



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 3 February 2004.

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TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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Dé Máirt, 3 Feabhra 2004.
Tuesday, 3 February 2004.

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

Paidir.
Prayer.

Ceisteanna — Questions.

Dublin-Monaghan Bombings.

1. **Caoimhghín Ó Caoláin** asked the Taoiseach if he has raised the report of the Barron inquiry with the British Prime Minister. [30941/03]

2. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting on 10 December 2003 with representatives of the families of the victims of the Dublin and Monaghan bombings. [31159/03]

3. **Mr. Rabbitte** asked the Taoiseach the action he intends to take arising from the publication of the Barron report into the Dublin and Monaghan bombings; if he has raised the contents of the report with the British Prime Minister; if so, the response he has received; and if he will make a statement on the matter. [31160/03]

4. **Mr. Kenny** asked the Taoiseach his plans to contact the British Government regarding the findings of the Barron inquiry; and if he will make a statement on the matter. [1048/04]

5. **Mr. Kenny** asked the Taoiseach the total cost of the Barron inquiry into the 1974 Dublin and

Monaghan bombings; and if he will make a statement on the matter. [1049/04]

6. **Mr. Sargent** asked the Taoiseach the actions the Government proposes to take following the publication of the Barron report; and if he will make a statement on the matter. [1279/04]

7. **Mr. J. Higgins** asked the Taoiseach if he has raised the contents of the Barron report into the Dublin and Monaghan Bombings with the British Prime Minister; and if he will make a statement on the matter. [1845/04]

The Taoiseach: I propose to take Questions Nos. 1 to 7, inclusive, together.

The 1974 Dublin and Monaghan bombings were terrible outrages which left 34 people dead and more than 240 injured. Many people never recovered. For many others, the legacy of pain and suffering remains and some still suffer from their injuries to this day. Like everyone else who watched the proceedings of the sub-committee considering the Barron report, I found the accounts of the victims and families about the events of that day and their terrible suffering, profoundly moving.

I was glad to have had the opportunity, together with Mr. Justice Barron, to meet representatives of Justice for the Forgotten at

[The Taoiseach.]
 their request on Wednesday, 10 December, before the publication of the report on what was a very important day, especially for the families. At that meeting, I thanked Mr. Justice Barron and his team on completing that phase of their work and I paid tribute to Justice for the Forgotten for its assistance to the inquiry and for its dedication and tenacity in pursuing its campaign for the truth. I also paid tribute to the earlier work of the former Chief Justice, the late Liam Hamilton.

The Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights is now considering, including in public session, the report of the independent commission and it will report back to the Dáil and Seanad in March with its findings on whether the report addresses all of the issues covered in the terms of reference of the inquiry; the lessons to be drawn and any actions to be taken in the light of the report, its findings and conclusions; and whether, having regard to the report's findings and following consultations with the inquiry, a further public inquiry into any aspect of the report would be required or fruitful. The committee may also accept, including in public session, submissions on the report from interested persons and bodies and, of course, public hearings are under way.

The Secretary of State for Northern Ireland, Paul Murphy, has said the British Government will consider the report with great care and he has said that the British Government, from Prime Minister Blair down, has been committed to helping the inquiry as fully as possible. He also said after the meeting of the British Irish Intergovernmental Conference in Farmleigh recently, that the British Government wanted to be as helpful as best it can.

I am aware that the Secretary of State, as well as some of his predecessors, have been invited by the sub-committee to assist it in its work and I hope the assistance already referred to also extends to the work of the sub-committee. At my most recent meeting with Prime Minister Blair on Monday, 19 January, I asked for the fullest co-operation from the British Government with the Oireachtas sub-committee.

I understand Mr. Justice Barron will report early in the coming months on the Dublin bombings of 1972 and 1973. Following that report, he will report on other cases, including the Dundalk bombing of 1975 and, in the context of that report, he will report on a number of other events, including the Castleblaney and the Belturbet bombings. Following those reports, Mr. Justice Barron will report on the Seamus Ludlow case.

The total cost of the Barron inquiry to date is approximately €2.541 million. This includes an amount of approximately €700,000 for the legal expenses of the Justice for the Forgotten group and €167,000 for the administrative expenses of the group at the start up phase. Currently, the administrative costs of the group as well as the services to victims provided by the group, are also being paid for by the Department of Justice, Equality and Law Reform. In this regard, an

amount of approximately €500,000 has been paid since 2001. In addition, an *ex gratia* contribution is being made to the relatives to pay for assessment and review of the Barron report and any other steps and procedures arising. Offers have been made by the Department of Justice, Equality and Law Reform to the legal representatives of the relatives in connection with the inquests of those killed in the Dublin and Monaghan bombings.

Caoimhghín Ó Caoláin: The Taoiseach will recall that, in his presence, my Sinn Féin colleagues and I used the opportunity of a meeting in Downing Street to apprise the British Prime Minister of the Barron report and its detail. He will recall that the British Prime Minister undertook to reply to me on the matters I raised with him on that occasion. I received a reply only last week from the Minister of State in the Northern Ireland Office, Jane Kennedy, of fewer than 200 words. Quite incredibly, she states in the letter that all relevant information from British files was passed on to Mr. Justice Barron. Does the Taoiseach agree with that extraordinary statement that all relevant documentation was passed on to Mr. Justice Barron, particularly given that we were advised that 68,000 files of possible relevance were in the hands of the Northern Ireland Office? Mr. Justice Barron indicated he did not get the level of co-operation and only received a ten-page missive, followed by a further missive. He received no original documentation. Has the Taoiseach pressed the British Prime Minister, even at this late stage, to undertake to release all the relevant information and not the reply offered to us by the Minister of State, Jane Kennedy?

I am not sure if the Oireachtas Joint Committee on Justice, Defence, Equality and Women's Rights intends inviting, in the widest context, people from the British side. Has the Taoiseach engaged with the British Prime Minister with regard to indicating to or, where appropriate, directing those from the British side to attend if they are invited, summoned or whatever is the case before the sub-committee considering the Barron report? That would be very important.

As regards the ongoing, unfolding events in the joint committee's sittings — I note today, again in terms of Mr. Justice Barron's attendance, the line of questioning — what steps were taken by the Taoiseach, his Department and the various Departments with responsibility to try to establish what happened to the missing files? I note from the engagement taking place in the committee shortly before the resumption of business in the House this afternoon that not only were these files missing in original form, the duplicates at another location were also missing, which is an incredible position. Were they stolen, deliberately lost or destroyed? What steps have been taken by the Government to try to discover the files' location?

If files relevant to any of the other tribunals or major investigative processes taking place in this State or to any former Member of the House or

any other area of interest were missing, would it not be a national scandal? Is it not, therefore, a scandal that we have not been able to establish definitively what happened to the files which were in the care of Departments and other arms of the State?

The Taoiseach: The Deputy has asked a number of questions and I will do my best to answer them all. The first question he raised was whether I recall his making the case to the British Government and senior British officials. Yes, I do. As he knows, I made that point strongly and I know he added to it. I think that has been noted in the British system. Obviously, I cannot comment on the reply he received but I know that the Secretary of State has taken up this matter on the two occasions to which I referred and he stated that the British would give full co-operation.

On the second question of whether I raised the matter with the British Government again since, I did so at the last meeting I had just a few weeks back on 19 January when I again emphasised that point. The Minister for Foreign Affairs, Deputy Cowen, did so again to Secretary of State, Paul Murphy, at the recent meeting of the British-Irish Intergovernmental Conference in Farmleigh. There is no doubt that the British side is aware of the concern of this House.

I hope that the assistance already referred to also extends to the work of the sub-committee if it seeks assistance. I hope that any requests for assistance or a presence before the committee would also receive full co-operation by the British.

Regarding a report providing information about our efforts in recent years, at least once or twice in every session since 1999 when the House agreed on the procedure to be followed, I have answered questions and reported on the Dublin and Monaghan bombings. All that I would have to say about the ongoing co-operation is already on the record of the Dáil and on public record. We have sought information from the British on many occasions. Mr. Justice Barron also asked for the assistance of the Government in arranging meetings and submissions on what he had got. He is before the committee today, so there is no need for me to answer the questions which he is answering elsewhere at the same time. I am sure he will give the committee full information on what he got or did not get for its report.

Regarding the files that are missing in the Department of Justice, Equality and Law Reform, whether they are duplicate or triplicate, the fact of the matter is that sensitive files relating to this issue have been missing for some years from the Department. I do not know the circumstances of how that happened, quite frankly. The full account had been given to the late Mr. Justice Hamilton some years ago because he discovered that aspect of the work, as I recall. Mr. Justice Barron has completed that work and this matter has been discussed with the Department of Justice, Equality and Law Reform, the Garda Síochána and others and is detailed in the reports. A significant number of

complete and detailed files are missing and have not been retrieved over the years. I cannot explain to the House why this happened and I will not try to do so. I will continue to give whatever assistance or support I can to see this and the other issues completed.

In a light-hearted vein, in reply to Deputy Ó Caoláin's last question, he is probably correct about other tribunals and inquiries but I find that any information of a confidential nature supplied by me to those tribunals seems to end up in the newspapers and so it is obviously not a case of its being lost.

An Ceann Comhairle: I call Deputy Rabbitte.

Caoimhghín Ó Caoláin: Will you allow me to reply?

An Ceann Comhairle: I have called Deputy Rabbitte.

Caoimhghín Ó Caoláin: Will you come back to me?

An Ceann Comhairle: It is a question of time, Deputy. If everybody takes five minutes to ask a question, we may not have time.

Mr. Rabbitte: I wish to express my party's appreciation to Mr. Justice Barron for the effort put into this important investigation. Has the Taoiseach formed any view about any further inquiry or the shape of a further inquiry? In respect of the verbal commitments given by the British Government, expressly so by Mr. Paul Murphy, does the Taoiseach consider that the order of co-operation by the British Government might be different with a different kind of inquiry? Whatever Mr. Justice Barron says today, we know what he says in his report. He states that the value of the co-operation of the British authorities was diminished by their reluctance to hand over original documents and that as a result, the scope of his report is limited. Does the Taoiseach think that any other form of inquiry would be likely to bring primary material from the British authorities into the public domain or to the benefit of such an inquiry? Given that this was the greatest act of mass murder in the history of the State, is it not extraordinary that the files have gone missing in the Department of Justice, Equality and Law Reform?

Whereas this House quite correctly points the finger at the British for not being as forthcoming as it might be, is it not extraordinary that our Administration can only put its hands up and say that the files are missing and the Taoiseach says he cannot say or do anything further? I accept that the Taoiseach is not responsible but it is extraordinary.

Does the Taoiseach propose to institute any inquiry into why the documents are missing from the Department of Justice, Equality and Law Reform? Some Garda documents are also missing. Regarding the documents in the Department in particular, will there be a Garda inquiry into the reason those documents are

[Mr. Rabbitte.]
missing, to ascertain when exactly they went missing and what additional information is available about their disappearance?

The Taoiseach: Deputy Rabbitte's questions can be divided into two sections, the first of which relates to the information the British have given. I have said in this House on many occasions that while I cannot guarantee 100% co-operation in respect of the records held by the Northern Ireland Office and within the British defence system, the level of co-operation has been good. Those involved have genuinely tried to be co-operative. A number of Secretaries of State have tried to be co-operative in that regard, for example by working with the late Mr. Justice Hamilton and Mr. Justice Barron. Records from MI5 and MI6 do not seem to be available as it has not been possible to get them.

Deputy Rabbitte asked if I have formed a view. I would like to wait until the sub-committee has finished its work so that I can see its report. I have been dealing with this issue for many years, for the past five or six years in my capacity as Taoiseach. I have formed views about the matter in that time, for example, as a result of the meetings I have had on it, but we should wait until the end of the process.

I have to be frank with the Deputy in response to his other question. I could try to dodge the answer but I will not do so. I do not see us getting any records regardless of what we do. Mr. Justice Hamilton and Mr. Justice Barron are totally competent and high-standing people who have been backed fully by the Attorney General and this House, which agreed that it did not hold a different opinion. I am aware of the pressure that has been put on in the debates we have had here and we have always made the British authorities aware of that. I do not, frankly, foresee a change in that regard.

Mr. Rabbitte: Should we not inquire into the matter? Servants of the State in possession of serious documents on an act of mass murder which have gone missing in our sovereign control—

The Taoiseach: My answer relates to the British side, which was the first aspect of the Deputy's question. I do not think the position will change in that regard. Having watched the British dealing with a number of other inquiries and being familiar with the way the system works there, I do not think that there will be a change. I do not think we could appoint someone in a higher position to do the job — for example appointing a Supreme Court judge would have no effect. Mr. Justice Hamilton was once the Chief Justice and Mr. Justice Barron is a highly distinguished member of the Bench. I do not foresee a change, but I would like to wait until the final report has been produced.

The files of the Department of Justice, Equality and Law Reform and the Garda Síochána, to which Deputy Rabbitte referred, have been examined. The previous Minister for Justice,

Equality and Law Reform, Deputy O'Donoghue, answered questions on the matter in the House. He explained when examinations and investigations took place and outlined how the files could have gone missing. Additional searches were done. As the House is aware from its experience over the years, people discover files in the archives which may turn up a year late under the 30-year rule, for example. I asked for more searches some years ago and the Minister, Deputy O'Donoghue, ordered that this should happen. I have not read the report of the investigations of that time. A large number of files and records vanished. I am not sure whether they would have been helpful, but it certainly would have been better if they had been available. They vanished out of the system and that has been reported on. Investigations were conducted by the Garda Commissioner at the time. The reports are on the record. I can look them up again and bring them to the attention of the House. Some years have passed since that happened and they are not annexed in the report. They are not in the system. They certainly would have been useful.

As Deputy Rabbitte said, and I have said many times, this was an enormous atrocity. It was the biggest single atrocity in more than 30 years of the Troubles. The report that will be laid before the House might ask us to examine other aspects of the matter. We should wait to see what advice we are given in that regard. Based on the information I received after the archives were searched, I do not think that the files will come up. I do not know what happened to them.

Mr. Kenny: I would like to pursue an aspect of this matter that arises from Deputy Rabbitte's question. Many people put a great deal of faith in the relationship between the Taoiseach and the British Prime Minister. In the Taoiseach's last reply to the Dáil he referred to a meeting on 19 January at which he again asked the British Prime Minister for full co-operation. I would not like people to think the Taoiseach was merely putting his request on the record. Even a public sworn inquiry, if that call were to emerge from the committee, will not provide the truth about the Dublin and Monaghan bombings unless the British Prime Minister guarantees that all witnesses of which his Government is aware are compelled to attend and all evidence in its possession is made available, including MI5 files. In his meetings with the Prime Minister, did the Taoiseach mention that possibility? Given that a former Secretary of the Department of Foreign Affairs has indicated the possibility that an international inquiry would bear fruit, will the Taoiseach consider this option?

If the Taoiseach were asked to attend the committee, would he be prepared to do so, given that he has been dealing with this matter for a number of years? He may be required to answer questions about the co-operation he received from the British Government and Prime Minister and files that were or were not made available.

In respect of moneys paid to legal representatives, I note the Taoiseach's reply of

last week in which he indicated that offers had been made to legal representatives of the relatives. What offers have been made to the legal representative who travelled from the United States or the legal representatives of people from the Derry area? If such offers have been made, what is the significance of this? Will the Taoiseach attend the inquiry? Has he discussed the possibility of a further inquiry with the British Prime Minister? Have offers been made to legal representatives? Does the Taoiseach believe we can uncover the truth, which is what matters?

The Taoiseach: Over Christmas Members had a chance to read the report and consider its annexes. We now have substantially more knowledge than we ever had before. One can piece together through the documentation what may or may not have happened. It is no longer woolly. There is much information available.

The Deputy asked whether any more information is available. All I can tell him is that I do not think the British Prime Minister is knowingly withholding information or files which he believes we need. He is well aware of the standing of this inquiry, which has the backing of the Oireachtas, and the status of the late Mr. Justice Hamilton, formerly Chief Justice of the State. There is also the question of the possible involvement of MI5, MI6 and other security elements, and whether their involvement was official. People must reach their own conclusions about this. The British Government has given its views and has co-operated with us in this matter, passing on files for our consideration. Mr. Justice Barron must answer the question of whether there were rogue elements in these security services.

I do not think there is any other way of obtaining these documents. If there are other aspects of co-operation we will deal with them. Everybody from the Attorney General on the British side to various Ministries of Defence and all Secretaries of State from Mo Mowlam onwards — there have been three or four since that period — have been well seized of these matters. The committee may come up with other questions in its examination. If the committee asks me for my co-operation I will give it fully. The information available to me, however, is already on the record of the House.

Throughout the process we have been trying to help Justice for the Forgotten and all the resources we have provided have gone to that group. Some of these were *ex gratia* contributions to assist the group and some were taken up in the group's legal expenses. This includes €700,000 for the group's legal expenses and €167,000 for its administrative expenses. These were from the start-up phase and, more recently since 2001, €500,000 has been paid to the group. In addition to those payments, the Government has made an *ex gratia* contribution to the relatives to pay for the assessment of the review. This was because the group received many reports and annexes to

those reports. This contribution was to help the group's review and also to see what other procedures may arise and offers that could have been made to it. Not all the legal representatives of the victims are tied up with Justice for the Forgotten. Some of the victims have gone with their own representatives which are also covered in these payments.

Mr. Sargent: We can expect some meaningful answers on Question Time. I wish to go back to an answer the Taoiseach gave when he described the files at the Department of Justice, Equality and Law reform as having vanished. Can I take it he does not actually mean that, as that is the kind of answer one expects from Paul Daniels? Does the Taoiseach mean that he has not been able to find where the files have gone? Did the Taoiseach actually say that there will be, or there was, a Garda investigation to get to the bottom of this matter and restore some faith in the rule of law? Is the Taoiseach shutting the door on this matter or is he accepting the fact that some files get into the hands of journalists, while others vanish, and that is just the way life is? Does he believe that is acceptable?

If the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights declares that there should be a public inquiry into the bombings, will the Government agree to it or will some conditionalities be put in place? The remembrance fund was established in February 2003 yet no moneys have been paid from it. Can the Taoiseach inform the House what difficulties in administering the fund have been encountered, given that there was to be a meeting in mid-January to administer it but it was postponed? Can the Taoiseach indicate where the postponed meeting and the remembrance fund stand?

The Taoiseach: I am not being flippant when I say the files have vanished. If the Deputy wants me to phrase it better, I can say that files in the Department of Justice, Equality and Law Reform, that were indicated to exist at one time, could not be found after extensive searching of the Department's records and archives. That matter was examined, as was the Garda issue referred to by Deputy Rabbitte. A number of years ago when it emerged, it was reported to the House by the then Minister. Even though there have been subsequent checks, the files have not been located.

I have insisted, dutifully, from the beginning of this process that the Government would ask the late Mr. Justice Hamilton to carry out extensive investigations, which were then carried on by Mr. Justice Barron. The investigation would report to the Oireachtas committee which would examine the report and then report back to this House for debate. We have to see where it goes from there. I do not want to be giving the end answer to an on-going process. It is not for me to do that.

Mr. Sargent: Will the Government agree to a public inquiry?

The Taoiseach: We will see what happens at the end of the process. However, we must let the committee come to its judgment and report to the House. The Government has not considered the end position until it has been reached, as to do so would be irresponsible.

Mr. Sargent: Will the process be fast-tracked?

The Taoiseach: There can be no fast-tracking this issue. It has already taken five years to get the process to this stage. Deputies may want quick public inquiries, but if there is one thing I have learned in almost seven years as Taoiseach, it is that there is no such thing. Deputies will find this situation no different. We may not get anywhere quickly but we should receive the committee's report quickly because it is working diligently to report to the House.

As Deputy Sargent said, I announced that €9 million was to be provided for victims of the Troubles in this jurisdiction, and work has been done on schemes to disburse those funds. Members of the commission were appointed in October, and it has met on a number of occasions. Further work was required on the schemes before applications for funding could be invited, but that work is now almost finished, and it is expected that the commission will be in a position to invite applications shortly. There have been some delays, but those are about to be resolved.

Mr. J. Higgins: What credibility does the Taoiseach give to the British Prime Minister's assurance of co-operation with an Oireachtas committee when he signally failed to ensure his Government and its agencies co-operated fully with the Barron inquiry? The Taoiseach is glossing over the level of co-operation he received. Is he aware that Mr. Justice Barron pointed out that, of 68,000 files of possible relevance in the Northern Ireland Office, not a single copy of an original document was made available to the inquiry? The sum total received, in essence, was a ten page letter, and Mr. Justice Barron said specifically that the scope of his report was limited as a result. Will the Taoiseach address that?

Does the Taoiseach agree that the British Prime Minister has treated the inquiry and the Taoiseach with contempt because he has failed to ensure this co-operation was given? Did he perhaps think that, because the Taoiseach believed his claim that there were weapons of mass destruction in Iraq, which we now know to be a lie, he would believe anything else the Prime Minister said?

An Ceann Comhairle: I ask the Deputy to withdraw the word "lie", please. It is not appropriate in this House.

Mr. J. Higgins: I am talking about the Prime Minister of Britain, who is not answerable to the House.

An Ceann Comhairle: I do not care to whom the Deputy refers. It is not appropriate to use the word "lie" in this House about anybody.

Mr. J. Higgins: It is not appropriate to say that it was a lie that there were weapons of—

An Ceann Comhairle: I ask the Deputy to withdraw the word "lie".

Mr. J. Higgins: It was an absolutely fraudulent claim.

An Ceann Comhairle: I ask the Deputy to withdraw the word.

Mr. J. Higgins: I will say instead that it was a fraudulent claim.

An Ceann Comhairle: Withdraw the word "lie", Deputy.

Mr. J. Higgins: It is against the British Prime Minister. It is not against—

An Ceann Comhairle: Deputy, withdraw the word "lie". We do not use it in this House.

Mr. J. Higgins: I will substitute "fraudulent claim" for the word "lie".

An Ceann Comhairle: Deputy, will you withdraw the word "lie"?

Mr. J. Higgins: Yes, and I will say it was an utterly fraudulent claim, which is the same thing.

Does the Taoiseach acknowledge that the relatives and victims attending and watching the sub-committee hearings are still of the opinion that they require a wider public inquiry and that alone should give serious cause for consideration of that course of action?

The Taoiseach: I am aware of everything Mr. Justice Barron has said and of all the meetings which were set up. I have already answered questions on those matters. I am also aware that some people who have contributed to the public hearings have made comments on the issue of a public inquiry and on the form such an inquiry might take. There are serious, complex issues involved and the sub-committee's hearings are ongoing. I do not want to pre-empt the work of the committee before that work is finished and the matter comes back to the House. We should wait and see the committee's recommendations before considering the matter further.

On the Deputy's first question, I judge the British Prime Minister on the Bloody Sunday tribunal. Successive British Prime Ministers refused to do anything about that and I played a large part in convincing him, as a result of reports by successive Irish Governments, that a full scale inquiry was the right thing to do. He did that, and we all know the scale, level, cost and substance of it. In this case we asked for his co-operation and that of the Secretaries of State regarding information and facts that they believe is available. A huge amount of checking is required.

All that is known. I will not comment about the amount of engagement that took place in the context of one line of a report as against other chapters.

I already answered Deputy Rabbitte as to whether I think any other inquiry will bring forward more evidence. I gave him my view on that, for what it is worth. We have to wait to see what our own inquiry brings forward and then we will see what action we need to take.

Caoimhghín Ó Caoláin: Does the Taoiseach not recognise that the negative view he expressed in regard to his expectation of further information or documentation being made available from the British side is, itself, something that will add to their resolve not to co-operate and not to provide further information and documentation? When our Prime Minister makes the statement that he has no further expectation of progress—

An Ceann Comhairle: The Deputy should confine himself to a question.

Caoimhghín Ó Caoláin: It is a question. I am asking the Taoiseach if he does not recognise that his statement could become a self-fulfilling prophecy.

On the issue of the missing files, the Taoiseach has not confirmed whether any level of investigation prior to or since his becoming Taoiseach was undertaken in the Department of Justice, Equality and Law Reform, in regard to the copy files that have also gone missing in Garda hands. Has any investigation taken place or, given the gravity of the matter of the missing files, does he not believe—

An Ceann Comhairle: The Deputy is being repetitive.

Caoimhghín Ó Caoláin: —that an investigation as to what happened to the files, which is a matter of great national importance, is now required? Will the Taoiseach please clarify this matter?

The Taoiseach: I am sorry if I did not make that clear. I thought I did. When it became clear some years ago, the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, instituted a full examination and investigation in the Department while the Garda Commissioner carried out an examination of Garda files. They did not uncover the whereabouts of the files. It was not established how, why or where the files went missing, but both the Garda Commissioner and the Minister examined the matter.

If I recall correctly, examinations and investigations go back to the 1970s when these issues came to light. These questions were answered by the then Minister, Deputy O'Donoghue. However, I can bring these issues to the fore once again, as it is some years since this was done.

Deputy Rabbitte asked me a straight question on the other issue. I could avoid answering his

question and say that, if one keeps going back to the British Prime Minister and to the Secretaries of State and arranging meetings with the judges, either I must believe they cannot find any more information about the facts or I do not. One should be in a position to believe them if they were asked time and again over a number of years to investigate these issues. By and large I believe that Secretaries of State had no vested interest in not co-operating. They examined the issues and came up with various matters in regard to the specific questions they were asked. Having dealt with this over so many years leads me to question whether the information of that time in 1974 would have been written down and put on a file anyway. That is the issue. I do not think Secretaries of State or the British Prime Minister would have refused to pass over information to either Mr. Justice Hamilton or Mr. Justice Barron. I do not think they would do that. I do not question their bona fides.

Caoimhghín Ó Caoláin: Whatever failings you have—

An Ceann Comhairle: I ask Deputy Ó Caoláin to allow the Taoiseach to respond.

The Taoiseach: I have answered this question already. I based this judgment on a far more difficult decision when we came to the Bloody Sunday tribunal, and Prime Minister Blair, against the advice of everybody in his administration and elsewhere, pressed ahead to set up the inquiry. On another terrible incident the Government, through a former chief justice, made a similar request of him. The Deputy is saying that he would knowingly and intentionally not co-operate, but I do not believe that. While the Deputy may say that I am being naïve, I am not prepared to say that he is telling me an untruth.

Mr. Rabbitte: I am prepared to take at face value what the Taoiseach has said in his assessment of the politicians he has dealt with. Is there not a question about the intelligence on which they rely? We have seen dramatic and unprecedented evidence of this in the past 72 hours where the President of the United States is prepared to reverse engines on the reasons for going to war and is now inquiring into the quality of intelligence made available to him. The British Government has rowed in behind this overnight—

Mr. J. Higgins: The Taoiseach is now the only person who believes there were weapons of mass destruction in Iraq.

Mr. Rabbitte: —presumably because the British intelligence services are afraid the American inquiry will show they relied on the Brits—

An Ceann Comhairle: We seem to be rambling outside the substance of the questions. We have

[An Ceann Comhairle.]

gone past Taoiseach's questions and I ask the Deputy to be brief.

Mr. Rabbitte: Merely because the Taoiseach dealt in good faith with the political heads in Downing Street and Stormont does not mean there is no cause for concern about some of the matters that have been raised here. The Taoiseach has told us that a different order of inquiry would, in his opinion, be unlikely to elicit a greater extent of co-operation from the British authorities. Does the Taoiseach believe that an international inquiry might be feasible? If there were an international dimension to this, would it be more likely to require the British authorities to co-operate with it?

While I did not see reports of this in the press, colleagues have told me that the then head of Anglo-Irish affairs, Mr. Sean Donlon, replied to a newspaper advertisement and gave evidence to the committee. He specifically said that he had not been interviewed in respect of the Barron report. Does the Taoiseach consider that people might have reasonably expected that someone like him would have been interviewed?

The Taoiseach: This was a call made by the justices, based on the information supplied by those who responded to them. They spent several years on this and I am sure they interviewed as many people as they could. I cannot say what information or evidence Mr. Donlon would have had. However, it was open to people to submit statements and many did so. Even people living abroad who were not interviewed submitted information.

Deputy Rabbitte made a point about the political position. If he is asking me whether I have great faith in MI5 or MI6, I am not prepared to put my views on the record of the House, but I have a different view of the political issue.

Mr. Rabbitte: While I know the Taoiseach opposed the war last year, he does not have a great record on this.

The Taoiseach: I opposed the war last year. MI5 or MI6 information would have nothing to do with Northern Ireland. We do not talk to MI5 or MI6 and I do not have any great information on them.

The Deputy asked about the international element of the inquiry and by and large we were satisfied with the arrangements for the Bloody Sunday inquiry. From the Government's perspective, the Justice Cory inquiry has been a very good model. Justice Cory has done a very fine job. Although we do not have the total assessment of it yet, we have a broad outline of it and we are very happy with the arrangements. Justice Cory took on some very difficult cases that spanned a lengthy period and was able to report in a short time on cases that went back over many years. There are difficulties around it, but Justice Cory's report will prove to be very useful as we go forward in dealing with the cases the British have still not published.

Priority Questions.

National Waste Management Plan.

137. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government when the national waste management plan will be published; and if he will make a statement on his plans to deal with toxic and nuclear waste.
[2845/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Under the Waste Management Acts 1996 to 2003, each local authority is required to make a waste management plan in respect of its functional area. All local authorities involved in the waste management planning process have made plans and are now actively engaged in the process of implementation.

My Department has been developing a national overview of waste management plans. This national overview will not take precedence over the current generation of waste management plans; rather it is designed to provide a composite national picture of the infrastructure and services which the plans provide for, to outline progress achieved and to address issues which have arisen in the implementation process to date. The national overview is at an advanced stage and I expect it will be concluded very shortly.

Responsibility for the preparation of a national hazardous waste management plan is assigned to the Environmental Protection Agency, EPA, under the Waste Management Act 1996. The agency published such a plan in 2001, setting out recommendations in respect of four main areas: implementation of a national hazardous waste prevention programme; improved measures for the collection of hazardous wastes from households, small and medium enterprises, agriculture and other sources of unreported hazardous wastes; provision of requisite infrastructure to attain national self-sufficiency in the recovery and disposal of hazardous wastes; and identification, risk assessment and, where necessary, remediation of sites where hazardous wastes were disposed of in the past.

A committee, chaired by the agency, has been established to oversee the implementation of the plan. In addition, under section 26 of the Waste Management Act 1996, relevant public authorities are required to have regard to the plan and, where they consider it appropriate to do so, to take measures to implement or otherwise give effect to recommendations contained in it.

Additional information not given on the floor of the House

It must also be borne in mind that activities involving hazardous waste are strictly regulated under the waste management licensing system.

In relation to the safe management of nuclear waste, it should be borne in mind that Ireland's radioactive waste is mainly low level and low volume and arises from hospital, educational and

industrial applications. All users of radioactive materials in Ireland do so under licence from the Radiological Protection Institute of Ireland. Radioactive waste is currently stored in hospitals, third level educational establishments and on industrial premises also under licence from the RPII. The RPII inspects storage premises regularly to ensure that licence conditions are being upheld.

While the RPII does not consider that radioactive waste is stored unsafely, storage in diverse locations is not an acceptable long-term solution and is inconsistent with Council Directive 2003/122/Euratom on the control of high-activity sealed radioactive sources and orphan sources which came into force on 31 December 2003. Both the RPII and my Department have been exploring possible locations for a storage facility. A suitable location has yet to be identified.

Mr. Allen: I have heard enough to know the Minister is putting the cart before the horse. He is admitting in the Dáil that he expects local authorities to produce a waste management plan, yet no national waste management plan exists. Would the Minister agree that it is highly negligent to involve himself in very expensive advertising campaigns on television and radio, when people cannot implement the composting, recycling or minimisation of waste due to a lack of facilities? People are on a guilt trip over domestic waste and at the same time the Minister has no national waste management plan.

Has he a secret plan to introduce incineration rather than to reduce, recycle or compost waste? Is incineration at Ringaskiddy and in County Meath a fact now and is he proceeding to introduce incineration into Ringsend? Is the Minister implementing a secret plan by stealth? He continues to lecture local authorities about their lack of plans but will he come clean and inform the House of his national plan for waste management?

Mr. Cullen: I am not surprised that the Deputy, a member of the Fine Gael Party who brought in the legislation, does not know what is in the legislation they introduced. It delegated specific authority. We agreed in Ireland to a regional approach to the implementation of the hierarchy of integrated waste management plans. I am glad to say that in spite of the bleating from Fine Gael and Labour parties on this issue, these plans are being put in place and what is involved is quite clear in the public domain.

I said I would give a national overview of all the plan, so that we could have a clear picture nationally about what is happening. We will be able to identify how advanced each region is under the key headings of reducing, recycling facilities, composting facilities, major waste stations and all the issues involved. That will show the progressive regions. The proposals on thermal treatment, residual landfill and so on will be quite clear from the plan, which was agreed by the Oireachtas. The rainbow Government of which the Deputy's party was a member led the

debate in 1996 on the waste management structure that we are implementing because we thought it a wise approach and supported what the rainbow Government did in 1996.

The plans are quite clear; there is nothing secretive about them. We know what is required in terms of thermal treatment, residual land fill and recycling facilities and these are going in at quite a pace, as the Deputy knows. I was in Cork last week and was delighted to see the 'pay for weight' system in operation. I would advise anybody in the media who is interested in seeing how these things work to look at the extraordinary technology involved. The back-up computerisation system in the lorry is such that each householder can be told what is happening.

The public knows about the plans and what is happening in their regional area. That is the basis of going forward. The Deputy and the Fine Gael Party, in spite of having introduced the legislation, seem to ignore the facts and pretend that nothing is in place, while the public is getting on with solving the crisis of waste.

An Ceann Comhairle: The six minutes for this question are concluded.

Mr. Allen: The Minister spent most of the time speaking but I did not get an opportunity to ask supplementary questions.

Surely the Minister cannot waffle out of the situation. That is ridiculous. I have one supplementary question. Where is he proposing to store the nuclear waste? He said in committee that four sites were being considered. Where are they?

Mr. Cullen: I regret I could not answer the question in full, but the remainder will be made available.

An Ceann Comhairle: I ask Deputy Allen to resume his seat.

Mr. Durkan: On a point of order, the Minister deliberately wasted time giving a history lecture to the Opposition Members. If that is the way it will proceed, we are wasting our time here.

An Ceann Comhairle: I am asking Deputy Durkan to resume his seat.

Mr. Durkan: You can. The Chair could have interrupted the Minister when he was wasting time, but he did not.

An Ceann Comhairle: The Chair has no control over the length of replies. If Deputies are not happy with the way questions are organised, I suggest they go to the Dáil reform committee.

Mr. Cullen: The detail is in the question, as the Chair rightly said. I could not finish within the rules of the House. That is not my fault. The information will be made available to the Deputies. The final decisions—

An Ceann Comhairle: The Minister initially had two minutes, which the Chair intervened to

[An Ceann Comhairle.]
point out and the Minister resumed his seat. Deputy Allen then took two minutes to ask a question and the Minister took another two minutes. I intervened to tell the Minister the six minutes were up. I now call Question No. 139

Mr. Cullen: I think it is Question No. 138.

An Ceann Comhairle: Question No. 139 in the name of Deputy Joe Higgins as Deputy Gilmore is not here.

Mr. Stagg: On a procedural matter, a Ceann Comhairle, can Deputy Gilmore's Question No. 138 not be taken when I am here?

An Ceann Comhairle: A Priority Question is never taken unless the Deputy who submitted it is present.

Waste Management

139. **Mr. J. Higgins** asked the Minister for the Environment, Heritage and Local Government the reason it is intended to spend a total of €1,539,348 on the production and airing of a television advertisement depicting householders as responsible for a waste crisis when, in fact, householders account for 15% of waste going to landfill.

Mr. Cullen: Excluding private/industrial landfills, which are largely dedicated facilities provided in conjunction with certain types of industrial installations, the report shows that a total of 3.1 million tonnes of waste was accepted at local authority landfills in 2001. Of this, 1.25 million tonnes, or 40%, was household waste, with a further 0.53 million tonnes, or 17%, being attributable to the commercial sector.

The extent of waste from these sectors which is consigned to landfill reflects low rates of waste recovery. The recovery rate for the municipal waste sector as a whole, although rising, is only 13.3%. Within that category, the recovery rate for the household sector is only 5.6%. These compare unfavourably with the recovery rates of other sectors. For example, the database shows over 25% recovery in surveyed industrial sectors, with some 65% recovery recorded in the construction and demolition sector.

Because of these low recovery rates, the correspondingly high volumes of waste landfilled, and the environmental difficulties associated with trying to manage mixed municipal waste, the Race Against Waste campaign focuses, in particular, on householders and small businesses. The campaign does not seek to apportion blame, rather it aims to heighten awareness in relation to the need to improve recycling rates and provide useful information on how to do this. The campaign is timed to coincide with a significant increase in the recycling infrastructure, which is now coming on stream, supported by significant resources which I have allocated from the environment fund.

The reaction to the campaign so far has been overwhelmingly positive. This is unsurprising

given the findings of research carried out last year, which shows three out of four people in favour of the Government spending money on environmental campaigns. I look forward to the continued roll out of the campaign in the months ahead.

Mr. J. Higgins: Would the Minister agree that spending €1.5 million on an advertisement showing ordinary households being responsible for a waste apocalypse is an outrageous misuse of taxpayers' funds because it is fraudulent advertising? Householders account for only 15%, or one seventh, of what goes to landfill.

Mr. Cullen: They do not.

Mr. J. Higgins: I have studied this.

Mr. Cullen: The figure is 40%.

Mr. J. Higgins: Thanks to the Minister, I had four weeks of leisure to study it in the autumn.

Mr. Cullen: I am glad the Deputy did so. There is always a silver lining somewhere.

Mr. J. Higgins: According to figures from the Environmental Protection Agency, one seventh, or 15%, of what goes to landfill comes from households. In view of that, would the Minister agree that the advertising is fraudulent? Would he agree it is incredible that 955,000 tonnes of paper and glass went to landfill in 2001 from households and commercials — some 78% of the total that went to waste — all of which is recyclable? Would the Minister agree that if the investment for recycling and composting was installed in all areas, and the infrastructure was put in by the local authority, then diverting all glass, paper, plastic, aluminium and organic material would reduce at a stroke the amount going from commercials and households to landfill by 70%? Would the Minister agree that local authorities now have the power to implement by-laws requiring that this takes place? The fact that it does not and has not taken place points to an abject failure by the Government over the last seven years.

Would the Minister agree therefore that the television advertisement, Race Against Waste, is a crude propaganda attempt to cover the Government's abject failure to divert significantly from landfill and secure that diversion? It is also a crude propaganda film to attempt to justify rapidly rising bin taxes on taxpaying households, which the Minister, Deputy Cullen, is trying disgustingly to force on households, while giving the real polluters — big business — massive tax breaks.

Mr. Cullen: I am glad to see that, perhaps for the first time, the Deputy has informed himself about the facts and figures of recycling. I am glad also that he is so supportive in encouraging everybody to take the recycling route.

Mr. J. Higgins: I have been doing so for 20 years.

Mr. Cullen: I reject absolutely the Deputy's first point regarding the use of the environment fund. When he asked about 18 months ago why I was not conducting a national awareness campaign, I said it was a good idea and something the public wanted. Of course, when I embark on the campaign, the Deputy is dissatisfied.

Mr. J. Higgins: Yes, because it is a fraud.

Mr. Cullen: For the Deputy's information, what the campaign contains was not my decision. We went out and asked the public what they thought would get the message over. In various parts of Dublin and around the country, we did much research as to the type of campaign that should be run. I did not dream it up in my head. The public told me what they thought should be in the campaign, what they would respond to and what they thought would get people to change their ways. What is happening is a result. This is only a small part of the campaign, which also concerns what is going on in the commercial sector.

It may come as a surprise to the Deputy to know that 20,000 people have used the Department's website — I understand they are called hits — seeking hard information on how to recycle more waste. Some 11,000 of those hits were in January 2004. If the Deputy accessed the website he would see that people anywhere in the country can find where their local waste facilities are and how to use them. The public welcomes all of this and I am glad the Deputy supports it.

Mr. J. Higgins: Will the Minister acknowledge that the problem is not the willingness of the vast majority of people to recycle, but the lack of an infrastructure being rolled out by local authorities? How does the Minister respond to the fact that local authorities can now implement by-laws so that not a single piece of glass or paper should go into general waste?

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

Mr. J. Higgins: Look at this polystyrene tray for some sausages. It is from a supermarket next door to Leinster House.

Mr. Cullen: I am solving that one for the Deputy.

Mr. J. Higgins: Why does the Minister allow this kind of carry on?

Mr. Cullen: The Deputy knows well what I am doing about that.

Mr. J. Higgins: This is the real problem — a lack of will on behalf of the Government.

An Leas-Cheann Comhairle: Deputies cannot display items in the House.

Mr. Cullen: I wish to respond briefly to the Deputy, a Leas-Cheann Comhairle.

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

Mr. J. Higgins: It is a polystyrene tray for a few sausages.

Mr. Cullen: I know. There are health and food safety issues but the Deputy would ignore those directives. The problem is that people like Deputy Joe Higgins think Ireland is one big carpet and that we can lift the green fields and sweep all the rubbish underneath.

Mr. Cuffe: The Minister wants to make it one big car park.

Mr. Cullen: That is his policy. It is not mine and neither is it that of the Government. It is not what the people of this country want.

An Leas-Cheann Comhairle: We will proceed to Question No. 140. As Deputy Gilmore has come into the Chamber, his Question No. 138 will be taken as the last one during Priority Question time.

Electronic Voting.

140. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the position regarding the introduction of electronic voting for the European and local elections. [2846/04]

Mr. Cullen: Detailed planning and preparations for the use of countrywide electronic voting and counting at the European and local elections are proceeding. To date, 4,840 voting machines and ancillary hardware have been delivered to returning officers; software testing will be completed shortly; training of returning officers and their staff is continuing and I will be launching a major public education and awareness campaign in relation to the new system tomorrow.

The delivery of electronic voting and counting presents many challenges for my Department and its partners, but I am determined to make the benefits of the electronic system available as early as possible. Electronic voting and counting will improve the efficiency, speed, accuracy and user friendliness of elections. It will also eliminate the democratic wastage associated with spoilt votes. It is a desirable modernisation of the electoral system and I look forward to its successful implementation at the June 2004 polls.

Mr. Allen: How can the Minister contemplate introducing this system without agreement from all parties in the House? How can he introduce a system that is changing fundamentally the way we run our democracy, by not introducing it through an electoral commission? How can the Minister contemplate introducing this system without key questions about the security of the system, including whether it is tamper-proof, having been answered? Why has his Department not answered the 40 major questions that have been raised regarding the system? Why has the

[Mr. Allen.]

Minister forced the motion to accept the electronic voting system through the Committee on the Environment, Heritage and Local Government, by weight of Fianna Fáil numbers? Will the Minister give details of the contract entered into by his Department with a firm involving buddies of Fianna Fáil?

Mr. Cullen: I would ask the Deputy to withdraw any such implication.

Mr. Allen: I am asking the Minister——

Mr. Cullen: It is an outrageous remark and impugns people who are not in the House to defend themselves.

Mr. Allen: If being called “buddies of Fianna Fáil” is accusing them, well and good.

Mr. Cullen: I am asking Deputy Allen to withdraw the point he has made.

Mr. Allen: I am asking a question. Will the Minister make available——

Mr. Cullen: It impugns people who are not in the House to answer for themselves. It is an outrageous allegation.

Mr. Allen: I will not withdraw it.

Mr. Cullen: It is completely unfounded.

An Leas-Cheann Comhairle: Order, please.

Mr. Allen: I am asking the Minister to make available the details of the contracts entered into between the PR company and his Department. Why has he not answered the questions regarding the verifiable paper audit trail and the source code of the system? Why are the questions unanswered and why is the Minister so headstrong in pushing forward this system? Will he suspend its introduction until there is all-party agreement as would happen in any decent democracy?

Mr. Cullen: I regret the manner in which Fine Gael is behaving on this issue. The Deputy's party——

Mr. Allen: Are we to roll over under the jackboot tactics?

An Leas-Cheann Comhairle: Allow the Minister to reply without interruption.

Mr. Cullen: The position of the Fine Gael Party leader is that we should all vote on the Internet from our homes, but at the same time——

Mr. Allen: With proper safeguards. I am asking about safeguards.

Mr. Cullen:——his Front Bench spokesperson is asking spurious questions which have been answered *ad infinitum* before committee.

Mr. Allen: They have not been answered. Fourteen questions remain unanswered on this.

Mr. Cullen: Am I to be allowed reply to the question?

An Leas-Cheann Comhairle: Order. Allow the Minister to reply. He is in possession.

Mr. Allen: He is telling lies.

Mr. Cullen: The Deputy's bluster on this issue will not——

Mr. Durkan: The Minister is not answering the question.

An Leas-Cheann Comhairle: Order, please. This is a priority question.

Mr. Cullen: We have already tested this system in a general election and a referendum. Fine Gael raised no questions after either occasion about the system, and neither did the Labour Party at the time.

Mr. Allen: We did. That is incorrect. That is not true.

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: Would the Deputy like to know what Fine Gael said about it?

Mr. Allen: I know what it said.

Mr. Cullen: Would he like me to quote back to him what his party said at the time?

Mr. Durkan: Another history lesson.

Mr. Cullen: Deputy Hayes said that the current system was imperfect, Deputy Clune said that she welcomed the introduction of the new system——

Mr. Durkan: What about today? What about the future?

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: Deputy Dukes said the electronic counting of votes would greatly facilitate——

Mr. Durkan: The Minister should quit the waffle and answer the question.

Mr. Cullen: The question has been more than answered. This system——

Mr. Durkan: The Minister should answer it.

Mr. Allen: The Minister is not a fit person to answer the question. He has a vested interest.

Mr. Cullen: In what? What is the Deputy's point now?

An Leas-Cheann Comhairle: Order, please. Time is running out on this question.

Mr. Allen: The Minister asked what my point was. I will explain it to him.

Mr. Cullen: The Deputy is full of it.

Mr. Allen: The Minister is the political head of the Department introducing the system, but it should have been introduced by an independent electoral commission established with the consent of all parties in the Dáil——

Mr. Cullen: The Dáil and the Oireachtas decided on this, not I.

Mr. Allen: ——as would happen in any democracy.

Mr. Cullen: It was also fully supported by the Fine Gael Party.

Mr. Allen: That is not true. The Minister forced it through.

An Leas-Cheann Comhairle: Order, the Minister is still in possession.

Mr. Cullen: The Deputy knows well that these machines have been tested internationally in Germany——

Mr. Durkan: In Florida.

Mr. Cullen: ——the Netherlands and other places by independent institutes of international renown——

Mr. Allen: That is not true.

Mr. Cullen: The Deputy knows this. I am puzzled by Fine Gael's approach to this matter. Perhaps the Deputy will be interested to note that, in the previous local elections, 21,000 votes were declared spoiled. At the same time more than 40 seats——

Mr. Allen: What has that got to do with it?

Mr. Cullen: ——were decided by fewer than 50 votes. My point is that more than 90% of spoiled votes are inadvertently spoiled. We will be able to eliminate this from the new system, thereby giving a far more accurate result and providing what people want.

Mr. Allen: Will the Minister answer the question asked?

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: About what?

Mr. Allen: About a verifiable audit trail and the code source.

Mr. Cullen: I assure the Deputy again that there is a full, verifiable audit trail.

Mr. Durkan: There is not.

Mr. Allen: Will there be a paper audit trail?

Mr. Durkan: There is none.

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: Does the Deputy want the information?

Mr. Allen: We should have had it by now.

Mr. Cullen: Is he interested in listening to the sound of his own voice or does he want information? There is a full audit trail. In the event of any of these results being challenged in the High Court, a full ballot paper, vote by vote, can be produced. We are covered by all angles and possibilities. This is one of the best systems available. I can only go on the best national and international advice about the veracity of the system. It is time we put this argument behind us. I have listened to the criticism and have appeared before a committee of the Houses on a number of occasions and answered questions, as have the experts and my officials.

We have reached a point where we either question the credibility of the entire computer systems in use in the world or we put our confidence in them. It is ironic that we are proud to portray Ireland as a leading software exporter but Deputies demonstrate no faith in a system which is part and parcel of demonstrating to the world that e-commerce, e-Government and technology mean something here. Deputies cannot have it both ways.

An Leas-Cheann Comhairle: Deputy Allen may ask a brief supplementary question.

Mr. Allen: Will the Minister introduce a verifiable paper audit trail so that a person who punches a preference on a machine can be satisfied that his or her express wish is translated into the registering of a vote within the machine? Also, has the Minister managed to negotiate the acquisition of the source code from the Dutch or Belgian company which produces the machines or does control of the system still rest in the foreign private sector?

Mr. Cullen: Under the old system, a person put a paper vote in a box and did not get a receipt.

[Mr. Cullen.]

A voter will not get a receipt this time either. That has never been part of our electoral system.

Mr. Stagg: Nobody is asking for a receipt.

Mr. Cullen: There is an audit trail. The Deputy knows the system has a paper audit trail. People can see on the machine that their vote is cast. The Deputy is well aware there are internal systems in the machine. The machine even has the capacity, if it is not working properly, to rectify itself.

Mr. Allen: Will there be a printout?

Mr. Cullen: There will not be a printout. We will not put people walking out of a polling station under duress to produce to the Deputy, Sinn Féin or anybody else evidence of how they voted. Is the Deputy serious?

Mr. Allen: I am serious.

An Leas-Cheann Comhairle: Order, please. The Chair calls the next question.

EURATOM Treaty.

141. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the involvement the Government has with EURATOM; the contributions made by Irish taxpayers to EURATOM since Ireland joined the EU; the efforts made to internalise nuclear safety measures into the body of EU law and phase out EURATOM as an unaccountable pro-nuclear arm of the EU; and his plans to bring about real change in this regard during the Irish Presidency. [3167/04]

Mr. Cullen: Ireland is a party to the EU treaty and, in accordance with this, pays its contribution to the EU budget. EURATOM is financed directly from the general EU budget, but there is no separate contribution from Ireland towards the budget of EURATOM.

This Government's policy is to steer EURATOM's activities towards nuclear safety and radiological protection. EURATOM has been active in both of these areas. For example, EURATOM Directive 96/29, which lays down basic safety standards for the protection of workers and members of the public from the dangers of ionising radiation, represents major EURATOM inspired legislation in the area of radiological protection. In addition, EURATOM has become a contracting party to the additional protocol to the 1977 agreement between EURATOM and the International Atomic Energy Agency on the non-proliferation of nuclear weapons.

Proposals by the European Commission relating to the safety of nuclear installations and the safe management of radioactive waste, the so-called nuclear safety package, are also based on

provisions of EURATOM. These are under consideration at the European Council's atomic questions working group.

The Government will continue to work through the various EURATOM groups to ensure, in as far as the treaty allows, that EURATOM's focus is on nuclear safety rather than nuclear promotion. There is no current review of EURATOM, but any such proposals will be considered on their merits, and Ireland will participate fully in such circumstances.

Mr. Sargent: The Minister's reply on this matter is even more pessimistic than the reply I received from the Taoiseach. Does the Minister accept that EURATOM, which was established in 1957 and is very much pro-nuclear and the expansion of the nuclear industry, lacks democratic control? It was established before the European Parliament and yet it spends money that is not adequately accounted for — some of it in Ireland — on research projects which are not scrutinised. I know from people doing research that they feel their projects are unsupervised. Some projects, for example, have funding of €5 million.

Is it not time, especially during our EU Presidency, to push for a complete review of EURATOM so that the functions for nuclear safety will become part of the EU body of law and EURATOM, as a standalone company which will spend €2 billion over the next four years on nuclear research, is wound down and a sunset clause inserted? Does the Minister not support that approach along with Austria and Luxembourg? Is it not important that we use our opportunity during the Presidency to push for this so that it happens? There are vested interests that will resist it. However, most of the EU is non-nuclear in terms of not having nuclear power. Surely, we should use that majority position to push for the ending of EURATOM and the internalising of safety so that we can have a future that is not pro-nuclear but fair to renewable energy sources?

