty with the board or Aer Rianta.

**Ms Shortall:** The Minister should have a business plan.

**An Leas-Cheann Comhairle:** We must proceed to the next question.

**Mr. Naughten:** What are the answers to my questions about the terminal and the capital adequacy?

**Mr. Brennan:** I am confident that the airports without the debts attached to them will be viable. Those figures are being concluded. From that, capital will be made available to develop the airports. Cork Airport will have a brand new terminal. Shannon Airport can handle approximately 4 million passengers but only caters for approximately 2.2 million or 2.3 million at present. Enormous capacity exists and I am satisfied that capital investment will be available if difficulties arise.

**An Leas-Cheann Comhairle:** We must proceed to the next question.

**Mr. Brennan:** I cannot deal with the other issue raised by the Deputy as time has run out.

#### **Public Transport.**

124. **Ms Shortall** asked the Minister for Transport the position in regard to his proposals for the restructuring of the CIE group of companies, in particular his proposal for the franchising out of Dublin Bus routes; if this proposal includes the franchising of the buses

[Ms Shortall.]

also; the position in regard to his Department's discussions with the CIE group of unions; if he remains committed to the principle expressed in Sustaining Progress that public enterprise should be managed in a spirit of social partnership; and if he will make a statement on the matter.

[2424/04]

**Mr. Brennan:** I met the general secretary of the Irish Congress of Trade Unions and the CIE trade unions on Monday, 26 January 2004 on the reform of public transport. There was a frank exchange of views in talks which lasted more than two hours. The trade unions and I agreed to reflect on the views expressed at the meeting and consider if there was a basis for resumed discussions on public transport reform.

The objective of regulated market opening in bus transport was accepted in principle by the public transport partnership forum, which included the trade unions and other social partners. This objective can be achieved in the context of market expansions and negotiations, without undermining the terms and conditions of employment of existing employees. In this context, I expect Dublin Bus to play a significant role in meeting the future transport needs of Dublin.

As stated on a number of previous occasions in the House and in meetings with the trade unions, I am firmly of the view, which is supported by a number of professional studies and experience in other countries, that franchising is the most effective way of achieving genuine market opening to new entrants. However, I remain open to additional suggestions provided they are directed at achieving the same objective. Likewise, I am open to reasonable proposals relating to the pace of the introduction of competition as long as this objective is achieved in an acceptable timeframe.

I hope that the understanding of each other's firmly held positions, which characterised my recent meetings with the unions, can provide a productive basis for resumed intensive dialogue on public transport reform. It remains my intention to proceed with legislation on public transport reform in 2004.

**Ms Shortall:** Does the Minister accept that his approach in respect of dealing with the issue of public transport reform has not been consistent with the spirit of social partnership, as promised under Sustaining Progress, and that he needs to reconsider his approach to industrial relations issues as a matter of urgency? Does the proposal to franchise out 25% of bus routes include the franchising out of buses? Will the Minister make a statement on the undertaking he has given to the unions in respect of what he is prepared to discuss in talks during the coming weeks? Will those talks include discussions on reforms and changes to the bus market other than his proposal to franchise out 25% of routes? Is the Minister

prepared to discuss, in a spirit of partnership, the proposals that are likely to come from the unions in respect of how the bus market can be expanded in a way that will result in additional services being provided for the travelling public? Is he open to proposals on how that can be done?

**Mr. Brennan:** The objective of making progress can be achieved in the context of market expansion and negotiations and this can be done without undermining the terms and conditions of employment of existing staff.

**Ms Shortall:** That was not the question.

**Mr. Brennan:** I am also of the view, which is firmly supported by a number of professional studies and experience in other countries, that franchising is the most effective way to proceed.

I remain open to additional suggestions provided they are directed at achieving the objective of facilitating new entrants to the market. I am also open to reasonable proposals relating to the pace of the introduction of competition as long as this objective is achieved in an acceptable timeframe. I do not want to use the House as a means to negotiate details on other facts, figures or percentages. I am open to additional suggestions and reasonable proposals and these can be discussed as they arise.

**Ms Shortall:** Does the Minister intend to franchise out buses as well as routes?

**Mr. Brennan:** My proposals are well known.

**Ms Shortall:** Perhaps the Minister could outline them.

**Mr. Brennan:** I cannot go through them all at this stage.

**Ms Shortall:** Does the Minister intend to franchise out buses as well as routes?

**Mr. Brennan:** The mechanisms which could be used to achieve the objectives we have set ourselves are many. In the recent talks, which were not concluded before the breakdown occurred, a number of formulae were discussed as to how we might deal with the issue to which the Deputy refers. A number of formulae are available. I do not believe it would be helpful if I tried to outline a particular formula at this point. I am happy to talk with trade union representatives about the different formulae available to allow us to reach the objective I have laid down.

**Ms Shortall:** The Minister has an open mind on the matter.

**Mr. Brennan:** I have chosen my reply carefully. I am open to additional suggestions provided they are directed at achieving the same objective. I am

also open to reasonable proposals relating to the pace of the introduction of competition as long as this objective is achieved in an acceptable timeframe. The objective is an orderly and managed opening of the markets in a way that new entrants can take part in it.

125. **Mr. J. Breen** asked the Minister for Transport the reason Bus Éireann has not been given permission to incorporate Shannon Airport on its hourly service from Galway to Cork, having made an application in April 2003; and if he will make a statement on the matter. [2165/04]

**Mr. Brennan:** On 25 September 2003, my Department received a notification from Bus Éireann proposing to divert all its existing hourly services between Galway, Limerick and Cork to operate via Shannon Airport. Bus Éireann informed my Department that it was evaluating the timetable for the proposed route and would forward it in due course. On 10 November 2003 my Department received the revised timetable for the proposed service.

Following an initial examination of the notification, my Department identified one licence application from a private operator for services on and along the same route which was received prior to the Bus Éireann notification. Applications and notifications are dealt with on a first come first served basis and, accordingly, a decision must be made on the prior application first. That application has been processed and a decision is expected shortly. My Department has been in contact with Bus Éireann to advise it of the position and the Department will revert to Bus Éireann as soon as a decision has been made on the application concerned.

**Mr. J. Breen:** Does the Minister agree that a private operator will not be able to provide the same level of service as Bus Éireann? Does he agree that, if Bus Éireann is given the contract, there will be 13 services a day from Galway to Shannon and 13 from Cork? This would link the west, the mid-west and the south with an international airport and would make Shannon quite viable. Will the Minister confirm his commitment to Shannon and sanction this service without further delay? I am surprised that his Department is taking so long to make a decision on this matter.

I cannot understand how a private operator could provide a better bus service to Shannon Airport than Bus Éireann. Let us imagine a situation where 26 services, 13 from Cork and 13 from Galway, would be provided each day to Shannon. People from Sligo, Derry, the west coast, Cork, Kerry, Waterford, part of Wexford, Kilkenny and Tipperary would use this international airport. Will the Minister ensure that the contract to provide the service is awarded to Bus Éireann?

**Mr. Brennan:** I share the Deputy's view on the objective of supplying Shannon Airport with the best possible bus service and the maximum practical number of bus services. This case is well known and has a long history. It is important to state that, until two years ago, with the exception of a small number of services, there was no consistent overall service to Shannon Airport. I share the Deputy's objective of ensuring that the maximum number of bus services are provided between Galway and Shannon Airport. Galway city is now a big catchment area for Shannon. I am committed to developing the road between Galway and Shannon in order that the latter can encompass the former in its catchment area for transatlantic business in particular. We will make a decision on this matter soon.

It is important to note that we operate under the 1932 Act, which, as the Deputy is aware, I am determined to have amended. The legislation must be updated as quickly as possible. It is also important to point out that this is an expressway service. Some 50% of the entire expressway service for the country is open to public and private companies. Bus Éireann has about 50% of the expressway market in Ireland. Incidentally, it is substantially profitable for Bus Éireann and the company does a good job in a sector that is highly competitive.

We will make a decision on this issue as quickly as possible. My aim relates not to the owner of the bus but to ensuring that Shannon Airport has proper infrastructure and a good bus service from the Galway region. There is great business for Shannon in Galway.

126. **Mr. Naughten** asked the Minister for Transport his plans for competition within the bus market; and if he will make a statement on the matter. [2422/04]

**Mr. Brennan:** The reply to this question is identical to the reply to Question No. 124.

**Mr. Naughten:** I will take the reply as read. The Minister said earlier that he is open to suggestions once the same objective is reached. What is that objective? Does the Minister want 250 additional buses in Dublin or does he wish to change the livery on the sides of the existing buses? In other words, will Dublin Bus buses be handed over to private operators? It is a simple question.

With regard to the franchising of routes, is it the Minister's priority to save money or to improve the quality and level of service provided to the consumer? It was clear from the discussions Deputy Shortall and I attended in London that it is not possible to improve the service with the same level of funding. The Minister also talks about opening inter-city routes to competition. Is it his intention to have a single operator on the inter-city routes between Dublin and Galway, Dublin and Cork and so forth?

**Mr. Brennan:** I dealt with the inter-city situation. They are, as a result of the 1932 Act, almost fully deregulated now. That is the expressway system.

**Mr. Naughten:** There will not be a single operator.

**Mr. Brennan:** There cannot be. The expressway system is operated under the 1932 Act and that has led to approximately 50% of the market being opened. As I have previously pointed out to the trade union movement, if we do not make some progress, the 1932 Act will bring about a completely deregulated situation, which nobody wants. I do not recommend that. However, it has led to a 50% opening of the inter-city and expressway market. The objective of the process is the opening of the market to new entrants.

**Mr. Naughten:** It is a simple question. Will there be 250 additional buses in Dublin city or will the livery on existing Dublin Bus buses be changed? Will there be more buses or will the Minister hand over or lease some of the Dublin Bus fleet to private operators? There is a significant difference.

**Mr. Brennan:** As I explained to Deputy Shortall, there are a number of mechanisms and formulae and we have been discussing these with the trade unions recently. We will continue to do that if we can have further discussions. The use of phrases such as "handing over", which I have read in reports, is not helpful to the process in which we are now engaged. One could equally say the same about air routes and the like.

**Mr. Naughten:** One could use the word "leasing". The Minister can use whatever word he wishes.

**Mr. Brennan:** It is not a matter of taking from something but whether, between us, we can examine a market that belongs to the public and consider whether different entrants can contribute to growing that market and, in so doing, provide more employment and encourage more people out of their cars and onto public transport.

The Deputy referred to London and I have some figures which might be of interest. London experienced the highest ever number of passengers on buses in 2002—

**Ms Shortall:** It was the highest ever cost.

**Mr. Brennan:** The subsidy per passenger is down and the overall subsidy is up.

**Ms Shortall:** It is set to double within the next five years. It is accepted that it must be properly subsidised.

**Mr. Brennan:** I will not get into that now. I can publish this at the appropriate time but the facts and figures show that the London bus system is considered to be highly successful. The buses run 24 hours a day, seven days a week, and the number of passengers has grown dramatically since franchising was introduced. The subsidy per person has been reduced. If the objective is to get more passengers, the experience in London, although not in the rest of Great Britain, has been hugely successful.

In Helsinki, public transport costs have fallen by 29% and demand for buses has increased by 10%. Passenger numbers have increased by 20%. I have similar examples from Copenhagen, Stockholm and many other countries.

**Mr. Naughten:** We have all those statistics. If I want statistics, I will contact the Central Statistics Office.

**Mr. Brennan:** The Deputy asked me about statistics.

**Mr. Naughten:** No, I did not.

**Mr. Brennan:** The Deputy does not want figures.

**Mr. Naughten:** I asked a simple question. By not answering it the Minister has given me the answer. I did not ask for statistics.

When will the Minister appoint the regulator and will that require legislation? When will integrated ticketing be in place? This has been promised since 1994 and the Minister said he wanted it to be in place prior to competition being introduced. What is the timescale for the introduction of competition? Is it not the case that what the Minister proposes will not improve the level of service to the customer? We need additional buses and additional services in Dublin. Handing over or leasing buses from Dublin Bus to private operators will not improve the quality and level of service in the short to medium term.

**Mr. Brennan:** Legislation is required to appoint a regulator and that will be in the public transport reform Bill which is promised for 2004. Other legislation, namely, the companies Bill, is also promised for 2004. The Rail Procurement Agency is working on integrated ticketing and, by the end of this year, should be in a position to make substantial progress on it. I have referred to the timescale for the legislation. With regard to a better service, my only motivation in this endeavour is to grow the market.

**Mr. Naughten:** It is to save money.

**Mr. Brennan:** It is to grow the market. I remain committed to the view that a number of entrants into a market tends to increase its size. That is the

international evidence. I look forward to having discussions with the unions.

### Other Questions.

#### Road Network.

128. **Mr. Costello** asked the Minister for Transport his views on the tolling of roads, especially given the joint submission made by the National Roads Authority and the National Development Finance Agency; if he has considered this document; and if he will make a statement on the matter. [2112/04]

**Mr. Brennan:** The national development plan provides for significant private sector investment in the national roads development programme. In line with this policy, a number of major road upgrade projects are being implemented by the NRA by means of public private partnerships, with the private sector being remunerated, in part, by user tolls. This will ensure earlier delivery of vital national road infrastructure. Through PPPs, private sector innovation will be harnessed in the areas of scheme design, construction and long-term operation and maintenance.

The NRA's current PPP programme comprises eight projects. In selecting these PPP projects the NRA had regard to a number of factors: a geographical spread of tolls across the network; the extent of service improvement to be provided by the improved route; the availability of sufficiently high traffic volumes to ensure commercial viability and the setting of tolls at an affordable and acceptable level to reduce diversion and gain public acceptance. Having regard to these criteria it is clear that there is limited capacity, over and above the projects already identified by the NRA, across the national road network to support viable tolling arrangements.

Despite the greatly increased levels of investment in the national roads programme, the increased cost of the programme combined with the more difficult economic and budgetary circumstances which limit the capacity to allocate more Exchequer funding requires that we consider all possibilities for generating additional funding to accelerate the implementation of the national roads programme. In this context and that of a broader review of the arrangements for the delivery of the programme, the NRA has recently identified a number of options for the development of tolling policy to enable the NRA to raise additional funding for the national roads programme. These options provide, *inter alia*, for the consideration, in conjunction with the NDFA, of the possibility of securitising toll revenue. The proposals submitted by the NRA are being considered in my Department.

**Ms Shortall:** I asked the Minister about those proposals. I read the newspaper report about the fact that the NRA and the NDFA made a submission to the Minister. I was interested to know his views on that. In the newspaper report the Minister was ducking and diving in an attempt to play both sides over the issue of tolls. He blamed the NRA by saying it would put tolls everywhere if it was given a chance, which should not be allowed to happen. The Minister was putting his usual spin on it.

The purpose of the question was to ask the Minister's view on the proposals those agencies made. If we accept tolls on certain motorways, the submission made by those two agencies seems sensible. Does the Minister accept that the manner in which the Government has dealt with tolls to date on the Eastlink and the Westlink has resulted in cash cows being set up by the private sector with massive incomes being generated over a long period of 30 years? Does the Minister accept that it would make sense for the State to invest in those roads and to receive the tolls as they come in over the subsequent 25 or 30 years?

**An Leas-Cheann Comhairle:** I remind the Deputy that there is a one minute time limit.

**Ms Shortall:** That is a more sensible way to fund major motorways.

**Mr. Brennan:** The Deputy should be careful about supporting a submission which she may not have read carefully because there are some things in it on which she might have a different view. I have read the NRA report and am studying it. I will bring it before the Cabinet shortly.

**Ms Shortall:** What is the Minister's view on it?

**Mr. Brennan:** I want to discuss it with the Cabinet first and then we will publish it. I will give more detailed views on it at that time. I thank the NRA for and compliment it on the work it has done on this report. It has given it careful consideration. I have difficulty with some aspects of it. There were suggestions, for example, about tolling existing roads. I must study that area carefully.

The principles of tolling are simple. This is not a large country. We can only tolerate a certain number of strategic tolls throughout the country. We cannot proliferate the country with tolls. Any tolling we do must incorporate a state-of-the-art electronic system. That means we should not have any barriers so that vehicles can go through the tolls without having to slow down. I have asked the people at Westlink to examine that. That is technologically possible and is what we must do. The tolls we have must be strictly used to fund the public private partnership elements of motorway developments. I will deal with the NRA report as soon as I can. It is a fine report, although there are aspects of it which must be



[Mr. Brennan.]  
seriously considered. We will do that as soon as we can.

**Ms Shortall:** I am not talking about the detail but about the principle of State finance being used to develop motorways and the State taking the tolls rather than giving them to the private sector. I support that principle and would like to hear the Minister's view on it.

**Mr. Naughten:** We must be extremely careful when considering any type of tolls because they are a stealth tax on employment and industry, especially in the regions. This country is fast becoming uncompetitive without putting such taxes on decentralised employment and civil servants. Has consideration been given to alternatives to hard tolling? Have investigations been carried out in that regard? Alternative systems are in place in other countries.

**Mr. Brennan:** What does the Deputy mean by hard tolling?

**Mr. Naughten:** Hard tolling refers to the system of paying by cash to get through a barrier.

**Mr. Brennan:** That is what we have.

**Mr. Naughten:** Yes. Are there alternatives to hard tolling? Franchising services along motorways is one method which has been used in continental Europe. What is the Minister's opinion about tolling roads such as the Jack Lynch tunnel, the Dublin Port tunnel, the M50 and the Portlaoise bypass? These projects have been funded by taxpayers, yet the National Roads Authority proposes to toll them which means the people will pay twice.

Regarding the changes to compulsory purchase orders which were announced in the budget, has the Minister had discussions with the Minister for Finance to relax those in this year's Finance Bill?

**Mr. Brennan:** Deputy Shortall asked me if the State could keep the tolls. It could do that in theory, but that would involve the State directly running the tolls. As long as we are committed to PPPs, we must reimburse them in some way. If we take in private capital, we must find a way to reimburse it. Deputy Naughten mentioned other ways to reimburse it. One can reimburse it by paying it out of the Exchequer every year.

**Ms Shortall:** What about investing the pension fund?

**Mr. Brennan:** The pension fund is a capital item. I want to be clear about this. The taxpayer is paying for the bulk of the roads. Over the next five years, approximately €9 billion of taxpayers' money will build motorways. Approximately a further €1.5 billion to €2 billion will come from the private sector. If we take the €1.5 billion from

the private sector, we must reimburse it either through tolls or a cheque from the Exchequer every year. That is a form of leasing the road.

**Ms Shortall:** Why is it not possible to use State finance?

**Mr. Brennan:** Does the Deputy mean we should not use private funding?

**Ms Shortall:** Yes.

**Mr. Brennan:** That is an option, but I am not considering it at this stage.

### Rail Services.

129. **Mr. Allen** asked the Minister for Transport his plans for the development of rail freight; and if he will make a statement on the matter. [2293/04]

170. **Mr. Noonan** asked the Minister for Transport his plans for freight; and if he will make a statement on the matter. [2294/04]

**Mr. Brennan:** I propose to take Questions Nos. 129 and 170 together.

Responsibility for the development of rail freight rests with Iarnród Éireann. I have stated consistently that every effort should be made by the company to develop its rail freight business. Iarnród Éireann's immediate priority is to achieve financial viability for this division of its operations.

The company's strategy is to develop the profitable traffic it already has, such as bulk freight and trainload traffic, and reshape the loss-making container business. I understand the company has won back new business in recent times and the fortunes of its freight operations have improved.

**Mr. Naughten:** I thank the Minister for his brief response. The Minister said that responsibility for freight lies with Iarnród Éireann. The Minister is allegedly in charge of the Department of Transport and he is supposed to frame policy for semi-State companies. We do not expect the Minister to interfere on a day-to-day basis, but he is supposed to frame policy.

It is stated Government policy to develop rail freight in this country. It seems to be Iarnród Éireann's policy to downgrade rail freight on a daily basis. For example, it proposes to close the Athlone and Galway freight depots, to bring freight as far as Claremorris and then to bring it back by road to the freight yards in Athlone and Galway from where it will be distributed. Does the Minister think that makes logical sense? Should he support and develop rail freight to take pressure off our already congested roads rather than washing his hands of it and stating it is the company's responsibility?

**Mr. Brennan:** The Deputy is right that it is Government policy to develop rail freight and

that has been communicated to the company. Commercial companies are involved in this area in renting and using the facilities. Iarnród Éireann should make every effort to achieve the maximum financial viability in this area. It showed a loss of €15 million in its rail freight division in 2002. The company has taken some action along the lines suggested by the Deputy. However, if action was not taken, it would show losses in its freight division of €18 million by 2007. Iarnród Éireann does not have plans to exit the freight business. However, it knows Government policy —

**Mr. Naughten:** Are there no plans to develop it?

**Mr. Brennan:** — is to develop the rail freight business on a commercial basis and to seek more business for it. This is taxpayers' money and we must be very careful in this area.

**Mr. Naughten:** Will the Minister elaborate on the level of subvention provided by the taxpayer for rail freight? My understanding is that there is none.

The Minister is now the chairperson of the Council of Ministers dealing with the transport brief for the next six months. Before Christmas the EU spoke about the development of a "motorway of the sea" from the Irish Sea to Spain to relieve the congestion on continental roads. Does the Minister agree with that proposal and, if so, does he not believe that we should either have good roads from areas in the west and along the western seaboard to ports such as Rosslare or good rail freight services so that we can access those port facilities?

**Mr. Brennan:** There is no direct subsidy to Iarnród Éireann's freight division in the sense of a direct grant to the freight division. Iarnród Éireann is in receipt of substantial taxpayers' funds of approximately €180 million a year. I presume the loss from Iarnród Éireann of €15 million in 2002 came out of that.

I support the idea of the "motorway of the sea" and the Deputy's view that we should proceed with the motorway programme to Cork, Galway, Rosslare, Waterford and elsewhere, and continue to invest in the railways. At present €400 million per annum is invested in the rail and public transport networks, much of which is being spent on tracks such as the line to Rosslare.

**Mr. Naughten:** On a point of information, no motorway is being developed from the western seaboard to Rosslare. Does the Minister not agree with the development of rail freight to take pressure off Dublin Port and relieve traffic congestion in Dublin city centre and that removing heavy goods vehicles from the road would reduce the number of deaths involving these vehicles, of which there were 81 in 2000?

Does he also not agree that it is a scandal that €4 million was spent two years ago on 22 new rail freight wagons which have not been used. Iarnród Éireann is a semi-State company which means that was taxpayers' money. Will the Minister outline an initiative he will take in the next six months to ensure that rail freight is developed rather than wound down?

**Mr. Brennan:** I am not sure that there was any suggestion that a motorway be constructed from Galway to Rosslare.

**Mr. Naughten:** There is no good road from the western seaboard.

**Mr. Brennan:** The Deputy is familiar with the published plans of the National Roads Authority to develop motorways from Dublin to Galway, Cork and Waterford and the inter-urban routes. I have not seen a proposal for a direct motorway from Rosslare to Galway other than using the Dublin to Limerick route. The purpose of Dublin Port tunnel is to take the traffic from the port to the M50 where it can be distributed throughout the country.

**Mr. Naughten:** If it fits.

**Mr. Brennan:** I am not aware of the issue about the wagons. I have made it clear to the only company we have in freight that I expect it to develop, not exit, the freight business and to do so in a professional manner. Some of the rationalisation has effected a significant improvement in the financial situation of the rail freight division.

#### Public Transport.

130. **Mr. Penrose** asked the Minister for Transport the progress on the implementation of the proposals contained in his statement to the public transport forum on 7 November 2003; the timetable for the legislation required to give effect to these proposals; and if he will make a statement on the matter. [2134/04]

133. **Mr. Eamon Ryan** asked the Minister for Transport the way in which the franchising of 25% of the routes in the Dublin bus market to companies other than Dublin Bus will be done in a way which protects the security and terms of employment of existing bus workers as promised by the Minister in his statement on the opening of the bus markets in November 2002. [2153/04]

138. **Mr. McCormack** asked the Minister for Transport his plans for bus deregulation; and if he will make a statement on the matter. [2302/04]

180. **Mr. English** asked the Minister for Transport his plans for bus re-regulation; and if he will make a statement on the matter. [2303/04]

181. **Ms Shortall** asked the Minister for Transport the position in regard to his plans for the restructuring of the CIE group of companies and, in particular, his proposals for the franchising out of Dublin Bus routes; the position in regard to his Department's discussions with the CIE group of unions; if he remains committed to the principle expressed in Sustaining Progress that public enterprise should be managed in a spirit of social partnership; and if he will make a statement on the matter. [2147/04]

182. **Mr. Cuffe** asked the Minister for Transport the arrangements he proposes to introduce for the transfer of buses from Dublin Bus to new operators in the Dublin market; and when he will have the details of such arrangements worked out given his comments to the Joint Committee on Transport on 25 June 2003 (details supplied). [2154/04]

**Mr. Brennan:** I propose to take Questions Nos. 130, 133, 138 and 180 to 182, inclusive, together.

I refer the Deputies to my reply to Question No. 124 on the restructuring of CIE.

**Ms Shortall:** I take that reply as read. Will the Minister concentrate on the issue of regulation? Over the past six to nine months when Deputies on this side of the House were trying to draw him out on his proposals, he gave the impression that the question of regulation had not occurred to him. I recall his asking us one day whether we thought he should establish a regulator before he made changes.

I put it to the Minister that his reply to Deputy James Breen about the service to Shannon Airport is nonsense. Does he accept that the public is often severely critical of Dublin Bus and Bus Éireann for not providing services that are clearly required? When one looks for the source of that problem one discovers that either Bus Éireann or Dublin Bus has applied for a licence but that the applications seem to go into a black hole in the Minister's Department.

Does he accept that there is no transparency about the system for granting licences within his Department and that, invariably, where one of the national companies has established a demand for a service, someone in the Department discovers there is already an application from a private operator? Much of that stinks. There is no transparency in the operation of the licensing system.

Does the Minister accept that, in the case of Aircoach to which he refers regularly, it is not sustainable for the State to hand out free licences for profitable routes and then expect Dublin Bus and Bus Éireann to operate the unprofitable routes, often at great expense, while losing the profitable ones? On what basis are licences given out? There is no transparency. Will the Minister do something about this?

**Mr. Brennan:** I object in the strongest possible terms to the suggestion that anything in my

Department stinks when it comes to issuing licences. The fine public officials who deal with these put many hours of hard work into their recommendations which I almost always accept because they are experts in the area. The Deputy should re-think that suggestion.

**Ms Shortall:** There are no criteria. It is an arbitrary decision.

**Mr. Brennan:** I wanted to defend the fine people who make these proposals. There are criteria in the 1932 Act. The Deputy's claim that the Shannon issue was nonsense does not stand up. I have a chronological order of what has taken place but the Leas-Cheann Comhairle will not allow me to read it into the record. Bus Éireann does not need a licence.

**Ms Shortall:** It needs approval from the Minister's Department.

**Mr. Brennan:** There are issues connected with timetabling but Bus Éireann can initiate a route wherever it wishes.

**Ms Shortall:** With approval from the Minister's Department.

**Mr. Brennan:** There is no reason Bus Éireann cannot initiate routes wherever it wishes. That is the situation.

**Mr. Naughten:** That is not the case.

**Ms Shortall:** That is not the case.

**Mr. Brennan:** The Deputy should withdraw her remarks about the Department's decision-making process. The delay in regard to Shannon arose because we delayed granting a licence to a private operator. The Deputy has tried to suggest something else but I have the data here. The delay suggested by Deputy James Breen was in granting a licence to a private company. This was done because Bus Éireann was involved in the route. Those are the facts. I have them here and will table them before the House if the Deputy wishes.

**Ms Shortall:** Why did the Minister not give the company approval to operate a route to Shannon Airport?

**Mr. Brennan:** To whom does the Deputy refer?

**Ms Shortall:** Bus Éireann.

**Mr. Brennan:** The company is on the route.

**Ms Shortall:** It was willing and able to operate that new route.

**Mr. Brennan:** The Deputy does not have the facts right. The application was from a private company and that was delayed.

**Mr. Naughten:** Why is there such a delay in processing an application for a licence within the Minister's Department? Is it a fact that there is a lack of resources within that section of the Department? There are significant delays in processing applications. Much of the frustration on this side of the House could be addressed if decisions could be dealt with quickly.

Bus Éireann cannot develop or open up a new service. It must have the approval of the Minister before it provides that service. That is the situation for any service.

The Minister said he would introduce legislation in 2004. Will he be more specific in this regard? Can he guarantee that a regulator and integrated ticketing will be in place prior to the market being opened up? In that context, does the Minister accept that his original deadline of 1 January, which has now passed, was a fallacy? What deadline is now in place for the opening up of the Dublin bus market?

**Mr. Brennan:** I do not want to go into the Dublin bus market again because I believe we dealt substantially with the issue earlier. My position is clear. I do not have much more to add to the matter, except to lay out the objectives, which I did, and speak about the mechanism for achieving what is set out.

Under the 1932 Act Bus Éireann is required to notify the Department of its intention to commence a route.

**Mr. Naughten:** The Minister should talk to his officials.

**Mr. Brennan:** If other services are on the route, presumably the officials in the Department will bring this fact to its attention. My note states that the company is required to give notification to the Department.

Let us be clear about delays and giving out licences. The people who are waiting for the licences are almost exclusively, with the odd exception, private operators. The people we are holding up are the private sector by not giving them the licences they are demanding. There are substantial companies, including international, multi-national and local companies, being held up. We are not holding back Bus Éireann, Dublin Bus and others. There is a suggestion that State companies are being held up in regard to licences. The people who are being held up in seeking licences are the private sector.

**Mr. Naughten:** I did not make a point to that effect. I said there are significant delays in processing applications for licences, no matter who is putting in the application. What action is the Minister taking to address this issue and what is the reason for it? I cannot believe the Minister has refused to answer my question in the House.

Is it his intention to have the regulator and integrated ticketing in place before he opens up the Dublin bus market and there are private

operators involved? Will he give us an idea of the timescale involved? Are we talking about 1 January next year or 1 January 2006? Give us some idea of the timescale.

**Mr. Brennan:** Of course the regulator must be in place before there is a formal opening up of the marketplace because it is the regulator who regulates the playing field, so to speak.

**Mr. Naughten:** It was not the original intention.

**Mr. Brennan:** It is logical that the regulator should be in place first.

**Ms Shortall:** The Minister should look at the record. It did not appear to occur to him that regulation in this area would be required. Is it not the case that he and his predecessor have presided over a situation where the market has been opened by the back door, certainly the market in respect of the national bus service?

**Mr. Brennan:** Does the Deputy want it opened or not?

**Ms Shortall:** The national bus market has been opened by the back door, without any regulation. The Dublin bus market has been opened by the back door without any regulation. The way operators get into the business now is completely unsatisfactory.

**Mr. Brennan:** It is called the 1932 Act and we want to get rid of it.

**Ms Shortall:** Does the Minister accept there are several obvious examples where he has held back the progress of Bus Éireann or Dublin Bus in favour of private operators? Deputy Breen cited one example today. He raised the fact that Bus Éireann was not given permission to operate a new service via Shannon Airport and the reason for this. The Minister said this was because at some stage, long after the application had been made, his Department discovered there was a private application in.

I previously raised with the Minister the issue of the Cavan bus service to Dublin, where Bus Éireann was operating under an agreed NDP programme. Because a private operator came along, he put Bus Éireann off the route, to the annoyance of people who had been using the service. These people now have an inferior service provided by the private sector at a time that does not suit them.

Recently there was an example of an established demand for a Dublin bus service from Balbriggan. Dublin Bus was willing to provide the service. The application had the support of local residents and public representatives but it was turned down in favour of a private operator. Is it not the case that the Minister has seriously restricted Dublin Bus in expanding services over the last couple of years because he is holding it

[Ms Shortall.]  
off until private operators come into the picture? He is limiting the services being provided without any transparency in regard to the criteria he is using or what the licences should be valued at.

**Mr. Brennan:** None of that is factual. The 1932 Act lays down the criteria which are very clear. This is why the 1932 Act needs overhauling, which we are working on. I reject completely the notion that the Government has not invested and been very supportive of Bus Éireann and Dublin Bus.

**Ms Shortall:** The Deputy will not let them run new routes.

**Mr. Brennan:** There has been enormous investment in Dublin Bus in the last couple of years. The taxpayers have, rightly, supplied the company with a huge number of new buses, approximately 100 or so yearly for the past couple of years. This is enormous investment in the company.

**Ms Shortall:** I asked about new routes.

**Mr. Brennan:** Many of the buses operate on new routes. Taxpayers are investing very heavily and subsidising the company to the tune of approximately €50 million.

**Ms Shortall:** It is small by European standards.

**Mr. Brennan:** It is important for taxpayers to understand that they have supplied a substantial number of new buses to the company which put them on new routes.

I will not go into the issue now but I will lay it out at a appropriate time. On what the Deputy said, the evidence is to the contrary because it is private companies that are being turned down.

*Written Answers follow Adjournment Debate.*

*Sitting suspended at 3.35 p.m. and resumed at 4 p.m.*

### Adjournment Debate Matters.

**An Ceann Comhairle:** : I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Andrews — the need to settle outstanding issues regarding the operation of the “clawback” provisions of Part V of the Planning and Development Act 2000; (2) Deputy Gilmore — the cessation of the linked work experience programme which has been operated by the Dún Laoghaire Community Training Workshop; (3) Deputy Boyle — the insistence on the construction of mass burn incinerators and the use of incineration as a waste disposal method; (4) Deputy Breeda Moynihan-Cronin — the

impact of the job losses announced yesterday in Kerry at Wilson Sports Socks Company, Cahirciveen and Tralee, and Rosenbluth in Killarney; (5) Deputy Durkan — the increasingly serious problem of gross overcrowding, inadequate and dilapidated buildings and clear breaches of health and safety regulations arising therefrom which negatively affect conditions under which pupils and teachers try to work and study in a number of primary and second level schools in County Kildare and to call on the Minister for Education and Science to provide the necessary resources to address these pressing issues; (6) Deputy Fleming — the possibility that the former prison officers’ housing scheme in Portlaoise may be developed as an open halfway house facility for prisoners; (7) Deputy O. Mitchell — the need for an urgent Government response to the granting by the Supreme Court of a judicial review in regard to Carrickmines.

The matters raised by Deputies Breeda Moynihan-Cronin, Fleming, Boyle and O. Mitchell have been selected for discussion.

### Civil Registration Bill 2003: Second Stage (Resumed).

Question again proposed: “That the Bill be now read a Second Time.”

**Dr. Twomey:** Prior to lunch the House discussed the Civil Registration Bill 2003 and how it relates to births and deaths. I pointed out that because most children are born in maternity hospitals the registrar is normally informed by a third party, which means the records are accurate. As regards deaths, most people die in the community rather than in hospital and a death certificate is often signed by the local general practitioner. The local GP may know his patients well, but that is changing and locum doctors often sign these certificates. A murder by a relative could be missed and the certificate signed.

However, it is far more important to have a number of checks and balances in the IT system being used to flag what I would describe as an Irish version of Harold Shipman. It should also be considered that an “angel of death” situation could arise in an Irish hospital as has happened in a number of countries, not just in the UK, but also in continental Europe, where someone working in an institution deliberately murdered a number of patients. The accuracy of records up to now has been maintained by a lack of movement within the population as well as good local knowledge, not only by GPs but also local officials. It is often the diligence of local officials that has rendered the records accurate rather than the strength of the legislation.

An individual such as Shipman could get away with murder because he was able to move around. Few controls were placed on him and he preyed on lonely, isolated people in the community. Clusters of murders carried out by so-called “angels of death” have also been

recorded. These occurrences are picked up eventually, but they could be detected sooner if accurate records existed where an issue like this could be flagged and investigated. This is something that is not highlighted in any way in the proposed legislation. In regard to death certification, as the population gets older, the environment for this type of occurrence grows. All populations are now mobile, even the elderly. People often retire to different areas. With the breakdown of the social fabric there are not the same checks and balances in place which were common to settled communities. It was surprising that Shipman could kill people on the same street without anyone finding this unusual. This was simply because, unlike in an Irish community, people do not know each other's business in England because society has changed dramatically.

The Tánaiste, Deputy Harney, has been heavily criticised within the past two weeks for comments she allegedly made. At the conference on ageing at which she spoke, a large number of issues relating to financial and environmental concerns and the health of an ageing population were discussed. It would be far more appropriate for the House to debate these issues because they will come upon us much sooner than we think. For instance, many doctors and carers in the Irish health care system in years to come will not be family members or Irish citizens, but foreign nationals from other parts of the EU who have come here to an ageing society to look after our elderly patients. The year 2030 was given as the hypothetical date for when all the issues discussed at the conference would come about for Irish society. We might find ourselves extensively reviewing the legislation under discussion. It is not tight enough as regards the registration of births and deaths. Death registrations are important because of the implications of related criminal activity.

I would seek the strengthening of third party involvement in the record keeping to ensure that not only is it accurate but that there is less chance of misleading information being given to the registrar. This is something the Minister should keep in mind. As regards the PPS number, that is an important step forward, regardless of what people fear about the idea of an Orwellian society. Computers take numbers much better than letters and are far more accurate when registering data at official level. From now on people will enter and leave the world as a number. The implementation of the PPS number across a range of services might well be the Minister's contribution to an orderly society. It will be interesting to see how this turns out over the next few years.

This Bill is mainly about tidying up legislation, some of it dating back 160 years. If the legislation is being prepared for an era of electronic communication there is much scope for misleading information to be put in, from my

reading of the Bill. If births and deaths may be registered practically anywhere, the need for stronger checks and balances should be considered to ensure that wrong information does not get into the system.

**Mr. O'Connor:** Since I became a Member of the Dáil I have sometimes considered how I might address the Chamber and contribute effectively to various debates. I learned today that responding to a fire alarm is an effective way to get Members of the House worked up and excited. Bearing in mind the type of legislation under discussion it was perhaps appropriate and, indeed, ironic. I am glad we all survived and I hope my colleagues opposite survived it as well.

I will preface my remarks on the Bill — I hope the Minister will not mind — by once again applauding the work she is doing. I have much contact with the Minister for Social and Family Affairs, Deputy Coughlan. She is always open to representations from colleagues throughout the House. I get many queries on social welfare in my constituency. Thank God, because of sound Fianna Fáil policy since we came back into Government in 1997 the unemployment figures have improved enormously so there is not as much strain on the resources of the Department as there was under other Governments.

Social welfare facilities in Tallaght have improved greatly over the years. As the Minister knows, we have a brand new social welfare office, a fully modernised building in the Square in Tallaght. It is part of the new Tallaght. Every day I pass it, including Saturday and Sunday, and it reminds me not only of the way Tallaght has progressed over the years for the benefit of the community, but also what has been achieved by various Departments. The Department of Social Welfare has not been found wanting so far as the provision of facilities and services for my constituents is concerned. The Minister is always open to suggestions from people whom I might describe as humble backbenchers. I hope to continue to play my role in that regard for a long time.

This type of legislation does not make headlines. However, it is very important because it relates to the cycle of life from birth through the tribulations of marriage and other processes and onwards to death. Like everybody else I have had occasion to search for certificates relating not only to myself but to my family. On one occasion I looked for a birth certificate for my grandmother who was born in Dublin in 1882, a different time as far as records are concerned. On another occasion when an elderly aunt died in London I spent several days trying to access certificates and it was quite a convoluted process. That brought it home to me that we are no worse than any other jurisdiction. Without meaning to be flippant, I often wonder why in the UK, as in other countries, it takes so long for funerals to take place. Certainly paperwork holds up the whole process and perhaps this is something we

[Mr. O'Connor.]  
 should appreciate. Whatever criticisms we may have about the system here, it has stood the test of time. It is timely to bring it forward into the modern era under the Minister's jurisdiction. The measures proposed in this legislation are part of that and will be accepted and appreciated by the general public.

I encourage constructive change and ongoing modernisation of the public service. In that context I welcome the Bill and its underlying objectives. There is a need for an accurate yet simple administrative system to record and maintain the key events in our lives, starting with birth, and continuing with what for some of us are major events and for others bumps on the way and, regrettably, our passing on. It would appear to most to be a simple procedure, but it has taken more than 59 pages to put it in a framework.

The Civil Registration Bill 2003 deals with the reorganisation and modernisation of the system of registration of births, stillbirths, adoptions, marriages and deaths, which is to be known as the Civil Registration Service. It also provides, as a sign of our times, for the extension of the system to decrees of divorce and decrees of nullity of marriage granted by the courts. This Bill will provide the framework for the development of a modern service that responds to the needs of a modern society and it will gain widespread support.

I was interested to learn that there are around 111,000 events registered, 500,000 certificates produced and 1.2 million searches and inquiries carried out each year on the existing system. Of the many Department and agency customer charters which we as Members of this House will be receiving this year alone as part of the ongoing modernisation of the Civil Service under the strategic management initiative, I will be watching out for this one and will read it again and again with great interest. I trust that the regular representations I receive about queuing and charges will become a thing of the past.

I come from a generation that understands the difference between the old ways and the new and it fascinates me that when I phone the Department of Social and Family Affairs I always get through and the staff are always very helpful. I am not suggesting other Departments are any different. It is fascinating that when one gives them simple information, for example, one's name, one hears a little click and all the information spews out. That is sometimes frightening for people of my generation and, I am sure, others. I do not want to draw anybody in the House, but it is good that this is the way we are operating. As long as Big Brother does not become too intrusive, and I do not know whether or not he has, it is good that we are able to access that kind of information. I suppose the day will come when we will be able to get every single detail we ever wanted to know about ourselves,

and maybe details we did not want to know about, by pressing a button.

Other than the census, the civil registration record will form a basic continuous source of information about our population. Apart from providing a record of vital events regarding persons living in the State, the record also satisfies the need for evidence which has a bearing on our rights, entitlements, liabilities, status and nationality. With other data sources, it is very useful for many purposes, for example, the planning of schools, hospitals and housing.

I am never afraid to talk about my own constituency. I was elected at the last election, sent here by 7,155 people who voted for me. I am one of four Deputies in Dublin South-West. Lest Members have forgotten, that embraces the major population centre of Tallaght and also Firhouse, Templeogue and Greenhills. I hope the Minister is not suggesting she has forgotten where I came from.

**Mary Coughlan:** I could not.

**Mr. O'Connor:** Tallaght is the third largest population centre in the country. As even the Ceann Comhairle would know, there has been tremendous progress there over the years. He himself made a major contribution in the context of Tallaght Hospital. I make this point regarding the Bill before us because in places like Tallaght — other Deputies will speak about their own towns — information is always very important. Even though my town has progressed enormously since the Square opened 14 years ago, we still have needs for infrastructure and other facilities and the kind of information we are talking about here will be vital and help Departments to continue to provide the facilities we need.

While researching for the debate on this Bill, I was amazed to discover that the present system of civil registration was set down more than 150 years ago and that the registration procedures have remained largely unchanged since they were first introduced. Those of us who are privileged to have a role in public life are often fascinated by the sense of history it brings. When I was driving this morning from Tallaght, as I do every morning, I always drive down Clanbrassil Street towards Patrick Street. This morning I noticed that work is being done on St. Patrick's Cathedral and it occurred to me that when we are long gone — and hopefully none of us will be gone for a long time yet — those buildings which have been there for a long time will still be there. Thinking about that and the legislation before us brings a sense of our own history, where we have come from and where we are going. On my way to Leinster House this morning I was thinking about that.

I support the main objectives of the Bill which will rationalise the procedures for registering stillbirths and deaths and give responsibility for overall policy of the Civil Registration Service to the health boards. I understand this will include

maintaining the standards of the service. Given the necessary changes that are imminent, I am totally convinced that it is correct to assign responsibility for the management, control and administration of the Civil Registration Service at local level to health boards. I will use my position on the Dáil committee to tease that out with the Minister and her officials. I speak as somebody who was privileged to serve on what was then the Eastern Health Board since 1994 and then as founder chairman of the South Western Area Health Board. The matters before us are something about which those of us who have the opportunity to serve on health boards are very well aware. In that context I am glad to welcome the Bill before us. The objectives to streamline existing procedures which govern the registration of adoptions, establish new registers of divorce and nullity of marriage and reform the procedures governing the registration of marriages are to be supported. I hope they will be supported across the floor.

With regard to the administration structures as set out in the Bill, I wonder aloud — if I am permitted to do so — at the need in these days of information technology for a multi-level breakdown of input to achieve a successful registration system. While accepting at face value a need for these levels, we are creating a new name or another bureaucracy to take over the existing one.

I noted with interest and support that this Bill will permit the civil registration office to provide information for specific purposes registered under the Act to the Minister for the Environment, Heritage and Local Government, the Revenue Commissioners, the Ministers for Social and Family Affairs, Foreign Affairs, Health and Children, Defence, Justice, Equality and Law Reform and Transport, and the health boards and various housing authorities.

I look forward to the day when a civil servant at any location throughout the country will not have to ask the same basic questions when I give him or her my PPS number or, as I call it, my RSI number. Old habits sometimes die hard. I welcome that the current level of 500,000 certificates produced annually will be done away with sooner rather than later as a result of the new system which removes the need for certificates for most official purposes. I also note that it is proposed to share civil registration data held on the new national database with relevant Departments and agencies with a proven requirement for such data. Such sharing will be facilitated through the use of the personal public service number which shall be collected at the point of registration. This sharing of data will significantly reduce the need for certificates for accessing key public services, bring about greater efficiency in the use of resources and reduce the need for a person to provide the same information to several public agencies.

I also note that the various Departments and agencies will contribute to the provision of shared services. Section 59 provides for the charging of fees for searches of indexes relating to entries in the registration of births, deaths, marriages, divorces and civil annulments of marriage and for the provision of copies, including certificates, of entries in those registers. I trust the impact and effect of these charges will be minimal, will not serve to support inefficiency and will be accepted by the public as fair and equitable.

I am always pleased with the work done by the Minister for Social and Family Affairs and her Department. Government is not the master of the people, rather it is the servant of the people. It is important the public has confidence in the various processes and systems available. We must continue to make departmental services user-friendly and I am glad the Department is doing so.

I get upset when people accessing public services have to do so in a public way. Local authorities and social welfare offices are now located in modern offices — I have already referred to the one in Tallaght — and should be places where people can do their business in private. In supporting the Minister and this legislation, I hope that particular ethos will continue to receive special attention from her Department. Such services should be user-friendly. Departmental officials should understand that members of the public often seek such services when they are most vulnerable or upset. We should create sympathetic environments and try to ensure their visit does not worsen their situation.

It is good when Government responds to the needs of the people. I am often impressed by the manner in which legislative programmes take account of public needs. I was impressed by this before I was elected to this House. We should legislate to support people and not aggravate or annoy them. We should create environments and processes of which the public can take advantage. I do not wish to be flippant but, if my grandmother were alive today, although she would be shocked by what I am doing, she would be somewhat surprised by the improvements in the system. My experience as a young person trying to obtain birth and death certificates for different people was that the system was a nightmare. I hope those days are gone. I am confident that this legislation will modernise the system and ensure it remains user-friendly. The public will be supportive in that regard.

I congratulate the Minister and her officials for the great work done on this legislation. I look forward to debating some of the amendments on Committee Stage. As a Government backbencher, I look forward to supporting the Bill and commend it to the House.

**Mr. Crawford:** I welcome the opportunity to speak on the Bill on behalf of my colleague,



[Mr. Crawford.]

Deputy Ring, who is elsewhere today. I wish him well.

**Mr. O'Connor:** He is badly missed.

**Mr. Crawford:** This is important legislation. I have been asked by a number of people to seek that, where possible, the names of children are registered in English and Irish. Problems can arise in situations where people wishing to use the Irish version of their name are unable to do so because it is not recorded on their birth certificate. Such people do not have control in that regard because they are registered long before they have knowledge of it. I put that to the House at a time when there is a great deal of debate about our need to recognise the Irish language at EU and other levels. This is an area where we could provide that people can register their name in both languages.

If this legislation can lead to a more organised structure and better information, then it is to be welcomed. When health cards were issued to those over 70 years of age, we were told the scheme would cost in the region of £19 million, but the dramatic increase in numbers once applications were made illustrated that the statistics and information available to those concerned were not correct. We should streamline registration so that we can obtain the information we need at a minute's notice. The data available in the Minister's Department concerning the pre-1953 pension scheme was so out of date that it caused a severe headache for those involved. This Bill is being introduced to reorganise and modernise the registration of births, still births, adoptions, marriages and deaths. The explanatory memorandum to the Bill states clearly that it is to satisfy the needs for evidence that has a bearing on rights, entitlements, liabilities, status and nationality, all of which are important in the context of the new structures into which we are entering with the expansion of the EU and the mobility of people generally.

It is also to be used as a data source for many purposes, such as the planning of schools, hospitals, housing and medical research into the causes and prevention of disease, which is important in regard to rural depopulation, which issue I have often addressed. The decentralisation programme is good because it shows we have structures in rural Ireland and that if we do not maintain the population, those structures will no longer be utilised and the State will have to spend enormous funds elsewhere in built-up areas.

The system will also provide a rich source of information for people tracing their family history and compiling family trees. As one living in Monaghan with an interest in the exodus to the USA and Canada in the past century and in famine times, I have seen many people coming from those countries to trace their ancestry. It is important for such people in the future that we

make sure the data is as correct as possible and that all the information is as easily accessible as possible because it will encourage people to come back here to discover their roots and relatives. At present, they can be faced with great difficulties in that regard. For example, in the Border area, some of the documents were burned, which will hopefully never happen to the new computerised system.

The issuing of death certificates can cause enormous problems, which the Minister mentioned in passing at a meeting the other day. Death, especially in tragic circumstances, is difficult for families but if they are left in a position where they cannot get their own money, it is of major consequence. The Minister's Department is sympathetic in this regard and will accept a death notice or a record of the death in the local newspaper. However, I recently experienced a case in which a person had a small account in a bank and had to go through an amount of red tape to get €1,500 released, which was provided by the deceased to help with her burial.

We should be able to find another means of registering a death. I understand that for all sorts of legal reasons, we must have the coroner's report in some cases and so on, but there must be some interim measure which could make the process less traumatic for the families concerned. This does not happen in many cases but sometimes spouses are joint account holders and so on. I have come across individual cases and if anything can be done in this regard under the Bill I would appreciate it.

Although it does not affect me personally, as a public representative I am delighted to hear about the provisions in regard to child benefit. It has been a major issue, although not as much recently. Several years ago, there were often waiting periods of several months to get child benefit. I am delighted the Minister has allowed for a minimum amount of paperwork in respect of a first child in the family and that for the second child and subsequent children, payment can be made automatically. This is a major step forward and I congratulate the Minister and her staff on it. Where necessary, I criticise the Minister, but this is a major step forward because it can be a traumatic experience for families and it is important they get every penny they can as quickly as possible.

I am interested that all the data for registration can be dealt with in respect of any place in any office, since I am one of those who was born outside my area. If I need a birth certificate, I have to get it somewhere else — I do not want it mentioned too broadly, but I was born in Drogheda.

**Mary Coughlan:** A Cheann Comhairle, the Deputy is from Louth.

**Mr. Crawford:** I am of Louth decent.

**Mary Coughlan:** The Deputy could have played football for Louth.

**Mr. Crawford:** It is far worse in many cases where people have to deal with long distances. In that context, I welcome the proposed provision.

I read some of the headlines of last night's speech by the Minister in which she referred to the streamlining of the system through extended opening times, which is important because currently both people in a couple often work and it can be difficult for them to get to an office during standard office hours. Flexibility, as is the case for example with the banks which now open at lunch time, could mean a great deal to such people. The Minister also referred to red tape, to which I have referred, as well as the nationwide standard for registering life events and the fact that they can be dealt with at any office or from any place.

My job in opposition is to question issues in a realistic, constructive manner rather than a negative one. However, the sharing of data with Departments and agencies worries me. We are all conscious that much can be put on computers, but where does it end up? I would like a guarantee, if that is possible, that solid restrictions will be put in place. One only has to look at the case last week in which an obscene picture of a young girl was flaunted around the country through our new modernised structures, which is completely unacceptable. Mobile phone companies tell us these are some of the things we must expect.

In the case of a death, a person had to apply for a bereavement grant and perhaps a widow's or widower's pension, and had to have all the papers for both applications. Thankfully, one set of papers will now fulfil the requirements and they can be transferred from one office to another. The sharing of data is vital in such circumstances.