Mr. Cullen: Ireland's position on nuclear power, the Government's opposition to it and my views are well documented in the public domain. There is not unanimity in Europe on this issue because some countries are nuclear and support the development of the industry. We do not.

What is important is the nuclear safety package which is currently under discussion and about which there are differing views. As President of the EU, Ireland is seeking to establish a sound consensus on the package to facilitate its adoption at the earliest possible opportunity. As Members know, there was little formal debate on the matter during the constitutional discussions. While Austria tabled a proposal which Ireland formally supported, the measure was not met with universal support. We will continue at all levels to use our influence as a sovereign state on these matters. During the Irish Presidency, we

hope to move the agenda forward and to secure agreement on substantive issues such as the safety package.

Mr. Sargent: I appreciate that there is a lack of consensus, as the Minister points out. We would not put this question down otherwise. If there were consensus, there would have been movement. Does the Minister agree that he is in a key and timely position as President of the Council of Environment Ministers to pursue a review of the EURATOM Treaty to end an obsolete feature of EU life? Austria, Luxembourg and many other member states would appreciate it. There is a separate organisation to promote one type of energy which most of us in the EU do not want to see continued and certainly not promoted. Does the Minister not think this is an opportunity to harness the majority position and as chair and President of the Council, to pursue a review? The time will not come around again.

I am not asking the Minister to accept there is a lack of consensus. We know that to be the case. I ask that he use the arguments that EURATOM is unaccountable, in receipt of disproportionate amounts of research money which other energy sources cannot draw down and endangering future generations through the legacy of nuclear energy production. Does the Minister not agree that he should make these arguments through the opportunities afforded to him over the next six months?

Mr. Cullen: I do not agree with all the assertions the Deputy has made in the absolutist terms in which he has framed them with regard to EURATOM. While there are issues and questions which we should pursue, it is not open to me to turn round the agenda during the Irish Presidency. The agenda for the Presidency is well documented and publicised. The best thing the Irish Presidency can do is deal with what is on the agenda, not spend six months trying to get something else onto it. We would not be successful in that because it is not flagged that we should do so. It would be disingenuous and wrong of me to do that having had many discussions with many environment Ministers before the Presidency began to obtain clear agreement on the agenda of the Irish Presidency.

What is before us of unquestionable importance is the first step in a longer process in which some of the issues to which the Deputy alluded should be focused upon. We must start somewhere and before us is the important issue of the nuclear safety package. The lack of consensus means it will be very difficult to address the findings of the atomic questions working group which is where the matter is being considered at the moment. If we make progress on this issue during our Presidency, that is well and good. If we cannot make progress, we will continue to pursue the matter unilaterally as a

sovereign Government in every possible national and international forum.

Planning Issues.

138. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the reasons he did not act in almost one third of the cases in which he had been urged by his Department's heritage officials to appeal planning cases to An Bord Pleanála, the reason he has decided to deal with this matter personally rather than leave such issues to officials who have knowledge and experience in this area and if he will make a statement on the matter. [2992/04]

Mr. Cullen: Final decisions on planning applications are a matter for the relevant local planning authority or, in the case of planning appeals, An Bord Pleanála. The Minister for the Environment, Heritage and Local Government is a statutory consultee in the case of any proposed development which may have an impact on built or natural heritage. The Minister is accountable to the Houses of the Oireachtas and the public in respect of the exercise of this function.

On receipt of planning applications from a planning authority, an assessment is first undertaken by the relevant archaeological, architectural or national parks and wildlife service personnel. The procedures in place to facilitate the consideration of applications include consideration of a recommended response by the relevant line management. Some recommendations may be submitted for consideration at a more senior management level. In the final decision, a recommendation may be adopted in full, amended or rejected. The procedures are designed to ensure that the full implications of all applications are considered and that applications of a similar type are treated in a similar manner.

Where consideration is being given to recommending that a planning authority should refuse permission, require the undertaking of an environmental impact assessment or lodge an appeal to An Bord Pleanála, a submission is made to the Minister under whose statutory authority the comments are being made. In deciding whether or not to recommend that a proposed development should not proceed, consideration is also given to the use of other methods to ensure the protection of natural and built heritage. It is my belief that such methods have been underutilised. This course could involve availing of powers under the National Monuments Acts.

While my input into planning cases is limited to considerations of habitat and built heritage protection, the responsible exercise of this role by a Minister involves taking a balanced view in the overall public interest of the merits of the various possible interventions. Since my appointment as Minister for the Environment, Heritage and Local Government, my Department has appealed far more cases than previously. A total of 19

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planning decisions have been appealed to An Bord Pleanála which constitutes a strong track record.

Mr. Gilmore: I thank the Leas-Cheann Comhairle for agreeing to take this question. Of the 28 planning applications which his officials recommended should be appealed to An Bord Pleanála, the Minister decided not to appeal nine. Did the Minister receive any communication from the developers concerned in respect of the nine applications or from any person acting on their behalf? Did he receive representations of any kind on the proposed developments in those nine cases? Given his rejection of the professional advice of his officials, did the Minister seek or receive alternative professional opinion or advice on the basis of which he made his decision on the nine applications in question?

Mr. Cullen: The Deputy is suggesting that I rejected——

Mr. Gilmore: I am only asking a question.

Mr. Cullen: The Deputy's assertion is that I rejected professional advice.

Mr. Gilmore: I am not asserting anything.

Mr. Cullen: I did not. I took all——

Mr. Gilmore: I ask that the Minister answer my two questions.

Mr. Cullen: I would answer, if the Deputy allowed me. I took advice from various sections. The perception the Deputy is conveying externally is that I sit in some office locked away on my own and receive a series of files.

Mr. Gilmore: The Minister should answer my questions.

Mr. Cullen: I want to make it clear that I do not do that. It is important to record the fact.

Mr. Gilmore: If the Minister does not answer, we will draw conclusions.

Mr. Cullen: As the Deputy is well aware, I sit down with senior management to discuss all of these issues right across the system. Members from all sides of the House constantly come to me about all sorts of heritage issues in their local areas. Some even try to raise planning issues with me in which instances I inform them immediately that I have no function in the planning system. People raise issues arising in their constituencies in respect of a range of matters on a constant basis.

Mr. Gilmore: Did anyone raise the issues in question?

Mr. Cullen: I do not have any notes in front of me. I will not stand here and say no one did. I will check the files and if someone did, I will confirm for the Deputy what the position was. I have no difficulty with that as I wish it to be clear that I looked at the implications and our vitally important heritage aims in each of the 28 cases, 19 of which were appealed. I considered how best we could observe our heritage functions and protect our heritage sites. That is the view I have taken.

Mr. Gilmore: The questions I asked the Minister were very specific. I will repeat the two to which he did not reply. The Minister said he will come back to me on the question
4 o'clock of representations, which I appreciate. Did the Minister receive any communication from the developers involved in any of the nine cases?

Mr. Cullen: No.

Mr. Gilmore: Was there communication from anyone acting on behalf of developers?

Mr. Cullen: Not to my knowledge.

Mr. Gilmore: In the nine cases in question, the Minister decided not to accept the professional advice available to him from his Department's heritage officials. Did the Minister obtain or seek any alternative professional advice on the basis of which he decided not to appeal?

Mr. Cullen: The basis of the second part of the Deputy's questioning is inaccurate. I have answered the first part. He suggests I do not take professional advice from my Department.

Mr. Gilmore: In these nine cases.

Mr. Cullen: There was differing professional advice available.

Mr. Gilmore: I have a copy of the recommendations.

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: If the Deputy is asking whether or not I went outside the Department to obtain further advice, the answer is "No".

Mr. Gilmore: The Minister was given specific advice concerning archaeological and architectural matters. If he did not receive alternative professional advice, on what basis did he decide not to appeal or accept the advice and recommendations of his officials?

Mr. Cullen: That is very easy to answer — I made this point in my answer to the Deputy. There is a whole range of issues under the National Monuments Acts and the Heritage Act where I can ensure that the same objectives are

achieved. I will answer the Deputy directly. I am not absolutely certain as I do not have the files in front of me. However, I recall that one of the objections, which was in north Dublin, involved the development of a great deal of housing.

Mr. Gilmore: There were 1,100 houses.

Mr. Cullen: Yes, 1,100 houses. I answer questions in the House every day of the week about our efforts to build houses. I took the view that there should be a balance between protection of the heritage on one side and other Government policy issues on the other.

Mr. Gilmore: The decision was only to appeal.

Mr. Cullen: The Deputy is not saying that, in several of the cases to which he refers, we sent the proposal back to the local authority concerned and said that we would not accept the scale of the facility in question but that if it were substantially scaled back, it would meet the requirements of heritage. That was what happened. Some officials met those requirements after doing that and taking account of the response from the local authority through their planning system in discussions with it. My officials said that they did not like it anyway. That is not how I operate. We operate on the basis of a wider-ranging discussion in the Department on all issues. The advice to me from around the table was that the scale was the problem. It was resolved.

An Leas-Cheann Comhairle: That concludes Priority Questions.

Mr. Cullen: I am not a rubber stamp and I will not be one for anyone.

Mr. Gilmore: The Minister is accountable. He should not get tetchy with me.

Mr. Cullen: I am not doing so. However, the point was why I engaged in this. I discovered that objections were made in my name about which I knew nothing.

An Leas-Cheann Comhairle: The time for Priority Questions has now expired.

Other Questions.

Nuclear Plants.

142. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the position regarding his request to the British authorities to allow Irish experts to inspect the Sellafield nuclear plant; and if he will make a statement on the matter. [2886/04]

197. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the concern expressed by the Radiological Protection Institute of Ireland that it has become more difficult to obtain information on Sellafield from the British authorities since 11 September 2001; if he has raised those concerns with the British Government; the response received; and if he will make a statement on the matter. [2888/04]

Mr. Cullen: I propose to take Questions Nos. 142 and 197 together.

Access to Sellafield by Irish experts has been sought by the Irish Government on an ongoing basis and in February 2000 staff of the RPII received permission for a formal visit to the site. Based on its examination of the safety documentation, in December 2000 the RPII produced a report on the storage of liquid high-level radioactive waste at Sellafield. That set out a number of conclusions and recommendations for BNFL and its regulators. The report is freely available from the RPII.

I understand that the concerns expressed by the RPII relate to the difficulty posed in accessing certain information from the UK authorities regarding Sellafield in the security climate after the attacks of 11 September 2001. A review of security, including access to information, was undertaken by the UK authorities in the aftermath of 11 September regarding sensitive nuclear sites, including Sellafield. That review was welcomed by the Government and considered necessary, given the threat posed by a malicious attack on or accident at Sellafield. It is neither the intention nor in the interests of the Government or its citizens to compromise in any way security arrangements at Sellafield.

However, the current UK policy of restricting access to certain information and to the Sellafield site for RPII on security or other grounds should be balanced against the increased need for assurance after the attacks of 11 September 2001. I firmly believe that the genuine interests and concerns of the Government on behalf of the Irish people must be addressed and a mutually acceptable balance achieved between the reasonable national security requirements of the UK and equally reasonable requirements of Ireland. I consider that the model of the previous visit by RPII to Sellafield in 2000 provides an appropriate basis on which further visits could be accommodated.

The views of the UK on the security issue were set out in a letter from the Secretary of State for Trade and Industry, Patricia Hewitt MP, on 16 April 2003 in response to my letter of 28 March 2003. I placed the UK letter on the record of the House as part of the reply to Question No. 141 of 14 May 2003. The question of access for the RPII to Sellafield was raised by me at a meeting with the former UK Energy Minister, Brian Wilson, on 28 May 2003. It was also raised by me and by my colleague, the Minister of State,

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Deputy Gallagher, in meetings with several UK Ministers.

Additional information not given on the floor of the House.

It is also one of several issues that have been raised in the context of discussions with the UK following the provisional measures award of the UNCLOS Annex VII Tribunal of 24 June 2003. Those discussions are confidential to the tribunal and the parties pending outcomes to the process. However, under the terms of the order, there is an obligation on both parties to improve co-operation and co-ordination arrangements, and discussions are continuing on that basis.

Mr. Stagg: Plutonium in children's teeth is double the normal level in the area around Sellafield, according to the British Minister for Health. There is a leaking roof on a storage tank in Sellafield and a strike took place among workers at the plant which put it at risk. Waste pipes from the facility have recently been washed up on the shore and more are missing. A new storage facility for additional nuclear waste at the plant forms an international nuclear dump. There is also the ongoing immediate threat to Ireland of the storage of highly active liquid waste. The classification of that waste, which we were regularly promised, has proceeded at a snail's pace. The sea and air are polluted daily for profit rather than out of need.

Given that we know all that, apart from a legal action taken to a tribunal with no competence in the matter, which ended with the Government being taken to the European Court of Justice by the Commission for so doing, meaning that it has effectively run into the sand, and an occasional press release from the Minister's spin doctors on the matter, we have no other information. Will the Minister tell the House what exactly he is doing to achieve the Government's much-trumpeted objective of closing down Sellafield? He has been two years in his present post, more or less, and we do not seem to have advanced, except for the promised legal action, which has run into the ground.

Mr. Cullen: I do not accept that. There is, and has been, fairly strong consensus in this House. As a former Minister with some responsibility in the area, the Deputy knows the difficulties first hand. However, we have advanced matters quite far under two cases, OSPAR and UNCLOS — the Deputy referred only to one. The situation regarding the European Court of Justice and the Commission believing that it had primacy of jurisdiction in the case remains to be resolved. However, I reiterate that it is important in the view of everyone in the House that the RPII gains access to Sellafield. I and, I am sure, all parties in this House feel very strongly about that.

It would help enormously in confidence-building between our two countries if that

happened. It must be possible for two countries which have repeatedly demonstrated their abilities in many other more difficult areas to reach some understanding on the issue. I explained the critical nature of the issue and the necessity that the UK deliver on it. The cases to which the Deputy referred are not yet completed. They represented a substantial step forward, which was fully supported by the Government. I thank the Attorney General for the enormous time which he gave to move forward the issue. Ultimately, the closure of Sellafield is a clear objective.

In the meantime, I would like to see the moratorium on the technetium 99 discharges finalised so that there are no discharges into the Irish Sea. I have made it clear publicly that I see no moral, economic, environmental or other justification for any discharges whatsoever into the Irish Sea since, once the discharges enter the environment, the damage is done for hundreds of years. The waste could and should be stored in underground facilities from which it could be retrieved so that when technology develops to the point where it can deal with such issues, at least we can do that.

An Leas-Cheann Comhairle: Before I call Deputy Allen, I remind the House that supplementary questions and answers are subject to a one-minute time limit.

Mr. Allen: I will deal specifically with the question on the Order Paper. I asked a question on the lock-up policy of the British Government regarding our nuclear experts from the Radiological Protection Institute of Ireland and suggested that, at prime ministerial level, Mr. Blair might give the Taoiseach details of the security systems in place in Sellafield to assure us that there is no risk in the event of a hijack attack on it. What approaches have been made to the British Government on a prime ministerial level regarding the details and assurances on the security of Sellafield? What has happened since our last series of questions in the Dáil? Has anything happened and are we content, as we were before the last general election, simply to flood the British Government with postcards? As far as I am concerned, that is all that has happened.

May I have specific information on what approaches have been made? When I visited the plant in July I was assured by British Nuclear Fuels Limited that if the approaches were made on a Prime Minister to Prime Minister basis, it was sure the details would be supplied. I trust the Taoiseach in that if he got the information, he would judge it accordingly.

Mr. Cullen: The Deputy knows this is an issue in which the Taoiseach engages in a fulsome way and which is always on his agenda. I think he has confirmed to the House that he raised this matter with the British Prime Minister. I do not have the

details but I am confident he has confirmed it to the House.

Mr. Allen: May we have the details?

Mr. Cullen: Following the cases, serious discussions are going on as to how we implement and improve substantially the relationship between Ireland and the UK covering the full range of issues which the Deputy, Deputy Stagg, others and I have raised. However, these are not complete. I am anxious for them to be completed and when they are, I will give a full account to the House as to what the position shall be, but I am not in a position to do so now. I assure the Deputy that substantial discussions are taking place.

Mr. Cuffe: When the Minister took office, highly dangerous radioactive material was stored in rusty sheds in the Sellafield complex and that material is still stored in rusty sheds. When was the last time the Minister discussed the issue of Sellafield with his UK counterpart?

Mr. Cullen: I did so just before Christmas, less than two months ago. I raised it in my pre-Presidency discussions with Minister Beckett. The Minister of State, Deputy Gallagher, was with me and we went on to meet the Minister for Energy on the same occasion. We had lengthy meetings on various subjects and I raised this with them. As I said to Deputy Allen, negotiations and discussions are taking place and we are trying to get through some of the issues with the UK Government which, I think, understands the Government's position. It is important as we have a duty of care and a responsibility to the people on this issue. I am anxious we come to a formalised arrangement in regard to the exchange of information on, and access to, the Sellafield site.

Mr. Stagg: Arising from what he said, will the Minister state the prospects of the British authorities agreeing to the Radiological Protection Institution of Ireland being allowed to effectively and meaningfully visit the facility at Sellafield? When does he expect that might happen?

Mr. Cullen: As the Deputy knows, the RPII visited the site previously. When we talk about the site, one of the issues is that it is a vast site. The issue is perhaps more important than simply getting on to the site. I hope we can resolve this issue and see a further visit in the near future, but I am guarded in what I say for specific reasons, which the Deputy may appreciate, as I follow up on the cases. Discussions are taking place and I do not want to say anything that might, in any way, undermine them. I reconfirm that the British Government is in no doubt as to the position of the Government and with what it would be satisfied.

Mr. Morgan: Is the Minister aware of the seriousness of this threat? Only last week in a court in Cumbria, British Nuclear Fuels Limited was fined £30,000 sterling when it was found guilty of and admitted to endangering the life of one of its divers. Is the Minister aware that the health and safety executive in Britain advised that court that the British Nuclear Fuels Limited systems were wholly inadequate? Given that British Nuclear Fuels cares so little about the lives of its workers, does the Minister expect it to have any greater concern for the lives of or the threat represented to Irish people as a result of its operations?

Is the Minister aware that today British Nuclear Fuels Limited has again been outed? The Department of Trade and Industry in Britain engaged a consultancy firm to carry out an audit on BNFL but there was a conflict of interest because it regularly does consultancy work for BNFL. Given that wanton level of disregard by BNFL, it would have no concern for the safety of the people.

Mr. Cullen: I reiterate that the Government remains committed to and is deeply concerned about the activities at Sellafield, as it always has been. The Government will use every avenue open to it, legal and otherwise, to ensure it gets the message home to the British Government and, ultimately, to achieve its objective which many people in Ireland and elsewhere would like to see, that is, the closure of Sellafield.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy James Breen — to ask the Minister for Justice, Equality and Law Reform, further to Parliamentary Questions Nos. 385 of 27 May 2003 and 489 of 7 October 2003, the reason for the long delay in appointing the County Registrar for County Clare; (2) Deputy Naughten — the need for the Minister for Education and Science to approve funding for an extension to Elphin community school, County Roscommon; (3) Deputy Gormley — the severe disruption and inconvenience caused by an accident involving a crane at a building site close to Barrow Street in Ringsend and the need to ensure that those responsible for this site are liable for all costs caused by the inconvenience and disruption, including the closure of the DART line, and the need for the Minister for Justice, Equality and Law Reform and the Minister for Enterprise, Trade and Employment to ensure that the Garda and the Health and Safety Authority carry out a full and thorough investigation of this incident (4) Deputy Ardagh — to ask the Minister for Health and Children to

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provide the funding and resources required for a young man (details supplied) who as a result of injury and dysfunctional family circumstances is in great need; (5) Deputy Shortall — the urgent need to provide funding for the fit-out of the new health centre and health board offices in Ballymun; (6) Deputy Allen — the situation regarding the Irish Blood Transfusion Service unit at St. Finbarr's Hospital, Cork; (7) Deputy Neville — the 2002 annual report on the national parasuicide registry in Ireland; (8) Deputy Coveney — to ask the Minister with responsibility for children to outline what delay currently exists to prevent adoption by Irish parents of Vietnamese children and when he expects such adoptions to be allowed to proceed; (9) Deputy Callanan — to reconsider the decision to downgrade Kiltormer post office, Ballinasloe, County Galway; (10) Deputy Brendan Smith — the recent difficulties at Cavan General Hospital, including the suspension of two consultants and the death of a young person, details supplied; (11) Deputy Ó Caoláin — the recent difficulties at Cavan General Hospital, including the suspension of two consultants and the death of a young person, details supplied; and (12) Deputy Healy — in view of the ongoing and serious anti-social behaviour, the urgent need for the Minister to fulfil the commitment in the programme for Government to recruit 2,000 additional gardaí and the need for the appointment of additional community gardaí on the beat.

The matters raised by Deputies Shortall, Allen, Brendan Smith and Ó Caoláin have been selected for discussion.

Leaders' Questions.

Mr. Kenny: I wish to raise a matter of serious concern with the Taoiseach. I am troubled as a public representative and a father because the work we do in this House is supposed to make a difference to people's lives and to impact on them for the better. Today a child lies dead in Cavan. I do not attribute blame in this case but, in extending sympathy to the parents, brothers and sisters of the child, this is another tragic incident in a long line of incidents which have been well flagged in the North Eastern Health Board area by parents, doctors and public representatives. It calls into question political responsibility for the delivery of an effective health service for the people when they need it. That responsibility is currently vested in the Taoiseach's Government, particularly the Minister for Health and Children.

Why has a serious interpersonal row between two consultants over patients in Cavan hospital not been examined six months on? Why has a new wing in Cavan hospital not been opened or fitted out? Why has a mammography unit, paid for by the people, not been unwrapped? Why are serious concerns being expressed about the quality and extent of locum cover in Cavan hospital? Why is serious concern being expressed

about the fundamental issue of continuity of care in the North Eastern Health Board area?

Has the time of this House not been taken up on many occasions over recent years by Deputies raising the matter of the delivery of an effective health service in this health board area? Does the Taoiseach accept it is the political responsibility of his Government, particularly the Minister for Health and Children, not to be shamed into action but to see that service is delivered in the interests of the people before another unfortunate incident happens?

The Taoiseach: Deputy Kenny raised two issues. On the first one, I join him, as I am sure does everyone in the House, in expressing our deepest sympathy to the family of Frances Sheridan who died in the past few days. To respect the privacy of the family, I will not go into the specific circumstances of the case at this time. I understand that the State Pathologist has conducted a post-mortem, the results of which are awaited. My colleague, the Minister for Health and Children, met Mr. Paul Robinson, the chief executive officer of the health board. He was advised by the CEO that the board has established a group to undertake an urgent review of all the factors involved in the death of the child. The scope of the review will cover the period of the child's first contact with Cavan General Hospital on 7 January and her untimely death on 1 February. The membership of the group is Gerry Clerkin of the Cavan-Monaghan Hospital Group and Conor Egleston, a consultant in emergency medicine in Drogheda Hospital.

The second matter raised by Deputy Kenny concerned issues which have arisen in recent months in, as he described it, a personal dispute. A committee of inquiry has been appointed to examine complaints regarding two consultant surgeons in Cavan General Hospital. The two consultants concerned have been suspended without pay since last August, but both have been entitled to apply for *ex gratia* payments to allay any hardship they may experience.

The recently established committee is the third such committee to be appointed by the Minister for Health and Children on this matter. The reason is that the first committee, established immediately after the suspensions, had to be disbanded due to the withdrawal of the appointed chairman and one of the consultant representatives. The second committee, appointed by the Minister the following month, was disbanded before Christmas due to a perceived conflict of interest of one of the consultant representatives and the subsequent refusal of the second consultant member of the IHCA to continue due, among other reasons, to non-payment of fees for committee work.

The intervening period has been taken up with an extensive exercise to identify consultants without any potential conflict of interest who are willing to represent their colleagues on the committee of inquiry. The IHCA has indicated

an unwillingness to submit a list of names to perform this work due to non-payment of fees for its members, despite the Department's willingness to provide locum cover for committee members, to indemnify them against any legal action arising from committee work and to pay travel and subsistence to the consultants concerned. I understand, and the Minister is confident, that the new committee, established with the assistance of retired consultants, will allow the matter to be resolved without any further delay.

As regards other matters in the health board area in question, the Minister has reported to the House extensively on his and the board's responsibilities and ongoing work in that area.

Mr. Kenny: In May 2002, 71,151 people in counties Cavan, Monaghan and Louth voted for the Government on the basis of guarantees given by the Taoiseach and all his candidates that a world-class health service would be delivered in which waiting lists would be ended inside two years. This was one of the principal reasons people voted for the Government. Is it not patently obvious that the Minister for Health and Children has failed in his political responsibility to deliver on this commitment and promise?

Does the Taoiseach agree that all incidents of this nature, tragic though this one is, lead to a public perception that people in the district in question are gambling with their lives when they seek effective health care? Regardless of whether the issue is management, mismanagement or resources, political responsibility stops at the desk of the Minister for Health and Children. He has not lived up to this responsibility and that is a matter over which the Taoiseach is in charge. I want a guarantee from the Taoiseach, in so far as it is possible for him to give one, that he will see to it that the public and patients are not pawns in the rows which take place and that the Minister for Health and Children deals with this, the latest in a sad series of tragic incidents which have lowered public confidence and lessened the impact politics is supposed to have on the lives of people. This is what troubles me greatly today.

The Taoiseach: Every day, the Government, the Minister for Health and Children, his Department, the health boards, and almost 100,000 people who work in the health service try to do precisely what Deputy Kenny has requested. If he is asking if we will continue to do this and provide resources of €10.5 billion, much of which is being used to improve infrastructure in the health service, we will continue to do so.

I do not want to link local problems in any way with the circumstances of the death of Frances Sheridan, of which I am not aware and will not be aware until the State Pathologist has

completed her report. We will then have to deal with that issue but I do not want to relate it to what is going on between two consultants in Cavan General Hospital who cannot get along with each other for some reason. I do not know the details of a tiff they have been having over something for the past six months. None of their colleagues is prepared, for one reason or another, to get involved in investigating the matter but at least we have reached that stage now.

I was not aware of the blow-by-blow issues. I received a full report yesterday on all the meetings which have taken place and the other circumstances regarding this issue. The Minister, who was dealing with the tragic death of Frances Sheridan today, has endeavoured to set up a third committee to investigate this matter and has given every possible cover to the consultants and others involved to try to deal with the issue. I do not know what the argument is about but I will do my best to solve it.

Mr. Crawford: It is time the Taoiseach did know.

Mr. Rabbitte: On behalf of my party, I wish to be associated with Deputy Kenny's and the Taoiseach's expressions of sympathy to the family of Frances Sheridan. I greatly doubt whether another insider review is what is required in what is manifestly a dysfunctional service.

I return to a question I sought to raise in the House on a number of occasions in respect of the reason the Government decided it should apportion liability for people abused in residential institutions on the basis of capping the liability of religious congregations at €128 million, while the liability of the taxpayer was unlimited. Now that the Laffoy interim report has been published, it is clear in terms of the discovery Ms Justice Laffoy sought to make, that her commission was seeking to make a judgment on the same point. She sought discovery to establish the basis on which the Government decided to assume liability for all cases, irrespective of circumstance, and the basis on which it decided that there should be a cap of €128 million. She was refused discovery. Was the reason for this refusal the same as the reason no papers were presented to Government, namely because the papers do not exist?

Did the Government do any State audit of the liability in these circumstances? We know the Comptroller and Auditor General did such an audit and concluded the liability could reach €1,000 million. He stated Government approval was given on the basis of an oral presentation and that no memorandum was submitted to Government by the then Minister for Education and Science, Deputy Woods. Ms Justice Laffoy states in her report that she concluded on the basis of interviews she had with the then Minister,

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Deputy Woods, that there were some papers that would justify putting a cap of €128 million on the liability of the religious congregations. Why was she not furnished with those papers when she sought discovery of them? Do they exist and will the Taoiseach cause them to be furnished to the Ryan commission?

The Taoiseach: Anything Mr. Justice Ryan or his commission requires will hopefully be made available to assist him because that is what we want to do. Since the establishment of the commission, 16 discovery orders have been made to the Department, 12 of which were delivered within the timeframes provided. In the case of six of those, extensions of time were granted by the commission. The difficulties encountered with the other four were subsequently resolved, so 16 cases were dealt with.

I do not have time to go through the details of the report but I understand it will be debated in the House. The problems facing the commission would not have been resolved simply by providing more resources, although we have tried our best to provide more resources. The clear message from the reviews conducted by the Attorney General and Mr. Justice Ryan is that changes are required in the procedures of the investigation committee and in the legislation.

Mr. Quinn: The Taoiseach should answer the question.

The Taoiseach: I have answered the question. I have answered the question on discovery orders.

An Ceann Comhairle: Allow the Taoiseach to speak without interruption. This is Deputy Rabbitte's question.

The Taoiseach: I will answer Deputy Quinn. I was asked whether I would assist in discovery for Mr. Justice Ryan and I said that I would. I went on to say that all the other 16 discoveries were dealt with. I was not asked any other question.

Mr. Howlin: The papers exist.

The Taoiseach: I am now highlighting the issue of more resources, and this was also an issue highlighted in the report. Mr. Justice Ryan clearly states in his report that the legislation was overly ambitious, and this is the reason it was necessary to undertake reviews. Everybody accepted the fact that, if the commission were to continue as it was, it would not have produced a final report for at least ten years and would have cost of €200 million in lawyers' fees. Mr. Justice Ryan was of the opinion that both those figures were optimistic estimates.

I remind the House that the purpose of the commission is to give closure to victims. The

Government has done everything possible in this case and will continue to help the Commission to Inquire into Child Abuse. The Government apologised on behalf of the State. The objective is to deal with the people concerned and not just to argue about the cap. We wish to see the matter completed and deal with the people who were placed in institutions by the State and not properly cared for. We want to bring closure to these cases and not have an academic argument about where the cap should be.

Mr. Rabbitte: The Taoiseach did not deal with any of the questions I asked. I asked him if the papers exist. Ms Justice Laffoy sought discovery of papers that would buttress the interviews given by the former Minister, Deputy Woods. She said in her report, "The committee is not satisfied that since its establishment, it has received the level of co-operation which it is entitled to receive from the Department of State which is its statutory sponsor". Those are very strong judicial words.

I put it to the Taoiseach the reason her order for discovery was not complied with was that, if the Department furnished such papers, it would show that there was no basis or justification for the apportionment of liability agreed by the Government with the religious congregations. The Taoiseach and the former Minister, Deputy Woods, did a fix-it deal. They plucked a figure out of the air.

Everybody in this House accepts that the State has some culpability but, in circumstances where the Controller and Auditor General estimates that the liability could amount to €1 billion, the Taoiseach and the Minister fixed a deal at €128 million, behind closed doors on the basis of an oral presentation, without a memorandum and without the involvement of the then Attorney General.

The reason no papers were furnished on discovery to Ms Justice Laffoy is because they do not exist. The Taoiseach and the former Minister plucked a figure out of the air. The Government is the custodian of the public finances and it is a disgraceful arrangement on behalf of the Irish taxpayer.

The Taoiseach: I will not agree with Deputy Rabbitte on this matter and he will not agree with me. I have a view that is contrary to his. Deputy Rabbitte's view is that the State should force these cases through to their finality—

Mr. Rabbitte: That is not my view.

The Taoiseach: I could resolve the issue with absolute certainty by proceeding through the courts with the thousands of cases and there would be absolute certainty of where the blame lay.

Mr. Quinn: The Taoiseach should produce the papers.

Mr. Gilmore: He should produce the papers.

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

The Taoiseach: I was not prepared to do that.

Mr. Howlin: Where are the papers?

An Ceann Comhairle: This is Deputy Rabbitte's question.

Mr. Stagg: We are waiting for an answer. They are all leaders on the Government benches.

The Taoiseach: I was not prepared to do that. We sought a way of making an apology to the victims, of finding a commission to process it—

Mr. Howlin: It is trying to frustrate the commission.

The Taoiseach: —and to come to an agreement on what was a fair contribution. Whether Deputy Rabbitte likes it or not, in many cases the State put children into institutions where there was no proper inspection, control or accountability.

Ms McManus: The Taoiseach should answer the question.

The Taoiseach: The State in this case is under an obligation. Over a long period of time, we sought to take a substantial amount of resources from religious institutions, but the State made the decisions, and we were right in what we did. Trying to jump off a few religious organisations and make them bankrupt is a deplorable act and that is really what Deputy Rabbitte is about.

Mr. Sargent: On behalf of the Green Party, I wish to join with the other party leaders in extending our sympathy to the family of Frances Sheridan. Prior to the previous general election, the people were informed that the Government was in favour of continuing the moratorium on genetically modified foods and plants. Notwithstanding the widespread majority opposition of people in the EU to the lifting of that moratorium and the significant pressure exerted by the United States through people such as Mr. Sandy Berger and others at St. Patrick's Day events, what is the Government's position? The future of the EU moratorium on GMOs is to be decided during the Irish Presidency. Many farmers and members of the public are concerned and many organic farmers face losing their certificates if the moratorium is lifted. Will the Taoiseach clarify the Government's position on this issue?

While the EU regulatory committee failed to approve an application for GM maize, the European Commission has agreed to allow GM sweetcorn, BT11, into the EU. I understand the Council of Ministers now has three months in which to decide on the matter. Is it not strange that, despite the huge opposition to GM in this country and other EU countries, the Government finds itself in a minority of six nations out of 15 which wish to lift the ban? Many people in this country find that quite puzzling given the Government's position prior to the previous general election.

The Taoiseach: The position is that the ban still applies. The Irish Presidency will try to achieve consensus on this issue, but I understand from the Minister that this is unlikely to happen. Different countries have opposing views on this issue and are unlikely to come together in the short term or even the medium term. Countries have differing perspectives on this matter. The Irish Government position is that the scientific data and evidence needs to be explored fully so that whatever decisions are ultimately taken at EU level or at national level are based on the best scientific facts.

Mr. Sargent: The Taoiseach gives the impression that Ireland did not vote or else abstained on the lifting of the ban whereas the Government voted in favour of it. A report in *The Guardian* today states that the EU will prohibit GM oil seed rape crops. The Belgian Government is in no doubt that growing GM oil seed rape is harmful to the environment and urges other EU countries to follow suit. Will the Taoiseach give consideration to Ireland being a GM-free zone? Will he let it be known that this is our view? We want this country to be a major food exporter that does not rely on genetic modification. The legal advice we have received suggests it is possible under the Cartagena Protocol on biosafety. Rather than sitting on the fence by waiting for consensus to arise like a dead body from the mire, I ask the Taoiseach to espouse a position. The Government's current position is that it is gung ho for GM.

Mr. Cullen: It is not.

Mr. Gormley: Yes, it is.

Mr. Boyle: The Minister knows it.

An Ceann Comhairle: Deputy Sargent, without interruption.

Mr. Sargent: That is what the Government voted for. I would like to get clarification, just as would many other people.

The Taoiseach: Deputy Sargent is aware that three issues are at stake in this regard, but I will provide details for the information of the House. This matter has been a major source of contention between the US and Europe for some years. Discussions on the issue have continued and will continue in that context.

Mr. Gormley: The Government is kowtowing to the US.

The Taoiseach: It is also a major subject of debate in the WTO round, which is continuing. Deputy Sargent is incorrect to say we voted in a blanket way on a particular position at EU level. That was not the case. Attempts were made to try to put controls in place on a specific position, but that did not work. The alternatives that were proposed were not accepted and there was no compromise. The EU position is that there are different perspectives in different countries, but we should try to work to achieve a Common Position. Our position is that the Common Position should be based on scientific fact. If we make a move, we will know that it is based not on hearsay but on hard scientific fact. That will continue to be our position. Deputy Sargent asked me if the matter will be pursued during our Presidency. It is unlikely that countries will change their positions until the WTO discussions have concluded.

Mr. Boyle: Will we change our position?

Mr. Sargent: What is our position? I still do not know.

Suspension of Member.

An Ceann Comhairle: Before coming to the Order of Business I must deal with a postponed division relating to the suspension of a Member. On Thursday last, 29 January 2004, a division was claimed on the question, "That Deputy Deasy be suspended from the service of the Dáil". In accordance with Standing Order 61, that division must be taken now.

Mr. Kenny: I would like to raise a point of order which relates to the proposed suspension from the House. Your responsibility, a Cheann Comhairle, is to oversee the fair running of the workings of this House and to protect the rights of all Members, irrespective of party. Deputy Deasy is about to be expelled because he asked two questions in the House.

An Ceann Comhairle: Sorry, Deputy——

Mr. Ring: Listen, a Cheann Comhairle.

An Ceann Comhairle: That is not——

Mr. Ring: We have enough of you now.

Mr. Kenny: No, I want to explain——

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

Ms O. Mitchell: Listen.

Mr. Kenny: A Cheann Comhairle, it is a point of order.

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

Deputies: It is.

Mr. Kenny: It is a point of order.

Ms Enright: This is exactly what we are complaining about.

An Ceann Comhairle: I want to point out to you, Deputy Kenny——

Mr. Kenny: A Cheann Comhairle, if you let me finish my point——

An Ceann Comhairle: ——that your Whip, Deputy Durkan, has referred the matter——

Mr. Kenny: It is your responsibility, Sir——

An Ceann Comhairle: ——to the Committee on Procedure and Privileges.

Mr. Kenny: ——to see that the rights of Members are respected and protected here.

An Ceann Comhairle: Sorry, Deputy. The Deputy was named because of gross disorder in the House.

Mr. Kenny: Yes.

Mr. Ring: He got no answers.

Mr. Kenny: I want to speak on this matter, a Cheann Comhairle.

An Ceann Comhairle: Deputy Kenny, the matter has been referred——

Mr. Kenny: I want to make my point.

An Ceann Comhairle: ——to the Committee on Procedure and Privileges, where it will be dealt with tomorrow.

Mr. Kenny: I want to raise my point of order, a Cheann Comhairle.

An Ceann Comhairle: You have raised your point of order.

Mr. Kenny: The Minister for Justice, Equality and Law Reform, who is not here——

An Ceann Comhairle: I will ask the Clerk to ring the bells.

Mr. Kenny: A Cheann Comhairle, this is outrageous behaviour.

An Ceann Comhairle: We can have no point of order once the division is called.

Mr. Ring: We are fed up of the dictators.

Question put: "That Deputy Deasy be suspended from the service of the Dáil."

The Dáil divided by electronic means.

An Ceann Comhairle: Deputy Deasy will now leave the House.

Mr. Durkan: As a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

An Ceann Comhairle: As Deputy Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That Deputy Deasy be suspended from the service of the Dáil."

The Dáil divided: Tá, 78; Níl, 58.

Tá

Ahern, Bertie.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Aylward, Liam.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Seamus.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cooper-Flynn, Beverley.
 Coughlan, Mary.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 de Valera, Síle.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.

Killeen, Tony.
 Kirk, Seamus.
 Lenihan, Brian.
 Lenihan, Conor.
 McCreevy, Charlie.
 McDaid, James.
 McDowell, Michael.
 McEllistram, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Eamon.
 Ó Fearghail, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Roche, Dick.
 Ryan, Eoin.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.

Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gormley, John.
 Harkin, Marian.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Hogan, Phil.

Níl — *continued*

Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Padraic.
 McGinley, Dinny.
 McGrath, Paul.
 McHugh, Paddy.
 Mitchell, Olivia.
 Moynihan-Cronin, Breeda.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.

O'Dowd, Fergus.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairi.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Boyle and Harkin.

Question declared carried.

Deputy Deasy withdrew from the Chamber.

Requeststo move Adjournment of Dail 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 will call Members in the order in which they submitted notices to my office.

Ms O'Sullivan: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the need for the Minister for Education and Science to set out the action he intends to take arising from the publication of the third interim report of the Commission to Inquire into Child Abuse and to outline in particular the steps he intends to take to address the issue of resources for the commission and within his Department, so the commission can discharge the mandate given to it by the Oireachtas in the most prompt and efficient manner possible, and, in view of the dissatisfaction expressed by Ms Justice Laffoy and her colleagues with the level of co-operation received from the Department of Education and Science, the urgent requirement now to transfer to the Taoiseach the powers, duties and functions vested in the Minister by order of the Commission to Inquire into Child Abuse Act 2000. In view of the importance of this issue I hope the Chair agree to this request.

Mr. Gormley: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the severe disruption and inconvenience caused by an accident involving a crane at a building site close to Barrow Street, Ringsend, the need to ensure that those responsible for the site are liable for all the costs caused by this disruption, including the closure of the DART line, and the need for the

Minister for Justice, Equality and Law Reform and the Minister for Enterprise, Trade and Employment to ensure the Garda and the Health and Safety Authority carry out a full and thorough investigation of this incident.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the deteriorating delivery of health care at Cavan General Hospital; the fact that at least 14 serious complaints are being investigated regarding Cavan General Hospital's declining quality of services; the unusually high volume of accident and emergency cases presenting at the hospital, which certainly does not constitute best practice but rather unsafe practice; the unnecessarily high levels of pressure and stress staff at the hospital are being subjected to; the fact that elective surgery has all but ceased at the hospital; to call for the immediate restoration of on-call status at Monaghan General Hospital to relieve the intolerable pressure on services and staff at Cavan General Hospital; and the immediate appointment by the Minister for Health and Children of a committee of inquiry to deal with the outstanding case of two consultants at Cavan General Hospital who were suspended indefinitely without pay on 18 August 2003.

Ms O. Mitchell: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the damage to public confidence in the health service provided to residents in the North Eastern Health Board area due to the cumulative effects of unresolved incidents, scandals and underfunding, and to determine the extent to which the most recent incident investigations in Cavan General Hospital are symptoms of a more general malaise pervading the entire board area, reflecting service and management deficiencies which have been ignored for far too long by the Minister and the Government.

Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the need for the Minister for Health and Children to urgently address serious public concerns about the current situation at Cavan General Hospital and to ensure that the inquiry he initiated nearly six months ago, following the suspension of two consultants, is commenced and concluded without further delay.

Mr. Cuffe: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: in light of last week's High Court decision on Carrickmines Castle in Dublin, the need for the Minister for the Environment, Heritage and Local Government to clarify whether he is still the Minister for the Environment, Heritage and Local Government and to state whether he intends to alter the route of the south-eastern motorway so as to minimise the damage to Carrickmines Castle or whether he intends to alter the legislation so as to allow the road to proceed along its current route.

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

Order Of Business.

The Taoiseach: The Order of Business today shall be as follows: No. 14, European Parliament Elections (Amendment) Bill 2003 — Second Stage (resumed) and No. 14a, statements on the Third Interim Report of the Commission to Inquire Into Child Abuse, to be taken on the adjournment of Private Members' Business. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted on the conclusion of No. 14a. The proceedings on the resumed Second Stage of No. 14 shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. Private Members' business, which shall be No. 32, motion re care of the elderly, shall be taken at 7.30 p.m. and shall adjourn at 9 p.m. The proceedings on No. 14a shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply: the statements shall, if not previously concluded, be brought to a conclusion after 60 minutes, and the statement of the Minister for Education and Science and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case. Members may share time. Immediately following the statements, the Minister for Education and Science shall take questions for a period not exceeding 20 minutes.

An Ceann Comhairle: There are four proposals to put to the House. Is the proposal for the late sitting agreed?

Mr. Kenny: No. On No. 14——

An Ceann Comhairle: We will deal with No. 14 next.

Mr. Kenny: No. 14 has a bearing on the late sitting.

An Ceann Comhairle: Perhaps when we come to——

Mr. Kenny: If the Chair gives way, the next matter is also affected by this.

An Ceann Comhairle: Is the Deputy opposing the late sitting?

Mr. Kenny: I am, on the basis of what I have to say about No. 14. Fine Gael, the Labour Party, the Green Party and every other party in Opposition——

Caoimhghín Ó Caoláin: Sinn Féin.

Mr. Kenny: Including Sinn Féin. I thank the Deputy — I could not remember his name for a moment.

All Opposition parties have made a case on the use of the guillotine on legislation. This arose specifically with the Immigration Bill, which was struck down in part because there was insufficient debate in the Oireachtas. I feel very strongly that a drift in politics in recent years has removed it from the people and we are to blame for that in the way business is done here. I strongly object to the continual use of the guillotine and the Taoiseach should state that no guillotine should be applied for the duration of this session, with the exception of occasions when the Whips agree that legislation is not controversial and therefore debate should not be open-ended. We would then be in keeping with good governance and good democracy, as legislation would be debated properly by those who wished to raise points.

What is happening here, no more than Ministers being unavailable to answer questions, is bad for the Dáil, for politics and for democracy. I oppose it on that basis.

Mr. Rabbitte: I agree entirely with what Deputy Kenny has said. Apart from anything else, the issue being pushed into the night is the interim Laffoy report. We will come to that in due course, because this is absolutely disgraceful. After all the controversies and the Taoiseach's concern for people abused in these institutions, he is going to provide 60 minutes.

Mr. N. Dempsey: It is a lot more than was ever shown on the far side of the House.

Mr. Rabbitte: The Minister had plenty of opportunity to talk about Laffoy's criticism of him and his Department, but he kept his head down until he gave——

An Ceann Comhairle: Deputy Rabbitte should not be deflected by the Minister from the point he was making on the late sitting.

Mr. Rabbitte: —a very mealy-mouthed performance on Sunday.

Mr. N. Dempsey: In case the Deputy did not hear, I was making the point that much more concern was shown for victims by the Government than was ever shown on the Opposition benches.

An Ceann Comhairle: Sorry, Minister, allow Deputy Rabbitte, without interruption, please.

Mr. Ring: Put him out of the House. He should be put outside.

(Interruptions).

An Ceann Comhairle: Deputy Rabbitte without interruption, please.

Mr. Ring: Put him out.

An Ceann Comhairle: Deputy Rabbitte, please.

Mr. Ring: If he was on this side of the House, he would be put out.

Mr. Rabbitte: This is the beginning—

A Deputy: Give him a few bob for the High Court.

Mr. Ring: I do not want any beef baron's money like yours anyway.

An Ceann Comhairle: Deputy Ring, allow Deputy Rabbitte without interruption, please.

Mr. Ring: What about the beef baron who is shouting over at me?

Mr. Rabbitte: This is the beginning of the second formal week of the Dáil's resumption, if one discounts the phoney week when the Government Whip had the Opposition in here talking to itself. Although it is only the beginning of the second week, the guillotine is already being used. It is proposed to guillotine Second Stage of the European Parliament Elections (Amendment) Bill. We had 25 minutes of discussion on Thursday and it is intended to terminate discussion at 7.30 p.m..

I cannot conceive of the Minister for Justice, Equality and Law Reform, Deputy McDowell, for example, being on this side of the House and tolerating this denigration of Parliament. Yet, having tried to rush through all Stages of a Bill last week in one day, with no time provided between the end of Second Stage and Committee Stage, and not even being present for it, he will have his way tomorrow when he intends putting

the Bill through with no provision for amendment—

An Ceann Comhairle: That can be discussed in the morning.

Mr. Rabbitte: It will be too late. That is the point. When are we going to seriously—

An Ceann Comhairle: It does not arise on the late sitting today.

Mr. Rabbitte: When are we going to deal seriously with the question of reforming how we organise our business in this House? It is a disgraceful denigration and debasing of Parliament that the Government Whip already liberally uses the guillotine at the beginning of the second formal week of this term in the second year of the Government's life.

A case has already been struck down in the High Court because of the manner in which we scrutinise legislation in the House. For that reason and no other, I oppose the late sitting. It is especially reprehensible that the Government, under the cloak of darkness, is trying to conceal the debate on the Laffoy commission in 60 minutes at that hour of night.

Deputies: Hear, hear.

Mr. Sargent: The basic reason for opposing the late sitting is that the guillotine being used implies that the sitting is not late enough. As has already been stated, the report of the Laffoy commission needs more debating time. The gravity of the issue and the cost implications also warrant far more than an hour.

In regard to the European Parliament Elections (Amendment) Bill, the possibility arises that insufficient time may be available for this party and other smaller parties to make contributions. I ask that the objections be noted and the sitting extended.

Caoimhghín Ó Caoláin: I join with other Opposition colleagues in opposing the first proposition regarding the late sitting, primarily for the reason, as already articulated, that the statements on the Laffoy report will be taken after media deadlines. That is the reality. The Government does not want the attention of the media or to allow it the opportunity to report what will be said on this important issue.

Mr. Naughten: It is only a coincidence.

Caoimhghín Ó Caoláin: Confining it to that end of the evening is disrespectful to all that is involved in the issue to be addressed. It should have been given and can still be given, with the co-operation and agreement of the Taoiseach, prime time attention so that it can be properly aired before the public.

The Taoiseach: The Government tries its best to avoid guillotining legislation, but at times Bills become urgent for different reasons. At present, there are a few Bills which have deadlines for being moved forward procedurally.

Mr. Naughten: If they were published in time, there would be sufficient time for debate.

The Taoiseach: It is not always possible to have them ready in advance; one must wait for certain developments. Some of the issues arise from court decisions and new legislation must be introduced.

Aengus Ó Snodaigh: We can put it down to Government ineptitude in the first place.

An Ceann Comhairle: Sorry, Deputy Ó Snodaigh, Deputy Ó Caoláin spoke on behalf of the Sinn Féin party.

The Taoiseach: The European Parliament Elections (Amendment) Bill, which is before the House, arises from the report of the independent Laffan commission. Everybody knows the result of the commission report. As far as I can recall, we have never amended a commission report. We can discuss it if we wish, but it will not change it.

Mr. Rabbitte: We can stay at home and the Taoiseach can rubber-stamp it.

The Taoiseach: This work was given to the independent commission precisely because of the view that politicians should not do it. We can discuss it. We can say Clare should be in Leinster and discuss it all night but Clare——

Caoimhghín Ó Caoláin: You just moved it into Connacht.

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

The Taoiseach: The commission's report has decided that Clare is in Connacht. We can discuss it and it should be an interesting discussion, but when the Bill is passed Clare will still be where it is.

Mr. Rabbitte: There is certainly no challenging that.

(Interruptions).

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

The Taoiseach: If Deputy Rabbitte or anybody else wants another hour to discuss the commission report, we should be honest about it. We may say with great solemnity that this denigrates Parliament, but Parliament gave the power to the independent commission to decide on this issue, which it has done. I do not know

why we discuss it because, whether it is an hour later or earlier, it is agreed.

Mr. Rabbitte: On that basis we do not need to attend, and it is not just the commission report——

The Taoiseach: The commission has reported. The matter is at an end.

(Interruptions).

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

The Taoiseach: It is over. What is Deputy Kenny asking? Does he seek another hour on the European Parliament Elections (Amendment) Bill before we move on to No. 14a?

Mr. Kenny: I was not asking anything. I am opposed to the Taoiseach bringing in the guillotine for every Bill.

An Ceann Comhairle: We are dealing with the proposal for a late sitting. We are dealing with No. 1.

Mr. Kenny: I suggest that the European Parliament Elections (Amendment) Bill be removed from today's Order Paper and that we discuss the Laffoy commission report now and through the evening for as long as Members wish to speak on it.

The Taoiseach: There is a deadline on the completion of the Bill.

Mr. Kenny: What is the deadline?

The Taoiseach: The European election. The deadline is some day in February.

Mr. Kenny: It is not necessary today.

The Taoiseach: It is not necessary today, but we have it ordered for today. If Deputies want more time to discuss something that is a *fait accompli*, how much more time is required?

Mr. Kenny: We should scrap the European Parliament Elections (Amendment) Bill from today's Order Paper.

The Taoiseach: We cannot.

Mr. Kenny: We should discuss the report of the Laffoy commission now and——

The Taoiseach: We have to vote on the European Parliament Elections (Amendment) Bill.

Mr. Kenny:——right through until 12 midnight and tomorrow, if necessary. It is a priority and it

[Mr. Kenny.]
is important that Members can do so. We can deal with the European Parliament Elections (Amendment) Bill another day. When is the deadline?

The Taoiseach: It must be passed by both Houses before the end of the month.

Mr. Kenny: The Minister for Justice, Equality and Law Reform rammed the Immigration Bill through the Seanad last week and intends doing the same here tomorrow.

An Ceann Comhairle: Deputy Kenny.

Mr. McDowell: The Opposition wants unlimited blather.

Mr. Rabbitte: How we have changed.

(Interruptions).

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

The Taoiseach: I am trying to be reasonable and sensible. As I understand, Deputy Kenny has asked that we take No. 14a for the time I set out. We will take No. 14 after that. We will deal with both of them tonight but take No. 14a first. I am not agreeing to an open-ended debate. I am offering to take No. 14a now, in the time I have set down, and take No. 14 at the end of that. If the House wants longer to discuss No. 14, it can do this.

Mr. Kenny: That is all right as long as it is not concluded this evening.

The Taoiseach: Is the Deputy referring to No. 14?

Mr. Kenny: Yes.

The Taoiseach: Will the Deputy agree to conclude No. 14 quickly?

Mr. Kenny: The late Jim Tunney used to say, "What is closing time?"

The Taoiseach: It has to be taken to committee.

Mr. Kenny: I understand that and while we will not hold it up unduly, people have a right to speak on it.

Mr. Naughten: It is not going to committee tonight.

Mr. Rabbitte: The Whips' meeting is the place to organise business. The Taoiseach is now offering to extend the time spent debating the report of the Laffoy Commission to about an

hour and three quarters, at best, by the time the Order of Business has concluded. This is not adequate to discuss a report of this significance. The Minister for Education and Science can smile all he likes, but he is the one who made the mess of it.

Mr. N. Dempsey: We put it in place.

Mr. Rabbitte: The Minister forced the collapse of the commission.

Mr. N. Dempsey: I hope the Labour spokesman will be better informed than in the past.

An Ceann Comhairle: The Minister should allow Deputy Rabbitte to continue without interruption.

Ms O'Sullivan: There is unprecedented criticism of a Department and the Minister is just laughing at it. It is unbelievable.

Mr. Rabbitte: The Minister should read the comments Ms Justice Laffoy made about the Minister and his predecessor. The Taoiseach came to the House and shed crocodile tears about the unfortunate people who were abused and the Minister responsible thinks it is a laughing matter. The Taoiseach has accused me of jumping off the religious. I am not sure what it means but it sounds naughty.

The Taoiseach: The Deputy knows what I mean.

Mr. Rabbitte: Whatever it means, it is not true.

An Ceann Comhairle: We are moving away from the proposal before the House.

Mr. Rabbitte: It is a cheap shot. The Taoiseach went and fixed the deal with Deputy Woods. He was up a pole erecting posters. It is a disgrace for the taxpayer.

The Taoiseach: We apologised to the victims and set up the commission——

Mr. Rabbitte: Those on the Government benches can laugh all they like. They have got smug and comfortable.

The Taoiseach: ——and the Deputy has been upset ever since.

Mr. Rabbitte: I wonder what kind of noise the Tánaiste, Deputy Harney, would have kicked up if she were sitting on the Opposition benches. She is now so soporific that she would agree to anything.

An Ceann Comhairle: Deputy Rabbitte is moving away from the issue before the House. I propose to put the question on the late sitting.

Mr. Rabbitte: What the Taoiseach is proposing is not acceptable.

An Ceann Comhairle: Is the proposal for the late sitting agreed?

Mr. Kenny: I wish to raise a point of order. It is relevant and is not “unlimited blather” as the Minister for Justice, Equality and Law Reform claimed.

An Ceann Comhairle: If Deputies would obey the Chair they would speak to the proposal before the House.

Mr. Kenny: The Whips’ meeting was held on Wednesday and the report was not published until after that.

An Ceann Comhairle: That does not arise. We have already debated this and the Deputy spoke on behalf of his party. Is the proposal for the late sitting agreed?

Question, “That the proposal for the late sitting be agreed to”, put and declared carried.

An Ceann Comhairle: The second proposal relates to No. 14, conclusion of Second Stage of the European Parliament Elections (Amendment) Bill 2003. Is this agreed?

Mr. Kenny: Am I to understand from the Taoiseach that this will not conclude this evening?

The Taoiseach: I am only trying to be helpful. I will leave it as it is if it is helpful. I suggested that we should take No. 14a for the time period I have set out and that we should take No. 14 at the conclusion of that. If extra time is required on No. 14, over the time I have set out, we can go on a bit later.

Mr. Rabbitte: Private Members’ Business will interrupt it.

The Taoiseach: I propose that we take No. 14a over the 80 minutes set out and then proceed with No. 14. I want to conclude No. 14 tonight. If this does not suit the House we can revert to the previous proposal.

Mr. Kenny: Does the Taoiseach accept that “going on a bit later” does not involve a guillotine?

The Taoiseach: I will accept this if the Deputy agrees with me on how long the Opposition needs to discuss this.

Mr. Kenny: Will we put it straight across the House?

The Taoiseach: We will agree with what the Deputy wants. It will be an hour later.

Mr. Kenny: I will agree to going on a bit later if the Taoiseach tells me this will not be guillotined.

The Taoiseach: We agree that it should go on a bit later.

Caoimhghín Ó Caoláin: I oppose this. The idea that the European Parliament Elections (Amendment) Bill 2003 is to be taken in the absence of substantive legislation on the proposal to apply universally electronic voting is simply not acceptable. The two are absolutely related. This is the first time the electorate throughout the jurisdiction will have the opportunity to participate in an election under an imposed electronic system. The electronic system has no checking procedure or accountability in the form of votes cast. There are no paper records and there is no opportunity for proper scrutiny. The matter should have been substantively addressed by the House rather than being introduced as a ministerial order. We should have had the opportunity to discuss it and tease out all the elements involved.

An Ceann Comhairle: Perhaps the Deputy will make his contribution on the Bill when it comes before the House.

Caoimhghín Ó Caoláin: This is a serious and important issue that has identified itself as a cause of concern arising from previous experiences in the past two elections. It is not acceptable that we proceed in this vacuum. Accordingly, I object to the proposal on No. 14.

Ms O’Sullivan: Will the Taoiseach clarify whether he is providing for extra time on the debate on the report of the Laffoy commission? It seems he is proposing to swap around the arrangement.

The Taoiseach: Precisely.

Ms O’Sullivan: In that case, this is not good enough for the Labour Party. This is an unprecedented criticism of a Department that has still refused to give the necessary resources to inquire into child abuse. In the context of this unprecedented episode in Irish history, it is farcical for the Taoiseach to say that the Government is great for giving the apology.

An Ceann Comhairle: This might be more appropriately dealt with under motion No. 4.

Ms O'Sullivan: We are to be given one hour to debate it, with 15 minutes for parties and 20 minutes for questions.

An Ceann Comhairle: We are dealing with proposal No. 2.

Ms O'Sullivan: The Taoiseach has made an alternative proposal to swap them. However, he is not giving extra time to discuss the report of the child abuse commission. It is entirely inadequate for dealing with such a serious issue, as is the response of the Minister for Education and Science who seems to be laughing at the request for more debating time on such a serious issue.

Mr. N. Dempsey: On a point of order, I am not laughing about the victims of abuse and the Labour Party is telling lies in the House.

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

Mr. Durkan: The Minister has accused the Opposition of telling lies.

Mr. Rabbitte: What is good for the goose is good for the gander. Did the Ceann Comhairle not hear the word "lie"?

An Ceann Comhairle: Did the Minister use the word "lie"? You should withdraw the word.

Mr. Durkan: The Minister should withdraw that word.

Mr. N. Dempsey: I used the word "lies" so I will use "untruths" instead.

Mr. Durkan: Has the Minister withdrawn the word?

An Ceann Comhairle: He has withdrawn it unequivocally.

Mr. Rabbitte: Is the Taoiseach giving additional time after Private Members' Business to discuss the report of the Laffoy commission?

The Taoiseach: I am giving it to discuss the European Parliament Elections (Amendment) Bill.

Mr. Rabbitte: In effect, we are getting no extra time to discuss the report of the Laffoy commission.

Mr. English: What is the Government afraid of?

Mr. Rabbitte: We cannot dispose of it in one 20-minute and four 15-minute speeches. This is an outrageous proposition and the Government knows it.

An Ceann Comhairle: There is to be only one speaker from each party.

Mr. Boyle: The House has decided to sit not later than 9.30 p.m. How is the Taoiseach in a position to give extra time on any item?

An Ceann Comhairle: We will have to revisit this. The Taoiseach's proposal is that we take No. 11a after the Order of Business.

(Interruptions).

Ms Burton: On a point of order, time should be allowed to debate this. The report of the Laffoy commission is——

An Ceann Comhairle: That is not a point of order and the Deputy should resume her seat. I am putting the proposal.

Ms Enright: I wish to raise a point of order. Why does the Government think the report of the Laffoy commission is of less importance than the report of Mr. Justice Flood? We had more time to debate it.

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

Question put: "That No. 14a be taken after the Order of Business and that the arrangements outlined in the Order of Business will apply."

The Dáil divided: Tá, 80; Níl, 59.

Tá

Ahern, Bertie.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Aylward, Liam.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.

Carey, Pat.
Carty, John.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.

Tá — *continued*

Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Lenihan, Brian.
 Lenihan, Conor.
 McCreevy, Charlie.
 McDaid, James.
 McDowell, Michael.
 McEllistram, Thomas.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.

Mulcahy, Michael.
 Nolan, M.J..
 Ó Cuív, Éamon.
 Ó Feargháil, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Roche, Dick.
 Ryan, Eoin.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G.V.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gormley, John.
 Harkin, Marian.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Padraic.
 McGinley, Dinny.

McGrath, Paul.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Quinn, Ruairi.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Durkan and Stagg.

Question declared carried.

An Ceann Comhairle: I call the Taoiseach to speak on the timing of the proposal for dealing with the conclusion of the Second Stage of the European Parliament Elections (Amendment) Bill 2003.

The Taoiseach: The proceedings on the resumed Second Stage of No. 14 shall, if not

previously concluded, be brought to a conclusion at 11.30 p.m.

An Ceann Comhairle: Is that agreed?

Caoimhghín Ó Caoláin: No. I indicate again that I object to taking the Bill in this format, to the total exclusion of any attempt by the House to address the proposal to apply universally electronic voting in the June local and European elections.

[Caoimhghín Ó Caoláin.]

Question, "That the proposal regarding No. 14 be agreed to", put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with Private Members' Business agreed? Agreed.

Mr. Kenny: I wish to raise a matter on the Order of Business arising from the double vote on the expulsion of a Deputy, which occurred earlier. My point refers to the way in which we do business in the House. On 21 January the Minister for Justice, Equality and Law Reform published the provisional crime statistics for 2003. He attributed the 2% fall in crime statistics to the enactment of two Acts — the Criminal Justice (Public Order) Act and the Intoxicating Liquor Act. The Fine Gael spokesman on justice, Deputy Deasy, asked two questions last week.

An Ceann Comhairle: I am sorry to intervene, Deputy Kenny. I will hear one Member from each of the parties on this issue.

Mr. Kenny: Deputy Deasy sought the statistics that backed up the Minister's public comments. On 28 January, in a written reply, the Minister informed Deputy Deasy that the Garda Síochána had no statistics on the number of prosecutions secured under the Intoxicating Liquor Act. In a priority question last week, Deputy Deasy asked about the number of orders made under the Criminal Justice (Public Order) Act. However, that question was disallowed by you, Sir, on the basis that the Minister had no responsibility to the House. That is what is fundamentally wrong with the way we do business here.

The late Mr. Justice Liam Hamilton stated clearly that if questions had been answered properly in the Dáil, there might not have been a need for as many tribunals as we have seen in recent years. The issue raised by Deputy Rabbitte earlier concerning effective Dáil reform is fundamental to the way we do our business and to the way people perceive politicians going about their work in the public interest.

I dislike intensely the situation that arises here continually whereby Ministers are absent or refuse to answer questions and the House is told that certain questions are not the responsibility of Ministers.

Mr. McDowell: We have not refused to answer questions.

Mr. Kenny: The Minister for Justice, Equality and Law Reform knew he would be in London last week so he should have made an order for a change in the questions rota, instead of sending in the Ministers of State, Deputies O'Dea and Brian Lenihan. With respect to them, they are not senior Ministers.

Mr. P. McGrath: They may be soon.

Mr. Kenny: It is not good enough for this House of Parliament. It denigrates our democracy and the way people view politics. It does not do any good for the effective running of the House. It was on that basis that I raised my objections to the way in which Deputy Deasy was expelled from the House when seeking legitimate answers to legitimate questions. It is your responsibility, Sir, to see that the rights of every Member are upheld here. After all, the Government has said on more than one occasion that it has nothing to hide or be ashamed of. If that is the case, questions should be answered by Ministers with responsibility for Government policy in respect of their own Departments and agencies.

Mr. Rabbitte: In recent times the House has attracted increasingly denigratory coverage. One of the main reasons for this is, undoubtedly, the manner in which we organise our affairs, which is dictated by the Government. Most of the parties in Opposition have prepared extensive proposals for Dáil reform. My party submitted an 80-page document on Dáil reform to the Government Chief Whip. Notwithstanding that, however, we are proceeding as before.

There is a time-honoured convention in the House that if a Minister cannot take his or her rota of questions, he or she will seek to change it.

After only two weeks of this session, 6 o'clock we have facilitated that twice already. The Minister for Justice, Equality and Law Reform did not do that in the particular instance that Deputy Kenny raised in respect of Deputy Deasy.

Mr. McDowell: Yes, I did. I sought to change the rota but it was impossible to do so.

Mr. Rabbitte: The Minister sought too late to change it. It was his problem, on his side of the House, that he could not change it.

Mr. P. McGrath: Was the Minister's phone not working?

Mr. Rabbitte: What the Minister did was delay the disastrous 2002 figures and issue them simultaneously with the 2003 figures which showed an improvement on a disastrous picture. That is what he did.

Mr. McDowell: That is not true.

Mr. Rabbitte: He manipulated the presentation and——

Mr. McDowell: That is rubbish. It is another lie.

(Interruptions).

An Ceann Comhairle: I ask the Deputy to withdraw the word "lie".

Mr. McDowell: I withdraw it.

Mr. Rabbitte: It is disappointing that the Minister, who was most active when on this side of the House for fair parliamentary conduct, has become the greatest abuser of it in office. Now, as we have 15 presidents of Europe, the Government has grown more remote from the people and Parliament and become more smug—

An Ceann Comhairle: The Deputy has made his point. Let us have a brief comment please.

Mr. Rabbitte: —and disinterested in the image of this House outside. We have made our proposals to the Government Chief Whip. While these Ministers have outriders across the cities of Europe, they should think about the damage they are doing to the practice of democracy at home.

Deputies: Hear, hear.

Mr. Sargent: I remind the Ceann Comhairle that there is a further body of Dáil reform proposals from the Green Party. The constructive proposals of all the parties should be taken on board. The Government needs to sit down and work out the changes. One of the major flaws, which this incident demonstrates, is the freedom given to Ministers not just to roam geographically but to roam in their answers. They deliberately evade giving the salient information requested. In so doing we are provided with a flawed parliamentary procedure. They do not answer the questions they are asked. This is particularly galling for the Green Party which may ask priority questions only on every third day. This type of incident means we lose the opportunity to ask our priority question, which we did with an ordinary question that should have been answered also. We are not talking about victimless crimes here. The impact on parliamentary life is not just about credibility, it is also about effectiveness. We are not able to put the questions when the business of the Dáil is interrupted by this type of disruption.

Caoimhghín Ó Caoláin: I make a little correction of Deputy Rabbitte's earlier remark when he mentioned 15 presidents of the EU. He forgot to include the Minister of State, Deputy Callely, who last week declared himself the overall president. He is busy writing to us all.

An Ceann Comhairle: I ask the Deputy to be brief.

Caoimhghín Ó Caoláin: From watching proceedings this afternoon, nothing is more evident than the need for Dáil reform. This type of proceeding has been replicated time and again. No real substantive business has been addressed for a considerable period. We are toing and froing in this constant drama, which amounts to nothing at the end of the day.

An Ceann Comhairle: Just a brief comment would be appropriate.

Mr. C. Lenihan: If the Deputy could be less long-winded it would help.

Caoimhghín Ó Caoláin: There is no substance to it. We need to see Dáil reform brought forward urgently, and we will all participate in that. That is what needs to be done and I hope the Taoiseach will facilitate it at the earliest opportunity.

The Taoiseach: I will comment on just two points. The Minister, Deputy McDowell, made it clear that he sought to change his rota last week but it was not possible to do so.

Mr. Connaughton: Why was it not possible?

The Taoiseach: He did not do other than report the figures as they should have been reported. It was done properly and correctly. He did not seek to give misleading information. The Minister had to attend an important meeting which made it impossible for him to be here.

We have had many debates and suggestions in this House on the matter of Dáil reform. Some years ago when Deputy Brennan presented a document on Dáil reform, I agreed reform on one item. I agreed to bring in a new procedure, Leaders' Questions. I agreed that on the understanding that other reforms would follow, but they have never followed. On an honourable basis I moved a significant reform in the House but I have received nothing in return yet.

Mr. Allen: The Taoiseach skived off on Thursdays.

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

The Taoiseach: I still await meaningful discussion. The Government, through the Government Whip, would be glad to involve itself in real reform.

An Ceann Comhairle: With regard to the matter raised by Deputy Kenny on the question by Deputy Deasy being turned down by the Office of the Ceann Comhairle, it related to an issue that was the responsibility of the Courts Service. I remind the House that the Houses of the Oireachtas enacted the Courts Service Bill, which made the administration of the Courts Service independent of the Minister for Justice, Equality and Law Reform. As chairperson, the Chair is obliged to deal with the Standing Order.

Mr. Durkan: On a point of order—

An Ceann Comhairle: It had better be a point of order.

Mr. Durkan: On that issue—

An Ceann Comhairle: That is not a point of order. The Chair indicated that one Member from each party would be heard.

Mr. Durkan: May I make a comment?

An Ceann Comhairle: No, Deputy. The Deputy wrote to the Committee on Procedure and Privileges and the matter will be dealt with there tomorrow. That is the appropriate place to deal with it. The Chair will move now to the next business.

Mr. Durkan: The Chair will have to deal with it now. The point raised by Deputy Kenny—

Mr. English: On a point of order, in the absence of reform—

An Ceann Comhairle: Sorry, Deputy, that is not a point of order. If the Deputy wishes to come to the Office of the Ceann Comhairle we will deal with the issue.

Mr. Durkan: This is an issue the Chair could deal with now.

An Ceann Comhairle: The Deputy is being disorderly. The Chair has ruled on the matter.

Mr. Durkan: I am not being disorderly. I wish to make a point.

An Ceann Comhairle: The Chair has ruled on the matter. I ask the Deputy to resume his seat.

Mr. Durkan: May I make a comment arising from the Chair's statement?

An Ceann Comhairle: No, the Deputy cannot make any comment.

Mr. Durkan: What avenue is open to the Opposition to respond to the statement—

An Ceann Comhairle: The Committee on Procedure and Privileges, which the Deputy has used very appropriately.

Mr. Durkan: The Chair should not rule me out of order.

An Ceann Comhairle: I allowed the party leader to make his comment. I ask Deputies to resume their seats when the Chair is on its feet. The Chair intends to move to the next business at 6.10 p.m. Eighty minutes were allocated to No. 14a, and any time we use beyond 6.10 p.m. will come out of that allocated time. I request the co-operation of Deputies in order that we may move on to that issue.

Mr. Durkan: May I make my point now?

An Ceann Comhairle: No, the Deputy may make it tomorrow.

Mr. English: May I make mine?

An Ceann Comhairle: No, the Deputy's leader is on his feet.

Mr. Kenny: I ask the Ceann Comhairle to hear the point being made by Deputy English. He is the youngest Member of the House.

An Ceann Comhairle: Unfortunately, if it is out of order the Chair cannot facilitate him.

Mr. Coveney: How does the Chair know it is out of order before he has heard it?

Mr. Kenny: It is the Chair's responsibility to protect his rights. He is inquiring about his rights.

An Ceann Comhairle: This is not the way to do it. Deputies have rightfully complained about the length of time the business goes on.

Mr. Kenny: I ask the Ceann Comhairle to hear his point.

An Ceann Comhairle: What is the question?

Mr. English: I take it the Ceann Comhairle's judgment on a Standing Order is implemented here. If the Ceann Comhairle thought last week, as we believe he did, that Deputy Deasy was asking a fair question, what could he have done about it? Could he have made the Minister of State answer the question properly?

An Ceann Comhairle: I suggest the Deputy should read last week's Official Report. We were not dealing with the right of Members to ask questions but a point of gross disorder by the Deputy in question.

Mr. English: The point of order is—

An Ceann Comhairle: That is not a point of order. I ask the Deputy to resume his seat. If the Deputy wishes to come to the Office of the Ceann Comhairle the matter will be explained to him.

Mr. Durkan: On a point of order, I want to make one point and I will leave it to the Ceann Comhairle to judge it. The Chair has set before the House a point on the relevance of a question and the Minister's obligation to be accountable to the House. Over the last years, I have submitted a number of questions. In recent times, it has become increasingly obvious that a number of them were being refused by different Ministers.

An Ceann Comhairle: When the Deputy receives the figures tomorrow, he will see he is incorrect.

Mr. Durkan: Ministers refer to the Ceann Comhairle's office as unwilling to allow the questions. It appears that the only time Ministers

are anxious to respond to anything is when they are called to Áras an Uachtaráin to receive their seals of office.

An Ceann Comhairle: The Deputy has made his point. He will have an opportunity tomorrow to discuss the matter at the Committee on Procedure and Privileges.

Mr. English: It is a fair question.

Mr. Durkan: In a democracy, Ministers have an obligation to answer questions in Parliament at all times.

An Ceann Comhairle: I ask you to resume your seat, Deputy Durkan. In a democracy, Members obey the Chair.

Mr. Durkan: In a democracy the Chair must protect the Opposition. I call on the Ceann Comhairle to protect the Opposition now.

Mr. Connaughton: Some democracy.

Third Interim Report of the Commission to Inquire Into Child Abuse: Statements.

Minister for Education and Science (Mr. N. Dempsey): I welcome the opportunity to address the House on the matter of the third interim report of the Commission to Inquire into Child Abuse and related issues. Prior to commenting on the content of the report, it is necessary to remind the House that the Government is the first in the history of the State to listen to the victims of abuse, apologise to them on behalf of the State and take positive action to redress the wrongs inflicted on them in the past. Indeed, we are speaking in the House on this issue today only because the Taoiseach initiated a process of redress with an apology to victims of abuse in 1999. Since then, the Government has put in place a number of initiatives designed to assist former residents of the institutions in question.

In particular, we have put in place the Commission to Inquire into Child Abuse which comprises a confidential committee, an investigation committee and a nation-wide programme of counselling. The latter is operated under the auspices of the health boards to providing a free counselling service to all victims of abuse in childhood. The Government has also established a redress scheme through which victims of abuse in residential care can receive financial compensation. The Residential Institutions Redress Board administers the scheme. The Government has also put in place proper channels of communication with survivor groups to ensure at all stages of this process engagement in a proper consultative process with survivors. Furthermore, outreach services are provided in the United Kingdom to enable survivors who moved to the UK to access all relevant information and advice.

There is no comparison between the Government's record and the record of the rainbow coalition Administration in assisting survivors of abuse. Not one member of the rainbow coalition Government took the time to meet the victims of abuse from Goldenbridge and the plight of former residents was, in effect, ignored. Not one strand of the various elements of redress now in place was initiated by any of the parties on the Opposition benches. While they may now consider they are entitled to criticise the efforts of the Government to provide redress in respect of the difficulties experienced by survivors of abuse, it might be more appropriate for the Opposition parties to ask why the pleas made to them in Government fell on deaf ears.

Mr. Howlin: If I may ask on a point of order, is a copy of the Minister's statement available?

An Leas-Cheann Comhairle: It is not a point of order.

Mr. Durkan: It is the Minister's history lesson.

Mr. N. Dempsey: I am sure a copy will be made available as soon as possible.

Mr. Howlin: Under Standing Orders, the normal courtesy is that a copy is available at this stage.

Mr. N. Dempsey: The normal——

Mr. Durkan: On a point of order, it is a usual courtesy to the House to provide the written statement when the Minister begins to speak, not when it becomes available.

An Leas-Cheann Comhairle: That is not a point of order.

Mr. N. Dempsey: As the Leas-Cheann Comhairle will know, this debate was not intended to take place until 8.30 p.m. While there may be difficulties providing copies of my speech, I am sure Members will receive them as soon as possible. While I apologise to Members of the House, the Government did not request that the debate be moved to this time. It was trying to facilitate members of the Opposition.

I thank Ms Justice Laffoy and the Commission to Inquire into Child Abuse for the completion of its detailed third interim report. I welcome the report and am pleased to see that it provides at least some closure and confirmation of their experiences for the former pupils of the Baltimore Fisheries School. I remind everyone that the valuable work the commission has completed in respect of Baltimore fulfils one of the main purposes for which it was established. The commission was established to inquire into the abuse which occurred in these institutions and to report on it. This remit continues to inform

[Mr. N. Dempsey.]

the manner in which the Government deals with this issue.

The report deals with many aspects of the work the commission has done since the completion of its previous interim report in November 2001. It deserves to be read carefully as a stand-alone report as well as in the context of further findings of the commission as its work continues. At the end of the commission process, it will form part of the broader picture of what life was like for children in our institutions. The report refers to the manner in which requests for additional resources were dealt with and the manner in which the Department of Education and Science interacted with the commission in its role as a respondent. I will deal with each of these issues in turn.

The Department of Education and Science is the commission's sponsor. Since the publication of the third interim report, there have been renewed calls for this function to be removed from the Department. The Government's position on sponsorship of the commission by the Department of Education and Science is that it is appropriate and should continue. The Department's sponsorship of the commission can be equated to the position of other Departments responsible for sponsoring inquiries which come within their remit. Examples include sponsorship of the Mahon tribunal by the Department of the Environment, Heritage and Local Government and sponsorship of the Barr and Morris tribunals by the Department of Justice, Equality and Law Reform.

Since its inception, the Department has responded to the commission's requests for resources as quickly as possible. As with all other Departments, the Department of Education and Science must submit each request for resources to the Department of Finance and the Government for consideration. It has done so. The Department has been and will continue to be committed to supporting the commission. The resourcing delays to which the commission refers in its report relate primarily to the period since June 2002. The commission requested a virtual doubling of its resources during this time. Correspondence took place between the Department and the commission during the period between June 2002 and December 2002 to clarify the latter's position regarding timeframe and costings should these resources be sanctioned. On consideration of the matter, the Government agreed in principle to the provision of additional resources but remained concerned that, in itself, this measure would not result in the timely completion of the work of the investigation committee given its apparent lack of progress. The Government considered that the request for additional resources could not be considered in isolation. It was also considered imperative to review the commission's procedures and underlying legislation to establish if there was any scope to change or amend the

Act to expedite its work and reduce the cost to the Exchequer while still achieving the original objectives.

The Government's view was that the difficulties faced by the investigation committee were more fundamental than issues of resources. Furthermore, it was and remains the view of Government that to allow the commission to continue with the hearing of over 1,700 individual cases without considering the huge legal bill being incurred would not be in the interests of the survivors themselves or society.

I record that at every stage the Department made every effort to co-operate with and assist the work of the investigation committee of the commission. The Department voluntarily handed over to the commission over 500,000 pages of documentation between 2000 and 2002. Furthermore, by June 2003 it had provided the commission with approximately 1,900 statements relating to cases before the investigation committee. In addition, the Department responded to 16 discovery directions issued to it. I have always accepted that some difficulties were encountered, especially in complying with a small number of the discovery directions. However, in that regard the commission's third interim report acknowledges that, "some of the difficulties were caused, or contributed to by the Committee in that for example there was not sufficient clarity in the direction as to what was sought, or insufficient time was being allowed for compliance."

In an effort to resolve difficulties that had arisen, the Department reorganised the manner in which it dealt with the commission in early 2003, and the residential institutions redress unit of the Department has since acted as a focal point for dealing with all commission-related matters. The unit then seeks assistance or information, if required, from relevant sections. That approach ensures that one unit is aware of all issues relating to the commission, and consequently the Department is able to respond more effectively to discovery directions and other matters.

Furthermore, to ensure that the Department's processes are above reproach, last December I ordered an independent review of the process and procedures for the making of discovery to the commission by my Department. My desire in directing that such a review take place was to ensure full and complete co-operation with the commission and that any changes to be made in the manner in which discovery was being processed should be addressed. I appointed the former chairperson of the Bar Council of England and Wales, Mr. Matthias Kelly, QC, to conduct that review. In addition to being completely independent of my Department, Mr. Kelly has considerable experience of sexual abuse litigation and is co-author of an article entitled "Child Abuse in Residential Homes" in *The New Law Journal*.

Mr. Kelly conducted his review over a two-week period that commenced on 5 January 2004. His terms of reference were:

- a) To review the processes and procedures operated by the Department of Education and Science in making discovery to the Commission to Inquire into Child Abuse; and
- b) To make recommendations as are appropriate in relation to discovery by the Department of Education and Science.

In the course of conducting his review, Mr. Kelly met officials in my Department involved in the discovery process, as well as the legal team representing the Department. He also had access to all the Department's records. I understand that Mr. Kelly also met representatives of the Commission to Inquire into Child Abuse while carrying out his review.

The process of meeting and interviewing persons relevant to his review has concluded, and Mr. Kelly has returned to the UK to conclude his work on his report. I expect to receive that report within the next two weeks, and I am committed to ensuring full implementation of any recommendations that Mr. Kelly may make.

There are a number of other areas on which I wish to comment. Considerable staffing resources have been put in place within the Department to ensure that it is able to fulfil its obligations to the commission, both as sponsor and respondent. None of the staff within the Department dealing with this issue had any role to play in the operation of the institutions or has had any allegations made against him or her. All of the Department's efforts, both as sponsor of the commission and as a respondent to it, have been to ensure that the commission is enabled to carry out the task set it by the Oireachtas.

In that regard, the Department has, when necessary, and to meet the deadlines imposed by the commission, increased the number of staff working on the responses to particular directions. For instance, in responding to the abuse-specific discovery direction of 10 March 2003, the Department took on an additional 16 persons, including six documentary counsel, to ensure that the material was provided to the commission on time. I can reassure the House that, in the event that at any future stage the issue arises of its being necessary to put additional resources in place within the Department to meet the requirements of the commission, I will ensure that those resources are put in place.

Following the announcement by Ms Justice Mary Laffoy on 2 September 2003 of her intended resignation as chairperson of the Commission to Inquire into Child Abuse, the Government, on 26 September 2003, appointed Mr. Sean Ryan, SC, as chairperson designate. At that time, and in advance of his being appointed to the chairmanship of the commission, the Government requested Mr. Ryan to undertake his own independent review of the working of the

commission. The terms of reference of the review were as follows:

To carry out a review of the working of the Commission and to make all necessary recommendations having regard to the following:

- a) The interests of the victims of abuse;
- b) The completion of the Commission's work within a reasonable period of time and in a manner consistent with a proper investigation; and
- c) To achieve the above objectives without incurring exorbitant costs.

It should be noted that Mr. Ryan was made a judge of the High Court on 15 December 2003 and was appointed chairperson of the commission when Ms Justice Laffoy's resignation took effect.

Mr. Justice Ryan's report is long, running to over 70 pages. However, he has concluded that a combination of legislative amendments to the original Act and alternative procedures being adopted by the investigation committee would result in the commission being able to conclude its work within a reasonable timescale and without incurring exorbitant costs.

The Government has accepted Mr. Justice Ryan's report and is currently arranging for the legislative changes recommended by him to be included in the amending legislation. Furthermore, Mr. Justice Ryan has indicated that he intends to engage in a consultative process with a view to obtaining the opinions of all parties to the commission's work on the best way forward. My Department will participate fully and constructively in that process.

I wish to publish and put in place the legislation amending the Commission to Inquire into Child Abuse Act 2000 as quickly as possible to enable the commission to proceed quickly and efficiently with its work. However, the ongoing litigation involving the Christian Brothers is an issue of which I must take account before the legislation can be finalised. Indeed Mr. Justice Ryan in his report states that notice must be taken of the Christian Brothers' case and the potential effect of the ultimate judgment in the case on the proceedings of the investigation committee. He also comments that, if the Christian Brothers' action succeeds in whole or in part, the work of the investigation committee will be curtailed to a greater or lesser degree, but specific recommendations cannot be made until that case has been finalised. Indeed, Mr. Justice Ryan states in his report, "It is impractical to suggest that there could be amending legislation processed and enacted until the Murray/Gibson (Christian Brothers) litigation is determined."

I understand that the final version of Mr. Justice Abbott's judgment in this matter was issued on 27 January. There is now a 21-day period during which parties to that case can decide whether to appeal to the Supreme Court. Therefore, the issue of when amending legislation

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may be published will become clearer over the next two to three weeks.

The Government remains totally committed to ensuring that the process to bring healing and closure to those of our citizens who suffered abuse while in institutional care will be completed within a reasonable time scale. In that context, the calls that have been made by the Opposition and others to transfer the sponsorship of the commission to—

An Leas-Cheann Comhairle: The Minister's time is up.

Ms Enright: I am disappointed that the Government accords far less attention to the publication of the third report by Ms Justice Laffoy than it did to Mr. Justice Flood's second report. I am saddened to say that, despite apologies and all the rest, we seem to think this issue is of less importance. That reflects on the Government and Members opposite.

I thank the Minister for his history lesson. We seem to spend more time in this House talking about the past than about the future. Today we must discuss where we will take this matter, as well as Ms Justice Laffoy's criticisms. I accept the Taoiseach's apology. I have always said that I believed he meant what he said. However, he has not acted on it appropriately. He issued his apology after the "States of Fear" programme shown on RTE in the spring of 1999. As is often the case, he issued the apology based on media and other pressure brought to bear on him to do so at the time.

When the Commission to Inquire into Child Abuse was established on 23 May following the Taoiseach's apology, it was rightly acknowledged that the victims deserved to have their stories heard. In the past, they were forgotten by society and shamefully abandoned. The commission's remit was to hear their stories, investigate the abuse of children in institutions, and publish findings and recommendations dealing with the issue.

Many of the victims of past abuse and neglect have had shocking and distressing experiences. It is right and proper that they be given the opportunity to tell their stories and how society failed them so that we can try to ensure it never happens again. Today, many of the victims of abuse are approaching old age. The commission should be at work now hearing their cases in both forums outlined in the original Act. These people have much to teach us and future generations about the kind of State-sponsored barbarity that can exist in a society that fails to be vigilant and fails to protect the vulnerable. We need to hear their stories and give them the chance to tell them so that we can ensure we neither forget the abuse nor let it happen again.

It is, therefore, an indictment of the Minister for Education and Science and the Government that the Commission to Inquire into Child Abuse

has heard so few cases since it was established and has been unable to progress any further since last September. The resignation of Ms Justice Laffoy, a direct result of the failure of the Department of Education and Science to engage with her commission in what she said was a proper and meaningful manner, was the lowest point in the history of the commission since its establishment.

The publication of her third interim report last Friday has only served to confirm what has been evident for some time. It is abundantly clear that the Minister for Education and Science has lost all credibility in dealing with the Commission to Inquire into Child Abuse. It is also clear that responsibility for the commission should be transferred to the Department of the Taoiseach immediately.

Last September, following Ms Justice Laffoy's resignation, the leader of Fine Gael, Deputy Enda Kenny, called on the Taoiseach to take personal responsibility for the Commission to Inquire into Child Abuse and for responsibility to be removed from the Department of Education and Science. He made this call as it was clear from the correspondence that passed between the Department and Ms Justice Laffoy that the Minister's ham-fisted review of the work of the commission was being carried out without adequate consultation with the chairwoman. It was also clear that there was an inherent conflict in having the Department of Education and Science as the sponsoring Department as well as being under active investigation by the commission.

This inherent conflict has been highlighted to an even greater extent in Ms Justice Laffoy's report published last Friday. In her most trenchant criticism of the Department, Ms Justice Laffoy states:

The Committee is not satisfied that, since its establishment, it has received the level of co-operation to which it is entitled to expect to receive from the Department of State which is its statutory sponsor. Moreover, it has experienced difficulty in securing compliance with its statutory requests and directions by the Department in its role as Respondent.

Ms Justice Laffoy was keenly aware of the conflict that existed in the dual role assumed by the Department of Education and Science. On the one hand, the Department was the sponsor for the work of the commission while, on the other, it was the focus of the commission's investigative attention. This was the conflict of interest about which Ms Justice Laffoy was concerned, especially as time went on and the obstruction of the Department became more evident.

On 29 January 2003, Ms Justice Laffoy wrote a paper to the Attorney General entitled, Position of Commission in relation to Government Review. The purpose of the paper was to set forth the considered position of the commission in

regard to the review announced by the Government into the remit of the inquiry. One of the key recommendations made by the commission to the Attorney General related to the independence of the commission. Ms Justice Laffoy wrote:

The Commission is concerned about public perception of the appropriateness of the Commission being reliant on the Department of Education and Science for its resources and that Department being the Commission's communication channel to the Government given that the Department's conduct over the past 60 years is being investigated by the Commission, and the Department has a contractual engagement with the religious orders which managed residential institutions in the past, which might be perceived as not being conducive to support for the Commission's investigation of the conduct of those orders, which the Commission is mandated to conduct.

Ms Justice Laffoy suggested that the Government should consider whether the functions resting in the Department of Education and Science relating to the commission should be given to another Government Department with the exception of the Department of Health and Children or the Department of Justice, Equality and Law Reform. It was obvious to her since last January and it became obvious to us last September that the Department of Education and Science should no longer have responsibility for the Commission to Inquire into Child Abuse. I and many of the victims support this call.

The Minister was being slightly disingenuous when said we do not have time to do that. Deputy Kenny made this call last September and Ms Justice Laffoy made it last January. Had we listened to Ms Justice Laffoy then, it would be ready to be transferred now. In fact, the transfer could have been done. As the Minister said, we must still await the outcome of the Christian Brothers case and legislation to come after that. If we put our minds to it, there is no reason it could not be done. If the Government refuses to do so, there is very little we can do as we are outnumbered in this House. The Taoiseach should give much thought to which Minister must deal with it.

Much was made of the indemnity deal. Deputy Rabbitte raised it earlier on Leaders' Questions and I support what he said. The previous Minister, Deputy Woods, negotiated the indemnity deal and he has, to a certain extent, taken a great deal of heat from the incumbent Minister in the debate since then. Ms Justice Laffoy points out some dates in her report and she certainly did not notice any greater co-operation since the Minister took office than that which she had been given by the previous Minister.

It is important we point out that the Minister for Education and Science is the person with

political responsibility for the Department and the allocation of resources. From even a cursory reading of Ms Justice Laffoy's interim report, it is apparent that neither he nor his predecessor resourced the commission properly nor enabled the Department to respond to the commission's request in a manner that understood or appreciated the importance of the commission's work.

The Department of Education and Science was always going to be critical in the success or failure of the commission. Ms Justice Laffoy acknowledges from the outset that the commission, to do its work in a fair, proper and efficient and cost effective manner, required the full engagement of the Department of Education and Science. She said that, from the outset, the work of the commission had been contingent on the Department in its role as respondent engaging fully with the committee and promptly and properly fulfilling its statutory obligations in that role. However, this engagement was clearly not forthcoming. She listed several specific concerns regarding the co-operation of the Department of Education and Science with the commission. She stated:

The Committee's principal area of concern . . . relates to the manner in which the Department has complied with directions for discovery and production of documents . . . The Department, despite clear indications from the Committee that the prescribed form should be followed, has unilaterally omitted those averments from an affidavit of discovery sworn pursuant to a direction. This is not a state of affairs which the Committee finds acceptable.

It is not one I find acceptable either.

These are serious matters. A commission established by the Government and this House with a senior member of the Judiciary as its chairperson was being hampered and hindered in its investigation by a Department of State. It is difficult to think of a more serious charge that could be made against a Department or a Minister. It is not good enough for the Minister to shrug off this criticism. If he cannot appreciate the seriousness of this matter, then I redouble my call for responsibility to be removed from him and his Department.

If charges such as these were made against an individual by a tribunal or inquiry, we in this House would be quick, as we have been on previous occasions, to criticise him or her for failing to comply or co-operate with an investigation established by the State in the public interest. That these charges are being made against a Department does not in any way make them less serious. If anything, it makes them more so. I remind the Minister in the context of his reference to the Departments of the Environment, Heritage and Local Government and Justice, Equality and Law Reform, and the Barr and Mahon tribunals that the Departments are not being investigated in

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those instances. That is an important difference. The Minister's Department is being investigated and he is supposed to supply the resources to allow the investigation to take place, which he clearly has not been doing. That is one of the main points Ms Justice Laffoy made.

Coupled with these considerable difficulties, there has always been an issue relating to the resourcing of the work of the commission. Ms Justice Laffoy stated:

The Committee was assured that the issue of resources would be addressed. Over a year later resources were still an issue.

The issue of resources was a considerable point of conflict between the commission and the Department. Ms Justice Laffoy had requested additional resources to allow the investigative committee to sit in a number of sessions concurrently instead of just one. This would have enabled it to hear a far greater number of cases allowing people to have their stories heard.

The request for resources was agreed in principle but the Minister and his Department then complicated matters seriously by requesting that Ms Justice Laffoy would only engage new staff on short-term contracts. This led her to state: "While the Government decision gives the appearance of accepting the need for resources, it seems to the Investigative Committee ... the same amounts in substance to a refusal of the request". Appearances often seem to be more important.

When the review of the commission was announced, Ms Justice Laffoy immediately wrote to the Department of Education and Science for clarification on a number of key points that directly affected the way in which the commission would function. Her main concern was that, since additional resources were allocated on a short-term basis only and given that the commission was under review, it was reasonable to conclude that "there is a significant possibility that the result of the review will leave the Commission with a reduced remit".

Ms Justice Laffoy was concerned that, if the investigative committee continued to work in its normal way, it would ultimately gather information that, after the review, would be worthless. This would involve a considerable waste of public resources. Trapped in this catch-22 situation, she wrote to the Department and stated that the commission was in "an invidious position".

The Minister assured us today by stating that: "in the event that at any future stage the issue arises of it being necessary to put additional resources in place within the Department to meet the requirements of the commission, I will ensure those resources are put in place". The Minister assured Ms Justice Laffoy that they would be put in place, but they were not. I do not know how any of us can be expected to take the Minister's word on that issue, and that is not something I say lightly.

In the final damning criticism of the Department, Ms Justice Laffoy stated: "it has to be observed that, in general, the Department as respondent to the vast majority of allegations which the Committee is investigating, has not adopted a constructive approach to dealing with its role in the inquiry". It is clear that responsibility for interfacing with the commission should be now removed from the Department. The Taoiseach should take personal responsibility for this and transfer responsibility for the work of the commission to his Department. The victims of abuse require no less than the Taoiseach to take personal responsibility for this debacle and move swiftly to reassure the victims that ministerial mishandling will not get in the way of them achieving justice.

Furthermore, with the Department of Education and Science in charge of the commission, how can anyone be confident that Mr. Justice Ryan, recently appointed, will not encounter exactly the same unhelpful, obstructive and combative approach. His recent report containing suggestions on a new way forward for the commission cannot be implemented unless the Government is genuinely willing to co-operate fully with the work of the commission. The response of the Taoiseach and the Minister since the resignation of Ms Justice Laffoy does not indicate that such a genuine willingness exists.

Following Ms Justice Laffoy's resignation from the commission, it became immediately apparent that the difficulties she had faced in the job had been exacerbated in large part by the actions of the Department. At the time, the Minister decided to withhold her resignation correspondence and effectively kept the country in the dark regarding the reasons for the severe dissatisfaction which led to her resignation. When he was finally shamed into publishing the letters, a half-hearted attempt to justify the actions of his Department and the Government accompanied their release.

History repeats itself. When Ms Justice Laffoy published her third interim report last Friday, the Minister went into hiding and did not surface to comment on the findings until Sunday afternoon when he offered lame excuses and explanations for the serious and disturbing charges laid by a senior member of the Judiciary against his Department. Without meaning any disrespect to Mr. Matthias Kelly, who is, I am sure, an eminent and capable man, the Minister proceeded to commission a further report, this time into the failings of his Department. While I do not doubt or question that such a report is needed, if he had been doing his job properly the Minister would not need to bring in someone else to do the job for which he has been appointed.

In the foreword to her report, Ms Justice Laffoy rather poignantly wishes Mr. Justice Ryan the success which has eluded her in finding answers for the victims of abuse and publishing them in the future. I also wish Mr. Justice Ryan every possible success. If, however, the

Commission to Inquire into Child Abuse is left in the hands of the Minister for Education and Science, I do not have confidence that Mr. Justice Ryan's work will proceed without further hindrance and unhelpfulness and a lack of real co-operation and engagement.

Ms O'Sullivan: The response of the Taoiseach and the Minister for Education and Science to the requests by the Opposition regarding the time allocated for this debate and the time at which it would be held indicates that they have not grasped the seriousness of Ms Justice Laffoy's third interim report on the Commission to Inquire into Child Abuse. She has made astonishing criticisms of the Department regarding its response to the issues she raised not only in this report, but over a considerable period during which she attempted to draw to the attention of the Government the delays she was experiencing in the Department in responding to the concerns and resourcing of the commission and discovery. It is clear from Ms Justice Laffoy's letter of resignation, the accompanying documentation and this report of more than 400 pages, that the concerns she raised elicited barely a response from the Minister in particular and the Department in general and her resignation was required to force a political response from the Government.

The fact that the seriousness of the issue has been virtually ignored in the House today indicates that the Government has not grasped the importance of the report or that it is not sufficient to issue an apology and fail subsequently to meet the expectations of the victims to which it gave rise. At the time of the Taoiseach's apology, it was indicated that resources would be available to the commission, its work would not be hindered, it would be assisted in every way possible, and an attempt would be made to recompense victims of the most appalling chapter in the history of the State. Although nobody can make proper recompense for what happened to those who were in the institutions in question, surely they could at least expect a proper and urgent response from the Government which recognises the seriousness of the issues.

The Minister stated: "The resourcing delays which the Commission refers to in its Third Interim Report primarily relate to the period since June 2002." The report, particularly chapter 10, makes clear that resource issues were a problem long before that date. On page 157, the report states:

In November 2001, the explanation advanced for delay in submitting statements was lack of resources and, in particular, lack of resources during the summer months because of annual leave and such like. The Committee was assured that the issue of resources would be addressed. Over a year later, resources were still an issue....

That was November 2001.

Ms Justice Laffoy continued to raise these issues, particularly with regard to resources and the lack of an adequate response by the Department over a considerable period. Considerable time has been lost, not only since Ms Justice Laffoy resigned but also prior to it when she continually raised these issues. It is ludicrous to suggest that the decision to replace her with Mr. Justice Ryan and the sudden recognition that resources are an issue amounts to an adequate response.

The report also states: "The Committee is not satisfied that, since its establishment, it has received the level of cooperation which it is entitled to expect to receive from the Department of State which is its statutory sponsor." This statement brings to a head the issue of giving the Department of Education and Science responsibility for the commission. The Labour Party does not accept the Minister's argument that because other commissions of inquiry were sponsored by particular Departments, this should be the case in this context.

As Deputy Enright stated, the Department is being examined by the commission and, as such, it is entirely inappropriate that it should continue to hold responsibility for the commission in light of what has been revealed in this report. The Labour Party calls on the Minister and the Taoiseach to transfer responsibility from the Department of Education and Science to the Department of the Taoiseach. This should not cause additional delays because the delays encountered to date have been primarily related to discovery of documents. Transferring responsibility would not, therefore, cause undue delay and would provide the proper level of Government supervision of the matter. Clearly there is a conflict of interest which must be resolved and I call on the Minister to reconsider his position on this matter.

I wish to place on the record the specific issues raised in chapter 10 with regard to the Department. The explanation given by the Taoiseach today did not address the questions raised by Deputy Rabbitte. It is important that they are properly addressed and placed on the record. The questions on which the responses were not received, in particular, the abuse specific discovery directions on which Ms Justice Laffoy has still not received an adequate response, arose specifically in response to the indemnity deal when the Residential Institutions Redress Act was being discussed.

On page 158 of the report, Ms Justice Laffoy states:

At the beginning of February 2002, the Committee became aware of statements being attributed in the media to the then Minister and spokespersons of the Department as to the prevalence of abuse in institutions which were to be the subject of the redress scheme eventually enacted in the Residential Institutions Redress Act 2002. At the beginning

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of June of the same year, the Committee became aware of media statements attributed to the then Minister in relation to the State's responsibility for abuse in institutions, which suggested that the Department might have been in possession of records which would assist the Committee in its inquiry. The Committee was not aware of the precise documents to which the Minister was referring. On 2nd July, 2002, a discovery direction was issued to the Department seeking discovery of all documents and records of whatever nature that were or had been in the possession or control of the Department, on the basis of which the Minister and/or his officials reached the conclusions—

(a) as to the culpability of the State and the regulatory authorities in the State for abuse of children in institutions, the investigation of which is within the statutory remit of the Commission, and

(b) the apportionment of blame between the State and the said regulatory authorities, on the one hand, and the managers of the institutions, on the other hand,

which were reflected in—

1. the agreement between the Minister and the Conference of Religious of Ireland, on behalf of eighteen Religious Congregations, made in June 2002, and

2. the statements and comments made by the Minister and his spokesperson reported in the broadcast and print media concerning that agreement and matters within the statutory remit of the Commission on or about 30th January, 2002, 1st February, 2002, 5th June, 2002 and 6th June, 2002.

Pursuant to that direction, an affidavit was sworn on 18th October, 2002 by the Director of Strategic Policy and Legal Services in the Department.

There is a footnote reference to an interview on "Morning Ireland" on 6 June 2002 with Deputy Woods in which he stated:

... ultimately here the State will pay and the State again as the Laffoy Commission I think will show in time because we have supplied a lot of information to the Laffoy Commission. We'll show that the State carry responsibility and Laffoy, the Laffoy Commission, Judge Laffoy will in due course report on all of that in great detail ...

The report continues:

Why is there an inconsistency between what has been disclosed and what the Committee might have expected to be disclosed having regard to the statements attributed to the former Minister and the Department spokesperson in 2002? Only one instance has

been disclosed of the contemporaneous reporting by the management of an Industrial School for boys of sexual abuse of pupils in the institution by a person in authority.

It is clear that the Commission to Inquire into Child Abuse and Ms Justice Laffoy, on the basis of what she had heard the former Minister say in the media, sought the papers that would indicate the culpability of the State with regard to children in institutions. The former Minister had indicated in a radio interview and in other places, that there was substantial verification material and contemporaneous accounts. Only one contemporaneous account was supplied to the commission. The discovery is ongoing because there has not been discovery of all the documentation required by Ms Justice Laffoy and February of this year is the further deadline that has been given. It is clear from the report that Ms Justice Laffoy encountered a great deal of difficulty in getting the documentation she required. She documents this difficulty in detail in the report.

Questions must be asked as to why the documentation could not be supplied given that the former Minister indicated that there was documentation that would come out in the Laffoy report which would explain the basis of the agreement made with the religious institutions regarding the apportionment of responsibility between the State and the religious institutions. I hope the Minister will be able to answer questions on this matter. The information given to the commission so far does not supply the kind of substantial material that would have been expected in light of the agreement made and the statements made by the former Minister.

Chapter 10 of the report states:

For over two years, the manner in which the Committee requires the Department to fulfil its statutory obligations in relation to complying with discovery directions issued to it under the Act has been clearly communicated to the Department, both in correspondence and at procedural hearings. Despite that, as of now, the direction issued on 10 March 2003 has not been properly complied with and the Department has been directed to make further and better discovery. While acknowledging the enormity of the task which the Department has faced, the difficulties which may not have been foreseen and the Committee's own shortcomings, it has to be observed that, in general, the Department as Respondent to the vast majority of allegations which the Committee is investigating, has not adopted a constructive approach to dealing with its role in the inquiry.