People and organisations receive unsolicited literature because they may appear on a database which has been released for a few bob. People quickly get sick of the stuff coming in their doors just because they are members of the IFA or some other organisation. While that does not affect me or the Minister, lonely people in rural areas do not know what the literature is about or how the people sending it got their names. They become worried about how their name appeared on the list.

When will the General Register Office be decentralised to County Roscommon? That has been promised for a long time.

**Mary Coughlan:** We are delivering.

**Mr. Crawford:** People in Roscommon question when it will happen. If other offices can be decentralised, we will accept them in north Monaghan. People claim to be well represented but other areas have done better than north Monaghan and even Government colleagues are

annoyed that only 25 jobs will be decentralised to the area.

The Minister referred to the reduction in demand for paper certificates. I welcome the thrust of the legislation, which is extremely constructive. A new administrative system will be established but it is amazing how quickly circumstances change. Sections 14 and 15 provide for the establishment of local registration offices, which will be health boards, and they, in turn, will appoint a register superintendent. However, by June, the health boards will be dead and gone and new structures supposedly will replace them by next January. Will a new structure be established under the legislation that will have to be changed within six or 12 months? Changes are sought in regard to dealings with the registration system currently and that may result in more difficulties. I appreciate the Minister will do everything to resolve that issue. There is no need to set up new structures within the health boards immediately.

The registration of adoptions is a delicate issue that must be dealt with in a flexible manner. I dealt with the case of lady living in a mobile home who had no money good, bad or indifferent. She was not from my area and I do not know how she got my name. However, she contacted me and told me that her adopted son was living somewhere in the US. She had tried to locate him through the authorities who had organised the adoption but she could not get assistance from them unless she paid for it. This woman was not in a fit condition to travel and she had not wanted anyone to know about the child until after her husband's death.

My secretary had a telephone conversation with the lady and decided that we should follow up the case. It took a few years but with the help of the Catholic Church in the area in which her son was residing in the US, he was traced. The lady and her son were absolutely delighted. The son wrote a personal letter to me as he thought I had pursued the case and not my secretary. However, this case opened a new area to me. The lady had been forced to give away her son in the early hours of his life and she could not trace him for many years. However, throughout her life she wanted to do so. His name had been changed after he arrived in the US and that created more difficulties. While this is a delicate issue, if a parent wishes to trace a child or *vice versa*, that must be made possible, provided the two parties agree. I had to deal with one case and I am sure there are others.

I welcome the change in the marriage registration structure, which is important, particularly the provision whereby groups who could not carry out their own marriage ceremonies heretofore will be permitted to do so. The Elim Pentecostal Church in my area can hold a religious service in its own building but marriages must be registered with an

[Mr. Crawford.] independent registrar. I welcome this change and the acceptance of the reality on the ground.

The marriage pattern in Ireland has completely changed. More than one third of babies are born to single mothers. As a society, we must be careful in this area but the implications for the future are serious. The partner should be registered not only from a financial perspective but also from a historical perspective, particularly in terms of the information that will be available to a child about his or her parents or a potential liaison between a parent and a child in the future.

I welcome the changes in the legislation but we cannot ignore the difficult time into which we have moved with so many births out of wedlock and so few records kept, as has been the case in the recent past.

**Dr. Devins:** I welcome the Bill. A comprehensive registration system is an essential tool for the State, as the data it contains forms a vital and permanent source of information about the population. It is necessary because it provides evidence of events relating to people that are essential for the provision of rights, entitlements, liabilities, status and nationality. Certificates obtained from the civil registration process are needed for many elements of life in Ireland such as sending a child to school, obtaining a passport and claiming social welfare.

Due to technological and social changes in society, it is important to move with the times and modernise the civil registration process. There have been few changes since 1864 when the service was established and society has changed since. I welcome the modernisation process which is being jointly carried by the Departments of Health and Children and Social and Family Affairs. This major undertaking will result in the introduction of modern technology to the civil registration process and the reform of legislation. This modernisation is essential for the improvement of service to customers and it will lead to a reduction in red tape, which will be welcomed throughout society.

I am delighted the roll out of the new civil registration scheme is under way and it is operating in five health board areas. I look forward to the completion of the implementation process this year. Until now, the registration and certification processes were manual and time consuming. I am sure every citizen will welcome a new and more efficient process. It is essential that the Government provides services to the people in the most efficient manner possible. E-Government is an essential tool in delivering services swiftly to the people.

Another essential initiative in the modernisation process is the establishment of the REACH inter-agency messaging service initiated by the Department of Social and Family Affairs. This organisation has been instrumental in the delivery of e-Government. Its development of an inter-agency messaging service is an important

step forward. This service is being used to transfer registration data between the civil registration system, the Department of Social and Family Affairs and the Central Statistics Office, and it will make death registration data available to other Government agencies from the end of this month. The service will, without doubt, play an important role in cutting red tape, saving time and delivering a more efficient and effective service to the public.

Parents of every child born since September 2003 will already have some experience of the positive effects of the modernisation process. The redesign of child registration ensures that all new birth registration data are transferred electronically to the Department of Social and Family Affairs from the civil registration computer system. This facilitates the allocation of a personal public service number to a child at registration and, as a result, enables a child's public service identity to be created. It also allows the creation of family links on the national central database of all citizens — the centre's record system — and facilitates the initiation of the child benefit claim for first-born children and the automatic payment for second and subsequent children in the family. This is an important step and will be of great assistance to parents. Customers availing of the e-enable service no longer have to source and complete a multi-paged paper application form and supply a paper birth certificate. They simply have to register the baby's birth to set the process in motion.

The Bill is an important part of this modernisation process. There are many technical aspects to it. However, there is also a human element. Sections 28 and 29 provide for the registration of stillbirths. In future, parents or a relative may register the stillbirth within 12 months. That should be compared with the present situation where only parents can register the stillbirth and they must do so within 42 days. These new provisions are being introduced to allow the family of the child more time to undertake the necessary registration procedures while, at the same time, coping with their loss.

This is an exceptionally important component of the Bill. The loss of a child is the most traumatic and tragic thing that could happen to a parent. In the natural course of life events babies are least of all expected to die. The loss of a baby through stillbirth can be overwhelming and devastating for parents as well as for family members and friends. Although such feelings are surprising to some, the stillbirth of a baby is a great loss, as great as the death of an older child or any loved one.

When stillbirth occurs parents who have been anxiously awaiting a baby suddenly are not. It is natural for them to grieve deeply for the baby who has died and for the hopes, dreams and wishes that will never be. They may feel a strong sense of sadness, anger or, occasionally, bitterness at the unfairness of this tragedy. There is usually

nothing anyone did to cause a stillbirth or could have done to prevent it, yet parents may feel guilt, and blame themselves for the death of their baby. Parents may also experience feelings of loneliness, longing, helplessness or, because of the intensity of their emotions, confusion. These emotions are real and a normal part of grieving.

Grieving is a process of making meaning out of loss and of life without a baby. It is not easy. It is long, unpredictable and requires much energy. Parents and family members need time to grieve since grieving is necessary to work through pain towards healing.

The last thing many parents need at this traumatic time is the pressure of registering the death of their lost child. It is a welcome amendment that the parents themselves no longer have to register the death. I also welcome the fact that the time limit for registration has been extended so that parents and family members can take the time to come to terms with the death of their child and go through the grieving process. This is one of the many positive aspects of the Bill.

Part 6, which deals with notification and registration of marriages, and Part 7, which deals with the registration of decrees of divorce and nullity, are welcome. The present system of getting married is, from a bureaucratic point of view, complicated and difficult to follow. First, there is the notification of intention to marry and how a couple can be granted an exemption to this notification. It is interesting to note that, during the period 2000 to 2002, more than 3,200 exemptions to this process were granted by the courts. Second, there is the form of licence granted for marriage and how that licence may be obtained. The provisions in this area are not universally applicable to all denominations and so different requirements are imposed on people who wish to marry, depending on the rites of the various churches and religious denominations to which they may belong. There are also differences in the privileges accorded to religious bodies with regard to the issuing of licences for marriage.

As such, the procedure that must be followed by a couple intending to marry is determined by the denomination of the church in which the marriage is to be solemnised. As if this was not complicated enough, there are also different procedures for obtaining a marriage licence or, in some cases, a registrar's certificate without licence.

Society has changed enormously in the past 20 to 30 years, especially in terms of our mobility, and the current residency rules impose an artificial border on couples who intend to marry. The rules covering licences for marriage are complex. Couples wishing to marry may find them difficult to understand as may, to some extent, those involved in the issuing of licences. The system needs to be simplified so that it can be administered more easily and made much

more transparent. This Bill achieves all these ideals.

These reforms will ensure that marriage, which is an important and solemn contract, is understood by society in general and especially by the couple getting married who are the main people in the contract. It will mean there is a standard universal civil procedure for all marriages in the State. Should people, because of their religious beliefs, wish to have their marriage carried out at a religious ceremony as well, that is their right and is not affected by the Bill.

The Bill represents an essential step forward in regulatory reform. It provides the first major reform of civil registration since it was introduced in 1845. Citizens will benefit from the Bill as it will cut down on red tape and stress and save time. The Bill is essential for the modernisation of the civil registration service. We must meet the needs of our fast moving and swiftly changing society and the Bill plays an important role in achieving this aim. It is an essential element in the Government's overall strategy of improving public services and can only be welcomed by all. I commend the Bill to the House.

**Mr. Naughten:** I welcome the opportunity to address some of the points raised in the Bill. This legislation is long overdue. By looking at the Acts referred to at the start of the Bill, it is possible to see how long overdue this legislation is. It refers to the Marriages (Ireland) Act 1844 and the Petty Sessions (Ireland) Act 1851. A number of other Acts from the century before last are amended or repealed by this legislation. Society has changed dramatically in the intervening period and it is imperative that we modernise the legislation.

The Bill aims to establish a reorganised and modernised system for the registration of births, marriages and deaths. It proposes new rules for the registration of marriages and proposes to introduce arrangements for the registration of annulments and divorces. The Bill also provides for the decentralisation of the General Register Office to Roscommon town. This has been a 13-year decentralisation process, a matter to which I will return later.

The Social Welfare (Miscellaneous Provisions) Act 2002 allowed for direct electronic registration of births and deaths and the electronic holding of birth, death and marriage records.

*5 o'clock* The Civil Registration Bill 2003 proposes other changes. The new system should reduce the need to have a physical certificate. It should not be necessary to have a birth or death certificate, as the State agency through the use of the PPSN should be able to access electronic records of such a birth or death. The Department of Social and Family Affairs is in a position to allow mothers to automatically receive their child benefit once the child's birth is registered.

When the Bill is enacted, births can be registered at any office and must be registered within three months of the birth. This means the

[Mr. Naughten.]

parents can register the birth of their child in the county of origin and not the location of the maternity hospital. This will be a welcome development in counties like Roscommon where we have no maternity hospital. It will also be possible to register deaths anywhere and the time limit will be extended from five days to three months. The existing five-day procedure is completely impractical and I am glad to see this changed.

What will happen when the Hanly report is implemented and many children are born on the sides of roads on the way to University College Hospital in Galway or Cavan General Hospital? How will the legislation deal with that? This matter needs to be recognised at this stage.

I note the Bill proposes no changes relating to registering the father's name where he is not married to the mother. There are many difficulties regarding this matter at present and I hope the Minister for Social and Family Affairs can address some of them in her response. It is possible to have two children of the same parents the first of whom was born prior to marriage and registered in the mother's surname as the father was not registered at the time. The second child might be born after marriage and registered in the father's surname. Two such children with the same parentage end up with different surnames. There should be a simplified mechanism to have the first child's surname changed to ensure that both children have the same surname.

There are cases where a woman might be informally separated from her husband, who is subsequently found to be uncontactable. If such a woman has had a child with her new partner, his name cannot be registered on the birth certificate as the mother is not legally separated from her husband for ten months and the husband cannot be traced to make the required declaration. In such cases simplified procedures are required. Society now has different family structures as mentioned by some of my colleagues earlier and we need to have the flexibility to address such problems as they arise. It is difficult for those who drafted this legislation to think of every possible permutation and address it in the legislation.

The Bill provides for changes to the rules for the registration of marriages. At present the rules are complex and there are different rules for marriages celebrated in accordance with certain religious rights. At present health boards have the responsibility for the registration of births, stillbirths, deaths and Roman Catholic marriages. The registration of all other marriages is the responsibility of the civil registrars. In its current format the process can be extremely unwieldy and complex. I welcome the more streamlined approach that is proposed on which I commend the Minister and her officials.

I would like the Minister to reconsider section 49(2), which requires that the marriage be

registered within one month of the marriage ceremony having taken place. While the individuals do not have to be present at the registration, I ask the Minister to consider extending this timeframe even to six weeks or two months. In my experience many couples take a long honeymoon, perhaps going to places like Australia for a month. When they return, the time may have elapsed when they get around to checking with the priest or other party who was given responsibility for making the registration. There should be flexibility to ensure that couples, with whom responsibility lies, can be registered. Deputy Neville voiced concern over marriages that are not registered. The window should be widened to allow a couple go away for a long honeymoon and be able to register their marriage when they come home.

I welcome the proposed appeals procedure. At present there is no formal appeals system. While it is possible to go before the courts for a judicial review of a registrar's decision, this is an extremely expensive process and many of those who require changes to be made do not have the resources to do so. They are forced to leave the registration as it stands. I understand this legislation will allow a registrar's decision to be appealed in writing before a number of different boards before having to go through the court system. This is a positive development in the streamlining of the system. As a result of the fact that the existing legislation is so archaic it has been virtually impossible to get the kinds of changes that may be required to have births and marriages properly registered. It is positive that both annulments and divorces can now be registered to avoid having a duplication of marriage certificates, etc.

The Bill provides for the decentralisation of the General Register Office to Roscommon town, which was announced nearly 12 years ago. However, it will take until at least 2005 for the remaining 25 staff of a total complement of 50 to come to Roscommon. This is a very welcome development especially for the 197 civil servants already on the transfer list for the 25 positions. The list comprises two principal officers, two higher executive officers, 42 executive officers, 22 staff officers, 118 clerical officers and one service officer. There should be no delay in transferring the GRO to Roscommon town, as there are many civil servants who are prepared to transfer. There was a debate earlier today on decentralisation and the point was raised that many civil servants are not willing to transfer. However, the latter has not been the cause of the delay in completing the decentralisation of the GRO to Roscommon town. Will the Minister explain why it has taken 13 years for this decentralisation to be completed?

I welcome the announcement by the Minister for Finance that 230 additional civil servants from the Land Registry will be decentralised to Roscommon town. How long will it be before this

decentralisation is completed? Based on the current record of decentralisation to County Roscommon, it will take up to 60 years for those 230 civil servants to be transferred there.

The Minister for Finance's allocation of €20 million to implement the new round of decentralisation is disingenuous because that amount would not even cover the cost of removing furniture from many of the Departments in Dublin. There is no timetable in place and no provision has been made in the Government's five-year capital programme. This raises questions about the commitment of the Government to deliver on the second round of decentralisation. It seems the Minister provided himself with an opt-out clause. He stated clearly in his budget speech that staff would be transferred on a voluntary basis. In other words, if the staff do not move, there will be no decentralisation.

The people of Roscommon do not want decentralisation to become a cynical promise to help many Fianna Fáil candidates face the wrath of the electorate on the doorsteps during the coming months. It is, therefore, imperative that the Government provides the detail of and the timetable for decentralisation prior to the local elections.

**Mr. S. Ryan:** Hear, hear.

**Mr. Naughten:** I am, however, amazed that the Government ignored both north and west Roscommon in considering the decentralisation programme. Both areas could easily cater for the demand by civil servants to move to County Roscommon. At present there are 553 applications from civil servants to transfer to the county and only half of these people will be catered for under the current announcement in respect of Roscommon town. The Government can facilitate decentralisation to the towns of Boyle, Ballaghaderreen and Castlerea. If it is having difficulty in attracting civil servants to take up positions in other parts of the country, but there are many who are prepared to transfer to Roscommon and they should be facilitated.

The towns to which I refer already have the key infrastructure required for the new round of decentralisation. Serviced land and public private partnerships are available for the construction of office facilities. Problems would not be posed in this regard. Broadband technology is in place, as is the relevant sports, recreational and social infrastructure. A substantial amount of land has been zoned for residential use so the Government does not have an excuse not to decentralise to these towns. My colleague, Deputy Finneran, will be able to vouch for that when he makes his contribution.

Why were the towns of north and west Roscommon not included? The Taoiseach gave the impression that Boyle would be included in any decentralisation programme. In addition to the facilities I have outlined, Boyle is also unique

in that it has available a free site which it offered to the Department of Finance for decentralisation to the town. The chamber of commerce in Boyle was informed by the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, that Boyle and Claremorris were on a par when it came to decentralisation. Claremorris received 150 civil servants, while Boyle received none. What is the big difference between these towns? What swung it for Claremorris? What criteria were used to select the towns and how did Boyle fall short? The Government cannot ignore some of the most deprived areas in the country and must allocate some of the remaining staff available to the towns of Boyle, Ballaghaderreen and Castlerea. I ask the Minister to address the points I have made regarding the delay in decentralising the final 25 civil servants from the GRO to Roscommon town and the criteria laid down in respect of the new round of decentralisation.

Deputy Neville spoke at length about sections 23 and 24 of the Bill. These provide for the registration of the father's details on the birth certificate at the time of registration. I agree with Deputies Neville and Crawford that it is a child's right to know the identity of both parents, regardless of whether they are married. As Deputy Crawford stated, one third of all births in the State at present are to single mothers. Children have the right to know both their parents. The names of both parents should be placed on birth certificates and children should have access to these and to both of their parents, save in exceptional circumstances where there may be violence involved or where, for some explicit reason, a child should not have access to one or other of his or her parents.

It would be important for a child to be aware of hereditary medical conditions. When one attends one's GP or a specialist, the first thing one is asked is whether there is a history of heart disease or cancer in one's family. Children who do not know the identity of one or other parent cannot answer such questions. It is important, not purely from the point of view of the child but also from that of the community as a whole, that such information is freely available and accessible because it may prove of benefit.

It is sad that the current structures relating to rent allowances, single parent allowances and tax do not encourage couples to live together. The system is stacked up in favour of couples and parents of children living apart. This is something we, as a society, must address and ensure that we encourage as many people as possible to live together where it is beneficial for children. In 99% of cases, it is beneficial for children to have access to both parents. The Minister's Department announced prior to Christmas that in cases where couples are claiming rent allowance, if one goes out to work, they will be automatically disqualified. Their income, regardless of the amount involved, is not taken

[Mr. Naughten.]  
into consideration, nor is the fact that there could be a number of children involved. Disallowance is based purely on the fact that an individual is working. We are going in the opposite direction to that in which we should be going. We should be trying to encourage people to live together as couples and rear their children, rather than forcing them apart. The system, whether it be structures relating to rent allowance or tax, forces people apart.

Members on all sides need to consider this matter and address it because it is tearing the fabric of society apart. There are many couples who would love to cohabit or reside together but the system is stacked against them. It is critical that we look at that situation and see if we can put structures in place that will keep people and communities together rather than breaking them up.

I intend to ask the Minister, on Committee Stage, to consider the issue of DNA testing which could, in some cases, resolve issues relating to parentage. Let us consider, for example, the case I outlined earlier of a person whose husband left her a number of years ago and who was not contactable. If there was a procedure in place where a DNA test could be carried out to prove the parentage rather than obliging people to undergo the entire court procedure, it would help to simplify matters. DNA tests are commonplace.

They are a recognised system of tests. We must ensure that legislation such as this is as flexible as possible to encourage people to register the details that are relevant to a child's birth or a couple's marriage. It should facilitate couples living together in a relationship and rearing a child on that basis.

**Mr. D. Moynihan:** I wish to share my time with Deputy Finneran. The Civil Registration Bill 2003 is an essential step forward for registration services in Ireland. It is an attempt to modernise the recording of events as one goes through life, from birth to death. It recognises the events that were irrelevant in earlier years, such as annulments and divorces. An extremely important element of the Bill is the removal of the bureaucracy of administration currently involved in the registration process.

Civil registration touches on all of us at vital points in our lives, beginning with the registration of our births and ending when our deaths are registered. Between those events, civil registration affects us both directly, as in the case of marriage, or indirectly, when certificates are required for many of the services that are available in our society, such as enrolling a child in school, obtaining a passport, taking up employment and claiming a social welfare payment, to mention a few. It is a fantastic development that we will now be able to use, and have information on, these subjects at the touch of a button instead of the old way of visiting and

writing to various offices, seeking the register and receiving short and long certificates.

In 2003, more than 110,000 life events were registered, half a million certificates were produced and approximately 1.2 million searches of registration records were carried out. The new provision will see a single interaction with a public service agency replace the slow and tedious processes that used to be associated with registration. The redesign of child benefit, for example, sees all new birth registration data transferred electronically to the Department of Social and Family Affairs from the civil registration computer system. Parents will now simply have to register the baby's birth to set the process in motion. This highlights one of the key improvements in customer service.

Part 3 of the Bill provides for the registration of births and stillbirths. The principal responsibility for registering a birth will remain with the parents, who will be required to register the event within three months of the birth. To facilitate parents in fulfilling this obligation, the present time limit of 42 days will be extended to three months. In future, births may be registered with any registrar as opposed to the present system where a birth can only be registered by the registrar of the district in which the birth occurred.

This is a welcome move as many new parents have little time available in the first few weeks of the child's life as they are extremely busy getting to know the new member of their family. It is helpful that the pressure has been taken off these parents to register their children so quickly after birth. It may save some parents money as, in the past, parents who did not get the chance to register the birth of their children within 42 days faced a fine. As a result of this change, parents will have more time to register the birth, causing them less stress at a significant time in their lives.

The time limit to register stillbirths has been extended from three to 12 months and parents no longer have to register the stillbirth. Relatives of the parents can register if the parents feel that they cannot do so. This is an extremely important element of the Bill. The last thing many parents need when they lose a child is the pressure of registering the death of their lost child. It is a welcome amendment that now the parents do not have to register the death. I also welcome the fact that the time limit for registration has been expanded so that parents and family members can take the time to come to terms with the death of their child and go through the grieving process.

Sections 23 and 24 of the Bill allow a birth to be re-registered to include the father's details where they were not entered in the register at the time of registration. This is a helpful aspect of the Bill. In the past, once the ink was dry on the birth certificate one could not change any aspect of what was written. This did not take account of the changing situations that can occur.

This Bill represents the Government's commitment to modernisation. It will cut down on bureaucracy and time wasting and will be of great assistance to every Irish citizen in the future. I commend the Bill to the House.

**Mr. Finneran:** I welcome the opportunity to speak on this Bill. The Minister's comments on Second Stage outline the objectives of the Bill. She said:

This Bill represents the first major reform of civil registration legislation since it was introduced in Ireland in 1845. It is also a clear demonstration of Government's commitment to regulatory reform. This means that all stakeholders — citizens, service providers and Government — will share in the benefits.

The modernisation of the Civil Registration Service is essential, both in its own right as it seeks to meet the needs of a modern society, but also as part of the Government's overall strategy of improving public services. It heralds a new era for civil registration through the introduction of electronic registration and electronic registers.

Those few sentences explain the content of the Bill. It is time that the legislation and the process of civil registration were updated. I welcome the provisions of the Bill in so far as they address and combine the different strands that operated in this process until now.

The legislation does not interfere with the current officeholders, which is welcome. Such an assurance is always necessary when dealing with and making changes in the public service. It is important that the status and position of existing officeholders are not affected and that is clear in the Bill.

The divisions of responsibility are also clear. I welcome the involvement of the health boards, which are now to be known as local registration authorities. They have clear responsibilities and that will be welcomed by people in general. I am not sure what the situation will be in the reformed health board structure that is envisaged but the Minister can address that in her reply.

The proposals by the Minister for Health and Children relating to health boards must dovetail with this proposal. Certain functions will be delegated to superintendent registrars. The maintenance of registers of births, stillbirths, adoptions, deaths, marriages, decrees of divorce and decrees of nullity of marriage is part of the new Bill, which draws together the different aspects of civil registration. It provides for the continuation of the office of serving registrars, which is important. We must be conscious of that in any reforming legislation.

The Bill takes into account the Family Law Act 1995 which deals with the fact that notification of marriage must be made three months prior to the intended date, except in certain circumstances. Certain exemptions are also included. I was interested in Deputy Naughten's suggestion that

the one month time limit for the completion of marriage notification should be extended. That suggests his honeymoon will be a round the world trip.

**Mr. Naughten:** I will be around to keep an eye on the Deputy.

**Mr. Finneran:** I wish him well whenever it happens. I am sure that will be well received by many people.

**Mr. Naughten:** I will be back in plenty of time.

**Mr. Finneran:** Regarding the registration of births, I welcome the co-ordinated structure being put in place. It is important that births may be registered with any registrar as opposed to the present system where a birth can only be registered by the registrar of the district in which the birth occurred. I welcome the provision to extend the time limit for registration from 42 days to three months. The procedures for the registration of the birth of an abandoned newly born child are of vital importance. I welcome the procedures for the registration of a child's father's details where the parents of the child are not married to each other. Re-registration or late registration functions will be delegated to a superintendent registrar at local level. These are tactical measures in the legislation, which must be welcomed. The Bill also deals with the registration of certain births which occur on board an aircraft or at sea. We do not often think about such occurrences. I must commend those who drafted the Bill on their thorough work.

Regarding the registration of stillbirths, little was said about stillbirths in the past. However, I am glad that maternity hospitals and other organisations now provide an opportunity and a forum for people who have suffered such a loss to express their grief. I am glad that the time limit to register a stillbirth has been extended from three months to 12 months because it is a traumatic time for parents. Three months was too short because people were not in the frame of mind to deal with such an important matter. The fact that a qualified informant may include a relative of the parents in some circumstances is a practical way to deal with the matter.

On the registration of adoptions, I welcome the fact that there will be a single register for adoptions. The Adoption Board will act as the registrar. The Bill also provides that information contained in the register of adoptions, or an index, which links this register and the register of births will not be available to the public except by order of the Adoption Board or a court order. These are important practical issues which had to be dealt with in legislation. I am sure other issues may arise in the future. Members have raised issues on Second Stage which will be addressed on Committee and Report Stages. The legislation is thorough and seems to cover all the necessary areas.



[Mr. Finneran.]

Regarding the registration of deaths, a death may be registered at any registrar's office. That is important. The time limit for registration has been extended from five days to three months, which is a practical provision in the legislation. Another practical provision is that the list of qualified informants has been extended to include undertakers. The registration of a death which occurs on board an aircraft or at sea will be dealt with in the same way as the registration of a birth. I welcome the provision which allows a coroner to authorise the disposal of a body in certain circumstances prior to the registration of a death. That may happen in exceptional cases, but it is important that it is covered in the legislation.

On the registration of divorces and nullity of marriage, a new register for decrees of divorce and civil nullity has been introduced. The Courts Service will act as the registrar in this regard because that is where the records will be kept.

Other provisions are included relating to an appeals system and to the correction of entries in the register. The Bill also deals with offences, penalties and fees, which are part of any legislation. The Bill removes the need for paper certificates for Government services, such as child benefit which was mentioned by other speakers. That accounts for approximately 40% of the total certificates issued. The Bill also deals with birth records for the purpose of allocating a personal public service number for a child and the processing of child benefit claims and it facilitates the use of marriage and death records for controlled purposes. I welcome all the provisions in the legislation which incorporate all aspects of civil registration.

As a Government Deputy for Roscommon, I am interested in civil registration because the General Register Office is located in Roscommon town. While the policy decision to implement that was taken in 1992, nothing happened until 1997 or 1998 when the Government facilitated the transfer of 30 civil servants to temporary accommodation. Part of an industrial unit was renovated by the Office of Public Works to accommodate them.

It is a wonderful service because all the records are computerised. The facility was praised at a recent Government press conference. I am told it is one of the finest facilities in Europe. It has protection instruments which allow it to operate in a way which would not be possible in other parts of the country.

Construction began recently on a new Government office block in Roscommon town. It is expected to be finished before the end of 2004.

All the civil servants already in the town, including those in the General Register Office, will move into this fine new facility, which cost €10.5 million to build. The Minister for Finance, Deputy McCreevy, who cleared the office block for Roscommon and provided the finance, laid

the foundation stone at the end of last year. It will be a state-of-the-art, 50,000 sq. ft. Government office block which will accommodate civil servants already there from the Departments of Agriculture and Food and Social and Family Affairs, and from the Revenue Commissioners. It will also take in the General Registry Office which will bring approximately 25 more civil servants to Roscommon. The Land Registry with 230 civil servants will also move to Roscommon. I was pleased to see an advertisement in the newspaper at Christmas for office submissions to be in by 16 January for office accommodation. That is on target and is a great boost to the town and county of Roscommon.

I am glad as a Government Deputy to have been part of that initiative, with the Government supporting my proposal and that of many others. I hope in any further decentralisation the towns of Boyle and Ballaghaderreen and other areas in the north-west of the county will be considered. We support their claim and demand in that area. I commend the Bill to the House.

**Mr. S. Ryan:** I welcome the opportunity this evening to make a contribution on the Civil Registration Bill 2003. I welcome its thrust in that it provides for a new legislative framework for civil registration and supports and enables the modernisation of the system. As a member of the Labour Party, I am aware of the need to reorganise the system which was introduced in 1844. The Labour Party in its limited period in government endeavoured to deal with this, perhaps in a less comprehensive way but by dealing with certain elements of the system. The Labour Party introduced a Stillbirths Registration Act 1994 which provided for the first time a statutory system for the registration of births of stillborn children. This has proven to be a great benefit and comfort to the parents of stillborn children. We were also involved in the Registration of Births Act 1996 which for the first time provided a birth certificate which treated mothers and fathers equally. Prior to that under the registration of births system information was requested regarding a father's occupation but not a mother's. We are conscious of the need to deal with this system and support the proposals in the Bill.

Ireland has changed considerably to become a multi-ethnic and multi-cultural country. This was clearly demonstrated during my recent visit to John Paul II school in Malahide, and to Educate Together and Scoil Brian Boromhe, both in Swords. There were over 20 non-nationals enrolled in John Paul II school where they added a new dimension, and it was good to see them all working and being educated together. Similarly, in Swords Educate Together there were 19 non-nationals. While they come to terms with and adapt to our customs and practice it would be wrong not to accommodate their culture and practices, and it is important that we regularise the registration of all marriages and so on.

The system has changed dramatically, life expectancy has extended and the average ages of parents and of brides and grooms have shifted. In 1926 the average age of a groom was 35 and a bride was 29. In 1978 the average age for a groom was down to 26 and for a bride to 24. These averages have changed again. In 1996 the average groom was 31 years of age and the bride was 29. That must be considered. The attitude to marriage has changed too. In 1949 when the population was less than 3 million there were 16,000 marriages whereas in 1996 in a population of 3.6 million there were 16,174 marriages. In 1971 there were 22,000 marriages in a population of 3 million. Fewer people are marrying today and this must be recognised.

Another factor to consider is the need to have at our fingertips information on deaths, marriages, divorces, judicial separations and nullity. On the basis of the information available, the total number of people who applied for divorce in the year ending 1997 was 431 and in the year ending 2002, the number was 4,000. In that period, more than 20,000 people availed of divorce. One might ask what good is this information. The information needs to be readily available so that we can plan for the future.

As I said earlier, I believe the Bill is worth supporting. It is worth supporting in the context that the time limit for the registration of births has been extended from 42 days to three months. In regard to registering births, it is important that people have speedy access to birth certificates because they may need to apply to get on a local authority housing list or apply for a loan from a local authority. Some people may have been born somewhere in rural Ireland. These are simple issues with which public representatives deal on a weekly basis. It is important that we have the information available, utilise the technology and get it to the general public as quickly as possible.

I want to raise the question of who is responsible for providing a death certificate. Some people die at home while others die in hospitals and nursing homes. The mother of a friend of mine was in a private nursing home for a considerable time. This woman died when my friend was away and three or four weeks later it was discovered that the death had not been registered. It is all very well to say that it is up to the relatives to register a death, but I believe there is a responsibility on proprietors of nursing homes to register deaths. This issue should be dealt with in the Bill.

The Bill provides for the registration of the birth of an abandoned newborn child. This issue is being dealt with positively. I have dealt with the issue previously. Many of my colleagues referred to the registration of stillbirths. This is a very difficult time for parents. It is a sensitive issue which needs to be dealt with sensitively. The proposal in the Bill that the time limit for registration be extended from three months to 12 months is a very positive development.

I am aware that the Minister intends to develop the Bill to include regulations to deal with marriage and reform of the marriage law. I understand the issue may be dealt with on Committee and Report Stages. It is important to acknowledge that in 1998, Senator O'Meara sought to introduce a Bill to liberalise the law by allowing for civil marriages in venues other than in a registry office. While the proposal was not successful at the time, I am pleased the proposals of the interdepartmental committee on reform of marriage law can be incorporated into the Bill. We are all aware of the inadequacy of some registry office accommodation. More and more people are now opting for civil marriages. They look forward to their special day and to bringing their relatives and friends with them. If one travelled the length and breadth of this country, one would be lucky to find a registry office that would cater for more than two or three people. I strongly commend the proposal to allow for civil marriages in venues other than registry offices. Couples should be free to select a location but obviously the venue for a marriage ceremony should be a dignified one. These issues can be provided for by way of regulations or in the development of the legislation itself.

On solemnisation of marriages, from my analysis of the proposed recommendations, it is intended that a list would be drawn up by the various churches for those who would be able to solemnise a marriage. Many couples who may wish to marry in a church may have relatives or friends overseas who are priests but who would not normally be registered or have the authority to perform a marriage. Obviously there will be provision in the Bill to deal with this issue. I hope the Minister and her officials will take a flexible approach to facilitate this need. Given the new technology, perhaps people could register and put their name forward to the church authorities in order to facilitate the solemnisation of the marriage of relatives or friends.

Much can be said about the Bill which seeks to regularise the registration of births, marriages and so on. In supporting it, I hope the Bill will be public-friendly. It will make it easier for the registrar to interact with his or her officials throughout the country, which was a major task in some cases over the years. We will have a contribution to make on Committee and Report Stages. The Bill represents a positive move, it is long overdue and I commend it.

**Mr. C. Lenihan:** I commend the Bill to the House and am glad to see that Deputy Seán Ryan is supporting it. I commend him for his public acknowledgement in the House of the changing nature of Irish society and of its multiethnic character, which we both see in our constituencies. Furthermore, I commend him for recognising the need to respect ethnic and religious diversity. It is important that Members acknowledge this, especially because there is in

[Mr. C. Lenihan.]

Ireland a worrying trend of racism against ethnic minorities who come to our shores to work and make a living. It is important that we acknowledge that no party in the House has chosen to abuse this particular issue in a niggardly and awful way through racism or sought to build votes around a racist platform.

This Bill represents a milestone. The last time we had legislation of this kind was in 1845, a time in our history that presaged the famine and mass emigration. The famine was a tragic event in our history, and the population went into decline thereafter. It was also a period of failure in economic and social terms. In recent decades we have gladly seen a complete resurgence in our fortunes to the extent that we are now introducing a Bill that consolidates previous legislation, brings new technologies to bear on the essential and eternal issues of birth, marriage and death and mirrors the social complexity about which Deputy Seán Ryan spoke.

The Bill also contains an idea that perhaps would never have been envisaged in 1844 or 1845, namely, that of formalising the approach to adoption, nullity and divorce. These are the modern eternal that accompany the other eternal human milestones that define our lives and society. It is important that we acknowledge that our population is again climbing and that it may not be long until we achieve the population we had attained prior to the famine. This is a great indicator of success and a great tribute to the many political parties in the House that have led this new State since independence. This Bill is, in a way, an expression of our sovereignty as a country, state and nation. We are again asserting our sovereignty in the all-essential areas of birth, marriage and death. It may not be a controversial Bill — there is all-party agreement on it — but it marks a very significant milestone in our social development.

It is instructive to note that the United State enjoys pre-eminence in the increasingly global economy that now obtains, to the extent that it is responsible for 35% of the world's economic activity. One of the main reasons America, particularly the United States, has achieved this pre-eminence is because of its assiduous routine collection of data on its own society, ranging from the very ordinary to the extraordinary. It is important that our society, which is successful and has full employment, rediscovers its interest in this particular area because, for years, particularly during the 1970s and 1980s, which were characterised by economic failure, there was also a systemic failure in the collection of basic raw information about our society, economy, people and their way of living.

I am glad the Central Statistics Office has achieved a huge increase in its budget in recent years and that we are now seeing proper, reliable statistics that can inform the work of policymakers and lawmakers in their daily work

in the House and the work of civil servants outside the House in support of what we do. This Bill will only add to our capability in this regard and afford to us reliable information about our population at the touch of a button. I hope it can be made available to all Departments when there is a relevant issue to be inquired into. This is an extremely important part of the Bill. For the first time, we are using the new technology in the area of data capture and I hope it will be put to the service of policy development in the future.

I commend the Minister for Social and Family Affairs, Deputy Coughlan, for her initiatives in this regard. Her Department has been a fantastic, innovative Department in the area of developing new technology and transparent, accountable and properly functioning systems of data collection, thus allowing the ordinary citizens who rely so often on us as public representatives to vindicate their rights regarding many social services. If we can master and develop this data collection system better, public representatives will not have to be in the position they are in week in, week out, whereby they have to intervene and gain access to the system to vindicate very basic rights and entitlements where a citizen feels he or she has been denied them because of poor paperwork or mistakes that have been made, however inadvertently. It is important that this Bill goes a great distance towards doing this.

The Bill also helps us clarify the changing nature of our society. Deputy Seán Ryan rightly pointed this out in terms of marriage statistics and the changing nature of fatherhood and parenthood. The decline evident in our marriage statistics is remarkable, as is the growth in single parenthood. Instead of being conservative and looking at this as some sort of terrible thing, it is important to consider the more optimistic side. For instance, the statistics clearly show that many single parents enter a married or settled relationship within five years of their becoming single parents. According to one particular survey, two thirds of them do so. It is not all bad news, yet there is a tendency among the more conservative elements in this House and society in general to look with great trepidation at these changing social norms in terms of marriage, including second marriages, etc. We have to be open to the idea that it is not just a negative development and that it may, in the longer term, prove to be somewhat more positive than we now believe it to be.

The Minister, who is a new Minister in the Cabinet, should be commended for the speed at which she is implementing this change in a Department that has generally innovated in terms of technology and made basic entitlements much more accessible. However, there is still a long way to go in this regard. The central register, as it develops under the framework set out in this Bill, will allow for the steady rolling out of those entitlements in a proper and transparent manner. The fact that 40% of the work associated with

the old register involved the generation of paper certificates is very instructive and underlines for us the huge importance we should attach to e-government and making our State one of the best in the world at providing electronic payments and information in a timely and proper way. This will give us a distinct advantage as we go forward, not just in respect of social services and their provision but also in respect of the private sector.

I hope that within the lifetime of this Government, or its successor, we will be able to transact at least 90% of our business electronically, both in the private and public sectors. This would afford a significant competitive advantage to the country. We have a strong, literate, well-educated population relative to other countries, particularly the countries acceding to the European Union in May under our Presidency. We have a significant, embedded advantage in terms of literacy, general intelligence and educational qualifications and we should adopt electronic systems as fast as possible because it will be to our advantage economically, socially and in terms of vindicating the rights of the citizen. Given that we are a republic, this should be the central focus of all our efforts in this House and the efforts of all policymakers and civil servants. We are here to serve the public and ensure they get the basic information to which they are entitled as quickly as possible. I commend the Minister for Social and Family Affairs for establishing a committee in the Department to examine the effects of the public service identity number on other Departments. It is a positive development. The committee should examine the idea of a smart card for public services.

Last weekend the former leader of the Labour Party, Deputy Quinn, stated he supported the possible introduction of an identity card. It is crazy that we do not have one. We are an open country but, in this era of transparency and greater accountability, it is important that there should be an identity card system in order that people are not detained for too long by law enforcement agencies when their identity must be established. If people have nothing to hide, they should present their identity card and move on. It was refreshing to hear a former leader of the Labour Party advocating such a system. When I lived in England in the 1980s, there was a debate on an identity card system and those on the libertarian right and the far left came together in an unholy alliance to suggest that it was wrong and an intrusion on the part of the state into a person's individual freedoms. I fundamentally disagree. It is good to hear that Deputy Quinn advocates such a system.

When we are collecting statistics and information about the population, it is important that there is system in place to vindicate rights quickly on production of an identity card. The smart card is designed to improve service delivery but once there is proper data protection, we

should consider the introduction of an identity card. It would assist all State agencies in their dealings with citizens, from law enforcement to the Department of Social and Family Affairs and from the Revenue Commissioners to immigration officers at airports who are seeking to establish if people have the right to be in the country.

I also welcome the answer of the Minister for Justice, Equality and Law Reform to a parliamentary question I asked yesterday on this topic. In the last two years 11,000 people who sought to remain here illegally were turned away or removed from the country. That is a good sign because it is wrong that nationals or non-nationals who have a legitimate right to be here are subject to a question mark about their presence as a result of illegal immigration. We must get tough on illegal immigration, an issue that affects all of Europe.

Many speakers have referred to the sensitivity of the new provisions on stillbirths. They are positive and proper and allow hospital doctors and midwives, where births occur outside the institutions, to register them. They also allow for an extended period for people to register such tragic losses. Those who go through this experience a great deal of trauma and it is important that the State is not too rigorous and extends the period of notification.

I welcome the fact that the identity of a person who gives up a child for adoption will not be made known except through a court order or an instruction of the Adoption Board, a positive development that has been confirmed in the Bill. It would be invidious if the situation were otherwise.

Our population is rising once more and, as we try to consolidate the economic and social success of recent years, we must harness this system and use it properly for the efficient delivery of services. We must answer constituents' questions about entitlements but all Deputies accept that we would prefer not to be involved in such work. We must establish a State system that reflects our modernity and wealth. Transparent and efficient delivery of public services for citizens, proper systems of appeal and proper data collection are at the heart of that idea. If we do not collect the information properly, we will not be able to develop systems that benefit the citizen and society to the maximum extent. I served with the late Deputy Jim Mitchell on the Committee of Public Accounts and we were astounded week after week when we questioned Departments at the absence of recorded information. We often found policy was arrived without the requisite information or its close examination that should inform every decision made by the State or one of its agencies. It is vital that we get our act together.

The Bill is a major milestone. For the first time since 1845 we are taking responsibility as a State and rigorously collecting our own information. I support an identity card system. It would be a positive move and overcome the recent decision

[Mr. C. Lenihan.]

of the courts that an Irish-born person can be asked for evidence of identity but someone who is potentially an illegal immigrant with no right to be here cannot be challenged. We must correct that decision to ensure everyone enjoys the same rights and that those who are entitled to be here are granted their rights quickly. There is a whole industry in the House of our vindicating the rights of citizens that have been improperly denied. It would be better for the State as a whole if we were not involved in such work and spent more time on policy and decision-making.

I commend the Bill and compliment the Minister for Social and Family Affairs on the work she is doing. She is a Minister of great promise and will go far because she has conducted herself with efficiency and aplomb in this difficult role. In the 1980s no one wanted to be the Minister in charge of social welfare and it is indicative of the changes that have occurred in our fortunes that no aspirant to ministerial office would object to being appointed to the Department of Social and Family Affairs.

The Department has also transformed itself from the bad old days when it grudgingly granted people their entitlements. There is a transparent system for the explaining and granting of rights, a major change for which the civil servants in the Department deserve credit. Members must deal with all Departments and dealings with the Department of Social and Family Affairs are always positive. The same cannot be said of certain other Departments in terms of their response times to our many and detailed queries. I commend the Department on its work. I congratulate the Minister and I commend the Bill to the House. It is not greatly controversial. It rightly enjoys cross-party support.

We are dealing with the great eternal, birth, marriage and death. I welcome the continuance of the three-month notification requirement in terms of marriage. I wonder, though, whether it takes from the romance of the situation because there is now no possibility of a "quickie" marriage in Ireland. It must be a long bureaucratic delayed process, albeit involving new technology. Britney Spears would have difficulty getting married in Ireland.

**Mr. Connolly:** I propose to share my time with Deputy Ryan of the Green Party.

This Bill is the first major reform of the civil registration system since its original inception in 1845 during the time of the Famine. Civil registration throughout the world is vitally important in securing and protecting basic human rights. It provides the individual with a name and identity in society, evidence of parentage, evidence of entitlement to inheritance and a facility for marriage. Reform is necessary if the system is to respond to the changing needs of society, provide a customer-focused service and take advantage of opportunities provided by technology.

Since its introduction in the middle of the 19th century, the system has changed little. In my constituency the system has deteriorated significantly since Monaghan General Hospital was taken off call on 1 July 2002. Since then a situation arose where a child's place of birth was recorded as "Cootehill Road, between Cootehill and Ballybay". This detail would also be recorded on the child's birth certificate. That is simply unacceptable, even under the previous system which required people in the area where the event happened to give information in person. No reflection is intended on the ambulance driver, the emergency medical technician or the administrative staff who have to cope with such emergency situations regularly on roadsides. It is a more frequent event now.

Such events regularly occur en route from Monaghan General Hospital to Cavan Hospital or Drogheda Hospital. In these circumstances neither the ambulance driver, the mother of the new-born baby, nor the medical or administrative staff have any way of knowing the name of the townland in which the birth took place. A system must be put in place where birth can take place and details can be recorded affording mother and baby a modicum of dignity and respect at what should be a joyful event.

When an expectant mother in labour presents at Monaghan General Hospital, there should be no suggestion of the risk being taken that the birth could occur on the roadside. A baby should have the right to be born in hospital when its mother presents in such circumstances. It merely serves to underline the folly of closing the maternity unit at Monaghan General Hospital. A mother in labour, diverted from Monaghan General Hospital, does not know whether her baby will be born in County Monaghan, County Fermanagh in Northern Ireland — it could be a dual passport holder if that happened — or in County Cavan, although this is possibly the last thing on a mother's mind at such a time.

I have frequently stressed the necessity of providing a birthing area in Monaghan General Hospital as a stop-gap measure. This would preclude the possibility of such birth registration anomalies occurring with increasing regularity. Such risks should not apply to a modern health service even in a banana republic. It is understandable that a hospital should have a ballpark figure as to when a child will be born. The question of where is a different matter and carries a major element of risk. It is not a matter of rocket science. Surely it is not beyond the ingenuity of the Department to devise a system to ensure that births of babies born in Monaghan should at least be recorded appropriately and with propriety.

I am happy to note that the record of births, marriages and deaths will be computerised, thus making it more accessible when driving licences, passports and other Government services are applied for. Prior to now, the *cláraitheoir* had to

use pen and ink to enter the information on a paper register. Then a birth certificate was issued which would help to prove entitlement to a variety of aforementioned services.

Under this system the registrar would register births collectively rather than individually and occasionally would register a batch of births as having occurred on the same date. Accordingly there were cases of people who had been baptised barely three days after their birth only to discover that their date of birth had been registered up to a month later so that officially they had the documentation to show that they were baptised before they were born.

I can envisage the need for birth, death and marriage certificates eventually disappearing for most official purposes as a central database will contain the records. However, one of the principal omissions from the Bill is any provision for a register of guardianship for non-marital children. An unmarried father currently does not have an automatic right to guardianship of his child, while the mother is recognised as the sole guardian. The status of guardianship, as distinct from custody or access, involves a number of legal rights, including the right of consultation regarding the child's physical, religious, educational or moral welfare. For a child's father to become a guardian, he must have the mother's consent, and there is a requirement that the couple swear a joint statutory declaration before a solicitor. The statutory declaration document will be the only evidence of the father's guardianship since no official record is kept of his new status. If the mother refuses, the father is forced to take the legal route and the court maintains a formal record of any decisions.

If the statutory declaration document were lost or otherwise mislaid, whether accidentally or deliberately, it would be impossible to prove that the father was the joint guardian of his own child. Such a situation would be farcical and it could lead to protracted legal battles, which would be in nobody's interests, least of all the child's. It amounts to a perversion of natural justice that a father should be expected to provide maintenance and support for his child but may have no legal rights as a guardian. The situation in the UK is considerably more rational and acceptable. There an unmarried father may acquire rights of parental responsibility by signing a consent form which then becomes a court record. I call on the Minister to consider including the registration of guardianship in this Bill, which is otherwise to be welcomed.

The provisions for the registration of deaths fall far behind EU standards. We should include the place of birth in the death certificate, making it easier for genealogists and removing ID fraud and the possibility of helping criminals in other matters.

**Mr. Eamon Ryan:** I welcome the opportunity of speaking on two issues in which I have an interest, marriages and deaths. The registration of

my children's births was at such a shocking and traumatic time that I cannot remember what I would have done differently, but I was reasonably happy with my own experience of it at a very joyful time. I have had experience in the State, and I hope we will use this Bill as an opportunity to improve conditions regarding the registration of marriages and also death.

I, and certain friends of mine have experienced significant difficulties regarding the registration of marriages outside the church where they take place in a State register office. The difficulties are manifold. The first and main one is that we do not select the best locations for such civil public marriage ceremonies. In certain counties the facilities where the marriage is carried out are in very isolated places, often a car park close to an industrial estate, somewhere that is very unattractive for such a celebratory event. It behoves the State, at a time when many people are moving towards the civil registration of marriage, to provide the very best civic space that is available. I went to the wedding of a friend in France in a local village. It was a remarkably different experience where the mayor of the local village went through an elaborate and honourable ceremony in the town hall. It was more onerous in a way than the church ceremonies one goes through here. A strong civic obligation was put on the couple in question to raise their children well and to look after each other. There was a sense that the State was taking the occasion seriously and using its best facilities. It was the best building in the town. That is something we should strive to change in this country so that the town hall is made available on a Saturday or Sunday to try to fit into people's schedules rather than the present situation where couples have huge difficulty in terms of times and location when arranging civil marriage ceremonies. That is a general point with regard to the provisions and intent of this Bill.

The second issue is more specific, but it is important. That is the need to provide far more detailed information in death certificates than at present about the deceased person. It is not sufficient to simply give the date of the death and the person's name. Far greater detail should be given whether it is the birthplace, maiden name, date of birth and so on. A whole range of different reasons may give rise to queries in this regard. There was a case in the newspapers recently where someone had died and the death was recorded, but the body had to be dug up so that the person's identity could be checked. For the purposes of family history and genealogy and so that proper records are kept, a death certificate is needed which provides far greater detail. I hope the Minister will ensure when the House gets down to discussing the details of the Bill that as much detail as possible is given in such certificates.

**Mr. Carty:** I would like to share my time with Deputy Cooper-Flynn. I welcome the Civil

[Mr. Carty.]

Registration Bill 2003 to the House. The Bill provides a new framework for civil registration and will enable the service to be modernised. No great overhaul of the service has taken place since its inception in 1864. From that date births, deaths and Roman Catholic marriages had to be registered. That was 140 years ago and while it has served us well it is now necessary to update and modernise the system.

I am interested in genealogy and am not surprised to hear that 1.2 million searches of registration records were carried out in 2003. While I appreciate that not all of these were for genealogical purposes, it is important that we had them. Had we not had these records available a huge amount of revenue would have been lost to this country. People doing family research find the time it takes to get certificates of births, marriages and deaths frustrating. I hope that new modern developments in technology will speed up this process. I also hope that it will not be more expensive than at present.

I welcome the fact that since September 2003 all new birth registrations are transferred electronically to the Minister's Department for the civil registration computer system. This allows a personal public service number to be allocated to a child a few days after birth, linking him or her to other members of the family and expediting the payments due. I hope this system will be replicated for applicants for pensions and other payments. Elderly people find the amount of duplication particularly frustrating when they apply for the free schemes, ESB, telephone, TV licence and free travel. From now on there should be none of this. The applicant should be able to tick a box for the scheme he or she is applying for and it should be processed automatically.

The death of a member of a family can be traumatic, especially if it is sudden. I note with satisfaction that section 37 of the Bill allows a death to be registered by any registrar. More importantly, it allows the death to be registered by specified staff of a hospital or institution at which the death occurred or by an undertaker. The time allowed is extended from five days to three months. This allows the family time to grieve and does not put undue pressure on it to carry out this duty. That is a positive element of the Bill and I commend the Minister for the way she has introduced it.

I would ask the Minister if it would be possible to have the birth registered in Irish as well as English. This would be especially important when applying for a passport. Some people's first names are in Gaelic and these are sometimes long. For example, the old spelling of Iarla, patron saint of the Archdiocese of Tuam was Iarfhlaith in Gaelic. This can often cause confusion. I can see some merit in having it in both versions, plus the fact that there is now a movement to have Irish recognised in the EU as a usable language.

I would also bring to the Minister's attention the fact that children born outside the State, in Arabic countries, have their birth certificates in Arabic. These are children born to Irish parents who were working in the Middle East and have now returned. Would it be possible for the Minister to allow those children to be re-registered in Ireland and issued with an Irish birth certificate as is current practice in the UK and other EU countries? I commend the Bill and congratulate the Minister and her officials for bringing it forward.

**Ms Cooper-Flynn:** Like my colleagues I welcome the opportunity to speak on the Civil Registration Bill 2003. Before I address the sections that are of particular interest to me I must comment on my experience of the service as it currently exists, both in Dublin and in my own constituency. I have always found staff particularly helpful and friendly, but it is an extremely bureaucratic system. Any manual system of this type could not continue into the future.

It is great to see the Bill being welcomed on all sides of the House. This is hardly surprising, given that the civil registration system has been with us for almost 150 years. In all that time there has been almost no change to the system, despite the enormous changes in society, developments in technology and the expectations of people in dealing with services both locally and nationally. This Bill was a necessity. I would like to compliment the Minister for bringing it before us. Hopefully, it will have the support of all sides of the House.

Over 110,000 events are registered every year, half a million certificates are produced and 1.2 million searches and inquiries are carried out. I have had to use the service on many occasions in my role as a public representative. There have been difficulties over the years because of the bureaucracy involved. I recall one person from the US trying to trace her family here in Ireland, with fairly scant detail. Trying to carry out a search on a manual system made it almost impossible for her to trace her family in this country. I have had a number of other experiences that I will detail later when dealing with different sections of the Bill.

Civil registration forms the basis for a continuous source of information about the population, which is important. Apart from providing a record of vital events on persons living in the State, these records satisfy the need for evidence, which has a bearing on rights, entitlements, liabilities, status and nationality. They are used along with other data sources for many purposes such as the planning of schools, hospitals and housing and for medical research into the causes of and prevention of disease. These details also provide a rich source for people tracing their family history and for compiling family trees. The main objective of the

Bill is to rationalise procedures for registering births, stillbirths and deaths. It outlines the responsibilities of the general registrar and *vis-à-vis* the health boards which oversee matters locally. It streamlines much of the existing procedures governing the registration of adoptions, which is something I welcome. With the changes in society a new register of divorce and nullity of marriages needs to be established as well as the reform of procedures governing the registration of marriages. There are eight parts to the Bill.

The Minister drew attention to the modernisation of the civil registration system. The benefits of technology have enabled this to happen. As a result of the introduction of technology, we will provide an improved service for our customers; there will be longer opening times to facilitate registration and greater efficiency for those carrying out detailed searches on foot of little information. The new system which will be electronically controlled will facilitate more accurate searches. There will also be a nationwide standard which is important.

While I commend the local services in my constituency, it is important that we operate to the same standard throughout the country. The new electronic system will make this possible. Obviously, it will have to register divorces and civil annulments on a central register, a matter on which I will speak further later. The electronic capture and transmission of vital statistics on life events to a central statistics office and the sharing of data with designated Departments are to be welcomed.

I also note that the new system will streamline the process in respect of child benefit. The necessary documentation and form filling within a number of months following the birth of a child are cumbersome, particularly when the information is contained on a State register. There is no reason such information could not be sent directly to the relevant Department. That is one of the benefits that will result from the Bill. I welcome this provision.

We have all heard particular stories within our constituencies. A story which came to my attention a number of years ago related to an error made when an authorised person within a hospital registered a particular birth as female rather than male. I made many representations over a number of years to try to have the error amended. That genuine mistake by an authorised person in the hospital caused great distress to the family and child concerned. While it was possible to obtain an amended short certificate, it was not possible to have the original long birth certificate amended. Members will be aware that one is required to supply a long birth certificate with many applications. One can only imagine the explanations and embarrassment caused to the

person concerned. The mere fact that one had to explain was unacceptable.

Section 56 outlines the arrangements for the correction of entries in the registers of births and deaths discovered by local registrars and introduces a specific statutory provision for the cancellation of entries in registers by the general registrar. I would like some guidance on whether the scenario I mentioned will be covered by that section. From my reading of the Bill, it is. I welcome the modernisation of the system and, in particular, the benefits in claiming social welfare entitlements.

I would like to deal with Part V of the Bill which deals with the registration of births. I outlined the scenario where an error regarding a birth was made by an authorised person. I would like clarification on that point. It is welcome that section 19 provides that registration can be made with any registrar rather than the registrar in the district in which the birth occurred. That is an important practical step that will now be available as a result of improvements in technology. The extension of time within which one must register a birth is welcomed by many who have found themselves in that position. At that particular time there are many more important things than trying to get the documentation together within 42 days. I welcome the extension of this period to three months.

A number of Deputies on the other side have raised queries about procedures for the registration of the father's details where the parents of the child are not married to each other. We have all, in our capacity as public representatives, come up against situations where one of two or three children in a family might have been born prior to a marriage taking place. The Bill makes provision for a situation involving a married couple where there is no formal separation, divorce or nullity and where the husband departs and a child is born into a new relationship. Previously, a woman in that situation was required to obtain a statutory declaration that the husband was not the father of the child. That was an impractical requirement in many instances. My understanding from the Bill is that this can now be overcome by a different statutory declaration. I welcome this provision. The previous requirement was impractical and caused a great deal of stress for many who could not contact the individual concerned.

The Bill also addresses the anomaly of registering a birth which occurs on board an aircraft or at sea. This matter needed to be rectified.

It is welcome that the Bill deals sensitively with the registration of stillbirths. One can only imagine the emotional distress caused, not just for the mother and her partner but also for the entire family. The last thing on their minds would be the



[Ms Cooper-Flynn.] registration of the stillbirth. I welcome the fact that the time limit for has been extended from three to 12 months and that a qualified informant can now be a relative or friend. A stillbirth is no different from losing a child of one or two years of age; it involves a grieving process. I compliment the Minister on dealing sensitively with this aspect of the Bill.

Part IV deals with the registration of adoptions and provides for the introduction of a single register. Currently, adoptions are either registered in the adopted children's register for adoptions effected in the State or in the foreign adoptions register for children adopted abroad. An authorised officer of the Adoption Board will act as registrar for the purpose of such registrations.

Section 35 provides that access to the register of adoptions or an index which makes traceable the connection between this register and the register of births will not be available except by order of the Adoption Board or a court order and only when it is in the best interests of the adopted person concerned to do so. This is an important safeguard. I am sure it is only in unique circumstances that the Adoption Board will have a need to make the data accessible to the public.

I agree with Deputy Ryan on the need for death certificates to contain more detail. There is reference in the media today to a person whom it was thought was dead and buried a number of years ago and who has turned up in a pub in Spain. It is vitally important we provide accurate and precise information on death certificates.

Part VIII deals with prosecutions for offences and penalties where information is wrongfully provided. The penalties in certain circumstances are €2,000 and €5,000 and/or not more than a six month prison sentence. We can all think of inaccuracies which would make a big difference but the consequences of registering deliberate inaccuracies can be catastrophic. I do not know that any person who would have a mind to give inaccurate information on a State register would be put off by the increase of the penalty to €10,000 or €20,000. Nevertheless, I wonder if the penalty is severe enough for what can be a very serious offence. This may not happen often, but when it does it is serious and it is important it be dealt with swiftly and not tolerated.

I welcome the provision for a single universal procedure for the notification and registration of marriages. A number of people have made comparisons between the type of system we have and that which exists in other countries where, for example, it is possible to get a licence to get married a number of hours before the event. However, we have always regarded marriage seriously and we are trying to encourage people to do so rather than become a sad statistic in years to come, whether that is as a result of

divorce, separation or annulment. They should think carefully before entering into a serious contract.

I welcome the three month provision and also the requirement that a couple must attend in person at a registry office at least five days before the date of the intended marriage to declare that there is no known impediment to it. All we can do is alert people that this is a serious commitment they are making and that they should be fully informed about it. If we do that, we will go some way to reducing the sad statistics of marriage breakdown here and in other countries. I thank the Minister for the Bill, which I commend to the House.

**Mr. Connaughton:** I wish to share time with Deputy Hayes.

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

**Mr. Connaughton:** Like the many other Deputies who spoke today, I support the major principles of this Bill. The proposals are a sign of changing times and many of them should have been implemented long before now. However, it is a genuine effort to overcome problems which beset every individual in society at some stage, which explains the number of Deputies who want to speak on this matter. Every Deputy will have come across many of the problems which this Bill addresses.

The public should know about the Bill and understand its proposals because it will be to each citizen's benefit. Certain aspects of the Bill could go further and I am sure that during Committee and Report Stages, changes I have heard suggested from both sides of the House will be implemented. Given that I live along the Roscommon border, I am glad to see the decentralisation of the General Register Office to Roscommon and assure the House that it could hardly come to a better place.

The objective of this Bill is to rationalise procedures for registering births, stillbirths and deaths, the registration of adoptions, the establishment of new registers of divorce and civil annulment and the reform of procedures governing the registration of marriage. It will also address the important matter of facilitating the future linking of life events from birth to death, from womb to tomb. There is something in this Bill for every person in society.

I have often heard that there is no sound in the English language that means so much or is so pleasing to a person than the sound of his or her own name. There is no document I know of which is as important a base document to a person as his or her birth certificate. It is not possible to go through life without having access to a proper and correct birth certificate. In the years I have been in this House, I have come across a number of

individuals who, for a variety of reasons, were unable to get what they regarded as a proper birth certificate. That might be hard to understand and it was not the fault of the system but for various reasons it was not possible.

We could spend all night debating the importance of birth certificates and marriage certificates. However, proper death certificates, as many Deputies have stated, are extremely important and impinge on the worlds of commerce, inheritance, family settlements, court cases and so on. Many procedures cannot progress until there are proper death certificates to prove a person died at a certain time and from a certain cause.

There is no magical science about the registration of births, marriages and deaths, given that we have been doing it for over a century and a half. However, given our starting point 150 years ago, with low standards of education and living and a poor, almost non-existent Civil Service, we have done extremely well. There is a good basic fountain of information in place. I hope this Bill will mean we will be in a position to know where every individual could be contacted at a given time, although this is a huge order.

I was a member of the Joint Oireachtas Committee on Health and Children a few years ago when we had before us a number of eminent medical people on the question of the three-in-one MMR vaccine for children. It appeared to most of us who had children that it should have been administered but were told the surveys found that although 95% or 96% of parents wanted their children to have the vaccine, the health boards were able to contact only 70% of them. It would be far better if the register of births could be administered in such a way as to get into the hands of the health boards in order that when there might be a call up of three year olds, two year olds or seven year olds the result might be better than 70% or 75%. That is what I would call sophistication in data processing and I hope this Bill will be able to arrive at that situation. It is not too much to expect.

We have reason to be thankful to church authorities for their record keeping over the years. They have been clear and thorough in their records of births and marriages. Many of the records of our national schools are also important to those researching their history.

I note the huge throughput of business in the registration of births and marriages. As the Minister said earlier, there were 110,000 life events registered, 500,000 certificates produced and 1.2 million searches of registration records in 2003. Although I do not know what constitutes a search, that represents a great deal of searches in any case.

Debate adjourned.

## Private Members' Business.

### Economic Plight of Irish Emigrants: Motion (Resumed).

The following motion was moved by Deputy Rabbitte on Tuesday, 27 January 2004:

That Dáil Éireann:

— acknowledging that hundreds of thousands of Irish people were forced, through economic and cultural circumstances to emigrate to Britain to earn a living through manual work, particularly during the 1950s and 1960s;

— conscious that this group is believed to have remitted, between 1939 and 1969, the sum of £3.5 billion to this country in that period which played a crucial role in sustaining families and communities at a time of dire poverty;

— shocked at the appalling conditions in which many of these now elderly Irish citizens are forced to live, which were depicted so vividly in the "Prime Time" programme broadcast on 22 December last;

— acknowledging that while a number of Irish Governments attempted to address some of the issues concerning the plight of this generation of Irish workers, not enough was done and that there is no excuse for the failure to tackle these issues during the Celtic tiger period;

— believing that the failure of the Government to act in a time of relative economic plenty and especially the shocking decision to cut funding for DION by 5% in 2003 is a particular stain on its record;

— condemns the failure of the Government to implement the recommendations made by the Task Force on Policy Regarding Emigrants, published in August 2002;

— calls for the early implementation of the report's recommendations particularly the establishment of a new structure to co-ordinate the provision of services for Irish emigrants and communities abroad, the Agency for the Irish Abroad; and the establishment of a funding scheme for the provision of care and support services to

elderly returning emigrants in supported housing accommodation.

Debate resumed on amendment No. 1:

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

“— recognises the great contribution that many Irish emigrants have made over the years to the development of their adopted countries as well as to Ireland;

— acknowledges, however, that some of those who left were inadequately prepared for the challenges of living abroad and require special assistance and support;

— commends the decision of the Government to establish the task force on policy regarding emigration and welcomes the publication of the task force report in August 2002;

— recognises that the task force report represents a template for future action in this area and that the implementation of its wide-ranging recommendations will have to be phased over a number of years;

— acknowledges the efforts made by the Government so far to implement the recommendations of the task force report;

— welcomes the Government’s priorities in targeting resources on the most needy among our emigrants, including the elderly, those who are at greatest risk of marginalisation and social exclusion as well as returning emigrants, and on improving the capacity of voluntary organisations to provide more effective services for emigrants;

— welcomes the changes in pension eligibility introduced by the Government and the consequent increase in pension entitlements for emigrants abroad which this year is expected to amount to €80 million;

— welcomes the allocation of €4.063 million this year in the Vote for the Department of Foreign Affairs for emigrant services; and

— commends the Government for its commitment to address the needs of our emigrants abroad.”

— (Minister for Foreign Affairs)

**Ms O’Donnell:** I wish to share time with the Minister of State at the Department of Agriculture and Food, Deputy Treacy.

The Government has provided assistance to Irish emigrants, particularly in Britain but also in the US and Australia, for many years. The total

amount allocated in recent years is €18 million to Britain and €4 million to the US.

Ireland’s emigration story is remarkable. Of the 3 million citizens living abroad, almost 1.2 million are Irish born, which is one third of the current population. That indicates a significant rate of emigration, particularly over the past 30 or 40 years. Emigrants have made an enormous contribution to the development of this country, as well as to the many societies in which they have settled. The majority of our emigrants are well integrated, living productive and happy lives abroad and are contributing greatly to their adopted countries. As the Minister for Foreign Affairs stated last night, the story of Irish emigration is not all doom and gloom and tragedy. It has many positive aspects and should not be seen through the prism of failure.

Thankfully, the number of emigrants has declined considerably over the past few years and, of those who emigrate, only a small proportion require special support. Recent research indicates a greater number of migrants are moving from Britain to Ireland than from Ireland to Britain and that is a welcome change.

Although, the motion focuses on the negative stories of poverty, loneliness and the needs of a particular group of post-war emigrants in the UK, the Government has done a great deal for emigrants in recent years, although we need to do more. Financial assistance for emigrant services abroad has increased substantially. The DION fund has been allocated €3.57 million this year, which is almost six times greater than its allocation when the previous Government took office in 1997. The Government has provided more assistance for pre-departure services in Ireland and it has introduced the pre-1953 pension scheme, 60% of which goes to Irish people abroad. This year €80 million will go to emigrants under this heading.

The Government also introduced the special initiative for returning emigrants to enable them to apply for social housing without having to be resident in Ireland and it established a task force on policy regarding emigrants. The task force placed special emphasis in its report on protecting and supporting Irish emigrants abroad who are marginalised or at greatest risk of exclusion. I will illustrate this through examples of how the DION fund operates.

The DION grant of €2.573 million in 2003 was allocated to 57 voluntary organisations — 45 of which are under Irish management. These organisations provided advice and assistance to approximately 30,500 people in 2002. Irish managed organisations assisted 23,000 while the non-Irish organisations assisted 7,500. In addition, €150,000 was allocated to the Federation of Irish Societies for capacity building to enable it to provide more effective support to its affiliated organisations. A total of €2.723 million was allocated to Britain in 2003, slightly more than in 2002.

Many of the organisations that DION funds assist Irish people who are homeless or badly housed and who, in many cases, are in poor health. I have met representatives of these organisations, which include Acton Homeless Concern, Cricklewood Homeless Concern, Leeds Irish Health and Homes and Rehab UK in Coventry. For example, the Rehab Irish Elders Resource Centre, "Teach na hÉireann", in Coventry has been supported by DION since 1999. It received a grant of €30,158 last year towards the salaries of a project manager and a support worker, who provided services to more than 150 elderly Irish people. Support from DION enables Irish voluntary organisations to provide assistance and advice to many such marginalised people. The Rehab project in Coventry is now managed by Rehab Ireland.

DION also supports the Simon Community, which works on behalf of homeless people in London. The group received a grant of €30,158 in 2003 towards the salary of an administrator-fundraiser to work on behalf of homeless Irish people in London. The Simon Community assisted 236 Irish people in 2002, which represents one quarter of its clients.

Over the past two years, half of the DION allocation went to organisations that provide services to the elderly. One of these is the Southwark Irish Pensioners Project, which has been funded by DION since 1995. Last year this organisation received a DION grant of €57,708 towards the salary of a community co-ordinator and two part-time outreach workers. The organisation has gone from strength to strength in recent years and it has 482 members. They are all over 60 years of age and 97% of them are Irish. Southwark Irish Pensioners Project operates a drop-in service and lunch club five days a week for its elderly Irish clients, a number of whom are disabled and in poor health. Such interventions make a difference to the lives of these people.

Many of the organisations funded by DION have outreach workers who seek out and befriend elderly Irish people who are living alone or homeless and who may be in poor circumstances and health. For instance, Southwark Irish Pensioners Project makes contact with lonely and vulnerable people through the local hospital discharge system and befriends others through home visits. The London Irish Centre in Camden also employs outreach workers, as do the Irish in Greenwich Project, Irish Community Care Manchester, Irish Community Care Merseyside and Coventry Irish Society. I have only mentioned a few but it is important that they should be acknowledged in the debate.

Overall, therefore, much is being done to help disadvantaged Irish emigrants in Britain. We must do more but it is not all down to the Government. In addition to financial support, it would be helpful if the various county organisations such as the Mayo Association could

make connections with, and offer support to, needy fellow countymen and women living in the United Kingdom. In most cases these elderly people will not come home but they would like to be remembered and acknowledged by their home town or county by way of contact, annual homecoming, visit or holiday. If the county associations included them on mailing lists and newsletters, it would make a significant difference to lonely Irish people living abroad.

Irish newspapers and radio programmes are vital connecting mechanisms and there are opportunities for media organisations such as RTE, which made the "Prime Time" programme, to contribute. A key recommendation of the task force report is that an agency for the Irish abroad should be established to organise services at home and abroad for our diaspora. The Minister did not rule out the possibility of such an agency last night but he indicated a preference to spend the current budget on frontline services provided by various groups and charities in England rather than spending €2 million on an expensive administrative body. A special unit will be established in the Department of Foreign Affairs to co-ordinate support services for the Irish abroad and, with the support of all Members, the budget will increase substantially over the coming years to meet their needs.

The Irish Episcopal Commission for Emigrants and the Irish Chaplaincy in Camden have lobbied for many years on the subject of the marginalised Irish in London and elsewhere and they have expressed similar concerns about the alarming rates of mental illness among poor post-war Irish emigrants in England, the above average suicide rates and high levels of alcohol abuse. These issues were properly highlighted in the "Prime Time" programme and the task force report.

At a time of unprecedented prosperity at home, we owe a debt to these elderly emigrants who now find themselves isolated and impoverished in England, after working all of their lives. Many of them worked in the building trade, which is a notoriously harsh and insecure working environment. Although their lives were hard they sent home money to families in Ireland to build up our economy when times were hard here. In this regard, it would be interesting to know what proposals, if any, the various successful construction companies in the United Kingdom, which enriched themselves on the backs of Irish labourers, have to contribute to a welfare fund for their former workers who now find themselves in dire predicaments.

**Minister of State at the Department of Agriculture and Food (Mr. Treacy):** Is cúis áthais domsa seans a bheith agam labhairt ar an rún seo faoi dhroch riocht eacnamaíoch eisimircigh ár dtíre. Aontaím leis an óráid a thug an t-Aire Gnóthaí Eachtracha, Deputy Cowen, aréir agus leis an óráid a thug mo chomhghleacaí, an t-Iar Aire Stáit, Ms O'Donnell, anocht.

[Mr. Treacy.]

I would be concerned that, as a result of the recent "Prime Time" programme the impression might be created that the Government has not been addressing the needs of our emigrants abroad over the years. Nothing could be further from the truth. My Government colleague, Deputy Cowen, Minister for Foreign Affairs, spelt out in great detail last night the continual yearly increases in support for our emigrants which the Government has allocated. The increase of €1 million for this purpose this year, to an overall figure of €4 million, clearly illustrates this position. Rightly, the majority of this funding goes to emigrant support services in Britain, the main destination of our emigrants in the 1950s and 1960s.

The DION fund is the major vehicle through which Irish Government support is channelled to the most needy and vulnerable of our emigrant community in Britain. This fund has been increased substantially over the last few years. It has more than trebled since 2000. This represents a record level of support for Irish emigrant welfare services in Britain. The additional €1 million allocated for this year was a recognition of, and a continuing financial support for, the essential work of Irish welfare organisations which assist the most disadvantaged groups in the Irish community throughout Britain.

This increase in funding over the last few years has had a number of positive outcomes. It encouraged new applicants for DION grants and new projects so that 57 organisations were approved for grants in 2002 and 2003 compared with 40 in 1999 and 2000. A total of 21 agencies were awarded funding on a three-year basis in 2002 and this accounted for 44% of the fund. Eighteen agencies are currently in receipt of three-year funding, accounting for 47% of the 2003 fund. This has created a degree of stability and permits multiannual programming.

About a quarter of the fund went to capacity building posts and projects in 2001 and 2002. This helps to secure funding from other sources and to develop organisations and allow them to operate more efficiently and will ultimately benefit the Irish community. Many of these capacity building projects continued to be funded in 2003.

The size of the grants is now substantial. There is a maximum grant of €82,530 per project, so agencies with more than one project can receive substantial amounts. In 2003, for example, €138,000 went to the London Irish Centre in Camden, €106,000 to Irish Community Care Manchester, €102,000 to the Irish Welfare and Information Centre in Birmingham, €88,000 to Brent Irish Advisory Service and €77,000 to Immigrant Counselling and Psychotherapy.

The salaries of 100 workers dedicated to the welfare of the Irish community are currently supported by DION. Others, of course, are funded from UK statutory and other charitable sources. This is double the level of three years

ago. Since the doubling of the fund in 2001, almost 30% of jobs in specifically Irish organisations have been supported by DION and in 2003 DION was supporting 35% of the jobs in the Irish voluntary sector.

From the information supplied to DION in 2003, it is estimated that the number of Irish people assisted by Irish welfare organisations in 2002 was in the region of 23,000 while up to 7,500 were helped by non-Irish managed organisations, a total of approximately 30,500.

Funding for older Irish people and Irish Travellers, one of the main priority areas of DION, has increased significantly. Almost half the fund, €1.3 million, went to these groups in 2003. Of this, €873,000 went to elders' projects, €332,000 to Traveller projects and €119,000 to repatriation projects.

As the Irish-born population grows older, the demand is growing for advice and support for repatriation of elderly people. For the past three years, DION has funded two organisations, the Return to Ireland Aisling project in Camden and the Safe Home programme in Mulranny, County Mayo. I am sure we will hear more about that later this evening. These two organisations cooperate with each other and both do great work advising and assisting elderly Irish people who wish to return to live in Ireland. Through their efforts, about 220 elderly people have returned to Ireland permanently. I know some of them myself.

Since 2002, DION has provided a small amount of funding to a number of welfare organisations for social and health related activities for the elderly. These include keep-fit classes and lectures on benefits, health and so on. This funding amounted to €25,280 in 2002 and €13,570 in 2003, due to a lower level of such applications.

We must look at this question on a global basis. We can be proud of the contributions our emigrants have made, both to their countries of adoption and to this country. The last census in the United States of America showed 42 million people claiming Irish descent. More than 100 million people claim Irish descent throughout the world.

The International Fund for Ireland, which has been so beneficial to this country and, particularly, to development in Northern Ireland, is supported by Irish emigrants in Canada, Australia, New Zealand, the United Kingdom, the United States and across Europe, who work assiduously to ensure that funds are put in place to sustain, expand and renew on an annual basis the International Fund for Ireland. That is a credit to our emigrants. We can be very proud of them and we must be grateful to them for that.

I am proud to be part of a Government that has shown its appreciation for our emigrants through the generosity of the increased cash support we have constantly given through DION over the years.

**Mr. O'Connor:** I would like to share my time with Deputy Mulcahy.

I am pleased to take the opportunity of speaking on this issue. I am glad to share the platform with my good friend, Deputy Treacy, and I am impressed by what he has said. His county, like many others, has been deeply affected by emigration.

Many of my family were emigrants. My grandfather was killed in a merchant ship off the French coast in 1917. My father joined the Irish Guards in 1937, when many young men from Ireland travelled the same path. I emigrated when I left school, went to London and thought I would stay there for the rest of my life. I came home because I was homesick, and the rest is history. At the Fianna Fáil parliamentary party meeting last night I wondered where I would be today and what I would be doing if I had stayed in London, but we will never know.

**Mr. M. Higgins:** That was a provocative question for Deputy O'Connor to ask.

**Mr. O'Connor:** It is strange how one's life can turn, and here I am. I have strong feelings about this subject. Many of us have experience of emigration. My grandfather and father went abroad and sent money home because that was how things were done in those days. Those of us who are privileged to be in public life have an obligation to speak out and to remind the Government of its obligations. I am happy to do that. I am also happy with the response of the Government, which has been along the lines outlined by Deputies Cowen and Treacy.

The "Prime Time" programme hit a nerve. It does that very effectively. While some of us might not agree all of the time with what it does, in this case many said to me it did not quite reflect real life. Those of us who have the opportunity to travel abroad occasionally see there is a difference. Nevertheless, concerns are being expressed and problems highlighted. We have a responsibility to take action.

With some colleagues, I recently had the opportunity to meet parliamentarians from Portugal. Among other experiences we shared, they told us that their Parliament reflected the need to deal with those issues. Three of the 235 MPs elected to the national Parliament in Lisbon represent emigrants and come from abroad. While I do not suggest we need to go down that road, it gives us an idea of something that should be considered in the long term.

During the discussion of Seanad reform, representation of emigrant bodies and interests abroad was raised. Perhaps the Department should consider this at some stage. Resources could be made available to parliamentarians in the Houses of the Oireachtas to reflect such issues.

Like others, I often receive correspondence from abroad. When I was first elected to the Dáil, I was confused by the fact that a man from

Australia wrote and asked for my autograph. I have no idea why he wanted my signature and presume he also wrote to far more famous Deputies. However, it gave me a chance to correspond with him and I gather that he was interested not only in signatures — as I also was at one stage in my life — but also in exchanging views and sharing experiences with Irish politicians.

The Minister mentioned one matter which has not been highlighted in this debate. Thank God, because of the strength of our economy, the vast majority of those now going abroad are doing so out of choice. However, there is still a need to have information packs available for those who really want to go abroad. When I first went to London, I did not have a clue. Were it not for the fact that somebody from the Irish centre met me at Euston Station, I would not have known anything. It is good that those days are over.

**Mr. Mulcahy:** I commend the Labour Party for tabling the motion. However, I do not agree with its wording but with the Government amendment. It is a very important topic which for all of us represents one of the most emotional and heartfelt matters about which we can talk. Having visited one of the hostels in London I was distressed and slightly depressed by what I had seen. I was full of admiration for the staff and volunteers working in the centre which was a very large "wet" hostel.

The Government is taking the motion very seriously and addressing the chief recommendations of the task force. I do not want to repeat what the Minister of State said tonight and what the Minister for Foreign Affairs said last night. Government funding comes to €4 million. Total funding in the years 1995, 1996 and 1997 amounted to only €2 million. I do not say this in any critical way — they were not as prosperous times. However, the amount of money has increased substantially. As a Government backbencher, I say to the Government that much more money needs to be spent. I do not mind saying this. There is a very large problem affecting some of the finest people who ever left our shores. I would like to see a significant increase in Government funding over the next three years.

I was very encouraged by what the former Minister of State, Bobby Molloy, did regarding voluntary housing schemes. Perhaps there should be a quota system in all social and affordable housing of perhaps 0.5% or 1% in order that anyone who wants to return home can be placed on such a list at no disadvantage. I have never heard it said there was a problem with housing people who wished to return. One of the greatest problems is convincing people to return. That was my experience in London. Some of the people involved are so long gone and have lost so much contact with their families, communities and traditions that serious social intervention would be required to encourage them back. If they are

[Mr. Mulcahy.]

merely left there, they will never return. It is not all about money. The Government and the task force should establish a specific unit to identify those people who may have gone beyond helping themselves. I met such people in London. Those living in never-never land need assistance. In my experience some are so far gone it is hard to see what can be done. Some are alcoholics in a dreadful state. I again pay tribute to the staff and volunteers at the centres who have made their lives more tolerable.

I found the tone of Deputy Michael Higgins's speech last night somewhat offensive. He painted a picture of a totally uncaring Ireland but there was no mention of all the social services available and the voluntary work carried out here.

**Mr. M. Higgins:** Yes there was.

**Mr. Mulcahy:** I will read some of his speech shortly. I found it very distressing for him to talk about Ireland having an "absence of social protection similar to that provided in the Scandinavian or other European models."

**Mr. M. Higgins:** That is right.

**Mr. Mulcahy:** Irish social services bear an equal standard to any in Scandinavia. I found the complete negativity offensive.

**Mr. M. Higgins:** We are ranked 12th out of 14 countries.

**An Leas-Cheann Comhairle:** Please allow Deputy Mulcahy to speak without interruption.

**Mr. Mulcahy:** Deputy Higgins also seemed to describe everyone going to a Manchester United match as a pawn.

**Mr. M. Higgins:** I did not say that.

**Mr. Mulcahy:** I will read it out.

**Mr. M. Higgins:** The Deputy should do so.

**Mr. Mulcahy:** The Deputy said: "...while the people who were his pawns queued to get into the ground."

**Mr. M. Higgins:** The Deputy should read about the Rolls Royce going to Manchester with his friend.

**Mr. Mulcahy:** I did not know that every Manchester United supporter was a pawn. It behoves somebody going to make a serious contribution to this debate to make a balanced speech and give Ireland due recognition for all the work done.

**Mr. M. Higgins:** I did not make a hypocritical crawling contribution like the Deputy's.

**Mr. Mulcahy:** Nor did I find any——

**Mr. M. Higgins:** That is rubbish.

**Mr. Mulcahy:** The Deputy sat in a Government which only gave €2 million over three years and seems to be decrying the efforts of the task force and——

**Mr. M. Higgins:** Pay for the task force and leave us alone.

**Mr. Mulcahy:** —— calling Ireland a completely materialistic place.

**Mr. M. Higgins:** That is right.

**Mr. Mulcahy:** I found that completely offensive and, in my humble opinion, completely lacking in balance.

We now have net inward immigration as a result of the large numbers coming here from abroad, many of them returning emigrants. In this context, the work of such bodies as Safe-Home, a voluntary organisation, which helps secure accommodation for elderly Irish emigrants wishing to come home, is to be highly praised, as is the Government for showing its commitment to it. The Department of the Environment, Heritage and Local Government has given this organisation €100,000 over the past three years.

I pay tribute to the efforts of the Minister of State with responsibility for the elderly, Deputy Callely, who recently opened a new centre to help elderly people in Birmingham.

**Mr. M. Higgins:** That will cause inward migration all right.

**Mr. O'Connor:** He is a great man.

**Mr. Mulcahy:** It is wide of the mark to suggest the Government is not taking this issue seriously. Notwithstanding all of the increases, which are a matter of public record, more should be done. Over the next few years we could double or quadruple the amount and work would still remain to be done. In trying to make a speech with a sense of balance, the efforts by Governments of all hues to date have been inadequate. We accept that it is a very big problem that concerns all of us equally. I feel very strongly about it. However, if we are to make a contribution, it should be balanced and not negative and excessively critical of Ireland *vis-à-vis* any other European country.

**An Leas-Cheann Comhairle:** There are only 20 seconds left for Deputy O'Donovan to make his contribution.

**Mr. O'Donovan:** I regret that because I was an emigrant. I am the youngest of a family of 11, eight of whom emigrated. I was told that I would have ten minutes in which to contribute.

However, I will use the time available to make a brief point.

I experienced emigration first hand and I have no time for rhetoric. However, I urge the Government and its successors not to neglect this problem. The number of people involved represents only a small percentage but they are extremely proud. I saw those people in Camden Town, Kentish Town and outside the Crown in Cricklewood, who were forced to work on the lump and never paid contributions. A previous speaker made the point that many contractors such as MacAlpines, Murphys etc. made a great deal of money off the backs of these Irish people and gave very little back.

**Mr. M. Higgins:** That is right.

**Mr. O'Donovan:** A great deal has been done but there is much more to be achieved. Assistance must be directed through the proper channels so that those who are most in need receive it. Many of the people in question have a great deal of pride. They travelled to England young and ambitious and many of them had little or no education. They slaved away and now at the age of 65 or 70 they have been left on the rubbish heap and neglected. Some of them do not want to return to Ireland. If they want to remain in England, they are entitled to better services and assistance from the Government. I support the provision of additional funding for them.

**Mr. M. Higgins:** Hear, hear.

**Mr. Gormley:** I wish to share time with Deputies Ferris, Harkin, Cowley and Connolly.

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

**Mr. Gormley:** A great deal has been said about the Ireland of the 1950s. I recently had a conversation with a Minister — it was a private conversation so I will not mention the person's name — during which we spoke about the 1950s and 1960s in Ireland. He looked back on that time with great fondness. That is fine because the time of one's youth can often be good, at least in one's memories. However, I informed him that the 1950s was a terrible period in Ireland — there is no getting away from that. It was a time of hardship, great suffering and pain for many people as a result of enforced emigration. These are the people about whom we are speaking tonight.

Like many Members, I am familiar with the phenomenon of emigration in the 1980s, another difficult period in our history. I recall visiting many emigrants in Camden Town, Cricklewood and elsewhere in London and throughout Britain who were living in deplorable conditions in squats. They often went to bars at night and mixed with the Irish who had travelled over in the 1950s and who were well depicted by John

Healy in his book. Mr. Healy stated that many of these people would return to Ireland at Christmas in their best suits and go on the tear. They would buy everyone a drink and make it seem as if they had made it big in England. However, it was all show. Their existence in England was dreadful. During the day they would carry the hod and at night they would go to the pub. That was life for many of them. These are the people about whom we are speaking.

A recent meeting of the Joint Committee on Health and Children was addressed by an economist called Seán Barrett. He informed us that because of emigration in the 1950s, we are enjoying what he called a "demographic bounce". By that he meant that if those people had remained in Ireland we would be obliged to pay up to 2% more, which is a large amount, for health services and nursing homes. I am sure the Tánaiste, in light of her recent statements about the elderly, is glad that we are enjoying that demographic bounce.

**Mr. Treacy:** That is a silly statement.

**Mr. Gormley:** The Minister of State is correct, the Tánaiste's statement was silly.

**Mr. Treacy:** No, I was referring to the Deputy's statement.

**Mr. Gormley:** Between 1939 and 1969, £3.5 billion was sent back to this country by the emigrants to whom I refer. We owe them a great deal and we are not doing enough for them.

The task force established by the Government, which published its report in 2002, made it perfectly clear in its recommendations that many emigrants need our assistance urgently and not in a few budgets time when there might be more money in the kitty. The latter is always the excuse. We had our Celtic tiger and we know how successive Governments squandered the money and ignored our poor, both here and abroad. There is no excuse for the meanness being shown by the Government. That task force called for €8 million to be allocated to assist emigrants in the UK in 2003 but the figure for 2004 is only half that amount.

A number of groups dealing with emigrants, including the Irish Episcopal Commission for Emigrants, have called for the establishment of a dedicated agency for the Irish abroad to co-ordinate services at home and abroad for our emigrants. The latter was another recommendation of the task force and such an agency should be set up as a matter of urgency. That is why the Green Party is supporting the Labour Party's timely motion.

The conditions in which many elderly Irish in Britain live, as portrayed in the recent "Prime Time" programme, show that our assistance is long overdue. The figures involved are stunning. I hope that the motion will not just sit on the shelf



[Mr. Gormley.]  
or that this matter will be parked. Something must be done and it must be done now.

**Mr. Ferris:** On behalf of Sinn Féin Deputies, I indicate our support for the motion. I also commend the motion. While I understand the specific contents of the motion in regard to those emigrants who are now elderly, we must remember that the 1950s and 1960s were not the only decades during which mass emigration was a feature of life in this State. Everyone will recall that it was also a recent phenomenon, particularly, as Deputy Gormley stated, during the 1980s, when a coalition Government made up of Fine Gael and Labour held power and when emigration reached epidemic proportions. Since the foundation of the State, emigration has been of such proportions.

I mention the 1980s because many of those who emigrated during that decade have also experienced the type of problems highlighted in the recent "Prime Time" documentary and will become the next wave of impoverished elderly. Statistics indicate that a disturbingly high number of young people forced to move in the 1980s have already fallen into poverty and squalor, as evidenced by the numbers who have been imprisoned or who are in receipt of care in respect of their mental health or with regard to alcohol and drug problems. This makes it all the more important that this State lives up to its responsibility and provides the support recommended by the task force on policy regarding emigrants.

Anyone who grew up in rural Ireland — I grew up in County Kerry — in the early 1950s will know that there was emigration on a daily basis. Across entire stretches of countryside, there was not one family that was not affected. I refer to working class people, small farming communities and fishing communities. Most of the families to which I refer had to emigrate. Every county has a small bridge which became known as a "bridge of tears", where people said goodbye to their loved ones before the emigrated, knowing full well that, in most instances, they would not return.

What must not be forgotten is emigration from the Six Counties, which was enforced in nature and aimed at maintaining a demographic imbalance. Nationalist people in the Six Counties were denied labour and housing and were forced to emigrate to feed their families. A famous ballad by Sigerson Clifford captures some of the sadness brought about by emigration. He describes the boys of Barr na Sraide who had played on the streets of Cahirciveen, who had taken part in the war against the Black and Tans and had been forced to leave home and were now in London or New York. The particular sadness of Clifford's verse is that it is about real people, men who had grown up in and been part of a national revolution and who, because of the betrayal of that revolution, had to leave while the

old order of privilege and wealth was reinforced. The failure of this State for most of its history to provide for all its citizens has been the root of emigration and the reason so many of our people across the seas are ending their days in poverty.

Many were forced to emigrate because the family farm could not support them or because there was no employment in their locality or in the big towns and cities. Many had left school early and their youth and lack of worldly experience and education often made them vulnerable when they settled in their new homes. I had to emigrate at one point in my life. People were caught in a trap. Those who emigrated with little money in their pockets were glad to get employment. However, when they got their pay cheque they were unable to cash it and had to do so in a pub. There, they were left waiting for hours and a good proportion of their wages was taken from them. Many of those people, as we saw on the recent "Prime Time" programme, have ended up living in poverty or as alcoholics. They are destroyed.

This State has much to answer for in allowing such a situation to develop. It is leaving people in England, America and other countries and offers no support or help in bringing them home and giving them their entitlements and rights as Irish people. Now, immigrants are arriving in this country and the treatment meted out to them by the present Government is an absolute disgrace.

**Mr. Treacy:** That is outrageous.

**Mr. Ferris:** It is hypocrisy on the part of Government Members of the House to talk about our emigrants—

**Mr. Treacy:** The hypocrisy is from the Deputy.

**Mr. Ferris:** —when the Government is doing to immigrants what was done to our emigrants in England, America, Australia and throughout the world. It is shameful to try to defend that position. The Government is doing the same as was done to Irish people. Government Members should be ashamed of themselves.

**Mr. Treacy:** The Deputy should be ashamed.

**Mr. Ferris:** I have nothing of which to be ashamed.

**Ms Harkin:** I wholeheartedly endorse the motion put forward by the Labour Party and ask the Government to implement immediately the recommendations of the task force on emigrants. I use the word "immediately" deliberately. Every day, week and month thousands of Irish emigrants sent home their hard earned remittances to help support and build up Ireland Inc. Indeed, in many ways they laid the foundation stone for the Celtic tiger. Thousands of these Irish emigrants live in totally

unacceptable conditions and we are guilty of not repaying our debt.

Sometimes we forget that we have a second national debt. It has nothing to do with the balance of payments but it is a national debt that is owed to our emigrants. According to the annual State returns from the 1940s to the 1970s, under the heading "emigrants' remittances", our emigrants contributed between 2% and 3% of GDP. In today's terms, that amounts to between €2 billion and €3 billion. They contributed enough money to fund the education system. When I, and many Deputies were availing of what we called "free education", it was being paid for by the hard labour of our emigrants.

According to Tim Pat Coogan's book, *Wherever Green is Worn: The Story of the Irish Diaspora*, 50% of the Irish who went to Britain after World War Two left school at 12 years of age. Many emigrants had little formal education and spent their lives in hard labour so their weekly remittances could fund our free education system. The really sad part of this is that many emigrants saw their exile as a temporary situation. They did not buy houses, invest in retirement pensions or buy health care. They invested in Ireland and we have turned our backs on them.

We have spent some money but the scale of the need is such that we must now provide the €18 million recommended by the task force. This goes beyond the community and voluntary level assistance which some have suggested. We need a strategic, targeted response. An example of this is provided by the work of Deputy Cowley and others in the Safe Home programme, which has been recognised by the EU as a model of good practice.

This is a finite group of people and their need is finite. They contributed to this country in a way that has never been properly acknowledged. There is an onus on the Government to do so before they are beyond acknowledgement. Ní bheidh a leithéid ann arís.

**Mr. Connolly:** The RTE "Prime Time" documentary before Christmas on Ireland's forgotten people clearly illustrated the dreadful conditions in which some of our people have to live abroad. One could not help but feel a sense of shame when watching the programme.

Unfortunately, when people in earlier years were compelled through economic necessity to leave our shores, there was a feeling at home of superiority towards them. The feeling persisted that in some inexplicable way they were letting the country down and that they should have been prepared to remain in this country and live in relative poverty. Nevertheless, these emigrants, who form a considerable part of what is known as the Irish diaspora, remitted a sum of €4.4 billion between World War Two and 1970. Students of economics will recall that a feature of Ireland's national income was entitled "emigrants' remittances" and the annual figure was invariably

substantial. It continued to bolster the home economy. This country has benefited to a much greater extent from the remittances sent home by its emigrants than from grant aid from EU structural and social development funds.

The report of the task force on policy regarding emigrants, chaired by the man from Mullaghbawn, Paddy O'Hanlon, was published in August 2002. It recommended that an allocation of €18 million would be needed to support Irish voluntary, social, cultural, educational and sporting bodies. The sum provided in the 2004 budget is €1 million. This is far from adequate and should be reconsidered in view of the report's recommendation that €18 million be provided.

**Dr. Cowley:** I congratulate the Labour Party on putting down this important motion. It is true that the Government inherited the neglect and unfair treatment of our emigrants by previous Governments but it also inherited the responsibility to do something for them, especially given our knowledge of how bad the circumstances are of many emigrants in the UK. This is particularly important for a Government that was in power during the greatest economic prosperity this country has known.

The task force has clearly set out what needs to be done. The Government spokesperson said last night that it is a template for future action. However, let us hope that action is taken now. Time is of the essence. It is not on the side of the people who are living in bad circumstances. We have a window of opportunity now which will not be available again. This should be done from a sense of justice, not as a form of charity.

Major work has been done by the church and voluntary associations in England are doing their best. I have met members of these organisations but they need more help. I accept that money has been allocated but the "Prime Time" programme did a service for this nation by highlighting the gross deficiencies that still exist. More money is needed. That is clearly set out by the task force and its recommendation should have been honoured. The money that has been provided by the Government pales into insignificance when compared with the millions that were sent home.

I was involved in setting up the Safe Home organisation. It addresses one aspect of this issue in that it assists emigrants who wish to return home. I acknowledge the funding provided by the Government through DION and also by community and family and the Department of the Environment, Heritage and Local Government. The organisation is designated the national repatriation centre for Ireland. Since the programme began there have been 5,500 inquiries and 230 people have been brought home, of whom 153 came back through voluntary housing.

I acknowledge the input of the former Minister of State, Bobby Molloy. We approached him to discuss the situation of people abroad who were not allowed to be on the housing list. As a result of the capital assistance scheme, 25% of

[Dr. Cowley.]

voluntary housing can potentially be allocated for emigrants. The problem, however, is that more co-operation is needed with the local authorities to ensure the land is available for the houses and new developments to be built. That is a problem at present.

We have forgotten about our emigrants when we should have remembered them. They are responsible for bringing this country to its current level. Safe Home conducts an induction process. Ireland has changed and we counsel people to ensure their return is a positive experience. Through our monthly newsletter and our development officers we try to ensure that the emigrant is made familiar with how things are here. We work through the Aisling project as well. We bring people home on holiday to put their toe in the water, as it were, so they can experience how life is here.

There is an attitude in the local authority that there are too many emigrants. The housing assessments of emigrants should be part of the equation. A list of the people from those areas who need to go back there could be provided. It is better if people can go back as close as possible to the areas from which they came.

As regards free travel, I understand a concession is available in Northern Ireland, albeit a limited one. Why can we not give that concession to our emigrants? I have been told that would be against EU law. However, if it is possible to do it in Northern Ireland, why is it not possible to do it here? People who repatriate have nothing. A repatriation grant of €1,500 should be provided.

I welcome the Minister's announcement that more money will be provided, but we need much more. Talk is cheap, particularly when one considers what has been done and what still needs to be done. The voluntary bodies were looking for €8 million this year because they are doing significant work in the UK, but they did not get it. It is not too late to think about providing the necessary money when one considers what those people have done for us over the years. It is time to remember them because they will not be alive in a few years' time and we will look back in shame.

**Ms Lynch:** I wish to share my time with Deputies Costello and Penrose.

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

**Ms Lynch:** This motion should be passed because it would be good not only for the people about whom we are talking in England, but also for us as individuals and as a country. We should acknowledge the contribution these people have made and we should look after those who looked after us when we needed it most. I do not know if there is anyone in this country who does not remember waiting for a parcel or a letter, which

always arrived. We were lucky in many respects because many of the people who were forced to go to England due to economic circumstances returned to this country. While many of them did well in England, others did not. We owe those people a debt of gratitude, which we must repay. It would be good for us to do that.

During the 20 years between 1949 and 1969 the people we are talking about tonight contributed an estimated €3.9 billion to the Irish economy. That money was not sent in one lump sum every year or to a central fund to be distributed by agencies, but to the people they loved who needed it. We should recognise that. While some prospered and made a good life for themselves, others did not fare as well. Despite this staggering contribution, Irish emigrants today make up an appalling 60% of the homeless population in London. We should reflect on that, particularly when we consider their age and condition. Like Deputy Michael Higgins, I wonder how much of the money lying in dormant accounts was sent home. It should be easy to find that out; it is not rocket science. Where did it come from and is it still there? What will happen to it? That should be an easy task to undertake. That money is owed to these people.

Another astonishing and disgraceful statistic is that 40% of the children who left industrial schools in Ireland went to England. I attended a meeting last November of a group of such people. Like all politicians, I attend many meetings, but that meeting left a lasting impression. One woman told me she looked Irish, she sounded Irish, she felt Irish and she was Irish, but she did not feel she had any justifiable right to say that in public. The least they asked for was that the free telephone service, which all victims of abuse in industrial schools have in this country, would be extended to them. She told me that she had virtually no education because she worked in an industrial school — it was an industry rather than a school. She had to wait on the telephone line, which she cannot afford, for someone to answer her query. NOVA is the group charged with administering the educational fund which was set aside by the religious orders. However, it is impossible to find out what percentage of that fund is being spent in the UK on these people. That is only one small element of what we are talking about tonight.

Emigration has been part of the Irish psyche for a long time. Homelessness has become a depressing fact of life for many emigrants in Britain. There is an immediate need for the Government to provide greater resources for the groups working with our emigrants to give them a better quality of life. It should not be a question of "will we do that", but rather "we must do that". Part of the help provided by groups such as the Aisling project, the Safe Home project, Camden Elderly, Irish Network and Irish Community Care is advice on benefits, including State pensions, trips home and friendship.

However, according to Ms Mary Creagh, leader of the Islington Labour Group, who works with the people for whom we should be responsible:

The issue for me is about the funding of advice services that enable Irish pensioners to access state benefits and support which they have paid into and are not taking up. In Islington the Irish Centre funding has been cut and the Irish Government did nothing for it apart from warm words. There's an argument here for targeting support at vulnerable inner city communities who are least likely to know their rights.

Behind the statistics are real life stories and tragedies of those who went to England to seek work and a better life for themselves and their families, but who found themselves in substandard and dilapidated accommodation or on the streets in its cities.

The House should consider the testimony of one man who was helped by the Aisling project to overcome his alcoholism and to return to Ireland for the first time in years. Speaking after his first trip home, he wondered why he had left. He began to believe that he was a capable Irish person, not the person distorted by alcoholism and emigration. He was not the multi-coloured version of the person whose role he had assumed. The gentleman spoke about why he believed many people had not returned to Ireland. He said that what stops people going back to Ireland is the preconceived idea that they need to go back with plenty of money and they must be successful. He wanted to know how someone could go back if he or she was a street alcoholic. Those people are not coming back, but we should ensure they are looked after. We should ensure that those who wish to come back are welcome.

**Mr. Costello:** Forced emigration was the scourge of the people for two centuries. In the 19th century people were forced out of the country by famine and in the 20th century they were forced to leave through economic poverty. There are few families, particularly in the west where I originate, which have not experienced that scourge. My two brothers left the country at the ages of 14 and 15. One went to Scotland, while the other went to London. They had a difficult time trying to make a life for themselves with inadequate education and resources. I remember working with "grey and green" Murphy during many summers. It was a tough job for Irish labourers working in the trenches and on the building sites and for those working in pubs. It was a difficult life.

It is sad that since we got control of our own affairs in the 1920s tens of thousands of people emigrated in every decade up to the 1980s. Every year throughout the 1980s an average of between 30,000 and 40,000 people emigrated. A conservative minimum of 30,000 emigrants per annum over 70 years amounts to more than 2 million people, or half

the present population, who emigrated in the 19th century. The "Prime Time" programme highlighted the atrocious conditions in which those generations now live throughout the length and breadth of Britain, in bedsits, hostels, doss houses, with the pub culture and very few amenities or resources to support them. These people sustained communities and families in the lean years in Ireland. Millions of pounds were sent back, the letter with the £10 or the dollars was a regular occurrence. When I was growing up in Sligo the custom every Christmas was to make up a parcel with a stuffed turkey to send to England. I saw my mother do this twice.

The leader of the Labour Party said yesterday these are a "vanished people". The Celtic tiger generation does not want to know them now; keeping up with the Joneses is more important. The younger generation is not to blame. If they knew how many of the older generation are living in such conditions the response would be different. The response from the generation now in power leaves much to be desired. An eminent journalist told me that when Éamon de Valera was Taoiseach in the 1940s he was asked to contribute to the emigrants in Britain and he refused. Helping our emigrants was never a priority. Not so long ago the late Brian Lenihan, then Minister for Foreign Affairs, said that Ireland was too small and that we could only expect that people would go abroad.