That is a damning chapter of the report and I regard the Minister's response and that of the Taoiseach on behalf of the Government as quite pathetic. The time given for a debate means that only one person from each party will have the opportunity to speak and probably not even one

person from the smaller groupings. It is a despicable response to the issues that are raised by this commission.

As Deputy Enright said, much more resources, time and attention have been given to other commissions of inquiry. This commission of inquiry is about what are probably the most defenceless people who ever had to survive in this State; those who were locked up and had no control over their own lives. There are people like the boys in the Baltimore Fisheries School which is the subject of part of this report. It makes distressing and appalling reading to read about the physical conditions in which those boys were kept, with beds full of urine, rats falling from the roof, not enough to eat, sexual and physical abuse and very harsh beatings. We will hear about this and other cases over the coming years because there will be others to follow. The Baltimore school alone deserves a debate in this House. Will the Minister provide Government time to debate this issue? The people who endured this deserve both the attention of a full debate in the House on what happened to them and an adequate response which does not seem to be forthcoming today.

The Minister gave the House a history lesson in his opening speech. The information about child abuse came to light in the television programme "States of Fear". There was not an awareness of the issue before that. Previous Governments of all hues did not have the knowledge that the present Government has. What the rainbow Government did or did not do is immaterial to information that emerged after 1999.

Mr. N. Dempsey: It was well aware of it.

Ms O'Sullivan: It was information that emerged after the "States of Fear" programme in 1999.

Mr. N. Dempsey: It did not. There were other earlier programmes.

Ms O'Sullivan: The information was not available.

Ms Enright: Why did the Government wait for two years?

An Leas-Cheann Comhairle: There will be opportunities for questions.

Ms O'Sullivan: I call on the Minister to reconsider what appears to be a decision not to transfer the workings of the commission from the Department of Education and Science to the Department of the Taoiseach. Will he implement as soon as possible not just the recommendations of Mr. Justice Ryan but also those of Ms Justice Laffoy which were ignored when she tried continuously to draw the attention of the Government to the problems encountered by her and the commission over a considerable time? Her recommendations were only heeded when

she took the extreme step of resigning from the commission, knowing full well the implications of that action. It is appalling that it took that action to draw the attention of the supervising Minister to the fact that there were problems.

It is not enough to expect the resources of the Department of Education and Science to deal with this issue. The Government must assign specific resources to deal with this scandal adequately and properly.

Mr. Sargent: Ba mhaith liom mo chuid ama a roinnt leis na Teachtaí Crowe agus Connolly. I wish to share my time with Deputies Crowe and Connolly.

Ms Justice Laffoy expressed a level of frustration rarely seen from the Judiciary. The Government's response to that frustration is beyond belief. It is clear from Ms Justice Laffoy's report that some of the religious orders were co-operative and others were far from co-operative, yet the Government seems to have entered into a financial accommodation which requires further investigation because it was not based on findings from the commission but rather to head off further embarrassment for the Government. This action may come back to haunt the Government.

I detect a deep sense of injustice as a result of the Government's handling of this matter. There is a wider sense of injustice than just the religious institutions and the horrific tales from Baltimore. The Government's lack of focus on the needs of children is a legacy which still needs to be addressed. Comparisons with other countries in such areas as play, school and crèche facilities, consideration of the safety of children in the matter of safety measures on roads, and maternity leave entitlement highlight the lack of priority given to the needs of children which still haunts Governments to this day. There is no comparison between the barbarity of what has been revealed and the treatment of children today, but children are perceived as second-class citizens and the reports of the Laffoy and Ryan commissions bear that out in an horrific way.

This is not just about finding the truth or introducing a measure to bring about redress. It is about dealing with these issues by stating clearly that children are central and should be afforded the importance of adults. When we speak of the brutality of the events being dealt with in the Barron or Nally reports, it is central that the Taoiseach should be involved. The Green Party has called on many occasions for a transfer of the child abuse inquiry from the sponsorship of the Department of Education and Science to that of the Department of the Taoiseach. When Patricia McKenna MEP reiterated this appeal on "Questions and Answers" last night, it was striking that Deputy Eoin Ryan responded by saying that the Department of the Taoiseach is too small. He said it would not cope with such a transfer because it does not have the resources to do so.

7 o'clock

[Mr. Sargent.]

I am glad that the Minister for Education and Science has spoken about the need for his Department to take on additional resources. It is quite easy for a Department to take on extra resources as needs be. The Minister said that the Department took on an extra 16 persons, including six documentary counsel, on 10 March 2003. The Department of the Taoiseach could do the same, ultimately, especially as it has overseen partnership discussions, the Forum for Peace and Reconciliation and the Forum on Europe.

The Green Party restates the appeal to which I referred because this matter requires the Department of the Taoiseach to be centre-stage. It should not be dealt with in smoky or smoke-free rooms by means of deals with the religious orders nor should it be compromised by being dealt with by the Department of Education and Science. If children are to be considered as first-class citizens rather than being seen as second-class citizens, which has traditionally been the case, this issue must be dealt with in the Department of the Taoiseach.

Mr. Crowe: Many people hold the view that politicians do not live in the real world and are oblivious to what is happening. It is important that Deputies state during this debate that none of us is a stranger to this matter. We all know of individuals who attended schools or some of the institutions where abuse took place. We are familiar with the cases of adults who are still trying to deal with the problems associated with that abuse. It is important that we refer to our experience in the context of this debate.

I join other Members in saying that full credit is due to Ms Justice Laffoy for her role in the work of the commission and in bringing to light the negligence of the Department of Education and Science. It is a little ironic that less than a week after a judge in Britain whitewashed the Blair Government in one of the more bizarre legal decisions of recent times, a judge in Ireland is prepared to stand up for the survivors of child abuse in this State. She is willing to expose the Government's repeated and serious failures. I believe that Ms Justice Laffoy is a credit to the Judiciary. She has done the State and its people a great service. It is regrettable, however, that Ms Justice Laffoy and her staff on the commission are unique in that respect. Many other participants in this tragedy have done everything they can to prolong and drag out the process.

Ms Justice Laffoy's report is a terrible indictment of the Department of Education and Science and the religious institutions. It is barely a figure of speech to say that they have been allowed to get away with murder. According to the report, the commission has been denuded of ability to fulfil its statutory obligations. The Department has failed to provide the support the commission needs. It has been found to have repeatedly failed to comply with the commission's requests for discovery. Rather than

being an ally in finding the truth, the Department has been an obstacle. Files have had to be torn from the hands of civil servants. The report seems to suggest that there has been outright opposition where there should have been co-operation. Irrelevant documents were sent to the commission but relevant documents were not provided or brought to light only after a bitter struggle.

The Government wasted €650,000 on its preparations for what was deemed to be an inadequate response last June to the commission's order for discovery. I find it interesting that the documents requested from the commission relate to the deal agreed between the former Minister, Deputy Woods, and the religious orders. Ms Justice Laffoy seems to suggest that Deputy Woods claimed liability for the State despite the lack of evidence to support his claim.

Having read the reactions of the survivors' lobby to the most recent report, it seems to me that they are unanimous on one issue; they all believe that the position of the Department of Education and Science is no longer tenable. Opposition Members have repeatedly pointed to the conflict of interest between the Department and the commission. It must be clear by now that the Department cannot continue to provide funding while fighting the commission every step of the way. The role and conduct of the Department during the investigation has been a disgrace.

In his statement, the Minister for Education and Science claimed that the rainbow coalition failed because it did not establish a commission. Sinn Féin was not part of that coalition nor were the Green Party, Independents and certain other Members of the House. The fact that the rainbow coalition failed to establish a commission does not exonerate the Minister who has let himself down by using these cheap shots. His use of such a tactic shows a lack of maturity on his behalf and undermines this debate.

The role of the religious orders in this affair is no less shameful than that of the Department, with a few exceptions. After the orders agreed what can only be described as a sweetheart deal with the former Minister, Deputy Woods, they fought the commission every step of the way. They contested every fact and disputed what Ms Justice Laffoy referred to as indisputable historical facts.

I note that Ms Justice Laffoy exempts certain religious institutions from criticism. This makes for an interesting comparison with the religious orders which would dispute that the sky is blue and the grass is green if they could get away with it. If some religious orders are prepared to cooperate, I do not see why the rest of them cannot do so, especially as the Government has made them exempt from paying any more than €128 million. There seems to be a form of agreement between the religious orders and the Department of Education and Science. It is as difficult as

possible for the commission to arrive at the truth of this matter.

It is time for the Department of Education and Science to be removed from this process. If it retained some shards of credibility when Ms Justice Laffoy resigned, it has lost them. While the Department remains involved, the commission will proceed without the confidence of the victims, the body politic or the people.

It is time for the religious orders to embrace the religion they claim to stand for. I do not see much evidence of the Christian notions of charity and mercy in their actions. The phrase "suffer the little children" is sometimes used, but the little children have grown up and have suffered enough.

The delays in the redress process make it more difficult for victims of abuse. The purpose of the commission was to examine the status and complicity of the State in the abuse. The collapse of the Laffoy commission has undermined the Taoiseach's ground-breaking statement. Ms Justice Laffoy's statement that the work of the commission was stymied rather than enabled is an indictment of the Department and the Government.

Mr. Connolly: Ms Justice Laffoy's interim report has cast the Department of Education and Science, the Minister and, by extension, the Government in a light which is not very complimentary. Society has become ridden with tribunals and commissions. Most of society's principles are being stamped on in a manner that would do credit to Saddam Hussein and President George W. Bush's deck of cards. The manner in which the Government tried to stall Ms Justice Laffoy's letter of resignation as chairperson of the commission investigating child abuse compounded the hypocrisy with which it behaved throughout. The lack of co-operation from the Department of Education and Science, along with its constant interference with Ms Justice Laffoy's remit, left her with no option but to resign. We must ask why she resigned.

Since the commission was established, the Department and the Government have displayed crass hypocrisy in their approach to the matter of child abuse. Based on its extended attempts to muzzle Ms Justice Laffoy and the commission, it appears that the Government has a vested interest in attempting to prevent the commission from fulfilling the functions conferred on it by the Oireachtas. The Taoiseach was disingenuous in his facile reference to Ms Justice Laffoy having encountered a heavy caseload of abuse allegations and legal challenges. I am surprised that the nature of the caseload was not known before she took on this case. One must ask who is deceiving who in this instance. The Taoiseach may have convinced himself that he was telling a fairy story when he gave a "Bertie-ese" explanation of the tensions between Ms Justice Laffoy and the Government. Ms Justice Laffoy's letter of resignation was preserved as a State

secret for days until the mandarins were able to gauge the possible fall-out. One can only begin to gauge the degree of so-called Government concern for the victims of child abuse, who have been treated contemptuously by the Government and its minions.

The commission's original terms of reference were to address the appalling incidences of decades of child sexual abuse in the State's industrial schools and to provide a forum for the victims to relate their horrific stories. Unfortunately, the Department of Education and Science sought to mitigate or obscure its responsibility by muddying the waters. The Government, through its hypocritical attitude towards such a major issue of human misery as child sexual abuse, has perpetrated an unpardonable injustice and, in the event, may well have undermined the commission's effectiveness. Because of its lack of input into the commission's deliberations through its failure to provide the documentation sought by Ms Justice Laffoy, the State stands indicted of non-co-operation with the commission it sponsored. In any other country this would be a resigning matter on the part of the Minister and his senior officials, who have in effect colluded in the suppression of documents which Ms Justice Laffoy adjudged as being vital to the commission's deliberations.

The Department of Education and Science, through its responsibility for more than 90% of the institutions in which upwards of 1,950 cases of abuse took place, bears major culpability for the various instances of abuse. The Department's inspectorate has shown itself totally incapable of evaluating the running of such institutions and, as far as a psychological test is concerned, the Department is somewhere short of the Dark Ages. Inspectors conveniently overlooked what was glaringly obvious and ignored reports by the former manager of an industrial school about boys being sexually abused over a period of years. The lack of co-operation on the part of the Department bears a close resemblance to the British Government's reluctance to co-operate with the Barron inquiry into the Dublin and Monaghan bombings.

A large amount of documentation sought from the Department is still outstanding. It can hardly attribute its loss to the transfer of its records from Dublin to Athlone. These things do not go missing of their own accord. We heard earlier about documents vanishing. The documentation furnished by 55 industrial and reform schools indicated a massive cover-up, particularly in light of the Department's tardiness in forwarding the other documents sought by Ms Justice Laffoy. The fact that over two thirds of the documentation furnished by the Department to the commission has been irrelevant to the commission's inquiries is a despicable commentary on the Department's unsuitability to administer a system of juvenile correction and rehabilitation. The Government and the

[Mr. Connolly.]

Department have shown a distinct lack of real engagement in the Laffoy Commission and have demonstrated a degree of hypocrisy that is breathtaking in the extreme. I call on the Government to remove responsibility for juvenile correction from the Department of Education and Science and vest it in the Taoiseach's Department instead.

An Leas-Cheann Comhairle: We will now take questions.

Ms Enright: What status does the Minister give to reports of commissions of inquiry? Will the Minister tell us now what weight he will give to the report of Judge Ryan when it comes out? Will he also deny responsibility when that report is issued? Did the Minister's Department officials report to him that they were not complying — or, as the Minister said, were not in a position to comply — with discovery directions at the time those directions were made? Did they report their lack of compliance with orders for production of documents? Was the Minister aware that his Department was not complying with statutory requests from the commission? Why was there an absence of departmental policy to deploy sufficient appropriate resources to ensure the Department could comply with its statutory obligations up to and after 29 November 2002?

Why did the Department leave out lists of documents that were at one time but are no longer in its possession? Why was information not given as to when the documents left the possession of the Department and where they went, as was legally required of the Department under the superior court rules? Why did the Department give so many irrelevant documents to the commission? Ms Justice Laffoy stated in her report that of the 457 documents provided following the signing of an affidavit by the director of strategic policy and legal services on 18 October 2002, fewer than 300 had a bearing on the issue of industrial and reform schools, with which the commission is concerned. I can think of one other person who placed on the record of a tribunal, as the Minister did today, that at all stages he made every effort to co-operate with and assist the work of the tribunal at which he was present. I hope the Minister is not taking lessons from him because if he is, we will not get very far.

My last question also deals with the production of documents. The conflict about the production of documents seems to have begun on 31 October 2001. The 457 documents were presented on 18 October. On 10 March 2003 the commission was still not satisfied it had received the documents it needed. It gave the Department until 27 June 2003 to comply. Another meeting was held on 5 December 2003. A ruling was made on 10 December 2003, and an order and direction that further and better discovery be made by 28

February of this year was issued. Is the Minister satisfied that on 28 February the documentation required by the commission will be provided to it?

Mr. N. Dempsey: The series of questions posed by the Deputy related to the discovery order to which I have referred over the past few days. A total of 35 people from the Department plus 14 lawyers are employed specifically to comply with the direction. I hope we will be able to meet the needs of the commission in this regard, although it has proven difficult in the past because of the nature of the request. At all times the officials in the Department dealing with orders for discovery acted on the advice of senior counsel, which advises the Department on legal matters. There seems to be some confusion about the specific discovery order under discussion. In the case to which the Deputy referred, we are not talking about documents which the Department knows it has and will not hand up, although this is the impression that has been created.

Ms Enright: I stated clearly they were documents the Department did not have.

Mr. N. Dempsey: We are talking about documents which the Department might have had 50, 60 or 70 years ago, although we do not know whether it did — if it did, they may have been lost as far back as the middle of the Second World War — and that might have been relevant. Any reasonable person trying to meet a request such as this would find it very difficult. Notwithstanding the difficulties involved, we are doing everything we can to make sure that if any of those documents are available or if there is any record of their being lost or destroyed, we will be able to inform the commission of this. I assure the House that no stone will be left unturned by the legal team or the officials in the Department, who have been committed and dedicated to this work. Nothing will be left to chance. If the order can be complied with it will be. If not, we will explain as best we can to the commission why we cannot produce documents about which we do not know. I hope we will not be in that position. It is funny to be accused of not producing documents while being castigated for producing too many.

Ms Enright: The phrase used by Ms Justice Laffoy was “irrelevant documents”. No wonder she was overburdened.

Mr. N. Dempsey: This is part of the difficulty. Everybody on the opposite side of the House wants to ignore what the commission's report said about some of the difficulties that have occurred. It said that some were caused because the Department did not put enough resources in place. I have accepted that we were on a learning curve. We tried as best we could. At the time I had only been in the Department for six months.

The report states that from the beginning of 2003 we had rectified the problem of resources. People conveniently ignore the fact that the commission stated in its report: "It must be acknowledged that some of the difficulties were caused, or contributed to, by the Committee" [the commission's investigation committee] "in that, for example, there was not sufficient clarity in the direction as to what was sought or insufficient time was being allowed for compliance." That explains why a whole range of irrelevant documents, as Deputy Enright termed them——

Ms Enright: I did not. Ms Justice Laffoy called them that.

Mr. N. Dempsey: ——were handed over to the commission. The commission said that there was insufficient clarity in the directions. It also stated that it may not have allowed sufficient time for the Department to retrieve the documents. That is also a reasonable explanation and I compliment the commission on its even-handed manner in dealing with the issue.

Acting Chairman (Mr. Carey): I must now call on the Labour Party's and the Technical Group's representatives.

Ms Enright: There are other questions the Minister has not answered.

Acting Chairman: We must conclude by 7.30 p.m.

Ms Enright: Will the Minister answer "yes" or "no" as to whether his officials reported to him that they could not comply with these orders?

Mr. N. Dempsey: At all times departmental officials complied with the orders to the best of their ability. They would not know until the commission summoned them that they had not complied because they were acting in accordance with legal advice. I was kept informed and apprised by officials at any stage that difficulties arose.

Ms O'Sullivan: What extra resources does the Minister intend to supply to the commission with regard to its work and the discovery requests to his Department? Some of these have not yet been supplied and there will further discovery requests in the future.

Why were the resources that were agreed in principle on 3 December 2002 not provided? Ms Justice Laffoy's resignation letter states:

The factors which have brought about this situation, include the following ... the Government decision of 3 December 2002, to agree in principle to the provision of additional resources as requested, which in the event[s] has proved meaningless, because it was made contingent on the outcome of the review, which still has not been published.

That review was only published recently. My questions relate to resources and I want some straight answers to them.

Mr. N. Dempsey: Deputy O'Sullivan gets nothing but straight answers from me. She may not like them but that it was she gets.

Mr. Durkan: A little less of the arguing from the Minister.

Acting Chairman: The Minister, without interruption.

Mr. N. Dempsey: Why were the resources agreed in principle not supplied? It was up to the commission to take up the resources it requested. It did not take them up.

Ms Enright: That is not the case.

Mr. N. Dempsey: Ms Justice Laffoy felt that, because the review was ongoing, she would not seek further resources. She also felt that the investigation committee should not carry on further work. She did not take up the resources. That is why there were——

Ms O'Sullivan: That was at a much later stage.

Ms Enright: It was a year after she requested the resources.

Mr. N. Dempsey: No, it was not. The Deputies are wrong. In December, there was approval in principle for the resources which she never took up.

Ms O. Mitchell: When were the resources made available?

Mr. N. Dempsey: Those are the facts.

Acting Chairman: Perhaps we could allow the Minister to speak without interruption, please.

Mr. Rabbitte: Is the Minister saying that her letter of resignation is wrong then?

Mr. N. Dempsey: Perhaps, if Deputies took the time to read the report——

Mr. Rabbitte: The Minister should read her resignation letter.

Mr. N. Dempsey: ——instead of rushing out to make statements within an hour of its publication, they might have a better grasp of the facts.

Ms Enright: Does the Minister think our statements are inaccurate?

Ms O'Sullivan: I quoted from Ms Justice Laffoy's resignation letter.

Mr. N. Dempsey: What extra resources will I make available to the commission? I will wait to see whether the commission, under Mr. Justice Ryan, requests extra resources. Whatever resources are needed will be made available to him.

What extra resources will be made available in the Department of Education and Science to meet discovery orders? Extra resources will not be necessary to be made available in the Department. A team is dealing with this and, if Deputies read the report, they will see that the commission has indicated that, since the beginning of 2003, the Department has sufficient resources to engage fully with it and there is no need for further resources. If a need arises, I will examine it and provide the necessary resources. Some Deputies also miss the point that the final discovery document referred to earlier has been deemed as the last one the commission will need. If the situation changes and extra staff are needed, they will be made available.

Mr. Boyle: Given Ms Justice Laffoy's criticisms of the co-operation she received from the Department of Education and Science, have the Minister and his Department learned any lessons from it, especially when there are other ongoing investigations with Oireachtas committees? The criticism of the quality of information is a valid one. I have seen pages of barely altered e-mails that have been submitted to Oireachtas committees. If the quality of information is in doubt, will the Minister inform us if the Department is resolved to provide better information in a quicker timeframe and prepared to truly co-operate with Mr. Justice Ryan after Ms Justice Laffoy's resignation? I also hope that the same will apply to any other ongoing investigations of other Oireachtas committees. The Minister seems to be saying that what will bring a resolution to this issue is if 500,000 pages of information are provided, regardless of the type of information and how the commission is able to deal with it.

Mr. N. Dempsey: I did not say that the provision of the 500,000 pages was a resolution of the issue. I used it as an illustration to show that the Department had nothing to hide and wanted to make everything available to the commission that it possibly—

Mr. Boyle: It was the very way of hiding it; snow the commission under with information.

Mr. N. Dempsey: One cannot win on this issue as one either provides too much or too little. The information was provided. It was not a case of providing it and bringing it over in wheelbarrows. It was carefully copied, indexed, catalogued, put on a database and provided to the commission. All information was supplied.

The commission began using discovery orders later on because it felt that, as it was using them for other respondents, it should do so for the Department. We endeavoured in every way we possibly could to comply with those discovery orders. Of the 16 orders made against the Department, 12 were fully met within agreed timeframes. There were difficulties with four orders, one of which is still outstanding for reasons I have referred to.

Mr. Rabbitte: Ms Justice Laffoy stated that, arising from interviews given by the then Minister for Education and Science, Deputy Woods, she sought discovery in the belief that departmental documents would explain why the State assumed culpability in all circumstance in all cases and why the contribution from the religious was capped at €128 million. Ms Justice Laffoy believed these documents would help her investigation. Do such documents exist and, if they do, will the Minister for Education and Science hand them over?

Mr. N. Dempsey: I said yesterday and will say it again that I find the fixation with the statement made by the previous Minister mysterious. I have not spoken to Deputy Woods on this issue. However, I believe that, in that radio interview, Deputy Woods said what we in this House all believe, what any Member would have said when asked such a question and which is now proved in the report—

Mr. Rabbitte: It was a fair question. Will the Minister give the answer?

Mr. N. Dempsey: The Deputy asked the question and I will give him the answer. What Deputy Woods said has been now proved by the third interim report and will be proved again with regard to other institutions. I surmise that Deputy Woods based his opinion that the State was liable on the information that we all had and knew through the television programmes and from various victims' groups and individuals that made contact with us.

Ms Burton: That is farcical.

Ms Enright: The Minister still denies it.

Mr. Rabbitte: From television programmes. That is beyond belief.

Acting Chairman: That concludes statements on the third interim report of the Commission to Inquire into Child Abuse.

Private Members' Business.

Care of the Elderly: Motion.

Mr. Connolly: I move:

That Dáil Éireann:

notes that:—

— approximately 440,000 people or 11% of the State's population are over 65 years of age;

— of these, approximately 266,000 are over 70 years, one third of whom live alone;

— 25,000 elderly people are in long-stay beds or nursing homes;

— a further 13,000 elderly people who need high to maximum dependency care continue to live at home;

— it is the wish of a large majority of elderly people to receive care at home or in the local community;

— very many families of the elderly make many sacrifices to provide the best possible care for them;

conscious that the inadequacy of the nursing home subvention causes grave hardship for many families;

conscious that cuts in the home help scheme have seriously limited the adequacy of the service;

believing that the failure to abolish the means test for the carer's allowance is a further attack on the most vulnerable in our society;

recognising that day care centres serving the elderly in disadvantaged communities are grossly under-resourced;

alarmed that the failure to mainstream health related community employment schemes has undermined a community-based response to caring for the elderly;

notes with extreme concern the remarks of the Tánaiste and Minister for Enterprise, Trade and Employment that families increase their contribution to supporting the elderly with a consequent reduction in State support;

calls on the Tánaiste and Minister for Enterprise, Trade and Employment to clarify her position; and

demands that the Government immediately put in place adequate resources and comprehensive infrastructure for the care of the elderly.

I wish to share my time with Deputies Gregory, James Breen, McHugh, Sargent, Boyle and Ó Caoláin.

Acting Chairman: Is that agreed? Agreed. Is the Deputy sharing his time equally? We have a software problem here with the clock.

Mr. Connolly: It is not quite equal. It is proposed to give five minutes each to Deputies Gregory and James Breen, four minutes to Deputy McHugh, five minutes each to Deputies Sargent and Boyle and ten minutes to Deputy Ó Caoláin.

Although most older people wish to remain at home, State policies are directed towards their leaving home for a nursing home bed. Families may apply for subventions for private nursing homes but the only funding available for maintaining a relative in the family home is the carer's allowance.

Home helps provide invaluable care for the elderly, not just in physical terms by cleaning up, but in many cases the home help is the elderly person's only contact with the outside world and looks after that person by shopping for him or her and so on. In 2003 my local health board, the North Eastern Health Board, cut 80,000 home help hours, which is equivalent to 40 wholetime jobs. The tragedy is that these jobs are at the cutting edge of service delivery, involving hands-on people providing a fantastic cost-saving service for the health board. However, this was an Anne Robinson "Weakest Link" cut which affected the two weakest links, the carer and the person being cared for. Those people are on the bottom rung of society as far as health executives are concerned. No executive positions were lost at this time.

This is the Government's way of cutting costs. The cost of home help went up so it decided to reduce the number of hours, treating the situation as an exercise in balancing the books. In this year's budget the Government realised the mistake of last year and retreated part of the way towards re-establishing those hours. It is generally acknowledged throughout the country that the North Eastern Health Board budget is totally inadequate. The *per capita* health budget for the region is €15, while the national average is €19 per head, which makes services very difficult to organise. In 2003 members of the North Eastern Health Board unanimously rejected the service plan and budget for the year.

This year the board took the unusual step of restoring some of those 80,000 hours, but putting back 35,000 hours still leaves us with a shortfall of 45,000 hours. The board restored those hours by raiding the reserve fund, though health boards are legally obliged to hold a 3% reserve. We do not even have that 3% reserve but I welcome the brave decision of the board to take €500,000 from

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that fund to restore 35,000 home help hours, even though that move is akin to selling the silverware.

Mr. Gregory: This motion deals with the failure of the State to adequately provide for care of the vulnerable elderly, particularly those in disadvantaged communities. I focus on the services provided by day care centres and the home help service as these are, to a significant degree, the two main community-based services for the elderly in the north inner city area I represent.

By coincidence, earlier this afternoon I attended the annual general meeting of the Lourdes Day Care Centre in Sean McDermott Street, which provides for the needs of very disadvantaged elderly people. The centre has been 25 years in existence and it is a great tribute to the voluntary committee that has kept it going despite a litany of cutbacks in the past year. Cuts in funding for the home help service caused chaos in the centre last year while cuts in the community employment scheme meant a loss of part-time workers which almost forced the centre to close down.

This care centre for the elderly, in the heart of one of the bleakest urban inner centre areas, survives not on State funding but through weekly lotteries, raffles, appeals and donations as well as the selfless commitment of a small group of voluntary workers. They barely make their running costs and the centre operates at a deficit, making do with equipment which has been in the centre since it opened 25 years ago. There are no funds to decorate or paint the place.

In the run-up to the last general election those in the centre were told that all that would change. They were to get a brand new building which would provide a modern facility for the elderly and, with numbers continually on the increase, this seemed heaven-sent as the small centre was finding it hard to cope. The new building was to be part of the RAPID programme and the area action plan for the north-east inner city. It was guaranteed and stamped with approval by the Taoiseach's office.

The election came and went and with it the fraudulent RAPID programme. Nothing further has been heard of the new, desperately needed centre. That was the report given today at the annual general meeting, as elderly people listened, many of them in wheelchairs. They are being cared for in the community, which saves the State the huge costs of long-stay residential care. That is how the most vulnerable of our elderly are treated by the Government.

I will refer briefly to two other local services in the north inner city to demonstrate the disgraceful inadequacy of State supports and the State's dismal failure to meet its responsibilities to the elderly. The East Wall Day Care Centre

provides meals for senior citizens. It has no full-time staff but depends on its volunteers and three FÁS trainees to maintain its service, which operates five days a week. On average approximately 1,500 meals are provided each month and the only source of State funding is from the Northern Area Health Board, which provides — wait for it — €1.27 per meal, paid in arrears on a monthly basis. The senior citizens pay €2 per meal. This total, €3.27 per meal, is expected to cover all running costs, insurance costs of €18,000 per year, heating and lighting costs of €8,000 to €10,000 per year and fixed costs such as telephone repairs plus the cost of the food.

It is impossible to operate the service without fundraising and it is not surprising that the centre, in spite of using services such as the local food bank, operates at a deficit. The main limiting factor is the miserable fixed rate of €1.27 per meal, which prevents long-term, sustainable staffing options being pursued. How can any voluntary group plan and develop the services of a day care centre on that basis? I hope the Minister answers that question.

Mr. J. Breen: There is a popular saying that our young people are our future. We have to ask how much respect and dignity does the Government afford to the elderly. Some 11% of the State's population is over 65 years of age. Why do so many problems exist in regard to the care and well-being of the sick and elderly? The Government tells us on a daily and weekly basis about the millions of euro spent on social welfare. Given such great expenditure, we must examine if our money been squandered or spent unwisely.

I wish to acknowledge the financial help given under the capital assistance scheme to provide secure housing for the elderly, but it does not absolve all responsibility for the care of elderly people, the pillars of our communities. Frequently the burden of caring for an elderly person falls on one or more of his or her immediate family members. Such care often takes place in the home of the elderly person. Elderly people can become lonely and feel unwanted, as if they are a burden on society and their offspring. This robs them of their dignity.

There is a knock-on effect on carers, who become discouraged, lonely, angry and depressed due to the treatment they receive from this Government. Does the work they carry out not merit a wage? Carers on low incomes who satisfy a means test and provide full-time care to an incapacitated person may qualify for the carer's allowance while those providing care to more than one person may be entitled to an additional 50% of the maximum rate of carer's allowance each week. However, all carers should be entitled to an allowance and this should not be subject to a means test. It is time to abolish this system.

The Minister for Social and Family Affairs has failed miserably to introduce a fair system whereby the most vulnerable in our society have proper care and attention. Day care centres around the country ensure that the elderly are well looked after, feel part of a community, have interests, are fed and get medication and essential services. However, there are not enough centres. Why is the Government not putting more resources into this type of care? The Government wants us to acknowledge measures taken in residential and community-based care, as well as day care. However, these measures pale in comparison to what is required.

In my county of Clare, a few highly successful day care centres are in operation and another centre is due to open soon in Kilmaley. Questions must be asked of the Government about one of the centres. The management of the Clarecastle day care centres took the initiative and raised money for the provision of a dementia unit to be attached to the centre. This unit is in limbo, while the bureaucracy of the Government and the health boards gets into full swing to look for more money to provide this facility six miles down the road. Why are the wishes of the elderly not being considered? Those attending the unit in Clarecastle are happy with it and would prefer to receive their treatment there, as would the people who contributed their time, effort and money towards raising €200,000.

I wish to draw the Minister of State's attention to the village initiated by my colleague Deputy Cowley. Why has such a system not been extended throughout the country? It allows the elderly who are able to take care of themselves currently living in seclusion to be housed in a community with a day care facility until they pass away. When they become vacant the houses provided revert back into the system and are used to house others in a similar situation.

It is time for the Government to afford some respect and dignity to the elderly of this country. It is also time that the resources, be they people or infrastructure, are put in place so that people can live out their days in a peaceful, fulfilled and dignified manner. Measures are all well and good but how far they go is the issue on which the Government will be judged. As far as I am concerned these measures are not enough.

Will the Tánaiste come into the House to explain her remarks about the elderly which she made on television some weeks ago? It was a slur on the elderly to ask their families to pay more money so that facilities can be provided. The Government has failed the elderly, the most vulnerable in society. When the Minister of State responds, I ask him to explain what the Tánaiste meant by her remarks.

Mr. McHugh: After the 1997 election the Fianna Fáil and Progressive Democrats parties

published a joint programme for Government, An Action Programme for the Millennium. No doubt they viewed this as an exciting event. It is always good to use words like "action"; it creates the illusion of movement and progress. The document states:

Fianna Fáil and the Progressive Democrats in Government recognise that our older people have helped to build up the country into what it is today. It was their sacrifices, their taxes and their efforts which have helped to create the economic prosperity which we now enjoy. In the true spirit of caring, we propose to repay their efforts.

I want to deal with the way the Government went about repaying the efforts of the elderly, especially those elderly who need health care and assistance. This applies in particular to the elderly whose freedom of movement is restricted, whose independence is stunted, those who use wheelchairs to gain some mobility. These are some of the people who need personal assistants, carers, and so on who are employed within the health sector. Many such jobs are held by community employment scheme workers and the Government gave a solemn commitment to mainstream them, but it reneged on this. That is how it repaid elderly wheelchair users.

One has to ask why the Government let those elderly wheelchair users down. The simple answer has to be that they are seen as an easy touch. The Government believes they will not rock the boat, that they are too weak to make any noise. I attended a recent meeting of wheelchair users in Tuam who had come from the city and county of Galway and County Mayo. They feel betrayed and that they are being treated as second class citizens. They have no inhibitions about going on the streets and protesting in order to get their rights. Apart from the hardship involved in this, it will be a lovely illustration to the rest of Europe during our European Presidency to see how the island of saints and scholars looks after its elderly, especially the elderly with disabilities.

In fairness to these elderly wheelchair users, they put forward two options: that the Government either honours the commitment to mainstream, or else provides the resources to implement the findings of the Harmon-Bruton report. This report was commissioned by the Department of Health and Children in 2000 with the specific task of identifying the deficiencies in staffing in a number of organisations, including the Irish Wheelchair Association. This Government-commissioned report found that the Irish Wheelchair Association in the Western Health Board region was down 21 staff members from what was required to provide adequate services. In 2003 the Department made €100,000 available to the Western Health Board to

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implement the findings of the report. The Irish Wheelchair Association's share was €9,000. This would not provide 21% of one job, let alone the 21 jobs required. The Minister of State should either honour his commitment to streamline or else provide adequate funding.

Last Thursday's *The Irish Times* referred to the Tánaiste as saying that a Progressive Democrats conference heard that many improvements in services for older people could be implemented with little or no extra costs, if the views of older people themselves are taken fully into account. This statement gives rise to many questions. Why does the deputy leader of the Government have to go to a small party conference to discover such a fact? Who are her advisers and why are they not informing her of this? It begs the question of what kind of interaction exists between different Departments, including that of Health and Children which has responsibility for the elderly, that they had not already discovered this.

Having had the benefit of her party conference deliberation, when will the Tánaiste, as deputy leader of the Government, introduce the improvements in services for older people that her party conference discovered could be implemented at little or no cost? I ask her to share her new-found knowledge with her Government colleagues to ensure that whoever has responsibility in this area can have those cost-neutral improvements implemented. Will the Tánaiste outline to the House what are these improvements?

Mr. Boyle: I regret that the Tánaiste is not present in the Chamber and that no member of her parliamentary party has chosen to listen to the debate. I hope they take the opportunity to properly respond. The Tánaiste's recent statement moved the Independent Members of the Technical Group to table this motion. Her explanations to date on the context of her statements are far short of what is required. The House requires a better explanation as to how she sees the role of the State in the care of the elderly.

In practice and philosophy, the Tánaiste's party in Government has been pernicious in the area of social policy. The term "social policy" is treated with disdain by the Progressive Democrats, a party that believes social policy to be an oxymoron. The pernicious and odious manner in which social policy has been implemented in the lifetime of this and the previous Government has resulted in reduced levels of equality and care and more greed.

Given that so many elderly people live alone and are in need of care services, and that the role of the State in providing those services is minuscule, the context in which the Tánaiste could have made this statement is so far from

belief as to be utterly unacceptable. I look forward to whatever explanation she gives to the House on why she even made such a statement. We are well beyond excusing Fianna Fáil for this. It has got to the stage where the Progressive Democrats is not the tail that wags the dog; it is the personality implant within the dog that forces the dog to bite on cue. The Progressive Democrats is the dog's means of transmitting rabies.

With the viciousness that now characterises social policy, we must propose a different view. The State plays an unacceptably small role in the care of our elderly. We must provide additional resources and take different approaches to make sure these needs are properly met. In the West Gate centre in Ballincollig there is a co-ordinated, cohesive and holistic approach between departments. There is a community element in how services are provided, not only to meet long-term residential needs, but also day care and additional services in the areas of nutrition, exercise and meeting the social needs of the elderly. This is a template for services that should exist across the State.

I accept there is an argument to be made about how the State is spending money on private nursing homes and how this does not represent the best use of taxpayers' money and does not meet the care needs of the 15,000 people in such homes. As she has previously done on other issues, such as single mothers, the Tánaiste has chosen to initiate the debate from the perspective that the State is doing too much. We say the State is doing too little.

The Green Party fully supports this motion. We are confident that other Opposition Members will similarly endorse it. I hope the Minister of State, free from his busy activities under the EU Presidency, might relate this to the Government, particularly his coalition partners. The message coming from the Government benches is unacceptable for the type of society many of us want to see.

Mr. Sargent: Credit is due to the Independent Members of the Technical Group for tabling this motion. It reminds one of Mahatma Ghandi when he said that the greatness of a nation is to be judged by the way it treats its most vulnerable. When one meets elderly people while canvassing, the issues that arise are often repeated. They include security, vulnerability, isolation, and money for heat, light and food, etc. These issues are symptoms of Government policy that has sought to push people into the workforce.

Elderly people are left isolated. In its 2002 report, the Combat Poverty Agency stated that 41% of people living alone are over the age 65 years. The Tánaiste, who has elderly relatives, should have known this — we can all speak from experience on this — yet she considered it

necessary to convene a meeting of Age Action to try and get to grips with what concerns elderly people hold. This is like closing the door after the horse has bolted. The Tánaiste will not be able to meet with the carers who are providing an extremely valuable service for a pittance as they are not able to leave home very often. In view of this, I hope she will visit people in their homes and meet with carers.

The Tánaiste, to use her own language, talked about saving the country a fortune. Costs and savings are perhaps the only way in which she can grasp an issue. Only for the voluntary effort and self-sacrifice of countless people, this country would be repeatedly before human rights courts because of its abuse of elderly people.

Progress has been made on sheltered housing. However, this has been achieved by those who saw a need for it in their communities and were prepared to act. They kept pushing until it happened. I pay tribute to Declan O'Sullivan in Skerries. His efforts should be emulated elsewhere. It is because of Government failures that people are driven to making enormous sacrifices in their communities. For example, the day care centre in Swords would not have been founded were it not for the effort of the local community. In Balbriggan, senior citizens are depending on a private developer to build their premises.

This pattern is being repeated all over the country. The Government is being found out. People are realising that it is winging it when it comes to dealing with the elderly. There are more than 100,000 carers in the country and when one meets them, one will find that they feel entirely forgotten, undervalued and taken for granted. That is an indictment of the Government.

The Government needs to look at this issue more radically. The Green Party has, for many years, proposed a citizen's income scheme to meet the needs of families and elderly people, and to address the widening gap between rich and poor. Such a radical scheme is required if the Government is to have any credibility in looking after elderly people.

Caoimhghín Ó Caoláin: Ar son Teachtaí Shinn Féin, ba mhaith liom tacú leis an rún in ainm na dTeachtaí neamhspleach. Is ceist fíorthábhachtach é cúram na sean-daoine agus is cinnte gur theip ar an rialtas seo cúram ceart a chur ar fáil do an-chuid daoine aosta atá leo fhéin agus atá i mbochtanas sa tír seo.

On behalf of the Sinn Féin Deputies, I support the motion on the care of the elderly in the name of the Independent Deputies and I join in commending them on bringing it forward. The rights of older people and their role in society is a crucial issue of growing importance. I stress the word rights, because this is not only about care for the elderly by others but about the rights and

entitlements of older people as members of society. That includes care but also the right to a decent quality of life, employment, housing and health care. We must address the mentality that sees the increasing percentage of older people in our population as a burden. Instead, we should view the experience and wisdom of age as an asset and a positive force, and it is on that basis that provision should be made by Government.

I do not intend to go into detail on the controversy about what the Tánaiste and Minister for Enterprise, Trade and Employment said. Whatever she said, it has ensured a debate on the Government's performance with regard to older people. The motion sets out the inadequacy of that record. Other facts not set out in the motion and which I will mention, together with the experience of all elected representatives, tell a fuller story, which for many older people is very depressing.

It was estimated that in 2002 approximately 26% of older people lived alone. Of the 390,000 pensioners in the State, approximately 114,000 live alone. The percentage is higher for those aged over 70 with more than 33% living alone. That is a frightening statistic. One third of that section of our population is condemned to end their days in isolation, away from family and friends and reliant on State services to meet many of their needs, if they are fortunate enough to have such services available to them.

Much of the recent debate has focused on the high cost and often poor standard of residential care and other Deputies will deal with this in the course of the debate. The vast majority of older people live at home and a growing number live alone. The State and society fall down in the provision of services to them.

For example, home helps provide a crucial service for many older people and are often a lifeline and the only human contact in the lonely weekly life of senior citizens. Apart from the domestic help they render, they often provide company to older people in an isolated existence. Despite this, just a few years ago, the women — and home helps are comprised predominantly of women — who provided that service were treated disgracefully and were paid a pittance by the health boards. They had to campaign for even a half decent wage.

Now home help hours have been cut so that the little assistance that was available to many older people has been removed. It is a shame and a disgrace, and no amount of nodding of his head by the Minister will alter the fact that, in my health board region, 84,000 hours of home help were taken from senior citizens and those in such need.

Some of the people worst affected by the home help cuts are those living alone in rural areas. The Minister may not be aware that a higher proportion of older people live in rural areas. The 1996 census found 48% of the older population live outside towns and cities, and these people are now losing out most. The Government will boast

[Caoimhghín Ó Caoláin.]

of the increased pensions provision but it is still inadequate and of limited use without the services essential to supporting our older citizens in their twilight years.

The Government's amendment to the motion would be laughable if the issue were not so serious and in many cases, as we all should know, tragic. The Minister and his colleagues give themselves a pat on the back for the home help service, but they have cut it back. Yet again, they tried to deny the reality that community employment schemes have provided critical support for many sectors, including senior citizens and people with disabilities. The CE scheme was described primarily as an active labour market programme; it is nothing of the kind. To justify the cuts of some 5,000 places on CE schemes the Government attempted to deny that many of these schemes fill gaps in services to older people, people with disabilities, child care and support for those trying to deal with drug addiction. These services would not be provided otherwise, because the Government has broken a series of promises on the provision of these and other mainstream services.

Last year I raised the issue of a day care centre for the elderly in Cootehill, County Cavan, in the constituency I am proud to represent. The Minister for Finance, Deputy McCreevy, claimed that the cuts in public service posts would have no effect on frontline staff. In Cootehill a new health care centre was provided with a day care centre facility which has not been staffed. It needs four people — a nurse administrator, a driver and two assistants — to provide daily care, five days a week for the senior citizens of that town and its extensive hinterland. It would cater for 200 people in one week, yet the appointments have not been made. The senior citizens' group in Cootehill was offered access to this facility but without the essential staff and on the proviso that it would provide its own public liability insurance.

When the Minister said that cuts will not have an effect in such instances, that is not true, as is borne out in the case I have cited. This is a prime example of the kind of services needed by older people being denied by the Government in a real and substantive way, and there are many more examples similar to the case in Cootehill that I outlined.

The inadequacy of housing provision by this Government is to blame for much of the isolation and deprivation experienced by older people. More than other sectors of the population, older people need access to properly maintained local authority dwellings. They need to be in a safe environment, close to their families and their peers, and in a mixed setting where constructive intergenerational communication can take place. That needs good planning and the provision of high standard accommodation by the local authorities. The ESRI has found that one in four older people living alone has no central heating. Local authorities should have resources made

available to provide such heating in all dwellings where it is needed by older people, especially those living alone.

The crisis in housing affects older people acutely, as does the crisis in our health services. We know that many older people and people with disabilities who should be in residential care occupy acute hospital beds because the alternative facilities are not available. This has the knock-on effect of depriving the hospital system of acute beds, for which people wait months and years. Instead of integrated services and the best planning for the future of our ageing population, we have a domino effect of neglect contributing to further neglect.

On behalf of Sinn Féin, my colleague, Ms Mary Nelis, last year launched a charter for older people, and I will conclude by quoting from it:

The aged are no longer willing to be marginalised, or treated as less than equal citizens. They are on the move. Issues affecting senior citizens have moved from the periphery to the centre of the political debate.

They have recognised that negative attitudes to ageing across the island, have prevented the development of policies and structures needed to address poverty, ill health, isolation and violent attacks.

It is an indictment of government policies that thousands of senior citizens die each year from cold related illness and thousands more suffer from the indifference of a cold society. It is time we brought our senior citizens in from the cold.

In putting forward our Charter for Senior Citizens, Sinn Féin pledges that we will support and actively pursue the political and legislative changes necessary to establish a decent standard of living, full access to services and the right of senior citizens to fully participate in the life of their community.

I commend the ethos of that charter to the Minister and his colleagues.

Minister of State at the Department of Health and Children (Mr. Callely): I move amendment No. 1:

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

— recognises the importance of addressing the needs of older people, particularly as our population ages;

— restates its policy of supporting older people who wish to continue living at home in the community for as long as possible and acknowledges the role families play in supporting their older relatives in the community;

— acknowledges the significant funding which this Government has committed to the

nursing home subvention scheme and to the home help service;

— acknowledges the substantial progress made by this Government in expanding the income limits for the carer's allowance and in implementing significant increases in the value of the respite care grant for carers in line with its commitments in the Programme for Government;

— acknowledges the significant measures being taken by the Government to develop both residential and community based services for older people, including increased day care provision, and the continuing commitment in this regard;

— re-affirms that the primary role of the community employment scheme is that of an active labour market programme, and recognises the need for ongoing restructuring to ensure it continues to meet the specific needs of long-term unemployed persons, together with other vulnerable groups;

— in particular, approves the Government's commitment to put in place an increased level of service provision in line with the Programme for Government; and

— commends the actions taken by this Government and the previous Government since 1997 in meeting this commitment which includes the allocation of substantial additional funding.

I wish to share five minutes of my time with Deputy Sexton.

Acting Chairman: Is that agreed? Agreed.

Mr. Callely: I am pleased to have an opportunity to speak on issues related to the provision of services for older people and to outline what this Government is doing to meet the needs which have been identified for this population group.

Older people represent a core priority of this Fianna Fáil-led Administration. We have delivered record increases in pensions and secondary benefits. There has also been much progress in developing new care services, and extending entitlements, such as the free general practitioner schemes and others. No other party has a record to match this, but we in Fianna Fáil want to go further. We will give further generous pension increases, will ensure that older people can live in dignity and will provide for them to receive care at home.

I can stand over our record. Since 1997, we have increased spending on care services for older people by over €200 million. Medical cards have, for the first time, been extended to all who are over 70 years of age. Others had opportunities to do so in the past, but failed. The old age pension has risen, unprecedentedly, by over 50%. Let us not go back to the road taken

in the 1994-96 period when we saw the miserable increases provided by the rainbow Government.

Over 35,000 elderly people have been taken out of the tax net. I am delighted that tax exemptions for those aged 65 and over currently stand at €15,500 for single people and €31,000 for married people. We have created the carer's allowance and, since 1997, the numbers in receipt of that payment have increased by over 100% — from 9,200 to 18,700 in 2002. All our budgets have been characterised by measures designed to improve the position of older people in our society. We have made a good beginning and we want to do more. It is encouraging to talk to some older people who clearly acknowledge and recognise the good that has been done. There are a lot of good things happening in our communities.

Mr. J. Breen: Not everywhere.

Mr. Callely: The significant progress that has been made in the growth of funding available for this sector in recent years, is indicative of the Government's commitment to the ongoing development of health-funded services for older people. One of the great achievements of western societies in the 20th century has been the increase in life expectancy. As the standard of living for the young and middle aged in this country has risen, so the quality of life of successive generations is improving. Modern medicine and, perhaps even more importantly, social policies, political will and community enterprise mean that more and more people are living longer and more fulfilling lives, and rightly so. The majority of older people are healthy and fit, and hold good positive attitudes.

Over 60 million people in the European Union are aged 60 or over. Figures from the Central Statistics Office collated from the results of the census, suggest that the average age of the population is increasing. Projections based on the 1996 census indicate that while in 1996 some 11.5% of the population were aged over 65 this figure will have more than doubled by 2031 so that the percentage of the population aged over 65 will be between 18% and 21%. The Government is aware of this trend and has addressed some of these issues in the health strategy entitled Quality and Fairness: a Health System for You.

The Government is committed to developing services for older people, both residential and community-based, to meet the needs of our growing older population. There are economic and financial consequences of people living longer and, more than ever before, members of each generation in their active years must accept a responsibility towards the support of the elderly so that, when they in turn grow old, younger people will support them.

The Government's commitment to the development of a comprehensive range of services for older people can clearly be

[Mr. Callely.]

demonstrated by outlining the resources made available in recent years for service developments. Additional revenue funding alone for the development of services for older people has increased significantly from €12.7 million in 1997 to an additional €111.4 million in 2003. In 2004, a total of €9.5 million in additional revenue funding was allocated to services for older people. This funding has been used for a variety of services including: the nursing home subvention scheme; the newly introduced personal care packages, in which I take great pride; the home help service; and the new elder abuse programme, which I also take great pride in because I pioneered it along with the personal care programme; and support to the various voluntary organisations.

Since 1993, there has been an unprecedented level of investment in the nursing home subvention scheme. Some €5 million was allocated for the scheme when it was introduced in 1993. Under my stewardship, total expenditure on the scheme in 2004 will be approximately €114 million. Last year we finished up with a figure of over €110 million.

In line with a Government decision, an expenditure review of the nursing home subvention scheme was undertaken by my Department in association with the Department of Finance. The review was carried out by Professor Eamon O'Shea. The objectives of the review were: to examine the objectives of the 1993 nursing home subvention scheme and the extent to which they remained valid; to assess the service delivered; and to establish what scope, if any, existed for achieving the programme objectives by other more efficient and effective means. Professor O'Shea's report, entitled *Review of the Nursing Home Subvention Scheme*, was launched in June 2003, simultaneously with the Mercer report, entitled *Study on the Future Financing of Long-Term Care in Ireland*, which was commissioned by the Department of Social and Family Affairs.

A working group, comprising all stakeholders, has been established by my Department to review the operation and administration of the nursing home subvention scheme, following publication of the O'Shea report. The purpose of the review is to develop a scheme which will: be transparent; offer a high standard of care for clients; provide equity within the system, to include standardised dependency and means testing; be less discretionary; provide both a home and nursing home subvention, depending on need; be consistent in implementation throughout the country and draw on experience of the operation of the old scheme. The review of the scheme will also need to be examined in the wider context of how we, as a society, will, in the future, fund long-term care. If anybody disagrees with this, they should please let me know.

(Interruptions).

Acting Chairman: The Minister of State, without interruption.

Mr. Callely: Community supports are vital in order to maintain older people in their own homes for as long as possible. Long-stay nursing care should only be a last option in care planning for older people, with the community supports acting as a real support for older people who wish to live in dignity and independence in their own communities. Numerous studies have highlighted the fact that older people would prefer to remain living at home rather than going into long-stay care. The Government is committed to developing the various community and home support schemes.