Last November I raised here an issue on behalf of the trustees of the Cricklewood Centre in London. The centre provides services, accommodation, food and recreational amenities for some 600 people, most of them Irish. They had the use of the building from the Diocese of Westminster at a token rent for 20 years but the diocese was to sell it by 31 December 2003. The trustees wanted me to ask the Minister for Foreign Affairs if the Irish Government would contribute to the fund to buy it. The price was £725,000, with another £25,000 for renovation purposes. In response the Minister spoke about the great work that he and his Government were doing and the amount of extra money he had got, and was hoping to get, for services for the emigrants, but he would not contribute to this fund. The Government would fund DION and whatever services it provided. Ironically, the trustees had to go to the Mayor of London, Ken Livingstone, and to the Irish builders, many of whom had exploited the Irish people who went abroad.

**Mr. Mulcahy:** Did the builders contribute?

**Mr. Costello:** They did.

**Mr. Mulcahy:** The Deputy should tell that to Deputy Michael D. Higgins.

**Mr. M. Higgins:** Deputy Mulcahy was not at the launch of the Irish Pensioners Network.

**Mr. Costello:** It is a sad situation that people on that side of the House—

**Mr. Mulcahy:** Deputy Michael D. Higgins criticised the builders. We heard a tirade last night on this subject.

**Mr. M. Higgins:** Rightly so. Lord McAlpine is more likely to support Deputy Mulcahy's party than mine.

**An Ceann Comhairle:** Deputy Mulcahy, please allow Deputy Costello to speak. There is very limited time for this debate.

**Mr. Mulcahy:** The Deputy has just heard the opposite from his colleague.

**Mr. Costello:** This Government gave no support and that is a scandal. We should be declaring an emergency. This is a crisis and money should be made available to end it once and for all.

**Mr. Penrose:** I am glad to have the opportunity to contribute to this debate and to compliment the Labour Party on putting down this motion. I also compliment and congratulate the makers of the "Prime Time" programme shown on 22 December last because it was most important in highlighting the plight of emigrants.

I come from an area in Ballynacargy from which 60% of my father's brothers were forced to emigrate in the 1950s. They told me this country's legacy was a one-way ticket on the boat. Some of them have been gone for over 50 or 60 years. There is no need to tell me what the builders did for them. They were the navvies, given every hard task, hand-digging the trenches, and the foundations of new towns such as Hemel Hempstead, boarding buses and vans outside the Crown in Cricklewood or the Spotted Bull in Willesden or Neasden or other places. I was with them in the 1970s when they were handed every task and had to scrounge for every shilling and work hard. They had to work on Sundays to make double time and try to save those few extra shillings.

Unlike many others here I was the recipient of their generosity at a time when the parcel was so important. I was the eldest of ten, something which Deputy Mulcahy might not understand. In rural areas in the 1950s and 1960s being the eldest of ten was a tough job, especially when one's father earned £4 a week as a county council labourer. Maybe that is why socialism is important to me. I want to make sure that the money which the large fat cat builders get is distributed. That is why I have no compunction about making them pay tax.

Many of those unfortunate labourers were on the lump and now they are paying the price, with no pensions or savings. I have visited them and at Westmeath County Council I suggested that the Department of Environment, Heritage and

Local Government make a sum available to every local authority in the country to build a certain number of maisonettes each year to help bring back those who want to be repatriated. I congratulate Deputy Cowley on his work in this respect. Many yearn to return. They sing Irish songs and ballads but we do nothing to help them come back. We drove them out and we have an obligation to open our arms and take them back. I spoke to some today who have been gone for 50 or 60 years and they are delighted that somebody remembers them. They think they are forgotten and while they recognise the work being done by many organisations such as Safe Home and the Camden Elderly Irish Network and others, more needs to be done.

The money they sent home was vital sustenance for many of the families they left behind, the parcel sent home with some items of clothing was very important for events such as Confirmations and First Communion. We cannot forget their contribution which is unseen because of the privacy and pride of families. Some may not recall the wiring of a few shillings for those events, and the important registered letter but I do. One knew then there would be money for a particular event. It might have been only £1 but when one earned £4 a week that represented 25% of the wages which was a significant increase. That is how important it was. Let us have no lectures about what people had to go through.

We should provide the necessary money. Why was the DION contribution, meagre as it is, reduced this year? What signal did that send to these people? We owe it to them to remember them. We must provide the necessary finance. I agree with Deputy Michael D. Higgins that we should provide the wherewithal from the dormant accounts fund because a significant amount of that money was sent home by those people. It is very important that we provide the necessary finance because without them many of us would not be here. I always made a point of visiting these people. One should never forget one's roots. I went to see these people with my uncles, many of whom would love to return home. This is supposed to be one of the wealthiest countries in the world. If that is the case, let us demonstrate it to our fellow citizens and acknowledge and implement without further delay the findings of the task force on emigration. That is the least we can do to help these people. I commend the motion to the House.

**Minister of State at the Department of Foreign Affairs (Mr. Kitt):** This has been a timely debate on an issue I feel I can confidently say has affected each member of this House and each family in the country in some way. Like Deputy Costello, I am among those whose family members, in my case a number of uncles, left the west many years ago to go to England in the lean years. Thankfully, they carved out a life for themselves and their families.

I welcome the constructive and positive tone which has characterised many of the contributions. There is a general recognition on all sides of the House of the need for us as a society to do more for our emigrants, especially our elderly emigrants and those who for whatever reason now find themselves in need of support and assistance. There is a general recognition of the debt we owe our emigrants, especially those who left involuntarily because they saw no other option open to them.

We need to see the phenomenon of emigration in its proper perspective. Many of our emigrants have integrated well into their adopted countries and live happy and successful lives. We should recognise the significant contributions the majority of our emigrants have made in their adopted countries and record our pride in their achievements. Those of us — I know from the debate there are many — who years ago as students went to London and elsewhere to work on building sites alongside emigrant workers will be aware of the pressures and strains many of them endured during their daily lives. As we all know, we had the opportunity and privilege to be able to return to Ireland after summer work, but others did not have that option.

In recognising that while some of our emigrants have experienced difficulties in coping with life abroad, it must be stressed that the responsibility for dealing with this issue does not fall solely on the Irish Government. The host governments of the countries in question have a duty to care for vulnerable or marginalised people, whatever their country of origin, and the local Irish communities have a responsibility to help their less fortunate compatriots. The extent to which Irish communities abroad have done so can be gauged by the wide range of voluntary Irish agencies and associations which provide an extraordinary level of support and comfort to vulnerable Irish emigrants. They deserve great recognition and appreciation for this. The challenge for the Irish Government is to work in partnership with the host governments and the voluntary agencies to provide the best possible level of care to those who need it. This is the approach of the Government.

I was struck by the recent welcome on all sides for the report of the task force and the priorities it identified. The Minister has made it clear that, in the allocation of grants this year, either through the DION fund or through other agencies, priority will be given to the areas highlighted by the task force. These include improving the effectiveness of the voluntary agencies involved in providing direct support to emigrants most in need by improving their capacity to secure funds from other sources; promoting more co-operation and communication between voluntary agencies at home and abroad to ensure the best use of available resources; and targeting assistance on the provision of frontline services to those who

are at greatest risk of marginalisation and social exclusion, as well as the elderly and returning emigrants.

The Minister has secured an additional €1 million in the Vote for his Department this year. This will bring the total funding for emigrant services to €4 million, an increase of one third on last year. This is a significant increase and clearly indicates the commitment of the Government to our emigrants. The Minister also pointed out that this is not the extent of the Government's support for Irish people abroad. The Department of Social and Family Affairs provides financial assistance for pre-emigrant services and also pays out tens of millions of euro in pre-1953 pensions to Irish people living abroad, many of them in Britain.

The Department of the Environment, Heritage and Local Government provides assistance to returning emigrants, notably under the terms of the voluntary housing capital scheme which was amended by the former Minister, Bobby Molloy. Accommodation has been provided under this scheme for 153 returned emigrants in 82 units. The point was well made in the debate that ways to improve participation in this scheme should be examined. I agree that greater use can be made of the scheme for emigrants who wish to return by increasing liaison between local authorities and voluntary housing groups here and frontline services in the UK, including Irish voluntary agencies which become aware of the conditions of eligible emigrants. This issue deserves to be explored further.

A number of contributions to the debate have highlighted the amount of assistance given to vulnerable and elderly Irish emigrants in Britain through the DION fund and the extent to which the RTE "Prime Time" programme conveyed a misleading impression of the situation.

As I said earlier, the debate has been opportune and valuable. It has been valuable in that it has permitted us to reflect on the debt we owe our emigrants for the contributions they made over the years to the development of this country, recall the successes and achievements of so many of them abroad, remind us of our obligations to those who need our support and assistance and give a greater sense of purpose to our ongoing commitment to them. It has been a good debate. I thank the Opposition for tabling the motion but Fianna Fáil has an alternative motion which we will commend to the House.

**Mr. Stagg:** I wish to share my time with Deputy Rabbitte.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. Stagg:** I thank the Labour Party Leader, Deputy Rabbitte, and colleagues for focusing on our forgotten brothers and sisters languishing as social outcasts in London, Birmingham, Coventry, Liverpool and every other major town and city in the United Kingdom.

[Mr. Stagg.]

I was born in 1944 into a family of 14 children on a 15 acre farm in County Mayo, which was typical of families in the area at the time. Ten of the family emigrated. I remember the late 1950s and 1960s and want to remind the House of the reality of the time. In de Valera's great Republic — his picture hung in the kitchen of my house — dominated by an arrogant clergy who visited regularly, there was widespread poverty. We had no running water, showers, toilets, or electricity and had a limited diet. Meat was seldom on the table. Tuberculosis was rampant. There was a savage school regime and unaffordable fees if one was to go to second level school. Third level education was for doctors' sons. The only work was with larger farmers, as shop assistants or as skivvies in the houses of the gombeenmen or the remnants of the gentry. I could write a book on that alone. All they paid were slave wages and in some cases none. One was lucky to earn one's keep. Young men and women in de Valera's Republic had no option. They were forced to emigrate to get work simply to survive. That was some Republic.

The process of going abroad took some time and a lot of heartrending discussion before the decision was made. There was no option; a son or daughter had to emigrate. The first one to go was the hardest. A cardboard suitcase was purchased and all they brought with them were two shirts, some socks, working clothes, shoes and minor personal belongings. A going away "do" was held the night before. It was not called a party. It was more like a wake. I remember a succession of them. The next morning there was the leaving of the house, the hackney to the railway station, the tears and misery heaped on misery. The station in Claremorris was filled to capacity with other victims of the great Republic. There were more tears and heartbreak.

A 16 or 17 year old raw green youth was despatched into the unknown. He was a child who had to face the foreign unknown without a helping hand. A new and dreadful reality then dawned. That brother or sister was gone forever. A new form of death had entered into our being. A hole had been created in our family and community. Our small community of seven houses eventually emptied completely. Our great Republic forced them out in tens of thousands. They travelled in cattle boats, stayed in doss houses, queued in the early morning frost for a chance of a job and were paid in pubs. They laid the sewers, built the roads and houses, drove the buses and, as nurses, cared for the sick. Most came back when they could afford it. They all yearned for home.

It is estimated that this tranche of enforced migrants numbered 800,000 persons. It is also estimated that they sent home €3.5 billion in present values. I was a beneficiary of their generosity and kindness and of their not forgetting us — the ones at home. We bought

clothes, shoes, food and books and paid school fees with the money they sent home. It allowed us to break out of the black hole of poverty. It broke the damned cycle of poverty and ignorance, but our hearts broke because of their absence. Tonight in our national Parliament, I thank them on behalf of the very many they did not forget. I am ashamed it has taken me so long to do so and I am resolved that we will now remember them and do so in a meaningful way.

The ways of assisting the emigrants are set out clearly in the report of the task force on policy regarding emigrants, Ireland and the Irish Abroad. Under the heading "Action Plan to Meet these Objectives", the following points are listed regarding services to the Irish abroad:

- The promotion of increased co-operation between statutory and voluntary agencies in Ireland and overseas, and the Irish abroad;

- The allocation of increased financial assistance to voluntary agencies and programmes abroad which provide welfare services to Irish people who are vulnerable or excluded

- The provision of financial assistance towards the cost of Irish community, cultural and sporting activities abroad where these help people to express the Irish dimension of their identity

- The commissioning of a study to identify the potential of the Internet and to build a communications hub to assist the Irish at home and abroad

- The establishment of an awards scheme to recognise exceptional or distinguished service by Irish people abroad

The plan also lists recommendations regarding services to returning emigrants, to which Deputy Cowley referred.

The last point listed under the heading "Structures and Resources" states: "A significant increase in the level of official funding for emigrant services. A figure of €18 million is proposed for 2003 building to €34 million in 2005".

Given the existence of the action plan, we no longer have the excuse of flailing about not knowing what to do. The report gives us a clear roadmap stating what needs to be done, when it needs to be done, how it should be done and the money required. This year, €18 million was to be provided, which is to grow to €34 million by 2005. However, the Minister for Foreign Affairs, as a member of a Government awash with money, ignored the report after having previously accepted it and provided a miserable €4 million, although the report states that an initial sum of €18 million should be provided. For clear ideological reasons, he has set other priorities and provided only a quarter of the target sum. I demand on behalf of those affected that the Minister honour his pledge and do so now.

We must acknowledge the social, economic and political success of many who were forced to emigrate, as well as their efforts, in spite of minimal assistance, to provide for the less well off among them. I am aware of the huge efforts required to provide a day centre for old Irish emigrants in Coventry. I praise the work of Safe Home Ireland and of Deputy Cowley and his volunteers, who do a great job but who could do so much more if given the resources.

We forced and starved our young people out of this Republic with nothing except cardboard suitcases. Now we are leaving them old, homeless and alone, to be buried as paupers in cardboard coffins. We have the resources to address this. We also have the roadmap, and when we implement it we can then call ourselves a Republic.

**Mr. Rabbitte:** I thank all my colleagues in the House who supported this motion. We have just heard from Deputy Stagg what poverty, in all its raw brutality, was like in this State in the years in question. I regret that certain contributions made by Members on the opposite side of the House, some of which were superficial and trivial, showed no appreciation, understanding, sense of history or knowledge of how we got from there to here.

Last night, Deputy Michael D. Higgins sought to trace some of the literature pertaining to the history of emigration from Ireland and to spell out the plight of so many of our young women who left to do menial tasks in Britain, the United States and elsewhere. Deputy Mulcahy described his contribution as a bitter speech. If this is his diagnosis—

**Mr. Mulcahy:** It is.

**Mr. Rabbitte:** —I am glad he is a lawyer and not a doctor. I tried to focus on the plight of the Irish men we shipped out ill-prepared and with a low level of formal education to equip them for the new environment they were entering.

I said last night that there are no votes in this for the Labour Party. Sadly, the people in question do not have a vote. However, it is a matter of social justice. The purpose of this debate was to make substantial progress towards the implementation of the recommendations of the task force and, in the process, to make some recompense to those we shipped out of the country in the 1950s and 1960s in particular.

What did we get for this debate? We got untypically soothing words from the Minister for Foreign Affairs. He chided us for the emotional tone of the debate. However, the subject is an emotional one for many in this House who were not reared with silver spoons in their mouths. I regret that the third generation of Fianna Fáil has grown a long way from its roots. They will not come into the House and tear themselves away from “Fair City” or “Home Away” or from talking to their stockbrokers on their mobile phones — they have grown a long way from the

men with no arses in their trousers who came in here at the time of the failed economic entity about which we are talking.

The Minister’s carefully chosen, soothing remarks were in stark contrast to the crass bluster we heard from the Minister of State, Deputy Treacy, who is so long concealing his native intelligence behind the rhetoric of partisan bluster that he makes no contribution to a debate such as this. It is a shame that somebody in the junior ministerial ranks, such as the Minister of State, Deputy Kitt, is not given this portfolio by the Taoiseach to seek to implement the recommendations of the report.

Consider last night’s statements by the Minister, from whom I expected more. I have gone on public record to express my regard for his abilities, which contrast with those of some of his more pedestrian colleagues. It is a love that, so far, has gone unrequited. This is a poverty with which I will have to live. Last night the Minister chided us for the emotion of the debate and stated: “I recognise that the experience of emigration has not been a success for everyone.” If ever there was an understated contribution to a debate of this enormity, that was it. In his speech he admitted that we did too little, but he said he hoped there might be some help through savings in his Department later in the year. Therefore, we will scrounge around for a few quid left in the bottom drawer in Iveagh House and throw it at the people we shipped out of the country in the 1940s, 1950s and 1960s.

Deputy Mulcahy might protest about these statements but he does not even know what I am talking about. He should stay out of the debate.

**Mr. Mulcahy:** We are wondering what Deputy Rabbitte did in Government.

**Mr. Rabbitte:** The Deputy should stay out of the debate. He does not even know what—

**An Ceann Comhairle:** Allow Deputy Rabbitte, without interruption.

**Mr. Mulcahy:** Perhaps he could talk about his own record for a change.

**An Ceann Comhairle:** Deputy Mulcahy, allow Deputy Rabbitte.

**Mr. Rabbitte:** I was especially concerned about the Minister for Foreign Affairs from whom I expected more. I was especially disappointed by the comment in his contribution last night which went to the heart of the matter. On the recommendation that an agency abroad for the Irish be established, he said:

I would not exclude the establishment of such an agency in the future. However, the best and most effective way of using scarce funds is through the recognised and experienced voluntary agencies in the front line.



[Mr. Rabbitte.]

That is effectively a dismissal of the central recommendation of the report, it will clearly not be done. I accept that there are excellent people and agencies working with emigrants in London, other British cities and other countries and I accept the good work done by the Irish Episcopal Commission for Emigrants.

I also accept, however, the disappointment of Fr. Paul Byrne, director of the commission, when he said on "Prime Time" that he will never forget the day after the budget when the senior civil servant in the Department told him they did not get a red cent. He described it as a failure to

change the official mindset and that it needed a paradigm shift. He said it is a problem of ideology and that the current one is incapable of admitting that we have an entire generation of forgotten people to whom we have thrown crumbs. We established an expert group which made focused recommendations that would cost a modest €18 million but we cannot even respond to them. The DIRT report on dormant funds alone produced £50 million but all we can say to our immigrants is that there might be some savings in the Department of Foreign Affairs. It is not good enough.

Amendment put.

The Dáil divided: Tá, 72; Níl, 56.

Tá

Ahern, Dermot.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Aylward, Liam.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Coughlan, Mary.  
Cregan, John.  
Curran, John.  
de Valera, Síle.  
Dempsey, Noel.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.

Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McCreevy, Charlie.  
McDowell, Michael.  
McEllistram, Thomas.  
McGuinness, John.  
Martin, Micheál.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Batt.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.

Níl

Boyle, Dan.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Coveney, Simon.  
Cowley, Jerry.  
Crawford, Seymour.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.

English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Gregory, Tony.  
Harkin, Marian.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Michael D.  
Hogan, Phil.  
Kehoe, Paul.  
Kenny, Enda.

Níl — *continued*

Lynch, Kathleen.  
McGrath, Finian.  
McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Dowd, Fergus.  
O'Sullivan, Jan.

Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Rabbitte, Pat.  
Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Upton, Mary.  
Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Stagg and Durkan.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 72; Níl, 56.

Tá

Ahern, Dermot.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Aylward, Liam.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Coughlan, Mary.  
Cregan, John.  
Curran, John.  
de Valera, Síle.  
Dempsey, Noel.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.

Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McCreevy, Charlie.  
McDowell, Michael.  
McEllistram, Thomas.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Batt.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.

Níl

Boyle, Dan.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.

Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.

Níl — *continued*

Coveney, Simon.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gogarty, Paul.  
 Gormley, John.  
 Gregory, Tony.  
 Harkin, Marian.  
 Hayes, Tom.  
 Healy, Seamus.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Kathleen.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.

McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Rabbitte, Pat.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Stagg and Durkan.

Question declared carried.

### **Civil Registration Bill 2003: Second Stage (Resumed).**

Question again proposed: "That the Bill be now read a Second Time."

**Mr. Connaughton:** I will continue where I left off. I congratulate the Minister on many aspects of the Bill. In the few minutes at my disposal I will talk about measures I hope will be taken under the Bill as a matter of public importance. I cannot understand why, for instance, the births, marriages and deaths offices in the various health board areas cannot be more flexible in their hours. This has been mentioned several times today. Given the implementation of flexitime, why can they not be open for a few hours on Saturday, when a great number of families do the weekend shopping? It is a time when they often want to get birth certificates for students and so on. There is no reason a simple matter like that could not be put right. Events are now happening at weekends, which were never foreseen, because of changes in society, and I hope something can be done in this regard.

Mention was made by a number of my colleagues of the content of the information that will be on the death certificate. I hope whatever relevant information that can be put on the certificate will be provided for. There is no real problem involved. In the area of agriculture it was possible to put the world of documentation on what is called the "passport" or identity card which applies to seven million cattle. There is no technological reason all the information that is deemed to be required should not be put on the

death certificate. I have not the time to go through what should be put on it, but many of the contributions on both sides of the House today indicate that there is now an opportunity to do this because the technology is there.

I will comment on something that was touched on by Deputy Lenihan. It has to do with the question of personal identity cards. There is no valid reason a person should not have his or her own identity card. I cannot imagine why the liberal wing in this country could object to it, we have done much in so many other respects.

In the realm of social welfare in which the Minister operates, the PPS number is a common denominator for many people. I cannot understand why a step further cannot be taken so that people may have identity cards. Down through the years I had much contact with the General Registrar's Office in Lombard Street. I pay a compliment to the staff there for what was for my constituents important business. It might not have been for the public, but for the people concerned who could not prove their date of birth or who had a problem with a marriage certificate or death certificate, the staff went to great lengths. That was nothing compared to the problems we had with people who had emigrated to England, Scotland, Wales etc. in the early 1950s. That is somewhat like the debate we had earlier. In so far as they could do their job, I found those people to be excellent.

One of the reasons many Deputies spoke on this Bill today is not that it is controversial — I assume there will not be three lines about it in any newspaper tomorrow and it has not been covered by the media at any time today — but because it will affect every man, woman and child in the country at some stage in their lives.

For some strange reason this legislation is not considered news. Nonetheless, it is important. We now have an ideal opportunity to provide for the inclusion of all relevant information.

9 o'clock There is no end to what technology can do.

Certain aspects of technology are worrying to the older generation but there is nothing the Minister or I can do except to ensure it is used in a humane manner. A case in point is the payment of social welfare benefits direct to the bank. Elderly people want to retain their pension books. While many people would prefer if that system was changed, it is vitally important it remains the same.

**Mr. Hayes:** I thank Deputy Connaughton for sharing time with me on this important Bill. One could ask any man from where his family came and he would immediately tell you the answer. Ask that same person where his father was born or where his grandfather was married and he will not be able to come up with an answer. That is the reality.

We, as a people, do not have such information readily available to us. The antiquated system of records which has kept our past unknown to us is in desperate need of modernisation. The Bill provides that more information regarding our pasts will be made known to us, which is to be welcomed.

Many of our citizens have taken up genealogy as a hobby during the past decade. Poor records have, however, frustrated their searches. The wealth of information that will be gathered about our past will be invaluable. I welcome that records are to be more accessible and amenable to people.

The creation of the civil registration service will provide for better access to public records, which will provide people with information they are anxious to have. The new system will include personal public service numbers. This provision should be further expanded, perhaps by way of future legislation.

The dates of birth and birth surnames of mothers and fathers should be recorded on birth certificates. Records of stillbirths will now be recorded in the same manner as births, which is to be welcomed. No doubt the public will be enthused about it.

Many adopted persons have been frustrated in their efforts to obtain birth records. We, as politicians, are often approached by such people seeking information about their parents and their roots. The Bill will help to alleviate much of the strain and stress of many families. I know of a person who was deeply depressed by his failure to get information about his parents. The Bill addresses that issue, which is to be welcomed.

Given the changes in society and our records regarding marriages, many people in generations to come will be anxious to know their parentage. It is important we put this system in place now. With the advent of technology, such information

will be available at the press of a button. It is also important that it is available locally. One-stop-shops have been successful in other areas such as local authorities. A one-stop-shop, part of a sub-office of the local council, has been working extremely well in my constituency for the past number of years. We need to ensure records are available locally. I welcome the Bill, which will improve the quality of life for many people.

**Mr. Fleming:** I take this opportunity to welcome this Second Stage debate on the Civil Registration Bill 2003. I understand the Minister wishes to take it through Committee Stage and the Seanad as a matter of priority, which means the legislation will be on the Statute Book in the near future. That is to be welcomed.

As previous speakers said, this is not high profile legislation but every person in Ireland will be affected by it. Many people have experienced difficulties in terms of registration certificates, be it birth, marriage or death. I am delighted some of these issues are addressed in the Bill.

I have had a particular interest in certain matters covered by the Bill. While we pass legislation in this House with good intentions we sometimes cause further problems. In October 1997 we enacted the Registration of Births Act 1996. The clear logic behind that legislation was that a surname be entered on the birth certificate for each child. On the face of it, that seemed a good idea but, the legislation was flawed because it did not provide for re-registration.

A case which came to my attention in January 2001 is dealt with by this Bill. The situation was very clear-cut. It involved a child born in County Laois in early 1998. The mother was not married to the father of the child at the time and so, as was the practice, she entered her name as the child's surname. Soon afterwards the mother and father of the child married. The woman then took on the man's name by way of marriage and they had more children. The child born in 1998 started school in 2002 and when in the schoolyard, the child had no understandable explanation for the other children as to why she had a different surname to that of her family. As the 1996 Act did not provide for re-registration arising from the marriage, the child had to bear the surname of the mother.

Therefore, the mother and father had a new name, as did the children born after the marriage but the child in question could not be given the new name. This situation was further complicated because the husband of the child's mother could not adopt the child. If the man had been in a position to adopt that child, as a result of that process, the child could have taken the man's surname. However, because he was the child's father, he was not allowed to adopt her. The family was discriminated against because the child's mother and father got married.

I am pleased that sections 23 and 24 of the Bill deal comprehensively with re-registration procedures to remove that anomaly once and for

[Mr. Fleming.]

all. I acknowledge that the Social Welfare (Miscellaneous Provisions) Act 2002 made improvements in this area but the Bill copperfastens them by referring to them specifically in section 24. The legislation was enacted with good intentions but created serious registration problems in terms of the birth certificates of individual children. I am pleased the problems will now be a thing of the past.

I understand both of these sections provide that all future requests for re-registration will be dealt with by the local superintendent registrar instead of the árd-chláraitheora as at present. Perhaps the Minister will confirm whether such future requests for registration will apply to births which occur prior to this legislation coming into effect. If that is not the case, there could be difficulties for children trapped by the Registration of Births Act 1996. The Legitimacy Act 1931 was one of the causes of this anomaly but I am satisfied it will be dealt with when this law is on the Statute Book.

I am pleased with the provisions for the adoption register. I understand there are separate registration systems for foreign and Irish adoptions and the Bill proposes a facility for one adoption register, which is a welcome provision.

Section 37 deals with death certificates and is an important provision. As a Deputy from a midlands county like me, Deputy Paul McGrath will be aware of numerous situations in which people from Laois, Offaly and other areas of the midlands had to travel to Dublin with severe health problems which could not be dealt with in local hospitals. When such people passed away in hospital, until now the death could only be registered in the area appropriate to the hospital in which the death took place. As time passed, many situations developed in which families required a death certificate for their loved ones and would seek it from the local registrar only to be told there was no such record. In many cases, families had to traipse to Dublin to obtain the document. This has been an unnecessary burden, especially on elderly widows who, in many cases, try to obtain a death certificate to access a pension left by their husbands. I am pleased this legislation will allow any registrar to register the death in any part of the country. This new procedure has facilitated by advances in information technology.

There are numerous references in the Bill to "health boards". While I cannot read the future, I understand the health boards, as we know them, will not exist for much longer. I hope that the legislation will take account of that fact, otherwise we might add another level of complication to the registration procedure. I ask that this be taken into account at this stage to avoid a legislative problem if a new structure replaces the health boards because we would be remiss in our duty if we did not do so.

I can only speak for County Laois, but the quality of service in Portlaoise is excellent and the staff are friendly, efficient and courteous. Deputies have suggested the offices could stay open for longer, which is a valid point, but when the Portlaoise office is open, the service is top-class. There can be few people who do not know the Lombard Street office in Dublin and the staff there have consistently provided a tremendous service.

Many years ago, when I became a Deputy, some people born 66 years ago who came to collect their old age pension found that their births had never been registered. They had been home births and had been just baptised, their parents thinking that was all they had to do. Many births were never registered and registering such people was a complicated procedure. However, the number of cases has diminished over the years. The Minister's staff in her Department and in Lombard Street and elsewhere have been excellent in helping people overcome difficulties which were caused 66 or 67 years ago.

As Deputies, we understand the significance of this legislation because we have encountered a myriad of different issues of which I would never have been aware before I entered public life. This is a classic example of a good Bill which is being introduced for the people. It will not get headlines in the morning newspapers but it is a solid piece of work which people will appreciate. It will improve the service in terms of quality, efficiency and how comprehensive it is and some of the anomalies which have been referred to will be dealt with finally. I look forward to the speedy passage and enactment of this Bill.

**Mr. P. McGrath:** I wish to share time with Deputy Pat Breen.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. P. McGrath:** I welcome the opportunity of addressing the House on the Bill and compliment the Minister for Social and Family Affairs, Deputy Coughlan, on bringing it before the House. It is not often I compliment her on her measures and it is a sea change to have to do so. However, I pride myself on being fair-minded and, when merits are due, I give them.

**Mr. Durkan:** That is real praise. It is of a higher currency.

**Mr. P. McGrath:** The Minister will be delighted I am giving her due praise tonight and she can take a bow because we have needed change in this area for some time. I am glad she is introducing this legislation to bring about major changes to registrations. It will carry her name for many generations to come and she will be remembered for it.

There are many good measures in the Bill and I do not have many cribs. However, there are two

or three aspects which the Minister could add to the Bill. Deputy Fleming referred to people who found their births had not been registered. In that context, when my mother was born, tradition dictated that, because her sibling died at one year old, not only did she take on the dead baby's name, her parents never registered her birth. The result was that she was registered as being a year and eight months older than she was and had a birthday on a different date. That illustrates the lax approach to registrations which pertained at the time. We have come a long way since then and the Bill is a further step in the right direction, which I welcome.

Although we were lax about it 70, 80 or 100 years ago, a new problem has arisen in the registration of births. There are approximately 50,000 births in Ireland per annum, of which in excess of 30% are to single parent families. This means approximately 17,000 births are registered to lone parents. However, no father is registered on the birth certificates of a high proportion of children. Provision was made under previous legislation for subsequent registration of the father but thousands of children have a right to know who is their father. How can the Minister ensure the father should be named on the birth certificate? Others have argued the parents should have a choice but the choice should be made in the context of the right of the child to know who are his parents.

Further problems are created if the child experiences medical problems such as a hereditary disease. Interbreeding could also be a problem with perhaps half brothers and half sisters marrying each other because of their ignorance about their family histories. Will the Minister examine this issue? It will be difficult to resolve, as it is a minefield, but perhaps on Committee Stage, she can address it and outline what can be done. It is important for future generations that she should do that.

The security issue is much more difficult to address. I have come across only one case in this area over the years. I was approached by a man whose birth certificate had been procured by another individual who had passed himself off in another jurisdiction as the man. The certificate was used illegally. Having made inquiries, I discovered that one could obtain a birth certificate for any individual if one had certain important information. How can the Minister tighten up the registration of birth certificates? As the restrictions on travel throughout Europe are relaxed, a birth certificate will be accepted as proof of an individual's identity and, if somebody is using a false certificate, he or she could be registered in another person's name elsewhere. Will the Minister examine this issue? Registration offices will have experience of this problem. Perhaps, we can learn from that experience and build a fail safe system in this regard. I regret I do not know the solution to this problem.

Is it time to review the legal age for marriage? One can get married at 16 years provided one seeks the permission of a court. However, anyone aged under 21 who wants to get married must obtain the written permission for their parents. That is strange given that the age of majority is 18. I may be wrong about that.

**Mary Coughlan:** The Deputy and I debated this issue in 1995 in the context of the marriage of 16 year old Travellers.

**Mr. P. McGrath:** One can get married at 16 years in special circumstances provided a dispensation is sought from a court. One can get married without a court dispensation if one is over 18 but one must obtain the permission of one's parents. Marriage is a different institution and there should be widespread debate before changes are made. The Minister should also examine this issue during the passage of the legislation. If I am incorrect, I am sorry for misleading her.

This final issue to which I refer is cosmetic. An increasing number of civil marriages are taking place nowadays. A Catholic church, in which the priest is the recognised minister, is not used nor are non-Catholic churches, in which the minister of religion is deemed to be the registrar. Couples get married in a civil ceremony at their local registry office. The registry office in my home town, Mullingar, is located in the county clinic and that is not a place one would be delighted to show off in future years as the location of one's wedding. How can this issue be addressed? In Britain, the registrar will travel to the location of the ceremony, for example, a hotel.

**Mary Coughlan:** This is provided for in the legislation. The registrar will be called a "solemniser of marriages" and the health board will designate the areas. A couple can make an application if they are getting married in a hotel.

**Mr. P. McGrath:** Can one make an application for the registrar to appear at such a location?

**Mary Coughlan:** The locations will be designated.

**Mr. P. McGrath:** It should not be too formal. In Britain, if I am getting married, I contact my local registrar and ask him or her whether he or she is free on a specified date and whether he or she can travel to a specified location. There is flexibility in terms of where the ceremony can be held. Registrars should be able to turn up at a hotel to perform the ceremony for a fee to cover the cost involved. The provision should not be restrictive. The Minister should consider this issue in terms of herself getting married and where she would want the ceremony to take place.

**Mary Coughlan:** Once is enough.

**Mr. P. McGrath:** Perhaps the Minister and I can go around the course again. One might like a place with a nice, quiet ambience where the registrar could appear.

**Mr. P. Breen:** I welcome the opportunity to contribute to the debate. The Bill builds on and fills the gap left by previous legislation on civil registration. Its ultimate goal is to reduce bureaucracy and update the 150 year old system of registration. Civil registration plays a important role in our society, as a means whereby basic information regarding births, adoptions, marriages, deaths and civil nullities is collected. It allows the Government to better plan schools, hospitals and social welfare schemes. Although it seems that civil registration is a simple thing, it is important that we get matters right on this occasion. I have concerns about some aspects of the Bill but, overall, it is welcome and long overdue.

The objects of the Bill are to rationalise the procedures for registering births, stillbirths and deaths; to reform the procedures governing the registration of marriages; to streamline the existing procedures governing the registration of adoptions; to establish new registers of divorce and civil nullity of marriage; to facilitate registration of an event at a registry office as opposed to the district where the event occurred; and to streamline roles, responsibilities and accountability for delivering a modern registration system.

The Bill aims to remove the need for paper certificates for most official purposes. With our ever-increasing population this greatly benefits people by eliminating the need to visit the registry office every time they need a copy of a birth certificate to apply for a job or for a State benefit. It will also give the registry offices a break. They produce approximately 500,000 certificates annually. Visiting a registry office can be a time-consuming experience. The two officials in the registry office of the Mid-Western Health Board do an excellent job but seeking a birth or death certificate can be time consuming, given the out-dated facilities and the large quantity of paper involved.

Deputy McGrath referred to his mother. My own father died seven years ago. Some years later, when I went to the registry office to get his death certificate I found that because he had died at home and the doctor who attended him had become ill some time later, his death had not been registered. I had to produce a memorial card and documents from the hospital before I could register his death. Even today, there are instances of deaths not being registered.

There is a danger that a person's PPS number could be stolen and used to commit fraud. Credit card fraud is now common. It is good to hear that the PPS number will not appear on a birth certificate. The benefits of digitising records outweigh the dangers but it is, nevertheless, important that we take the necessary precautions

to ensure the privacy of individuals. Technology is changing rapidly. I recently heard Mr. Bill Gates say he hopes to be soon able to prevent spam being sent via e-mail.

The time limit for registering a birth is to be increased from 42 days to three months. This is welcome. A stillbirth is a traumatic time for any couple and it takes many months to recover from the grief and shock of such an event. The Bill makes it easier for a parent to register a stillbirth and allows a relative to assist in the process. If a stillbirth is not registered within 12 months the duty lies on the hospital, midwife or doctor to do so.

For the first time since 1880 the Bill provides for the recording of a woman's maiden name on her death certificate. That is welcome. Previously, only a woman's married name was listed, even if the marriage had ended years before her death. This is important as society has changed, particularly in recent times. We have a very different culture and there are many marriages between people of different ethnic backgrounds.

Updating the current registration system is an important part of improving the ability of families to research their history. In the past, many deaths were not recorded and entire families lost their histories. It is important that families are aware of their histories. A neighbour of mine lives very close to a graveyard. He is inundated with Americans calling to the graveyard seeking their lost ancestors. We hear a similar story from parish priests who are visited by Americans looking for records of their ancestors. County Clare is ahead of its time in this regard. In Corofin, the Clare heritage centre has provided a valuable resource for visitors, particularly Americans and Australians, who come to Clare to investigate their family background. There is an excellent research centre situated in an old church in Corofin. The researchers there use church records, civil records, death certificates, Griffith valuations and the very important census figures of 1901 and 1911. The centre has done an excellent job. I hope the Minister will visit it when she is next in County Clare. The centre is on the Internet and can communicate with researchers worldwide.

It is unfortunate that the Bill does not require that the date and place of birth be included on a death certificate. Genealogists have criticised this omission, noting that Ireland has few surnames and that such information is required for an accurate record of family history.

In order to know one's family history one must be able to access family records. The Bill is somewhat unclear as to how someone can access his or her family history. Will there be a fee for such a search, will there be a search facility and where would it be located? I will follow my colleague, Deputy Paul McGrath, in praising the Minister if she decides to locate such a centre in County Clare. It would be in keeping with the

Government's decentralisation programme. The Minister is being praised by the opposition.

**Mary Coughlan:** I am getting worried.

**Mr. P. Breen:** This is a good Bill but these questions must be addressed. I am applying for that centre. The Bill is welcome and many more Deputies wished to speak in this debate. I commend the Bill to the House.

**Mr. Durkan:** I am sure the Minister will be overcome with emotion at the mere thought of praise coming from the other side of the House, particularly when no one is sitting behind her on the Government side.

There are many positive aspects to this legislation. As someone whose family, when we were children, experienced stillbirths and cot deaths I welcome the positive changes incorporated in the Bill. Until now, a stillbirth has not been recognised as a birth and this causes serious trauma for mothers. Other situations can be similarly traumatic. There will now be a visible record which can be checked and verified and will be available to all.

The place of one's birth occupies the minds of some people. When a person asks me for help in filling out a form, as all Members of the Oireachtas are asked, the place of birth is invariably given as the hospital in which the person was born. Almost the entire country's population was born in one of the hospitals in Dublin. The natural place of birth should be the place at which the parents had their registered address at the time the child was born. I am still not certain as to which is the correct place of birth. The birth certificate presumably states the place of birth as the hospital in which the child was born. As far as the rest of the population is concerned, the place of birth would have to be the address at which the parents were living at the time the baby was born.

It is with certain surreptitiousness that I see moves towards the establishment of a database. I have great distrust of databases, the amount of information contained therein, the number of people with access thereto and the purposes for which they might attempt to gain authorised access thereto. I have reservations about this and the Minister should ensure that only people who have authority or reason to seek information on legitimate grounds have such access.

Deputy Paul McGrath rightly spoke about making it more convenient for people to register. Britney Spears had experience of marriage recently. I do not know if there would have been sufficient time to register that.

**Mary Coughlan:** No.

**Mr. Durkan:** I notice in some cases the time lag could be used in a subsequent divorce if the registration had not taken place.

**An Leas-Cheann Comhairle:** It is not in order to make comments about people who are not Members of the House.

**Mr. P. Breen:** The Deputy is a big fan of hers.

**Mr. Durkan:** While Britney Spears is definitely not a Member of the House, I was using an example of what might happen in the event that she became a Member of the House.

**Mr. P. Breen:** She has Kildare connections.

**Mr. Durkan:** The Adopted People's Association expressed concerns which I understand have been addressed. I would like confirmation that is the case. That body felt it could become more difficult to trace a parent under the new system and might create more problems for its members. This needs to be reviewed because many people who were adopted might not know the names of both their natural parents.

The legal profession has concerns that unscrupulous people might not register their marriages. I referred earlier to a well known person outside the State who might not register a marriage to make it easier to seek an annulment later. This needs to be borne in mind because the marriage could be almost over before the registration took place unless adequate safeguards were introduced. It is up to the Minister to ensure there is no time lag in reference to the 56 days. In other words, it should not be possible for people to get out of a marriage on the basis that they had not been married because it had not yet been registered.

The time allowed for the registration of births has been increased from 42 days to three months. That is an obvious benefit to many people, especially in the case of a cot death or stillbirth where the family might be traumatised and unable to make the registration within the required time. This proposal takes account of the sensitivities involved in cases where a baby dies and the obvious problems for the mother and the wider family at the time.

I welcome the legislation. I would like clarification on the points I made. I am concerned about the growing trend towards electronic recording of everything we know. Somebody has a bee in his bonnet that databases represent the answer to all our prayers. However, this is not the case and they represent a considerable invasion of privacy. It is now almost impossible to prevent breaches of the security system. Even in the much-vaunted security systems in this House and in Departments there have been breaches and attempted breaches. There needs to be a duplicate system in separate form so that, if one record is lost or destroyed or a computer explodes or records incorrectly, there is another fall back system. Once all the information is in a database, it must have a fall back system in the event of a difficulty.



**Minister for Social and Family Affairs (Mary Coughlan):** Ba mhaith liom mo bhuíochas a ghabháil leis na Teachtaí uilig a ghlac páirt sa díospóireacht seo. Bhí mé go díreach ag éisteacht le muintir Fhine Gael. Níl a fhios agam cad a dhéanfaimid leo. Fuair mé ómós agus tacaíocht. I am sure that will be short-lived.

**Mr. Durkan:** We will make up for it tomorrow.

**Mary Coughlan:** I thank the Members of the House for their interest in this legislation. One of the most prominent aspects of the debate was the recognition of the effect this legislation has on every member of society. As practising politicians we can often find ourselves involved in complex issues regarding registrations. We appreciate the modernisation of the scheme. I would like to address a number of specific issues raised.

I received confirmation for Deputy Paul McGrath that parental signature is not required for those getting married at 18 or over. That provision applies to those aged under 16. That related to a discussion we had in 1995 about particular ethnic communities.

A number of Deputies were concerned that the Bill seemed to be more of an administrative convenience than providing a public service. A key objective of the Bill is to provide and improve the service to the public. A number of practical issues have been raised. For example the restriction as to where a life event can be registered has now been removed. This has been a terrible inconvenience as people now move around more frequently. This provision will be of tremendous benefit and will facilitate service to the public.

Many Deputies voiced concerns about the use of the information. I see this from a different perspective. People will be protected by the provisions of the Data Protection Act except for those who are dead and have no such protection. When we link this into the General Register Office system, it will certainly enhance service delivery to parents who will automatically receive child benefit when a child is born. This represents an important positive perspective.

Once the system was established, we were able to examine control procedures and came across a number of areas where controls were lacking as a consequence of not being able to cross-reference life events. I am sure the Deputies understand what I am talking about.

I do not necessarily share the concerns of Members opposite regarding the sharing of information because there are very strict guidelines on the use of the PPS which, under the legislation, must be brought before the House. However, I appreciate the point that security structures must be in place to ensure that information is not used wrongly.

A number of Members referred to adoption, which is a sensitive issue. The key features of the Bill initially were: to include a single register for all adoptions or, in other words, that the foreign

and national adoption registers would be amalgamated; that certificates relating to all adoptions would be available from the registration offices throughout the country; and that restrictions of access to the index which links the adoption entry to the birth will be retained. I am aware that the Minister of State, Deputy Brian Lenihan, has undertaken a public consultation process in respect of access to records by adopted persons and that submissions have been received on this matter. The Minister of State is actively considering those submissions at present.

Concerns were expressed about marriages and marriage notification. We are not being unreasonable in expecting that in civil marriages people should appear before the registrar five days before the wedding. People can be facilitated within the three month period. They must first complete the form three months before the date of the wedding and they must then appear before the registrar five days prior to the ceremony. A number of Deputies stated that people might be home from Australia or America, or that something might happen to prevent people appearing within that timeframe. Such eventualities will always arise and these will be dealt with in the courts system or whatever. Five days is a reasonable period. There are documents that must be submitted. It is an important requirement and it can be fulfilled at any registrar's office. One need not, therefore, necessarily go to the office at which one is to be married to complete the documentation. Provision is also made for attendance within the five-day period, but only with the agreement of the registrar. There are, therefore, opportunities to deal with matters that might arise.

Members referred to the risk of the non-registration of a marriage, a matter that was dealt with recently. A marriage is a significant event which brings with it duties and responsibilities. The non-registration of a marriage is comprehensively addressed in the legislation. The provisions in the Bill are designed to ensure that all marriages are registered. In addition, the non-registration of a marriage is an offence and liable to a penalty. As always, Deputy Durkan was awkward and threw up another conundrum for us. However, I have been assured that once there is a public declaration when people say "I do", they are married.

**Mr. Durkan:** One could deny that.

**Mary Coughlan:** One could do so but if there are two witnesses over 18 years of age, there is not much one can do.

**Mr. P. Breen:** And a video recording.

**Mary Coughlan:** Yes, and everything else. Those issues will not arise.

**Mr. Durkan:** I admire the Minister's confidence.

**Mary Coughlan:** I have plenty of confidence in marriage, contrary to what Members opposite think.

**Mr. Durkan:** I was not talking about marriage, I was referring to the recording system.

**Mary Coughlan:** A number of Members referred to the registration of deaths and raised the question of the inclusion of the date and place of birth in the death register. I have made provision for the inclusion of the date of birth in the register and it is my intention to also include the place of birth by means of amendment on Committee Stage. I hope that will address the concerns made by a number of Deputies.

**Mr. Durkan:** Will the place of birth be the hospital or the home address?

**Mary Coughlan:** The place of birth is where the person was born. In the main in this country people are born in hospitals. I accept that this is not always the case but in general most people are born in hospitals, and that will be provided for on the new death registration form.

**Mr. P. Breen:** We do not have a maternity hospital in County Clare.

**Mr. Durkan:** There will be no Clare natives born from now on if that is the case.

**Mary Coughlan:** They can play for Limerick or Galway if they wish.

Other points were raised about public access to records. As a number of Deputies stated, many people are interested in genealogy. It is our intention to provide a search facility for people in Lombard Street in Dublin. There were some concerns that we would not be able to access such information. One speaker stated that an astronomical amount of money would be charged for this service. I asked for the relevant information to be provided and I discovered that the current fee for searches—

**Mr. Durkan:** The Minister should not say it too loudly.

**Mary Coughlan:** —is €1.90. There was an inference that it would cost hundreds of euro to carry out a search, but that will not be the case. I accept that people will have to pay slightly more for searches covering long periods of time. However, for the service provided and the work required of the staff involved, the fee charged is not astronomical.

Concerns were raised by Deputies from the midlands and, in particular, County Roscommon regarding the relocation of the General Register Office. It has been the Government's intention

since 1992 to relocate the GRO to Roscommon. A commitment was given to retain the genealogy and family research facility in Dublin. The GRO was established in Roscommon in 1996 to collate and validate the approximately 5 million registered pages and 26 associated index entries in the civil registration historic records. There are almost 36 whole-time equivalent staff in the Roscommon office at present. The work is approaching its final stages. All the registered pages have been imaged and all index entries have been compiled electronically, although a considerable level of quality assurance work remains to be undertaken this year. An agreement has been reached with the Department of Finance for a future GRO staffing complement of 60, 52 in Roscommon and eight in the Dublin genealogy and family research centre. The number of additional staff due to transfer to Roscommon is 14 or 15. We have done a great deal of work in Roscommon via the mechanism of decentralisation.

I am advised that the new Government building in Roscommon is expected to be available for occupation by December of this year. It is intended that the GRO in Roscommon will be fully operational commencing in January 2005. However, functions will be transferred to Roscommon on a gradual basis during the second half of this year. Electronic research facilities will be introduced to the research room in Joyce House from April or May of 2004. Access to paper and microfilm copies of the index books and registers will continue to be required until such time as all the historical data are available electronically. Concerns were raised about our losing these records. I have been assured that constant back-up will be provided in respect of the records and the information provided for registration.

A number of Members referred to the registration of fathers' particulars. I share their concerns on that issue. As they are aware, the provisions of the Bill provide for the registration of the birth by the parents within an extended time period of three months. Facilities for the registration of birth in the major hospitals and maternity hospitals have been progressively introduced to facilitate parents with the timely registration of the event, which is very important. The emphasis in sections 22 and 23 is to facilitate the registration of a father's details on the birth register through the co-operation of the parents. The Bill provides for an application to be made by either parent acting alone, and supported by a court order, to name the father in the register of birth. There is no presumption in law that a man other than the husband of a married woman is the father of a child. There would be practical and legal difficulties for a registrar in requiring a man to register the birth of a child without paternity being conclusively established. However, in view of the issues raised by a number of Members, we will evaluate the situation.

*10 o'clock*

[Mary Coughlan.]

I hope I have dealt with most of the issues raised during the debate. There will be further debate on Committee Stage. I thank Members for bringing their concerns about the legislation before the House. Most particularly, I thank them for their co-operation in ensuring this important legislation is given a swift passage through the House.

Question put and agreed to.

### **Civil Registration Bill 2003: Referral to Select Committee.**

**Minister for Social and Family Affairs (Mary Coughlan):** I move:

That the Bill be referred to the Select Committee on Social and Family Affairs, in accordance with Standing Order 120(1) of the Orders of Reference of that committee.

Question put and agreed to.

### **Adjournment Debate.**

#### **Job Losses.**

**Ms B. Moynihan-Cronin:** Sadly, I rise to speak about a bleak 48 hours for County Kerry, during which over 200 jobs have been lost. On Tuesday, Wilson Sports Socks announced that it would close permanently its plants in Tralee and Caherciveen with the loss of 185 jobs. This was followed this morning by the announcement from the Rosenbluth call centre in Killarney that it would be closing its doors by April of this year with the loss of 40 full-time and other part-time jobs.

There is a worrying local trend in these redundancies that mirrors a similar national trend. On the one hand, the traditional manufacturing sectors, such as the textile industry, are suffering from a lack of economic competitiveness and price increases. This is seen dramatically in the closure of Wilson Sports Socks. A further difficulty for this factory was the fact that the proper infrastructure did not exist to enable it to remain there. At the same time, in the communications sector, as in Rosenbluth, there is a serious situation facing many companies. This sector, and particularly call centres, has repeatedly been identified by the Tánaiste as one of the key growth areas for the future. That assertion cannot be sustained in the wake of today's news, particularly for the people of Killarney.

The employment situation in my constituency is rapidly deteriorating with no response from central Government. The industrial sub-committee of Killarney Urban District Council recently met with Mr. Conor Healy of the IDA. He advised the committee that there had been

only one visit by a potential investor to the Killarney Industrial Park in the last 12 months. In the same period, 15 projects were established in Cork city. This clearly illustrates how rural Ireland is losing out to the urban areas, particularly to university towns and cities. It also illustrates the importance of having in place the necessary physical and technological infrastructure to attract industry to an area. Killarney and much of Kerry has been left behind with regard to physical infrastructure, especially broadband. Is it any wonder that only one potential investor has visited Killarney Industrial Park in the last year when there is no broadband infrastructure in place there? This issue must be addressed as a matter of urgency.

For two years, I have been calling on the Tánaiste to visit Kerry and to meet with industry and trade union representatives to discuss employment in the county. I have yet to receive a positive response. She visits Kerry, and I understand the Minister for Justice, Equality and Law Reform is due to visit the county next Friday, but with the objective of selecting candidates for the Progressive Democrats in the local elections. It would be preferable if she visited Kerry to address the serious problem of job losses.

There is a perception that Killarney and Kerry are doing well from the tourism industry. However, it must be remembered that tourism is seasonal. The jobs I am discussing were full-time jobs. In 2003, of the 11,000 jobs lost nationwide in the manufacturing industry, 14% were in Kerry. Up to 1994, 850 people were employed in the Pretty Polly factory in Killarney. Those jobs have now gone and that was followed by the loss of several hundred more. Kerry is fast becoming one of the country's unemployment blackspots, despite perceptions to the contrary.