Since my appointment as Minister of State, I have encouraged service providers to introduce personal care packages and home subvention for older people as an alternative to long-stay residential care. Personal care packages, PCPs, are specifically tailored to meet individual needs and could include the provision of a home help service, home subvention payments, arrangements for attendance at a day centre or day hospital and other services such as twilight nursing. PCPs allow older people the option to remain living in their own home rather than go into long-stay residential care.

An example of personal care packages is the Home First scheme. This scheme, which I launched, is being piloted in the Northern Area Health Board area. This service is targeted at older people to help support the transition from acute hospital care to living at home. High levels of support are provided to the individual for the particular period such support is needed including, if necessary, assistive technology.

A home care grant project is also being piloted in the East Coast and Northern Area Health Board areas and these pilot schemes are currently being evaluated by Trinity College Dublin on behalf of the Eastern Regional Health Authority. The Slán Abhaile project in the East Coast Area Health Board, which I formally launched in early November, is being undertaken by the board in partnership with the Royal Hospital, Donnybrook, and St. Vincent's Hospital.

Members have raised the issue of abolishing the carer's allowance means test. A means test is applied to all social assistance schemes. Its purpose is to ensure that resources are focused on those in greatest need. The carer's allowance means test has been eased significantly in the past few years. Most recently, my colleague, the Minister for Social and Family Affairs, Deputy Coughlan, made provision in budget 2004 for substantial increases in the means disregard. From next April the weekly income disregards will increase to €250 for a single carer and to €500 for a couple. The effect of this increase is that a couple with two children, earning a joint income of up to €29,328 can qualify for the maximum rate of carer's allowance. The same couple, with an income of up to €46,384, could still qualify for

partial carer's allowance, the free schemes and the respite care grant.

Members are aware that I set up and chair an inter-departmental group on the needs of older people. The group's brief is to examine, on an inter-departmental basis, a range of issues that impact on the lives of older people. Its goal is to bring a positive influence to bear on the various services provided to older people. Issues warranting the particular attention of the group include housing matters and the various home improvement schemes, the information-gathering process with regard to older people and the demands placed on them by that process, the consolidation and simplification of application forms, the security of the elderly, and equality matters for older people — this incorporates the recommendations of the Equality Authority report, entitled *Implementing Equality for Older People*.

One of the areas which warranted immediate attention was housing and housing grants. The interdepartmental group requested the Northern Area Health Board and the North Western Health Board to carry out a pilot scheme on the streamlining of the disabled persons grant and the essential repairs grant. The group is awaiting the pilot scheme results.

Mr. Connolly: There are no occupational therapists.

Mr. Callely: Other areas that the group will consider include public transport, support to carers and financial incentives to encourage older people to continue working. It will also review the various schemes currently in operation. To date, the group has met on 22 occasions. Different Departments have made contributions to the group's work including, the Departments of Social and Family Affairs, Environment and Local Government, Transport, Enterprise, Trade and Employment, Justice, Equality and Law Reform and Health and Children. Excellent and valuable contributions and submissions have also been made by a number of eminent groups. The group is reviewing submissions made to date and preparing a draft interim report incorporating a mission statement on the role of the group.

It is acknowledged that there is insufficient provision of public long-term care beds to cater for our growing elderly population with a resultant over reliance on the private nursing home sector.

Mr. Connolly: There are empty public beds in Monaghan hospital.

Mr. Callely: The Eastern Regional Health Authority and the Southern Health Board areas are particularly affected because of a lack of public long-term care beds. This was acknowledged when the Department was preparing the health strategy. There is a commitment in the strategy to provide 1,370

additional beds, plus 600 additional day hospital beds. In addition, the strategy proposed the provision of an extra 800 extended care community nursing unit places per year over a seven year period which will include the provision of long-term care beds for people with dementia.

Public private partnerships, PPPs, are being piloted in the health sector. These are based on the concept that better value for money for the Exchequer may be achieved through them. Business advisors appointed by the ERHA and the SHB are in the process of finalising draft public sector benchmarks for these projects. The Department of Health and Children will examine the draft benchmarks when received with a view to submitting them to the Department of Finance for approval to proceed with the PPP projects.

Under the national development plan, capital funding of over €253 million is being made available for the provision of services for older people in the period 2000 to 2006. On a national basis this will enable a comprehensive infrastructure of community nursing units and day care facilities to be put in place as well as the refurbishment of existing extended care facilities and the replacement of older unsuitable accommodation.

Mr. Connolly: They will need staff to run them.

Mr. Callely: When detailing the breakdown of additional expenditure for services for older people, I mentioned the commencement of the elder abuse programme. I will outline to the House in some detail what this entails.

The publication of the report, *Protecting Our Future*, towards the end of 2002 — I only took office in July, received the report in November and immediately endorsed proceeding with it — was a momentous occasion for older people in this country. They were given a blueprint to deal with the scourge of elder abuse and a pledge that the blueprint would be implemented. Up to recent times, it was felt that elder abuse did not exist in this country. However, the report confirms that as many of us suspect there is a problem, the extent and nature of which remains to be identified.

This report starts with a definition of elder abuse and recommends the putting in place of structures to deal with suspected cases. It will, I hope, give older people who feel they are the subject of abuse in any shape or form, the confidence to report their anxieties, as appropriate, to such as a social worker, a public health nurse, a member of the Garda Síochána or any professional or care worker. The report is the first important attempt to deal with elder abuse. Abuse can come in many shapes and forms and it is important to make the general public more aware of the problem. However, it is even more important to target relevant service providers so that they become aware of the steps being taken to respond to elder abuse and the procedures that will be available.

[Mr. Callely.]

As the old saying goes, prevention is the best policy. I hope that greater awareness of the problem will lead to a lessening of the incidence of elder abuse. A national implementation group has been established, as recommended in the elder abuse report. A number of the recommendations in the report are based on experience gained from two pilot projects. I understand that without any major publicity sufficient cases, in terms of both numbers and seriousness, have come to light to justify this whole process.

I am determined to press ahead with gradual implementation of the report. Despite the difficult financial situation facing us, I made €800,000 available in 2003 and €750,000 this year to commence this process.

I concur with the broad thrust of the report which recommends that the response to abuse of the elderly should be placed in the wider context of health and social care services for older people. As the population of older people here rises, we should never forget that they have been hugely instrumental in building the State to the healthy level we enjoy today. Their contribution to the economy is widely acknowledged and the present Government is fully committed to improving all aspects of their lives by focusing on issues that affect their well-being. From a health perspective, the cornerstone of policy is to keep older people living in their own homes as long as possible. This has been shown by research to be the choice of older people themselves. Older people have a fundamental right to be treated with respect in their twilight years and the implementation of the recommendations contained in this report will help to bring this about.

The starting point for making the changes called for in the report may be for each of us to reflect on our individual attitude to older people. We must begin to question our attitude to them in order to satisfy ourselves that we do not harbour in-built negative feelings towards them. These can often be the source of unintentional abuse of older people. We now have to proceed on a journey during which we will have to absorb much and learn to cope with what may have a considerable fallout.

Some Members referred to community employment. The level of funding to which this Government has committed itself in 2004 means there will be no further reductions in overall participation levels on community employment schemes for the foreseeable future.

Mr. Cregan: Hear, hear.

Mr. Ring: There are 25,000 places gone.

Ms O. Mitchell: Is there anybody left?

Mr. Callely: It will be clear to the House from what I have just outlined that the Government's commitment to older people cannot be denied.

We acknowledge that we must continue to develop services to meet growing needs and that we cannot be complacent. However, what cannot be denied is that the Government and its predecessor can be proud of the record to date. There is no room for complacency and we must continue with our efforts.

I fully appreciate the full, measured contribution which older people in our community have made and continue to make to our society. My desire during my term in office is to be a clear and strong voice for older people and their efforts, work, needs and wishes. Older people offer a wealth of experience which can be harnessed and embraced for the good of the country and our communities. I pay tribute to all involved in the provision of services to older people, including the tremendous voluntary army which undertakes great tasks and puts in place support structures in our communities. I also acknowledge the representative groups which constitute a powerful voice for older people.

Mr. Connolly: There is a 99 year old man on the waiting list for health board subvention.

Mr. Cregan: The Deputies opposite will get their chance.

Ms Sexton: I am pleased to have the opportunity to address the Dáil on long-term care policy and the broader issues of ageing Ireland. Just over two weeks ago, my party colleagues and I organised a very successful conference on ageing for interested organisations and guests. The majority of groups representing senior citizens within the State were in attendance. To my knowledge, this was the first time an Irish political party facilitated a discussion of this type. Ageing Ireland did not have the political profile it deserved until we put it on the agenda. We are using research resources provided by State funding to accomplish this. We must be honest and acknowledge that the House would not be debating these issues tonight were it not for our initiative.

Ms O. Mitchell: We are debating this because of complaints about the lack of subventions.

An Leas-Cheann Comhairle: The Deputy should be heard without interruption.

Ms Sexton: There are great policy challenges and opportunities arising from ageing Ireland. Despite continued claims by the Opposition that there is a crisis in our health service, our health status as a population is constantly improving. I ask that the Opposition does me the courtesy I have done to its members since I entered the House and allows me to make my contribution without interruption.

Mr. Cregan: Hear, hear. The Opposition should listen.

Mr. Ring: It is hard to listen to rubbish.

Ms O. Mitchell: It is a misrepresentation.

Ms Sexton: Is Deputy Ring to continue to interrupt me?

Mr. Ring: It is hard to listen to rubbish.

Mr. Callely: We had to listen to it.

Ms Sexton: It is difficult to listen to Deputy Ring's rubbish on a constant basis in this House as I have done.

Mr. Ring: The Minister of State will be out on the plinth tomorrow.

An Leas-Cheann Comhairle: Order, please.

Ms Sexton: Since entering the House, I have listened in silence day after day to the rhetoric of Deputy Ring. I ask him to show me the same courtesy and listen to me. It is wrong to be blind to progress.

Mr. Ring: If the Progressive Democrats had their way, the elderly would all be in nursing homes and their homes taken from them.

Mr. Healy: Listen to the hypocrisy of the Progressive Democrats.

Ms Sexton: It is common manners and common courtesy.

Mr. Ring: We will let the Deputy continue.

Ms Sexton: I thank the Deputy. I appreciate it.

Mr. Healy: A bit of honesty from the Progressive Democrats would be nice, as would a programme for Government.

Ms Sexton: Honesty has been my mainstay as long as I have been in politics and I do not intend to address nonsense. The Opposition has been speaking nonsense constantly all evening. It is unbelievable.

Mr. Cregan: Deputy Ring should be quiet.

Mr. Ring: I will not take a lecture from Deputy Cregan.

Mr. Cregan: I am not lecturing anyone.

Ms Sexton: It is as wrong to be blind to the progress we have made in health as it is to be dismissive of plans to make the improvements which remain to be made. There are more than 400,000 people over the age of 65. By 2030, this figure will exceed 800,000. By 2050, it will be 1.1 million, representing an increase of from 11% to 24% of the population. This is neither a problem nor a threat; it is positive. The first message we must get across is that the vast majority of older

people of all ages are healthy. They are neither sick nor a burden.

Unfortunately, the motion suggests otherwise. It contains no reference to how positive it is that people are living longer. Instead, after a brief opening reference to the older population, the motion refers to people in long-stay beds, nursing homes and maximum dependency care. The approach I favour to today's issues and tomorrow's challenges is positive and I invite the Opposition to adopt it.

During the tremendously enlightening debate among participating audience members at our conference of the many organisations representing older people, it was stated that we must move public debate about older people away from the exclusive focus on problems. I could not agree more. Policy for older people cannot be confined to dependency, institutional care and resource pressures. No one in this House has a monopoly on care, social justice or commitment to the community.

Mr. Healy: The Progressive Democrats certainly do not.

Ms Sexton: We have used the fruits of our tremendous economic success to increase incomes and services for older people. The old age pension has been increased by 60% over the past five years whereas the increase under the previous Government was less than a paltry €10 per week. A Progressive Democrat-Fianna Fáil Government introduced every initiative on carers. The carer's allowance was introduced in 1990, carer's benefit in October 2000 and respite care grants in 1999. We have consistently increased carer's allowance by 76% since 1997. In three budgets, a Labour Party Minister for Finance managed an increase of €13. Is that commitment to the elderly? There are 14,000 paid home help assistants costing €110 million per annum to support elderly persons who wish to remain at home. Nursing home subvention will exceed €110 million this year.

Focus should be on the provision of more support in the community, and that is the approach the Government is adopting. The senior citizens of the State want dignity, independence and choice. There is a broad consensus among reasonable people that a partnership between the State and family is the best way to meet the needs of older people who require long-term care. No one, least of all the Tánaiste, has suggested that all families should pay more for care or that the State has no responsibility in this area. However, she has spoken out for older people who are abandoned by relatives who then expect to inherit those older people's assets. While these are the minority of cases, every health care professional in this field will confirm that they exist. It is a problem which is swept under the carpet. While it is difficult to make rules and policies to address the issue, the least we can do

[Ms Sexton.]
in the meantime is speak out against unfair and uncaring behaviour.

Ms O. Mitchell: The Deputy's party is in Government. She is speaking out seven years on.

Mr. Cregan: We are delivering in Government.

Ms O. Mitchell: Deputy Sexton's party is in charge.

An Leas-Cheann Comhairle: Order, please.

Ms Sexton: That is what the Tánaiste has done, even if her political opponents wilfully misrepresent her, as they have in this House consistently for the past two weeks. I record that the Opposition is talking rubbish. The time of the House would be better spent addressing complex issues and potential solutions if only Opposition Members would bother to put their minds to it.

Ms O. Mitchell: The Deputy's party is in Government.

Ms Sexton: The reports referred to by our Minister have provided strategic choices and policy options.

Mr. Ring: The spin doctors were busy this evening.

An Leas-Cheann Comhairle: Order please.

Mr. Cregan: Deputy Sexton is entitled to speak.

Ms Sexton: Has Deputy Ring read the two reports to which the Minister referred? He does not even know what they are about. They provided strategic choices and policy options. Did Deputy Ring bring any to the House since the reports were published? He did not because it suits the Opposition better to speak its negative rhetoric every day.

Mr. Ring: The Deputy should go away. If the Progressive Democrats had their way, the elderly would be put in nursing homes and their homes taken from them.

Ms Sexton: I do not claim to have the ideal solution to the sustainability problem. A mix of initiatives is what we need.

Ms O. Mitchell: The Deputy thinks she is in Opposition.

Ms Sexton: For our part, we are at least proceeding with the debate and addressing the issue. I invite the Opposition to get out of the mud bath and join in the debate in a constructive and positive manner.

Ms O. Mitchell: I wish to share time with Deputies Ring and McCormack.

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

Ms O. Mitchell: I welcome the opportunity to speak on this neglected issue and thank our colleagues in the Technical Group for bringing it forward. Already we are sensing a crisis in the area as social trends and the geographical dispersal of the extended family increasingly make care of the elderly something that must be planned and budgeted for in a way that did not happen in the past. One must add to that the fact that there will not only be more of us over 65 years of age; those of use who reach old age will live longer. We will, therefore, have a greater level of dependency, and the challenges for families and the State will grow to crisis proportions.

I want to speak primarily about nursing homes, but I also want to emphasise that they should always be the option of last resort. Home is best, and should always be the focus of investment in maintaining and sustaining independence for as long as possible and developing a continuum of care options for people, including home helps, community nursing, carers in the home and forms of sheltered accommodation as appropriate. The alternative to the nursing home is not just the cheaper but the better option. It is the option of choice that maintains dignity, independence and companionship for the elderly.

The erosion of existing community services and the failure to plan for and provide the paramedics and therapists needed to support people in their own homes, the failure to recognise the role and contribution of the vast majority of carers, and the almost total collapse nation-wide of the disabled persons' grant are all symptoms of a lack of commitment to the home first principle and of a Government seeking to make short-sighted savings at the expense of a group that is largely invisible, silent and often very difficult to identify statistically. However, they do not remain hidden or silent, since eventually they turn up at accident and emergency departments in a crisis situation and require long stays in hospital. When they are eventually ready for discharge there is no supportive community and certainly no State supports to discharge them into. That is why we have the phenomenon of medically well people occupying acute hospital beds while their friends and neighbours are at the other end of the hospital seeking acute beds for their treatment.

I want to return to how families resolve that impasse in hospitals later. However, the lack of options for families such as community care, targeted or sometimes even temporary supports in the home is resulting in people going into nursing homes and choosing them as the first rather than the last resort. They are going into nursing homes far too early in many cases when they are well enough — or would be with a little support — to stay in their own homes for much longer. Ultimately, they end up in nursing homes leading far less independent lives than they could

otherwise with a little support. At the same time, their resources are drained away, as are those of their families and the State.

The sum of €12 million was recently provided for additional nursing home places, but it had virtually no impact. The effect was once-off, after which the beds simply filled up again. It was because the turnover in nursing homes is extremely low — far lower than it should be. People are spending far longer than necessary in nursing homes. Some people will need nursing home care eventually and there will always be a percentage of the elderly population that will require a bed in a nursing home. It ranges from about 3% to 6% across Europe. As a society we must urgently address how those beds are allocated to people and how they are paid for. The crisis is developing rapidly and will get worse. Already spiralling nursing home costs are putting appalling pressure on families as the gap between the State subvention and the cost continues to grow.

Equally, I do not deny that the cost of subventions on the State is also growing. In 2001, the State paid €52 million in subventions. A scant two years later, the ERHA alone paid out €70 million in its area. Every year that burden, both public and private, will continue to grow. Already what was forecast in the review of the nursing home schemes completed in 2001 shows that we have completely underestimated the growth in costs and numbers of those requiring nursing home care. It shows the immediacy and urgency of the problem and the need to address it before the entire system collapses in tatters.

The debate that has taken place so far has been about who should pay in future. I regard that as secondary to establishing who is paying now. Unbelievably at present, we do not know who is paying, how much they are paying or why. Bed allocation and subvention decisions are chaotic, arbitrary and grossly unfair. The only determinant now of whether someone gets a free bed is luck. It is not a question of income, wealth or even knowing the local Deputy. It is not family or insurance but luck. That luck can, of course, be influenced by such things as geographic location. For instance, there is a far greater preponderance of public beds in the North Western Health Board area than in the eastern region. However, even within those regions, it comes down to luck.

That can be improved by timing, for instance, if there is a winter initiative or a crisis in hospital beds which results in money going into nursing homes. It may also be a matter of who is making the decision on the day. People with exactly the same circumstances and means are treated differently depending on where they live or what week they apply. Some get a free bed, and some get a totally inadequate subvention, even though their means may be exactly the same. Sometimes the only difference is the degree of determination of families to preserve their inheritance and keep their relatives in a hospital bed until they get a

free public bed. They know that they either pay out or tough it out. The toughest people get the best deal. Others equally — and sometimes even more — entitled have to beg, borrow and steal, mortgaging their own homes and those of their families and generally making themselves into beggars to pay the costs of a private nursing home.

The Ombudsman says that everyone over 70 is entitled to a nursing home bed. The Government says that the entitlement is only to what can be provided within existing resources, and that those must be rationed out. That is reasonable, but let us do it according to some rules and a framework. The whole system at present lacks clarity, certainty and consistency, so that families are left floundering in crisis situations, not knowing what their choices are or even if they have choices. They are often without any information about what is available. Most people are responsible. They want to plan and budget, making choices within the options open to them. They do that in all other areas of their lives — education, insurance, their holidays. They want to do the same about their nursing care, and particularly regarding nursing home care at the end of their lives. They cannot, however, because there are no rules or framework. They cannot figure out their entitlements, and there is apparently no one to tell them what they are. They do not even know their own responsibilities.

We know that nursing home costs can wipe out the work of a lifetime for inmates — and not only theirs, since it can pauperise their children and their families too. The very least that we owe to the elderly is that they know their entitlements and what they are obliged to provide. The debate has focused largely on responsibilities for families, which have a moral responsibility to parents. In the vast majority of cases, people do not need to be told that. They know, and it is a labour of love for them. Most will go to enormous lengths to ensure the very best care for their families. That is as it should be.

However, that should not be their legal responsibility. Young couples with mortgages and children have enough problems, legal responsibilities and calls on their resources. If they can afford it, they will do it, but it should not be a legal requirement. Responsibility for care of the elderly should be shared by the State, to which the elderly have contributed all their lives, and where an income or asset is not being used, that should be shared with the patient.

Inheritance is a hugely emotive issue in this country, but nevertheless, the patients have first call on their assets, and their first responsibility is to themselves. People save all their lives to ensure some comfort in their old age. We would all like to think that we will do that, and we would also like to think that we will be able to pass on something to our children — the fruits of our own labours — at some point in the future. There is no reason that shared responsibility could not enable that. For instance, in many countries where assets

[Ms O. Mitchell.]

exist, an imputed rent is calculated, and the patient pays for that for a defined number of years — three, five or whatever we find appropriate. If the patient lives beyond that, the State should take over the cost of his or her care. Such a back-loaded system would also encourage governments to develop community care services to ensure people stay out of nursing homes for as long as possible.

The important issue I wish to raise is that clarity and certainly in respect of entitlements and responsibilities is an absolute necessity. However, it is completely absent and is causing crisis situations in our hospitals. People are inappropriately placed and are not receiving good nursing care in hospitals when they could be in their own homes supported by community facilities. If an individual needs a nursing home bed, they should be able to get one but he or she must know their entitlements and responsibilities. If we do not have clarity, we will never resolve this situation.

Mr. Ring: I wish Deputy Sexton was present because I would like to make a point to her about the home help service and the reason I get so angry listening to the rubbish coming from the other side of the House. I tabled a question to the Minister of State about a case in my constituency. I want to be careful not to identify the person who was getting the home help service for one hour per day but the health board then cut it to three hours per week. That person had a serious accident over Christmas. I will not identify the accident because everyone in the town from which I come knows what happened. Following the accident, the person had major surgery. The person fell into a fire and then fell in hospital breaking his hip. The home help service was taken away from a person who needed it. If the Minister of State is so concerned about the elderly, why is the Western Health Board and every other health board attacking the home service? Every report which has been produced has shown that elderly people want to stay in their own homes.

Mr. Callely: We all agree with that.

Mr. Ring: It costs the State little money to provide the home help service. The Western Health Board spent the last two weeks of last year running around the country and my constituency holding conferences to spend the health board budget so that it would not have to send it back to the Department at the end of the year. It was wining and dining in hotels in Galway, Mayo and Westport. I can stand over that statement. Yet it targeted that person——

Mr. Callely: The Deputy should bring that to my attention.

Mr. Ring: I will do so. The health board targeted the person to whom I referred and took away the home help service from someone who needed it. It is outrageous; it is a scandal and the Minister of State and his Department should tackle that matter immediately.

Mr. Callely: That should not happen.

Mr. Ring: Another matter raised by my colleague and by the Minister of State relates to the abuse of the elderly. A report came out a number of years in which it was reported that 12,000 elderly people had been abused. Has the Minister of State put an independent inspectorate into State homes? There is an inspectorate for private nursing homes but there is none for State homes. That is something the Government should have done, especially as the report in question was published some time ago. The health boards, the previous Minister and the Minister of State have done nothing about it. If the Minister of State was serious about the elderly, a decision on the report should have been his first priority.

People wish to stay in their homes until their last day. The Progressive Democrats propose that when somebody gets sick a Progressive Democrats auctioneer will sell his or her home, take his or her money, shove him or her into a nursing home and forget about him or her. However, when an elderly person goes into a State home, he or she hopes it is for a short time and always has the wish to come back to where they have lived. They do not want to sell their home to the Progressive Democrats auctioneer. I hope that will never happen in this country.

Ms O. Mitchell: It is happening.

Mr. Ring: It should not happen. I compliment the previous Ombudsman, Mr. Murphy, and I wish him well in his retirement. My colleague raised the issue of people over 70 years of age having an entitlement to a State bed. The Government recently gave every person over 70 years of age a medical card. That means, as the former Ombudsman said, a millionaire or a billionaire has a right to a State bed if they are over 70 years of age. I pose a challenge to the Ombudsman, Emily O'Reilly, who was a journalist at one time. I hope she and her office will protect the elderly and ensure whoever is entitled to a bed gets it.

If the Minister of State is serious about the elderly, he might consider a simple measure which would not be a big cost to the State. The free fuel scheme only runs from October to April, but the time has come for the elderly to avail of it for every week of the year as there are only few weeks each year when elderly people do not need to light a fire. It is the one question which comes up on the doorsteps at every election.

The free travel pass is no good to elderly people in rural areas because there is no rural transport. Why can the Minister of State, along

with the Department and the Department of Social and Family Affairs, not work out a scheme to provide vouchers whereby people could use taxis or hackneys to collect their pensions? If there was a problem, at least they would know they could telephone their taxi driver who would bring them to hospital or wherever.

Mr. McCormack: I thank my colleagues for sharing time. I also thank the Technical Group for tabling this motion and members of that group for waiting in the Chamber. I came in when Deputy Sexton expressed passionate views on the tabling of the motion, but her passion was misdirected. If she displayed the same passion in her own parliamentary party, she might get some action. She seemed to forget her party was in Government. I am sorry she had to leave the Chamber.

I compliment voluntary groups working with the elderly. More is being done by them than by State institutions in looking after elderly people, particularly in their own communities. I have great respect for a new organisation set up in many towns and rural areas called the active retirement group. It does great work for elderly and retired people and keeps them active in their own communities, which is to be complimented. As most speakers have said, the greatest desire of people is to live as long as possible and to die in their own community and among their friends and family. More could be done at Government level to ensure that happens.

I compliment the great strides which have been made in respect of improvements in the carer's allowance but not enough people are getting the allowance to enable them to care for and keep people in their communities as long as possible. I have made the following point at every budget but I have not made it to the Minister of State. I have dealt with a particularly cruel case and I have asked for the past five years to have something done about it, yet it seems to be impossible. The official with the Minister of State knows what I am going to say because I have said it so often. I refer to the case of a carer who becomes a widow but who continues to be a carer. As soon as she qualifies for the widow's pension, she loses the carer's allowance despite the fact she continues to be a full-time carer for an incontinent person in her home. That is a cruel penalty on any carer. At every budget and in every debate on social welfare, I have asked that something be done to address that problem. A carer who becomes a widow and who continues to be a carer should not lose the carer's allowance simply because she qualifies for the widow's pension.

By keeping people in their communities, the carer's allowance saves the State several million euro each year. It is estimated that there are 120,000 carers, of whom about 25,000 receive carer's allowance. More people should qualify for the carer's allowance because keeping old people

in the community is of much greater benefit to society and the younger generation. The person from whom I learned the best wisdom was my grandmother. The Government should make efforts to keep more people in the community for as long as possible by increasing carer's allowance and introducing less stringent qualification criteria.

Debate adjourned.

European Parliament Elections (Amendment) Bill 2003: Second Stage (Resumed).

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

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): Following the publication of the 2002 census of population figures in July 2002, a constituency commission was established under Part II of the Electoral Act 1997 to make a report on the constituencies for the election of Members to the Dáil and European Parliament. To facilitate the holding of the European Parliament election next June, the commission dealt with European elections first and submitted its report on the European constituencies last October. As Deputies are aware, the commission recently furnished its report on Dáil constituencies and the consequential legislation will be before the House for debate later this year.

Three commissions have dealt with European constituencies in reports published in 1977, 1993 and 1998, respectively. The 1977 commission recommended that the representation of 15 MEPs be distributed as follows: three seats in Connacht-Ulster; four seats in Dublin; three seats in Leinster; and five seats in Munster. The 1993 commission recommended the transfer of a seat from the Munster to the Leinster constituency, while the report of the 1998 commission did not recommend any change in the formation of the four constituencies or the number of members to be elected in them.

There has, therefore, been no change in the constituencies or the number of members elected from them since the European Parliament elections in 1994. However, the protocol on the enlargement of the European Union and the declaration on the enlargement of the European Union in the Treaty of Nice provide that, in a European Union of 27 member states, Ireland will elect 12 MEPs.

The protocol made provision for the possibility that there may be fewer than 27 member states in the European Union in 2004 and allowed for a *pro rata* distribution of unallocated seats. As neither Bulgaria nor Romania will accede to the European Union in time for the 2004 European Parliament elections, it was decided to allocate their seats to the current member states and those candidate states which will accede in 2004. The European Council in Copenhagen in December 2002 confirmed that Ireland will elect 13 MEPs

[Mr. Gallagher.]
in the 2004 European Parliament elections. The formal legal basis for this level of representation is the accession treaty signed on 16 April 2003. Ireland's representation in the European Parliament was, therefore, reduced from its current level of 15 seats to 13 seats at the 2004 elections.

Apart from the limitation to 13 seats, the commission's terms of reference for the European constituencies were as follows: there shall be reasonable equality of representation as between constituencies; each constituency shall return three, four or five members; the breaching of county boundaries shall be avoided as far as practicable; each constituency shall be composed of contiguous areas; there shall be regard to geographic considerations, including significant physical features and the extent and density of population in each constituency; and, subject to these provisions, the Commission shall endeavour to maintain continuity with regard to the arrangement of constituencies.

The commission's role is advisory. The final determination of the constituencies for the European Parliament is a matter for the Oireachtas to prescribe in legislation. The Government accepted the commission's recommendations on the European Parliament constituencies.

Section 4 implements the recommendations of the constituency commission on the European Parliament constituencies. The changes involve a reduction of two seats in Irish representation from the 2004 elections and a reduction of one seat in each of the Leinster and Munster constituencies. County Clare is transferred from the Munster constituency to the Connacht-Ulster constituency and no changes are made in the formation or numbers of members to be elected in the Dublin constituency. The names of the three other constituencies are changed to east, north-west and south.

Elections to the European Parliament are governed by the European Parliament Elections Acts 1992 to 2002, which provide for elections on the single transferable vote system in multi-member constituencies. The provision concerning the revision of constituencies is set out in section 15(2) of the European Parliament Elections Act 1997, which states: ". . . the Minister shall, having considered any report presented on statutory authority to each House of the Oireachtas recommending any alteration in the constituencies for which candidates shall be elected to the Parliament, and not later than the first day of December 2003 and at least once in every ten years thereafter, submit to the Oireachtas proposals for a review of the said constituencies."

If there is no major change in population before the 2009 elections, the European constituencies will require revision if Romania and Bulgaria join the European Union. In such circumstances, Irish representation will be

reduced to 12 members. Section 6 of the Bill is a standard provision setting out the Short Title, collective citation and constitution of the Bill. I commend the Bill to the House.

Mr. Allen: I am happy to speak on the Bill because the ongoing guillotining of Bills is making it increasingly difficult for the Opposition to speak on anything the Government does. The Bill allows for the changes to the European election constituencies to be ratified. I fully accept the findings of the commission and fully support the elimination of the dual mandate with regard to membership of the Oireachtas and the European Parliament. My party looks forward to the elections and the success it will achieve in them.

The Fine Gael Party does not, however, look forward to the roll-out of an ill-planned, ill-judged and haphazard electronic voting procedure on which the Government has refused to listen to advice, seek Opposition support or give ground. As this is the first time we will use electronic voting for a European election, it is important we get it right, whereas the Government's approach to this issue has been completely wrong. The matter would be more appropriately addressed by an electoral commission. The same scrutiny of the system should also have taken place with regard to the local elections, on which the required full consultation did not take place. I am totally opposed to the jackboot manner in which electronic voting is being introduced, despite the many important questions raised.

In December 2002 we discovered that the Minister had in his possession for a considerable period, a report compiled by Zerflow Holdings which stated that the system was not tamper-proof. The Minister did not publish the report, even when the public was casting its votes in the general election. At the time, I stated that fair elections are the cornerstone of democracy and any security issues surrounding the voting process should be addressed as a priority. The Government has failed to do this.

Last May, it was revealed that the system would come with a price tag of at least €35 million, a figure that, I am informed, has since increased.

This side of the House has highlighted the myriad other social problems faced by the country and upon which money would be better spent, but there was no response from the Government. At the time I compared it to a person on a low income attempting to buy a Mercedes when there are other priorities in the household.

The Comptroller and Auditor General has expressed concerns about the system of electronic voting. He has stated that the importance of ensuring the integrity of the voting system dictates that the machines and their operating software should be subjected to the most rigorous and comprehensive testing regime. He stated

political and other considerations would suggest a strong case for independent validation of such testing before the machines are brought into use at elections.

I was not in the least surprised to see Mr. Purcell's concerns greeted with a brick wall of arrogance by a Government and a Minister who refuse to listen to anybody on this and on many other issues. I ask the Minister to tell the House what is happening and the reason for the headlong rush into the introduction of a system over which there are so many question marks. This issue was debated in the House and in the Oireachtas committee. The PR company charged with managing this mess is Q4 which is partly owned by a former Fianna Fáil general secretary and a former adviser to the Taoiseach.

Even at this late stage, will the Minister concede that this matter has been handled in an appalling manner? Will he concede that the bad handling of changes in the voting system is one of the more serious bungles of this Government? This is the very mechanism charged with electing Governments in the first place. It is a sad observation but this Government has become completely oblivious to what is happening around it. At every turn it has chosen itself over the people, chosen advisers over good advice and chosen party interests over the public interest.

It has effectively neutered local government through the Protection of the Environment Act which gives powers to county and city managers to set refuse charges. Councillors may object but if they go so far as to vote against them they will lose their jobs. The Freedom of Information Act still exists in theory but Sherlock Holmes would be hard pressed to find a link between the spirit of the initial Act and what is now on the Statute Book. The Government now rides roughshod over this House and over the concerns of experts in the field, insisting there will be electronic voting this June. This is another reason, electronic voting booth or not, this Government will get very little award on 11 June.

There is an issue which is fundamental to Irish democracy and answers to questions of security and transparency of the system have not been answered. To my knowledge, between 30 and 40 questions put to departmental officials by experts at the Oireachtas Joint Committee on the Environment and Local Government in recent weeks have not been answered. The committee was given very little opportunity to hear answers from the Department's officials because within a matter of hours, the Government members pushed through a recommendation that the voting system be accepted by the committee. They split the committee to push through a motion that the system be accepted, despite the fact that up to 40 questions could not be answered on the day by departmental officials and I have not heard any answers since. I have the questions here and I find it incredible that the Government is rushing headlong into the system. The very principles of democracy are being

undermined by the behaviour of this Government and I regard what is happening as unbelievable.

Serious flaws exist in the proposed system. It does not have an anonymous paper trail that would protect the identity of the voter and the integrity of the ballot count. The Minister has stated at a committee hearing that a paper printout would be too expensive to incorporate into the system. We were told of the unconstitutionality of the paper printout. I do not think the argument adds up. It is essential that there is a verifiable paper audit trail. The method of testing and implementation has not been good enough in this day and age when we are at the pinnacle of software development. We cannot organise proper development with a vital, rigorous scrutiny that our democracy deserves and demands.

This Bill is not going through the House with the consent of the Opposition parties. It is unthinkable to make a fundamental change in the way Irish democracy operates. The Minister has paid out tens of millions of euro for what is in my view a second-rate system. I am not satisfied it is up to the required standards demanded by our democracy.

Tomorrow the circus starts. The Minister is spending millions of euro on PR consultants. The Minister is responsible for the Fianna Fáil election campaign, therefore he has a dual role which represents a conflict of interest. The signing off by the Joint Committee on the Environment and Local Government was merely a crack of the Government whip, not a reflection on the evidence produced at the committee which at best left a large number of fundamental questions unanswered and at worst pointed to a system that could be full of serious flaws and even open to intentional manipulation.

Is the Minister too proud or too closed of mind to admit the system is wrong? Has the final format of the system been decided upon and independently tested? I wonder how many times a mock election and count has been undertaken in the 42 constituencies? I ask the Government to freeze its plans to introduce electronic voting in the forthcoming European and local elections.

I ask the House to consider the ongoing problems in the United States with a new electronic voting system. A recent article in *The Economist* highlighted ongoing difficulties with touch screen electronic voting system. Experts including computer scientists warned of the dangers of using a paperless electronic voting system which does not provide a physical record of individual votes. Dr. David Chaum has devised a voting system which produces an encrypted printout of individual votes in order to prevent coercion or gerrymandering. The voter will be provided with a receipt which can be verified in the event of a recount or any apparent irregularities. The article reports that in order to prevent someone from manipulating an election by tricking the printer, the voter can decide which of the two layers will be shredded by a poll

[Mr. Allen.]

worker and which will be the receipt to take home. The voting machine keeps an electronic copy of this receipt and then later sends it for counting and posting on the official election website. If voters cannot find their receipt there, it is evident there is something wrong with the election. The article concludes that even sophisticated systems will not improve the reliability of American elections if other problems are not solved also. However, the Government is pressing ahead with a high profile launch tomorrow of its defective electronic voting system over which there are serious question marks still hanging. The publicity alone is costing €5 million of taxpayers' money. To my knowledge, there are still 41 questions waiting to be answered about this system. Voters have a right to a paper trail but true to form, this Government has decided to ignore repeated calls for openness and transparency.

Not only have there been calls from the Opposition parties, but people like Margaret McGale, who gave evidence to the joint committee, and other experts have said again this week that they have yet to get answers to the questions they have raised. I will attend tomorrow's launch, but I will do so to protest at the manner in which this system is being introduced.

The European Commission has a role in this regard. I intend to contact the Commission to ascertain its view on the fact that a new system of electing Members of the European Parliament is being introduced without the support of all the parties in this democratic system. As I have said, the introduction of the new system is being led by a political leader of a Department. The electoral commission or some other independent group should have managed, consulted and introduced this important change in the way we organise our elections.

Mr. Gilmore: I wish to raise a number of issues which relate to the European Parliament Elections (Amendment) Bill 2003, which gives effect to the report of the commission that reviews the constituencies used for European elections. The Bill makes a number of other changes in the conduct of elections to the European Parliament.

I intend to address four aspects of this legislation, the first of which is the proposal to end the dual mandate whereby Members of the Oireachtas can serve simultaneously as Members of the European Parliament. The Bill's proposals in this regard are absolutely inconsistent with the legislation which was passed by the Houses to end the dual mandate at local government level. No Member of the Oireachtas will be allowed to stand for election to a local authority from 11 June next. Members of the Oireachtas will be able to stand for election to the European Parliament, however, as I believe they should. When the Local Government Bill 2003 was being

debated, I argued that Members of the Oireachtas should be allowed to stand for election to local authorities before deciding on the issue of where they serve. It is utterly inconsistent, however, that a Member of the Oireachtas who is elected to the European Parliament will be allowed to continue to serve in this House until the following general election.

The provisions of this Bill will mean that the law for a Deputy or Senator who wishes to seek election to a local authority is different from that for a Deputy or Senator who wishes to seek election to the European Parliament. It seems highly absurd that, after 11 June, a Member of the Oireachtas will be able to attend week-long meetings of the European Parliament in Strasbourg or Brussels for up to three years until the next general election, but will not be able to attend a meeting in a city or town hall for a couple of hours.

The issue of consistency was addressed by the Minister for the Environment, Heritage and Local Government when the local government legislation was being discussed on Committee Stage on 17 April 2003. I wish to remind Deputies of comments made to the select committee by the Minister, Deputy Cullen, about consistency in response to an amendment I tabled. The Minister said, "What is in the Bill is based specifically on the consistency of what is already in the legislation on those disqualifications to ensure there will not be two different types of disqualification". He went on to stress that he did "not want to create different levels between different people". His view in April of last year was that he was "not in favour of a watered down version of the abolition of the dual mandate". He was not willing at that time to consider anything other than an immediate and total ban on Members of the Oireachtas serving on local authorities, with total effect from the date of the next local authority elections.

The Minister's desire for consistency and lack of desire to water down the abolition of the dual mandate is not reflected in this legislation, however. He has literally created a different category of disqualification by making separate provisions for those elected to the European Parliament. He has watered down the provisions of the abolition of the dual mandate. I wish to give notice, a *Leas-Cheann Comhairle*, that I intend to table an amendment on Committee Stage to give effect to the abolition of the dual mandate for the European Parliament on 11 June, the same date on which it will take effect for members of local authorities.

I would like to discuss a second issue. I am surprised that a Bill which deals with European Parliament elections does not address the Kelly judgment. Deputies will recall that the High Court reached a judgment the day before polling in the 2002 general election which was later upheld by the Supreme Court. The net effect of the judgment was that the resources available to incumbents are calculable and accountable for

the purposes of election spending limits and accountability. If that applies in Dáil elections, which the Kelly judgment addressed, I presume it also extends to European elections. I presume that incumbents who are Members of the European Parliament will be required to account for their use of European Parliament resources during the election campaign. I presume the resources will be taken into account when assessing whether a candidate exceeded the spending limit for the election.

The Government suggested after the Kelly judgment that the issue would be addressed in some way by means of legislation, but we have not yet seen such a Bill. It is surprising that the implications of the Kelly judgment have not been addressed in this Bill, which deals with European Parliament elections. I would like the Minister of State to explain in his response why this is the case.

The third issue I would like to raise in respect of this Bill relates to the entitlement of certain people to vote in European elections. Non-Irish nationals who are citizens of EU member states are entitled, in theory at least, to be on the electoral register in this State for the European Parliament elections and to vote in Ireland in those elections. Following the publication some time ago of the most recent census returns, the Labour Party drew attention to the significant number of people living in Ireland who were born outside the State. I think that about 12% of those living in this country were born outside the State, mostly in Northern Ireland or the United Kingdom. When one takes into account those who were born in other parts of the European Union, approximately 280,000 people living in this State — I assume most of them are over the age of 18 — are entitled to vote in European Parliament elections.

However, it has been drawn to my attention that it is quite difficult for somebody who is a citizen of another EU state to enrol on the electoral register here. Under section 6 of the 1997 Act, an EU national who wants to be on the register in Ireland must furnish a statutory declaration. That means that he or she must go to a solicitor, for example, to confirm that he or she is not in a position to vote abroad. This is extremely inconvenient and goes far beyond what is required by the European Union directive, which is only that a formal statement be made to that effect.

I give notice to the House and to the Minister, in particular, that on Committee Stage I will be tabling an amendment to that provision to ensure that citizens from other EU states are entitled to join the Irish electoral register upon making a formal statement, as required by the directive, rather than a statutory declaration as provided for in the current stringent legislation. The House should send out a clear message that nationals of other EU states who are living here and contributing to the country in many ways are welcome to vote here in EU elections. That

change in the law should be made to encourage more EU nationals to vote in the European elections.

The fourth issue I wish to raise, which has already been dealt with by Deputy Allen, is electronic voting. This issue has been discussed at the Joint Committee on the Environment and Local Government. The Labour Party has made known publicly its views on and reservations about the system of electronic voting which is being introduced. We have made it clear that we are unhappy that the Government intends to proceed to introduce the planned system of electronic voting in every constituency for the next European and local elections. Serious reservations have been raised about the system to be introduced, mainly from people within the IT industry. The people who gave evidence before the committee were IT experts. They know what they are talking about. An increasing volume of literature is appearing, especially on the Internet — much of it originating in the United States — which expresses a great deal of caution about some of the electronic voting systems being introduced.

The Comptroller and Auditor General was asked by the Committee on Public Accounts to consider whether he would exercise his functions in such a way as to stall the procurement process for the electronic voting system, on the basis that the expenditure of substantial funds from the Exchequer on equipment that might not fulfil its intended purpose would be imprudent and would not represent value for money. Understandably, he took the view that this approach was outside his remit. He did, however, go on to communicate to the Committee on Public Accounts a serious caution about the electronic voting system.

An Ceann Comhairle: It is not appropriate to attribute views to the Comptroller and Auditor General. As the Deputy is aware, it is not appropriate to attribute views to a constitutional officer which are confidential to the committee concerned, in this case the Committee on Public Accounts, but also as no other Member has seen a copy of the correspondence.

Mr. McCormack: On a point of information, this is not a matter confidential to the committee as it has already appeared in the public press.

An Ceann Comhairle: The correspondence is confidential to the members of the committee.

Mr. McCormack: The matter appeared in the public press.

Mr. Gilmore: Deputy McCormack is right.

An Ceann Comhairle: Under a long-standing ruling in the House——

Mr. Gilmore: This matter is already in the public arena.

An Ceann Comhairle: It is before a committee of the House, which will deal with it.

Mr. Gilmore: I will abide by your ruling, a Cheann Comhairle, because Deputy Allen has already put the appropriate paragraph of the Comptroller and Auditor General's correspondence on the record of the House, so it is not necessary for me to repeat it. There may be arguments about the merits or otherwise of the concerns raised about electronic voting — whether the testing has been adequate, whether there should be independent monitoring of that testing, whether there should be a paper trail created by individual voters which can be audited, whether the software can be corrupted in any way and, ultimately, whether the result announced after the electronic vote accurately reflects the intentions of the voters. One can debate this at considerable length. I give considerable weight to the reservations that have been expressed. However, one issue is not debatable. In any democracy worth its salt, no Government which had a respect for democracy and for the parliamentary process would insist, as this Government does, on proceeding with fundamental changes in the way people cast their votes without the general agreement of those engaged in the political process.

This Government intends to proceed to change the way in which people vote in the face of opposition and reservations from every Opposition party in this House. If we heard of this happening in some former South American dictatorship — that the Government, in the face of opposition from everybody else engaged in politics, was proceeding with changes in the voting system, and that the Minister with overall responsibility for seeing that through was none other than the Government party's director of elections — we would be sending for the UN monitors to investigate whether elections were being conducted in a free and fair way. This is not a question of the Government pushing through a Bill to which the Opposition is opposed. It is an issue at the heart of democracy. The Government's decision to press ahead with this is reflective of an arrogance that is becoming increasingly insufferable.

Where are the watchdogs of the Government? The PDs offered themselves to the people in July 2002 on the basis that they would ride shotgun with Fianna Fáil. The Minister for Justice, Equality and Law Reform climbed a lamppost and successfully persuaded a sufficient section of the electorate that the PDs would keep an eye on Fianna Fáil. There would be no Fianna Fáil excesses while the PDs were keeping an eye on them. Where have they been on this issue? Why are they not now doing the job they were elected to do, which was to monitor the integrity of the democratic system? They have been silent and invisible on this issue. In the course of this debate — one of the last opportunities we will have to discuss this in the House before the local and

European elections — I would like to hear at least one representative of the Progressive Democrats justify its members' silence on this unilateral change to the voting system.

I draw the Minister of State's attention to where this legislation will end up. The way in which it is proposed to introduce electronic voting for June's European and local elections cannot be done without primary legislation. If the Government proceeds with its proposal, it may run into constitutional difficulties in the courts. I understand that the legal position on electronic voting is that the Electoral (Amendment) Act 2001 enables the Minister for the Environment, Heritage and Local Government to make ministerial orders which trigger the use of electronic voting in specific elections and in named constituencies or electoral areas. Specific ministerial orders had to be made, for example, to allow electronic voting to be used in three constituencies at the last general election and in a number of constituencies in the second Nice referendum.

However, no regulations or ministerial orders have yet been made to allow electronic voting to be used in next June's European and local elections. On 18 December 2003, the Minister for the Environment, Heritage and Local Government, Deputy Cullen, in reply to parliamentary questions tabled by Deputy Finian McGrath and myself, stated that, "An order dealing with use of electronic voting and other arrangements for the 2004 polls will be made in due course." That order has not yet been made. On 28 Wednesday 2004, I asked the Taoiseach in the House:

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 did not appear to know if such regulations were required. When I pressed the matter he said, "I have been told by the Minister that there are no regulations. Guidelines have been issued." It appears that the Government is at sixes and sevens as to whether regulations are required.

Tomorrow, the Government intends to launch an expensive public relations campaign on electronic voting for the June local and European elections for which there is, as yet, no statutory authority, and about which the Government seems, at best, confused. Whenever the Government gets its act together on drafting the ministerial order, it will find that it has a constitutional problem. The required ministerial order will have to be made under Section 48 of the Electoral (Amendment) Act 2001. Section 48 of the Act states:

Subject to subsection (3), the Minister may by order make such adaptations of, or

modifications to, the Presidential Elections Act, 1993, the European Parliament Elections Act, 1997, the Local Elections Regulations, 1995, the Referendum Act, 1994 . . . [it lists other enactments] . . . as will enable voting and counting of votes at the relevant election or referendum under the said enactment or enactments to take place using equipment approved for use under this Part.

Recently, the courts have found, as in the Carrickmines case, that the use of ministerial orders to modify primary legislation is not constitutional. It follows, therefore, that if the Government attempts to provide for electronic voting in June's elections by means of ministerial order under Section 48 of the Electoral (Amendment) Act, it will be open to constitutional challenge in the courts. The Government is proceeding to spend money on the electronic voting system before the necessary statutory instruments have been laid before the House. This is also before the House has the opportunity to consider the statutory instruments for the 21 sitting days, which we are entitled to do before we decide whether to rescind them. I also question if this is the proper use of public funds. The Government is proceeding to spend money in engaging public relations consultants to advertise electronic voting and persuade the public that it is good before the statutory instruments which give effect to it have been laid before the House.

If, and when, those statutory instruments are made on the basis of section 48 of the Electoral (Amendment) Act 2001, the Government will leave itself open to a court challenge on the constitutionality of such ministerial orders. Given the precedent that has now been set in the Carrickmines case, there is the possibility that all the ballyhoo about electronic voting will come to nothing. The last constitutional challenge to an electoral matter was decided by the High Court on the eve of polling day. In what situation will we find ourselves if, shortly before polling day, the courts decide that the legislation has not been properly made?

Many experts have publicly raised reservations. The Opposition is uneasy and does not want electronic voting to proceed in the forthcoming elections. The legislative instruments to give effect to electronic voting have not yet been laid before the House. There is the possibility that when they are made, they will be found to be unconstitutional. For these reasons the plans to proceed with electronic voting for the forthcoming European and local elections should be suspended and I will table an amendment to that effect on Committee Stage.

Whatever about the technical issues that arise with electronic voting and the legal and constitutional issues that may be addressed elsewhere, there is also a political aspect to this issue. Essentially, it is about how the Government views democracy. It is about whether there is any respect in the Government for Opposition

viewpoints and the will of this House in its totality. That is not just expressed by the majoritarian approach by the Government that as long as it gets numbers in divisions, it can proceed with anything it wishes. The Government is playing a dangerous game with democracy and public confidence in the electoral process by insisting on changing the way we vote without a sufficient level of political consensus.

There is time for this process to be put on hold. There will be no loss of face and it will do much to strengthen confidence in politics if the Government, even at this late stage, were to do so. In any event, the Government will come unstuck on this issue in the courts.

Mr. Cuffe: I propose to share my time with Deputies Morgan and Harkin, giving them ten minutes each.

An Ceann Comhairle: Is that agreed? Agreed?

Mr. Cuffe: I welcome the legislation in broad terms. It is timely and proper that the constituencies are revised and it is important a transparent process was used to do so. I raised my eyebrows slightly at the parameters for population used to define the revised constituencies, as they went slightly beyond what we traditionally took as the relatively narrow bandwidth within which population numbers fell. However, I recognise that some respect must be paid to geographical areas and county boundaries to ensure consistency. My party and I welcome the end of the dual mandate. We hope that at last local authority members will be given proper powers and responsibilities.

I offer my sympathy to County Clare, which always seems to be the odd man out in these revisions. It seems to shift from south to north to west and back again, which must place the county in a difficult position, and its aspiring candidates for European elections are also in a difficult position. They do not know if they will be in the south, west or north of Ireland. Clare is in the new North-West constituency but maybe that should be called North and West. A new note is being struck here which might cause confusion among interested parties.

It is interesting to see the options that were chosen. The dramatic option would have been to put all the areas under consideration into one 13-seat constituency and we would have welcomed a debate on that option. We feel one large constituency might lead to more representation for voices which are not often heard, while the choice of three three-seat constituencies will probably make it more difficult for smaller parties, my own included, to win seats. When I was a city councillor, I was in a constituency which went from five seats to three and it was very difficult to win representation for a smaller party in a three-seat constituency. It will be difficult for us to win in a three-seater but we will

[Mr. Cuffe.]
have a good candidate and I do not doubt that she will be elected.

Mr. Morgan: The Deputy is not conceding.

Mr. Cuffe: I am not conceding. Mary White will deliver a seat for the Green Party in the new East constituency very effectively.

A significant concern about this Bill is the radical change in voting systems. Most of us have sat through hours of debate on electronic voting and my initial reaction to electronic voting was "Great, let us embrace future technology." However, the more I listened to those who came before the Joint Committee on the Environment and Local Government, the more I was convinced that electronic voting, as it currently stands, is not the way forward for the election to be held this June.

The concerns raised were valid and real. If one looks at the US, those concerns have been expressed strongly in the last decade to the point where certain states, such as New Hampshire, threw out electronic voting because they wanted a paper ballot. That is the technology those states are using now.

The kernel of the argument is that we want to see a tangible paper trail which is resistant to tampering. We want verifiable, independent proof of how a person voted. If one buys a lottery ticket one comes out of the shop with evidence of the numbers chosen. I accept one cannot do that in an election but, in effect, one can leave the lottery ticket behind in a box so that there is an independent way to see if the right vote was recorded. I am nervous about this and I am more nervous having heard the experts, particularly their discussions of the software which will be used.

That is not to say that computers are not reliable. They are very reliable, but there are also many ways in which they can let us down. Programmes such as Microsoft Access can fail to deliver the right results and I am wary of the software being used in this case. I am wary of anyone who claims computer technology is 100% reliable, as I know from bitter experience how computers can crash and records can be lost or changed. I was trying to put some information into a Microsoft Excel spreadsheet recently but the programme kept changing the year 2003 to 2008, despite my best efforts to reformat the information.

Many tests of electronic voting software, and some real elections, have shown up significant flaws. In an election in Broward County, Florida, 134 voters were disenfranchised because the electronic voting machine showed no votes and there was no way to show those voters' intentions. That election was decided by 12 votes, so the fact that those 134 voters were disenfranchised may have significantly altered the result.

In the 2000 US presidential election nobody could explain why one area in Florida gave Al Gore minus 16,022 votes. I can appreciate that his vote might have fallen in certain counties, but it must be the ultimate indignity to be awarded minus votes in a real election.

Mr. Morgan: The Deputy would not refuse them.

Mr. Cuffe: If they were for certain other candidates in the ward I was running in, I would be happy to see it happen.

Electronic voting may be the way forward. We all use a great deal of electronics in our daily lives but we are rushing to implement this technology in the European elections and my party believes we should pause for thought before proceeding. If one bought a car in the morning one would get the chance to kick the tyres, but we are not giving the experts the chance to kick the tyres when it comes to this electronic voting system. In other countries computer hackers and programmers have been given a chance to exploit the vulnerabilities of the system, just as one would allow people to tamper with a new telephone box before it is put on the streets. We should give hackers a chance to see what vulnerabilities exist in the new technology and whether those vulnerabilities will cause significant problems.

We must realise that technology changes very quickly. We see advertisements everywhere for Wi-Fi hotspots, places where one can immediately get onto the Internet with one's laptop if one has the appropriate technology. I am not convinced that those in charge of the voting systems around Ireland will be acutely aware of the possible vulnerabilities of the system, such as attaching a Wi-Fi card to a computer to be used in the voting process or allowing a small memory chip, that would fit in one's pocket, to be put into the back of a machine.

I have no doubt all these issues have been considered in detail, but I have not yet seen answers to the very real difficulties exposed by experts who took the time to come before the committee. I do not believe their questions were fully answered. Concerns have been raised about the operation of electronic voting across the water in the US. I have yet to be convinced that the difficulties identified have been completely solved. We should be allowed kick the tyres in more detail than we have so far been allowed to do.

In spite of concerns, we are rushing into launching the whole enterprise tomorrow. The Green Party has serious concerns and is contemplating a legal challenge to the immediate introduction of this system. People's concerns should be addressed in more detail. We are concerned that the paper trail will not exist. Speed must always take a back seat to accuracy. Of course, there are spoiled votes in general

elections and other elections. There is a lot of humming and hawing and legal brain power applied to scrutinising every ballot. It is necessary to have some kind of back-up that people can see, not just an electronic back-up of the voters registered, but an independent record that can be consulted at a later stage separate to the electronic modules that ostensibly record the vote. For a Government that claims it wants openness and transparency, this is the bare minimum required. I accept it is not easy to do so and it is unlikely that it can be provided for in the next few months. However, to restore voter confidence in a system about which we are all concerned, we should reverse the decision that has been made. After all, a member of the last Government, Bobby Molloy, said he would not introduce electronic voting unless he got consensus on the issue from all sides in the House, which we have not yet seen.

Mr. Gilmore: He was a member of the Progressive Democrats who did his job.

Mr. Cuffe: The entire Opposition has expressed concern about this matter. In summary, we have concerns and are considering a challenge to the system. We do not consider ourselves to be Luddites, but we hope we will not rush into adopting a completely radical system.

Mr. Morgan: The proposals of the constituency commission encompassed in the European Parliament Election (Amendment) Bill 2003 are not in the best interest of the electorate. It is unfortunate that this Bill is before the House.

Sinn Féin opposed the Nice treaty which brought about a reduction in the number of MEPs representing the State and necessitated the introduction of the amendments to the European Parliament Elections Act 1993 addressed in the Bill. The reduction in the number of MEPs is regrettable because it will further increase the void between the electorate and their elected representatives, which is particularly marked in regard to the European Parliament with which the public does not identify.

My primary concern about the Bill is that it continues the move away from larger constituencies, towards three-seat constituencies. The steady growth in the number of three-seat constituencies at both Dáil and EU level is in contradiction to the original intention and the main purpose of a proportional representation, single transferable vote, PRSTV, system. When originally developed, the proportional representation system with multi-seat constituencies was envisaged as a positive one which accommodated minorities. In the 1920s, nine and seven-seat Dáil constituencies existed. In the coming European election, we will have one four-seat constituency and three three-seat constituencies. For general election purposes we have 18 three-seat constituencies, 13 four-seat constituencies and 12 five-seat constituencies.

The PRSTV system has been diluted substantially through the selective redrawing of constituency boundaries, such as that contained in the Bill and the reduction in constituency size in terms of Members elected from nine and seven-seat constituencies to five, four and three-seaters. The constituency commission was constrained by legislation, introduced by the establishment parties to serve their own purposes, to have constituency sizes of between three and five seats. This does nothing to further attempts to allow for the widest possible representation.

Sinn Féin made a comprehensive submission to the constituencies commission in regard to the European Parliament elections. I reiterate a number of points made in that submission. The criteria for an electoral system should allow for the election of a true representation of all groups in society. The decline in voter participation throughout Ireland makes this increasingly difficult. It is particularly marked in the Twenty-six Counties where a recent Central Statistics Office survey showed that voter abstention is highest among young people. This must be addressed as a matter of urgency. Our suggestions included automatic registration of those eligible to vote.

Sinn Féin's submission proposed that the potential to develop an all-Ireland aspect to these elections be seized, that the whole island be considered as one EU constituency electing members under a closed PR list system. This would offer the most proportional outcome possible and could help ensure the previously outlined objectives of a fair electoral system, reducing the barriers to minority groups and maximising electoral participation, while ensuring parliamentary diversity. For the first time, we would have a system where vote share translates equitably into seat shares for the entire island.

Voters throughout Ireland will go to the polls for the EU elections and the EU already treats the island as a single entity in many aspects of its work, especially in terms of the CAP, the Common Fisheries Policy and the distribution of funding under the Peace and Reconciliation Programme. It makes sense that an island-wide approach to the European parliamentary elections be considered.

Recognising that this may be difficult to achieve in the short term, we proposed an alternative to the commission, that the Twenty-six Counties be treated as one constituency administered under the PR list system and at a later date, the Six Counties could be included in this constituency. This could operate as a simple closed system where voters could accept the party candidate list as a given or the system could allow for internal choice within a party vote.

Sinn Féin believes that a fully functioning representative electoral system is an imperative in modern society, where an ever-increasing amount of vested interests compete to influence the policy formulation and decision-taking process at national and international fora. God

[Mr. Morgan.]

knows we have seen enough of that in this State recently. We favour a system that reduces barriers to smaller parties and minorities, that maximises electoral participation and ensures parliamentary diversity. We want a system where vote share translates equitably into seat shares.

EU elections could be used to try out more proportional democratic electoral systems and increase voter participation as well as broaden the electoral spectrum to one that would be truly representative of Irish society. In mutating the PRSTV system through the creation of three-seat constituencies, the Bill does not achieve this goal.

Sinn Féin supported the ending of the dual mandate between local government and the Dáil. We also support the ending of the dual mandate between Leinster House and the European Parliament. Both Parliaments will be better served by the separation of the roles of TDs. and MEPs. It will allow elected Members to devote their full attention to one elected body and will facilitate better governance at Dáil and European levels. The ending of the dual mandate should be brought about immediately. I ask the Minister to outline the reason this is being delayed until the next Dáil election. I see no reason for this.

I also wish to comment briefly on the introduction of electronic voting which will be used in most constituencies for the first time in the coming European and local elections. There is widespread concern regarding the system of electronic voting introduced in this State.

Margaret McGaley and Paul Gibson of the computer science department in NUI, Maynooth, published a study called, *Electronic Voting: A Safety Critical System*, which concluded, "While an adequate electronic voting system is possible, the current proposal is not it." Zerflow, which carried out a security assessment on behalf of the Department, also pointed out some serious flaws in the system.

Sinn Féin is supportive of the idea of electronic voting using a kiosk-type system. However, we are calling for all source code and design to be publicly available for inspection by citizens, especially computer science experts. We also call for the Mercuri method to be applied. Under this, a paper copy of the vote, verified by the voter, is held for the purpose of independent recount and for parallel manual counting to be used for a period so voter confidence is enhanced and for systems to be truly tested. If electronic voting is to gain public confidence, the serious concerns about the system being introduced in this State must be addressed as a matter of urgency.

Ms Harkin: I recently received a document entitled *Bunreacht an hEoraip*, the Irish translation of the proposed constitution for Europe. This document is still under negotiation yet seeing its title, instead of the more familiar title *Bunreacht na hÉireann*, brings home how important the European dimension is and how much it impinges on our lives, even if it is an

unseen hand. Nonetheless, the work of the European Parliament leaves an indelible mark on Irish society.

Legislation coming from Europe impinges significantly on the way we live our lives. As a member of the Joint Committee on European Affairs where I have been involved in the scrutiny of legislation, I have seen at first hand the huge volume of legislation coming from Europe. There are draft directives, draft decisions and Council decisions. The purpose of this Bill is to implement the recommendations of the Constituency Commission report of 2003, and to give effect to Council decisions of the EU of 25 June and 23 September 2002. The most significant implications of these Council decisions are to establish new categories of office holders who are not eligible for election, and to give effect to the decision that the office of membership of the European Parliament shall be incompatible with that of a member of a national parliament. It is the abolition of the dual mandate with certain derogations for Irish and British MEPs.

One of the most significant changes in European elections for Ireland is that the number of MEPs will be reduced in line with the Nice treaty. The Nice treaty sets out the number of post-accession MEPs at approximately 732, although this may increase to 736. Ireland's representation has dropped from 15 to 12 seats. Britain's number of seats has dropped from 87 to 72, while Spain's representation has been reduced from 64 to 50. These changes have inevitably led to constituency revisions within Ireland so all our citizens will have fair and equal representation in the European Parliament. Most people will consider that the constituency revision is reasonable, with Clare joining the old Connacht-Ulster constituency that now becomes North-West. I agree with Deputy Cuffe when he suggests that north and west might be a more appropriate name for the constituency.

While Clare joining Connacht-Ulster breaches provincial boundaries, it does not breach county boundaries. Provincial boundaries have been breached before *vis-à-vis* Leinster and Dublin. In this sense, the Constituency Commission followed its guidelines. However, the same cannot be said for the commission's report on redrawing Dáil constituencies. One of its guidelines was not to breach county boundaries, yet it has done so. It has split County Leitrim in two. With approximately 25,000 residents, Leitrim has the smallest population of any county. The effect of this decision on the morale of the people in County Leitrim is depressing. There is a possibility that the county may not be able to elect a Deputy resident in the county. This is a mortal blow to county pride and to the sense of importance of the county boundary. In the last census, Leitrim showed its first increase in population in more than 100 years.

On the Order of Business, the Taoiseach attempted to make little of this debate. It is as if we are somehow irrelevant and what is said in

this Chamber is irrelevant. The Taoiseach said that while some say Clare should be in Leinster, the commission decided Clare should be in Connacht. Where does the Taoiseach think Leitrim should be: half with Sligo, half with Roscommon; a bit here and a bit there? The Taoiseach went on to say that the commission's decision is made and it is a *fait accompli*. Does the Taoiseach think it is over for Leitrim? Is it a *fait accompli*? What about the delegation from Leitrim County Council, no doubt containing many Fianna Fáil public representatives, that is seeking a meeting with the Minister or the Taoiseach? Are they aware of the Taoiseach's view that this is done and dusted? Are they aware that the Fianna Fáil submission to the commission recommended the splitting of County Leitrim? Perhaps this is empty rhetoric to satisfy constituents and pretend that some effort is being made while the Taoiseach is washing his hands of it. I have no doubt the Taoiseach will apply the same argument to the general election boundaries.

What the Taoiseach did not say was that while the commission is independent, its hands were tied by the requirement that the minimum number of seats in a constituency is three, and the maximum number is five. Until this is changed, and it must be changed, Leitrim will remain divided. This House has the power to effect this change and recommend the reversion to circumstances where there can be six and seven seat constituencies. The restriction to three, four and five seat constituencies is a relatively recent one. Indeed, this suits the larger parties and militates against smaller parties and independents. Paddy Harte, a former Fine Gael Deputy, made an excellent case in a recent article on this issue in *The Irish Times* and I fully agree with his views.

I do not share the views expressed by the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuiv. Speaking in Drumshanbo about the decision of the Constituency Commission, he said that this is what happens when too much power is put in the hands of unelected individuals. What happens when this power is put in the hands of elected individuals? Fianna Fáil's submission recommended that Leitrim be split in two and the Constituency Commission arrived at the same conclusion. However, Deputy Ó Cuiv tried to suggest that the views of the commission and Fianna Fáil are different. They are not; their views are identical and the people of Leitrim know this.

The introduction of electronic voting is an important issue in the forthcoming European and local elections. I agree with the sentiments expressed by Deputies Gilmore and Cuffe and the reservations they have about this system. While I understand that we need to adapt to modern technological advances, there must be a back-up system and provision must be made for verification so all citizens can have confidence in

the electoral system. The Government has a duty to ensure this is the case. While I agree that electronic voting is the correct measure to take, all back-up measures must be put in place before the system comes into operation. I agree with Deputy Gilmore that the Government is about to spend a large sum of money on a PR campaign to sell electronic voting before the statutory instruments are in place.

If in the run-up to the local elections and the European election, Ministers and members of Government come to the fore in this PR campaign just as they did before the general election, it will be nothing short of an abuse of taxpayers' money.

Mr. Carey: I welcome the opportunity to make a short contribution on the European Parliament Elections (Amendment) Bill 2003. This arises from the findings of the commission set up to draw the appropriate boundaries to provide the necessary representation to the European Parliament. I have great respect for Deputy Harkin's views, but it is unworthy to cast aspersions, even inadvertently, on the working of the independent commission. Nobody is ever satisfied at the outcome of the redrawing of constituency boundaries. That is the hand of cards we have been dealt and we should be big enough to play the hand.

I pay tribute to the Members of the European Parliament who represent Ireland, North and South. I had the opportunity over an 18 months period of working reasonably closely with a number of them, I met all of them, with one exception, and they impressed me. I am full of praise for our MEPs from all parties and none. At this stage I pay tribute to those who are not going forward and compliment them for the work they have done. Mr. Niall Andrews, a Fianna Fáil representative for Dublin who is not seeking re-election, has an unparalleled record in bringing human rights issues of the lesser known parts of the world to the attention of the broader European electorate as well as at home. Ms Mary Banotti regularly gave feedback to the electorate in Dublin and we should have more of that. Mr. Fitzsimons and Mr. Hyland brought their unique experience to bear on the work of the European Parliament. Mr. Joe McCartin, who impressed me greatly, will not go forward again. He had insights about rural Ireland which he was not afraid to voice. I was impressed by the manner in which the MEPs worked in the European groups.

If I were to sound a cautionary note for those thinking of going forward as candidates for the European elections it is that the Irish electorate will expect more information and greater contact with their MEPs. Deputy Harkin and I are on the European affairs and European scrutiny committees and whether we like it much of the action that affects us fundamentally will take place in Brussels or Strasbourg and the influence of the European Parliament will be greater rather than lesser.

[Mr. Carey.]

I will set out the job description for a Member of the European Parliament. According to the draft constitution which will be adopted by the Intergovernmental Conference and Council of Ministers, article 13(1) states that the European Parliament shall jointly with the Council of Ministers enact legislation and exercise the budgetary function as well as functions of political control and consultation as laid down in the constitution. It will elect the President of the European Commission. These are important powers. I echo what has been said by a number of speakers that it is outdated to represent the electorate both in the Dáil and the European Parliament. While we have a derogation until 2007, we should ensure that nobody is tempted to continue that further. It states also that the European Parliament shall be elected by direct universal suffrage of European citizens in free and secret ballot for a term of five years. Its members shall not exceed 736 in number and representation of European citizens shall be progressively proportional with a minimum threshold of four members per member state.

As to illusions of the growing power of the Parliament, article 26(2) states that the president and the person so nominated for membership of the college — the college of the commission — including the future Union Minister for Foreign Affairs as well as the persons nominated as non-voting commissioners shall be submitted collectively to a vote of approval by the European Parliament and the Commission's term of office shall be five years. Let there be no doubt that the power of the European Parliament is growing and will grow further.

The engagement of the Oireachtas with the European Parliament has improved dramatically in recent years. It is infinitely better than when I served from 1997 to 2002. That is due in large measure to Government decisions to accord a higher priority to the work of the European affairs committee and I acknowledge the compliments the Taoiseach and Ministers have paid to the members of the European affairs committee. The media have shown a greater level of interest in the work of the European affairs committee since 1 January but I doubt if it will continue beyond 30 June — I live in hope.

The other area that has contributed greatly to the interface between the Dáil, the European Parliament, the Commission and the work of Brussels has been the improved level of scrutiny that has been put in place here by the Government. Four items from Thursday's meeting of the European affairs committee involve co-decision between the Parliament and the Commission and were submitted to us for preliminary scrutiny. First is a proposal amending a regulation of the European Parliament and the Council establishing common rules in the field of civil aviation security. That proposal will have a significant and positive impact on the operation of smaller airports in Ireland and across Europe.

I understand it is being introduced largely at the behest of the Scandinavian countries and smaller airports in Scotland. Second, a proposal for a directive of the European Parliament and the Council on intermodal loading units. I know the jargon puts people off and colleagues say we need to simplify the language of directives and laws coming from Europe. We could start by using simpler English.

This is an important proposal in the area of transport. Through the proposed directive the European committee on standardisation would be mandated over a three year period to work out details on the standards necessary for intermodal loading units and a regulatory committee would then adopt the mandatory standards.

The implications for Ireland are clear in the documents we have received but the method will be qualified majority voting and a co-decision will also be required by the European Parliament and the Council.

I think Deputy Harkin would agree that we receive approximately 50 of these documents at each meeting. Another one involves a proposal for a directive of the European Parliament and the Council concerning measures to safeguard the security of electricity supplies and infrastructural investment. That directive forms part of a new energy infrastructure and security of supply legislative package, which is designed in the main to promote investment in the European energy sector with a view both to strengthening competition and helping to prevent a recurrence of electricity blackouts. It has some implications, although not great, for Ireland but it adverts to the increasing dependence of Ireland on the North-South interconnector and the east-west Ireland-Wales interconnection system also. Those are a couple of relevant examples.

Another directive concerns excise duties and I will have to do some more reading up on it before talking about it on Thursday. It strikes me as possibly being the thin end of the wedge of standardisation of taxation measures in some areas. This is certainly something the Government is not anxious to see happening and it is part of our negotiating stance at the IGC.

Under the proposed constitution, the European Parliament will be closely linked to national Parliaments. It is important to debate and understand the role of, and protocols relating to, national Parliaments. For example, under the proposed constitution, member states' national Parliaments may send to the President of the European Parliament, the Council of Ministers and the Commission, a reasoned opinion on whether a legislative proposal complies with the principle of subsidiarity according to the procedure laid down in the protocol on the application of the principles of subsidiarity and proportionality.

Even though I was involved in drafting this, when I read it, I do not think it is exactly the clearest literature in the world. The important part is in the following paragraph, which states:

“A six week period shall elapse between a legislative proposal being made available by the Commission to the European Parliament, the Council of Ministers and the member states’ national parliaments in the official languages of the European Union, and the date when it is placed on the agenda of the Council of Ministers for adoption of a position on a legislative procedure subject to exceptions on the grounds of urgency, etc.” That represents a significant tightening up of the inter-relationship between national Parliaments, the European Parliament, the Commission and the Council of Ministers.

I admire the fact that the more active Members of the European Parliament have always engaged in an exchange of information and feedback to the electorate. They need, however, to move to the next stage and we should facilitate them in providing formalised mechanisms so they can engage in debate in their national Parliaments. During the last term, there was a useful exercise in the Seanad when Members of the European Parliament made statements to the Upper House and engaged in a question and answer session with Senators. That was an important first step but we need to engage more creatively with Members of the European Parliament. They attend meetings of the Committee on European Affairs, as of right. Many of them are diligent in their attendance and contributions there but it has been said that the committee does not schedule its meetings at times that are convenient for Members of the European Parliament. Perhaps there is something in that criticism. On a number of occasions, the MEPs have said they would prefer the Committee on European Affairs to sit on Fridays to facilitate their attendance.

While I do not pretend to be an expert on how previous European Parliaments operated, from the next European Parliament onwards, national and European parliamentarians will depend on one another and will not be able to act otherwise. Significant debate is required, for example, on security and defence policy. There is much more engagement in that area in the European Parliament than in the Oireachtas or most other national Parliaments in Europe. There is also the perspective of what the European family, as it is called in Europe, can bring to bear on such debates. With increased numbers in the next European Parliament following the arrival of the ten accession countries in May and the likelihood that we will have at least two more new member states shortly thereafter, it would be extremely foolish to think that the European Parliament will be simply a talking shop. It is, and will be, far from that. Critical areas include defence, foreign affairs and security, and we cannot ignore the fact that we will have to have some co-ordination of those policies.

I have one major criticism of the European Parliament, however. I am not persuaded of the need to have a second assembly in Strasbourg, which is a waste of money. It is an inefficient way of conducting the business of Europe. The organisation in Brussels seems to be well tailored to provide a fairly efficient operation. I realise that there is a certain national pride at stake for the countries involved in accommodating the European Parliament but it is one of the areas in which Europe has fallen down. I do not know whether our lone voice will make any great difference but perhaps things would be more efficient if the Council of Europe continued its good work in Strasbourg, while the European Parliament was located permanently in Brussels.

Admittedly, the Bill provides for us to send a reduced number of Irish MEPs this time around but it reflects the extent of our population. We still do marginally better in representation than our population should entitle us to do but, nonetheless, it is important to keep the membership as high as possible. That point was debated at length during the convention on the future of Europe. There is a threshold below which small countries, such as Malta, Cyprus and Luxembourg, can lose influence.

The Bill is technical in nature but provides an opportunity to affirm our understanding of the importance of the European Parliament, as well as an opportunity to stress how we see ourselves as contributors to the debate on Europe. While only a month of our current EU Presidency has passed, Irish Presidencies have always been most proactive and creative. The current one will probably cap its predecessors in terms of achievement.

I would like to see the Intergovernmental Conference’s debate on the draft European constitution concluded, but we should not rush all our fences. In many ways, having no European constitution would be better than having a bad one. While the Council of Heads of State and Government was very close to agreement last December, we must remember that nothing is agreed until everything is agreed.

There is potential for some of the issues we hoped had been put to bed to be reopened again, which is something we should try to avoid. However, that is in the future.

I wish the very best to all those contemplating putting their names forward as candidates in the forthcoming elections on 11 June. They are taking on a huge level of responsibility. I hope the people will find the election campaign and the lead-up to it an opportunity for engaging in active debate about Ireland’s role in the new and expanding Europe. Not to avail of that opportunity is a missed opportunity. I do not expect we will be able to get large crowds at the crossroads, as in earlier days in Irish politics, to

[Mr. Carey.]

listen to the obscure and abstruse aspects of European politics. However, it would be a shame not to play our part and use the opportunity to explain to the people we represent the mechanisms in place to make Europe more real to its citizens. We should also use the opportunity to explain to them the reasons it is important for us to complete and adopt a draft constitutional treaty.

Mr. McCormack: I wish to share my time with Deputy Hayes.

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

Mr. McCormack: The purpose of this Bill is to implement the recommendations of the Constituency Commission Report 2003 on changes to European Parliament constituencies and to give effect to the Council decisions of 25 June and 23 December 2002 concerning the election of Members to the European Parliament. I regret that after the redrawing of the constituencies Ireland will lose two seats. We are holding our number of seats compared to other European countries but despite our increasing population we are still losing two seats. I accept the independence of the commission which had the job of redrawing the constituencies and coming up with a conclusion.

Neither I nor the people of Clare regret that Clare has to join its neighbours in Connacht-Ulster. It is unusual that there are three provinces represented in the north-west constituency. It might have been more fitting if the constituency was called Connacht-Ulster-Clare or by some name which would recognise the addition of Clare to the constituency.

Some of our selection conventions have gone ahead already despite the fact that the new constituencies will not be officially recognised until this legislation is passed, possibly this week if Committee Stage is completed tomorrow. Fine Gael held a selection convention in Sligo on Sunday. We welcome Clare into the new north-west constituency and have a very good candidate from the county, former Senator Madeleine Taylor-Quinn, who was selected with Senator Jim Higgins. They are a good combination both geographically and gender wise to retain two seats for the party in Connacht-Ulster.

Our outgoing MEP, Joe McCartin, who is the longest serving MEP in the country and one of the longest serving in Europe, will retire after 25 years service. I compliment him on his service to the Connacht-Ulster constituency over the past 25 years. Somebody described him on Sunday as a statesman. I looked up the word in the dictionary to find out the difference between a statesman and a politician. I found that a

politician worries about the next election but a statesman worries about the next generation. Joe McCartin as an MEP and formerly a Member of this House and the Seanad is a statesman and a true European who represents the European ideal. His representation in Europe on behalf of this country will be sadly missed. I wish him every success in his retirement and also wish success to his possible successors, Senator Jim Higgins and councillor Madeleine Taylor-Quinn.

County Clare is west of the Shannon so perhaps it was natural in the redrawing of the constituencies to include it with Connacht-Ulster. Perhaps the independent commission, which had no option but to reduce the number of seats to 13, looked at the issue geographically. Clare is now included with Connacht-Ulster and I am sure there will be co-operation between candidates and people in the area to send the best three MEPs to Europe to represent the area for the next five years.

This Bill also deals with the termination of the dual mandate for a person who is a Member of the Houses of the Oireachtas and the European Parliament. A once-off derogation will apply until the next general election to a Member of the Houses of the Oireachtas who is elected to the European Parliament in June 2004. That is a bit too generous. When this legislation was discussed in committee, the Minister for the Environment, Heritage and Local Government said that the same regulations would apply to abolishing the dual mandate here as to the dual mandate between local authority members and Oireachtas Members. Perhaps the dual mandate of local authority and Oireachtas Members may not be abolished because Deputy Ring is involved in a High Court challenge to it and judgment has not yet been given in the matter. We may all have the opportunity to decide what to do when the result of that challenge is known.

At present there is a clear difference between the regulations for both dual mandates. The legislation introduced in the Dáil to abolish the local authority and Oireachtas dual mandate applies from the next election. It applies so strictly that a Member of the Oireachtas is not eligible to stand for a local authority. However, a Member of the Oireachtas is entitled to stand for the European elections next June. Not only that, the Member can serve a further three years as a dual Member of the Oireachtas and the European Parliament.

There is clear and absolute discrimination against the local authority member in terms of the provision in the legislation being introduced to deal with a dual mandate from the European point of view. The Minister has not lived up to his promise or to his absolute assurance to the committee that there would be no difference between abolishing the dual mandate for

European Parliament members and local council members.

The European election will be the first election in which we have full electronic voting. All Opposition Members who have spoken here tonight have expressed serious reservations about the electronic voting system and its introduction for that election. I do not have the technical qualifications and do not know enough about the system to say whether it can be fixed.

I am a member of the Joint Committee on the Environment and Local Government, as is Deputy Allen. The committee invited independent IT experts to meet the experts from the Department of the Environment, Heritage and Local Government. We wished to facilitate an open and frank discussion of the reservations the independent experts had expressed about the Department officials' confidence in electronic voting. The meeting went well early in the day and there was a frank exchange of views. As Deputy Allen outlined, 40 questions were posed by the IT experts from the National University of Ireland, Maynooth, to the Department of the Environment, Heritage and Local Government inspectors. Before lunch, committee members agreed to adjourn the meeting and continue the discussion later that week or early the following one to provide time in which answers could be made to the 40 questions. Once the answers were provided, every member of the committee could have securely supported the idea of electronic voting and provided confidence to the people.

After lunch the committee reconvened but something had happened. I presume the Fianna Fáil and Progressive Democrats members of the committee had received instructions from the Minister. The Fianna Fáil members proposed that the committee proceed immediately to adopt electronic voting without waiting for answers to the 40 questions. That set a bell ringing in my mind. The Minister seemed to be in an undue rush to proceed with the €40 million contract to introduce electronic voting. Given that the Progressive Democrats are supposed to be the Government's watchdogs, I was surprised to see the party's representative from my constituency, Deputy Grealish, voting with the Government. I was more surprised that the Independent, Deputy Healy-Rae, who had vigorously said he would not trust any electronic voting machine, sent Deputy Fox to substitute for him and vote with the Government. I thought it was an amazing performance. While I have great respect for both Deputies, they were well tied to the Minister's passionate desire to introduce electronic voting. That raised suspicions in my mind.

The Minister would have done better to bring the committee with him. Every member was ready to be convinced that electronic voting was the future. I acknowledge that mistakes can be made with manual voting through the failure to

stamp ballot papers. According to the IT experts who attended the committee, mistakes can also be made through the electronic voting system and it may be open to manipulation.

The debate on electronic voting has now moved into the public arena but as committee members, Deputy Allen, Deputy Gilmore and I cannot sell it because we did not adopt it. We are not obliged to defend the electronic voting system around the country. The matter is arising at meetings throughout my constituency and, I am sure, in every other one. People ask for details of electronic voting after reading in the newspaper that the system might not be dependable. They want to know if they can have full confidence in it. I advocate that the Minister should wait and delay implementation of any contracts he has signed to supply the electronic voting system. There is nothing more important than for people to have confidence in the electoral system. If that is lacking, one might as well forget democracy. All the committee sought was a paper trail to which tallymen could revert in the event of a close contest. It could be maintained in a separate ballot box which could be examined if there was a difficulty. It was a simple thing for which to ask, but we did not get it.

The members of the Joint Committee on the Environment and Local Government were not trying to show up the Minister. We were genuinely attempting to remove any doubts we had about the electronic voting system. The former Minister of State and Deputy from my own constituency, Mr. Bobby Molloy, assured the House that electronic would not be introduced unless it had all-party agreement. We and the general public depended on that. When they see the system being foisted on them without all-party agreement, members of the public are bound to ask questions. There is a particular problem for older people who are not familiar with IT systems. I put myself in that category. It is difficult for such people to have absolute confidence in electronic voting when they read in the newspapers that the Comptroller and Auditor General is expressing serious doubts on the matter. I am not going by what was said at the Committee of Public Accounts, but by what I read and the general public will have seen in the newspapers.

The IT experts who attended the Joint Committee on the Environment and Local Government expressed serious doubts but I do not know if they ever received answers to the 40 questions they posed. The committee did not get them. We were simply cut off by the force of numbers because, naturally, the Government has a majority. Hardly anybody knows the committee was in session. The general public do not know and the political reporters certainly do not know. It is a cloak and dagger system. While the proceedings are recorded and the minutes are

[Mr. McCormack.]

available to be read, a committee's work does not receive the publicity a Bill receives as it goes through the Dáil. Electronic voting slipped through and it is only now that the real doubts and fears people have are coming to the fore. Worse still, the Minister will launch in the Mansion House the campaign to publicise electronic voting. A contract has been signed with a public relations company which will now spend €5 million of taxpayers' money to promote electronic voting around the country. I do not know if the company will be teaching people about the system or simply promoting the idea. I will probably learn the details tomorrow. As Deputy Allen said, the press will ask tomorrow how we have rushed headlong into an electronic voting system in the absence of all-party agreement in the Dáil. We would all be there tomorrow saying we support the system and believe it is an advance on the manual voting system, that it can be more accurate, and that the result can be known earlier. However, unfortunately, we cannot do that now because of the undue haste with which this was rushed through the Joint Committee on the Environment and Local Government without waiting for the correct and necessary assurances to be given to its members or the general public that everything was above board and that the 40 questions posed by IT experts from Maynooth could be satisfactorily answered by officials from the Department of the Environment, Heritage and Local Government. That way everyone would be singing from the same hymn sheet about the merits and validity of the electronic voting system.

I am sorry to say that, whatever reservations I may have had when this was going through Committee Stage under the auspices of the Department of the Environment, Heritage and Local Government, 11 o'clock I have greater reservations now, since the public debate is really only starting. How can professional IT experts be wrong when they express such reservations? Those before the committee that day told us, for example, that a machine could be programmed in advance so that every 50 or 100 votes any party received could be left off the voting. It is, therefore, open to manipulation or to the fear that people will not be absolutely confident in it. That is bad for us and for democracy.

Mr. Hayes: I wish to share time with Deputy Ring.

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

Mr. Hayes: I am delighted to have the opportunity to say a few words on this important Bill, the European Parliament Elections

(Amendment) Bill 2003. Many of us do not realise the benefits that EC membership has given us. I remember when there were campaigns around the country on the benefits of what Europe would do for us. The country has come a long way. When we look at any section of the community or society, at our roads, infrastructure or whatever, we see that our quality of life has changed much since those days when we were campaigning and people were anxious to get into the European Community. When the referendum was held, Ireland changed for the better.

Since all that change took place, many people have asked questions about Europe and what it has done for us. We have failed as a country — and perhaps Europe is responsible — to make Europe and the European Parliament relevant to the people of this country. That is very important. We have failed to explain to the ordinary man in the street the real relevance of Europe. I suppose they see, from time to time, directives coming at them regarding different areas such as health and education. I even see concern among the agricultural community, particularly progressive farmers, regarding the nitrates directive. They are causing significant concern to people who have been at the forefront of various production lines across the agricultural scene in Europe. They are worried about the nitrates directive. That is a specific example, but a significant number of directives are coming. People feel hemmed in as a result, and many members of the public working in factories, or running businesses or farms, are saying that. We must explain Europe's relevance to them.

If we were doing our job properly, there would be significant interest in European elections. However, there is not the slightest interest in the European elections this year, simply because people feel removed. If the local elections were not being held on the same day, I would hate to think what the turnout would be. That is why I believe, with the local elections held on the same day as the European elections, the turnout will be good. Local authorities have a specific role in terms of the promotion of Europe. There should be much more co-operation on the part of officials, MEPs and so on with local council members to promote ideas of Europe. Our strength as a country is our involvement in Europe, and if people continue to become as cynical as they have been over the last few years, we will face a sad state of affairs in this country.

I do not have much time, but I would like to touch on recent changes. It is very hard for MEPs to keep in touch with their constituencies when they are as big as at present. I have often wondered whether they should not be given some smaller area to look after once elected. Munster, which is now known as the South, and the eastern

constituency are both big. There are many people there, and it is extremely difficult.

Deputy Ring is anxious to say a few words, and it would be remiss of me to continue. We certainly need to make Europe more relevant to ordinary people. It is very important from every perspective for our future. I am very pro-Europe, and I want the EU to continue and become stronger.

Mr. Ring: I am delighted at the opportunity to speak on this Bill. Regarding the new constituency of the North-West, Clare is now coming into Connacht-Ulster. The Minister across from me at one time represented it as an MEP. It is a big area. I was reading an article yesterday by Paddy Harte. He was talking about the times when there were six or seven-seat constituencies in Donegal. In Mayo at one time there were nine seats. We are great for elections in this country. It is a little like Sinn Féin — it wants them to be in Government in the North but not in the South. However, it is like that with the voting. In their recent elections, they had six and seven-seat constituencies. If one takes a constituency such as Mayo or the new North-West, one sees that they are massive. It is impossible for MEPs or Oireachtas Members to cover those constituencies.

I raised the issue of electronic voting on the night of the count after the general election in Castlebar at 4 o'clock in the morning, where we had a most eventful day. Why are the Government and Minister spoiling elections and trying to keep people from getting involved in the political system? Now they want to go with electronic voting. In America, they are talking about sending people to Mars, yet in the last presidential election, they were not even fit to run their own affairs. The President of America, George W. Bush, was not legally elected; it was Mr. Gore who challenged him. Mr. Bush won the presidential election because of a mess-up in Florida regarding electronic voting. There were major question marks regarding the result. While the matter went to the courts, it could have gone further. Mr. Gore put the American people first rather than embarrass them throughout the world for the fact that they could not even run the election.

I am totally opposed to electronic voting. It destroys elections because the day of the count was always a great day in Irish political life. Why is the Government taking away Irish culture? Does it think this is such a sophisticated country? It is not. Electronic voting is dangerous and evil and I am worried about it. Every Member of the Oireachtas gets e-mails from officials of the House everyday telling him or her not to open e-mails because they will bring down the system. What will stop some gangster or some guy in a

university, as in America, bringing down the whole system? Some guy could programme a computer to ensure the Minister of State, Deputy Gallagher, or Deputies Allen or McGinley are elected in every constituency. These guys will control electronic voting and they will make a mess of the election campaign. I do not care what assurances officials give because they do not have to stand for election and can do what they like.

It is wrong that the Government is going down this road. Somebody will have to challenge this — I will not do so because I have enough challenges with which to deal — because it is not right and it is being forced through by stealth. I compliment our spokesman, Deputy Allen, who has consistently raised this issue over the past few months and now people are beginning to realise it is being forced on them. The questions we asked have not been answered. If we go down the road of electronic voting, there will be serious problems in the future. Twenty or 30 years ago, people said there were problems in Dublin City Council and they were castigated in this House and in the council but we now have tribunals. If electronic voting goes ahead, at some point in the future somebody will interfere with it and will determine who will be on both sides of the House. It is dangerous and it is a road down which we should not go.

Even if we do not go down that road, why is the Government trying to get people away from the political system? Polling day has been destroyed by not letting people canvass near polling booths. With electronic voting, the count will be over in an hour. At least people became involved and interested in the political process. They wanted to know who would and who would not be elected, how people had got on and what happened in their own area in respect of the ballot boxes. Electronic voting interferes with the political process about which the Government has been concerned in recent months.

I am worried about electronic voting and about these guys who can interfere with it. I read in the *Irish Independent* this week about guys who are able to interfere with people's bank accounts. The banks themselves were able to take money out of people's accounts, although it was by accident. That is what will happen with electronic voting. The paper trail will not be there so it should not go ahead.

This should not have been pushed through by the Minister, Deputy Cullen, who is the most arrogant Minister who has ever sat opposite. He is too arrogant and too smart and he will get himself into a lot of trouble because he thinks he can bully, push and shove people into corners. Electronic voting will come back to haunt the Government because some whizz-kid will interfere with it. The Minister of State and his party should have the courage to say they will not

[Mr. Ring.]

bring it in for the local and European Parliament elections because there are too many dangers and risks and that it is best to wait and see. Electronic voting took place in five or six constituencies at the general election. Maybe that should be doubled and it should take place in nine or ten constituencies to see how it works.

What happened to Nora Owen in her Dublin constituency on the night of the last general election was one of the cruellest things that ever happened in Irish political life. An official, who did not have to stand for election, called out the result and the woman who served this country and in public office nearly collapsed. It was outrageous and it is something I hope will never happen again in political life. Whatever way electronic voting comes in, I hope there will be a way to stage-manage it. It was outrageous what happened that night and it is not the way electronic voting should work. We have already taken a number of people who are not involved in the political process out of political life. The Minister of State should do something to ensure that never happens again.

As long as I live, I will never forget what happened to Nora Owen. It took her a long time to get over that. The problem was not that she was defeated in that we all put our names on the ballot paper and we know there will be good days and bad days. In public life, I suppose we do not know when to get out and to do so before we are beaten. At the same, there must be a system in place so that this never happens again.

The Comptroller and Auditor General is concerned about electronic voting as are the political parties. It should not be rushed and people should not be forced into it. I have been unhappy about it for a long time. I want Deputy Allen, our spokesman on the environment, to make sure this campaign is livened up and that we keep opposing this until we get answers from the Department and reassurances that it will work. It will be no good finding out in ten years' time that somebody was defaulted from becoming a Member of this House because some guy fiddled the electronic voting, and I am not talking about somebody from a political party. There are whizz-kids who like breaking into these types of systems and I am concerned about that.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher):

I thank Deputies who contributed to the debate on the European Parliament Elections (Amendment) Bill 2003. As I said at the outset, this is a short Bill to implement the Constituencies Commission Report 2003 and to give effect to the European Union's Council decision of June and September 2002.

I wish to focus on the Bill and to thank Deputies from all sides for their general welcome for it. While it does not refer to electronic voting, it comes as no surprise that that should exercise the minds of so many Deputies in the debate on a Bill which appears to be non-contentious. I do not believe the House has a difficulty with the Bill as it stands.

Lest I do not have time at the conclusion of the debate, I take the opportunity to associate myself with the remarks of Deputy McCormack on the outgoing Members of the European Parliament who will not seek re-election. I know each one and admire the work they do. Having experienced politics at home and in Europe, we have, generally speaking, worked as a team and have all worn the Irish jersey in Europe. I mention my former colleague, Joe McCartin, to whom Deputy McCormack referred. Liam Hyland, Jim Fitzsimons and Nuala Ahern from Leinster, John Cushnahan from Munster and Niall Andrews and Mary Banotti from Dublin are not seeking re-election. Whatever they decide to do in the future, I think I speak on behalf of the House when I wish them well post-June 2004.

Deputy Allen, Deputy Morgan and other Deputies referred to the Zerflow security assessment report. Much understanding was created by the presentation on television of the report. The misunderstanding arose from a lack of understanding of the context and content of the report. The report was commissioned by my Department in February 2002, four months before the use of voting machines, as a risk assessment of the use of voting machines in polling stations. It did not cover the integrity of the EMS, which was covered in other reports, but the possible physical threats in a polling station. The recommendations were considered by the Department before the voting machines were used in May 2002 and those considered directly relevant were incorporated in the instructions issued to the returning officers. The conditions covered by the major recommendations could only arise in circumstances of a widespread conspiracy between the returning officer's staff, polling station staff and external parties.

The Zerflow recommendations were further considered in the modifications made to the voting machines following experience gained during pilot uses in 2002. Zerflow has indicated that any concerns it may have had about the use of the voting machines in polling stations no longer apply.

Deputies Allen, Gilmore and others raised the question of the use of electronic voting and counting systems at the June polls. As this matter was discussed in detail on three occasions before Christmas by the Joint Committee on the Environment and Local Government, it is not necessary to repeat the discussion, particularly

given the time constraints on this debate. I emphasise, however, that the new system is safe for use and more secure than the current manual system. Some members of the media need to review critically the claims of those opposing use of the system.

At the joint committee the Minister arranged for six experts to provide assistance to its members. We have to balance the knowledge and experience of these experts, gained over many years' involvement in electoral work, with that of people with little or no knowledge of conducting elections.

As Deputies will be aware, the Minister will launch a major public awareness campaign tomorrow to inform the public.

Mr. Allen: Will the Minister of State answer a question?

Mr. Gallagher: Yes.

Mr. Allen: As regards the 40 questions put to——

Mr. Gallagher: I will address that matter. I was present for most of the debate. As personal computers will not be connected to a network or the Internet during elections, hacking will not be possible.

I will briefly address the circumstances which arose in north County Dublin with regard to former Deputy Nora Owen. No one can condone what happened at that count, which was unfortunate and a costly lesson for the former Deputy and her family. We have learned from it and the process will be much more humane on the next occasion when results will be announced after each count.

Deputies Allen and McCormack referred to a questionnaire circulated at a joint committee meeting. The document contained much more than 40 questions. Replies are being prepared and will be forwarded to the Deputies as soon as possible.

Mr. McCormack: That is akin to closing the door when the horse has bolted.

Mr. Gallagher: Opposition Deputies stated that electronic voting would be rolled out nationwide as if we had no experience of the process. We are not starting from a greenfield position. We have gathered experience from three constituencies in the 2002 general election and seven constituencies during the second Nice treaty referendum when the system worked extremely well. It is not, therefore, being rolled out for the first time. These were the feasibility studies Deputies demanded.

As regards Deputies' concerns about the effects of the system on the electorate, notably

the elderly, no problems were encountered in the two Dublin constituencies, the Meath constituency and the seven constituencies in which the system operated in the Nice treaty referendum. To suggest that people will have a problem with electronic voting is almost an insult to the electorate. It is capable of using the system.

Deputies will have an opportunity to see at first hand how the system operates. Having seen the system, I do not believe anyone could make a mistake. If someone decides to change his or her mind——

Mr. Allen: Will the Minister of State yield for a question?

Mr. Gallagher: Yes.

Mr. Allen: Is he indicating that his officials are not yet in a position to answer the 40 questions put to them long before Christmas? Will the electronic voting system be launched tomorrow without having answers to questions posed by the experts?

Mr. Gallagher: I believe the Deputy will be more than happy with the answers he receives to the questions. The House has just recently returned following the Christmas period. The officials have been working on the questions and the replies will issue to Deputies.

Mr. McCormack: They must be difficult.

Mr. Gallagher: The officials dealing with the questions have a considerable workload apart from electronic voting. I assure Deputy Allen that the answers will issue to him as soon as possible. We will have an opportunity on Committee Stage to address issues relevant to the Bill.

Mr. Durkan: The questions are relevant.

Mr. Gallagher: They are relevant to the old system but not to the Bill. If the Deputy bears with me, we can address issues such as the implications of the Kelly judgment for the forthcoming European elections, to which Deputy Gilmore referred. Deputies will recall that the judgment found that two elements of paragraph 2 of the Schedule were unconstitutional. The judgment will apply to expenditure by candidates at the June elections. While legislation is not necessary to give effect to the judgment, the Standards in Public Office Commission will issue guidelines to deal with it. I am certain that access to resources from public funds will have to be taken into consideration in the spending limits.

On the question of the dual mandate for the European Parliament, which was raised by a

[Mr. Gallagher.]
 number of Deputies, a derogation was given to the United Kingdom to deal with the position in Northern Ireland and to Ireland until 2009. This will mean that from that year onwards anyone who holds an Oireachtas seat and is elected to the European Parliament will have to forfeit one of his or her seats immediately. The derogation is limited to two or three years, depending on the date of the election, when the full ending of the dual mandate between Members of the Oireachtas and the European Parliament will apply.

We are confident we will be able to extend electronic voting. While no one can be sure of or can second-guess what the courts may decide, we believe the section will withstand any legal challenge and will not require primary legislation.

I have read the Comptroller and Auditor General's letter and Deputy Gilmore's press release. The Comptroller and Auditor General was correct to state the system should be tested, which is exactly what has been happening in recent years. The debate on electronic voting did not start tonight, last week or last year, but has been ongoing for several years.

Deputy Gilmore raised the issue of opposition to the electronic voting system. Why did this level of opposition not arise during the debate on the Electoral Amendment Bill 2001? I remind Opposition Deputies that former Deputy Dukes as well as Deputy Olivia Mitchell and Senator Bradford have expressed support for electronic voting. If we were in the position that we did not have the experience gathered in three constituencies in the previous general election and seven constituencies in the Nice treaty referendum, legitimate questions could be raised about the system.

Mr. Allen: We are all in favour of the system in principle but it was introduced——

An Leas-Cheann Comhairle: Order, please.

Mr. Gallagher: It was introduced in 2002.

Mr. Allen: The machines to be used differ from those used in 2002.

Mr. Gallagher: They are electronic voting machines. With regard to Deputy Ring's reference to the presidential election in Florida, punch cards dating from the 1960s were used, not electronic voting.

Deputy Harkin referred to the recommendations of the constituency commission on Dáil constituencies. This is not a matter for tonight's debate but can be discussed when the necessary Bill to revise Dáil constituencies is presented to the House in due course. I hope we

can tease out other matters which may arise on Committee Stage.

Question put and agreed to.

European Parliament Elections (Amendment) Bill 2003: Referral to Select Committee.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I move:

That the Bill be referred to the Select Committee on the Environment and Local Government, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Adjournment Debate.

Health Centres.

Ms Shortall: I thank the Minister for coming to the House at this late hour to respond to this matter. This is an important matter and it is very important to the people of Ballymun who are in the process of a major regeneration of their area. Ballymun is a significant town of approximately 15,000 people. As the Minister will be aware from the profile of the area, there is a very high social welfare dependency and a consequent very high health care dependency. There is only one health centre to cater for a town of 15,000 people which is unusual for most Irish towns of a similar size. That health centre was built many years ago at a time when the Ballymun estate was first developed. It is now completely inadequate and is a very dilapidated building in very poor condition. It is impossible for clients to attend in many cases and it is very off-putting. It is very difficult for the staff who work there. There is not enough room in the building for all the staff and this has been the case for the last few years. They are dotted around the northside in rented accommodation in Santry and Fairview. The situation is wholly unsatisfactory.

In light of the emphasis which the Minister is seeking to place on the important role of primary care, it is critical that in an area of high dependency like Ballymun, to have good quality primary health care services available which are inviting and can accommodate the needs of the local area.

In 1998 the then Eastern Health Board identified Ballymun as an absolute priority area. The requirement to replace the existing health centre was identified and included in the Eastern Health Board's capital programme in 1998 and in every year since. A short while later the

Ballymun Regeneration Limited came up with a proposal to build a flagship centre on the main Ballymun Road. Anyone passing through the area will be familiar with that magnificent new building which has been completed since this time last year.

The agreement between the Northern Area Health Board and the ERHA which was entered into through the Minister's Department, was that the health board would take some 60% of that building in order to provide an adequately sized health centre for the whole town of Ballymun and to provide office accommodation for the area 7 headquarters of the health board. That agreement was entered into in 2000. Ballymun Regeneration Limited developed that proposal and brought it to fruition last year. The project was brought in on time and on budget.

There is great disappointment in Ballymun — on the part of the residents, the public representatives and the city council — at the fact that the health board and the Minister's Department have not delivered on their side of the bargain. That excellent and modern accommodation has been lying idle for the past 12 months. The rent has to be paid. It was built on a design, build and finance basis and rental purchase must be paid at approximately €3.5 million per year. The Minister is a year overdue with that payment.

Dublin City Council has been carrying that debt for the Minister since then and he will know that local authorities are not in a position to do that. As far as the council and I are concerned, the Minister's Department has welched on that agreement. The Minister was part of the deal and the cost of the project was always understood and there were no surprises for anybody. The project was completed on time but once it was completed, the Minister was not prepared to provide the money. He is not prepared to provide the money for the rental purchase but more critically, he has not been prepared to provide approximately €9 million which is required for fit out and furnishing of those premises.

The primary care health situation in Ballymun is at a critical stage. There are vacancies in many of the posts, particularly in the therapies such as public health nursing and social work. Very few children in Ballymun have developmental tests, for example.

An Ceann Comhairle: The Deputy's five minutes are concluded.

Ms Shortall: There are significant gaps in the primary health care system and it is primarily due to inadequate accommodation. That very good, modern accommodation is lying idle—

An Ceann Comhairle: Deputy, I ask you to give way to the Minister. In fairness to the staff of the House I request all Members, including Ministers, to confine themselves to the five minutes under Standing Orders.