However, the Government cannot bring itself to send the Minister responsible for employment to visit County Kerry and to see for herself the trauma being experienced by families and communities as a result of redundancies. When will the Government sit up and take notice? Are those in County Kerry to be the forgotten people again? Earlier tonight there was a discussion about emigrants. Emigration is what faces the people of south Kerry again.

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** I thank Deputy Moynihan-Cronin for raising this matter on the Adjournment. The Government is conscious of the adverse effects on workers and their families in Kerry of the recent job loss announcements in the Sports Socks Company's plants in Caherciveen and Tralee and Rosenbluth in Killarney.

Sports Socks Company (Ireland) Limited announced on Tuesday, 27 January that it will phase out manufacturing in Ireland with the loss of 112 permanent and 53 contract jobs. The phased cessation of production will commence in

early March and completion is expected by July 2004. The selection and timing of redundancies will be based on operational needs, with voluntary redundancies sought in the first instance. It is envisaged that 53 contract employees in Cahirciveen will cease employment in April 2004.

The company acknowledged the contribution of employees over many years and their flexibility in meeting fluctuating workloads over recent months. The closure decision is as a result of ongoing unsustainable business losses caused by increased costs. The company has been experiencing difficult trading conditions for some time in its main European markets due to strong competition from low cost sources.

American Express acquired Rosenbluth International, Killarney, in July 2003 and undertook a review of its call centre facilities in Europe. On 27 January 2004, Rosenbluth announced to its staff the closure of its facility in Killarney and relocation of the work to the UK where it has spare capacity. There are 43 staff in the Killarney facility and closure will take place between mid March and April 2004.

Finding alternative employment for the workers affected is a priority for FÁS and the State development agencies. FÁS is making available its full range of support services, including skills analysis, training and job placement, to the staff of the affected companies. Arrangements will be made in the coming days with the companies concerned to schedule a suitable interview programme for all staff.

The Deputy should not talk down her county. It is correct that there are 15 new enterprises in Cork and that there are difficulties in the labour market in Killarney at present. It is also true that tourism is a seasonal market and that Kerry is experiencing serious problems in terms of permanent employment. However, in terms of total employment, County Kerry has never had more people working than at present.

In order to continue to improve its attractiveness as a location for inward investment, IDA Ireland has completed site development works on its business and technology park in Killarney and is actively promoting the area for new investment, including a new building facility in the park.

**Ms B. Moynihan-Cronin:** There is no broadband.

**Mr. McDowell:** Enterprise Ireland has supported a major expansion at Fexco Limited with a job potential of 250. That is currently under way in Killorglin and Cahirciveen. In addition, under the community enterprise centre programme, the agency is supporting the expansion of Killarney Technology Innovation Centre. Enterprise Ireland has awarded the Institute of Technology in Tralee a capital grant of €1.97 million for the establishment of campus business incubation centres. Shannon

Development has invested approximately €8 million in the development of Kerry Technology Park at Tralee in partnership with the Institute of Technology Tralee, Kerry County Council and the private sector. The House should remember that Kerry County Enterprise Board is also providing valuable support for the establishment of micro enterprise in the county.

The major decentralisation package announced in the budget includes 165 jobs which will be relocated to Killarney. That move demonstrates the Government's commitment to balanced regional development and will provide a further boost to enterprise development in Kerry. There have been coruscating and negative attacks in this House on all that. We have been told that the decentralisation programme is wrong and that it will be a failure. There is a thriving centre of employment through my Department in Killarney and Cahirciveen. The Tánaiste and I are completely satisfied that the combined efforts of the State development agencies, under the aegis of her Department and in co-operation with Kerry County Development Board, Kerry County Council and other local interests should provide an adequate framework to deal with job losses and job creation in the area.

**Ms B. Moynihan-Cronin:** Decentralisation will not provide jobs for the people who have lost them.

#### **Prison Accommodation.**

**Mr. Fleming:** I thank you, a Leas-Cheann Comhairle, for the opportunity to raise this matter on the Adjournment tonight. As the Minister knows, there is grave concern in Portlaoise about his recent statement that the Beladd Park housing scheme, the former prison officers' housing scheme in Portlaoise, may be developed as an open halfway house facility for prisoners. This is totally inappropriate in the middle of an urban area. These houses should be handed over for housing purposes to either the local authority or a voluntary housing agency.

The people in Portlaoise have been concerned about the future use of these houses for a number of years. The houses have a chequered history. Their design is drab and they have a depressing appearance. There has been much controversy about the construction costs and the centralised heating system which has cost the taxpayer a lot of money. I am sure that issue has been raised in the national media and in the House in recent years. We in Portlaoise had hoped that Laois County Council or a voluntary housing agency would be given the opportunity to take over these houses and to carry out a major refurbishment programme to turn them into an attractive housing development. However, the Department has different plans.

Slowly but surely, these houses have been cleared of their residents, the former prison officers. Some went through eviction procedures

[Mr. Fleming.]

in the courts. A new wall has been built and security gates erected. That is happening for a reason. It is clear there are definitive plans in place for the future use of these houses. However, we in Portlaoise have not been told about those plans. I tabled a parliamentary question in December and the reply stated that a decision had not been made on this issue. I accept that is possibly technically true, but it is not a full and fair assessment of the position. Although a decision may not be formally finalised and announced, it is clear there is a definitive plan for the future development of this area, given what has happened in recent months. The Minister said in an interview in the *Sunday Business Post* on 18 January 2004 that he was considering using this former prison officers' housing scheme in Portlaoise as an open halfway house facility. It is understandable that such a statement has sent the fear of God through the people of Portlaoise.

We have two major prisons in the town, Portlaoise Prison and the Midlands Prison. There is an excellent relationship between the community in the town and throughout County Laois and the Prison Service. There have not been any objections to development work or to the expansion of facilities in the town. However, people understood that the prisoners would be behind the prison walls. This is a new scenario and the people are afraid of the development of this halfway facility. We are talking about convicted criminals. The transfer of paedophile prisoners from the Curragh to Portlaoise has caused alarm in the town. The people are concerned that prisoners, who are nearing the end of their sentence in this open halfway house, will be free to roam throughout the town during certain times of the day. The people are afraid for themselves and their children. Petitions have been signed and it has been discussed at county council and town council meetings. People are becoming more concerned because of the absence of a definitive statement.

I hope the Minister will make a definitive statement this evening on the future plans for this housing scheme. If he says that a decision has not yet been made, it will fuel cynicism that there is something afoot about which we cannot be told. I ask the Minister to be conscious of the effect of any statement he makes in that regard.

This location is not suitable for a halfway house, whether it is run by the Prison Service or the Probation and Welfare Service. It is in the middle of a growing and prosperous town. The people of Portlaoise are not concerned about property values. They are happy to live next door to the prisons and to be good neighbours. Prisons in the town have not affected property values. People are happy to buy and sell houses every day within a couple of hundred yards of the prisons, but they will be worried about the security of their families and children if an open prison is established in the middle of Portlaoise

town. Although I have not visited Shelton Abbey in Wicklow and Loughan House in Cavan, I understand they are in a rural setting.

If the use of these houses is changed, it will require planning permission, although it may not be through the normal planning process. That will give the people an opportunity to make their views known. The Minister will hear the people's views if he tries to change the use of these houses from former residential units to places of detention or similar facilities.

On behalf of the people of Portlaoise, I plead with the Minister to think again. The local authority or a housing agency should give these houses a useful purpose which will not compromise security due to their close proximity to the prison walls.

**Mr. McDowell:** I am very grateful to Deputy Fleming for raising this issue and I am glad to have the opportunity to outline my position with regard to the former prison officers' housing scheme in Portlaoise, known as the Beladd Estate.

The estate referred to by the Deputy comprises 60 houses which were constructed as staff quarters on a site adjacent to Portlaoise Prison in 1980. The physical maintenance of the houses in the estate was the responsibility of the prison, with resultant costs to the Prison Service in financial terms and in staff time. I understand that many serious structural faults were identified in the properties over the years and there have been some security difficulties involving contraband material being propelled over the wall of the new Midlands Prison which is close to the estate.

As part of the ongoing management of State property, my predecessor, Deputy O'Donoghue, concluded in late 2001, that the accommodation arrangements for prison officers at the Beladd Estate were no longer justified and that the property should be recovered and put to more productive use in the overall context of the Prison Service. One of the conditions of the lease arrangement signed by the tenants was that they would vacate the houses following adequate notice, in the event that vacant possession of the property was required by the Minister for Justice, Equality and Law Reform. Following protracted discussions with the tenants of the houses, including a number of court proceedings under the State Property Act, the estate is entirely unoccupied.

As Minister I must decide if it is required to service the needs of the Irish Prison Service, given the proximity of the Midlands and Portlaoise Prisons as well as the Prison Service training centre which is on the same campus. I am considering using part of the land to make additional facilities available to the training centre and it has also been suggested to me that certain courtroom facilities for the Laois area could be relocated there.

The Deputy is asking for a definitive view but I am groping towards a preliminary view, namely, that if I were to locate a prison facility at the Beladd site, then irrespective of the regime within that facility for prisoners, it would have to be contained within a secure enclosed wall or fence, given its location. There is no question of people being at liberty to wander in and out of that place if it was used for the accommodation of prisoners. However, as the remaining tenants have only recently left the estate, I have made no decision on its future use. I will bring a proposal to Government in due course when a decision has been made. Plans are in train as the Deputy has mentioned to erect a fence or wall around the perimeter of the estate to prevent trespass on the estate and to prevent contraband material being propelled over the wall of the Midlands Prison.

I am advised that certain aspects of the existing houses would render their normal domestic use in the future extremely difficult. The experience of technical personnel in Portlaoise Prison was that the underground communal heating system for the estate had very serious problems associated with it. Replacement of that system would be problematic and extremely costly for a local authority or a voluntary housing body. It should also be noted that an informal approach was made to Laois County Council several years ago asking if it would be interested in taking over the estate and the property. This offer was declined at the time. Since then, the Midlands Prison has been built next to the existing Portlaoise Prison. The physical location of the Midlands Prison is such that a renewed offer of the estate to the council would probably not be desirable or be taken up on security grounds.

Officials of Laois County Council have contacted the director general of the Irish Prison Service on this matter and he is awaiting a suitable date from the council for a meeting to explore the possibilities for the site.

I assure the Deputy I have not made up my mind on this property. Several possible uses are under contemplation but I want to make it clear to the people of Portlaoise and the county, that I will not do anything which will seriously infringe or diminish their quality of life or their sense of safety. Whatever is done will be in the best economic interests of Portlaoise and County Laois and of the Exchequer. I want to ensure that something which might otherwise become derelict and run down and a problem in terms of social consequences for the neighbourhood will not happen and that whatever thought process must happen in the Prison Service to ensure that this asset over which it has control, turns into an asset for the Irish people rather than a liability causing problems for the local community.

### **Waste Disposal.**

**Mr. Boyle:** I appreciate the opportunity to raise this issue which has consequences for national policy and more particularly for my constituents.

The Government has stated a policy of introducing several incinerators around the country and the use of mass burn incineration to dispose of large-scale waste. In articulating this policy the Government seems to forget other policy positions which are compromised by this stance on incineration. There are two particular policies on which I would like the Minister of State at the Department of Environment, Heritage and Local Government, Deputy Gallagher, to respond as the Minister for Justice, Equality and Law Reform has left the Chamber.

First, under our commitment to the Kyoto Protocol we are obliged to restrict our greenhouse gas emissions to 1990 levels and no more than 13% above those. Today we are at a level 37% higher than those levels. The likely cost per tonne of exceeding our commitment under the protocol will be €20 per tonne for 13 million tonnes, amounting to €260 million a year for a five-year period which will cost the State €1.3 billion. To construct incinerators and use incineration as a waste technology will add to this problem rather than solve it.

Second, there are moves afoot to reduce the creation of persistent organic pollutants. The environment committee of the European Parliament voted on this in the past week and member governments will be obliged to decide on it in the coming months. When the trend exists to seek to reduce, prevent and eliminate the production of pollutants such as dioxins and furans which are the by-products of the incineration process, and the Government insists on producing those pollutants on a large scale where they have not existed previously, questions must be asked about these contradictory policy positions. The public might hope that the Government would face those contradictions on its own but unfortunately the decision-making process on these incinerators is compromised because the independent entities responsible, such as An Bord Pleanála and the Environmental Protection Agency, are not given the opportunity to act independently.

In my constituency An Bord Pleanála made a decision that overrode the recommendations of its own senior planning inspector on a national toxic waste incinerator. This report by its senior inspector outlined 14 reasons an incinerator should not be built. Many outlined Government policy positions and noted that it was too soon to consider the construction of an incinerator when the Government had not put in place measures to reduce the amount of waste created — toxic waste in this case. There were strong planning grounds in terms of proximity to facilities such as the National Maritime College, the presence of a residential area and location at the end of a peninsula with only one road in and out of the area. There were no planning reasons to grant permission for such a facility. Nevertheless, An Bord Pleanála felt obliged to grant the decision, not on planning grounds but because of stated

[Mr. Boyle.]

Government policy. It is a cause for concern in this House when stated Government policy seems to override common sense and good planning principles. Members of the public have cause for concern. Many of my constituents are amazed and angry that decisions of this type are made in this way.

On the Ringaskiddy incinerator, as will be the process with all other incinerators proposed in the country, it will be required that a waste licence be supplied by the Environmental Protection Agency. Despite this, the director general of the Environmental Protection Agency has already gone on record as saying that she is in favour of incineration, having previously been a representative of IBEC which promotes incineration as part of its policy.

How can the public have faith in a system where decisions are overturned on the basis of strong reports indicating otherwise and decisions are pre-empted not just by the director general of the Environmental Protection Agency but by the Minister for the Environment, Heritage and Local Government who said that incinerators in Cork and Dublin will happen regardless of any public planning process? This is unacceptable and I would like the Minister to respond.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher):** I thank Deputy Boyle for raising the issue. At the outset, I will set out the facts. Current waste management practices in Ireland are unsustainable from a broad environmental perspective. We must radically reduce our reliance on landfill and, to that end, we have adopted an integrated approach to waste management which respects the waste hierarchy. This approach has been widely adopted in other countries and has been a basis for the results achieved by the best waste management performers in Europe.

Instead of regarding waste as a problem to be dealt with, this approach turns that sort of traditional thinking on its head. Instead, it requires us to look at the extent to which waste can be prevented in the first place and then to exploit the resource potential of waste, either by way of re-using or recycling materials or through the production of energy.

In response to the assertion made by Deputy Boyle, I make it clear that mass burn incineration is not and never has been a part of the Government's waste management policy. Thermal treatment in our policy framework is one element in an integrated approach which also involves the achievement of ambitious recycling targets. It must operate under strict licensing conditions and, crucially, must involve the recovery of energy. This will minimise the amount of residual waste which ultimately must be disposed of in landfill.

On the interrelationship between waste management policy and policies on climate

change and persistent organic pollutants, I do not agree with the Deputy's claim that they are contradictory. In so far as climate change is concerned, the implementation of the integrated approach underpinning our waste management policies will have a beneficial greenhouse gas impact. Energy recovered from waste, which might otherwise result in methane emissions from landfill, will displace fossil fuels elsewhere in the national energy mix. This has two climate benefits: preventing the creation of methane — a much more potent greenhouse gas than CO<sub>2</sub> — and the reduction of total national CO<sub>2</sub> emissions. These benefits are recognised in the national climate change strategy.

The application of the strict controls provided for in the EU directive on incineration, now transposed into Irish law, will ensure that the operation of thermal treatment facilities will not conflict with the achievement of our obligations under the United Nations Economic Commission for Europe POPs Protocol or the Stockholm POPs Convention in so far as the reduction and minimisation of dioxins and furans is concerned.

The most recent EPA inventory of dioxins indicated that the hazardous waste incinerators in operation in Ireland in 2000 accounted for just 0.02% of total dioxin emissions to air. In addition, the report estimated that, even if one million tonnes of municipal waste were to be incinerated in 2010, the dioxin emissions to air attributable to incineration would amount to just 1.8% of the total. By comparison, uncontrolled burning processes accounted for nearly 4,000 times more dioxins in 2000 and are predicted to continue to be by far the biggest contributor to dioxin emissions in 2010.

There is no inconsistency between the respective areas of Government policy to which I have referred. We have adopted the integrated approach to waste management in line with best international practice. The new initiatives being introduced will be positive from a climate change point of view and, through strict controls, will still leave incineration contributing just a small fraction to overall dioxin emissions in Ireland. My attention has been and will continue to be focused on moving ahead with the crucial work of implementing our policies and providing Ireland with the sort of modern waste management infrastructure we require, while at the same time meeting our international environmental obligations. We are committed to the Kyoto Protocol.

### **Roads Projects.**

**Ms O. Mitchell:** I welcome the opportunity to raise the issue of the Supreme Court decision of today and yesterday and speak about it so soon after the decision. I want to convey to the Minister of State the need for an urgent Government response to the decision.

I hardly need tell the Minister of State that this is an eventuality which has catastrophic

consequences for my constituency and the neighbouring constituency of Dún Laoghaire. There has been a long line of setbacks for the M50. I recall going to my first public meeting on the issue in 1972. What is especially depressing this time that there appears to be no end in sight, no obvious solution and no certainty that the motorway will be completed.

The issue this time was the Minister's right to sanction the removal of a national monument. I do not wish to use this valuable opportunity to make political points. However, the issue highlights the need for extreme vigilance in the use of ministerial orders and the need for the Attorney General in particular to pay heed to measures which will have the force of law but which will not have the scrutiny of the Dáil.

Having said that, from the point of view of the objectors in this case, if it was not this point of law, it would be another one, and if we overcome this there will always be another issue. They will keep going just to frustrate the public will until they get their own way. Nevertheless, on behalf of those people who need the road, which is almost the whole country, and on behalf of taxpayers, we have an obligation to try to overcome each objection that arises.

I do not think it is a question of how to deal with the issue now. The question is the longer and broader one it raised. There is no point trying to fight the judicial review. I believe we should lose it because it is wrong that the Minister should be the person to adjudicate on decisions he has made himself. We are leaving ourselves wide open. It would be possible to move quickly to allow Dún Laoghaire-Rathdown County Council to apply for consent again if the Government were to transfer to a different Minister the functions required under the National Monuments Act when seeking the consent of the Minister. The nub of the problem is the fact that the same Minister is giving the consent and the approval to the consent.

There is also the broader question of how we can bring some degree of certainty, if not speed, to the planning and implementation of vital strategic infrastructural projects. The M50 is not just of interest in my constituency. It is part of a national route affecting Dublin and the country. It is a major Euro route. The question is often asked in the media as to why projects take longer and cost more in Ireland. This is the answer. There is no certainty in the planning process. We allow challenges to take place, even after contracts have been signed. There may be challenges in other countries but they do not bring projects to a halt. To allow this protest to go on is to sign away millions of taxpayers' euro and ensure that future tenders for public projects will build into it the price of possible disruption and delay.

It is not just a question of the direct cost to the taxpayer, which is huge, but of all the projects that cannot be carried out because the money is

being wasted fighting these challenges. Consider the utter misery of those of us who have to live in the path of a half-built motorway indefinitely. Jobs are in jeopardy because of the intolerable congestion and enormous public and private investments are at risk every day, some of which have been lost as a result of these endless and futile challenges.

I do not know if, during the planning process, every "i" was dotted and every "t" was crossed or if more could have been done to discover if there were ruins of archaeological importance on the site. However, I do know that, after three years of excavation, the archaeologists never found any castle and still do not know precisely where it is. The site is no Wood Quay and is not a site on which one should make a stand about our heritage. If it were, I would be protesting with the objectors. I know there will always be tension between development and heritage preservation and that a balance must be struck, but the wrong balance has been struck in this case. The game is simply not worth the candle and we are all paying the price.

I realise the Minister has only had 24 hours to consider his response to this fiasco, but I cannot over-emphasise the urgency of whatever action is being contemplated. No matter how speedy the decision made will be, we are facing a legal quagmire that will be painfully slow.

The objectors are saying the motorway can go ahead if we drop the interchange. I ask the Minister of State not to succumb to this demand, however tempting it may be. It is a whimsey and the objectors know nothing about the design of roads. They presume to be experts in planning, etc., but the reality is that their proposal would have catastrophic consequences for those living in the area and for the efficacy of the motorway. The removal of the interchange would completely undermine the investment being made in the motorway.

**Mr. Gallagher:** I thank the Deputy for raising this issue. As she is aware, work on the section of the south-eastern motorway in the vicinity of the Carrickmines Castle site was suspended last year on foot of an injunction granted by the Supreme Court in February 2003 restraining Dún Laoghaire-Rathdown County Council from undertaking any works in the vicinity of the site, pending the granting of a consent under section 74 of the National Monuments Acts.

On 4 July 2003, the Minister for the Environment, Heritage and Local Government approved a joint consent with Dún Laoghaire-Rathdown County Council for specified works at Carrickmines to facilitate continuation of the south-eastern motorway. He also made an order approving the consent in accordance with the provisions of the National Monuments Acts, as amended. This was based on our overall assessment that, in allowing construction of the south-eastern motorway along its approved route, the public interest justified consenting to and



[Mr. Gallagher.]

approving the works impacting on archaeology at the site. The Minister also considered that it had been satisfactorily demonstrated that a systematic approach had been adopted by the county council to the archaeological resolution of the Carrickmines site. This had involved a major commitment of resources. These activities, coupled with further archaeological work to be completed, will preserve the main archaeological elements of the site either by record or *in situ*. The order and joint consent were then laid before both Houses of the Oireachtas.

Dún Laoghaire-Rathdown County Council successfully applied to the High Court on 8 December 2003 to have the injunction lifted to enable work to proceed in the vicinity of Carrickmines following the elapse of 21 sitting days without the order being annulled by either House of the Oireachtas.

On 3 December an application for a judicial review of the order was made and, following a hearing, this was refused by the High Court on 6 January 2004. This decision was appealed to the Supreme Court. The Supreme Court, in a

judgment of 27 January, decided to give leave for a judicial review regarding one issue only on the basis that the applicant had established an arguable ground of challenge to the order of 3 July 2003. This relates to the validity of a 1996 Transfer of Functions Order, S.I. No. 61 of 1996, transferring functions of the Commissioners of Public Works to the Minister for Arts, Culture and the Gaeltacht. The Supreme Court did not find in favour of the applicant on the other grounds on which he sought a judicial review.

The judicial review will be heard by the High Court tomorrow. In the meantime, Dún Laoghaire-Rathdown County Council has undertaken not to damage or interfere with the national monument at Carrickmines. This does not mean that works on the motorway at Carrickmines are suspended, but works cannot take place that would have the effect of damaging the monument. I hope Deputy Olivia Mitchell agrees it would be prudent to await the outcome of the case before the High Court tomorrow before deciding on a course of action in this matter.

The Dáil adjourned at 10.45 p.m. until 10.30 a.m. on Thursday, 29 January 2004.

## Written Answers

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

*Questions Nos. 1 to 4, inclusive, answered orally.*

*Questions Nos. 5 to 122 resubmitted.*

*Questions Nos. 123 to 126, inclusive, answered orally.*

*Question No. 127 answered orally with Question No. 123.*

*Questions Nos. 128 to 130, inclusive, answered orally.*

### State Airports.

131. **Ms Shortall** asked the Minister for Transport the position in regard to the Government's proposals for the division of Aer Rianta; and if he will make a statement on the matter. [2148/04]

164. **Mr. Crowe** asked the Minister for Transport if he will reconsider his decision to break up Aer Rianta. [2152/04]

173. **Mr. Allen** asked the Minister for Transport his plans for Cork Airport; and if he will make a statement on the matter. [2307/04]

177. **Mr. Noonan** asked the Minister for Transport his plans for Shannon Airport; and if he will make a statement on the matter. [2305/04]

178. **Mr. Stanton** asked the Minister for Transport his plans for the break-up of Aer Rianta; and if he will make a statement on the matter. [2304/04]

201. **Mr. Naughten** asked the Minister for Transport his plans for Dublin Airport; and if he will make a statement on the matter. [2306/04]

272. **Mr. Durkan** asked the Minister for Transport his plans for the future of Aer Rianta; and if he will make a statement on the matter. [2455/04]

274. **Mr. Durkan** asked the Minister for Transport the discussions he has had with management and staff at the various airports likely to be affected by his development proposals for Aer Rianta; and if he will make a statement on the matter. [2457/04]

**Minister for Transport (Mr. Brennan):** I propose to take Question Nos. 131, 164, 173, 177, 178, 201, 272 and 274 together.

I refer the Deputies to the answer I have given to Priority Questions Nos. 123 and 127 today.

### Public Transport.

132. **Mr. R. Bruton** asked the Minister for Transport the financial mechanisms in place to review infrastructural projects; and if he will make a statement on the matter. [2301/04]

**Minister for Transport (Mr. Brennan):** As I stated in my reply to Question No. 82 of 20 November 2003, all major projects are subject to detailed assessment and evaluation including, at key stages, cost benefit analysis, in accordance with Department of Finance guidelines on the appraisal and management of capital projects.

The development of PPP projects takes account of Department of Finance interim guidelines on the assessment, appraisal and procurement of PPP projects. These guidelines focus on ensuring that the use of the PPP approach is justified on a value for money basis.

Last March, at my request, a new control system for major infrastructure projects was put in place in my Department. The infrastructure projects include national road construction, the Dublin port tunnel, CIE and Luas projects. I have received monthly reports on each of these projects since April. In November, I indicated that I would publish the reports for April to October as a single document. However, it now seems more appropriate to collate the reports up to the end of 2003 for publication as one document. It is my intention thereafter to publish the reports each month.

The State bodies under the aegis of my Department, which are responsible for the delivery of capital infrastructure, are obliged to comply with the requirements of the code of practice for the governance of State bodies, including conformity with the guidelines for the appraisal and management of capital expenditure in the public sector.

In addition to the above procedures, in terms of Luas, a light rail monitoring committee is in place comprised of representatives of my Department, the Department of Finance and the Railway Procurement Agency. It is assisted by independent technical experts who report to the Department on a monthly basis. The Railway Procurement Agency also reports monthly to my Department on programme and budgetary issues. My Department continuously reviews this and other information on the Luas project to ensure that the highest standards of project management are adhered to by the agency. Indeed, my Department reported to Government at critical stages of the Luas project. This included reporting on physical progress and budgetary considerations.

My Department also has in place an investment monitoring unit charged with overseeing the financial and physical progress of rail and bus infrastructure projects and ensuring the effective and timely financial reporting of capital

[Mr. Brennan.] expenditure by the CIE group of companies to the Department. The investment monitoring unit also engages consultants to carry out an audit of expenditure claims submitted to the Department seeking draw-down of Exchequer and EU funding under the National Development Plan 2000-2006.

The implementation of the national roads and public transport investment programmes is further monitored by my Department through the monitoring committee of the economic and social infrastructure OP which is representative of Departments, implementing agencies and social partners and which meets twice yearly to consider progress reports on the implementation of the investment programmes.

*Question No. 133 answered with Question No. 130.*

#### **Disabled Drivers.**

134. **Mr. J. O'Keefe** asked the Minister for Transport his views on whether a person who uses a wheelchair for mobility, when not driving a car, can be considered to be a fit and proper person to whom a hackney licence can be issued; and if he will make a statement on the matter. [2107/04]

**Minister for Transport (Mr. Brennan):** The licensing and operation of small public service vehicles, including hackneys, is governed by the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002. There are separate requirements for the granting of a hackney licence in respect of the vehicle and the granting of a small public service vehicle driver's licence in respect of the driver of the hackney.

A hackney licence may be granted by the local licensing authority in respect of a particular vehicle following the presentation of a vehicle test certificate and a certificate of suitability issued in respect of the vehicle by the national car testing service, NCTS, demonstration that the use of the vehicle as a hackney is covered by insurance and the payment of the appropriate licensing fee of €250. Accordingly, a person who uses a wheelchair could be granted a hackney vehicle licence, subject to compliance with these requirements.

A hackney may only be driven by a person who holds a current small public service vehicle driver's licence. Under the public service vehicles regulations, the consideration of applications for the grant of a small public service vehicle driver's licence is administered by the Garda Commissioner. Applicants are required to have a current driving licence and must satisfy the Garda Commissioner that they are a fit and proper person to hold a licence to drive a small public service vehicle, that they have an adequate knowledge of general traffic regulations, the regulations relating to small public service vehicles and the area in which they propose to

make services available as a driver of a small public service vehicle. In these circumstances, it is a matter for decision by the Garda Commissioner as to the fitness of each individual applicant to be licensed to drive a small public service vehicle.

#### **Council of Transport.**

135. **Ms Burton** asked the Minister for Transport the position of the Council of Transport Ministers regarding the Commission's proposal to update Council Regulation 3922/91/EEC; if he expects this issue to be resolved during the Irish Presidency; and his views on the matter. [2108/04]

**Minister of State at the Department of Transport (Dr. McDaid):** The European Commission has stated that it will very shortly bring forward a new proposal to update Regulation 3922/91.

The Minister for Transport, Deputy Brennan, recently met with the European Parliament and assured them that as soon as the Commission presented its amended proposal, Ireland, as President of the Council, would commence work on this dossier immediately.

Until such time as the amended proposal has been seen and discussed it is difficult to predict what progress will be made during the Irish Presidency.

#### **Public Transport.**

136. **Ms Lynch** asked the Minister for Transport the basis on which he approved the recent applications from Dublin Bus, Irish Rail and Bus Éireann for increases in fares; if it is Government policy that fares should be kept at the lowest level in order to encourage greater use of public transport; and if he will make a statement on the matter. [2126/04]

**Minister for Transport (Mr. Brennan):** Late last year, I refused an application from the CIE operating companies for fare increases averaging almost 10%. Instead, I agreed that increases broadly in line with inflation should be applied with effect from 5 January 2004. As a result, Bus Éireann fares increased on average by 2.75%, Dublin Bus fares, on average, by 3.4% and rail fares by, on average, 3.27%.

In the ten year period prior to 2002, fares on public transport had declined by approximately 20%, in real terms, while personal disposable income had increased significantly. The increases I recently approved are necessary to maintain the financial stability of the CIE group of companies.

Historically, the key deterrent to the greater use of public transport by private car owners has not been the fares levels but the poor quality of infrastructure, old buses and rolling stock and congestion. Major investment in rail infrastructure and rolling stock and in replacement and additional buses has taken place in recent years and will continue over the lifetime

of the national development plan, thus improving capacity, reliability and frequency. The investment in an expanding network of quality bus corridors has also enhanced the role of bus services.

#### Road Network.

137. **Mr. R. Bruton** asked the Minister for Transport his plans to address the height of the Dublin Port tunnel; and if he will make a statement on the matter. [2300/04]

147. **Mr. Quinn** asked the Minister for Transport the position regarding his consideration of the draft Atkins report on the height of the Dublin Port tunnel which was received by his Department on 20 October 2003; if a final report has now been received; when it will be published and a decision made; and if he will make a statement on the matter. [2136/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 137 and 147 together.

My Department engaged Atkins to review the feasibility, safety implications and cost of raising the height of the Dublin Port tunnel. They were requested to review a range of options for increasing the operational height of the tunnel, their feasibility, having regard to the state of implementation of the current design and build contract and the likely additional costs and impact on the project completion date.

Given the extent of work completed to date, that is the first of the two bored tunnel tubes has been successfully completed and work is underway on the second and the potential high cost and substantial delays associated with redesign and reconstruction of work already completed, the consultants were asked to prepare their report within a short timeframe.

The final report was received from Atkins on 8 December 2003. I am currently reviewing the findings of the report and have sought further information from the NRA pertaining to its conclusions. No decision has been taken on publication of the report.

*Question No. 138 answered with Question No. 130.*

#### State Airports.

139. **Mr. Gilmore** asked the Minister for Transport his plans to publish the promised discussion paper on the future of the Aer Lingus landing slots at Heathrow Airport; and if he will make a statement on the matter. [2115/04]

161. **Mr. Durkan** asked the Minister for Transport the current position in regard to his future plans for Aer Lingus and Aer Rianta; and if he will make a statement on the matter. [2150/04]

203. **Mr. Gilmore** asked the Minister for Transport if he will outline the Government's

plans for the future ownership structure of Aer Lingus; when a final decision will be made on this question; and if he will make a statement on the matter. [2114/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 139, 161 and 203 together.

As I said in my speech on 12 December last during the Second Stage debate on the Aer Lingus Bill 2003, I am currently giving careful consideration to the company's report on future options for the airline and I will be bringing the Aer Lingus views together with my own position to Cabinet shortly.

During the debate, I listened carefully to the concerns raised by Deputies about specific strategic issues in the context of a State exit from ownership of Aer Lingus. Having taken on board those concerns, I moved an amendment at Committee Stage, which was agreed, to provide that the Minister for Finance may not dispose of any shares in the company without the general principles of the disposal being laid before and approved by Dáil Éireann.

I assure the Deputy that if the Government decides to embark on a sale of all or part of Aer Lingus, I will set out for the House the basis for the Government's decision, including the arguments for and against such a sale. I will also set out how the Government proposes to deal with important strategic issues such as slots at Heathrow and I will outline the general principles of the sale being proposed.

I have already dealt with the position of Aer Rianta in my response to a previous parliamentary question.

#### Road Network.

140. **Ms O. Mitchell** asked the Minister for Transport his plans for the Luas intersection at the Red Cow roundabout; and if he will make a statement on the matter. [2297/04]

187. **Mr. Rabbitte** asked the Minister for Transport the position with regard to the various proposals submitted to him for dealing with problems at the Red Cow roundabout, both in regard to Luas and road traffic generally; and if he will make a statement on the matter. [2124/04]

277. **Mr. Durkan** asked the Minister for Transport the position in relation to the development of the Red Cow roundabout with particular reference to the converging road and rail traffic thereat; and if he will make a statement on the matter. [2460/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 140, 187 and 277 together.

The position regarding the upgrading of the M50 is that the NRA and South Dublin County Council are currently preparing plans, including a motorway order and environmental impact

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statement for the upgrade including, *inter alia*, the N7/M50, Red Cow, junction. The upgrade works at the Red Cow interchange are intended to remove as much traffic as possible from the signal controlled environment through the provision of additional structures and free flow slips that are separated from other traffic movements. This will significantly increase the overall capacity of the interchange and reduce the Luas/car interface so that both the road and Luas network will have increased capacity to maintain a satisfactory level of service. The proposed works will reduce the volume of traffic interfacing with Luas, that is, traffic crossed by Luas, significantly. Subject to satisfactory progress in planning and design and securing An Bord Pleanála approval, it is expected that work on upgrading the Red Cow interchange will commence in spring 2005 and be completed by spring 2007.

In the meantime, the Railway Procurement Agency, RPA, and the Dublin Transportation Office, DTO, are satisfied that Luas, despite the current unsatisfactory traffic conditions at the Red Cow junction, will be able to operate satisfactorily using existing traffic signal sequences, pending the upgrade of the junction as part of the M50 upgrade project. The trams are driven in much the same way as a car or a bus in that tram drivers yield to other traffic if they are confronted with a red light.

#### Rail Network.

141. **Ms O'Sullivan** asked the Minister for Transport the progress with regard to his consideration of the strategic rail review; if he accepts all the recommendations made in the report; if it is intended to implement the recommendations; the timeframe over which he believes this could be done; and if he will make a statement on the matter. [2132/04]

**Minister for Transport (Mr. Brennan):** The strategic rail review provides the Government with a policy framework for the future development of passenger and freight services in Ireland over a 20 year period in a manner consistent with the national spatial strategy.

The board of Iarnród Éireann has now considered the findings of the strategic rail review and their prioritised investment programme, based on the review, has been submitted to my Department and is currently under consideration, in the context of the multi-annual envelope for capital expenditure in transport.

Consistent with the review a number of major projects are already under way, including, DART upgrade project, upgrade of the Kildare line, rolling stock acquisition programme and safety investment.

#### Public Transport.

142. **Dr. Upton** asked the Minister for Transport the position regarding plans for the

construction of a metro system in Dublin; if he will give the estimated cost; the likely time frame for construction and completion; when the route will be finalised; and if he will make a statement on the matter. [2120/04]

169. **Mr. Sargent** asked the Minister for Transport when he expects to bring the business case proposals for the first Dublin metro line to Cabinet; if he will outline the revisions to the Rail Procurement Agency plan he called for late last year; and if the proposal he will present to Cabinet will include the city centre alignment with stations close to the Mater Hospital, O'Connell Street, D'Olier Street and Stephen's Green which has been reported in the papers as the preferred route. [2161/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 142 and 169 together.

The Programme for Government contains a commitment to develop a metro with a link to Dublin Airport.

The original outline business case for phase 1 of the metro from the Railway Procurement Agency, RPA, involved a line from the airport to the city centre. This was subsequently revised to take account of the relevant experience in Madrid and contained a number of changes in comparison to the original business case. These changes reduced the capital cost of the proposal significantly and involved a shorter, more direct route and fewer stations changes in design. At my request, the RPA is doing further work on this revision. I expect to bring my proposals on the metro to the Government in the coming weeks.

I understand that the metro will take approximately four years to build. As the project will be a public private partnership, there is a strong incentive for the bidders to minimise the construction period as payment will not commence until the service is in operation.

The precise route and hence costs will depend on a number of factors including the Government decision; geo-technical surveys; negotiations with bidders; and the railway order process, including the public inquiry. In preparing a submission for the Government on this matter, the merits of all alternative solutions and routes will be considered. Again, it would not be appropriate for me to comment on any of these alternatives in advance of Government deliberations on the matter.

The Joint Oireachtas Committee on Transport has recently commissioned a report on the metro. My Department, the RPA and the Dublin Transportation Office have met with the consultants who are assisting the committee. I understand that the committee's report will be completed shortly and I look forward to receiving it.

#### Cycle Facilities.

143. **Mr. Cuffe** asked the Minister for

Transport if his Department is considering submissions for the introduction of a special leisure and commuting cycle route along the sea-front in Dublin Bay from Sandycove to Sutton; the way in which the funding for such a project could be provided; and the agency which will be responsible for its co-ordination and completion. [2158/04]

**Minister for Transport (Mr. Brennan):** The S2S — Sutton to Sandycove — proposal referred to by the Deputy involves the provision of a 22 km promenade and cycle way around Dublin Bay from Sutton to Sandycove, with links to the city centre. The plan entails linking the existing and planned walkways and cycle ways around the bay in a co-ordinated fashion by construction of the missing elements and upgrading some of the existing facilities.

I am supportive, in principle, of the concept and following a meeting with one of the project promoters last year, requested that the Dublin Transportation Office allocate funds from its traffic management grants towards a feasibility study of the proposal. I also wrote to the relevant local authorities — Dublin City Council, Fingal County Council and Dún Laoghaire Rathdown County Council — and to Irish Rail, to seek their support for this concept and investment in a feasibility study as soon as possible.

The DTO is on the steering committee of the project, which is chaired by the Dublin Regional Authority, along with representatives from the Dublin Docklands Development Authority, Dublin City Council, Fingal County Council, and Dún Laoghaire Rathdown County Council. I expect preliminary design to get under way shortly.

### Road Safety.

144. **Mr. Gormley** asked the Minister for Transport the direction his Department intends to give local authorities with regard to the introduction of new 30 kph speed zones; and whether the use of such limits will be restricted to areas close to schools or to residential areas which already have physical speed restrictions or will local authorities be able to apply the new lower speed limit on other roads or on an area wide basis which they feel is appropriate. [2162/04]

269. **Mr. Eamon Ryan** asked the Minister for Transport the speed limit he is considering introducing for HGVs, trucks and vehicles with trailers as part of his conversion of speed limits to metric; and if he will consider, as part of such a review, the introduction of a regulation which would require HGVs to carry a prominent sign at the rear of their vehicle showing the maximum speed limit that applies to that class of vehicle. [2355/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 144 and 269 together.

A broadly based working group that was established last year to review speed limit policies, against the backdrop of the adoption of metric values for such speed limits, have presented a comprehensive report that incorporates recommendations across a range of areas.

Particular recommendations have been made in relation to the introduction of a special low speed limit of 30 kmh for residential areas where appropriate traffic calming has been provided and also for the application of special arrangements in the vicinity of schools where necessary. These special arrangements would involve the deployment of lower speed limits than normally prevail at the location during periods when children are entering and leaving the school.

The working group has also made specific proposals in relation to the maximum speed limits that should apply to heavy goods vehicles, HGVs, buses and vehicles drawing trailers when the new system of speed limits is implemented. The proposals provide that 90 kmh would be the speed limit for HGVs, single deck buses and vehicle-trailer combinations on motorways and dual carriageways and 80 kmh on all other roads not subject to a lower road speed limit. A separate speed limit of 70 kmh is proposed in respect of double deck buses.

I have given very careful consideration to the group's proposal and I intend to bring the necessary legislative proposals needed to support the new speed limit structure based on the group's report before the Oireachtas in the coming months.

I have no plans at present to require the display on HGVs of a sign showing the legal maximum speed limit applicable to such a vehicle. However, I would be prepared to explore, in consultation with the various stake holders the question of the display of such a sign on HGVs.

I should point out that HGVs with a maximum mass exceeding 12 tonnes are fitted with a speed limiter which restricts their maximum speed to 90 kilometres per hour. The requirement to have a speed limiter is being extended to include all HGVs. From 1 January 2005, all new goods vehicles with a maximum mass over 3.5 tonnes but not exceeding 12 tonnes will require to have a functioning speed limiter while such vehicles registered before January 2005 will require to have a speed limiter by 1 January 2007.

### Rail Network.

145. **Mr. Ring** asked the Minister for Transport the plans he has to progress the western rail corridor in view of the strategic rail review; and if he will make a statement on the matter. [2313/04]

196. **Mr. Perry** asked the Minister for Transport if he will approve funding for the western rail corridor; and if he will make a statement on the matter. [2292/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 145 and 196 together.

At a seminar organised by my Department last September, the relevant regional authorities, in the Border, west, mid west and south west, were made aware of the context in which the western rail corridor had been considered within the overall strategic rail review. The seminar provided the opportunity to discuss the western rail proposal with the regional authorities in the context of drawing up regional planning guidelines for their regions as part of the implementation of the national spatial strategy. The seminar has been followed by direct one-to-one discussions between consultants and each of the regional authorities and the Western Development Commission. Also, just before Christmas, I met with the West-on-Track group to hear its case for the western rail corridor.

The regional authorities, in the Border, west, mid west and south west, are currently considering the potential for rail developments, such as the western rail corridor, in the drafting of their regional planning guidelines. This is being done as part of a policy of developing robust transport strategies that will be supported by land use and settlement strategies. I have asked Irish Rail to facilitate the regional authorities in their work, as they have in the case of the rail feasibility study for Cork. Moreover, I should point out that late last year my Department facilitated the work of the regional authorities by providing them with some consultancy support. Further work on the financial cost and potential of the project will be undertaken once the regional authorities have completed their regional planning guidelines.

#### Road Safety.

146. **Mr. McGinley** asked the Minister for Transport when he will publish his new road safety strategy; and if he will make a statement on the matter. [2290/04]

155. **Mr. Kenny** asked the Minister for Transport the steps he intends to take for road safety; and if he will make a statement on the matter. [2289/04]

176. **Mr. Quinn** asked the Minister for Transport if he has received the report of the high level group on a new road safety strategy for the years 2003 to 2005; when it is intended to publish the report; if proposals arising from the report have been brought to Government; and if he will make a statement on the matter. [2137/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 146, 155 and 176 together.

The programme for Government states that a three-year road safety strategy will be developed and will target speeding, drink-driving, seat-belt wearing and pedestrian safety in order to reduce deaths and injuries.

The high level group on road safety has prepared a draft new strategy for the period 2004 to 2006 and I expect to bring specific proposals for the strategy to Government shortly.

The preparation of the new strategy has taken account of the achievements in meeting the targets set out in the road to safety strategy 1998-2002, a comprehensive review of that strategy and further positive trends established in 2003, and the evolving developments in relation to the EU third road safety action plan.

The strategy will outline a range of issues that it is intended will be pursued over the period in question. In overall terms, measures will focus on the areas of education, enforcement, engineering and legislation and will target the key areas of speeding, driving while intoxicated and seat-belt wearing.

Pending the publication of a new strategy, my Department and all the agencies concerned with the implementation of road safety measures are ensuring that the successful measures brought forward under the Road to Safety initiative continue to be implemented. The number of road deaths which occurred in 2003, at 341, was the lowest number of deaths in almost 40 years.

*Question No 147 answered with Question No. 137.*

#### Rail Network.

148. **Mr. Boyle** asked the Minister for Transport if he accepts that we should be making the maximum use of our current and capital expenditure on all our existing operational rail lines and that there is the potential for the introduction of new commuter rail services on the Nenagh to Limerick rail line; if he accepts that the current service on the line precludes its use by commuters (details supplied); if his attention has been drawn to the fact that 300 new houses are now being built near Castleconnell station which could benefit from such services; and the arrangements his Department have to co-ordinate with local authorities around the country to ensure that local development plans favour such development close to public transport nodes. [2156/04]

**Minister for Transport (Mr. Brennan):** My Department maintains constant contact with Irish Rail to ensure that all capital or current funding is used to maximum effect and a number of procedures are in place to extract the best value for money from any investment.

While the detailed operation of individual rail services is an operational matter for Irish Rail, I am aware that the company is examining all regional rail routes to identify where justification for the upgrade of services. I expect that any proposals to re-open or upgrade existing railway lines would need to be supported not only by the local community but also by the use of coherent and cohesive planning strategies in the railways immediate catchment area.

The upcoming regional planning guidelines which follow on from the national spatial strategy will allow the local and regional authorities to develop land use, settlement and economic strategies, which will provide the economic, social and commercial rationale for the provision of transport services. To assist the regional authorities in their important work, officials from my Department are engaged with the all regional authorities to assist and advise them in making strong business cases for the development of public transport in their regions and to make them aware of what are the prerequisites for the development of new transport services.

149. **Ms O'Sullivan** asked the Minister for Transport when he expects that repair work on the Cahir viaduct will be completed in order to allow the reopening of the Limerick Junction and Waterford line; and if he will make a statement on the matter. [2133/04]

**Minister for Transport (Mr. Brennan):** I am informed by Irish Rail that the repair work on the Cahir viaduct will be completed and train traffic will resume in July 2004.

#### Road Network.

150. **Mr. O'Dowd** asked the Minister for Transport the progress to date on the delivery of the inter-urban motorways; and if he will make a statement on the matter. [2312/04]

194. **Mr. Costello** asked the Minister for Transport the latest projected timetable for the completion of the motorways provided for in the national development plan; the way in which these dates compare with those in the plan; and if he will make a statement on the matter. [2113/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 150 and 194 together.

The current position in relation to the upgrading of the five major inter-urban routes to motorway-high quality dual carriageway standard is that the M1 is expected to be fully complete by end 2006. Work is under way on major projects on the N7 — Monasterevin bypass and Limerick southern ring road phase 1, on the N8 — Cashel bypass and on the N4/N6 — Kilcock-Kinnegad. Work is expected to start this year on the Dundalk western bypass and Dundalk to Newry on the M1, on the Fermoy bypass — N8, the Waterford City bypass — N9-N25 and Naas road widening — N7. Completion of these projects will eliminate many of the major bottlenecks on these routes.

In addition, it is expected that compulsory purchase orders and environmental impact statements for the remaining projects in planning on these routes will either be approved by, or be before, An Bord Pleanála by end 2004. In regard to the national roads programme overall, it should be noted that since 2000 a total of 37

projects — over 250 kms — have been completed. Work is in progress on 17 projects — 150 kms — and another 16 projects — 150 kms — are at tender stage.

On the basis of current planning and funding the NRA estimate that the full completion of these routes, other than the M1, will extend to 2010 compared to 2006 as mandated in the NDP. In response to a request from me the NRA is considering, in the context of the multi-annual programme being prepared in response to the announcement by the Minister for Finance of a multi-annual funding framework for capital investment, the scope to bring forward the completion of the Cork-Dublin and Galway-Dublin routes to 2007.

#### Public Transport.

151. **Ms Lynch** asked the Minister for Transport the position regarding his proposals for the restructuring of CIE; the discussions he has had with the trade unions representing CIE workers on these proposals; and if he will make a statement on the matter. [2127/04]

179. **Mr. Wall** asked the Minister for Transport his plans for the future of CIE Tours in the context of his plans to abolish CIE; and if he will make a statement on the matter. [2146/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 151 and 179 together.

As I have already stated, I met with general secretary of the Irish Congress of Trade Unions and the CIE trade unions on Monday, 26 January 2004 on the reform of public transport. There was a frank exchange of views in talks lasting three hours. Both I and the trade unions agreed to reflect on the views expressed at the meeting and consider if there was a basis for resumed discussions on public transport reform.

I would hope that the understanding of each others firmly held positions which characterised my recent meeting with the unions can provide a productive basis for resumed intensive dialogue on public transport reform.

While these discussions with the trade unions to date have dealt primarily with the regulatory issues, they also touched on the restructuring of CIE. The future arrangements for CIE Tours will be considered as part of the detailed restructuring work. However, I am not contemplating any change to the ownership structure of the company at the present time.

#### Decentralisation Programme.

152. **Mr. Stagg** asked the Minister for Transport in respect of the sections of his Department, or boards or agencies operating under the aegis of his Department, it is proposed to decentralise the number which are housed in leased office space or premises; the annual amount paid in rent in each case; when the lease runs out in each case; if there are financial penalties involved in the



[Mr. Stagg.]

breaking of the lease in each case; and if he will make a statement on the matter. [2142/04]

190. **Mr. Stagg** asked the Minister for Transport the functions or sections of his Department, or boards or agencies operating under the aegis of his Department, it is proposed to decentralise; the proposed location in each case; the criteria used for the selection of the location in each case; the number of staff to be transferred; the discussions he has had with representatives of staff involved; and if he will make a statement on the matter. [2141/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 152 and 190 together.

I would refer the Deputy to my previous answer to Questions Nos. 231 to 234, inclusive, answered on Wednesday, 10 December 2003 and to Question No. 497 answered on Tuesday, 16 December 2003.

While questions relating to leases and rent paid are a matter for the Office of Public Works and the semi-State bodies listed in the decentralisation programme, the information readily available in my Department is detailed in the following table.

Department of Transport

Buildings in which space will be vacated as a result of decentralisation programme.

Agency/Division to be decentralised	Details of Buildings from which staff will be decentralised	Amount of Space Vacated	Lease Arrangements
Road Haulage Division	2nd Floor, Block 4B, Parkwest Business Park Nangor Road, Dublin 12	780.6 sq metres	Lease due to expire on 31/8/2021. Break after 15 years i.e. 31/8/2016 with 12 mths notice and 12 mths rent penalty
National Safety Council	4 Northbrook Road, Ranelagh, Dublin 6	300 sq. metres (3,300 sq. ft)	35 year lease commenced in Jan 1984. 5 year rent review Current rent €69,000 p.a.
National Roads Authority	St Martin's House, Waterloo Road, Dublin 4.	2,183 sq. metres (23,500 sq ft) + 48 car parking spaces	20 year lease, 7 day term from 1 Jan 1996, without option to break
Irish Aviation Authority	Buildings currently occupied are: Aviation House — entire building — 14 Hawkins Street (part of building)	37,000 sq. ft. 1,700 sq. ft. The above indicates all space currently occupied and not necessarily the amount of space that will be vacated.	14 Hawkins Street is on short term lease
Railway Safety Commission	Trident House, Blackrock, Co. Dublin	248.05 sq metres	Leased until 30/4/2014

**Public Transport.**

153. **Mr. Crowe** asked the Minister for Transport if he will outline the progress of his proposals to break up CIE and privatise a quarter of Dublin Bus. [2151/04]

**Minister for Transport (Mr. Brennan):** I refer to the reply given today to Question No. 124.

**Air Services.**

154. **Mr. F. McGrath** asked the Minister for Transport if he has major public safety concerns for the civilian population and Army units in the Shannon Airport area while US forces are landing and passing through with weapons, lethal missiles, Mark 77 bombs and Patriot missiles; and if he will make a statement on the matter. [29528/03]

**Minister for Transport (Mr. Brennan):** Requests for exemptions under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973 are received from civilian air carriers carrying

military troops with their personal weapons and ammunition.