Ms Shortall: —and I appeal to the Minister to provide the funding that he has promised and which he has welched on to date.

Minister for Health and Children (Mr. Martin): I thank the Deputy for the opportunity to speak on this important matter.

The provision of health centres to meet the needs of local communities within its functional area is a matter for the relevant health board or the Eastern Regional Health Authority. In the case of Ballymun that responsibility rests with the Eastern Regional Health Authority and the Northern Area Health Board.

The authority has advised me that discussions involving the former Eastern Health Board and Dublin Corporation, regarding the provision of a new primary care centre with associated administration offices in Ballymun, date back to 1996. It was agreed by both these bodies that the health board should provide services from a central civic amenity building which was to be the centrepiece of the redevelopment of Ballymun town centre.

Ballymun Regeneration Limited, a wholly-owned subsidiary of Dublin City Council, established for the purpose of advancing the regeneration of the area in conjunction with the former Eastern Health Board, developed a brief for the civic centre which included provision for a primary care centre and the community care area 7 headquarters. I am further advised that following its establishment, the Northern Area Health Board, NAHB, continued to liaise with Ballymun Regeneration Limited on this project.

While the NAHB agreed in principle to become a major sub-tenant, it did so on the basis that it was made clear to Ballymun Regeneration Limited that its participation was subject to necessary approvals from the Eastern Regional Health Authority and the Department of Health and Children, and the making available of funds for the project.

The ERHA has confirmed that the construction stage of the development was completed in February 2003. The Northern Area Health Board's share of the floor space in the civic amenity building is approximately 60% of the total. The authority has further advised that the NAHB intends to acquire its share of the building on a lease-purchase basis over a 14-year period, at an annual cost of €4.02 million. The fit out of the NAHB's portion of the building, that is, building works, electrical, plumbing, painting and decoration, floor finishes, etc., has been

[Mr. Martin.] estimated at €6.35 million and the provision of furniture and fittings has an additional estimated price tag of €2.8 million. It would take approximately eight months to complete the fit out.

The latest estimates provided by the ERHA would indicate a total funding requirement of in excess of €60 million for the provision of the facilities. The authority has advised that the proposed financing arrangement over the 14-year period will mean that the NAHB or its successors will own the relevant portion of the building after this period.

All health boards and agencies are required to follow the Department's guidance documentation for capital projects, together with national and EU capital procurement procedures. The availability of overall funding requirements is also a necessary prerequisite in informing decisions regarding proposals from health boards to proceed with capital developments. It is normal in the first instance for the health agency involved to submit to the Department project details for agreement such as assessment of need, option appraisal, design brief, cost estimates and cashflow projections.

The NAHB proceeded with this project with neither the involvement nor approval of the Department of Health and Children. The Department has requested information and requires clarifications from the ERHA and the NAHB on various aspects of this project, in particular those relating to the overall scope of the project, funding, procurement procedures and value for money. When this information is received the Department will complete its evaluation of the project in conjunction with the ERHA and area health board.

Ms Shortall: The Minister had that information for a long time. He should not put it on the long finger.

Irish Blood Transfusion Service.

Mr. Allen: I thank the Chair for giving me an opportunity to raise this issue tonight. The Irish Medicines Board has warned that the blood screening irradiator which helps to prevent serious complications, or even death, at the Irish Blood Transfusion Service unit in Cork is faulty. The machine, which prevents a rare but sometimes fatal reaction in some patients who receive blood is in such poor condition that the service has been forced to suspend some of its activities at its Cork facility. Blood not used in one hospital is recalled and sent to another. An inspection carried out by the IMB was critical of policy control at the Cork unit. The minutes of the IMB's December board meeting stated that "quality assurance is not sufficiently aware of the

urgency and extent of product recall". The December minutes also noted that the board has "major concern regarding the potential for inadvertent reissuing of recalled product". A spokesperson said that the programme would be suspended until there is greater clarity in "recall procedure". This includes determining if blood has been stored at the correct temperature and handled properly in the hospital from which it came.

An article in *The Examiner* today quoted the Irish Medicines Board as saying that the risk assessment analysis of the irradiator will be completed shortly. The article by Catherine Shanahan mentioned that the board's inspection also found problems with the premises and equipment in Cork. It was reported that the post of senior technical officer has been vacant since August 2002 and the post of quality officer has been vacant since April 2003. Yesterday's IBTS statement said that the difficulty in filling positions was due to "uncertainty regarding the development of the facility".

The Government promised a major new unit in Cork in the course of a by-election in Cork in the late 1990s. Very little has happened since then, despite the fact that the Irish Medicines Board has said the building is unsuitable for long-term use and is not compliant with good manufacturing practice. Although the Southern Health Board has offered a site for a new building, the Government has delayed the project regardless of its many promises. I call on the Minister to ensure that his Department will include this project in the 2004 capital programme. In a vital area such as blood quality, the Minister should have learnt that no stone can be left unturned to ensure the highest possible standards in the most modern of buildings. The people of Cork and Munster expect no further delays on this vital project.

Mr. Martin: The Irish Blood Transfusion Service is inspected twice yearly by the Irish Medicines Board, which is the regulatory authority for the service. The Irish Medicines Board identified a number of deficiencies following an inspection of the service's Cork centre between 3 and 5 December 2003. A presentation on the board's findings was made by the IMB's acting chief executive officer at the IBTS board meeting of 10 December 2003. The presentation was viewed with the utmost seriousness by the board. The matters raised by the IMB were addressed and appropriate action initiated. The position in this regard is being monitored closely by the board.

As the Deputy said, one of the deficiencies highlighted by the IMB related to the operation of the irradiator at the Cork centre. An irradiator is a machine which exposes blood products to a source of ionising radiation as a safeguard against

possible post-transfusion problems. During inspection, it was noted that the irradiator required recalibration. This process has been completed and a risk assessment report on the irradiator machine in the Cork centre is due to be finalised shortly. Another deficiency identified by the IMB related to the pressure on existing quality assurance resources at the centre. The centre has vacancies for a senior technical officer and a quality assurance officer, but it has experienced difficulties in attracting applicants of a suitable calibre for senior posts. The technical post is being filled on an acting basis while the quality assurance post has been vacant for a number of months. Further efforts are being made to fill the posts in question, including the use of a recruitment agency and the extension of the advertising campaign to include the UK.

As the Deputy noted, the IMB expressed concern about the potential for inadvertent reissuing of recalled product. The IMB inspectors noted that problems might arise between the procedures for blood returned for re-routing between hospitals and procedures for dealing with blood returned for other reasons. They sought greater clarity with regard to the different procedures.

The re-routing programme allowed for the transfer of unused units of blood from one hospital to another, to make the best use of resources. Re-routing occurred if units of blood were issued for a specific patient to a specific hospital, but not used for that patient and were not immediately required by that hospital for another patient. The units were returned by the hospital to the Cork centre in such cases. The centre verified that the units had been suitably stored while they were in the hospital. When this verification had taken place, the units of blood were re-routed to Cork University Hospital, which has a higher usage of blood than other hospitals in the city. The re-routing programme has been discontinued pending a full review, as a response to the concerns expressed by the IMB. The standard operating procedures governing the re-routing programme and the product recall system are being reviewed with the assistance of external good manufacturing practice consultants.

Another deficiency highlighted by the IMB inspectors, as the Deputy has correctly identified, related to the building at St. Finbarr's Hospital which is used by the Cork centre. The inspectors indicated that the building was unsuitable for long-term use and was not compliant with good manufacturing practice standards. The IBTS and the Department are aware of the difficulties with the building and are working together to develop a suitable alternative. The development brief for the new Cork centre project was submitted to the Department by the Irish Blood Transfusion Service in March 2003. The capital cost of the

project, inclusive of special testing facilities, is estimated at €28 million. Departmental officials are in discussions with the Department of Finance to agree a capital programme for 2004 and subsequent years. The Cork centre is one of my major priorities for approval as part of this programme. The issue of identifying a proper site delayed matters for some time.

While planning for the new centre is in progress, the board of the IBTS approved an interim development for the Cork centre in November 2003 to comply with IMB quality assurance standard recommendations. This interim solution for the ongoing delivery of services will be required for the next three to five years. The development, on the St. Finbarr's Hospital site, will cost an estimated €2 million, to be met from the IBTS's resources. The Southern Health Board has given its approval for the development of the interim facilities on the St. Finbarr's Hospital campus. The IBTS hopes to be in a position to apply for planning permission in the next few weeks.

Interviews for the position of architect to head up the design team for the interim refurbishment of the Cork centre have just been concluded. Shortlisting for the remainder of the design team is complete and interviews are being arranged. It is intended that the design of the facility, the seeking of planning permission and the procurement of interim construction works will be fast-tracked to ensure the earliest possible completion date. I am being kept fully briefed about the development of the Cork centre. I discussed capital facilities at the Cork centre with the chair of the board and the acting chief executive officer at a meeting on 10 November last. At this meeting, I confirmed my commitment to the provision of a new centre in Cork at the earliest possible date. I am committed to ensuring that the IBTS continues to have enough resources to maintain the highest possible standards in blood transfusion practice at all locations throughout the service.

Hospital Inquiry.

An Ceann Comhairle: The final two matters have been taken together. Deputies Brendan Smith and Ó Caoláin, who have raised the issue of the recent difficulties in Cavan General Hospital, including the suspension of two consultants and the death of a young person, will have five minutes each.

Mr. B. Smith: I am very grateful to the Chair for giving us an opportunity to speak about this important subject. I am glad the Minister for Health and Children, Deputy Martin, is present in the House as we approach the midnight hour to hear our concerns.

[Mr. B. Smith.]

At the outset, I extend my sincere sympathy to Brian and Rosemary Sheridan and their family on the death of their daughter, Frances. The North Eastern Health Board has announced that it has appointed an expert group to report on all the circumstances surrounding the death of Frances Sheridan. I appeal to the Minister to direct the health board to carry out the investigation in the most thorough manner possible and to complete it with the minimum of delay. That is the very least the Sheridan family deserves at this tragic time.

Last June I raised, by means of a parliamentary question and on the Adjournment, my concerns that surgical services were under threat at Cavan General Hospital. I expressed particular concern at that time about the threatened withdrawal by the Royal College of Surgeons of recognition of five surgical trainee posts in the hospital. The Minister for Health and Children was requested last August by the CEO of the North Eastern Health Board to establish an inquiry following the suspension of two consultant surgeons. It has been stated repeatedly that the suspensions arose from interpersonal difficulties between the two eminent surgeons. Management, particularly human resource management, is about dealing at the coalface with difficulties and grievances that arise in the workforce. Surely in this day and age there is enough know-how and expertise within an organisation the size of the health board to deal with interpersonal difficulties among some of its most senior employees. This type of issue, albeit a very important matter, should not end up with the Minister and subsequently with an inquiry. These issues should be dealt with and finalised by the employers of the concerned parties and emerging difficulties should be dealt with firmly, conclusively and fairly.

I gather from the Minister's comments in the broadcast media this evening that he has been frustrated, to say the least, in making progress on the inquiry. A third committee has now been established in the inquiry. It is obvious, judging from media reports, that the Irish Hospital Consultants Association has not acted in a manner to facilitate the speedy progress of the inquiry. It is also obvious that the conditions sought by the IHCA before it would nominate two members to sit on the inquiry have delayed the whole process. I would have thought an association such as the IHCA in its representative capacity would do everything possible to represent and protect the legitimate interests of its members, including the utmost co-operation with the inquiry so that it may undertake its work in a thorough and diligent manner and in the quickest possible timeframe. I hope the latest appointed committee can complete its work in a short period.

I meet on a constant basis with people who outline their great satisfaction with the work and expertise of the three consultant surgeons attached to Cavan General Hospital. I also know of the excellent work done and treatment provided in the medical department. The personnel attached to Cavan General Hospital in all disciplines are quite rightly held in high esteem by the community of Cavan-Monaghan, north Longford, south Leitrim and north Meath. Unfortunately, in every hospital there are some outcomes following surgical procedures or medical treatment which give rise to legitimate grievance and mourning for some families and, sadly, no way back for the patient.

The issues at Cavan General Hospital need to be resolved without delay. I understand that the medical board of the hospital recently contacted the Minister requesting a meeting. My advice to the Minister is to meet those representatives of the hospital staff. They are eminent medics whose priority is the good of the hospital and the well-being of the people of the hospital's catchment area. Cavan General Hospital is a relatively new hospital, with the most modern facilities. We want this hospital and all its departments, with its committed staff, working to full capacity.

Caoimhghín Ó Caoláin: I wish to share a minute of my time with my colleague, Deputy Crawford. I thank the Ceann Comhairle for the opportunity to speak on this important issue and I join Deputy Brendan Smith in welcoming the Minister to the House at this late hour.

The failure so far to have the promised inquiry into the dispute involving two now-suspended consultants at Cavan General Hospital is grossly unfair to the staff of the hospital, to the two suspended consultants and above all to the people of the region served by the hospital. At this stage the inquiry should be concluded and its recommendations already acted upon. I reiterate my call to the Minister to intervene directly and immediately in this unacceptable matter. It is a scandal that a dispute involving the IHCA over what doctors serving on the inquiry may be recompensed has resulted in this delay.

Back in August, when matters first came to a head, I called on the health board executive to ensure that the suspensions caused minimum disruption to patient services, as it had promised in its statement, but that has not been the case. Even prior to the suspensions, the dispute placed additional pressure upon the staff of the hospital. With the closure of the accident and emergency department at Monaghan General Hospital the position became untenable and this has continued up to the present. The Government bears much of the responsibility for the now inadequate provision of acute hospital care in the Cavan-Monaghan region. This follows on the closure of

the maternity unit and the accident and emergency department in Monaghan.

The death of nine year old Frances Sheridan of Cootehill has added to concerns about the difficulties at Cavan General Hospital. I visited the family of the deceased child yesterday in Cootehill and I again express my sympathy to Brian and Rosemary Sheridan and their children in this time of terrible grief. However, pending the result of the autopsy and the report of the health board inquiry, it is too early to draw conclusions. Whether this tragedy is directly related to current difficulties at the hospital is an open question. The family expressed gratitude in my presence for the care and support they have received at Cavan General Hospital in the past, which I and countless thousands of others would also willingly declare. However, it is long past time for all these issues to be addressed, including the commencement and conclusion of the promised inquiry into what led up to the suspension of the two consultants, the stabilisation of the consultant presence at the hospital and the restoration of on-call status to Monaghan General Hospital, which is a related difficulty.

Mr. Crawford: I thank Deputy Ó Caoláin for the opportunity to speak on this tragic issue. The death of Frances Sheridan, aged nine, has brought back into the limelight the extremely serious problem of the mismanagement of Cavan-Monaghan hospital group. I express my sympathy with the Sheridan family, as I did personally yesterday. I am disgusted by the media intrusion into this family's great tragedy.

The problems of this hospital group have gone beyond a joke. Top-quality nurses and staff are under severe pressure because of the Minister's lack of leadership and that of the health board executives. The health board members must also carry the blame, because all but one of those representing County Cavan ignored the problems being experienced in Monaghan and now the overflow from Monaghan General Hospital is causing many of the problems at Cavan General Hospital. The Minister has failed to bring Monaghan General Hospital back on call since last July. The health board management and the Minister have allowed Cavan General Hospital to lurch into a similar situation, with many patients failing to receive the treatment they deserve. Good hospital staff and services are now receiving very bad publicity. The Taoiseach must take responsibility for this and the Minister must come under scrutiny and consider his position. I have had a good relationship with the Minister and have worked closely with him as much as I could. However, Monaghan General Hospital is still not on call and there are serious problems in Cavan General Hospital. There are serious

questions to be asked. People and patients must come first. Internal disputes and management problems must be dealt with by someone who cares — someone who will take things under control.

I will finish with a quote from a five-page letter I received from a Cavan constituent who was treated in Monaghan General Hospital:

In the fifties, dedicated doctors and nurses were fully equipped to deal with patients on arrival. Now fifty years later, in the age of modern times and technology, we are fighting for and praying for hospital survival.

I will pass this letter on to the Minister because it is revealing.

Mr. Martin: I thank the Deputies for raising these issues on the Adjournment. I take this opportunity to offer my deepest sympathy to the Sheridan family on the death of Frances. I do not propose to comment on the specific circumstances of the case in respect of the family's privacy at this time. In addition, the State Pathologist has conducted a post-mortem, the results of which are awaited.

This afternoon, I met the chief executive officer of the North Eastern Health Board and was briefed on the board's response. An expert group has been established by the chief executive officer to undertake a review of all factors involved in the case. The review will cover the period from Frances' first contact with Cavan General Hospital on 7 January 2004 to her untimely death on 1 February 2004. The expert group is comprised of senior clinical, nursing and risk management personnel. The chief executive officer has assured me that the review will be completed as a matter of urgency.

With regard to the suspension of two consultant surgeons in Cavan General Hospital, I have recently appointed a committee of inquiry to examine matters of complaint against the two consultants. The two consultants concerned have been suspended without pay since August 2003. The recently established committee is the third such one to be appointed by me in this matter. The legislation details and provides the framework by which these committees are established. Once the health board has notified the Minister of suspension, he is obliged to establish a committee of inquiry. The Minister can be subsequently involved as the person to whom the person suspended can appeal the outcome of the inquiry. There is a difficulty as to what I can say about the inquiry and events surrounding it, due to this quasi-judicial role.

The first inquiry established in September 2003 had to be disbanded due to the withdrawal of both the appointed chairman and one of the consultant representatives. A second committee

[Mr. Martin.]
was appointed by me in October 2003. This had to be disbanded in December 2003 due to a perceived conflict of interest of one of the consultant representatives and the subsequent refusal of the second Irish Hospital Consultants Association nominated member to continue.

The intervening period has been taken up with an extensive exercise to identify consultants, without any potential conflict of interest, who would be willing to serve on the committee of inquiry. The Irish Hospital Consultants Association has been unable to submit a list of names to perform this work due to the non-payment of fees to its members, despite the Department's willingness to provide locum cover for both committee members, to indemnify all committee members against legal action arising

from committee work and to pay travel and subsistence to the consultants concerned.

I am confident that the new committee, established with the assistance of retired consultants, will allow the matter to be progressed without further delay. My Department looks forward to receiving the recommendations of the committee in due course.

Every effort will be made to establish, as a matter of priority, the circumstances which gave rise to the tragic death of Frances Sheridan. I anticipate that the work of the expert group will be completed as a matter of urgency and will be the subject of early discussions with the chief executive officer of the board.

The Dáil adjourned at 12.05 a.m. until 10.30 a.m. on Wednesday, 4 February 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 7, inclusive, answered orally.

Questions Nos. 8 to 136, inclusive, resubmitted.

Questions Nos. 137 to 142, inclusive, answered orally.

Nuclear Plants.

143. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the outcome of his meeting on 1 December 2003 with the British Minister for Energy, Mr. Stephen Timms, to discuss concerns regarding the Sellafield plant; and if he will make a statement on the matter. [2889/04]

147. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the steps, including diplomatic and legal steps, which he has taken since June 2002 to bring about the closure of Sellafield; the number of occasions that issue has been raised with the British in diplomatic talks; the details of the response of the British when the matter was raised; if the Government intends to use the State's presidency of the EU to further that goal; and if he will make a statement on the matter. [2970/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 143 and 147 together.

Since June 2002, the Government has taken significant steps to bring about the closure of Sellafield, in accordance with our commitment in the agreed programme for Government. That policy objective has been advanced through separate legal actions, under the OSPAR Convention and the UN Convention on the Law of the Sea.

The OSPAR tribunal, in its award on 3 July 2003, established that Ireland has a right under the OSPAR Convention to access information on the marine environment, that the UK has an obligation to make such information available, and that Ireland has a right of redress under the convention to vindicate its rights to such information.

The provisional measures award and orders of the UNCLOS tribunal of 24 June 2003 and 14 November 2003 recommended that Ireland and the UK enter into dialogue to improve co-operation and consultation between the two Governments and report to the tribunal on

specified dates. Complex discussions confidential to the tribunal and the parties pending outcomes are ongoing in line with the obligation on both parties to improve co-operation and co-ordination arrangements. While progress is being made, it is at a measured pace, and it is too early to speculate on the outcomes to the discussions. However, it is my intention to make public as appropriate any agreed improvements in those regards arising from that process.

Since June 2002, I have also represented the Government in various meetings with my ministerial colleagues in the UK. I represented Ireland at the third meeting of the British-Irish Council, environment sectoral group, on 16 January 2003, the agenda of which included the issue of radioactive waste from Sellafield. My colleague, the Minister of State, Deputy Gallagher, attended a further meeting of that group in October 2003.

On 7 January 2003 I wrote to Michael Meacher MP, then Minister for the Environment, outlining my concerns regarding the proposed decision by the UK Environment Agency on future discharges of technetium 99 from Sellafield. In response to pressure from the Government, the UK agreed a moratorium on discharges to conduct trials into a chemical process that, if successful, would increase the feasibility of storing that waste product in a safe form on land rather than discharging it into the Irish Sea. I understand that the results of those trials are expected shortly. I will continue to press for the complete cessation of those discharges into the Irish Sea, and I will consider the outcome of those trials in that context.

On 28 May 2003, I met the then UK Energy Minister, Brian Wilson MP, in Dublin to reiterate the range of Government concerns about Sellafield, including the continued discharge of technetium 99, the role of the proposed nuclear decommissioning authority, and the storage of radioactive waste at Sellafield.

On 24 July and 26 August 2003 I wrote to Mr. Wilson's successor, Mr. Stephen Timms MP, concerning media reports about the structural integrity of a waste storage facility at Sellafield. Mr. Timms responded that the UK regulations had been concerned about the longer-term integrity of the facility for several years and had instructed BNFL to carry out necessary structural surveys and engage in close monitoring of the building.

I have previously placed on the record of this House an exchange of correspondence with the Secretary of State for Trade and Industry, Patricia Hewitt MP, about the inadequacy of security at Sellafield. Following media reports last August about the closure of THORP by 2010, I again wrote to Ms Hewitt to seek clarification on the matter. She confirmed the existing UK policy that any new reprocessing contracts for THORP

[Mr. Cullen.]

would require British Government approval and would be subject to public consultation, during which the Irish Government could make its views known.

On 1 December 2003, together with the Minister of State, Deputy Gallagher, I met the Secretary of State for Environment, Food and Rural Affairs, Ms Margaret Beckett MP, and Mr. Elliot Morley MP, Minister for the Environment, in London, while later the same day the Minister of State also met Ms Hewitt and Mr. Timms. We discussed the issues of access for the RPII to Sellafield, technetium 99 discharges and the structural integrity of storage buildings at Sellafield. The UK Ministers acknowledged the concerns expressed by Ireland on those issues, although they do not share them. However, both sides indicated a willingness to engage under the terms of the UNCLOS tribunal orders and at all levels in a constructive approach to those issues.

As well as contacts with ministerial colleagues, my officials and scientific experts from the RPII continue to meet their UK counterparts regularly, during which Ireland's concerns regarding operations at Sellafield are raised. Such contacts continue to be productive. Indeed, I believe that, largely as a result of Ireland's legal actions, there has been increasing recognition among relevant UK authorities of the serious concern of the Irish Government and people. However, there remains a significant difference of views regarding operations at Sellafield. The UK response to concerns raised by Ireland is that operations at Sellafield are safe and do not adversely impact on the environment. This Government holds significantly different views and has at every opportunity expressed those views directly to the UK Government and its relevant authorities at all levels. The Government will not hesitate to explore further options regarding Sellafield as they become available.

Regarding Ireland's EU Presidency, while it would be inappropriate to pursue a national agenda, there are currently two proposed directives, which together comprise proposals for a nuclear safety package, under discussion in the European Council's atomic questions working group. Those will, if adopted, provide an EU-wide set of standards regarding nuclear safety and waste management and disposal which will apply in all member states including the UK. The Irish Presidency will continue, through dialogue, to seek and develop consensus on the directives.

Decentralisation Programme.

144. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the nature of the relationship between the national spatial strategy and the programme for decentralisation announced on budget day.

[2963/04]

Minister for the Environment, Heritage and

Local Government (Mr. Cullen): The national spatial strategy, or NSS, was published by Government in November 2002. The strategy is a 20-year planning framework designed to enable every part of the country to achieve its potential. The strategy aims to promote a dynamic urban and rural structure throughout Ireland through a set of interdependent spatial policies which focus on five main elements: a stronger, internationally competitive greater Dublin area; strategically placed gateways leading the delivery of a more spatially balanced Ireland; hubs, which link the capability of the gateways to wider areas; other towns capitalising on their local and regional roles; and diversified rural communities with enhanced access to employment opportunities. In adopting and publishing the strategy, the Government stated that it would take full account of the NSS in moving forward the progressive decentralisation of Government offices and agencies.

The decentralisation programme takes account of the NSS, but the Government also had to take account of a wide range of other factors in selecting suitable locations for the new decentralisation programme announced in the budget. Those other factors included the core business and nature of the relevant Department or agency, the location of their customer base, the location of existing decentralised offices, the desirability of clustering a Department's decentralised units within a region, the importance of respecting the scale and character of locations regarding their capacity to absorb the new jobs involved, the existence of good transport links and the general infrastructure capacity in the locations selected.

In addition to gateways and hubs, the NSS identified the need to strengthen the county town and large town structure and the need for a renewed emphasis on the potential of small towns, villages and rural areas. The strategy envisages that county towns and other medium-sized towns would continue to play important roles as "local capitals", developing their enterprise and service functions and continuing to provide opportunities for employment both in the towns themselves and in related smaller towns, villages and rural areas. The relocation of public service employment to many of those towns will help to underpin the important role which many of them must continue to play into the future.

The Government is strongly committed to the implementation of the national spatial strategy and has put a wide range of measures in place at national, regional and local levels aimed at achieving the strategy's objectives of more balanced regional development through a better spread of economic activity, population and employment growth.

Environmental Policy.

145. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government the plans he has to present a proposal to Government to make Ireland a dioxin-free country. [2951/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Dioxins arise mainly from incomplete combustion. Various studies have confirmed their ubiquitous nature, even in remote areas. Humans have contributed to the dioxin load in the environment since the first use of fire, and in practical terms it is impossible totally to eliminate dioxins. The real challenge is to reduce levels of emissions.

The most recent emissions data available are in the inventory of dioxin and furan emissions to air, land and water in Ireland for 2000 and 2010 prepared for the Environmental Protection Agency in December 2002. That report is a useful contribution to our information base on dioxins in the environment, especially as it identifies the relative significance of various emission sources for dioxins. Overall, it indicates that Ireland generates relatively low amounts of dioxin and is consistent with earlier EPA surveys of dioxin levels, showing they are uniformly low by international standards.

It is evident from the report that the biggest source of emissions is, and is expected to remain, uncontrolled combustion processes, in particular the home burning of domestic waste, house and vehicle fires, and Halloween bonfires. Together, those contribute nearly 80% of total emissions into the air. Nonetheless, the report anticipates that dioxin emissions into the air from all sources will fall by over 10% by 2010. It is noteworthy that the nine hazardous waste incinerators in operation in Ireland in 2000 were estimated to have contributed a fraction of 1% of national dioxin emissions into the air. Even projecting annual municipal waste incineration of 1 million tonnes by 2010, the report estimates that waste incineration would contribute less than 2% of dioxin emissions to air.

Ireland is a signatory of both the 1998 UNECE Protocol on Persistent Organic Pollutants, or POPs, and the 2001 UNEP Convention on POPs. Both agreements aim to reduce and, where feasible, ultimately eliminate releases and emissions of dioxins. Parties must develop an action plan containing appropriate strategies, including promoting the application of available, feasible and practical measures, the development of substitute materials, products and processes, and the application of best available techniques and best environmental practices to new and existing sources and of effective measures to control emissions from mobile sources. I am working towards ratification of both agreements

and will bring proposals to Government in due course.

Waste Disposal.

146. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government when the judgement of the European Court of Justice is expected in the case being taken by the Commission against Ireland arising from this country's inadequate administrative response to illegal waste disposal activities; and if he will make a statement on the matter. [2879/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The European Commission has initiated legal proceedings against Ireland regarding alleged failures to comply with aspects of the Waste Framework Directive (75/442/EC). Following the submission of papers by both the Commission and the Irish authorities, including a request by Ireland for an oral hearing, it is now a matter for the European Court of Justice to decide on the timing of the case's progression. My Department has received no indication from the court in that regard.

Given that the case is before the European Court of Justice, I am not in a position to comment on the issues arising in the context of the proceedings. However, I can assure the Deputy that I have assigned the highest priority to addressing issues regarding the regulatory regime governing the waste sector and its effective enforcement. The establishment of a new office of environmental enforcement within the Environmental Protection Agency, additional funding for local authorities and stronger legislation are all practical expressions of my commitment to ensuring that we have a strong and well-enforced regulatory system governing the waste sector. I intend to continue to place major emphasis on ensuring further progress in this area in the months and years ahead.

Question No. 147 answered with Question No. 143.

Housing Grants.

148. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the details of the disabled persons' grant; if there are recent changes leading to a restriction on the availability of the grant; the person who decides on the extent of the disability leading to an entitlement to qualification for the grant; and if he will make a statement on the matter. [2693/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Grants are available from local authorities towards making a dwelling more suitable for the accommodation of a member of the household who is either physically

[Mr. N. Ahern.]

handicapped or suffering from severe mental handicap or mental illness. A grant of up to €20,320 or 90% of work is available in individual cases in respect of private dwellings, while the full cost of the work may be funded in the case of a local authority rented dwelling.

It is a matter for the authorities to decide on the level of funding to be provided for the scheme in their areas and to manage the operation of the scheme from within the allocations notified to them for this purpose by my Department. My Department recoups to local authorities two thirds of their expenditure on the payment of individual grants, and it is the responsibility of the authorities to fund their one third from their own resources from amounts provided for that purpose in their annual estimates of expenditure.

The framework for the operation of the scheme is laid down in statutory regulations and, as far as practicable, is designed to give an appropriate degree of flexibility to local authorities. My Department has not introduced any amendments to restrict the grant assistance available in individual cases. Decisions on eligibility for grant assistance, including those relating to the establishment of the type or level of disability involved, are a matter for decision by the local authority concerned.

A review of the scheme is being finalised in my Department at present, and on its completion I will be in a position to determine the changes, if any, required to the regulations governing the scheme to ensure that the funding available is directed at those persons in greatest need of such assistance.

Water and Sewerage Schemes.

149. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government his plans to increase the grant available for small group sewerage schemes; and if he will make a statement on the matter. [28335/03]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Group sewerage scheme grants of up to 75% of the approved cost, subject to a maximum grant of €2,031 per house, are available for the provision of common or shared waste water disposal systems.

The national rural water monitoring committee is overseeing the implementation of a pilot programme by local authorities to test a range of new, small-scale waste water collection and treatment systems. Twelve villages in six counties have been selected as locations for the pilot programme. Last year proposals were invited from suitably qualified contractors to design and build those village schemes and to operate and maintain the infrastructure over a 20 year period. Contractors have now been shortlisted, and

construction is expected to commence later this year.

Subject to a satisfactory outcome to the pilot testing, the national rural water monitoring committee envisages a potential role for group sewerage schemes in the collection of domestic waste water from households outside the immediate catchment of such treatment systems. Confirmation of such a role for group sewerage schemes and any review of the associated grants must await the outcome of the pilot programme.

Waste Management.

150. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which he proposes to deal with the issue of waste management in the future, with a view to maximising recycling and eliminating landfills; and if he will make a statement on the matter. [2946/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): An effective basis for addressing our waste management responsibilities has been put in place through the Changing Our Ways policy statement on waste management, the Preventing and Recycling Waste: Delivering Change policy statement, the waste management plans, largely prepared on a regional basis, adopted by the local authorities, and the comprehensive regulatory framework now in place regarding waste.

The Government's approach is based on the internationally recognised waste management hierarchy of prevention and minimisation, significantly increased levels of recycling, energy recovery and, finally, utilising landfill as the last resort for residual waste that cannot otherwise be recovered. The Government's priorities regarding waste management are now heavily focused on implementation. The main objectives are to ensure full and speedy delivery on the modernisation of waste infrastructure and services identified in local authority waste management plans, intensify waste prevention efforts through an ambitious and well-resourced national waste prevention programme, significantly expand recycling efforts, extend producer responsibility initiatives at industry level, ensure that the volumes of waste going to landfill are significantly reduced, and establish several new structures in support of waste management initiatives generally, and recycling in particular.

Progress towards meeting the targets set out in changing our ways has been reported by the EPA in the most recent national waste database report, which relates to the year 2001. In addition, my Department is carrying out a national overview of waste management plans. That overview will not take precedence over the current generation of waste management plans; rather it is designed

to provide a composite national picture of the infrastructure and services which the plans provide for, to outline progress achieved and to address issues which have arisen in the implementation process to date. That exercise is at an advanced stage, and I expect that it will be concluded very shortly.

Playgrounds.

151. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the number of playgrounds there are in the State; and his proposals for increased provision. [2960/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Comprehensive statistics on the number of playgrounds in the State are not available in my Department.

However, under my recently announced initiative, Delivering Value for People: Service Indicators in Local Authorities, local authorities are required to report annually on their performance against 42 service indicators.

Two of those indicators relate to playgrounds, and those will enable comparisons to be made across local authorities on their performance in this area. Specifically, the indicators will show the number of children's playgrounds per 1,000 of population provided directly by the local authority and facilitated by it.

Local authorities will be required to report annually on their performance against the indicators by the end of the first quarter of the following year. Monitoring and verification of performance against the indicators will be carried out by an independent assessment panel, and an annual report on the performance of local authorities against the 42 indicators, incorporating the independent assessment, will be issued to my Department by the Local Government Management Services Board.

Question No. 152 withdrawn.

Housing Grants.

153. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if it is his intention to increase the disabled persons' housing grant to cover 100% of the cost of approved building costs on the basis of need; the measures he intends to take to address the hardships caused by the fact that, due to underfunding of local authorities, applicants for the disabled persons' housing grant have to wait an inordinately long period of time before receiving their grant; when the review of the disabled persons' housing grant which was commenced by his Department in March 2003 will be published; and if he will make a statement on the matter. [2913/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A review of the disabled persons' grant scheme is being finalised in my Department at present. On its completion, I will be in a position to determine the changes, if any, required to the regulations governing the scheme to ensure that the funding available is directed at those persons in greatest need of such assistance.

The administration of the disabled persons' grant scheme is a matter for individual local authorities. The framework for the operation of the scheme is laid down in statutory regulations and, as far as practicable, is designed to give an appropriate degree of flexibility to local authorities. It is a matter for the authorities to decide on the level of funding to be provided for the scheme in their areas from within the allocations notified to them for that purpose and to manage the operation of the scheme within those allocations. My Department recoups to local authorities two thirds of their expenditure on the payment of individual grants, and it is the responsibility of the authorities to fund their one third contribution from their own resources from amounts provided for that purpose in their annual estimates of expenditure.

The improvements which have been made in recent years to the amount of the disabled persons' grant and the level of recoupment available have resulted in a significant increase in levels of demand, with expenditure on the scheme increasing from €13 million for 2,455 grants in 1998 to €52.6 million for 5,932 grants in 2002. In line with that very significant increase in my Department's capital provision for the scheme, recoupment costs have also increased from €6.3 million for 2,512 grants in 1998 to almost €31.5 million for 5,070 grants in 2002. In that time the maximum grant has doubled from €10,158 to €20,320. Those very significant increases in the levels of funding provided are clear indication of the Government's commitment to the disabled persons' grant scheme.

House Prices.

154. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if the Government has begun to reassess its position regarding house prices in view of the fact that, contrary to Government statements, over the past 18 months house prices have continued to rise, and rose by 13.7% in 2003 alone; and if he will make a statement on the matter. [2973/04]

204. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the average cost of a new house in Dublin, a secondhand house in Dublin, a new house outside of Dublin and a secondhand house outside of Dublin in 1997 and in the latest year for which figures are available; the plans he has to ensure

[Mr. Broughan.] availability of affordable housing in view of the recent survey showing that house prices are continuing to rise; his estimate of the likely increase in house prices during 2004; and if he will make a statement on the matter. [2856/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 154 and 204 together.

The unprecedented demand for housing, fuelled mainly by rapid economic growth and demographic changes, has been the major driver of house price increases in recent years. The Government's strategy is to increase housing supply to meet demand and to improve affordability, particularly for first-time buyers, and in this way to seek to bring moderation to house price increases.

The measures introduced by this Government to boost supply, such as significant investment in infrastructure, removing planning constraints, and promoting the increased residential densities, are having an effect. House completions for the first nine months of 2003 are up 18.3% on 2002, and up 16.2% in Dublin and 11.1% in the greater Dublin area on the same period in 2002. Based on those positive trends, 2003 is set to be the ninth successive year of record housing output. Ireland is building at the fastest rate in Europe — close to 15 units per 1,000 population — which is an outstanding achievement.

House price increases and their impact on affordability are a matter of continuing concern. While the rate of house price increases is still problematic, that has moderated considerably since the late 1990s, when price increases peaked at 40% per annum in 1998. To address problems associated with increases in price levels, the Government has worked to ensure the continuing enhancement of supply. Information on average prices paid for new and secondhand properties both nationally and in selected areas is set out in my Department's housing statistics bulletin, copies of which are available in the Oireachtas Library.

At the same time, the Government is concerned to ensure that the broad spectrum of housing needs is met. Almost €3.8 billion was spent in the first three years of the national development plan on social and affordable housing measures, reflecting the strong commitment of the Government to meeting needs of low-income groups and those with social and special housing needs. The housing needs of over 12,000 households will be met in 2004, compared with almost 8,500 in 1998.

The Government is committed to continuing with measures to boost the supply of housing and ensuring that the demand for housing is met in a sustainable manner. We will continue to monitor and review housing developments and policies as

necessary, including examining possible measures aimed at moderating land costs for housing and other essential public infrastructure.

EU Directives.

155. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the legal actions and actions of instances being taken against his Department for failure to implement EU directives; and if he will make a statement on the matter. [2977/04]

202. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the number of cases in which the European Commission has initiated legal action, or announced that it intends to take legal action, arising from the failure by this country to implement EU directives for which his Department has responsibility; the steps he is taking to ensure that all those directives are implemented in full; and if he will make a statement on the matter. [2878/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 155 and 202 together.

There are seven cases in respect of which the European Commission has initiated legal action on grounds of non-implementation of EU directives in areas for which my Department has responsibility. Six of the cases relate to directives concerning dangerous substances in water, protection of water against pollution by nitrates from agriculture, assessment of the effects of certain public and private projects on the environment, commonly known as environmental impact assessment, or EIA, the keeping of wild animals in zoos, end-of-life vehicles, and obligations under the law of the sea. The seventh case relates to several waste issues.

Legislation is in place in respect of all of the directives concerned, and the legal actions relate to issues regarding elements of transposition and implementation. The European Commission recently indicated its intention to withdraw the case regarding the zoos directive, and confirmation of that decision is awaited. Further legal action has been notified to Ireland on grounds related to reporting requirements under an EU regulation on ozone-depleting substances.

The European Commission announced on 22 July 2003 its intention to take legal action against Ireland regarding the proposed decision by the Government to introduce a €20 charge on citizens wishing to make submissions on development consent procedures. The Commission also announced on 29 January 2004 its intention to take legal action against Ireland for alleged failure to designate a sufficient number of special protection areas, or SPAs, for wild birds and adequately to protect sites that have or require SPA status. No communication has been received

from the European Court of Justice in either matter.

Planning Issues.

156. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government when he will issue new planning guidelines to local authorities. [2697/04]

183. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government when he will issue new planning guidelines to local authorities. [2695/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 156 and 183 together.

Section 28 of the Planning and Development Act 2000 provides that the Minister may, at any time, issue guidelines to planning authorities regarding any of their functions under the Act and requires planning authorities and An Bord Pleanála to have regard to such guidelines in the performance of their functions.

Work is under way in my Department on the preparation of a number of guidelines which I propose to issue during 2004 either in draft or final format. These include guidelines offering advice in respect of architectural heritage; control of quarries; development control; development plans; retail planning; rural housing; strategic environmental assessment; strategic development zones; and wind farm development.

Local Authority Housing.

157. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the figure for the resultant increase in the number of individuals seeking housing from local authorities, or seeking rent supplement from the State, by reason of the fact that the number of housing tenants in rent protected private rented sector dwelling has fallen dramatically in recent years, and that there are no longer any rights to a succession of tenancy at reduced rent for family members. [2967/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Housing (Private Rented Dwellings) Act 1982 confers a right to retain possession, as a tenant, of a formerly rent controlled dwelling for the lifetime of the person who was the tenant at the commencement of the Act — 26 July 1982 — and for the lifetime of their spouse. Where a member or successor members of the tenant's family succeed to the tenancy within 20 years of the commencement of the Act, the right to retain possession as a tenant under the 1982 Act continues to 25 July 2002, or until the tenancy has lasted a minimum of five years.

Once protection for successor tenants ceases under the 1982 Act, I am advised that they may be entitled to claim a long occupation lease of up to 35 years under Part II of the Landlord and Tenant (Amendment) Act 1980. Where the landlord is unwilling to grant a long occupation lease or seeks an increase in rent, the tenant may apply to the Circuit Court to determine their entitlement and also to have the rent and other tenancy terms set. Where the rent has been set by the Circuit Court, the tenant-lessee is eligible for the means tested rent allowance scheme operated by the Department of Social and Family Affairs.

My Department has no information which would suggest that successor tenants who no longer enjoy the protection of the 1982 Act are applying for social housing or are seeking rent supplement from the Department of Social and Family Affairs.

Greenhouse Gas Emissions.

158. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the progress made to date in implementing the targets for reducing greenhouse gas emissions agreed by Ireland under the Kyoto agreement; when he expects that the targets will be met; and if he will make a statement on the matter. [2870/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Question No. 81 of 26 November 2003. Kyoto obligations arise in the commitment period 2008 to 2012. Ireland has embarked on a challenging programme to limit the growth in greenhouse gas emissions through vigorous implementation of the Government's national climate change strategy published in November 2000. This comprises a systematic programme towards meeting these obligations and sets a ten year policy framework for achieving the necessary emissions reductions. Its strategic approach across all sectors is in line with that adopted in other EU member states for ensuring that Kyoto obligations are met.

A progress report on the implementation of the strategy was published in May 2002. While this shows that measures in place or in progress are capable of achieving approximately 20% of the reductions required to meet our Kyoto Protocol obligations, continuing emissions increases due to volume growth in the economy mean that implementation of the strategy must be intensified.

I have, therefore, initiated a review of implementation of the strategy to ensure more focused and intensive implementation. This process will incorporate an update on greenhouse gas emissions projections, together with a particular emphasis on cross-cutting economic

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instruments to achieve Ireland's Kyoto target. Arrangements are well under way to ensure Irish industry and the power generation sector can participate in EU-wide emissions trading of CO₂ from January 2005. Emissions trading will cover about one third of Irish national emissions in an EU market of approximately half of EU-25 greenhouse gas emissions. This programme will assist in ensuring these sectors meet their reduction obligations in the most economically efficient manner through access to the least-cost emissions reduction opportunities across the EU.

I intend to publish the outcome of the review of the national climate change strategy as soon as possible and I am satisfied that full implementation over the remainder of the decade, together with any additional measures which may be identified in the review, will ensure that our Kyoto obligations will be fully met.

Local Authority Housing.

159. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the total number of persons on local authority housing lists at the latest date for which figures are available; the way in which this figure compares with the corresponding figure for the equivalent dates in each of the previous five years; the total number of local authority dwellings completed or acquired in 2002 and the anticipated number for 2003; and if he will make a statement on the matter. [2865/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume the question refers to the years 2003 and 2004. The results of the statutory assessment of local authority housing need, which was undertaken by local authorities in March 2002, indicated that a total of 48,413 households were in need of housing, compared with 39,176 households in March 1999. Detailed information on the results of the 2002 assessment was published in my Department's September 2002 quarterly edition of the housing statistics bulletin, copies of which are available in the Oireachtas Library.

The Sustaining Progress special initiative on housing and accommodation reflected the Government's expectation that the resources available in 2003 would allow for the needs of about 12,000 households to be met through the various social and affordable housing measures. A similar level is expected to be achieved again in 2004. This compares with almost 8,500 households in 1998.

My Department is receiving returns from local authorities in respect of the outturn for 2003. It is, however, estimated that there were 5,000 house completions-acquisitions in 2003. Pending the full receipt of returns from local authorities it is not

possible, at this stage, to give a firm indication of the expected number of completions-acquisitions in 2004.

Development Levy.

160. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the plans he has to address infrastructural deficits in some counties which led to unacceptable high levies on housing and commercial developments; and if he will make a statement on the matter. [2949/04]

167. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if he will reconsider his position in relation to development levies to be charged by local authorities in view of the negative impact they will have on the price of houses, new industrial and commercial developments as well as new agricultural developments. [2696/04]

209. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government his views on whether house owners should be liable for the development levies on extensions to their homes, especially when, in many such cases, extensions are required to care for an elderly relative or a person with a disability; and if he will make a statement on the matter. [2863/04]

488. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the impact new proposals on development levies will have on the agricultural industry; and if he will make a statement on the matter. [29234/03]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 160, 167, 209 and 488 together.

The development contribution system was significantly revised when the Oireachtas, with cross-party support, brought in a new, transparent system in the Planning and Development Act 2000. Under section 48 of the 2000 Act, planning authorities must draw up a development contribution scheme in respect of public infrastructure and facilities provided by, or on behalf of, the local authority that benefit development in the area. These schemes are intended to ensure that the long-standing practice of levying development contributions to fund local authority infrastructure is implemented in a more transparent and consistent way across the country than has been the case in the past. It is not proposed to make any further changes to this system at present.

It is not anticipated that the contributions levied will unduly affect the price of houses, new industrial and commercial development or new agricultural developments. While the development contribution system has been reformed, local authorities have been levying

contributions since the implementation of the 1963 Act and the new system continues that. In addition, by way of circular letter issued on 27 June 2003, planning authorities were advised that while it is expected that the planning authority should ensure that developers make an appropriate contribution towards the costs of public infrastructure and facilities, the local authority should take care to avoid development contributions that are excessively high.

It should be noted that where a domestic extension is under 40 sq. m., it is normally exempt from planning permission and development contributions will not apply. Where development does come within the planning system, the level of contributions charged and the types of development to which they will apply is ultimately a decision for the elected members of each planning authority.

The Government is committed to significantly increased levels of funding for infrastructure provided by local authorities with estimated expenditure on all infrastructure, including national roads, approaching €2.8 billion for 2004. Development contributions are not intended to substitute for Exchequer funding. Instead they are intended to pay the capital cost of local authority infrastructure and facilities for which funding may not be available from the Exchequer, for example, local road improvements, community facilities, playgrounds, traffic calming measures and park facilities.

Affordable Housing.

161. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government the number of houses to be made available as part of Sustaining Progress affordable housing in each of the local authorities in the greater Dublin area; the location of each of these developments; the number and type of housing units at each location; the proposed completion date; the projected cost of the units; and if he will make a statement on the matter. [2699/04]

194. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the progress which has been made to date to build the 10,000 houses promised as part of Sustaining Progress. [2847/04]

199. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the progress made to date with regard to the details of the agreement reached with the trade unions and employer organisations regarding the building of 10,000 affordable houses; when the scheme will start; the time span within which the 10,000 houses will be built; the companies by which they will be built; if sites have been handed over for this purpose; the number of such houses started; the number expected to be started by the end of 2004; when

he expects the first such houses to be available; and if he will make a statement on the matter. [2868/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 161, 194 and 199 together.

The affordable housing initiative was brought forward by the parties to the Sustaining Progress pay agreement, to meet the needs of persons priced out of the housing market. In response, the Government committed to an ambitious scale of delivery of affordable housing through this initiative and the provisions of Part V. Identifying potential sites for the initiative last July and December has been a critical step in ensuring early delivery of affordable housing for the initiative. Substantial progress has been made to date, including Part V, arrangements, all the sites so far identified have the potential to deliver 6,100 units. The fact that these sites are being released by both local authorities and a range of other State authorities indicates the broad commitment at Government level to facilitate the earliest delivery of housing at affordable prices.

Both local authority and State lands have been identified for the initiative in Dublin, Kildare and Meath. In July 2003, four sites were earmarked for the initiative: two OPW sites in Dublin in Jamestown Road and Infirmary Road, each with a potential housing yield of 300 and 100 units, respectively; and two Department of Defence sites — Magee Barracks in Kildare and Gormanston in Meath, each with a potential yield of an estimated 350 units.

In December 2003 both State and local authority lands in Dublin, Cork and Waterford were earmarked for the initiative. The relevant local authority lands in Dublin have a total potential yield of around 2,300 units. South Dublin County Council envisages a potential yield of 1,000 units on its own lands for the initiative, the main areas being Tallaght, 750 units in Killepper, Killinarden, Fortunestown and Lucan-Clondalkin, and 250 units in Balgaddy and Nangor. The 900 units identified by Dublin City Council for this initiative are in Cedarbrook phase II development, Cherry Orchard area, 500 units; Finglas Road-Tolka Valley area, 170 units, and 130 units on the Malahide Road. The three areas earmarked in Fingal County Council for 400 units are Blanchardstown, Balbriggan and Donabate. State owned lands at Harcourt Terrace, Portrane and St. Bricin's Hospital in Dublin are also being released for the initiative with potential housing yields of 30, 150 and 80 units, respectively.

The timescale for delivery and precise number of units to be delivered on each site will be determined in planning the projects and take account of factors such as site characteristics, servicing status, sustainable development, the

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appropriate housing mix and other facilities. Arrangements are now being put in place for the establishment and transfer of title of the relevant sites and implementation meetings have been held with all relevant local authorities and Departments to progress delivery on these sites.

There is a range of matters to be dealt with from identification of sites through to delivery. These are being expedited and I am confident that, with the shared resolve of the Government and the parties to the pay agreement, the challenge set in Sustaining Progress will be met and measurable progress will be achieved by the mid-term review this year.

As provided for in the agreement, the Government has been working with the parties to the pay agreement to develop all aspects of this initiative. This includes issues such as defining the eligibility criteria to apply to the target group, the appropriate models for delivery, financing arrangements and land acquisition. These meetings have been positive in advancing the difficult issues which must be addressed in the implementation phase.

In terms of the delivery model, under the terms of the agreement, this scheme cannot impact on the Exchequer or general Government finances. Therefore, the kind of subsidy which arises under existing affordable housing schemes will not be appropriate. The delivery model will therefore build on existing expertise in the affordable housing area and will be delivered through contracts with developers procured competitively by local authorities. These contracts will be to design, build and finance the construction of the units.

I welcome this ambitious initiative as another means of bringing more affordable housing on stream. Work on implementing this initiative is progressing as a priority and consultations are continuing with Departments, State agencies and local authorities to identify other lands suitable for the initiative and other housing purposes. This is firm evidence of the Government's determination to making measurable progress in the implementation of this initiative by the mid-term review of Sustaining Progress in the middle of this year. We will work to ensure that the output from all affordable housing schemes is maximised while ensuring the continuation of measures to maintain the overall supply of new houses.

Homeless Persons.

162. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the changes he intends to implement in 2004 to ensure that an accurate count of those forced to sleep rough throughout the country is made in view of the concern regarding the accuracy of the figures in recent years; if the national anti-poverty

strategy target of eliminating rough sleeping by the end of 2004 will be reached; and if he will make a statement on the matter. [2912/04]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): The assessment of homelessness is, in the first instance, a matter for local authorities. The homeless agency in conjunction with the voluntary sector is addressing the issue of putting in place a more effective system of establishing the incidence of rough sleeping. Last week, the agency and the voluntary bodies completed a street count of rough sleepers. This count commenced on 12 January and was completed on 29 January 2004. I understand the count comprised data collected with and/or from a range of statutory and voluntary services providers and it is intended that the findings will be collated and finalised in the coming weeks. I am confident that the implementation of the LINK data system being introduced by the statutory and voluntary homeless service providers in the Dublin area, together with the continued efforts of outreach workers will, ultimately, provide the basis for a more accurate counting system. Specific attention will also be paid to the issue of homelessness in the preparation for the triennial assessment of housing need to be undertaken in 2005.