Requests for exemption are also received from cargo carriers. The cargo on these flights includes items such as helicopter parts, rockets, grenades and cartridges. The items are described using their United Nations Classification Codes, UN Identification numbers, and International Civil Aviation Organisation, ICAO, technical packing codes rather than by brand names or mark types. Military personnel are not carried on this type of flight.

As the day-to-day oversight of aviation safety falls within the remit of the Irish Aviation Authority, all applications under the above order, including details of the cargo carried, are submitted to the IAA for their observations. The IAA ensures all such requests are compliant with current safety regulations for the safe transport of dangerous goods by air as approved by ICAO.

Applications are also sent to the Departments of Justice and Law Reform and Foreign Affairs for their observations and the Department of Defence for information. Should these bodies express an objection to the operation of these

flights, I would refuse to grant an exemption under the 1973 order.

*Question No. 155 answered with Question No. 146.*

### Rural Transport Initiative.

156. **Mr. Sherlock** asked the Minister for Transport if he will report on the operation of the rural transport initiative; the areas where the scheme operates; the funding provided to each scheme for 2003 and 2004; and his plans for this scheme for the future. [2144/04]

**Minister for Transport (Mr. Brennan):** Area Development Management Ltd., ADM, administers the rural transport initiative — RTI — on behalf of my Department and the specific details which the Deputy requires are outlined in the following table, which has been supplied to my Department by ADM.

My Department provided ADM with €2.95 million for 2002 and €3 million for 2003. The allocation to ADM for 2004 is €3 million. ADM is about to commission a full appraisal of the RTI in order to measure its effectiveness in terms of addressing the transport needs of rural Ireland. I will consider the results of the appraisal before making a long-term decision about rural transport.

Rural Transport Initiative

	Operational Area	Total RTI Allocation	Free Travel Pass Allocation	RTI Allocation
		2002 — 2003	2003	2004
			€	€
Aughrim-Kilmore Development Association Ltd.	North Roscommon	46,349	2,560	40,000
Avondu Area Transport Partnership	Mid Cork	146,349	12,400	81,051
Bantry Integrated Development Group	South West Cork	203,158	6,760	45,436
Bealach (Connamara Local Transport Partnership)	West Galway	134,349	11,120	79,360
Borrisokane Area Network Development Ltd.	North Tipperary	66,349	5,640	40,000
Carlow, Kilkenny, Sth Tipperary Rural Transport	Co. Carlow / Co. Kilkenny / South Tipperary	355,527	27,840	172,883
Comharchumann Chleire Teo (Cape Clear)	South Cork (Island)	101,349	2,560	53,194
Community of Lougharrow Social Project	East Sligo	86,349	7,440	49,600
County Limerick / North Cork Transport Group	Co. Limerick / North Cork	186,349	19,600	109,060
County Sligo LEADER Partnership Company Ltd.	North West Sligo	86,349	6,880	49,594
East Clare Accessible Transport	Clare	253,948	19,120	98,696
I.R.D. Duhallow	North West Cork	101,349	9,840	58,900
Kerry Community Transport	Co. Kerry	571,382	45,360	274,367
Kilnaleck Community & Cooperative Soc.(Cavan)	South Cavan	47,349	3,600	40,000
Laois Rural Regeneration Partnership	Co. Laois	156,349	13,320	93,117
Longford Community Resources Ltd.	North Longford	101,349	6,720	58,064
Meath Accessible Transport	Co. Meath	215,855	9,080	72,710
Meitheal Mhaigh Eo	Co. Mayo	166,349	15,000	99,372
MFG Teo	North Donegal	146,349	13,000	86,924
Monaghan Partnership	Mid Monaghan	50,244	3,760	40,000
North Fingal Rural transport Company	North Dublin	136,349	7,080	40,000
Oak Partnership (Offaly / Kildare)	North Offaly / North West Kildare	317,435	22,240	124,575
Rural Lift (Co. Leitrim, Nth Cavan)	North Cavan / Co. Leitrim	177,763	12,280	72,439
Seirbhis Iompair Tuaithe Teo	South West Donegal	120,000	9,600	69,126

	Operational Area	Total RTI Allocation	Free Travel Pass Allocation	RTI Allocation
South East Galway Integrated Rural Dev.	South Esat Galway	101,349	8,400	58,910
South Kildare Rural	South Kildare	228,553	19,880	129,215
South Westmeath (Mount Temple)	Westmeath	146,349	13,240	86,797
Tipperary LEADER Group	North Tipperary	54,349	4,120	40,000
Tumna Shannon Development Co.	North Roscommon	76,349	4,360	43,460
Waterford Rural Transport Working Group (CDB)	Co. Waterford	151,349	12,800	90,734
West Coast Wexford Rural Transport Initiative	South West Wexford	106,349	9,320	60,890
West Offaly Partnership	West Offaly	126,349	8,800	74,400
Wexford Area Partnership	West Wexford	86,349	5,880	49,600
Wicklow Rural (Aughrim Tidy Towns Ltd.)	South Wicklow	146,349	14,000	86,794
<b>TOTAL</b>		<b>5,198,241</b> (See note 1)	<b>393,600</b> (See note 2)	<b>2,669,268</b> (See Note 3)

Note 1 : ADM made allocations to groups in 2002 which covered the period 2002 — 2003. These allocations included Pre-Development Grants to 25 groups of €6,349 each. The balance of some €750,000 catered for ADM administration and technical assistance costs as well as an emergency assistance fund.

Note 2: It should be noted that an allocation has not yet been made for 2004 by the Department of Social and Family Affairs relating to the Free Travel Pass Scheme.

Note 3 : In addition €330,732 is being provided for the administration of the RTI by ADM

### Driving Licences.

157. **Mr. J. Bruton** asked the Minister for Transport if he intends to abolish provisional driving licences; and if he will make a statement on the matter. [2308/04]

**Minister for Transport (Mr. Brennan):** Over the years various changes have been made to the regulatory conditions under which provisional licences have effect. I am considering whether further changes are desirable in this regard. I wish, in particular, to bring in measures that will reduce long-term reliance on provisional licences. As the provisional licence is a learning permit, which provisionally allows a person to drive in a public place, I am also considering whether the term “provisional licence” should be revised to reflect this. In addition, I am reviewing the provision whereby holders of second provisional licences for cars are not required to be accompanied by a person who holds a driving licence for that category of vehicle with a view to ending this arrangement. All other provisional licence holders other than drivers of motorcycles and work vehicles must be accompanied by a qualified driver at all times when driving in a public place.

### Light Rail Project.

158. **Ms McManus** asked the Minister for Transport the progress with regard to each of the three Luas lines; the original estimated cost in respect of each and the final anticipated cost; the original planned opening date for each and the

expected operational date for each; and if he will make a statement on the matter. [2123/04]

**Minister for Transport (Mr. Brennan):** Considerable progress has been made in the construction of the Luas project. I understand from the RPA that construction will be completed by May 2004 for the Tallaght-Connolly Station line, line A/C, and March 2004 for the Sandyford St. Stephen’s Green line, line B. This compares with the original contractual dates of October 2003 for line A and December 2003 for line B. Following a period of testing and commissioning, passenger services will begin at the end of August 2004 for the Tallaght Connolly Station line and end of June 2004 for the Sandyford-St. Stephen’s Green line.

Government approval for the capital cost of €466 million — comprising €235 million for line A, €201 million for line B and €30 million for line C — for the Luas project was given in 2000, based on preliminary estimates submitted by CIE in 1999 prices. The budget was revised in February 2001 to €675 million — comprising €338 million for line A, €295 million for line B and €42 million for line C — plus a risk provision of €89 million to take account of competitive tender prices received, reflecting high inflation in the construction sector, higher than anticipated property acquisition costs and changes to the scope of the project, mainly related to the provision for upgrading line B to metro status.

In December 2002 the Government noted the increase in the budget to 691 million — comprising €358 million for line A, €290 million for line B and €43 million for line C — plus a risk provision of €84 million. The reasons for the

increase of €16 million are the higher than anticipated costs associated with the demolition of the Connolly Station ramp and increases in the costs of utilities and enabling works. I have been informed by the RPA that the project is within the €691 million budget and risk provision, as notified to the Government in December 2002.

#### Public Transport.

159. **Mr. Rabbitte** asked the Minister for Transport his plans for the future decision-making structures for transport and traffic in the greater Dublin area; the status of the proposed greater Dublin land use and transport authority; and if he will make a statement on the matter. [2125/04]

165. **Mr. Gormley** asked the Minister for Transport if he will consider the introduction of a separate public transport regulator for the greater Dublin area in conjunction with a separate national regulator to deal with other urban, inter-urban and rural services; and, in view of the difficulty in filling the position of taxi regulator, if he will also consider amalgamating the role of taxi regulator with public transport regulator within the one office. [2155/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 159 and 165 together.

It is my intention to establish an independent procurement and regulatory body for public transport. My priority for public transport regulatory reform is the establishment of this body. Such an independent body should be established on a national basis.

I am mindful of the significant work under way on the integration of land use and transport through the drawing up of regional planning guidelines by regional authorities having regard to the national spatial strategy. In light of this development, I am reviewing my proposals for a greater Dublin land use and transport authority.

The Taxi Regulation Act 2003 provides the legislative basis for the establishment of a commission for taxi regulation. Given that the legislation has been enacted so recently and the onerous tasks that it is faced with, I do not consider it appropriate, at this stage, to amalgamate this role with the regulation of the public transport market.

#### Light Rail Project.

160. **Mr. Naughten** asked the Minister for Transport the supervisory role of his Department in the Luas project; and if he will make a statement on the matter. [2296/04]

**Minister for Transport (Mr. Brennan):** The Railway Procurement Agency, which is responsible for the delivery of the Luas project, has confirmed to me that the agency complies with the requirements of the code of practice for the governance of State bodies, including

conformity with the guidelines for the appraisal and management of capital expenditure in the public sector.

In addition, a light rail monitoring committee is in place comprised of representatives of my Department, the Department of Finance and the Railway Procurement Agency. It is assisted by independent technical experts who report to the Department on a monthly basis. The Railway Procurement Agency also report on programme and budgetary issues to my Department on a monthly basis.

I have been informed by the RPA that Luas passenger services will commence in summer 2004 and that the project is within the €691 million budget and risk provision as notified to the Government in 2002.

*Question No. 161 answered with Question No. 139.*

#### Air Services.

162. **Mr. Howlin** asked the Minister for Transport the position regarding plans to end the Shannon stopover; and if he will make a statement on the matter. [2119/04]

**Minister for Transport (Mr. Brennan):** As I have indicated to the House on a number of occasions, negotiations have begun between the EU Commission and the US authorities to establish an EU-US open aviation area agreement. The third round of those negotiations will take place in Washington next month. Officials of my Department met with the Aer Rianta unions on a number of occasions late last year to hear their views on this matter.

I have previously indicated that I consider it appropriate for any changes that occur in this area to be on a phased basis over a number of years.

In order to protect the Irish position, and with a view to securing new US routes for Aer Lingus, as well as taking account of the developing EU-US negotiations, I have authorized my officials to seek negotiations with the US so that both sides could discuss arrangements for any possible phased amendments to the Ireland-US bilateral agreement. Negotiations have not yet commenced.

Last week, I wrote to SIPTU and ICTU regarding, *inter alia*, the dual gateway status of Shannon and I confirmed my commitment to renew direct engagement with them to seek to work out a means of best addressing the challenges arising for Shannon Airport. I will also be consulting further with the board designate of Shannon airport about this issue.

#### Traffic Management.

163. **Mr. O'Shea** asked the Minister for Transport his plans for the establishment of the dedicated traffic corps, promised in the programme for Government; when he expects

[Mr. O'Shea.]

that the corps will be established and operational; the reason for the delay, especially when the programme for Government promised that the consultation process would be completed by the end of 2002; and if he will make a statement on the matter. [2130/04]

**Minister for Transport (Mr. Brennan):** The programme for Government contains a commitment relating to the establishment of a dedicated traffic corps. As I have already indicated in this House, I support the implementation of this proposal through the formation of a corps that will be separately identifiable and visible.

A consultation process involving my Department, the Department of Justice, Equality and Law Reform and the Garda Síochána in relation to the establishment of a dedicated traffic corps is being progressed. The question of the relationship that the corps will have with the Garda and in particular whether it will be under the overall control of the commissioner is central to the development of this proposal.

The establishment of a dedicated traffic corps which is independent of the gardaí, would require the introduction of legislation, in particular to establish powers and functions of the corps and its accountability.

A working group has been established to urgently consider the options available in terms of progressing this proposal. This group comprises representatives from the Department of Transport, the Department of Justice, Equality and Law Reform, the Garda Síochána, the Dublin Transportation Office and the Office of the Director of Traffic.

*Question No. 164 answered with Question No. 131.*

*Question No. 165 answered with Question No. 159.*

### Driving Tests.

166. **Mr. Ring** asked the Minister for Transport his plans to address the driving test backlog; and if he will make a statement on the matter. [2288/04]

167. **Ms B. Moynihan-Cronin** asked the Minister for Transport the number of applicants awaiting driving tests at the latest date for which figures are available; if he will give the current

waiting time in each test centre; if he will outline the progress made to date in discussions with the Department of Finance on a package of measures to address the backlog of driving test applications; and if he will make a statement on the matter. [2128/04]

168. **Mr. J. O'Keeffe** asked the Minister for Transport when he expects applicants for driving tests to be able to have their tests within a reasonable time; the current backlog and waiting time; and the estimated cost to applicants in the payment of additional insurance premia pending their obtaining full licences. [2106/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 166 to 168, inclusive, together.

The number of applicants awaiting a driving test at 26 January 2004 is 119,569. Of these, 21,631 have been given test appointments and a further 13,226 have indicated that they are currently not available to be tested. The current average waiting time nationally for a driving test is 33 weeks. The current average waiting time at each test centre as at 26 January 2004 is set out in the following table.

The current waiting times are due to the unprecedented level of approximately 230,000 test applications received in 2003. This represents a 21% increase on 2002 applications. However, indications are that applications have now fallen to normally expected levels. The annual capacity of the driver testing service, inclusive of normal overtime, is in the region of 200,000 tests. I anticipate that the current waiting times will improve over the coming year.

Sanction for a bonus scheme for driver testers was obtained from the Department of Finance in May 2003. Under the terms of the scheme set out by the Department of Finance, the bonus scheme terminated in November 2003. In addition to the bonus scheme, eight retired driver testers were re-employed with effect from 13 October 2003. Driver testers continue to deliver additional tests by working overtime on Saturdays and at lunchtime.

Preparation of legislation to establish the driver testing and standards authority, which will take on responsibility for conducting driving tests and will have more flexibility to respond to variations in demand, is at an advanced stage.

The cost and availability of insurance is a matter for the Minister for Enterprise, Trade and Employment.

Centre	Average Weeks Waiting	Centre	Average Weeks Waiting
North Leinster		South East	
Finglas	33	Carlow	33
Dundalk	38	Clonmel	46
Mullingar	28	Dungarvan	44
Navan	41	Kilkenny	35

Centre	Average Weeks Waiting	Centre	Average Weeks Waiting
Raheny	36	Nenagh	45
South Leinster		Portlaoise	34
Churchtown/Rathgar	35	Thurles	38
Gorey	46	Tipperary	44
Naas	33	Waterford	35
Tullamore	37	Wexford	35
Wicklow	46	South West	
Tallaght	43	Cork	36
West		Killarney	40
Athlone	6	Kilrush	25
Birr	30	Limerick	33
Castlebar	39	Mallow	34
Clifden	15	Newcastle West	34
Ennis	15	Shannon	40
Galway	31	Skibbereen	33
Loughrea	18	Tralee	35
Roscommon	22		
Tuam	28		
North West			
Ballina	35		
Buncrana	17		
Carrick-on-Shannon	40		
Cavan	44		
Donegal	29		
Letterkenny	23		
Longford	26		
Monaghan	39		
Sligo	25		

Note: The average waiting time is derived having regard to waiting times experienced by individual applicants who have undergone a driving test over the previous four week period in the test centre.

*Question No. 169 answered with Question No. 142.*

*Question No. 170 answered with Question No. 129.*

#### **Public Transport.**

171. **Ms McManus** asked the Minister for Transport the progress with regard to commitments under the NDP to increase the Dublin Bus fleet; and if he will make a statement on the matter. [2122/04]

**Minister for Transport (Mr. Brennan):** The national development plan target for the Dublin Bus fleet is the purchase of 275 additional and 500 replacement buses. In the first three years of the plan, 2000-2002, 93 additional and 241 replacement buses were acquired. A further 90 replacement buses were acquired in 2003. All new buses are wheelchair accessible, in line with transport policy of making public transport accessible for all users, and have improved the quality and reliability of the fleet as well as providing for increased services.

#### **Rail Network.**

172. **Mr. Boyle** asked the Minister for Transport if his Department held discussions with Iarnród Éireann on the proposed interconnector tunnel between Heuston Station and Spencer Dock; if he intends asking for a full cost benefit analysis to be carried out on such a proposal as was included in the Dublin Transportation Office platform for change plan; and his views on whether we will have to choose between investing in the interconnector proposal or investing in upgrading the Phoenix Park tunnel. [2164/04]

**Minister for Transport (Mr. Brennan):** Consistent with the Dublin Transportation Office "Platform for Change", Irish Rail recently completed a study on the feasibility of providing an interconnector tunnel from Heuston Station to the docklands. At my request this study also examined the question of increased use of the Phoenix Park tunnel for passenger services between Connolly and Heuston stations. The completed study has been submitted to my Department and discussions have taken place with Irish Rail on the findings.

I am awaiting a business plan from Irish Rail, which will include cost benefit analysis, funding

[Mr. Brennan.] proposals and a proposed timescale. I understand, however, that the construction of the interconnector does not form part of the company's short-term plans. In the meantime, the company is looking at the potential of the Phoenix Park tunnel when the second phase of the DART upgrade programme is completed in 2007 and extra rail paths into Connolly Station become available.

*Question No. 173 answered with Question No. 131.*

### Cycle Facilities.

174. **Mr. Eamon Ryan** asked the Minister for Transport if he intends to review the regulations governing the design and use of cycle lanes; and if he will consider amending the regulations designating the mandatory use of certain cycle lanes given the criticism by cycling campaign groups that such a restriction may in certain circumstances restrict a cyclist from taking the safest manoeuvring action on the road. [2157/04]

267. **Ms O. Mitchell** asked the Minister for Transport if he will outline the legislation in place to control the use of cycle paths and to ensure they are kept free of obstruction. [2526/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 174 and 267 together.

The statutory basis for the use of cycle tracks is set out in the Road Traffic (Traffic and Parking) Regulations 1997 and 1998. The regulations provide for two types of cycle tracks, namely, mandatory cycle tracks, which are indicated by a continuous white line, which cyclists must use and other vehicles must not enter — except for access to premises — and non-mandatory cycle tracks which are indicated by a broken white line from which cyclists may depart in certain circumstances, for example, to pass a stopped bus or change direction at a junction and which other vehicles are restricted from entering, save in very particular circumstances.

The regulations also prohibit parking in a cycle track. That offence comes within the scope of the on the spot fines system and the amount of the on the spot fine currently applicable to the offence is €19, which is the level that applies to the majority of parking offences. Where an on the spot fine notice is issued, it is open to the person to whom the notice is addressed to pay the relevant amount so as to avoid the matter proceeding to court.

Section 23 of the Road Traffic Act 2002, which was commenced on 31 October 2002, provides for major increases in certain financial penalties for road traffic offences including an increase in the general penalty that applies to the majority of offences under the Road Traffic Acts, including the offence of illegally parking in a cycle track.

If the motorist elects to go to court and is convicted of this offence he or she is liable to a fine not exceeding €800 for a first offence, a fine not exceeding €1,500 for a second or subsequent offence and if a third or subsequent such offence is committed within 12 months the person is liable to a fine not exceeding €1,500 or, at the discretion of the court, to imprisonment for a term not exceeding three months or both. The determination of the fine to be imposed in each particular case is a matter for the courts.

That Act also provides for the replacement of the present on the spot fines system by a fixed charge system. The new system will bring greater certainty to the application of administrative charges for the traffic and parking offences to which it will apply. I expect that the full roll out of the fixed charge system will be completed this year.

A design manual for cycle facilities entitled Provision of Cycle Facilities — National Manual for Urban Areas was published in March 1998 by the Dublin Transportation Office, DTO, in association with the Department of the Environment, Heritage and Local Government. The manual comprises a comprehensive set of guidelines for the design and provision of cycle facilities and is intended to be of assistance to local authorities in ensuring that such facilities are implemented to a uniform and high standard. This 1998 manual is currently being reviewed by the DTO and is expected to be finalised later this year.

### Haulage Industry.

175. **Mr. Penrose** asked the Minister for Transport his plans to publish the draft regulations regarding the maximum height of commercial vehicles which he told the House on 20 November 2003 would be published within the next few weeks; and if he will make a statement on the matter. [2135/04]

**Minister of State at the Department of Transport (Dr. McDaid):** In order to facilitate and inform the public consultation process on the question of a maximum height for vehicles, I have decided that a background paper will accompany the draft regulations. The paper will provide a context for the draft regulations by outlining the considerations of the various interests involved in this matter. Publication of the draft regulations was deferred pending the completion of the information paper. I expect to be in a position to issue the draft regulations and information paper shortly.

*Question No. 176 answered with Question No. 146.*

*Questions Nos. 177 and 178 answered with Question No. 131.*

*Question No. 179 answered with Question No. 151.*

*Questions Nos. 180, 181 and 182 answered with Question No. 130.*

### **Rural Transport Integration.**

183. **Mr. Wall** asked the Minister for Transport if he will report on the allocation to Seirbhís Iompair Tuaithe Teo. for 2003 and the proposed funding for 2004; the reasons this has been reduced so drastically in the current year, in view of the success of the scheme; and if he will make a statement on the matter. [2145/04]

**Minister for Transport (Mr. Brennan):** At the outset, I want to clarify that there has been no reduction in the funding provided by my Department for the rural transport initiative (RTI). On the contrary, while €4.4 million was earmarked for the RTI in the national development plan, some €6 million has already been provided for the initiative in the two year period ending December 2003 and further funding of €3.0 million is being provided for the initiative in 2004.

Specific allocations for individual RTI projects are made from this funding by Area Development Management Limited (ADM) which is managing the RTI on behalf of my Department.

I understand from ADM that in 2003, €111,493 was provided to Seirbhís Iompair Tuaithe Teo. (County Donegal). In addition, the company received €9,600 from the Department of Social and Family Affairs, arising from the extension of the free travel scheme to the RTI in July 2003. ADM advise that the 2004 RTI allocation for the project is €69,126, before any allocation from the Department of Social and Family Affairs or any funding which individual projects might acquire from other sources. I have been informed by ADM that the reason for the high level of expenditure in 2003 arose as a result of the company being unable to draw down their full allocation from ADM for 2002 and this resulted in a substantial carryover to 2003.

### **Driving Instruction.**

184. **Mr. S. Ryan** asked the Minister for Transport his plans to introduce the promised legislation to licence and regulate driving instructors, especially in view of concerns that not all instructors have the required level of skill and expertise to successfully instruct new drivers; and if he will make a statement on the matter. [2140/04]

**Minister for Transport (Mr. Brennan):** Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. The design of the standards that a driving instructor must meet has been formulated by a working group comprising

representatives of my Department and of instruction interests. I am considering what arrangements will be put in place to oversee implementation of the standard in the context of the establishment of the Driver Testing and Standards Authority.

### **Road Safety.**

185. **Ms B. Moynihan-Cronin** asked the Minister for Transport if, in regard to his statement of 20 October, 2003, he will outline his plans to make the sale of end of use cars to minors a criminal offence in view of the number of accidents and deaths caused by these vehicles; and if he will make a statement on the matter. [2129/04]

**Minister for Transport (Mr. Brennan):** The Road Traffic Act 1968 sets out certain provisions for the control of the supply of vehicles. These provisions prohibit, inter alia, the delivery of a vehicle in such a condition that it does not comply with the requirements of regulations regarding the use of vehicles in a public place or on a public road.

I intend, in conjunction with the Attorney General, to consider the question of introducing controls on the sale of vehicles generally including to persons under the licensing age established under the Road Traffic Acts and to determine if it would be appropriate to use road traffic legislation for the imposition of such controls in the case of persons under 17 years of age.

I am mindful that section 41 of the Road Traffic Act 1994 already provides for the detention of vehicles driven by underage drivers. In addition policies and legislative measures in respect of end of use vehicles are being pursued in other areas in that the Department of the Environment, Heritage and Local Government has been actively engaged with the Society for the Irish Motor Industry (SIMI), the Irish Motor Vehicle Recyclers Association (IMVRA), the Metal Recyclers Association of Ireland (MRAI) and other concerned parties with a view to developing a producer responsibility initiative to implement the main provisions of European Parliament and Council Directive 2000/53/EC on end-of-life vehicles (ELVs).

### **Taxi Regulations.**

186. **Mr. Howlin** asked the Minister for Transport his plans to introduce the promised tougher criteria for qualification for a taxi drivers licence in view of concerns that an increasing number of people with serious criminal convictions have received licences; and if he will make a statement on the matter. [2118/04]

**Minister for Transport (Mr. Brennan):** Under existing provisions in the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002 all applicants for licences to drive small public service vehicles, i.e. taxis, hackneys and



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limousines, must satisfy the Garda Commissioner that they are a fit and proper person to hold a licence, and that they have an adequate knowledge of general traffic regulations, the regulations relating to public service vehicles and the area in which they propose to make services available as a driver of a small public service vehicle. All applicants for such licences are vetted by the Garda Síochána for the purpose of establishing if applicants are fit and proper persons to hold such licences. The Garda Commissioner may at any time revoke a licence to drive a small public service vehicle if he considers that the holder of the licence is no longer a fit and proper person to hold such a licence. It is of course open to individual licence applicants to appeal Garda decisions to refuse or revoke a licence to the courts.

Under the Taxi Regulation Act 2003, the principal function of the Commission for Taxi Regulation will be the development and maintenance of a new regulatory framework for the control and operation of small public service vehicles and their drivers. This will include the overall development and application of new standards and requirements for drivers, licence holders and for vehicles.

Pending the establishment of the commission, I have indicated to the recently established Advisory Council to the Commission that I would be interested in their advice on a range of issues including the introduction of enhanced training and knowledge requirements for existing and new small public service vehicle drivers.

Section 36 of the Taxi Regulation Act 2003 provides for a system of automatic disqualification from applying for or holding a small public service driver or vehicle licence in respect of persons who have been convicted of one of a range of very serious offences, including murder, manslaughter and various sexual, drug trafficking and other offences. A person who is affected by these provisions can request the courts to allow them to apply for a licence in certain restricted circumstances. In addition, where a person has been convicted of one of a number of other serious traffic offences, he or she will be disqualified from holding a licence to drive a small public service vehicle for a period additional to any driving disqualification that is applied. Section 37 of the Act also provides that the grant or renewal of licences will be subject to the production by the applicant of a tax clearance certificate.

Decisions regarding the timing of the commencement of the above sections have yet to be made having regard to the putting in place of appropriate administrative and other arrangements to facilitate their full implementation.

*Question No. 187 answered with Question No. 140*

### Taxi Regulations.

188. **Mr. M. Higgins** asked the Minister for Transport when he expects the Taxi Regulator will be appointed; the reason for the delay in making the appointment; and if he will make a statement on the matter. [2117/04]

193. **Mr. Sargent** asked the Minister for Transport the progress the Government is making on the commitment given at the deregulation of the Dublin taxi market that, by the end of 2003, we would begin the process of making all taxis wheelchair accessible; the talks that have taken place with interested parties in this area; the current status of the proposed Taxi Advisory Council and the Taxi regulator; who will be ultimately responsible for deciding the means to be used to achieve this Government's commitment on taxi accessibility; and the projected timetable for such a decision to be taken. [2159/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 188 and 193 together.

The Taxi Regulation Act 2003 was enacted in July 2003 to provide a legislative basis for the establishment of a Commission for Taxi Regulation and an Advisory Council to the Commission for Taxi Regulation. Section 14 of the Act requires that the Commissioner for Taxi Regulation must be selected by open recruitment competition held by the Civil Service and Local Appointments Commission.

Following a competition for the post of Taxi Commissioner in 2003, the Civil Service and Local Appointments Commission was unable to recommend a candidate for appointment. Arrangements are currently being made to hold a further recruitment competition on the basis of an enhanced salary for the position. I understand that the post will be advertised in the national newspapers in the near future.

With regard to the Advisory Council to the Commission for Taxi Regulation, I have made an order under the Taxi Regulation Act 2003 to provide for the establishment of the council with effect from 4 November 2003. I understand that the council has met on two occasions to date and a further meeting is planned later this month.

On the question of accessible taxis, the position is that the Government is committed in the Agreed Programme for Government to continue the process of making taxis wheelchair accessible. However, a number of complex issues concerning implementation of this accessible taxi policy have yet to be decided. These include improvements to the existing wheelchair accessible taxi specification to accommodate the greatest possible range of people, issues surrounding urban-rural needs and the cost of suitable vehicles. These issues will be addressed by the Commission for Taxi Regulation, when established, as part of the development of new small public service vehicle standards.

The Taxi Regulation Act 2003 specifically provides that an objective of the Commission for Taxi Regulation is to promote access to small public service vehicles by persons with disabilities. In this regard, the commission will be tasked with the determination of the future policy in relation to accessible taxis. It is envisaged that this will necessitate specific discussions with both disability and taxi representative groups. The commission will also determine the manner and time frame for the implementation of the standards for accessible taxi services.

Pending the establishment of the commission, I have indicated to the advisory council that I would be interested in its advice on a range of issues relating to quality enhancement and standards for small public service vehicles and their drivers, including vehicle standards and accessibility for persons with mobility and sensory difficulties.

### Penalty Points System.

189. **Mr. S. Ryan** asked the Minister for Transport his views on the operation to date of the penalty points system; the number of drivers who have received penalty points to date; if there have been any disqualifications to date based on the number of points received; and the timetable for the extension of the system to other road offences [2139/04]

**Minister for Transport (Mr. Brennan):** Penalty points are being applied to the driving licence records of those convicted of speeding, insurance and seat belt wearing offences, and to those who pay a fixed charge to the Garda (in the case of speeding and seat belt wearing offences) in order to prevent the instigation of court proceedings.

It is now more than one year since penalty points for speeding were first introduced. At the end of December, 2003 more than 93,300 drivers have received penalty points since the introduction of the system in October 2002. The number of road deaths during the first year of the operation of the penalty points system was 333 compared to 409 for the corresponding 12-month period in the previous years. This represents the saving of 76 lives (nearly 19%) since the introduction of the system. Provisional figures for 2003 show 341 road deaths compared to 376 in 2002. At the end of December 2003, no driver had accumulated the 12-point threshold which leads to automatic disqualification.

The full application of the penalty points system will be achieved when the relevant IT systems being developed by the Department of Justice, Equality and Law Reform and the Garda are completed.

*Question No. 190 answered with Question No. 152.*

### Taxi Hardship Panel.

191. **Mr. M. Higgins** asked the Minister for

Transport the number of payments made to date by the Taxi Hardship Panel and the average amount paid out; the number of outstanding claims before the Panel; when he expects that these will be disposed of; his plans to provide for a compassionate payments scheme for those who do not fit into any of the existing categories but who have clearly suffered hardship; and if he will make a statement on the matter. [2116/04]

195. **Mr. Broughan** asked the Minister for Transport the cost of employing ADM to administer the Taxi Hardship Panel; if he will provide a breakdown of this figure relating to staff, administration or any other costs; if these costs will be met from the fund itself; and if he will make a statement on the matter. [2110/04]

**Minister for Transport (Mr. Brennan):** I propose to answer Questions Nos. 191 and 195 together.

Area Development Management Limited (ADM) has been engaged to administer and manage the implementation of the taxi hardship payments scheme in accordance with the terms of the relevant Government decision.

The cost of administering the taxi hardship payments scheme, based on a nine-month implementation period, was estimated at some €536,000 in August 2003. This cost estimate is made up of set-up costs of some €92,000, ongoing salary costs in the region of €295,000, with the balance relating to administration costs. ADM operates as a not for profit organisation and has to directly recoup all the costs it incurs in administering schemes or projects on behalf of the State. These costs will be met over and above any hardship payments made under the taxi hardship payments scheme itself.

I understand from ADM that a total of 749 applications under the taxi hardship payments scheme had been received by them as of Friday, 23 January 2004. Hardship payments totalling €1,990,000 have been made to 166 qualifying persons under the scheme to date. The taxi hardship panel recommended that a range of specific payments might be made to eligible and qualifying taxi licence holders, ranging from €3,000 to €15,000 depending on the category of hardship involved. The average payment to date is €12,042. Of the 583 outstanding applications, additional information has been requested from the applicants in 497 cases and a further 86 applications where the information is complete have yet to be processed. The time taken to process applications and to make payments depends on the completeness of the information and supporting documentation in each individual application.

The taxi hardship payments scheme is based on the recommendations and parameters set out in the Taxi Hardship Panel report, as approved by Government. However, the scheme does allow individuals who find, due to their particular circumstances, that they fall outside the requirements for a particular category of

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hardship, to complete the application form and submit their details, including information regarding the extenuating circumstances involved in relation to their hardship, for consideration by ADM. I have no proposals to depart from the terms of the Taxi Hardship Panel report or the Government's decision in relation to it.

### Public Transport.

192. **Mr. Durkan** asked the Minister for Transport the extent to which adequate research and forward planning was undertaken in regard to the modernisation of transportation in Dublin with particular reference to the roads, Luas, the port tunnel and actual traffic management; if consultants reports were called upon; if so, the extent thereof and whether actual operations to date are in accord with projections; and if he will make a statement on the matter. [2149/04]

**Minister for Transport (Mr. Brennan):** The updated DTO strategy — A Platform for Change — is providing the framework for the development of Dublin's transport network, including metro, Luas DART/suburban rail, bus and roads, — to respond to the transportation needs of the greater Dublin area in the period to 2016.

“Platform for Change” was developed to support and complement the strategic land use planning framework set out in the strategic planning guidelines for the greater Dublin area and was drawn up taking account, *inter alia*, of the development plans of the local authorities, the national sustainable development strategy, the Green Paper on sustainable energy, the national climate change strategy, the Dublin suburban rail strategic review, the bus network strategy appraisal for the greater Dublin area, the national road needs study and the ESRI medium term review. These and other documents provided both a general policy background and more detailed technical analysis.

As part of the development of the strategy the DTO subjected emerging strategy options to a multi-criteria evaluation process analysing the impacts of proposed measures on the economy, on accessibility, on sustainability and on policy integration. In addition, individual projects are subject to detailed examination and assessment as part of the planning and design process.

Significant elements of the strategy are now being delivered under the NDP. The NDP provides for investment of over €2 billion in public transport and traffic management in Dublin in the period to 2006, including provision of over €250 million in respect of traffic management grants. Major national road development projects, including major projects on the M1, the M50, the N11 and the Dublin port tunnel, to a total value of nearly €2.5 billion have been completed in recent years or are under way in the greater Dublin area.

In addition, a total of €1.4 billion has been invested in public transport over the past four years including the Luas, rail safety programme, rail rolling stock, bus fleet replacement and expansion and Heuston Station redevelopment.

*Question No. 193 answered with Question No. 188.*

*Question No. 194 answered with Question No. 150.*

*Question No. 195 answered with Question No. 191.*

*Question No. 196 answered with Question No. 145.*

### Road Network.

197. **Mr. O'Shea** asked the Minister for Transport the position with regard to his Department's discussions with the NRA regarding the request from Bus Éireann for permission to use the hard shoulder on roads between Dublin and satellite towns in order to counter severe traffic problems that are causing long delays on routes; and if he will make a statement on the matter. [2131/04]

**Minister for Transport (Mr. Brennan):** I am anxious to ensure that as many practical measures as possible are taken to improve public transport flows and reduce congestion throughout the country. In that regard, my officials are engaged in discussions with Bus Éireann, the Dublin Transportation Office, the quality bus network office of Dublin City Council and the National Roads Authority regarding the use of the hard shoulder on roads, including those linking Dublin and satellite towns. A number of projects have been identified for development and their implementation is now being pursued by Dublin City Council. To give effect to these projects, some amendments to the road traffic legislation are being prepared and these will be included in the forthcoming Road Traffic Bill.

The objective of allowing buses to use hard shoulders is to assist bus operators in meeting their schedules thereby assisting in the achievement of modal shift from the private car to public transport, while at the same time maintaining safety.

### State Airports.

198. **Mr. McCormack** asked the Minister for Transport his plans for the development of regional airports; and if he will make a statement on the matter. [2291/04]

**Minister for Transport (Mr. Brennan):** The programme for Government provides for the continued support of our six regional airports and for regional air access. My Department provides a range of financial mechanisms in support of this objective, namely, subvention of the PSO services

which facilitate air access to the regions concerned, the allocation of assistance towards marketing, safety and security related expenditure incurred by the regional airports and capital grant assistance towards infrastructural improvements under the regional operational programmes of the NDP.

A renewed three-year PSO air services programme was launched in 2002 in accordance with the programme for Government. I am currently considering the outcome of an expenditure review of PSO air services, which points to the dramatic escalation of subvention costs in recent years and questions whether the programme is achieving its objectives in the most cost effective way. I hope to outline my decision on the future approach to PSO air services shortly.

My Department administers a grant scheme to assist the regional airports with marketing, safety and security related current expenditure. The total amount provisionally allocated in the Estimates for 2004 is €2.24 million and the individual amounts for each airport will be determined shortly.

With regard to capital funding, grant-aid of approximately €9.2 million has already been approved under first round allocations under the regional airports measure of the NDP. The primary objective of this measure is to facilitate continued safe and viable operations at the regional airports. A further round of projects will be considered for funding under the measure during this year.

The Government's commitment to regional airports will continue. However, the scale of Exchequer assistance to the regional airports will have to be carefully assessed in line with general airport and aviation policy and the availability of Exchequer funds.

#### **Driving Tests.**

199. **Mr. Stanton** asked the Minister for Transport the plans he has to reform the current driving test; and if he will make a statement on the matter. [2310/04]

**Minister for Transport (Mr. Brennan):** The requirements of the practical driving test are set out in the relevant EU directive. A number of improvements to the practical driving test are in the course of implementation on foot of amendments agreed at EU level. These changes relate to random checks on mechanical aspects of vehicles which have a bearing on road safety such as tyres, steering, brakes, engine oil, coolant, washer fluid, lights, reflectors, indicators and horn. A study to assess the impact of these additional requirements is currently under way in my Department.

In addition, my Department, in conjunction with the Office of Public Works, is arranging for the implementation of improvements to truck tests i.e. parking safely for loading/unloading at a

loading ramp and coupling and uncoupling the vehicle.

Further changes are also due to be introduced to the driving test by October 2005 related to manoeuvres to be carried out by motorcyclists.

#### **Rail Network.**

200. **Dr. Upton** asked the Minister for Transport the position in regard to his Department's consideration of proposals submitted by Irish Rail for an integrated commuter rail plan for the greater Dublin area, including the construction of a spur to Dublin Airport from the existing DART line; and if he will make a statement on the matter. [2121/04]

**Minister for Transport (Mr. Brennan):** My Department has had discussions with Irish Rail in relation to its proposals for the integration of commuter rail in the Dublin area which was submitted in November 2003. The company proposes that the various elements of the overall plan will be introduced on an incremental basis, consistent with the availability of funds, up to 2010. Already some of the proposals such as phase 1 of the DART upgrade, preparatory work for the upgrade of the Kildare route and the new rolling stock acquisition programme are well under way.

Other elements such as phase 2 of the DART upgrade project have been sanctioned and will be implemented in due course. The suggested DART spur to Dublin Airport contained within the proposals is being considered within the overall context of providing a rail link from the city centre to the airport.

*Question No. 201 answered with Question No. 131.*

#### **International Terrorism.**

202. **Mr. Broughan** asked the Minister for Transport the Government's views of demands by the US authorities that armed air marshals should be deployed on aircraft flying to the United States; if a specific request has been received from the US authorities that air marshals should be deployed on flights originating in this jurisdiction; if his attention has been drawn to the concerns expressed by pilots and others that such a move may actually increase the danger to passengers; and if he will make a statement on the matter. [2111/04]

270. **Mr. Dennehy** asked the Minister for Transport if he expects that air marshals will be required on transatlantic flights from Ireland; and if he will make a statement on the matter. [2357/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 202 and 270 together.

I refer the Deputy to the answer I gave to Question No. 825 of 27 January 2004.

*Question No. 203 answered with Question No. 139.*

### **Decentralisation Programme.**

204. **Ms O. Mitchell** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a survey of staff to determine interest in participating in the decentralisation programme has been undertaken in her Department; when it will be completed; and if the results will be published or otherwise made available to Deputies. [2325/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Following the announcement of the Government's decentralisation programme, under which 250 staff of my Department will decentralise to Carlow, a survey was conducted within the Department with a view to establishing the numbers of staff interested in decentralising to locations outside Dublin. A total of 503 staff responded to the survey, 69 of whom indicated that they would be prepared to transfer to Carlow and 160 of whom indicated a willingness to decentralise to other locations outside Dublin.

### **Work Permits.**

205. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to instances where migrant workers have been charged for their work permit by unscrupulous agencies; if she will give the details of each case where this has occurred; and if she will make a statement on the matter. [2386/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Applications for work permits require the signatures of both the employer and the employee and immediately above the employer's signature, every application form contains a statement in bold as follows: I understand and accept that I may not charge an employee a fee for (a) a work permit and/or (b) solely for agreeing to seek employment for him/her. This policy is strictly enforced by the Work Permit Section of my Department.

No recent reports of agencies charging for work permits has been received and if the Deputy has any specific information, my Department will consider the matter further.

206. **Ms Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the permits necessary to enable a US citizen on the second year of a visa to take up permanent and part time teaching positions in Ireland; and if she will make a statement on the matter. [2387/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** An employer who wishes to employ a non-EEA national must apply to my Department for a work permit. In

considering such applications cognisance is taken of the status of the prospective employee *vis-à-vis* the immigration authorities.

### **Industrial Relations.**

207. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason there is no regulatory body monitoring trade unions in Ireland; and if there are any statutory provisions where rights are conferred to union members, that are not available to non-union workers in the same industrial area. [2388/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** A number of statutory powers regarding the regulation of trade unions have been delegated to me as Minister for Labour Affairs. In addition, the Registrar of Friendly Societies has a number of responsibilities under the Trade Union Acts 1871 to 1990.

Under section 9 of the Trade Union Act 1941, as amended, I have responsibility for issuing negotiation licences to qualifying trade unions or excepted bodies. I also have the power to revoke a trade union's negotiation licence in certain circumstances.

The Registrar of Friendly Societies' responsibilities relate to the general regulation and registration of trade unions in Ireland, including alterations to the rules of trade unions registered in Ireland and making these records available for inspection. In addition, a trade union's annual report and accounts must be submitted to the registrar.

Under the Trade Union Act 1975, the registrar has powers of investigation regarding resolutions approving instruments of amalgamation or transfer. Under the Industrial Relations Act 1990, the registrar may conduct investigations regarding possible breaches by a trade union of legislation regarding secret ballots, may issue instructions to such a trade union and may make a report to the Minister.

Regarding the statutory provisions conferring rights on union members that are not available to non-union workers in the same industrial area, the industrial relations legislation provides for immunities from prosecution for members of a trade union in respect of acts committed in contemplation or furtherance of a trade dispute.

### **International Agreements.**

208. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when this State will ratify the UN Convention on the rights of migrant workers and their families; the reason it has not done so to date; and if she will make a statement on the matter. [2391/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** Ireland has not signed and is not a party to the International Convention on the protection and

of the rights of all migrant workers and members of their families.

The convention, which was adopted by the UN General Assembly in December 1990, entered into force on 1 July last, following its ratification by the requisite number of states, 20. However, although the Convention on Migrant Workers has been open for signature and ratification since December 1990, to date only 22 states have ratified or acceded to the convention. The convention has not acquired universal recognition as a standard for the protection of the rights of migrant workers. No European Union member state has as yet signed or ratified the convention, nor have any indicated an intention to do so.

Ireland's position in regard to the ratification of international instruments generally, including the convention on the rights of migrant workers, is constantly reviewed in light of prevailing circumstances and in the context of the ongoing assessment and prioritisation of Ireland's international commitments.

Where Ireland wishes to ratify or accede to an international instrument, the Government must first ensure that our domestic law is fully in conformity with the agreement in question. The Government must therefore make any necessary legislative changes, or be satisfied that none are required, before ratification takes place. As signature of an instrument is an indication of an intention to ratify it, the Government would consequently also have to have a firm intention to ratify and, be seen to be taking steps to do so, before signing an international instrument.

The convention on the rights of migrant workers has been examined by the Department of Foreign Affairs. It would appear that, in order for Ireland to ratify the convention, significant changes would have to be made across a wide range of existing legislation, including legislation addressing employment, social welfare provision, education, taxation and electoral law. These changes would also have implications for our relations with our EU partners and the acceding states to the Union, none of whom have signed or ratified the convention — or have signalled an intention to do so — and possibly for the operation of the common travel area between Ireland and the UK.

There are no plans at present to introduce the changes in the areas above which would be necessary before Ireland could ratify or consider signing the convention.

It should be noted that the rights of migrant workers and their families are already comprehensively protected under existing legislation. In addition the human rights of migrant workers and their families are protected under the Constitution and by Ireland's commitments under international human rights instruments to which the State is party.

#### **Work Permits.**

209. **Mr. N. O'Keefe** asked the Tánaiste and

Minister for Enterprise, Trade and Employment the position regarding an application for a non EU work permit for a person (details supplied) in County Cork. [2485/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am informed that a work permit application in this case has recently been approved and has issued to the employer in question.

#### **Garda Equipment.**

210. **Mr. Deasy** asked the Minister for Defence if he has satisfied himself that there has been full compliance with Government contract procedures in the award of a contract for the maintenance of the Garda helicopters; and if he will make a statement on the matter. [2528/04]

**Minister for Defence (Mr. M. Smith):** A tender competition for the long-term maintenance contract for the GASU EC135 was advertised in the EU Journal on 20 November 2002. Five valid tenders were received in response to the advertisement and issue of tender documentation. The basis for the award of contract, as stated in the tender documentation, was the most economically advantageous tender. The award criteria were as follows; technical competency, extent to which option meets service requirements, capacity to meet implementation schedule, cost/VFM.

A joint assessment board comprising a representative from each of the Department of Defence, the Department of Justice, Equality and Law Reform, the Air Corps, and the Garda Síochána was established to examine each of the tenders in accordance with the agreed marking scheme. The board met on a number of occasions to review the tenders, receive presentations and consider the merits of the total package being offered by each of the tenderers. The board concluded that there were two viable tenders from among those submitted. However, it was unable to reach a consensus in relation to the winning tender. The matter was referred to the senior officials in each of the Departments, who had convened the joint assessment board. The officials reviewed each of the two tenders independently and, on the basis of the criteria, awarded the tender, subject to contract, to McAlpines Helicopters.

The contract in respect of the EC135 maintenance was signed on 23 December 2003. I am satisfied that the award of the contract is fully in accordance with the procedures set down in the EU directives on public procurement which are the relevant procedures for this type of contract.

#### **Decentralisation Programme.**

211. **Ms O. Mitchell** asked the Minister for Defence if a survey of staff to determine interest in participating in the decentralisation programme has been undertaken in his

[Ms O. Mitchell.]

Department; when it will be completed; and if the results will be published or otherwise made available to Deputies. [2326/04]

**Minister for Defence (Mr. M. Smith):** No survey of the type described by the Deputy has been conducted in my Department.

#### **Garda Equipment.**

212. **Mr. Deasy** asked the Minister for Defence the arrangements to maintain and service Garda helicopters by Air Corps personnel. [2544/04]

213. **Mr. Deasy** asked the Minister for Defence if the Air Corps has the professional expertise and necessary manpower to effectively maintain and service two Garda helicopters; and if he will make a statement on the matter. [2545/04]

**Minister for Defence (Mr. M. Smith):** I propose to take Questions Nos. 212 and 213 together.

At present the Garda Air Support Unit comprises one twin engined AS355N Squirrel helicopter, one Defender 4000 fixed wing aircraft and one twin engined EC135 helicopter. Air Corps personnel are responsible for all matters relating to the servicing and maintenance of the Squirrel helicopter and the Defender 4000. I am satisfied that it has the necessary expertise and manpower to effectively maintain and service these aircraft. McAlpine Helicopters Limited has been awarded the contract for the maintenance of the EC135 helicopter.

#### **Grant Payments.**

214. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a headage payment has not been made to a person (details supplied) in County Galway; and if he will make a statement on the matter. [2412/04]

**Minister for Agriculture and Food (Mr. Walsh):** The 2003 area aid application for the person named has been processed with an area determined for payment purposes of 16.48 hectares. Payment of his entitlement under the 2003 area based compensatory allowance scheme could not be made until a potential stocking density problem had been resolved. Payment will issue shortly.

#### **Non-resident Accounts.**

215. **Mr. Deasy** asked the Minister for Finance the number of persons in each county that have been penalised for holding bogus non-resident accounts; if bank officials presented and promoted them; the reason the officials have not been investigated by the Revenue Commissioners; and if he will make a statement on the matter. [2345/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that their work on bogus non-resident account holders continues. To date about 10,500 taxpayers who

held such accounts have made payments of €486 million, on foot of previously undeclared tax liabilities, together with interest and penalties. As the inquiries involve a substantial number of individuals and are ongoing, it is not possible to give a precise breakdown as requested by the Deputy.

There has been general comment on the role of the financial institutions regarding such accounts. No evidence has become available to the Revenue Commissioners that bank officials presented or promoted the accounts to their customers.

The matter is linked to the approach the financial institutions took when dealing with deposit interest retention tax. Revenue conducted an on site DIRT retrospective audit of 37 financial institutions during 1999 and 2000. Its focus was the DIRT position of the financial institutions. However, many bogus non-resident deposit accounts that belonged to taxpayers were identified. At its conclusion financial institutions made payments totalling €220 million to Revenue. These payments represented DIRT, that should have been deducted, together with the related interest and penalties. Revenue made a report on the matter to the Committee of Public Accounts. The Committee commented on the outcomes of these audits in its final report on the DIRT Inquiry that was finalised on 3 April 2001.

#### **Flood Relief.**

216. **Mr. Gregory** asked the Minister for Finance/askee> the discussions between his Department and insurance companies arising from the floods in Dublin and elsewhere; the agreements reached and the assistance he can give to residents in East Wall, Dublin 3, where new home owners cannot get flood cover and banks will only offer 40% mortgages without flood cover; and if he will make a statement on the matter. [2406/04]

**Minister of State at the Department of Finance (Mr. Parlon):** In November 2002 I initiated a major review of the State's approach to flooding with the primary objective of developing a cohesive national flooding policy. On 6 December 2003 I met the Irish Insurance Federation. It welcomed my decision to initiate a policy review and outlined its views and concerns due to the increasing risks from flooding. I indicated that the State would play its part in risk reduction and that, in turn, the insurance industry would be expected to act in a responsible manner. I established a group to carry out the policy review and I invited the IIF to make a submission to it. A submission was received and OPW officials subsequently met the organisation to clarify aspects of it.

These discussions, along with all others involved in the consultation process carried out as part of the review, have played a major role in shaping the group's draft final report. At present it is being considered by Departments before

being submitted to Government for final consideration in the near future. I am confident that the recommendations of the report can lead to a much improved flood management regime in Ireland and will, in the long-term, substantially mitigate the impact of flooding on our society.

One of the key components of future flood management strategy is the development of flood maps. They provide valuable information to assist in numerous decision-making processes such as planning and development, flood works prioritisation and risk assessment. The OPW has commenced work on a flood mapping programme and its first phase will be completed in 2005.

I cannot comment on specific cases between an insurance company and its client. I am confident that the increased availability of risk information arising from the production of maps and other recommendations of the review, together with the implementation of a more strategic approach to flood management, will reduce exposure to risk. It will also provide a more accurate basis upon which insurance companies formulate their decisions on potential flood damage in the future.

#### **Motor Taxation.**

217. **Mr. Coveney** asked the Minister for Finance the number of appeals made by main franchise dealers of new cars against their sole distributors and suppliers pre-declared OMSP since the introduction of VRT on 1 January 1993; the date and outcome of each appeal by make, model, original OMSP, original VRT, revised OMSP and revised VRT. [2407/04]

**Minister for Finance (Mr. McCreevy):** I am informed by the Revenue Commissioners that it has no record of appeals made by franchise dealers about the open market selling price declared by sole distributors and suppliers from 1 January 1993 to date.

218. **Mr. Coveney** asked the Minister for Finance the number of times the Revenue Commissioners has either refused, reviewed, disputed or replaced the sole distributors pre-declared OMSP since the introduction of VRT on 1 January 1993; the date and outcome of the review in each case by distributor, make, model, original OMSP, original VRT, revised OMSP and revised VRT. [2408/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that, as a matter of routine, all new OMSP declarations and/or amendments to existing declarations are the subject of review. The nature of the records maintained by the Revenue Commissioners is such that the considerable volume of data requested by the Deputy could not be supplied without an extensive physical examination of more than 30,000 files.

Nevertheless, I am advised that in many instances the review process has resulted in an

amendment to the original OMSP. The number of cases that have progressed beyond this point and developed into more formal disputes is small. It is estimated to be less than 100 over the lifetime of the tax. So far only one case has been heard by the courts. It is not possible to go into detail about the case for reasons for confidentiality.

#### **Tax Code.**

219. **Mr. N. O'Keeffe** asked the Minister for Finance the criteria needed by a young farmer to qualify for an exemption from payment of stamp duty on the transfer of the family farm from mother to son. [2487/04]

**Minister for Finance (Mr. McCreevy):** Under section 81 of the Stamp Duties Consolidation Act 1999 there is full stamp duty relief available for young trained farmers when land is being transferred by way of gift or sale. The availability of the relief was extended in Budget 2003 for a further three years to 31 December 2005.

A number of conditions must be satisfied in order to obtain the relief. The main conditions require a young trained farmer to be under 35 years of age at the date of execution of the transfer. They must also hold one of the relevant specified qualifications such as a degree in agricultural science awarded by the NUI through University College Dublin.

Further details regarding the conditions associated with the relief may be obtained from the Revenue form SD 2 entitled stamp duty relief on transfers of land to young trained farmers. It is available from the Revenue Commissioners, Dublin Castle, Dublin 2 or by telephoning Locall 1890 482 582. Where a parent wishes to transfer agricultural land to their child who does not satisfy the young trained farmer relief conditions, he or she can qualify for a 50% relief on the stamp duty.

#### **Foreign Conflicts.**

220. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he raised the issue of the civil rights of the Palestinian minority, in particular the question of building permits and house demolitions, when he met Israeli leaders during the course of his recent visit to Israel; and if he will make a statement on the matter. [2315/04]

**Minister for Foreign Affairs (Mr. Cowen):** Our position on the civil rights of the Arab citizens of Israel is well known to the Government of Israel. The specific matters referred to did not arise during my recent discussions in Israel. The wider context, including its humanitarian and human rights aspects, was discussed at some length.

221. **Mr. F. McGrath** asked the Minister for Foreign Affairs the matters discussed and conclusions reached at his meeting with the Palestinian Authority Minister, Nabil Shaath; and



[Mr. F. McGrath.]  
if he will make a statement on the matter.  
[2316/04]

**Minister for Foreign Affairs (Mr. Cowen):** My discussions with Dr. Shaath focused mainly on the Middle East peace process. We also discussed the ways in which the European Union could assist in reviving the road map and encouraging renewed contacts between the parties as well as developments at the United Nations. Dr. Shaath briefed me on the situation and the difficulties facing the Palestinian Authority. I briefed him on my plans to visit Israel and Egypt and our approach to the Middle East conflict as EU Presidency. He expressed appreciation for the traditionally constructive approach that Ireland adopts to the conflict.

#### Ministerial Meetings.

222. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he met human rights organisations during his recent visit to Israel; and if so, if he will report on the meetings; and if he will make a statement on the matter. [2317/04]

**Minister for Foreign Affairs (Mr. Cowen):** My visit to Israel and Egypt provided an opportunity to meet some of the key players in the Middle East peace process. In Israel I met President Katsav, Prime Minister Ariel Sharon and Foreign Minister Silvan Shalom and opposition leader Shimon Peres. In Egypt I had discussions with President Mubarak, Foreign Minister Ahmed Maher and the Secretary General of the Arab League Amr Moussa. During discussions with interlocutors humanitarian and human rights issues were addressed as well as political and economic matters. I also had the opportunity to meet representatives of a number of Israeli human rights organisations during my visit to the Jaffee Centre at Tel Aviv University where I delivered a speech on Europe and the Middle East. I did not engage in substantive discussions on specific issues on that occasion.

#### Northern Ireland Issues.

223. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will report on his recent meeting with the Secretary of State for Northern Ireland; and if he will make a statement on the matter. [2318/04]

**Minister for Foreign Affairs (Mr. Cowen):** Together with the Secretary of State for Northern Ireland, Mr. Paul Murphy MP, I co-chaired the meeting of the British-Irish Intergovernmental Conference in Farmleigh House on 22 January. I was accompanied at the meeting by the Minister of State at the Department of Foreign Affairs, Deputy Tom Kitt. The Secretary of State was accompanied by Jane Kennedy MP and John Spellar MP, Ministers of State at the Northern Ireland Office. The Garda Commissioner and the Chief Constable of the Police Service of Northern

Ireland also attended. This was the sixth meeting of the conference since the suspension of the devolved institutions in Northern Ireland in October 2002.

At the conference we reviewed political developments, including developments since the Assembly elections in November and the continued efforts to restore the institutions of the Good Friday Agreement, based on cross-community support. The conference reaffirmed the two Governments' commitment to the full implementation of the Agreement and discussed the forthcoming review of its operation that will be convened on 3 February. There was an exchange of views on North-South and east-west matters, including the current work programme of the North-South Ministerial Council and the British-Irish Council.

We also reviewed the current security situation at the conference. We welcomed the reduction in violence in 2003 but noted with concern the rise in paramilitary violence in January and discussed ways of tackling it. We also reviewed the prospects for the further normalisation of the security profile in Northern Ireland. The British Government agreed to ask the Independent Monitoring Commission to report on the issue in conjunction with its report on paramilitarism.

The conference noted the increase in paramilitary crime and discussed ways of dealing with it, including through ongoing co-operation between the Criminal Assets Bureau and the Assets Recovery Agency. There was a discussion of the Ombudsman's report on the murder of Seán Brown and the Chief Constable outlined the action that would be taken in response to it. The conference also considered a range of criminal justice matters and recent developments in the area of human rights. In regard to the latter, both Governments agreed that the current difficulties relating to the Northern Ireland Human Rights Commission must be quickly resolved. Following our discussion of the Cory, Barron and Stevens reports, the need for the four remaining Cory reports to be published as soon as possible was acknowledged.

We had a useful discussion on the continuing implementation of the two Governments' joint declaration of 1 May 2003. It emphasised the importance of the delivery of these wide-ranging commitments. Officials were directed report back on them at the next meeting of the conference that is scheduled for March.

I also availed of the opportunity to raise concerns about the nationality requirements that restrict recruitment to certain civil service posts within the Northern Ireland Civil Service. I have arranged for copies of the conference communiqué to be placed in the Dáil Library.

#### Decentralisation Programme.

224. **Ms O. Mitchell** asked the Minister for Foreign Affairs if a survey of staff to determine interest in participating in the decentralisation

programme has been undertaken in his Department; when it will be completed; and if the results will be published or otherwise made available to Deputies. [2329/04]

**Minister for Foreign Affairs (Mr. Cowen):** Under the Government's recent announcement my Department's development co-operation directorate is scheduled for the decentralisation of 130 posts to Limerick. My Department has set up a committee to liaise with the Government's decentralisation committee and to plan and implement the programme.

A number of important questions on decentralisation remain to be clarified. In particular, the timing of the move will be a central issue. We wish to give staff as much information as possible prior to asking them to indicate whether they wish to decentralise. The implementation committee for the Cabinet sub-committee on decentralisation hopes to have prepared a central implementation plan by the end of March. Its contents will be of particular relevance in this regard. I anticipate that my Department will conduct a decentralisation survey shortly after the presentation of the report. The results of the survey will be made known to the Department of Finance, the unions and staff.

#### Human Rights.

225. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs when a promise made in the Programme for Government on the right to freedom from sectarian harassment, set out in the Good Friday Agreement, will be implemented. [2449/04]

**Minister for Foreign Affairs (Mr. Cowen):** In the Good Friday Agreement the parties and the two Governments affirmed the right to freedom from sectarian harassment. Ensuring that the promise of the Agreement becomes a reality remains a key priority for the Government.

The Government recognises that groups on both sides of the community are engaged in many practical projects that seek to address the problems of sectarianism. That is why my Department's reconciliation fund provides assistance to many groups who seek to promote tolerance and acceptance of cultural diversity. Additionally, the International Fund for Ireland and the EU Peace II Programme supports many worthwhile projects.

The scourge of sectarianism is frequently discussed at intergovernmental level, particularly through the British Irish Intergovernmental Conference. I have consistently stressed to the British Government that eradicating sectarianism from Northern Ireland society requires a coherent and co-ordinated approach between the police, the statutory agencies and community leaders to deal with sectarian harassment in an effective manner from a local community perspective.

From a wider viewpoint, my officials have requested a meeting with their British counterparts to discuss the capability of the current overarching approach to sectarianism. In addition, my Department will closely follow the progress of draft legislation currently being drawn up by the Northern Ireland Office to deal with race crime and sectarian crime. They will ensure it provides a statutory basis to deter sectarianism in all its forms.

#### Human Rights Abuses.

226. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if the Amnesty International report, United Kingdom: Justice perverted under the Anti-terrorism, Crime and Security Act 2001, was brought to his attention; and the Government's plans to raise these issues with the British Government. [2450/04]

**Minister for Foreign Affairs (Mr. Cowen):** My officials have noted the contents of the report. The Anti-terrorism, Crime and Security Act became law in the United Kingdom in December 2001. It contains a wide range of measures that the British Government considered necessary in the light of the September 11 terrorist attacks. They include the power to seize assets, additional powers to detain under the Immigration Act and to search and fingerprint terrorist suspects.

It is clear that a number of measures in the Act will affect all persons living in the United Kingdom. I am satisfied that none of them will have a greater effect on Irish persons living in the UK than on British nationals or other UK residents. I am satisfied that Irish people living in Britain will not, in practice, be affected by the provisions in respect of international terrorists because they are not considered foreign nationals under the law.

The detention provisions are subject to a number of safeguards. They will expire at the end of 15 months unless their extension, one year at a time, is approved by parliament. Their operation will be examined by a reviewer and they will cease to have effect in November 2006. The operation of the full Act will be subject to review by a committee of the Privy Council after two years.

227. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if the Amnesty International report, The Pain Merchants: Security equipment and its use in torture and other ill-treatment, was brought to his attention; and the Government's plans to act on its recommendations. [2451/04]

**Minister for Foreign Affairs (Mr. Cowen):** Torture is among the most abhorrent violations of human rights and is strictly condemned by international law. Freedom from torture is a right that must be protected under all circumstances. Its promotion and protection is deservedly a priority of the EU's human rights policy.

[Mr. Cowen.]

I have received and considered a copy of the Amnesty International report. I welcome the contribution that the paper makes to efforts to combat torture. It plays a significant part in the efforts of the international community to put an end to incidences of torture by state and non-state agents alike.

For a long time Ireland, with our EU partners, has been strongly opposed to the application of the death penalty and the use of torture and other cruel, inhuman or degrading treatment or punishment. On 9 April 2001 the General Affairs Council of the EU adopted a set of guidelines for the implementation of its policy against torture. The guidelines provide the EU with an operational tool for use in its contacts with third countries and in multilateral human rights fora. They support and strengthen its ongoing efforts towards the global prevention and eradication of torture.

In continuance of this policy the Council is currently considering a proposal for the EU to impose restrictions on trade in certain equipment that could be used for capital punishment, torture or other cruel, degrading or inhuman treatment or punishment. The proposal reflects the Union's strong opposition to such practices. Moreover, the proposal responds to the resolutions on torture adopted by the United Nations Commission on Human Rights, including at this year's 59th session, that call, *inter alia*, for UN member states to take action, including legislative measures, to prevent and prohibit the export of equipment designed to inflict torture or other cruel, inhuman or degrading treatment. The UN special rapporteur on torture, Mr. Theo van Boven, highlighted the Commission's proposal in his recent report on the subject.

228. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if the Amnesty International report, Iraq: Memorandum on concerns related to legislation introduced by the Coalition Provisional Authority, was brought to his attention; and the Government's plan to raise these issues with the US Government. [2452/04]

**Minister for Foreign Affairs (Mr. Cowen):** I am aware of the report. From the outset the Government has called on all parties in the conflict to respect their obligations under international law. The Government's calls are in keeping with the public pronouncements of UN Secretary General Annan. Security Council Resolution 1483 of 22 May 2003 calls upon all concerned to comply with their obligations under international law including, in particular, the Geneva Conventions of 1949 and the Hague Regulations of 1907. The Iraq crisis is an issue that features in all of our discussions with the US.

229. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if the Amnesty International report, Back in the Spotlight: Allegations of police ill-treatment and excessive use of force in

Germany, was brought to his attention; and the Government's plan to act on its recommendations. [2453/04]

**Minister for Foreign Affairs (Mr. Cowen):** I am aware of the report. The Government values the contribution that Amnesty International makes to furthering the cause of promoting and protecting human rights internationally. The recommendations contained in the report are directed at the German Government and are a matter for its consideration.

Germany has extensive constitutional protection for human rights and is a party to the European Convention on Human Rights that provides for an independent European complaints mechanism to augment safeguards provided in national protection. The country is also a party to a number of other international human rights instruments.

#### **Amnesty Report.**

230. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if the Amnesty International report on Europe outlining its concerns regarding Europe and Central Asia for January to June 2003 has been brought to his attention; and the Government's plans to act on the recommendations of this report. [2454/04]

**Minister for Foreign Affairs (Mr. Cowen):** I am aware of the Amnesty International report referred to by the Deputy. The Government values the contribution that Amnesty International makes to furthering the cause of promoting and protecting human rights internationally.

As the Deputy will be aware, the report calls for the European Union to take effective leadership in putting its human rights policies in practice at home and also outside the Union. Support for human rights is a core value which underpins the European Union and is a priority of the Irish Presidency of the Union.

On the external policies of the EU, Article 11 of the Treaty on European Union, TEU, states that efforts to "develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms" are among the objectives of the Common Foreign and Security Policy of the EU. Article 117 of the treaty establishing the European Community requires that Community development co-operation policy also contributes to the achievement of these objectives.

In December 2002 the EU General Affairs and External Relations Council, GAERC, adopted conclusions on human rights and democratisation in third countries and re-affirmed its commitment to: coherence and consistency between Community action and Common Foreign and Security Policy, CFSP, as well as development policy through close co-operation and coordination between its competent bodies and with the European Commission; mainstreaming

of human rights and democratisation into EU policies and actions; openness of the EU's human rights and democratisation policy through a strengthened dialogue with the European Parliament and civil society; regular identification and review of priority actions in the implementation of its human rights and democratisation policy.

Ireland, along with its EU partners, works actively to uphold human rights and frequently makes our views known to the countries concerned by *démarches* and other contacts, and through our actions at the United Nations General Assembly, the OSCE, the Council of Europe and the Commission for Human Rights.

#### Visa Applications.

231. **Mr. Deasy** asked the Minister for Foreign Affairs if embassies and consulates which facilitate persons wishing to obtain holiday visas to Ireland will be properly advised on the necessary documentation required in order to allow their application; if his attention has been drawn to the fact that a number of visa applications are refused and later granted an appeal due to a lack of information submitted in an application; and if he will make a statement on the matter. [2546/04]

**Minister for Foreign Affairs (Mr. Cowen):** Our embassies and consulates abroad facilitate the issuing of holiday visas by accepting visa applications on behalf of the Department of Justice, Equality and Law Reform which has responsibility for all immigration matters.

All holiday visa applications submitted to our embassies and consulates are forwarded to the visa office in Dublin and subsequently forwarded to the Department of Justice, Equality and Law Reform. The Department of Justice, Equality and Law Reform examines the application and indicates to the visa office its decision. The visa office then informs the relevant embassy or consulate of the decision and the embassy or consulate, in turn, informs the applicant.

The documentation requested by our missions is consistent with the documentation which the Department of Justice, Equality and Law Reform has indicated is required. In some cases, applications are submitted without all of the necessary supporting documentation. In other cases, the Department of Justice, Equality and Law Reform requests additional documentation before they decide on the application.

If a visa application is refused by the Department of Justice, Equality and Law Reform, the applicant may appeal the decision to that Department. My Department has no function in the appeals process. In cases where additional documentation is required, it is up to the applicant to submit it directly to the Department of Justice, Equality and Law Reform.

#### Decentralisation Programme.

232. **Ms O. Mitchell** asked the Minister for Education and Science if a survey of staff to determine interest in participating in the decentralisation programme has been undertaken in his Department; when it will be completed; and if the results will be published or otherwise made available to Deputies. [2330/04]

**Minister for Education and Science (Mr. N. Dempsey):** A survey on decentralisation is currently being conducted in my Department, the results of which will not be available until next month. I will arrange to forward details of the results to the Deputy when they are available.

#### Schools Building Programme.

233. **Cecilia Keaveney** asked the Minister for Education and Science his plans for progressing site acquisition this year for schools not currently on the building programme such as those mentioned in previous Parliamentary Questions (details supplied). [2339/04]

246. **Cecilia Keaveney** asked the Minister for Education and Science, further to Parliamentary Questions Nos. 167 of 25 November 2003 and 246 of 16 December 2003, the position regarding a school (details supplied) in County Donegal; and if he will make a statement on the matter. [2414/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 233 and 246 together.

When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, including projects requiring the acquisition of a site, with a view to including them as part of a multi-annual school building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year. The schools mentioned by the Deputy, involving site acquisition, will be considered in this regard.

In regard specifically to the school referred to in Parliamentary Question No. 246, the position remains that before committing major capital funding to any project, my Department must be satisfied, having regard to all relevant factors including enrolment and demographic trends, that the school in question has a viable future thereby ensuring value for money. A number of issues remain to be explored and when these are fully investigated, a decision will be made on how best to provide for the school's long term accommodation needs. My Department's officials are in contact with the school authorities in this regard.

### Physical Education Facilities.

234. **Ms Enright** asked the Minister for Education and Science his plans to provide funding for a sports hall in St. Mogue's College, Baunboy, County Cavan; if his attention has been drawn to the fact that they have no sports facilities at all; and if he will make a statement on the matter. [2340/04]

235. **Ms Enright** asked the Minister for Education and Science the reason St. Mogue's College, Baunboy, County Cavan, was not included in the list of schools which will receive funding towards a sports hall; and if he will make a statement on the matter. [2341/04]

236. **Ms Enright** asked the Minister for Education and Science the number of years St. Mogue's College, Baunboy, County Cavan, has been waiting for provision of funding for its sports hall; and if he will make a statement on the matter. [2342/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 234 to 236, inclusive, together.

An application for grant-aid for a sports hall was received from the management authorities of St. Mogue's in May 2000.

The planning and building unit of my Department has prepared PE hall templates that will standardise the construction of PE halls at second level schools and will be used to plan the provision of PE halls nationally. The PE hall templates are being piloted in a number of locations this year.

The matter of providing a PE hall at the school to which the Deputy refers will be considered when the pilot programme has been completed and evaluated and in line with available resources and priorities arising.

### Teaching Qualifications.

237. **Ms Enright** asked the Minister for Education and Science the permits necessary to enable a US citizen on a second year of a visa to take up permanent and part time teaching positions here; if this person will be eligible to work in VEC schools; and if he will make a statement on the matter. [2343/04]

**Minister for Education and Science (Mr. N. Dempsey):** To be eligible for appointment to a teaching position in a vocational school, an applicant must hold a suitable qualification at degree level in the subject or subjects of the post as advertised. The post-primary teachers qualifications unit of my Department in Athlone is best placed to advise the person in question on all aspects of teacher recognition at second level in this State.

In the absence of full details of the qualifications involved, it is not possible to offer an opinion in relation to this person's eligibility for teaching.

Issues relating to the permits necessary for a US citizen to work in this State fall within the jurisdiction of the Minister for Justice, Equality and Law Reform to whom I understand the Deputy has also directed her question.

### Schools Building Projects.

238. **Mr. McGinley** asked the Minister for Education and Science his plans to provide a new school for Magh Ene College, Bundoran, County Donegal; the position regarding the matter; and if he will make a statement on the matter. [2344/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed large-scale building project for Magh Ene College, Bundoran, County Donegal is listed in section 8 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). This proposed project is at an advanced stage of architectural planning, i.e. pre-tender stage. It has been assigned a 'band 2' rating by my Department in accordance with the published criteria for prioritising large-scale projects.

Indicative timescales have been included in the school building programme for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which in turn will give greater clarity regarding projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

### Decentralisation Programme.

239. **Mr. G. Mitchell** asked the Minister for Education and Science if he will keep to the spirit of the legislation setting up NCEA/HETAC and the undertaking given by the Minister, that HETAC would remain located in Dublin; if his attention has been drawn to the fact that more than 70% of HETAC staff do not wish to move out of Dublin; if he will confirm that those who wish to stay in Dublin will be allowed to; and his plans to facilitate this if the move goes ahead. [2346/04]

**Minister for Education and Science (Mr. N. Dempsey):** The decentralisation policy decided by the Government and announced by the Minister for Finance on budget day 2003 provides for the transfer of some 10,300 civil servants to various locations outside of Dublin. Included in this policy is the transfer of the higher education and training awards council, HETAC, and its 32 staff to Edenderry, County Offaly.

It is not open to me to make an exception to this stated Government policy nor do I see any reason why this should be done. I would reiterate

that the decentralisation is voluntary and that those members of HETAC staff who do not wish to transfer to the organisation's new location will not be compelled to do so. It has also been made clear that this policy will be implemented in an orderly fashion with full consultation with staff interests.

*Question No. 240 withdrawn.*

#### **Site Acquisitions.**

241. **Ms O. Mitchell** asked the Minister for Education and Science if funding for the site purchase and the construction cost of the planned school in the Sandyford Parish to serve the Stepside/Leopardstown area has been included in the 2004 budget. [2349/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department intends to purchase a significant number of sites for new primary and post primary schools during 2004. The level of funding available for this purpose is €32 million.

Due to the commercial sensitivities of site acquisition, it is not proposed at this stage to identify the specific sites to be acquired. However, this information will be posted on my Department's website when the relevant acquisitions have been completed.

#### **Schools Building Projects.**

242. **Mr. Deenihan** asked the Minister for Education and Science the date he expects to appoint contractors to commence building the new community school in Dingle; and if he will make a statement on the matter. [2397/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to inform the Deputy that the new community school in Dingle is listed in section 1 of the 2004 school building programme which is published on my Department's website *www.education.ie*.

Projects listed in section 1 are expected to proceed to tender and construction in 2004. The indicative timescale to tender for the project in question is the second quarter of 2004.

243. **Mr. Deenihan** asked the Minister for Education and Science the date he expects to appoint contractors to commence building Meán-Scoil an Leitriúigh in Castlegregory, County Kerry; and if he will make a statement on the matter. [2398/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to inform the Deputy that the new school for Meán-Scoil an Leitriúigh in Castlegregory, County Kerry is listed in section 1 of the 2004 school building programme which is published on my Department's website at *www.education.ie*.

Projects listed in section 1 are expected to proceed to tender and construction in 2004. The indicative timescale to tender for the project in question is the second quarter of 2004.

#### **Site Acquisitions.**

244. **Mr. Deenihan** asked the Minister for Education and Science if he will report on the proposal by Kerry County Council to acquire a right-of-way and a site for a purpose built child care centre from his Department at the Grove, Dingle, County Kerry; and if he will make a statement on the matter. [2400/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Department is currently considering the issue of ceding a portion of land to a local group for the purpose of building a child care centre in Dingle. As soon as a decision is made on the matter the Department will be in contact with the local authority and the child care group.

#### **Schools Building Projects.**

245. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to a school building (details supplied) in County Donegal; and if he will make a statement on the matter. [2413/04]

**Minister for Education and Science (Mr. N. Dempsey):** The need for improved accommodation at the school referred to by the Deputy has been acknowledged by my Department. A number of options for the delivery of accommodation to cater for the long-term needs of the school are being examined. My officials are in contact with the school authorities in this regard.

*Question No. 246 answered with Question No. 233.*

#### **Services for Disabled Persons.**

247. **Mr. F. McGrath** asked the Minister for Education and Science if a full time special needs assistant will be granted to a person (details supplied) in Dublin 5; and if they will be given the maximum support and assistance. [2416/04]

**Minister for Education and Science (Mr. N. Dempsey):** Special educational resource, SER, applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's

[Mr. N. Dempsey.]  
 inspectorate and the national educational psychological service, NEPS. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

Applications for special education needs supports received after 1 September 2003 will be considered as soon as the applications mentioned above have been processed. This includes the application for the pupil to whom the Deputy refers which was received in my Department on 22 October 2003.

#### Services for People with Disabilities.

248. **Mr. G. Mitchell** asked the Minister for Education and Science if he will review the case of a person (details supplied) in Dublin 12; if a special computer and software will be supplied to that person; if a needs assistant will be granted and learning support provided to that person; and if he will make a statement on the matter. [2418/04]

**Minister for Education and Science (Mr. N. Dempsey):** The fund for students with disabilities provides funding to students with disabilities attending courses in third level institutions and in post-leaving certificate centres.

The purpose of the fund is to provide students with serious physical and/or sensory disabilities with grant assistance towards the cost of special equipment, special materials and technological aids, targeted transport services, personal assistants and sign language interpreters. The fund operates on a discretionary basis.

Applications were submitted to my Department in October 2003, together with relevant supporting documentation, for consideration for funding for the current academic year. Decisions on those applications were taken by an *ad hoc* advisory group which, in 2003, consisted of representatives of my Department, a representative from the Association for Higher Education Access and Disability, or AHEAD, and a representative from the recently established National Office for

Equity of Access to Higher Education within the Higher Education Authority.

In the case of the applicant in question, it was considered that, while some assistance could be approved, insufficient documentation was supplied with the application to approve all the supports requested. The student support unit of my Department has advised the student in question that his application can be considered further in the event of more recent, relevant documentation being provided through the disability officer in the third level institution attended by the student.

#### Schools Building Projects.

249. **Mr. Gormley** asked the Minister for Education and Science when he will sanction the new secondary school building for Muckross Park College in Donnybrook, Dublin; and if he will make a statement on the matter. [2486/04]

**Minister for Education and Science (Mr. N. Dempsey):** The large-scale building project for Muckross Park College, Donnybrook, Dublin is listed in section 8 of the 2004 school building programme, which is published on my Department's website at *www.education.ie*. The project is at an advanced stage of architectural planning, namely, pre-tender stage. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

#### Instiúid Teangeolaíochta Éireann.

250. **Mr. Penrose** asked the Minister for Education and Science the steps he intends to take to provide the necessary funding to allow the Linguistics Institute of Ireland to continue, which has played an important role in research and development work associated with language and education and has a reputation for excellence both in Ireland and internationally; if, in that context, he will reconsider the decision and maintain or restructure the institute so that its valuable work can continue into the future; and if he will make a statement on the matter. [2527/04]

**Minister for Education and Science (Mr. N. Dempsey):** At an extraordinary general meeting of ITE held on 18 July 2003, the company agreed to initiate a process of voluntary liquidation. The operation of the company is a matter for the members in accordance with their memorandum

and articles of association. I understand that a meeting of the executive committee of ITE on 5 December agreed a timetable for the appointment of a liquidator, who was subsequently appointed on 9 January 2004, and agreed to issue redundancy notices to staff in advance of that. The period of notice of redundancy for the staff has been extended by four weeks from 9 January 2004 to 6 February 2004. Officials from my Department met all members of staff of ITE in December 2003.

My Department has given a commitment to provide every assistance to the company in giving effect to its future intentions, in partnership with the staff of the institute. That will include arrangements for ensuring the continuation of the research functions previously carried out by the institute and, in the interests of assisting with an orderly wind-up, facilitating appropriate redeployment or other appropriate arrangements for permanent staff in line with general public service policy in those matters and subject to agreement with the Department of Finance.

Options that may be available in this context are being explored by my Department. The entitlements of those employees for whom appropriate redeployment arrangements are not

made will be determined in accordance with the terms of their contracts.

I have asked to be kept informed of progress in these matters.

#### **Decentralisation Programme.**

251. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources if a survey of staff to determine interest in participating in the decentralisation programme has been undertaken in his Department; when it will be completed; and if the results will be published or otherwise made available to Deputies. [2331/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** A preliminary survey of staff preferences regarding decentralisation has been conducted to establish the initial levels of interest across the Department in relocating to Cavan or to any of the new locations under the decentralisation programme.

That was very much an initial information-gathering exercise. It was stressed to staff that it was a preliminary non-binding survey and that any preferences at this stage were non-binding.

As of 26 January 2004, 424 staff had responded as follows:

	Yes	No	Don't Know	Uncompleted
Cavan	29 (6.84%)	356 (83.96%)	32 (7.55%)	7 (1.65%)
Other Location	121 (28.54%)	220 (51.9%)	70 (16.5%)	13 (3.06%)

#### **Harbours and Piers.**

252. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the position regarding Scraggane pier, Maharees, Castlegregory, County Kerry; and if he will make a statement on the matter. [2399/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Scraggane Pier is owned by Kerry County Council, and responsibility for its repair and maintenance rests with the local authority in the first instance.

In 2001 Kerry County Council submitted a proposal to my Department for a feasibility study regarding improvement works at Scraggane pier. The cost of the study is estimated at €50,000. The question of funding the study in the 2004 to 2006 period will be considered in the context of the funding available for works at fishery harbours generally and overall national priorities.

#### **Telecommunications Services.**

253. **Mr. Dennehy** asked the Minister for Communications, Marine and Natural Resources his views on the significant above-inflation increase over the past 18 months in fixed-line rental charges for consumers, particularly in light of the lack of competition in the market. [2410/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The regulation of tariffs charged by telecommunication companies is a matter for the independent regulator of the communications sector, the Commission for Communications Regulation, or ComReg.

ComReg's current price-cap decision allows Eircom to increase its retail prices for individual products within a defined basket of services, so long as the overall price of the basket does not exceed the inflation rate of the preceding year. If there are any significant increases in line rental prices, those will have to be accompanied by reductions in the price of other services.

I understand that, while Eircom's residential monthly line rental is one of the most expensive in Europe, overall telecommunications prices in Ireland are around the EU average and have actually decreased by 40% in real terms in recent years.

I am currently considering drafting policy directions to give to ComReg under the powers vested in me by the Communications Regulation Act 2002. In that context, consideration may be given to competition issues in the telecommunications market, including the line rental market.



[Mr. D. Ahern.]

Policy directions will be at a strategic level only, and I will not be setting individual product prices or instructing ComReg regarding individual product prices.

#### Television Licence Fee.

254. **Mr. Dennehy** asked the Minister for Communications, Marine and Natural Resources if he will consider authorising an independent audit into whether the substantial increase in 2003 in the television licence was good value for money; and if he will make a statement on the matter. [2411/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** RTE, as the national public service broadcaster established under the Broadcasting Authority Acts 1960 to 2001, is an independent statutory corporation. It is a matter for the RTE Authority to ensure that it uses the funds available to it to fulfil its statutory remit.

As part of the package of measures agreed in December 2002, in the context of the decision to grant a significant increase in the television licence fee, the Government agreed that the television licence fee would be subject to an annual adjustment following an independent evaluation of RTE's performance in the previous year.

I appointed independent consultants in October 2003 to conduct an evaluation of RTE's performance in 2003. Following my consideration of the independent consultants' report, I decided to increase the television licence fee by €2.

A copy of the consultants' report is available on my Department's website.

#### Harbours and Piers.

255. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources if funding is available for dredging at a location (details supplied) in County Donegal; and if he will make a statement on the matter. [2420/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The pier in question is owned by Donegal County Council,

and responsibility for its maintenance and repair rests with the local authority in the first instance.

In November 2003, the County Council submitted a proposal to my Department for funding to dredge the pier at an estimated cost of €200,000. The question of providing funding for that project in the 2004 to 2006 period will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

#### Decentralisation Programme.

256. **Ms O. Mitchell** asked the Minister for Arts, Sport and Tourism if a survey of staff to determine interest in participating in the decentralisation programme has been undertaken in his Department; when it will be completed; and if the results will be published or otherwise made available to Deputies. [2332/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Government has set up a central implementation committee, chaired by Mr. Phil Flynn, which will prepare and submit an overall implementation plan by the end of March to the Cabinet sub-committee charged with overseeing the decentralisation programme. Until that implementation plan has been agreed, it would be premature to carry out a survey of staff in the Department.

Until such time as a survey is carried out, no decision will be taken as to its publication.

#### Patient Statistics.

257. **Mr. Cuffe** asked the Minister for Health and Children the number of unaccompanied minors that have been referred to the health boards for the year 2003;. [2368/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The provisions of the Child Care Act 1991, to promote the welfare of children who are not receiving adequate care and attention, apply to those minors entering this State unaccompanied.

I have been informed by the health boards and the Eastern Regional Health Authority that the numbers of unaccompanied minors that were referred to them in 2003 were as follows:

Health board or authority	No. of unaccompanied minors referred	No. of unaccompanied minors reunited with family members
Eastern Regional Health Authority	789*	439
Midland Health Board	0	0
Mid Western Health Board	4	1
North Eastern Health Board	0	0
North Western Health Board	2	0
Southern Health Board	33	11
South Eastern Health Board	2	0
Western Health Board	0	0
Totals	830	451

\*Of the 789 unaccompanied minors referred to the Eastern Regional Health Authority, 76 were deemed to be inappropriate referrals, e.g. a person over 18 years of age.

### Health Board Services.

258. **Cecilia Keaveney** asked the Minister for Health and Children the procedure and waiting times for children to be assessed for orthodontic treatment in a clinic (details supplied) in County Donegal; and if he will make a statement on the matter. [2319/04]

#### **Minister for Health and Children (Mr. Martin):**

The provision of orthodontic services is a matter for the health boards in the first instance.

I am pleased to advise the Deputy that I have taken several measures to improve orthodontic services in the North Western Health Board, or NWHB, area and nationally.

The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards — including one from the NWHB — for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. Those 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. Those measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for Cork Dental School. That appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to make further substantial improvements to the training facilities there for orthodontics. That project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service for the wider region under the leadership of the professor of orthodontics.

Orthodontic initiative funding of €4.698 million was provided to the health boards and authority in 2001, and that has enabled health boards to recruit additional staff, engage the services of private specialist orthodontic practitioners to treat patients and build additional orthodontic facilities. The NWHB was allocated an additional €0.273 million in 2001 for orthodontic services, of which €0.178 million was for the orthodontic initiative.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards specifically for the purchase of orthodontic treatment. That funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners. The NWHB was allocated an additional €0.285 million from that fund for the treatment of cases in that way.

The waiting times for orthodontic assessment by clinic are not routinely collected by my Department. Therefore, the chief executive officer of the NWHB has been requested to provide the information requested directly to the Deputy.

Finally, the chief executive officer of the NWHB has informed my Department that, at the end of the September 2003 quarter, the average waiting time for category A and category B orthodontic treatment was six months and 2.6 years respectively. The chief executive officer of the NWHB also informed my Department that, at the end of the September 2003 quarter, 2,952 patients were receiving orthodontic treatment in the board's area. That is an increase of 853 patients in orthodontic treatment compared with the number of patients receiving treatment at the end of December 2001.

### Hospital Services.

259. **Ms O. Mitchell** asked the Minister for Health and Children the reason a child (details supplied) has not completed its facial laser treatment at Crumlin Children's Hospital; if his attention has been drawn to the fact that some children have been on the laser treatment list since 1997; and his plans to ensure that those children get treated. [2320/04]

#### **Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of health services to persons residing in Counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority, and services at Our Lady's Hospital for Sick Children, Crumlin, are provided under an arrangement with the authority. My Department has therefore asked the regional chief executive of the authority to investigate the matters raised by the Deputy and to reply to her directly.

### Hospital Accommodation.

260. **Mr. Cregan** asked the Minister for Health and Children the progress that has been made regarding the provision of an Alzheimer's unit for St. Ita's Hospital, Newcastlewest, County Limerick; and if he will make a statement on the matter. [2321/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy is aware, responsibility for the provision of health services in the Limerick area rests with the Mid-Western Health Board in the first instance.

[Mr. Callely.]

As the Deputy is aware, I visited St. Ita's Hospital, and I am aware that proposals to develop a 12-bed facility for elderly patients with dementia and Alzheimer's disease have been prepared by the design team appointed to that project, under the direction of the project team, which includes representatives of the Mid-Western Health Board and the Department of Health and Children. It is intended that the unit will be a continuing-care facility, and it will also provide respite care. Planning permission for the proposed development has been obtained.

The Mid-Western Health Board has submitted to my Department a request for approval to seek tenders for construction of the proposed unit. That request is now being considered in the context of existing commitments and overall funding resources available.

### Health Board Services.

261. **Ms Enright** asked the Minister for Health and Children the number of children in each health board area who have applied for orthodontic treatment in each year for the past three years; the number that have received such treatment; the number that have been refused such treatment; and if he will make a statement on the matter. [2322/04]

#### **Minister for Health and Children (Mr. Martin):**

The provision of orthodontic services is the statutory responsibility of the health boards and authority in the first instance.

Under the Health Act 1970, a child is eligible for orthodontic treatment on the basis of defects noted at a school health examination carried out while the child is attending national school. There is no application process *per se*, as children in specific classes in national school, usually in second, fourth and sixth class, are dentally screened and referred for orthodontic review as necessary.

Entitlement to orthodontic treatment is determined by reference to orthodontic guidelines, a set of objective clinical criteria applied by health board orthodontists when assessing children's priority of need for treatment. The orthodontic guidelines were issued by my Department in 1985 and are still in use. The orthodontic guidelines are used to ensure that orthodontic resources are prioritised for and applied equitably to the most severe cases. When a health board orthodontist decides that a child is in clinical need of orthodontic treatment in accordance with the criteria, he or she is placed on a treatment waiting list. The guidelines are intended to enable health boards to identify in a consistent way those in greatest need and to commence timely treatment for them. The number of cases treated is dependent on the level of resources available, regarding

qualified staff, in the area, and that is reflected in the treatment waiting list. In fact, the provision of orthodontic services is currently severely restricted owing to the limited availability of trained specialist clinical staff to assess and treat patients.

However, I am pleased to advise the Deputy that I have taken several measures to address that shortage.

The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. Those 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. Those measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided for both the training of specialist clinical staff and the recruitment of a professor in orthodontics for Cork Dental School. That appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of that post at Cork Dental School, my Department has given approval in principle to a proposal from the school to make further substantial improvements to the training facilities there for orthodontics. That project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service for the wider region under the leadership of the professor of orthodontics.

Orthodontic initiative funding of €4.698 million was provided to the health boards and authority in 2001, and that has enabled health boards to recruit additional staff, engage the services of private specialist orthodontic practitioners to treat patients and build additional orthodontic facilities.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards specifically for the purchase of orthodontic treatment. That funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners.

Finally, the chief executive officers of the health boards and authority have informed me that, at the end of the September quarter 2003, there were 20,784 children receiving orthodontic treatment in the public orthodontic service. That means that there are over twice as many children getting orthodontic treatment as there are children waiting to be treated, and nearly 3,500 extra children have been getting treatment from health boards since the end of 2001.

#### Care of the Elderly.

262. **Mr. Allen** asked the Minister for Health and Children if he will investigate the case of a person (details supplied) in County Cork who is caring for their spouse on a 24-hour basis and receiving no benefits for such care despite the fact that the person is in receipt of an old age pension; if he will investigate the situation with a view to getting the person reassessed and offer more support; and the reason despite the fact that this person was assessed for rehabilitation when their stroke first occurred five years ago, no offer of rehabilitation has been given since. [2323/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Cork area is, in the first instance, the responsibility of the Southern Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### Hospitals Building Programme.

263. **Mr. Deenihan** asked the Minister for Health and Children the date he expects to appoint contractors to commence building the new Dingle Hospital; and if he will make a statement on the matter. [2396/04]

**Minister for Health and Children (Mr. Martin):** The appointment of contractors for the building of the proposed new Dingle Hospital is a matter for the Southern Health Board.

My Department approved stage 3, or scheme design, of the planning for the proposed development of a new hospital in Dingle in June 2003. The Southern Health Board has progressed to stages 4 and 5 of planning for the project, namely, detailed design and pre-tender cost check.

The next step of moving the Dingle project forward to construction is to arrange for the submission of tenders. That is being considered by my Department in conjunction with the Southern Health Board and in line with the board's priorities and funding resources available.

#### Tribunals of Inquiry.

264. **Mr. B. Smith** asked the Minister for

Health and Children the progress to date regarding a request to establish an inquiry (details supplied); and if he will make a statement on the matter. [2540/04]

#### Minister for Health and Children (Mr. Martin):

As the establishment of the committee of inquiry referred to by the Deputy is currently the subject of judicial review proceedings before the High Court, the matter is *sub judice*. I am therefore not able to make a statement as requested.

#### EU Directives.

265. **Mr. Hogan** asked the Minister for Transport her policy position regarding the implementation of the proposed fifth motor insurance directive; and if he will make a statement on the matter. [2390/04]

**Minister for Transport (Mr. Brennan):** I refer to the reply to Question No. 476 of 16 December 2003. The position is unchanged.

#### Road Network.

266. **Mr. Durkan** asked the Minister for Transport the position in regard to identification of final route in respect of the Kilcullen-Waterford motorway; and if he will make a statement on the matter. [2477/04]

**Minister for Transport (Mr. Brennan):** As the Deputy will be aware the planning, design and implementation of national road improvement projects is a matter for the National Roads Authority, NRA, and the relevant local authorities. However, I understand from the NRA that the N9/N10 Dublin-Waterford route, from south of the M9 motorway at Kilcullen, is being planned in two sections. The current position on the northern section — Kilcullen to Powerstown — is that the compulsory purchase order, CPO, and environmental impact statement, EIS, for the section were published in November 2003 and are before An Bord Pleanála. The CPO and EIS for the southern section are expected to be published during 2004.

*Question No. 267 answered with Question No. 174.*

#### Decentralisation Programme.

268. **Ms O. Mitchell** asked the Minister for Transport if a survey of staff to determine interest in participating in the decentralisation programme has been undertaken in his Department; when it will be completed; and if the results will be published or otherwise made available to Deputies. [2334/04]

**Minister for Transport (Mr. Brennan):** I refer the Deputy to my previous answer to Dáil Questions Nos. 816 and 827 answered on Tuesday, 27 January 2004.

[Mr. Brennan.]

To date, staff members in my Department have not been surveyed to ascertain the number wishing to move to a location scheduled for decentralisation.

I have established a decentralisation implementation group in my Department to manage the decentralisation process. It is chaired by an assistant secretary and includes representatives from the areas-agencies scheduled for decentralisation. The question of conducting a survey of the nature referred to above is among the issues being considered by this group.

*Question No. 269 answered with Question No. 144.*

*Question No. 270 answered with Question No. 202.*

### **Rural Transport Initiative.**

271. **Mr. Crawford** asked the Minister for Transport if his attention has been drawn to the fact that a group (details supplied) in County Monaghan was provided with €43,000 to cover a nine month period under the rural transport initiative in 2003, and that in 2004, although they have been asked to increase their activities, their budget for a 12 month period has been reduced to €40,000; his views on whether this type of situation is possible in view of budgetary increases in fuel and other significant cost increases such as insurance; if further funding will be provided at a later stage; and if he will make a statement on the matter. [2358/04]

**Minister for Transport (Mr. Brennan):** At the outset, I want to clarify that there has been no reduction in the funding provided by my Department for the rural transport initiative, RTI. On the contrary, while €4.4 million was earmarked for the RTI in the national development plan, some €6 million has already been provided for the initiative in the two year period ending December 2003 and further funding of €3 million is being provided for the initiative in 2004.

Specific allocations for individual RTI projects are made from this funding by Area Development Management Limited, ADM, which is managing the RTI on behalf of my Department.

I understand from ADM that in 2003, €43,895 was provided to the Bawn and Latton transport initiative, County Monaghan. In addition, the company received €3,760 arising from the extension of the free travel scheme to the RTI in July 2003. ADM advise that the 2004 RTI allocation for this project is €40,000 respectively before any allocation from the Department of Social and Family Affairs or any funding which

individual projects might acquire from other sources.

I have been informed by ADM that the expenditure for 2003 includes expenditure for 2002. This arose as a result of the company being unable to draw down their full allocation from ADM for 2002.

*Question No. 272 answered with Question No. 131*

### **State Airports.**

273. **Mr. Durkan** asked the Minister for Transport the extent to which he expects the various airports throughout the country to be profitable; and if he will make a statement on the matter. [2456/04]

**Minister for Transport (Mr. Brennan):** Aer Rianta's current statutory obligations require the company to manage and develop the State airports on a fully commercial basis. Under the Government's proposed restructuring of the airport sector as announced by me in July 2003, it is intended that the three independent State airport authorities will also operate to a commercial mandate. However, an important advantage of the new structure is that that it will encourage a greater focus on enhancing operations in keeping with each airport's catchment area and potential tourism, trade and industry development in the regions they serve.

I also favour a strong commercial approach to the development of the six regional airports, which are in private ownership. The range of financial support mechanisms for the regional air services will continue to encourage maximum commercial autonomy and initiative by the boards of management of the airports concerned.

*Question No. 274 answered with Question No. 131.*

### **Air Services.**

275. **Mr. Durkan** asked the Minister for Transport if he has given consideration to providing an improved air service throughout the country with particular reference to the business sector; and if he will make a statement on the matter. [2458/04]

**Minister for Transport (Mr. Brennan):** It is the policy of the Government to encourage as wide a range as possible of reliable, regular and competitive air services to and from Ireland. The central tenet of this policy is the belief that a strong, competitive and efficient network of air links are vitally important for developing our trade and tourism sectors, particularly having regard to our island status and peripheral location.

Under European air transport liberalisation measures, any air carrier licensed by a European economic area, i.e the 15 member states of the European Union plus Norway and Iceland, may introduce air services on any route within the EEA without any Government or EU controls, subject only to the availability of airport slots at either end of the route and overall safety considerations. As a result, the provision of air services on any particular route is essentially a matter for the commercial judgement of the individual airline.

On internal routes, where air carriers are not prepared to provide air services on a commercial basis, the Department is empowered under EU regulations to impose a public service obligation, PSO, and to provide subvention to air carriers to operate scheduled service to specified standards. My Department provides subvention on six PSO routes linking Dublin with Kerry, Galway, Knock, Sligo, Donegal and Derry. The total cost of subvention to the Exchequer is now running in excess of €20 million per annum.

I am currently considering the outcome of an expenditure review of PSO air services, which points to the dramatic escalation of subvention costs in recent years.

#### Road Network.

276. **Mr. Durkan** asked the Minister for Transport if he has had success in his efforts to match the Dublin port tunnel with the trucks having particular regard to the anticipated difficulties; and if he will make a statement on the matter. [2459/04]

**Minister for Transport (Mr. Brennan):** My Department engaged Atkins to review the feasibility, safety implications and cost of raising the height of the Dublin port tunnel. They were requested to review a range of options for increasing the operational height of the tunnel, their feasibility, having regard to the state of implementation of the current design and build contract and the likely additional costs and impact on the project completion date.

Given the extent of work completed to date, i.e. the first of the two bored tunnel tubes has been successfully completed and work is underway on the second, and the potential high cost and substantial delays associated with redesign and reconstruction of work already completed, the consultants were asked to prepare their report within a short timeframe.

The final report was received from Atkins on 8 December 2003. I am currently reviewing the findings of the report and have sought further information from the NRA pertaining to its conclusions.

*Question No. 277 answered with Question No. 140.*

#### Rail Services.

278. **Mr. Durkan** asked the Minister for Transport his plans for the further improvement of the commuter rail service in north Kildare with particular reference to the towns of Kilcock, Maynooth, Leixlip and Confey; and if he will make a statement on the matter. [2461/04]

**Minister for Transport (Mr. Brennan):** I am informed by Irish Rail that, since the introduction of the new timetable in December 2003, capacity has been increased by 24% on the Maynooth line. This has been achieved by introducing to the route some of the new fleet of 80 diesel railcars. This latest capacity increase comes on top of a 100% increase achieved in 2001, when the double tracking of the route was completed.

In addition, Irish Rail has recently placed an order for another 36 diesel railcars, which will be delivered in 2005. Some of these railcars are destined for use on the Maynooth line to further increase capacity.

Proposals to further increase capacity on this line form part of the Irish Rail mid-term investment strategy that is under consideration by my Department at present.

#### Rail Network.

279. **Mr. Durkan** asked the Minister for Transport the timescale for the upgrading of the rail line servicing Kildare, Newbridge, Sallins and Hazelhatch; the extent to which the capacity of the line will be improved; and if he will make a statement on the matter. [2463/04]

**Minister for Transport (Mr. Brennan):** Irish Rail has informed me that it has increased the commuter capacity of the Kildare route by 130% since the new timetable was introduced on 14 December 2003. A number of the new diesel railcars, acquired by Irish Rail in 2003, were assigned to the route to lengthen the trains to eight-cars. New turn-back facilities at Hazelhatch and Sallins were installed to allow more efficient use of the available train paths into and out of Heuston in the peaks.

Irish Rail recently ordered a further 36 railcars identical to those recently placed into service. These new railcars will be used to boost capacity further on outer suburban routes serving Dublin.

Irish Rail is now proceeding with plans to quadruple a section of the route between Cherry Orchard and Hazelhatch, as part of the Kildare route project, which will enable the separation of inter-city and commuting traffic and increase the capacity of the line. I await the details of the project as part of the railway order process. My Department has provided over €600,000 to CIE to assist with the preparation of the railway order. The company is in the process of completing the draft order and I understand that the application

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will be submitted to me by the company in the middle of this year.

### **Traffic Management.**

280. **Mr. Durkan** asked the Minister for Transport the extent to which international expertise has been called upon with a view to resolving traffic problems in Dublin and throughout the country; and if he will make a statement on the matter. [2464/04]

**Minister for Transport (Mr. Brennan):** My Department encourages the local authorities and agencies involved in traffic management to draw wherever possible from relevant experience, both from at home and abroad, in tackling traffic problems.

In the case of Dublin, I should point out that, as part of development and implementation of its transportation strategy for the greater Dublin area, A Platform for Change 2000-16, the Dublin Transportation Office, DTO, has engaged Booz Allen Hamilton, international consultants, to undertake a demand management study for the greater Dublin area.

Travel demand management is one of two critical elements outlined in the Dublin Transportation Office's strategy. The study will assist in devising a package of effective and feasible travel demand management measures, designed to reduce the number of vehicles on the road, while providing a wide variety of mobility options to those who wish to travel.

In the case of Cork, Limerick, Waterford and Galway, funding is being provided for the development of bus priority schemes in these cities. My Department is in close contact with the relevant local authorities to help them identify the key issues to be addressed in developing bus prioritisation schemes. I would encourage those involved in these schemes to avail of relevant experience in enhancing the use of public transport and in tackling traffic problems.

### **Light Rail Project.**

281. **Mr. Durkan** asked the Minister for Transport the extent to which it is anticipated that the Luas, when operational, is likely to reduce the road capacity for other vehicles; and if he will make a statement on the matter. [2467/04]

**Minister for Transport (Mr. Brennan):** While Luas will reduce somewhat the road capacity for other vehicles, it must be borne in mind that the Luas rail system will move 15,000 people in the peak periods into and out of the city; in addition, the reduction in road capacity will only affect a very limited quantum of the public road space in the Dublin area. Luas will also link Heuston Station with Connolly Station and Busáras, strategic commuter locations that between them cater for 20 million passengers each year.

The Dublin Transportation Office transportation strategy 2000-16, A Platform for Change, identifies on-street rail — Luas — as a principal component of an integrated public transport network in Dublin. The strategy is designed to increase substantially the public transport network and to encourage a transfer of trips, especially at peak periods, from the private car to sustainable modes of transport.

### **Public Transport.**

282. **Mr. Durkan** asked the Minister for Transport if he has had discussion with Bus Éireann and Dublin Bus regarding future public transport throughout the country; and if he will make a statement on the matter. [2468/04]

**Minister for Transport (Mr. Brennan):** I set out my policy proposals for public transport reform in statements to the public transport partnership forum in November 2002 and the Oireachtas Committee on Transport in June 2003.

Since then, both I and my officials have had discussions with the managements of Bus Átha Cliath and Bus Éireann on my proposals for reform of the regulatory framework for public transport.

### **Road Traffic Offences.**

283. **Mr. Deasy** asked the Minister for Transport if a company which employs or contracts a haulier who does not hold a haulage licence can be prosecuted for doing so; and if he will make a statement on the matter. [2543/04]

**Minister of State at the Department of Transport (Dr. McDaid):** In accordance with section 36 of the Road Transport Act, 1933 as amended by section 9 of the Road Transport Act 1999, no person shall engage or use the services of any undertaking for the carriage by road for reward of merchandise in a vehicle unless the undertaking is the holder of a road freight carrier's licence, or the carriage is one in respect of which a road freight carrier's licence is not required by law.

Consequently, any company that employs or contracts a haulier in contravention of the above mentioned legislation can be prosecuted for doing so.

### **Employment Equality.**

284. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform if it is possible for a person to take a case under the Employment Equality Act 1999 with regard to the different treatment of union and non-union workers within a company; his plans to extend the allowable grounds for a case in this area; and if her attention has been drawn to suggestions by the Equality Authority in this regard. [2389/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Employment Equality Act 1998 prohibits discrimination in the area of

employment on nine specified grounds. Membership or non-membership of a trade union is not a discriminatory ground. The Government is committed under Sustaining Progress, the social partnership agreement 2003-05, to completing the review of the discriminatory grounds which was initiated in accordance with section 6(4) of the Employment Equality Act. Additional grounds for discrimination suggested in the review include the grounds of socio-economic status, including social origin or social origin as a separate ground, trade union membership, criminal conviction or ex-prisoner/ex-offender, and political opinion. The Equality Authority has been a participant in the review.

In view of the complexity of the additional grounds proposed, research on international experience and legislation in the area was commissioned and is expected to be published shortly. The research will inform future policy decisions on whether or not it would be appropriate to extend the discriminatory grounds for the purposes of the Employment Equality Act. Pending publication of the research and completion of the review process, it would be inappropriate for me to make further comment at this time.

#### **Irish Sign Language.**

285. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding obtaining full recognition for Irish sign language; and if he will make a statement on the matter. [2415/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Two forms of sign languages are commonly in use in this country. The Commission on the Status of People with Disabilities received a broad range of submissions from the different disability organisations and from individuals, including proposals for the recognition of Irish sign language as the language of deaf citizens and for education to be provided to deaf children through Irish sign language. The commission pointed to the need for sign language to be recognised but did not recommend inclusion as an official language or specify a particular form of sign language. Arising from its deliberations the commission made proposals relating to the education of deaf children and access to further education options through sign language. In this regard, the Education Act 1998 has made provision for support services in respect of students learning through Irish sign language or any other sign language, including interpreting services. The Education for Persons with Disabilities Bill 2003, which is currently before the Oireachtas, addresses the provision of services for children in education, focusing on the assessment of the needs of the individual child

and this may include the consideration of appropriate sign language services.

While I support appropriate measures to further social inclusiveness for people with disabilities there are no current proposals to give recognition to Irish sign language as a third official language.

#### **Decentralisation Programme.**

286. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if a survey of staff to determine interest in participating in the decentralisation programme has been undertaken in his Department; when it will be completed; and if the results will be published or otherwise made available to Deputies. [2335/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my answer to Parliamentary Questions Nos. 900 and 914 of 27 January 2004.

#### **Citizenship Applications.**

287. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform when naturalisation will be granted for persons (details supplied). [2361/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The applications for naturalisation from the persons referred to by the Deputy are currently being processed and I understand that both applications will be submitted to me for a decision in the near future.

I will inform the Deputy and the persons concerned as soon as I have reached a decision on the applications.

#### **Residency Permits.**

288. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform when residency will be granted to persons (details supplied). [2362/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The persons concerned applied for asylum in the State on 2 August 2001. They had a child on 7 March 2002 and subsequently withdrew their asylum applications on 13 May 2002, and applied for residency on the basis of their Irish born child.

Following the decision of the Supreme Court in the cases of L & O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases which were outstanding on that date. There are a large number of such cases outstanding at present, including the case to which the Deputy refers.

Since the persons in question do not have an alternative legal basis for remaining in this



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jurisdiction the issue of permission to remain will be considered — but only in the context of a ministerial proposal to deport them. In that context they will be notified of the proposal and given an opportunity to make representations in relation to it. If, in the light of those representations and the range of factors set out in section 3(6) of the Immigration Act 1999, a decision is made not to make a deportation order they will be given leave to remain on a humanitarian basis.

Because of the large number of such cases on hand I am unable to say at this stage when the file will be examined.

### Illegal Immigrants.

289. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of people refused leave to land at the country's ports of entry during 2003; the number of these at Dublin Airport; the main countries of origin; and the grounds they were refused leave to land. [2365/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The number of persons refused leave to land at ports throughout Ireland for 2003 was 4,827. The numbers refused at Dublin Airport for 2003 was 3,258.

The main countries of origin were Romania, Nigeria, Poland, Lithuania and Brazil. Grounds for refusal of leave to land are set out in Article 5 of the Aliens Order 1946 as amended. The main grounds for the refusal of leave to land in 2003 were: Article 5(2)(i) — That the alien is not in possession of a valid passport or other documentation which (i) establishes his or her

identity to the officer's satisfaction, (ii) was issued by or on behalf of an authority recognised by the Government; Article 5(2)(e) — That the alien, not being a member of a class of persons designated by order of the Minister as not requiring a visa, is not the holder of a valid Irish visa; Article 5(2)(m) — That there is reason to believe that the alien, with intent to deceive, seeks to enter the State for a purpose or purposes other than those expressed by the alien; Article 5(2)(a) — That the alien is not in a position to support himself or herself and any accompanying dependants; Article 5(2)(j) — That the alien (i) intends to travel, whether immediately or not, to Great Britain or Northern Ireland and (ii) would not qualify for admission to Great Britain or Northern Ireland if he or she arrived there from a place other than the State.

### Refugee Status.

290. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of family reunification applications made by refugees or persons with leave to remain status, annually since 2000; the number that have been successful and unsuccessful; and the number of decisions pending with the ministerial decisions unit at 31 December 2003. [2366/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A person who has been granted refugee status may apply to the Minister for Justice, Equality and Law Reform for permission to be granted to a member of his or her family to enter and reside in the State under section 18 of the Refugee Act 1996 as amended. The numbers of such family reunification applications which have been approved and refused are set out in the table below.

Year	Applications Made	Applications approved	Applications refused
2002	907	352	40
2003	991	270	274

Statistics for 2000 and 2001 are not available. The number of applications from refugees for family reunification pending at 31 December 2003 was 1088.

A person who has been granted leave to remain in the State has no automatic entitlement

to family reunification. Information on the number of applications relating to dependent family members of persons granted leave to remain on the basis of parentage of an Irish born child is set out below.

Year	Applications received	Applications approved	Applications refused	Applications abandoned
2002	88	38	3	4
2003	75	24	4	3

### Citizenship Applications.

291. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of citizenship applications made by refugees or

persons with leave to remain status, annually since 2000; the number that have been successful and unsuccessful; and the number of decisions pending as of 31 December 2003. [2367/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The table below sets out the numbers of naturalisation applications received, certificates issued and applications refused in respect of refugees, including UN Convention refugees and programme refugees, for the years 2000, 2001 and 2002. A total of 3,580 naturalisation applications received in 2003 have not yet been examined. Records are not

maintained in such a way that would distinguish persons with leave to remain from other applicants.

Post-nuptial citizenship is predicated on marriage to an Irish citizen and residency in Ireland is not a requirement. Consequently, records are not maintained in such a way which would show the information sought by the Deputy.

Year	No. of applcs. Received	Certs. issued	Refused	Decisions pending (at 26/01/04)
2000	273	238	5	30
2001	481	381	32	68
2002	1,366	507	21	838

### Immigration Statistics.

292. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of unaccompanied minors reunified with family members in Ireland; and the procedures in place for those reaching 18 years who are in post-primary education. [2368/04]

Care Act 1991, to promote the welfare of children who are not receiving adequate care and attention, apply to those minors entering this State unaccompanied.

I have been informed by the health boards and the Eastern Regional Health Authority that the numbers of unaccompanied minors that were referred to them in 2003 were as follows:

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The provisions of the Child

Health Board/Authority	Number of Unaccompanied Minors Referred	Number of Unaccompanied Minors Reunited with Family Members
Eastern Regional Health Authority	789 *	439
Midland Health Board	0	0
Mid-Western Health Board	4	1
North Eastern Health Board	0	0
North Western Health Board	2	0
Southern Health Board	33	11
South Eastern Health Board	2	0
Western Health Board	0	0
Totals	830	451

\*Of the 789 unaccompanied minors referred to the Eastern Regional Health Authority, 76 were deemed to be inappropriate referrals e.g. person over 18 years of age.

### Deportation Orders.

293. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of people annually since 1999 who have applied for leave to remain on humanitarian or other grounds; the number that have been successful annually with a breakdown on country of origin; and the numbers awaiting decision according to the year in which the application was lodged. [2370/04]

a notice of intent is afforded three options, for example, to leave the State voluntarily; to consent to the making of the deportation order; or to make representations in writing within 15 working days setting out reasons the deportation order should not be made and why he or she should be allowed to remain temporarily in the State.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In relation to the number of applications for leave to remain, it should be noted that this issue arises only in a circumstance where a non-national is served with a notice of intent to deport under section 3(3)(a) of the Immigration Act 1999. A person served with such

Under section 3(6) of the Act the Minister, in determining whether or not to make a deportation order, shall have regard to 11 specified considerations, one of which is any representation made by or on behalf of the person. The determination as to whether a deportation order is made or whether leave to remain is granted is not dependent on whether the person has made representations for leave to

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 remain. Thus, statistics are not maintained to distinguish between cases where representations have been made for leave to remain from those where no such representations were made.

The statistics in relation to the number of persons granted temporary leave to remain and their nationalities from November 1999 until the end of 2003 are set out in the table below:

Humanitarian Leave To Remain granted from 1999 to 2003.

Nationality	1999	2000	2001	2002	2003	Nationality Totals
Afghanistan		1				1
Albanian			1			1
Algerian	1	1	8	14	4	28
Angolan		1	3	2	2	8
Belarussian		2	1	2	2	7
Bulgarian			7	2	1	10
Burundian			1			1
Cameroon					3	3
Chinese					1	1
Congolese				1		1
Cuban	2	1		1		4
DR Congo				1	1	2
Egyptian					2	2
Gambian			1	1		2
Georgian					2	2
Ghanaian			1	1		2
Guinean			1			1
Indian		1		1		2
Iraqi				6	1	7
Kenyan				1		1
Kosovan			5	7	12	24
Latvian			5	1	1	7
Lebanese			1			1
Liberian			1			1
Libyan				1		1
Moldovan			1	8		9
Nigerian			6	16	6	28
Pakistani			1	1		2
Filipino				3		3
Polish			2			2
Romanian		1	17	61	27	106
Russian		3	4	7	3	17
Rwandan				1		1
Sierra Leone		1	1	2	1	5
Slovakian				1		1
Somalian		5		2	1	8
South African				1	2	3
Sri Lankan				1	7	8
Tajikistani				5		5
Tunisian				1		1
Turkish			1	1		2
Ugandan			1			1
Ukrainean			1	3	2	6
Uzbekistan			1			1
Vietnamese		1				1
Zairean		1	3	1	2	7
Total for Year	3	19	75	157	83	337

### Refugee Statistics.

294. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of people for 2000, 2001, 2002 and 2003 that have been detained under subsections (details supplied) of section 9 of the 1996 Refugee Act (as amended). [2371/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The statistical information required to respond to this question is not readily available. To acquire these figures within the timeframe allowed would require the expenditure of a disproportionate amount of resources. It should be noted that in accordance with the requirements of this section of the Refugee Act 1996 as amended any persons so detained are brought before a judge of the District Court, who considers the basis for the detention and following such consideration, directs that the person concerned should be released or detained as appropriate.

### Illegal Immigrants.

295. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of people that have been detained under section 5 of the Aliens Act 1935 for the years 2000, 2001, 2002 and 2003. [2372/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Section 5 of the Aliens Act 1935 empowers the Minister to make a range of orders for the purpose of immigration control. Consequently, there are no powers of detention specified in that provision.

296. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of people that have been detained under section 5 of the Immigration Act 1999 for the years 2000, 2001, 2002 and 2003. [2374/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Section 5 of the Immigration Act 1999 covers the arrest, detention and removal of non-nationals from the State. The number of persons deported per annum is as follows: 2000 — 194; 2001 — 365; 2002 — 547; 2003 — 584.

### Citizenship Applications.

297. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform when a decision will be made for a person (details supplied) in Dublin 18 who applied for citizenship in May 2002. [2376/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for naturalisation by the person referred to by the Deputy was received in the citizenship section of my Department on 3 May 2002.

I understand the processing of the application is almost finalised and that the case file will be passed to me for a decision in the near future. As soon as I have reached a decision on the matter

I will inform both the applicant and the Deputy of the outcome.

### Garda Investigations.

298. **Mr. Dennehy** asked the Minister for Justice, Equality and Law Reform if, in light of the serious public concern over a number of unsolved murder cases, he will discuss with the Commissioner of the Garda Síochána the possibility of re-establishing a dedicated homicide squad. [2379/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the House will appreciate, the deployment of Garda resources and the investigative methods used in murder cases are matters for the Garda Commissioner.

In this regard, I am informed by the Garda Commissioner that a number of national support units have been established, working under an assistant commissioner. These units include the National Bureau of Criminal Investigation which investigates all forms of serious crime including murder and organised crime. While the responsibility for the investigation of all crime rests with the local Garda officers, the national bureau provides assistance to serious investigations through a range of expertise and skills available within it. Bureau staff assist in all aspects of the investigation including preliminary inquiries, case management, incident room management, general investigation, file preparation and other ancillary aspects of a criminal investigation. Specialist investigation teams within the bureau carry out these tasks when requested by local Garda officers or on the direction of senior Garda management.

The system of national support units is designed to meet modern policing requirements in an efficient and professional manner, both at home and internationally, and personnel and expertise from former units have been incorporated into the new units.

All killings, regardless of the circumstances involved, are the subject of a rigorous Garda investigation.

I am glad to note the detection rate for murder remains high by international standards. The Commissioner's Annual Report for 2002 which was recently published shows the detection rate for that year was 81%.

### Visa Applications.

299. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the permits necessary to enable a US citizen on the second year of a visa to take up permanent and part time teaching positions in Ireland; and if he will make a statement on the matter. [2381/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is not possible to determine the permits required by the person in question based on the information provided by the Deputy. The person concerned should submit

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further details of her current immigration status to the immigration division of my Department which is located at 13-14 Burgh Quay, Dublin 2, and the matter will then be fully considered.

#### **Garda Investigations.**

300. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will seek from the Garda Síochána action in relation to allegations that drug use has reached epidemic proportions on bus routes 50N and 77A; if he will ask the gardaí to liaise with Dublin Bus in the matter; and if he will make a statement on the matter. [2383/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the gardaí in Tallaght, under Operation Safe Route, frequently patrol the 50N and 77A bus routes. Operation Safe Route was set up as a result of meetings of the Dublin Bus Community Forum. The forum, which meets monthly, consists of representatives of the gardaí, community representatives and Dublin Bus management.

I am further informed that, over the past 12 months, a small number of incidents have been detected where youths have been found smoking cannabis resin. These persons have been removed from the buses and prosecuted under section 3 of the Misuse of Drugs Act.

I am assured by the Garda authorities that all such matters brought to Garda attention are investigated by them.

#### **Citizenship Applications.**

301. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if his Department has responded to a petition given to his Department by Argentine descendants of Irish nationals (details supplied); the response of his Department to this petition; and if he will make a statement on the matter. [2385/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The petition referred to by the Deputy was received in my Department on 26 June 2002. It was not possible to respond individually to the petitioners, of whom there were in the order of 2,000, but officials in the citizenship section of my Department have set out the position on a number of occasions to the named individual, who was one of the signatories to the petition.

The petition requested that I allow Argentine born great-grandchildren of Irish nationals to become Irish nationals themselves or to allow them to seek and obtain employment in Ireland as if they were Irish nationals.

The position is that the great-grandchildren of persons born in Ireland can obtain Irish citizenship by registering in the foreign births register provided either of their parents had at the time of their birth acquired Irish citizenship

through registration in the foreign births register. There is one exception to that rule. If one parent had registered in the foreign births register prior to 31 December 1986 the person can register even if the parent had not registered at the time of that person's birth.

If persons are not entitled to Irish citizenship in these circumstances, they may nevertheless be entitled to Irish citizenship as a result of marriage to an Irish citizen, post nuptial citizenship. A person is entitled to make a declaration of post-nuptial citizenship if he/she is married to an Irish citizen who is Irish other than by naturalisation, post-nuptial citizenship or honorary citizenship for at least three years. The marriage must be valid and subsisting and the couple must be living together as husband and wife at the time of declaration. The post-nuptial process has been repealed with effect from 30 November 2002. By way of a transitional provision, persons who are married to Irish citizens before that date but fail to satisfy the three year criterion at that time can make the declaration after that date upon completion of three years of marriage. The transitional provision will cease to apply on 30 November 2005.

Finally, any non-national, be they Argentinian or otherwise, can apply for Irish citizenship through naturalisation. Such applications are considered under the Irish Nationality and Citizenship Acts, 1956 to 2001, and the granting of a certificate of naturalisation is at my absolute discretion. The applicant must fulfil certain statutory requirements, including requirements in relation to residency. However, I am empowered to dispense with the statutory conditions in whole or in part in certain circumstances, for example where the applicant is of Irish descent or Irish associations. Every such application is decided upon on its individual circumstances and in accordance with the law. It should be noted also that the statutory residency requirements for persons who are married to Irish citizens have been reduced from 30 November 2002 in view of the fact that post nuptial citizenship will no longer be available.

The Irish Nationality and Citizenship Act 2001, which was enacted on 6 June 2001, made extensive changes to Irish citizenship law as enunciated in the Irish Nationality and Citizenship Acts 1956 to 1994 and it is not intended to revisit the issue of foreign births registration in the foreseeable future.

Argentine citizens do not require an Irish visa to enter the State. However, if an Argentine citizen wishes to work in the State, an employer should obtain a work permit on their behalf from the Department of Enterprise, Trade and Employment.

#### **Pension Provisions.**

302. **Mr. N. O'Keefe** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Cork is entitled to a

pension, having been employed by the Department of Justice, Equality and Law Reform for a number of years. [2437/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person to whom the Deputy refers was employed on a part-time basis as a non-established civil servant. Pensions for non-established civil servants are co-ordinated with pensions payable under the social welfare system. Under this system part time employees do not normally qualify for a pension. This person was paid a gratuity on retirement but did not qualify for a pension.

#### Human Rights Issues.

303. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the report by Amnesty International outlining human rights violations inside the EU has been brought to his attention; and his views on the recommendations of Amnesty International's Human Rights Begin at Home campaign. [2438/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The recently published Amnesty International report refers to general EU human rights policy and contains proposals with regard to human rights issues both within the EU states and worldwide in the context of the Irish and Dutch presidencies of the EU Council during 2004.

Insofar as the report deals with the area of justice and home affairs, e.g. judicial co-operation, the European arrest warrant, police co-operation, racism and discrimination, a common European asylum system, immigration and borders, violence against women and human trafficking, the views of Amnesty International as set out in the report have been noted. Other areas in the report are matters for the Minister for Foreign Affairs.

#### Immigration Act 1999.

304. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the implications of the High Court finding that section 2.1 of the Immigration Act 1999 is unconstitutional. [2439/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is not for me, as Minister for Justice, Equality and Law Reform, to state what are the legal implications of the High Court finding referred to in the Deputy's question.

The practical consequences of the judgment go to the heart of the immigration control function as exercised in the State in respect of non-EEA nationals. From Friday next, when the High Court is due to actually grant the declarations which it signalled in its judgment on 22 January, every aspect of the operation of immigration controls addressed by the Aliens Order 1946, to which section 2 of the Immigration Act 1999 gave effect as if the order had been an Act of the

Oireachtas, will either be without a statutory basis or will be so open to challenge as to render those controls ineffective. The matters covered by the aliens order include the appointment of immigration officers; immigration controls on non-nationals entering or seeking to enter the State; conditions attached to permissions to remain in the State; and power to charge non-nationals for breaches of permission to remain and to arrest and detain them for such offences.

It is my intention to address the matter by bringing forward appropriate legislation as a matter of urgency to ensure that the normal immigration controls that every sovereign state operates for the protection of the public interests of those who form the society of the state, including the interests of security, can continue to operate in this State. It is also expected that the judgment in question will be appealed.

#### Departmental Records.

305. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of files for 1973 in his Department released to the National Archives under the 30 year rule; the number withheld; and the subject matter of the files withheld. [2440/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In the time available for answering parliamentary questions it has not proved possible to compile the information requested by the Deputy. The information is being compiled at present and I will correspond with the Deputy in this regard shortly.

#### Irish Prison Service.

306. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will make a commitment that the redeveloped Mountjoy will not be a privately run institution; and if he will also make a commitment that the redeveloped Mountjoy will not be developed or run as a public private partnership institution. [2441/04]

309. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the likely effect on the present Dóchas Centre and Training Centre at Mountjoy under his redevelopment plans. [2444/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 306 and 309 together.

I am in the process of submitting to Government proposals in relation to Mountjoy Prison and I expect to be in a position to make an announcement on the matter shortly.

I have made clear that my preference is for all prisons to continue to be managed by the Prison Service, but on the basis of a sustainable cost structure. As the Deputy will be aware, discussions are under way at the Labour Relations Commission between the Prison

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Service and the Prison Officers Association on proposals aimed at achieving this objective.

307. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his Department has had communications with any religious orders or religious organisations with regard to the management of Shelton Abbey, Loughan House, or any other aspects of the prison service; if so, the names of the orders or organisations; if the contact was initiated by his Department; the date of contact; the services which were or are under discussion; and the current status of any such discussions. [2442/04]

312. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his Department has had communications with voluntary or charitable organisations with regard to the management of Shelton Abbey, Loughan House, or any other aspects of the prison service; if so, the names of the organisations; if the contact was initiated by his Department; the dates of contact; the services which were or are under discussion; and the current status of such discussions. [2447/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 307 and 312 together.

Arrangements for the alternative management of Shelton Abbey and Loughan House, should discussions under way at the Labour Relations Commission not result in a sustainable cost structure for their management within the Prison Service, are currently being finalised in my Department.

There have been no discussions with religious orders or religious organisations or voluntary or charitable organisations on the matter.

#### **Rights of People with Disabilities.**

308. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will list and describe the initiatives taken by his Department during the European Year of People with Disabilities; the cost of each initiative; and the way in which each initiative has concretely improved the lives of Irish people with disabilities. [2443/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The European Year of People with Disabilities 2003, EYPD, was established by a decision of the Council of the European Union — 2001/903/EC — on 3 December 2001. The key aim of the European Year of People with Disabilities has been to create awareness about disability issues among the general public and of the rights of people with disabilities to equal opportunities and protection against discrimination. The Council decision recognised that while different forms of disability exist, people with disabilities are a heterogeneous group. It also emphasised the following areas,

with a specific disability focus: consideration of measures to facilitate equality; exchange of good practice; enhancement of co-operation between public, private, NGO and voluntary sectors; improving communications; forms of multiple discrimination; and the needs of children and young people, especially in an educational context.

The National Disability Authority, NDA, was designated as the national co-ordinating body for EYPD in Ireland. A National Co-ordinating Committee, NCC, for EYPD in Ireland was established, chaired by the NDA. It included over 20 members representing disability interest groups, the social partners, the Equality Authority, relevant Departments and the media.

Bearing in mind the overall objectives, and after consultation with interested parties, the NCC decided to adopt four themes for the year in Ireland. These were awareness; youth and disability; rights, responsibilities and partnership; and employment. The NDA administered funding for activities for the Year which amounted to just over €1.5 million. This amount was used to finance a wide range of projects as well as promotional, advertising and administrative costs. The total fund includes a sum of €250,000 in EU contributions and a sum of €500,000, allocated by the Department of the Taoiseach, to be spent on special flagship projects. Seven projects were chosen to receive the flagship funding and the NCC approved a further €500,000 for 45 projects based on the four agreed themes.

To mark the year, my Department has funded, and co-funded, some other specific initiatives. These are listed in the table as follows:

Project	Cost
	€
Advertising Campaign on radio/TV (3 phases)	376,448.19
A New Sensory Garden in the National Botanic Gardens, Dublin	67,421.19
Disability Supplement — RTE Guide	24,200.00
Design for All Exhibition (co-funded with the OPW) — which toured nationwide	218,764.00
Cork International Film Festival Filmmakers with Disabilities Showcase	5,945.00
PwDI/ Artists and Disability Ireland Calendar	29,000.00
PwDI Youth — Beyond Disability Seminars held in October/November, 2002	89,611.58
Development of PwDI accessible website	21,726.76
PwDI Youth — Beyond Disability International Conference held in September, 2003	52,111.11
From the Outside In (Animo Television for RTE — four programmes broadcast in December, 2003)	184,117.43
<b>Total</b>	<b>1,069,345.26</b>

I believe all of these initiatives have contributed significantly to fulfilling the objectives of awareness raising, enhancing co-operation with the NGO sector, supporting good practice and facilitating equality. An indication of the heightened awareness which has been achieved is the fact that almost 250,000 people watched the final episode of "From the Outside In" when it was broadcast on the Monday before Christmas. I expect that these projects, together with initiatives funded by the NCC, will support continued progress towards equality for people with disabilities.

*Question No. 309 answered with Question No. 306.*

#### **Irish Prison Service.**

310. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will make a commitment that the planned new Cork facility will not be a privately run institution; and if he will also make a commitment that the planned new Cork facility will not be developed or run as a public private partnership institution. [2445/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am reviewing the accommodation requirements of the Irish Prison Service for the next five to ten years. The review will include an assessment of requirements for the southern region. When my review is complete, I will bring proposals to Government.

I have made clear that my preference is for all prisons to continue to be managed by the Prison Service, but on the basis of a sustainable cost structure. As the Deputy will be aware, discussions are under way at the Labour Relations Commission between the Prison Service and the Prison Officers' Association on proposals aimed at achieving this objective.

311. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his Department has had communications with or retained any outside consultant or organisation to advise the Government with regard to privatising or contracting out aspects or services of the criminal justice and prison system of the Prison Service; if so, the names of the consultants/organisations; the dates of contact; if the contact was initiated by his Department; the services which were or are under discussion; and the current status of any such discussions. [2446/04]

313. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his Department has had communications with a company (details supplied) with regard to privatising or contracting out aspects or services of the criminal justice and/or prison system of the Prison Service; if so, the dates of contact; if the contact was initiated by his Department; the services which were or are under discussion; and the current status of such discussions. [2448/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 311 and 313 together.

The Irish Prison Service, IPS, staffing and operations review process identified the stores function within prisons as an area where there was scope for considerable rationalisation, with attendant cost savings. Accordingly, consultants were appointed on a short-term basis to carry out a comprehensive review of the stores function in the Prison Service and to indicate how available resources could be used in a more cost effective manner.

In July 2002, the consultants referred to by the Deputy were engaged to conduct a review of the storage function in the Prison Service at a cost of €45,000, inclusive of VAT and expenses. Officials met with these consultants on various dates between June 2002 and May 2003. The consultants were also in contact with IPS staff in the various institutions during this time as part of the information gathering phase of the operation.

The recommendations and findings of the consultants' report are currently being considered. Elements of this project are heavily dependent on the outcome of the current change negotiations between the Irish Prison Service and the Prison Officers' Association. These issues will be the subject of detailed discussions with the staff side as the process evolves.

In addition, in relation to the possible privatisation of the provision of prisoner transport and escort services, a number of telephone inquiries have been received regarding the prior information notice placed in the EU Journal at the start of this year.

*Question No. 312 answered with Question No. 307.*

*Question No. 313 answered with Question No. 311.*

#### **Liquor Licensing Laws.**

314. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of prosecutions which have been secured under sections 4 to 9, 12 to 18 and 20 to 22 of the Intoxicating Liquor Act 2003. [2529/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the information sought is not readily available at this time and could only be obtained by the expenditure of a disproportionate amount of Garda time and resources which could not be justified in the circumstances.

#### **Sexual Offences.**

315. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the definition of sexual exploitations as contained in the Child Trafficking and Pornography Act 1998; if he has further satisfied himself that, as drafted, it encompasses all inappropriate sexual behaviour involving



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children; and if he will make a statement on the matter. [2530/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Section 3 of the Child Trafficking and Pornography Act 1998 makes it an offence to organise or knowingly facilitate the entry into, transit through or exit from Ireland of a child for the purpose of the child's sexual exploitation. It also makes it an offence to take, detain or restrict the personal liberty of a child for the purpose of his or her sexual exploitation or to organise or knowingly facilitate such taking, detaining or restricting.

The maximum penalty on conviction on indictment for trafficking a child for the purpose of his or her sexual exploitation is life imprisonment and for the taking, detaining or restricting the personal liberty of a child or organising such taking, detaining or restricting is 14 years' imprisonment.

"Sexual exploitation" is defined primarily for the purpose of section 3 of the Child Trafficking and Pornography Act 1998 to mean inducing or coercing a child to engage in prostitution or the production of child pornography, using a child for prostitution or the production of child pornography, inducing or coercing a child to participate in any sexual activity which is an offence under any enactment, or the commission of any such offence against a child. However, the definition is applicable also for the purpose of one specific part of the definition of child pornography in section 2 of the 1998 Act, i.e. subsection (1)(d) which states that child pornography means any visual representation or description of, or information relating to, a child that indicates or implies that the child is available to be used for the purpose of sexual exploitation as defined in section 3(3). I am, therefore, satisfied that all inappropriate sexual behaviour involving children which constitutes an offence under section 3 or the relevant part of the definition of child pornography in section 2 of the Child Trafficking and Pornography Act 1998 is encompassed by the definition of sexual exploitation as defined in section 3(3).

#### Summary Offences.

316. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the plans he has to amend the six month time limit as provided for in section 10(4) of the Petty Sessions (Ireland) Act 1854, either generally or with reference to specific offences; and if he will make a statement on the matter. [2532/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I assume the Deputy is referring to the time limit of six months for laying a complaint alleging a summary offence provided for by section 10(4) of the Petty Sessions (Ireland) Act 1851, as amended by section 9 of the Statute of Limitations Act 1957. This provision applies to all summary offences except where individual statutes have provided

otherwise. Such exceptions have been made in the main in relation to regulatory type offences.

I have no plans for a general review of the six months time limit. However, the Deputy will be interested to know that I am considering providing for an extension to that time limit for certain limited purposes in the proposed Garda Síochána Bill, which I intend to publish shortly, in the context of complaints against members of the Garda Síochána giving rise to the possibility of summary criminal proceedings.

#### Garda Transport.

317. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if the procedures being followed by the Garda for the maintenance of their helicopters are the most cost effective available; and if he will make a statement on the matter. [2533/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources that the procedures being followed for the maintenance of the Garda helicopters are as follows: the Department of Defence Vote provides for the maintenance of the GASU squirrel helicopter, up to 750 hours per annum. The operational hours of the helicopter currently falls within this threshold; the out-sourcing of the maintenance of the EC135 helicopter, on a trial basis, was provided for in the Government decisions of 20 November 2001 and 23 April 2002. Following a tender competition, in accordance with EU and national public procurement regulations and guidelines, a two year maintenance contract was awarded to McAlpine Helicopters Ltd. This contract came into effect on 1 January 2004.

318. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform when the Government appointed inter-departmental committee on Garda aviation matters was established; the frequency with which this committee has met; and if he will give details of those meetings. [2534/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Government approved a proposal from the then Minister for Justice, Equality and Law Reform in November 2001 to contract out the piloting and maintenance of a new Garda helicopter, the EC 135, for a trial period and it is assumed that the Deputy is referring to the interdepartmental committee that was set up to oversee this process. This committee met on three occasions in total, twice in January 2002 and once in June 2002.

In March 2002, having considered the various issues the interdepartmental committee submitted an interim report to the then Minister in which they recommended — for legal reasons — that the EC135 be introduced into service, on an interim basis, on the State military register while the longer term options were explored.

The matter was again submitted to Government who approved, in April 2002, the placement, on an interim basis, of the EC135 on

the State military register with the Air Corps responsible for the piloting of the craft and directed the interdepartmental committee to continue to examine the options for the contracting out of piloting and maintenance of the new helicopter on a trial basis.

In June 2002, the interdepartmental committee met to discuss further actions required. The Department of Defence began work on the RFT for the out-sourcing of the maintenance for the EC 135. In December 2002, a tender for the long term maintenance of the EC 135 was issued and following contract negotiations a two year maintenance contract was awarded to McAlpine Helicopters Ltd. This contract came into effect on 1 January 2004.

In addition, work began on a service level agreement between the Air Corps and the Garda Síochána on operating and reporting structures covering all aspects of joint operations. This service level agreement is almost finalised. Following the signing of this agreement, my officials, in consultation with colleagues in the Department of Defence, intend to reconvene the interdepartmental committee to consider further the out-sourcing of the piloting of the EC135 and related issues.

319. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the details of the circumstances surrounding the certification of an additional seat for the second Garda helicopter and the acquisition of that seat; and if he will make a statement on the matter. [2535/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources that the tender for the EC 135 Garda helicopter included a troop seat configuration for ease of ingress and egress from the helicopter of specialist teams and equipment in addition to the standard seating configuration.

Despite orders from a large number of police air support units for this capability, the seat manufacturer was unable to obtain certification from the aircraft manufacturer.

In the interim, a Martin Baker swivel seat was chosen as the preferred alternative option in order to meet Garda operational requirements along with maximising passenger and equipment carrying capability. The cost of the swivel seat was met from within the tender price. The Garda Síochána continues to maintain an interest in acquiring the troop seats when certification is achieved.

#### **Prisoner Transfers.**

320. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of prison to court escorts and court to prison escort journeys that were made by remand prisoners for 2003. [2536/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information sought by the Deputy is not fully available.

The number of escorted court appearances by persons already in prison custody totalled approximately 28,000 in 2003. It is not possible to state what percentage of these court appearances related to prisoners who were on remand at the time of the escort but the majority of prisoners attending court would fall into this category.

It should be noted that not all of these court appearances would have involved separate escorts. Depending on the court list, a number of prisoners are taken as part of a single escort party.

In the vast majority of the cases referred to, the prisoner would have been returned to prison after his or her court appearance. Additional persons, for instance those on bail prior to sentence, would also be brought to the prison from the court under escort following imposition of a custodial sentence.

321. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the type of escort that attaches to convicted persons on their journey to and from prison; and the number of such persons who accompany such a prisoner. [2537/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Essential daily escorts in the prison system include occasions where prisoners are brought to hospital, for court appearances or to another prison. The level of security on escorts is tailored to the profile of each individual prisoner. This is determined by prison management in consultation with the gardaí, where necessary.

In general, there are three types of escort. These are as follows: low security escorts are provided for prisoners who are considered a low risk. For example, these would include escorts for prisoners who are in an open prison and non-violent women prisoners; handcuffed escorts. Most escorts are under handcuffs, and I refer the Deputy to my answer to Parliamentary Question No. 126 of 4 December 2003 for the underlying reasons for this; and armed escorts are provided for prisoners who are considered a high security risk and who may attempt to escape with or without the aid of accomplices. Such prisoners may have subversive links or may be involved in organised crime.

The number of persons accompanying any one prisoner would depend on their security profile but, for obvious security reasons, I cannot go into details on these arrangements.

#### **Sexual Offences.**

322. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he will provide additional funding to the Garda to tackle the growth of child pornography on the Internet; and if he will make a statement on the matter. [2541/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the domestic violence and sexual

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assault unit operating within the National Bureau of Criminal Investigation has an established strength of one detective inspector, three detective sergeants and 11 detective gardaí. The paedophile investigation unit is in existence since November 2002 and operates under the umbrella of the domestic violence and sexual assault unit. It consists of one detective sergeant and three detective gardaí.

Personnel from the main stream units of the National Bureau of Criminal Investigation augment these units, as the volume of work requires. Computer forensics are carried out by the domestic violence and sexual assault unit and also by the Garda Bureau of Fraud Investigation utilising up to date forensic software.

Substantial Garda resources are utilised in the investigation of child pornography on the Internet. Operation Amethyst was a very successful operation utilising Garda personnel on a countrywide basis under the direction and control of expert personnel from the National Bureau of Criminal Investigation.

The Garda Síochána investigates all alleged breaches of the Child Trafficking and Pornography Act 1998 brought to its attention by external police forces, the Internet advisory board hotline and by concerned citizens.

The Garda Síochána is fully committed to the investigation of all cases of child pornography coming to notice and are very much aware of the importance of investigating the child protection issues involved in such cases.

Suspected criminal cases involving the use of the Internet are complex cases. All cases coming to notice immediately become the subject of initial investigation. Cases on hand are at various stages of the investigative process and will culminate in files being sent to the Director of Public Prosecutions.

#### **Visa Applications.**

323. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he will consider setting up a helpline to assist Dáil Deputies in relation to queries concerning visa applications, in view of the lengthy delays being experienced using the public helplines; and if he will make a statement on the matter. [2542/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I addressed this issue comprehensively in my response to Parliamentary Question No. 396 of 18 November 2003 and the position is as outlined in that response.

I am considering with officials in my Department ways to underpin the quality and efficiency of services provided in light of the resources available.

#### **Architectural Heritage.**

324. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the grants available for a club based in Carlow town (details supplied). [2405/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department does not directly provide financial support for the restoration of buildings in private ownership. However, the Heritage Council may deploy some of its resources for this purpose. Although my Department funds the Heritage Council, it is an independent statutory body established under the Heritage Act 1995 and I have no function in relation to any decisions by it regarding the disbursal of grants.

The conservation grant scheme for protected structures was introduced in 1999 to assist owners or occupiers of protected structures to undertake necessary works to secure their conservation. The scheme is administered by local authorities, which are allocated a fixed amount of funding for grant purposes in each calendar year. Authorities are required to prioritise applications for assistance on the basis of a scheme of priorities drawn up by them.

Annual allocations for conservation grant schemes are determined having regard to the wider budgetary situation. My Department will continue to monitor the operation and effectiveness of these schemes.

Finally, the owner or occupier of a building which is determined by me to be a building which is intrinsically of significant scientific, historical, architectural or aesthetic interest, and which is determined by the Revenue Commissioners to be a building to which reasonable access is afforded to the public, can apply under section 482 of the Taxes Consolidation Act 1997 for relief in respect of expenditure incurred in the repair, maintenance or restoration of the building. Ultimately, the decision to allow tax relief in respect of an approved building is a matter for the Revenue Commissioners.

#### **Radon Gas.**

325. **Mr. Dennehy** asked the Minister for the Environment, Heritage and Local Government if he will undertake a publicity campaign to make the public aware of the dangers of radon gas; if he will provide assistance for the public to obtain the necessary detectors to ascertain if their homes are at risk from radon gas; and if he will make a statement on the matter. [2350/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** It is not proposed to provide Exchequer funding to assist the procurement of radon detectors, which are inexpensive, for measurement of radon gas in the home.

Over the years the Government, through the Radiological Protection Institute of Ireland, RPII, has committed significant resources to assessing the extent of the radon problem throughout the country and to increasing public awareness of radon.

During the years 1992 to 1999, the RPII carried out a national survey of radon in domestic dwellings aimed at assessing the extent of the radon problem in homes. The survey involved the measurement by the RPII of radon for a 12 month period in a random selection of homes in

each 10 km x 10 km grid square throughout the country. The RPII's website contains a comprehensive map of the high radon areas in Ireland as well as the report of its national survey of radon in homes.

Upgraded building regulations, introduced in June 1997, require all new houses commencing construction on or after 1 July 1998 to incorporate radon protection measures. In February 2002 my Department published a booklet entitled Radon in Existing Buildings — Corrective Options advising designers, builders and home owners on remediation options for reducing radon in existing houses to, or below, the national reference level of 200 becquerels per cubic metre, Bq/m<sup>3</sup>.

In recent months the RPII has undertaken several initiatives to heighten awareness of the radon issue in Ireland. In October 2003 the RPII held the second in a series of three national radon fora in Galway to raise awareness of radon as a health risk. In November 2003 a media campaign on radon in the workplace was launched in ten high radon counties. Advertisements were placed in 13 local newspapers in Counties Carlow, Clare, Galway, Kerry, Kilkenny, Mayo, Sligo, Waterford, Wexford and Wicklow.

The RPII will shortly publish its report on the radon in schools programme covering radon results in some 3,400 schools. This is the first such comprehensive survey to have been carried out in Europe.

The RPII is also currently revising its booklet, Information on Radon in Homes, and will shortly publish a new booklet aimed at householders with high radon levels giving them advice on remediation options. Wall charts for display in libraries, medical centres, etc. providing relevant public advice will, in addition, be distributed by RPII.

Both the RPII and my Department will continue to use all appropriate opportunities to raise public awareness of radon.

#### Archaeological Excavations.

326. **Mr. Dennehy** asked the Minister for the Environment, Heritage and Local Government the amount spent on archaeological excavations undertaken during road construction programmes in recent years; if he has satisfied himself that the taxpayer is receiving value for money; if the results of such studies are being made available; and if he will make a statement on the matter. [2351/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The vast majority of projects/schemes carried out under my Department's non-national roads programme relate to pavement improvement works and do not require archaeological excavations.

In relation to the very small number of schemes where some archaeological excavations are required, the cost of any such works carried out would generally not be separately identified by the local authority concerned for my Department.

#### Traveller Accommodation.

327. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government if he has improved funding to South Dublin County Council in respect of the proposed Traveller halting site at Belgard reservoir, Cookstown Road, Tallaght, Dublin 24; and if he will make a statement on the matter. [2352/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Approval for the acceptance of a tender for the provision of a halting site at Belgard reservoir, Cookstown Road, Tallaght, Dublin 24 issued from my Department to South Dublin County Council on 19 November 2003.

#### Water and Sewerage Schemes.

328. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if Kildare County Council have applied for a new sewerage scheme for Fortbarrington, Athy, County Kildare; the position regarding the application; and if he will make a statement on the matter. [2354/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** In February 2002, Kildare County Council submitted an application to my Department under the serviced land initiative measure of the water services investment programme in respect of a proposed sewerage scheme at Fortbarrington. I understand that the council subsequently funded the scheme under the devolved small schemes measure of the rural water programme and that it was completed in September 2003.

#### Energy Conservation.

329. **Mr. N. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the grant aid available to insulate cavity walls of dwelling houses. [2488/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** There are no grants available from my Department specifically for the purpose of insulating houses. However, many effective measures to improve energy efficiency in houses can be achieved at negative or zero equivalent annual cost to the householder. The national climate change strategy provides for intensification of educational and awareness programmes being undertaken by Sustainable Energy Ireland to promote these options and to fill the existing information gap for consumers.

The standards of insulation required in new housing have been progressively improved in 1982, 1991, 1997 and, most recently, following the 2002 revision of the statutory building regulations.

Since 1976, all new local authority housing has been built with wall cavity, attic and floor insulation in accordance with the building regulations in force at the time. My Department financially assists local authorities in upgrading, renovating and redeveloping their housing stock

[Mr. N. Ahern.]  
through the remedial works scheme and funding for regeneration and redevelopment projects. Works under the remedial works scheme must comply with the building regulations. Where an extensive programme of refurbishment works is carried out, measures are taken to improve thermal insulation in accordance with the building regulations.

### Community Development.

330. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding community development programmes; if the programme is subject to review at present; if so, the nature and timescale for this review; and if he will make a statement on the matter. [2402/04]

331. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs if it is the case that community development programmes and rural development programmes under his auspices are still subject to a general review; if so, the programmes or schemes of this nature being reviewed; the nature and timescale of these reviews; and if he will make a statement on the matter. [2403/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 330 and 331 together.

I refer the Deputy to earlier questions on this topic, in particular my reply to Question No. 76 on 21 October 2003 and my reply to Question No. 108 and allied questions on 26 March 2003.

Recommendations arising from the review referred to by the Deputy were recently considered by Government. Details of the Government decision in this regard are currently being finalised. I hope to be in a position to set out the Government decision in the near future.

332. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs if the CLÁR programme has been reviewed or amended in the wake of Census 2002; if so, the nature of these changes in County Kerry; if he will supply maps for County Kerry to illustrate these changes or the current CLÁR areas; and if he will make a statement on the matter. [2404/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** An Agreed Programme for Government contains a commitment to annual funding for the CLÁR programme and to consideration of additional areas for inclusion in light of the 2002 population census data. Arising from the analysis of the 2002 population census, the Government decided on the additional areas for inclusion in the CLÁR programme and I announced these additions on 17 January 2003.

The critical criterion in the review was to maintain the criterion of a 50% overall population reduction and involved identifying and including any DEDs with a 50% plus population decline contiguous or near to existing CLÁR areas.

Arising from the review, no DEDs were removed. The number of DEDs in the revised programme has increased from 701 to 890 and the total population in the programme has increased from 284,000 to 362,000. Waterford is the only new county with areas included. The average decline of population in the total CLÁR area is now 49.89% or, excluding the Cooley Peninsula, 50.32%.

In the case of County Kerry, seven DEDs with a population of 3,111 were added. This brings the total population in County Kerry that is included in the programme to 30,309 in a total of 71 DEDs.

The following table details the number of additional DEDs and the population included in the revised programme.

I am sending separately to the Deputy the map and list of the previous and new DEDs in the CLÁR areas of County Kerry.

Revised CLÁR Programme

County	Pop. 1926	Pop. 1996	Pop. 2002	Avg. % Decline 1926-1996	Avg. % Decline 1926-2002	No. of DEDs	Additional DEDs
Cavan (Total)	82,452	52,944	56,414	-42.32	-28.92	91	
old CLÁR	35,883	16,765	16,962	-55.81	-55.30	43	
new CLÁR	56,241	28,409	29,435	-51.71	-50.08	69	26
Clare	95,061	94,006	103,333	-11.15	-0.06	153	
old CLÁR	40,597	22,814	23,283	-47.42	-46.54	72	
new CLÁR	61,093	35,381	35,655	-46.11	-45.95	102	30
Cork	272,226	420,510	448,181	0.62	8.45	398	
old CLÁR	43,137	22,936	23,702	-47.36	-45.66	49	
new CLÁR	63,517	34,457	35,137	-45.60	-44.83	83	34
Donegal	150,714	129,994	137,383	-19.94	-14.18	149	
old CLÁR	46,227	24,717	24,533	-49.36	-49.49	55	
new CLÁR	61,072	33,632	33,103	-47.53	-48.11	70	15
Galway	154,508	188,854	208,826	-14.46	-7.32	238	
old CLÁR	42,222	22,612	22,517	-48.33	-49.34	57	
new CLÁR	50,725	27,386	27,311	-47.60	-48.46	70	13

County	Pop. 1926	Pop. 1996	Pop. 2002	Avg. % Decline 1926-1996	Avg. % Decline 1926-2002	No. of DEDs	Additional DEDs
Kerry	149,081	126,130	132,424	-29.67	-27.09	166	
old CLÁR	49,047	25,640	27,198	51.85	49.99	64	
new CLÁR	55,042	29,041	30,309	-51.05	-49.91	71	7
Leitrim	59,902	25,057	25,815	-59.78	-59.12	77	
old CLÁR	59,902	25,057	25,815	-59.78	-59.12	77	
new CLÁR	59,902	25,057	25,815	-59.78	-59.12	77	0
Limerick	100,895	165,042	175,529	3.37	8.41	173	
old CLÁR	760	402	373	-47.11	-50.92	1	
new CLÁR	760	402	373	-47.11	-50.92	1	0
Longford	38,986	30,166	31,127	-33.84	-26.17	54	
old CLÁR	16,917	9,350	9,147	-46.07	-46.84	25	
new CLÁR	17,417	9,619	9,409	-46.08	-46.87	26	1
Monaghan	65,191	51,313	52,772	-26.83	-23.75	70	
old CLÁR	8,975	4,262	4,444	-53.20	-51.12	12	
new CLÁR	14,254	7,015	7,149	-51.85	-51.00	19	7
Roscommon	84,456	51,975	53,803	-39.49	-38.44	112	
old CLÁR	54,304	25,277	25,436	-54.77	-55.17	66	
new CLÁR	59,318	28,128	28,270	-53.23	-53.63	75	9
Sligo	71,406	55,821	58,178	-34.73	-32.48	82	
old CLÁR	39,542	18,300	18,478	-55.03	-54.96	53	
new CLÁR	48,190	23,148	23,649	-52.92	-52.48	64	11
TippNR	59,645	58,021	61,068	-12.96	-9.12	80	
old CLÁR	6,276	3,205	3,234	-49.73	-49.95	9	
new CLÁR	8,127	4,205	4,235	-49.51	-49.44	13	4
TippSR	81,370	75,514	79,213	-18.59	-7.67	96	
old CLÁR	1,526	808	764	-46.29	-48.73	3	
new CLÁR	1,526	808	764	-46.29	-48.73	3	0
Waterford	51,341	94,680	101,518	-5.79	-0.44	129	
old CLÁR	N/A	N/A	N/A	N/A	N/A	N/A	
new CLÁR	9,531	5,081	5,148	-47.24	-47.08	17	17
Westmeath	56,818	63,314	72,027	-0.47	13.30	106	
old CLÁR	2,188	902	974	-60.06	-55.34	6	
new CLÁR	6,909	3,329	3,452	-52.56	-50.73	18	12
old CLÁR	565,827	283,654	287,270	-51.61	-51.35	701	
new CLÁR	695,946	357,947	361,901	-50.06	-49.89	890	189
old CLÁR (exLouth)	557,845	275,858	279,190	-52.14	-51.92	694	
new CLÁR (exLouth)	687,964	350,151	353,821	-50.46	-50.32	883	189

### Family Support Services.

333. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the application procedures for a family resource centre; the criteria that have to be met in this regard; the type and level of funding available to such centres; the number of family resource centres in County Kerry and their names and addresses; the amount of funding allocated from her Department for each of the family resource centres in County Kerry each year for the past three years; and if she will make a statement on the matter. [2401/04]

**Minister for Social and Family Affairs (MaryCoughlan):** The family and community services resource centre programme provides financial assistance to projects to assist with the staffing and equipping of local resource centres.

Responsibility for the administration of the programme was

transferred from my Department to the Family Support Agency upon its establishment on 6 May 2003.

The application procedure for inclusion in the programme involves a submission of a work plan together with a copy of the memorandum and articles of association. The work plan should include details of the aims and objectives of the project and a set of actions to achieve these aims. The plan should provide

for review and evaluation on an on-going basis. An outline of the management structure and the staffing of the project are also required.

The Family Support Agency has put forward a set of standardised criteria for the inclusion of projects in the programme and I am examining these currently. I will advise the Deputy when these criteria are approved.

[MaryCoughlan.]

A family resource centre may expect to receive funding to employ up to a maximum of two full-time workers and for some administration costs. In addition, a start-up grant of up to €27,500 may also be granted to a project in their first year. The amount of core funding is reviewed annually.

There are currently six family resource centres in County Kerry in receipt of core-funding under the programme. The level of funding provided over the past three years is set out in the following table.

	2003	2002	2001
	€	€	€
Castlemaine FRC,	102,166	74,140	47,893
Duagh FRC,	134,790	88,929	52,422
Presentation Family Centre	125,272	91,650	68,078
Shanakill FRC, Tralee,	72,613	60,900	64,463
St. Brigid's FRC, Tralee,	55,958	41,800	43,434
Kerryhead Ballyheigue FRC,	20,000	Nil	Nil