One of the key targets in the national anti-poverty strategy is the provision of sufficient and appropriate emergency accommodation for rough sleepers by the end of 2004 in conjunction with the provision of appropriate outreach services to enable them to access the services available to them.

Significant progress has already been made in the provision of services for rough sleepers since the publication of Homelessness — an Integrated Strategy in May 2000. For example, initiatives which have come on stream in the Dublin area include the provision of 1,000 additional emergency beds of which 100 specifically target rough sleepers, additional outreach teams to make contact with people sleeping rough and assist them into accommodation, the Dublin City Council nightly bus service which takes people from the streets to available accommodation, a hostel for young drug users and a long-term supported housing project for street drinkers. Appropriate provisions are also being put in place in other local authority areas to cater specifically for persons sleeping rough and street drinkers. My Department recoups to local authorities 90% of the accommodation related costs of these facilities while the care-support cost are provided by the health boards.

The achievement of the NAPS target in regard to persons sleeping rough remains a Government objective and I hope that, by the end of 2004, sufficient accommodation will be available to avoid the need for rough sleeping.

Greenhouse Gas Emissions.

163. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if it is the Government's intention to use this State's Presidency of the European Union to initiate a programme for the targeted reduction of emissions on an EU-wide basis; and if he will make a statement on the matter. [2972/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I assume the question refers to targeted reductions of greenhouse gas emissions. Under the Kyoto Protocol, which the European Union and its member states ratified in May 2002, the EU has committed itself to reducing its combined emissions of a basket of six greenhouse gases by 8% below 1990 levels during the period 2008 to 2012. A subsequent burden sharing arrangement resulted in different emissions targets for each member state.

It is the responsibility of each member state to ensure that it complies with its overall emissions target, but it is recognised that action on an EU-wide basis is necessary in respect of policies and measures where progress can best be achieved in a common and co-ordinated way. In June 2001, the Commission published the European Climate Change Programme, ECCP, which has identified the most environmentally beneficial and cost-effective EU-level policies and measures to assist the EU meet its 8% target. The programme outlines a number of sector specific measures that have already been taken and many that are yet to be taken to assist particular sectors and, therefore, member states, to meet their targets. The Commission reports regularly on the implementation of the ECCP and a communication from it in the coming months is expected to outline plans for implementation of the next phase of the programme. The Irish Presidency will work closely with the Commission and our EU partners in this regard.

The emissions trading directive, which has already been agreed, will assist the larger CO₂ emitters in EU industry and power generation sectors to contribute to overall emissions reductions in a flexible and cost effective manner. A draft directive linking the emissions trading scheme to the Kyoto Protocol's project mechanisms will provide further opportunities for companies to help meet their targets through investing in environmentally sound projects in developing countries or in economies in transition. The Irish Presidency is working to achieve a first reading agreement between the Council of Ministers and the European Parliament on the linking directive. During our Presidency, we will also progress a draft regulation to control the use of certain

fluorinated gases, which are more potent than CO₂ in terms of climate change.

It remains a sole competence of the European Commission to propose further EU-wide legislative measures targeting reductions in particular sectors.

Electronic Voting.

164. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if, in view of the importance of ensuring the integrity of the new electronic voting system which dictates that the machines and their operating software should be subject to the most rigorous and comprehensive testing regime and that political and other considerations would suggest a strong case for independent validation of such testing before the machines are brought into use at elections, he intends to commission such an independent validation system; and if he will make a statement on the matter. [2853/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): It is of paramount importance to ensure the integrity of the electronic voting system. For this reason, my Department has engaged extensively in the independent checking and validation of all aspects of the voting equipment and software. The testing regime includes certification of the voting machine by a German test institute and by two test institutes from the Netherlands. The system software has also been validated for robustness and accuracy by an Irish company and by a UK company specialising in the PR-STV count rules. My Department has also undertaken comprehensive testing of all aspects of the system.

Development Levy.

165. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if his Department made a submission to Wicklow County Council on the draft levy scheme, published by the Council; and if he will make a statement on the matter. [2948/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): In accordance with the requirements of section 48 of the Planning and Development Act 2000, my Department was consulted by Wicklow County Council on its draft development contribution scheme. My Department forwarded comments on the draft scheme to Wicklow County Council on 6 January 2004. A copy of these will be forwarded to the Deputy.

Homeless Persons.

166. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the recent

[Mr. Broughan.] concerns expressed by such organisations as Focus Ireland and the Simon Community regarding the increasing number of homeless persons; the steps being taken to deal with this problem; and if he will make a statement on the matter. [2857/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I am aware of the concerns expressed by the voluntary bodies about this matter. The Government is committed to addressing the issue of homelessness on a sustained basis with the aim of eliminating the need for rough sleeping by the end of 2004 and of providing adequate emergency and move on accommodation and support services to enable homeless persons to achieve independent living as soon as possible within the resources available for the purpose. There has been substantial progress in achieving this aim since the publication of the Government's integrated and preventative strategies on homelessness. As part of the integrated strategy local authorities, together with health boards and other statutory and voluntary bodies, are required to draw up local action plans to tackle homelessness. Virtually all of these plans have now been adopted by local authorities and health boards and work is well under way on implementing the measures contained in them.

A wide range of additional accommodation, ranging from emergency accommodation to long-term sheltered accommodation, has been provided. This has enabled rough sleepers to access emergency accommodation and allowed homeless persons to move out of emergency accommodation and into accommodation more suitable to their needs. Increased levels of day care facilities as well as specific provisions to meet the needs of people with addiction problems or who are sleeping rough, as well as homeless offenders, have been put in place. Further facilities will be provided as part of the full implementation of the homeless action plans with particular emphasis on the provision of move on accommodation to minimise the long-term use of both emergency and bed and breakfast accommodation.

Substantial additional funding has been made available to support the implementation of the homeless strategies. Capital funding for the direct provision by local authorities of accommodation for homeless persons is being doubled from €25.4 million to €50.8 million over the period 2001 to 2005. Current funding for accommodation related homeless services by local authorities has increased substantially from €12.6 million in 2000 to €50 million in 2003. Funding continues to be made available to the voluntary sector for the provision of accommodation for homeless

persons under the Department's capital assistance scheme.

With a view to ensuring that progress is made, the cross-Department team on homelessness continues to monitor the implementation of the homeless strategies and a review of the strategies will be initiated shortly.

Question No. 167 answered with Question No. 160.

Greenhouse Gas Emissions.

168. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the investigation which has been held by his Department into the circumstances in which a company (details supplied) obtained access to a confidential paper on emissions trading commissioned by his Department; if the gardaí have been asked to investigate the incident; and if he will make a statement on the matter. [2871/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Any possession by a company of a draft report, in preparation to inform Government decision-making on emissions trading, is unauthorised. This matter is under consideration in my Department and a decision as to any necessary action will be taken as soon as possible.

Planning Issues.

169. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the correspondence his Department has had with Meath County Council over the proposal to build a hotel near Trim Castle; and the use to which a €2.5 million EU grant is to be put related to this project, in view of the fact that Dúchas had formulated an objection to the hotel application. [2974/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Under the Heritage (Transfer of Departmental Administration and Ministerial Functions) Order 2002, the Minister for the Environment, Heritage and Local Government is a statutory consultee on any proposed development which may have an impact on the natural or built heritage.

In accordance with the relevant planning regulations, Trim Town Council forwarded to my Department on 6 March 2003 a copy of a planning application for a hotel development in the vicinity of Trim Castle. My Department responded to Trim Town Council on 27 March 2003 stating, *inter alia*, that the scale of the proposed development could have a negative visual impact on the castle and suggested that further information should be sought by the planning authority prior to any decision on the application being made.

This further information was sought by the planning authority and submitted to my Department. My Department responded to this further information on 13 August 2003 reiterating its view that that the development should not be permitted to impact negatively or detract from the visual appreciation of Trim Castle and that the proposal should be further scaled back.

On 27 August, Trim Town Council granted planning permission for the development subject to a number of conditions, including a reduced size for the development with fewer rooms and revised elevations. Conditions were also attached requiring the developers to undertake archaeological monitoring of all sub-surface works carried out within the development site. In addition, the developers were required to submit revised layouts setting the building back from where it was originally proposed.

There was no further correspondence between my Department and Trim Town Council regarding the proposed hotel. My Department has no role in the matter of grants for the hotel development.

Local Authority Funding.

170. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if consultants have been appointed to undertake the promised independent review of local government funding; the consultants appointed; the value of the contract awarded; the terms of reference of the review; when it is expected to be completed; and if he will make a statement on the matter. [2876/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I intend to appoint consultants shortly to carry out this review and the value of the contract will then be determined on the basis of the relevant tender. The terms of reference of the review are set out in the request for proposals document which has been placed in the Oireachtas Library. I anticipate that the review will take nine to 12 months to complete.

Proposed Legislation.

171. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the main provisions of the proposed National Infrastructure Bill; if the heads of the Bill have yet been brought before Government and approved; when the Bill is likely to be published and brought before Dáil Éireann; if it is intended that incinerators will fall within the remit of the national infrastructure board; and if he will make a statement on the matter. [2860/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I intend to bring draft legislative proposals to Government in the coming weeks to streamline the consent process

for major infrastructure projects. I will be seeking priority for the drafting of the legislation, once approved by the Government, to ensure the Bill is published at the earliest possible opportunity this year.

In advance of the Government considering these proposals, it would be inappropriate to elaborate on their details, including details on the types of national infrastructure that might be included in the proposed legislation. In general terms however, it is intended to reduce the time required for obtaining development consent for necessary major public projects and to co-ordinate and streamline the different procedures now involved, while respecting the requirements of environment and heritage protection and the need for adequate public consultation.

Nuclear Safety.

172. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the reports (details supplied) that the Governments of Britain, Germany, Sweden, Finland and Belgium are seeking to block or dilute EU draft directives on nuclear waste and nuclear safety; if he will take the matter up bilaterally with the Governments in question; and if he will make a statement on the matter. [30237/03]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Commission has proposed two draft directives setting out the basic obligations and general principles on the safety of nuclear installations, and on the management of spent nuclear fuel and radioactive waste, which together comprise proposals for a nuclear safety package. Discussions on the directives, which began last year, are continuing in the European Council's atomic questions working group. The Irish Presidency will continue, through dialogue, to seek and develop consensus on the draft directives. There are, however, diverse views among member states and it would be inappropriate to comment on the negotiating positions of any particular member state in this regard.

To find compromise on the difficult issues addressed in the draft directives, flexibility will be needed to accommodate the different views of member states. The Presidency will be guided by the discussions at working group level in seeking to find an acceptable compromise on, and satisfactory outcome for, the Commission proposals.

Planning Issues.

173. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he has made a submission on the draft regional guidelines for the Dublin area; and if he will make a statement on the matter. [2979/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Draft regional planning guidelines for the greater Dublin area were published jointly by the Dublin and mid-east regional authorities on 19 December 2003. The draft guidelines are on public display until 5 March 2004. In accordance with the requirements of the Planning and Development Act 2000, a copy of the draft guidelines has been formally submitted to my Department. The draft guidelines are being examined with a view to considering whether a formal submission from the Department with regard to the draft guidelines would be appropriate.

Housing Grants.

174. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the total number of persons awaiting payment of the first-time buyer's grant at the latest date for which figures are available; the reason for the long delay in making these payments; the steps being taken to ensure that all such grants are paid without further delay; and if he will make a statement on the matter. [2861/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There are 2,419 applications for payment of the first-time purchaser new house grant being processed in my Department. Every effort is made to ensure that no undue delays arise in the processing of applications, with the service of five inspectors who had retired being retained to undertake inspections and inspectors being deployed between areas in response to fluctuating workloads.

Decentralisation Programme.

175. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if, in regard to proposals for decentralisation, any survey has been undertaken to establish the number of persons employed in his Department and in boards or agencies operating under the aegis of his Department who are willing to move to the new locations announced by the Minister for Finance in his budget speech; the results of any such survey; and if he will make a statement on the matter. [2854/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department is co-operating actively with the decentralisation implementation committee and the Department of Finance with regard to the decentralisation programme announced in the budget for 2004. This envisages the decentralisation of all Dublin based functions of my Department, with the exception of Met Éireann and some local based services, to Wexford which will serve as headquarters, Waterford, New Ross and Kilkenny. Some 660 Dublin based staff are

involved in discharging these functions. The National Building Agency and the Local Government Computer Services Board will also be involved in the decentralisation programme.

My Department considers that a survey of its staff, and that of other Departments and agencies, to determine interest in transferring to decentralised locations will most valuably be undertaken when greater clarification on detailed arrangements is available following, *inter alia*, the report of the implementation committee. My Department has already set up an internal implementation team for decentralisation which will report regularly to me and my Department's management advisory committee. I intend that there will be full and timely communication with staff of the Department on the progress of the decentralisation programme, through the Department's partnership committee and other channels. My Department is also committed to developing innovative approaches to information management, communications and logistics to maintain and improve the quality of service to be delivered under decentralised arrangements and to minimise disruption.

Benchmarking Awards.

176. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the progress made to date in regard to the implementation of the Civil Service action plan drawn up to meet the requirements of the benchmarking process within his Department and the public service generally; if the Civil Service performance verification group has decided that the level of progress warrants the payment of the general round and the benchmarking award on 1 January 2004; if payments will be withheld in any sector due to failure to make adequate progress; and if he will make a statement on the matter. [30090/03]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): On 24 October 2003, in accordance with the requirements of the Civil Service performance verification group, CSPVG, my Department submitted a progress report on the commitments set out in its action plan under Sustaining Progress. Supplementary material sought by the group was submitted on 25 November 2003. Following assessment of the progress reported by my Department, the CSPVG decided that payment of the pay increases from 1 January 2004 was warranted for all eligible staff. The CSPVG noted that excellent progress has been achieved by my Department on the commitments identified in our action plan. I understand that copies of the CSPVG report, together with copies of progress reports for all Departments and offices, are being made available on the Department of Finance website.

The assessment of verified progress for the local government sector and those agencies for whom we have pay responsibilities is the responsibility of the Secretary General of my Department. A performance verification process was put in place for the following agencies: An Bord Pleanála; An Comhairle Leabharlanna; the Dublin Docklands Development Authority; the Environmental Protection Agency; the Heritage Council; the Housing Finance Agency; the Irish Water Safety Association; the Local Government Computer Services Board; the Local Government Management Services Board; the National Building Agency; and the Radiological Protection Institute of Ireland. Having assessed the progress achieved by the agencies, the Secretary General of my Department decided that the pay increases with effect from 1 January 2004 were warranted for all eligible staff in those agencies.

Having considered the report of the local government performance verification group, the sectoral report, and the individual local authority reports and associated documentation, the Secretary General decided that, with the exception referred to in the following paragraph, the progress achieved by local authorities warrants payment of the second phase of the benchmarking increases and the 3% general round increase to each eligible grade of staff with effect from 1 January 2004.

Some general operatives in Dublin City Council's cleansing department were involved in industrial action, involving a work stoppage, on 6 November 2003. This issue was the subject of a joint referral to the Labour Court under paragraph 19.9 of Sustaining Progress and a hearing took place on 12 December 2003. The Secretary General deferred a decision regarding the general operatives who were involved in the industrial action pending the outcome of this process. The Labour Court has now considered the matter and issued its recommendations. Under the Labour Court recommendations, Dublin City Council and SIPTU must agree certain issues before the matter is resolved. At that stage, a further report will be submitted to the Secretary General by the city manager.

There are separate parallel benchmarking processes for local authority craftworkers and for general operatives outside Dublin. The parallel benchmarking exercise for craftworkers has now been completed and the verification of progress will be completed by 31 March 2004. The parallel benchmarking exercise for general operatives has not yet been completed.

Nuclear Plants.

177. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the position regarding Ireland's international legal case in connection with the Sellafield

nuclear plant; and if he will make a statement on the matter. [2887/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Question No. 100 of 26 November 2003. A further report was made to the tribunal on 28 November 2003. The position is otherwise unchanged.

Affordable Housing.

178. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the figure for the amount of housing completions, planning permissions granted, and financial contributions paid under Part V of the Planning and Development Acts 2000 and 2002; and if he has satisfied himself with the implementation of the regulations regarding the financial contributions paid at arbitration to local authorities by developers. [2968/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The most recent information on the number of housing units acquired under Part V for each local authority is published in my Department's September quarter 2003 Housing Statistics Bulletin, a copy of which is available in the Oireachtas Library. Information supplied by local authorities in respect of the first nine months of 2003 indicates that three authorities received payments in lieu totalling €277,833, and two authorities received a total of €129,798 under the withering levy. The latest information available to the Department indicates that 261 planning applications were made to local authorities in 2002 that were subject to Part V of the Planning and Development Acts 2000 to 2002.

The Acts provide that where agreement cannot be reached between the planning authority and the applicant seeking planning permission within an eight week period following the granting of planning permission regarding the number and price of houses or sites, a financial contribution due to the authority in lieu of the transfer of land on site or compensation to be paid by the authority where ownership of land is transferred, the matter may be referred to a property arbitrator for determination. My Department has not been made aware of any difficulties being experienced with these provisions.

Local Government Reform.

179. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government when the process of reforming local Government will commence; if it is planned to initiate a public consultation on the reform of local Government with the aim of creating a democratic, empowered, accountable, relevant and properly

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funded system of local Government; and if he will make a statement on the matter. [2978/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Recent years have seen a major local government modernisation programme with: constitutional recognition and guaranteed local elections; record levels of funding; strengthened political and management structures; an updated legal framework along with legislation last year to end the dual mandate; and an efficiency agenda focused on improved corporate planning, IT, human resources and customer service. As part of this ongoing programme, new financial management systems, facilitating better financial management and planning, have been successfully rolled out to local authorities.

In addition, I have recently announced a new initiative to improve service standards with an extended range of performance indicators and independent verification. I will shortly commission a major independent study to identify future funding requirements and options for local government and I envisage that public consultation will form one element of this study.

The continued development of the county and city development board system is already providing a wider role for local government. Through these development boards local authorities have a central role in bringing together at local level the various public agencies, social partners and local development bodies and in developing, overseeing and monitoring an integrated strategy for the economic, social and cultural development of their areas. Further measures to be announced shortly will reinforce the boards in fulfilling their role.

It is my aim, over the lifetime of the Government, to build on progress to date and to carry forward a significant change agenda for local government, including a wider role, secure funding, improved effectiveness, efficiency and performance and proper democratic input.

Homeless Persons.

180. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the call made by the Depaul Trust for the appointment of an ombudsman for the homeless; his views on the call; and if he will make a statement on the matter. [2858/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): While I am aware that the Depaul Trust has suggested the establishment of an ombudsman to deal with the issue of homelessness there are no proposals for such an appointment. The issue of homelessness is already being dealt with at a number of levels

under the overall aegis of my Department. The Government's serious commitment to tackling the issue has been displayed in a number of ways in recent years. These include increased funding for the provision of accommodation related services from €12.5 million in 1999 to €50 million last year, the publication and implementation of the integrated and preventative homeless strategies, the establishment of homeless fora at local authority level, and the drafting of the homeless action plans.

The horizontal issues affecting homelessness, identified in the homeless strategies, are being pursued through the cross-Department team on homelessness. It is also open to persons wishing to do so to raise appropriate issues relating to homelessness with the Ombudsman.

Waste Management.

181. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government the scientific basis for his recently expressed view that incinerators were less harmful to the public than exhaust fumes; and if he will make a statement on the matter. [2882/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Inventory of Dioxin and Furan Emissions to Air, Land and Water in Ireland for 2000 and 2010, published by the EPA in December 2002, provides a useful indication of the relative significance of various emission sources for dioxins. As regards the nine hazardous waste incinerators in operation in the year 2000, the report estimated these to have contributed a fraction of 1% of national dioxin emissions to air — tables 1 and 4.2 of the report refer. By comparison, dioxin emissions from the transport sector were estimated to be more than 140 times higher. Even assuming that 1 million tonnes of municipal waste might be managed by way of incineration in 2010, the report projects that dioxin emissions from waste incineration would account for less than 2% of total dioxin emissions to air at that time, and less than half of the emissions attributable to the transport sector.

EU Directives.

182. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the reason the Government has sought a derogation from the terms of the EU nitrates directive, particularly in view of the compelling evidence that nitrates are contributing substantially to the pollution of drinking water; the response he has received to the request; when he expects the directive to come into operation; the reason the request for the derogation was not reported to Dáil Éireann under the terms of the European Union (Scrutiny) Act 2002; and if he will make a statement on the matter. [2874/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The nitrates directive, 91/676/EEC, aims to protect water quality against pollution from agricultural sources, with a primary emphasis on better management of livestock manure and other fertilisers. The directive came into effect in January 1992. The nitrates directive has been implemented in Ireland by way of extensive monitoring of nitrate levels in waters, the assessment of the trophic status of waters, the development and dissemination in 1996 of a code of good agricultural practice to protect waters from pollution by nitrates and a range of other measures which operate to protect water quality from pollution by agricultural sources.

These other measures include the provision of funding under schemes administered by the Department of Agriculture and Food, such as the control of farmyard pollution scheme, the rural environment protection scheme, and the farm waste management scheme, to support expenditure by farmers on measures for pollution control and environmental protection. They also include by-laws made by local authorities under the Local Government (Water Pollution) Acts, a wide range of implementation and enforcement actions taken by local authorities under those Acts, the progressive extension of the integrated pollution control licensing system operated by the EPA to apply to a wider range of intensive agricultural activities, and the introduction of requirements for compliance with good farming practice in the context of agri-assistance schemes administered by the Department of Agriculture and Food.

Extensive discussions with the main farming organisations and other interests have taken place since December 2001 as to the further implementation of the nitrates directive. In February 2002, my Department issued an information paper on good agricultural practice and protection of the environment, which set out the background issues and the preferred approach of applying an action programme to all areas rather than to designated vulnerable zones. The paper, a copy of which is in the Oireachtas Library, was prepared in consultation with the Department of Agriculture and Food and reflects its views. Consistent with the approach set out in the paper, I made the European Communities (Protection of Waters Against Pollution from Agricultural Sources) Regulations 2003 which identified the whole territory of Ireland as the area to which an action programme will be developed and applied for the purposes of the nitrates directive.

A draft action programme for further implementation of the directive, which was prepared by my Department in conjunction with the Department of Agriculture and Food and in consultation with Teagasc, was presented at a

consultation seminar on 19 December 2003 to representatives of the main farming organisations and other stakeholders by officials from both Departments. A copy of the document has been lodged in the Oireachtas Library. A period of eight weeks is being provided for stakeholders to submit in writing their comments on the consultation document. Following the consultation process it is proposed that the action programme will be implemented on a phased basis commencing on 1 July 2004 and will be operational for a period of four years. Further consultation will take place early in 2004 on draft regulations which will be made as part of the action programme.

The consultation document provides for the making of an application to the European Commission for appropriate derogations from the limits on land application of livestock manure specified in the directive. No such application has yet been made and none of the actions taken, or proposed to be taken, by Ireland in implementation of the directive, constitute a “measure” as defined in the European Union (Scrutiny) Act 2002.

The most recent comprehensive data published on the quality of drinking water are contained in the EPA report, the Quality of Drinking Water in Ireland for the year 2001. This report, which is available in the Oireachtas Library, indicates a compliance rate of 99.1% with regard to all drinking water samples, public and private, taken and analysed with regard to the prescribed standards for nitrates. I understand the publication by the EPA of its report for 2002 is imminent.

Question No. 183 answered with Question No. 156.

Greenhouse Gas Emissions.

184. **Ms O’Sullivan** asked the Minister for the Environment, Heritage and Local Government the proposals he has to encourage the use of more eco-friendly cement in building work here; and if he will make a statement on the matter. [2872/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The national climate change strategy identifies process substitution as one action to control greenhouse gas emissions and refers to the potential of environmentally friendly cement substitutes as part of a range of measures designed to enable Ireland to reach its Kyoto target. My Department is examining options for increasing the use of environmentally friendly cement substitutes in the construction sector. Following consideration of the issues arising specific proposals will be developed which will then be subject to consultation with the construction industry and other interested parties.

Homeless Persons.

185. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government if it is the Government's intention to place homeless strategies on a statutory basis; if not, the reasons for his decision not to do so; and if he will make a statement on the matter. [2971/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government's integrated and preventative homeless strategies are designed to provide a practical and flexible framework for the planning and delivery of services and support for homeless persons. It does not, therefore, seem useful or appropriate to give them statutory status at this stage. The implementation of the homeless strategies is carried out at local level through the homeless action plans drawn up by local authorities under the aegis of the local homeless fora. The strategies and their accompanying homeless action plans will be considered in the process of the evaluation of the homeless strategies and action plans which will be initiated shortly.

Affordable Housing.

186. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the way he proposes to meet the housing needs of the 60,000 families on the various local authority waiting lists and a similar number of people who will never be in a position to obtain a home of their own due to the inadequacy of their salaries to fund mortgages in line with current house prices; the proposals he has to extend and improve the loans available through local authorities with a view to addressing this very serious issue; and if he will make a statement on the matter. [2947/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government has been responding actively to the increased level of social housing need by significantly expanding social and affordable housing output. The strong commitment of the Government to meeting the housing needs of low income groups and those with social and special housing needs is reflected in the total housing provision, Exchequer and non-Exchequer, of €1.885 billion in 2004, which represents an increase of 5.5% on the 2003 provision. The funding available in 2004 will allow for the housing needs of more than 12,000 households to be met in 2004 compared with almost 8,500 in 1998.

We are delivering the highest level of local authority completions for 16 years. In 2002, local authorities built or acquired 5,074 houses. In the first nine months of 2003, more than 3,270 local authority houses were completed or acquired. The Government is fully supportive of the

voluntary and co-operative housing sector which continues to play an increasingly significant role in the provision of social housing. Output of 1,360 units in 2002 was the highest level ever recorded for the sector. In the first nine months of 2003, 1,113 units of accommodation were completed.

Activity is also increasing significantly under the affordable housing and shared ownership schemes, with more than 7,200 households having benefited under both schemes since January 2000. The provisions under Part V of the Planning and Development Act 2000, as amended, will also assist in the delivery of social and affordable housing and the affordable housing initiative included in the national partnership agreement, Sustaining Progress, is being progressed as a priority. This initiative, combined with Part V arrangements, will build on the progress made in delivering existing affordable housing schemes to boost the supply of affordable housing over the coming years.

The current level of public investment in housing is significant. The need to ensure we are making optimal use of available resources in meeting housing needs is reflected in Sustaining Progress, which provides for a review of the effectiveness of programmes designed to assist low income groups, including those with social housing and special housing needs.

It is a matter for each local authority to administer house purchase loans in its area, having regard, as appropriate, to the housing needs and circumstances of the area. My Department is keeping the terms of the income and loan limits under review, taking into account the movement in house prices, the effectiveness of various schemes in meeting the needs of the relevant target group and the availability of mortgage finance in the private sector.

Pollution Control.

187. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that breaches of conditions imposed on companies on integrated pollution control licences are sufficiently strong; and if he will make a statement on the matter. [2873/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I am satisfied that the penalties for breaches of the terms of integrated pollution prevention and control licences issued by the Environmental Protection Agency under the Environmental Protection Agency Act 1992 are set at an appropriate level. These penalties were increased significantly by section 10 of the Protection of the Environment Act 2003, which was brought into operation with effect from 22 October 2003.

Road Network.

188. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the capital and current expenditure on all roads by the State for 2003 and proposed for 2004. [2969/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The total amount of funding, both capital and current, provided by my Department for the non-national roads programme in 2003, was €434 million.

I recently announced non-national road grant allocations of almost €477 million for 2004. This is more than double the 1997 State expenditure on non-national roads and represents an increase of almost 10% on last year's initial grant allocation. Expenditure on national roads is a matter for my colleague the Minister for Transport.

Radon Gas.

189. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to concerns expressed by the trade union movement regarding the possible threat to workers posed by exposure to radon gas in the workplace; if he will consider the introduction of regulations requiring mandatory testing of workplaces for radon gas in areas of high risk; and if he will make a statement on the matter. [2890/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I am aware of concerns regarding the possible threat to workers posed by exposure to radon gas in the workplace.

Regulations relating to the exposure of workers in Ireland to radon gas in the workplace are set out in the Radiological Protection Act 1991 (Ionising Radiation) Order 2000. This requires employers to measure workplace radon levels if so directed by the Radiological Protection Institute of Ireland, RPII. It implements in Ireland the 1996 EU basic safety standards directive laying down standards for the protection of workers and the general public from exposure to ionising radiation. The RPII is responsible for the enforcement of the order in Ireland.

In addition, the Safety, Health and Welfare at Work Act 1989 requires employers to identify the hazards at their workplace, assess the risk to health and safety from these hazards, and put in place measures to eliminate or reduce the risk. Where radon gas is identified as a hazard in the workplace, the employer has a duty, as with any other hazard, to assess the risk and eliminate or reduce that risk. There is a general duty on employers in high radon areas to include radon in their risk assessment. This means that to comply with health and safety legislation, radon measurements should be carried out in indoor

workplaces in these areas. These regulations and obligations are considered sufficient at this time and the focus is on information provision and direction, and encouraging key players towards fulfilling their obligations.

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. Both the RPII and my Department will continue to use appropriate opportunities to raise public awareness of radon.

Planning Issues.

190. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the position regarding the threat by the European Commission to take legal action arising from the decision of the Government to introduce a €20 charge for making a submission on a planning application; and if he will make a statement on the matter. [2864/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): On 23 January 2003, the European Commission issued Ireland with a Reasoned Opinion to the effect that the €20 fee for the making of a submission on a planning application which requires environmental impact assessment is contrary to the public participation provisions of Directive 85/337/EEC on Environmental Impact Assessment, EIA. A reply, responding to each of the points raised in the Reasoned Opinion, issued to the European Commission on 16 May 2003 stating our contention that the imposition of a €20 participation fee is not in conflict with the provisions of the directive.

On 22 July 2003, the European Commission issued a press release in which they stated their intention to refer the case to the European Court of Justice. No official communication has been received from the Commission to date. I have no proposal to amend the relevant regulations which reflect an approach recently endorsed by the Oireachtas in the context of the Planning and Development Act 2000.

Political Lobbying.

191. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government if he is planning to introduce legislation to control or regulate political lobbying; when the promised code of conduct for staff and members of local

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authorities will be published; and if he will make a statement on the matter. [2867/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Separate draft national codes of conduct for councillors and staff of local authorities dealing with conduct and standards of integrity have been produced and views on them have been sought from the local government associations, staff interests, local authority managers, the Department of Finance and the Standards in Public Office Commission. Following consideration of these views I intend to have these codes in place by mid-year.

As a first step with regard to lobbyists, my Department had asked the Institute of Public Administration to undertake preliminary research on the position regarding lobbyists in other countries with particular emphasis on regulatory aspects and this report is expected within the next few weeks. The issue of regulating lobbyists, and the question of possible legislation is a complex one and will be further considered when the Institute's report is received and taking account of other current legislative proposals and initiatives in this area.

End-of-Life Vehicles.

192. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the position with regard to the promised regulations concerning end-of-life vehicles; when the regulations will come into operation; and if he will make a statement on the matter. [2885/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Questions Nos. 924 and 959 of 27 January 2004.

Local Authority Housing.

193. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the most recent figures for rent arrears in each local authority area. [2848/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Local authorities are responsible under the Housing Acts for the management and maintenance of their housing stock including rent collection, which is an integral part of their housing management function. My Department compiles, on an annual basis in arrears, statistical information in relation to rental income and the latest information available relating to 2002 was set out in the reply to Question No. 496 of 11 November 2003. Compilation of data for 2003 is being pursued with local authorities.

Question No. 194 answered with Question No. 161.

Heritage Liaison Group.

195. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if the promised high-level heritage liaison group has been established; the details of its membership and terms of reference; and if he will make a statement on the matter. [2875/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I intend that this group will be established very shortly, following on the recent transfer of certain built heritage functions, together with related staff, from my Department to the Office of Public Works.

The terms of reference of the group, whose proceedings will relate to national monuments and historic properties in State care, are to monitor progress on the implementation of my Department's capital programme at such properties which is to be undertaken in future by the OPW and resolve in a policy context any issues that arise in relation to that capital programme or in relation to the day-to-day management of any one of the entire suite of such properties whose management is now the responsibility of the Office of Public Works.

Traveller Accommodation.

196. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the progress made with regard to the Traveller accommodation programme; the reason he has not convened a meeting of traveller accommodation committees on the local authorities in the greater Dublin area as was done by his predecessor; and if he will make a statement on the matter. [2855/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department's responsibility in relation to Traveller accommodation is to ensure that there is an adequate legislative and financial framework in place within which local authorities, voluntary bodies and Travellers may provide or be assisted in the provision of accommodation for Travellers.

The framework for the provision of Traveller accommodation is set out in primary legislation, the Housing (Traveller Accommodation) Act 1998. Under this Act, each county and city council, borough council, and the town councils of Bray and Dundalk, were required to prepare, adopt, and take any reasonable steps necessary to implement five year Traveller accommodation programmes covering the period 2000 to 2004. All relevant local authorities adopted such programmes and are in the process of implementing them.

In the first three years of the accommodation programmes, 2000 to 2002, a total of 999 units of accommodation were provided or brought back

into service through refurbishment. This consists of 323 new units of Traveller-specific accommodation, 239 units of refurbished accommodation, 422 standard houses which were allocated to Traveller families and 15 single instance houses which were purchased for Traveller families in that period. Traveller-specific accommodation includes group houses and halting-site bays (permanent, transient and emergency/temporary bays).

Traveller-specific accommodation is funded under my Department's Traveller accommodation capital programme and in the years 2000 to 2002 a total of €65.46 million was spent on such accommodation. In 2003 an additional €28.95 million was spent on such accommodation and the funding of Traveller-specific accommodation will continue to be made available. This funding is in addition to expenditure on the provision of standard local authority houses provided under my Department's local authority housing programme which are allocated to Traveller families.

The meeting referred in the question was requested, in August 2003, by the mayor of South Dublin County Council when she proposed that representatives of the seven local authorities in the Dublin region — Dublin City Council and Dún Laoghaire-Rathdown, Fingal, Kildare, Meath, South Dublin, and Wicklow county councils — be invited by me to discuss the provision of transient sites for Travellers in the greater Dublin area.

In November 2001, my Department requested all local authorities, including those in the Dublin region, to consult and liaise with adjoining authorities with a view to achieving a co-ordinated approach to the provision of transient sites. This approach was recommended so that the delivery of units of transient accommodation would begin to flow from each authority in a region within the same timeframe thereby helping to avoid an influx of Traveller families into one authority in an area on delivery of its site.

In January 2002, Fingal County Council organised a seminar involving the seven local authorities in the greater Dublin region as well as Traveller representatives to consider the approach to the provision of transient sites in the greater Dublin area.

The former Minister with responsibility for housing and urban renewal twice, in November 2001 and February 2002, met representatives — elected and official — of these authorities with a view to achieving progress on a co-ordinated approach to the provision of transient sites in the area. No concrete proposals emerged from local authorities from any of these initiatives and there was no indication that progress was likely following the initiatives.

In responding to the request for the holding of another meeting involving the authorities concerned, I considered that, in the light of the experience in relation to the two meetings which were held on this issue where no concrete proposals resulted, my involvement in a further meeting at this stage would not be likely to advance the position on the ground and that the matter should be pursued by the authorities themselves in the first instance. In this context, I consider that any proposal for co-ordinated action on transient sites within the region is a matter for the authorities themselves to initiate in line with the Department's advice of November 2001.

Officials of my Department maintain close contacts with local authority officials on the implementation of all elements of their accommodation programmes, including transient sites. These contacts will continue and the necessary assistance and support will continue be provided to local authorities in bringing forward proposals in relation to transient sites and other categories of Traveller accommodation.

I will continue to support fully the provision of facilities for transient Traveller families, as well as the provision of permanent accommodation for families in need of such accommodation, in accordance with Traveller accommodation programmes adopted by local authorities throughout the country. It is, however, a matter for the authorities themselves to provide the required accommodation within their respective areas of responsibility.

Question No. 197 answered with Question No. 142.

Register of Electors.

198. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government the steps his Department is taking to promote awareness among non-nationals of their right to be included in the electoral register and to vote in the local elections and, in respect of EU citizens, the right to vote in European elections; if advertising or promotional campaigns are planned by his Department; the reason measures are being taken to contact directly those who have been identified as potential EU voters, but not other categories of voters; and if he will make a statement on the matter. [2866/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Question No. 66 of 26 November 2003.

Question No. 199 answered with Question No. 161.

Greenhouse Gas Emissions.

200. **Mr. Coveney** asked the Minister for the

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Environment, Heritage and Local Government the process under which Ireland will decide the way in which to allocate carbon emissions capacity for companies that will be affected by the EU emissions trading proposals for 2004. [31348/03]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Question No. 344 of 3 July 2003. To implement the emissions trading scheme, the Government will determine the total quantity of allowances to be allocated for each phase and the EPA will determine the allocation for individual companies.

The Government has engaged consultants to advise it on the most economically efficient apportionment of the national target between those inside and outside trading for the period 2008 to 2012, and derived from this, the quantity to be allocated to the trading system in the pilot phase, 2005 to 2007. The allocation for this period must take account of the progressive reductions of emissions required towards achievement of the national Kyoto obligation while also recognising the “learning by doing” nature of the pilot phase.

The EPA has been designated as the national allocation authority to design and implement, by 31 March 2004, a national allocation plan, in accordance with the requirements of the Directive 2003/87/EC, which will determine the amount of greenhouse gas allowances to be allocated to each participating installation. Finalisation of allocations to individual enterprises is a matter for the board of the EPA, who will take decisions in line with the methods and timeframes set out in the directive.

Building Land.

201. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if he has received the results of the research he has commissioned from a company (details supplied) into the ownership and control of building land in certain development areas, particularly Dublin, to determine whether current practices are retarding the overall delivery of building land or impeding long-term market stability; if the results of the research will be published; and if he will make a statement on the matter. [2884/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The report on ownership and control of building land, which was commissioned by my Department from Goodbody economic consultants has now been received by my Department. The report is under consideration and will be published in due course.

Question No. 202 answered with Question No. 155.

Radon Gas.

203. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government if he will reintroduce the radon remedial grant scheme for domestic dwellings; and if he will make a statement on the matter. [2883/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): It would not be practicable in the current budgetary circumstances to provide for Exchequer funding of a radon remediation grant scheme in respect of domestic dwellings.

The carrying out of radon remediation works, where considered necessary, in respect of private houses is a matter for the householder. My Department’s booklet, *Radon in Existing Buildings — Corrective Options*, provides advice on a range of appropriate remediation options. For example, improved ventilation all year round would be an immediate and non-costly action to prevent build up of radon gas in the home.

In relation to local authority houses, my Department is developing guidelines for local authorities which will recommend a programme of testing for radon in existing rented housing stock, excluding flats above ground floor level. This programme will be prioritised in areas where high radon levels are identified by the RPII and will involve remediation works by the local authorities where necessary. These guidelines will be issued in the near future.

Question No. 204 answered with Question No. 154.

Nuclear Safety.

205. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government when a decision will be made on the location of the proposed radioactive waste storage facility; if a shortlist of sites has been drawn up; if he will publish the shortlist; and if he will make a statement on the matter. [2881/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to my reply to Question No. 947 of 27 January 2004. The RPII and my Department have been exploring possible locations for a storage facility. A shortlist has not been developed and a suitable location has yet to be identified. Any such site will be subject to the normal planning approval process.

Planning Issues.

206. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the progress made to date in the review of the retail planning guidelines relating to floorspace cap on retail warehouses; when he expects that the process will be

completed; and if he will make a statement on the matter. [2869/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Questions Nos. 919 and 999 of 27 January 2004.

Waste Management.

207. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the progress made to date in regard to his consideration of the report of the health research board study commissioned by his Department into the likely effects of landfill and thermal treatment; the specific steps he intends to take to deal with the finding in the report that Ireland had insufficient resources to carry out adequate risk assessments for proposed waste management facilities; and if he will make a statement on the matter. [2877/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Question No. 62 of 26 November 2003. The discussions referred to in that reply are ongoing. I envisage that they will be concluded shortly. I will make a more detailed statement on the matter as soon as possible thereafter.

Planning Issues.

208. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government when he intends to introduce the promised guidelines under the Planning and Development Act 2000 to deal with the issue of one off housing; and if he will make a statement on the matter. [2862/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Question No. 164 of 29 January 2004.

Question No. 209 answered with Question No. 160.

Local Authority Housing.

210. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the additional provision he intends to make from resources available to his Department in 2004 for the provision of accommodation for lone parents and other persons on low incomes, particularly given the recent announcement by the Minister for Social and Family Affairs of severe restrictions in eligibility for rent supplement; and her views that the housing needs of such people should be met by local authorities; and if he will make a statement on the matter. [2859/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Minister for Social and Family Affairs, in informing the House of

changes in the SWA rent supplement scheme, has stated that there will be provision for exceptions in respect of the homeless, people who are at risk of becoming homeless and other vulnerable people. She has given a specific assurance that people who have particular problems and difficulties will be cared for and that nobody will be made homeless because of this measure. I understand that safeguards and exemptions in this regard have been incorporated in regulations made by the Minister and in guidelines issued by her Department to the health boards. My Department has advised housing authorities about the changes. Accordingly, the question of additional provision in this context does not arise.

Lone parents and persons of low income who are unable to provide housing for themselves from their own resources are entitled to apply for social housing which is provided by a local authority or a voluntary housing body. The Government's positive commitment to the social housing programme is shown in the increased provision for social and affordable housing in 2004. The total Exchequer and non-Exchequer housing provision of €1.885 billion in 2004 represents an increase of 5.5% on the 2003 provision. The increase in the housing provision will allow for 5,000 starts under the main local authority programme, an increase of 500 above 2003 levels and a further 500 commencements under area regeneration programmes in 2004. The voluntary housing sector will provide some 1,800 units of accommodation in 2004. Many of the housing units being provided by local authorities and voluntary bodies in 2004 will be let to lone parents and persons on low incomes.

Electronic Voting.

211. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government his views on the evidence of the unreliability of electronic voting which makes the need for a paper trail more compelling and that the outcome of any election could be challenged. [2952/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The electronic voting system to be used in this country has a proven record of reliability, having been used in the Netherlands for over ten years and for some years in parts of Germany. The version of the voting machine for use here has undergone extensive testing by two international testing institutes which have positively endorsed the hardware and the proprietary software used in it. The system will not be connected to any network and security hardened stand-alone PCs will be employed for the programming and counting of modules.

The electronic voting system will, following the count, produce a full printout of all votes cast and of vote transfers. The proposition that an

[Mr. Cullen.]

electronic system can be validated by a paper receipting process is highly problematic and creates many practical difficulties. Most fundamentally, it involves a dual system in which ambiguity will obtain as to whether the electronic data or the paper trail represents the validly cast vote. It is also premised on the perfect functioning of a printer. For these and other reasons, only a very small minority of electronic voting systems worldwide have incorporated a paper receipting function and it is not proposed to do this in Ireland. Adequate tests and checks will be deployed in advance of elections and will be capable of being deployed after elections to validate and provide reassurance on the integrity of the electronic voting system used in this country.

Statutory Instruments.

212. **Mr. J. Bruton** asked the Taoiseach if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in light of the judgement of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgement; and if not, the reason therefor. [2728/04]

The Taoiseach: My Department is reviewing its statutory instruments in respect of which it is the Department with primary responsibility for compliance with the requirements of *Bunreacht na hÉireann* in the light of the recent High Court judgment concerning the Immigration Act 1999.

Northern Ireland Issues.

213. **Mr. F. McGrath** asked the Taoiseach if he raised sectarian attacks and the drugs issue at his recent meeting with the political representatives of the UDA; and if he will make a statement on the matter. [2770/04]

The Taoiseach: I met representatives of the Ulster Political Research Group on Monday, 26 January last. I have long held the view that the opening of a dialogue with representatives of the loyalist community is important. The meeting was a logical follow-up to my meeting with the Loyalist Commission last June. I recognise the real concerns that loyalists have about issues that affect their communities, particularly jobs, housing and educational opportunities. I am encouraged by some of the positive work that is being done to address the problems in these communities. We want to be constructive and to assist in any way we can.

My views on paramilitarism and sectarianism are well known. I have made it clear to both republicans and loyalists that all such activity must cease. Violence and the threat of violence are not in anyone's interests. I deplore recent sectarian attacks, attacks against prison officers and racist attacks. Such illegalities and any other criminal activities must be dealt with by the police and those responsible brought to justice.

214. **Mr. O'Connor** asked the Taoiseach if he will report on his meeting with the UDA delegation; and if he will make a statement on the matter. [2772/04]

The Taoiseach: I met representatives of the Ulster Political Research Group on Monday, 26 January last. I have long held the view that the opening of a dialogue with representatives of the loyalist community is important. The meeting was a logical follow-up to my meeting with the Loyalist Commission last June. I recognise the real concerns that loyalists have about issues that affect their communities, particularly jobs, housing and educational opportunities. I am encouraged by some of the positive work that is being done to address the problems in these communities. We want to be constructive and to assist in any way we can.

My views on paramilitarism and sectarianism are well known. I have made it clear to both republicans and loyalists that all such activity must cease. Violence and the threat of violence are not in anyone's interests. I deplore recent sectarian attacks, attacks against prison officers and racist attacks. Such illegalities and any other criminal activities must be dealt with by the police and those responsible brought to justice.

EU Presidency.

215. **Mr. O'Connor** asked the Taoiseach the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2793/04]

The Taoiseach: Explaining the role and work of the Irish Presidency to the public and the media is a major task for the Government and the Department of the Taoiseach. My Department plans to communicate Ireland's EU Presidency to the Irish public in many ways, which I will outline.

A Presidency press office has been set up in my Department to handle EU media queries from the national, provincial and international media. It operates from my Department and liaises on a daily basis with the Presidency spokespeople in the permanent representation in Brussels to ensure a co-ordinated approach in dealing with media queries. In conjunction with the Department of Foreign Affairs, a user-friendly and easily accessible website went live at the end of December 2003. The site contains all the

relevant information connected with our Presidency and is updated on a daily basis with speeches, press releases and other details. The EU logo was launched in July 2003. It was chosen by school children nationwide. Over 80,000 pupils cast their votes on *www.scoilnet.ie*, of whom 73% voted for the logo that was finally selected.

My Department has undertaken an EU awareness campaign as part of its ongoing commitment to raising public awareness of our Presidency of the EU. For example, in the Dublin area some 100 buses have been given new graphics, using the theme of Europeans working together. Similar posters have been placed in DART stations. It is estimated that these posters have been seen by 70% of adults in the city.

The Government decided to bring the Presidency to the people to make Ireland's Presidency more accessible to the public at large. It decided to hold most of the informal ministerial meetings outside the capital. To complement this, a regional billboard campaign is running before each informal meeting for two weeks leading up to the it, featuring well known local people from each area. Departmental press officers will liaise closely with the local media to provide press information regarding the meeting. We have distributed EU awareness posters to every primary and second level school in the country, over 4,000 schools in total. Every child in the country will be reached in this way. The posters are bilingual and are customised for the two different age groups.

A public information leaflet explaining Ireland's priorities for its EU Presidency has been prepared under the communicating Europe initiative. This leaflet briefly outlines the priorities of our six month Presidency in a simple and readable style. My Department is co-ordinating the distribution of the leaflet and 100,000 copies will be sent to Members of the Oireachtas, social partners, secondary schools, local authorities, citizens information centres, libraries and Departments. Ireland will host a welcome day for the ten countries that join the Union on 1 May. There will be a formal event in Dublin involving the heads of state or Government. Dublin will also host a major street party and concert. The major celebration events which will be held in Bray, Cork, Drogheda, Galway, Kilkenny, Killarney, Letterkenny, Limerick, Sligo and Waterford, the ten towns which have been twinned with the new member states, will be televised countrywide by RTE, the national public service broadcaster, and throughout Europe by the European Broadcasting Union.

Northern Ireland Issues.

216. **Mr. O'Connor** asked the Taoiseach his views on the political situation in the North; if his attention has been drawn to the strong interest in

the matter; and if he will make a statement on the matter. [2794/04]

The Taoiseach: Since the Assembly elections in November 2003, the Minister for Foreign Affairs, Deputy Cowen, and I have had a range of contacts and meetings with the British Prime Minister, Mr. Blair, the Secretary of State for Northern Ireland, Mr. Murphy, and the political parties. I met the SDLP, the Ulster Unionist Party, Sinn Féin and the Alliance Party in London on 17 December. I met the Prime Minister, Mr. Blair, on Monday, 19 January, when I again urged the publication of Judge Cory's reports into the murders of Pat Finucane, Rosemary Nelson, Robert Hamill and Billy Wright. The Minister for Foreign Affairs met Paul Murphy at the British-Irish Intergovernmental Conference on Thursday, 22 January. I met a DUP delegation led by Dr. Ian Paisley on Thursday, 29 January. All the contacts have focused on the review which is commencing today. Our approach in the review will be to try to secure a sustainable basis on which the Assembly can be restored and the Executive re-established. The Governments remain determined and committed to consolidating the peace and keeping the political process moving forward.

Departmental Offices.

217. **Dr. Upton** asked the Taoiseach his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3061/04]

The Taoiseach: There are no canteens or restaurants in my Department.

Departmental Transport.

218. **Mr. Eamon Ryan** asked the Taoiseach the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3171/04]

The Taoiseach: I will outline the amounts paid by my Department for 2003. The total amount paid for car mileage expenses was €106,269. The amount paid for rail ticket expenses was €2,655. The amount paid for bus ticket expenses was €2,038. The amount paid for car mileage expenses includes a total of €44,106 paid to delegates of the National Forum on Europe and the Forum for Peace and Reconciliation.

Statutory Instruments.

219. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will undertake a study of all orders made

[Mr. J. Bruton.]

by her that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgement of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if she intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgement; and if not, the reason therefor.

[2729/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): My Department is reviewing its statutory instruments for compliance with the requirements of Bunreacht na hÉireann in the light of the recent High Court judgment concerning the Immigration Act 1999.

Work Permits.

220. **Ms O. Mitchell** asked the Tánaiste and Minister for Enterprise, Trade and Employment if voluntary nursing homes, charities and health board-run hospitals are charged the work permit fee of €500; and if not, if they receive it free of charge. [2765/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The annual work permit fee of €500 applies to all work permit applications except where my Department has decided that an exception is appropriate. Many organisations and businesses have charitable status for tax purposes and the work permit fee may be waived in respect of those organisations that are not engaged in competition in the marketplace.

Insurance Industry.

221. **Mr. O'Connor** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the survey by the Irish Financial Services Regulatory Authority; the actions open to her to ensure that consumers get better value for money in respect of car insurance; and if she will make a statement on the matter. [2781/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I welcome the survey by the Irish Financial Services Regulatory Authority, which is to be carried out on a three-monthly basis. Provision of this survey implements recommendation No. 7 of the Motor Insurance Advisory Board's recommendations, which are central to the Government's insurance reform programme. This survey will help engender price competition and educate the public on premium variances. The Irish Financial Services Regulatory Authority, IFSRA, which came into being on 1 May 2003, has a wide regulatory remit, covering consumer protection

and prudential supervision of practically all financial services, including insurance and the services provided by the insurance industry. The legislation setting up IFSRA provided for the establishment of a Director of Consumer Affairs, who has a clear role in consumer protection. There is a strong focus on transparency, competition and choice for the consumer.

While I no longer have responsibility for the regulation of insurance undertakings, I continue to have responsibility for the insurance reform programme which I launched on 25 October 2002. The reform programme is progressing well, with 32 of the 67 recommendations implemented. The pricing and underwriting of insurance is a matter for individual insurance companies and EU law prevents Governments from intervening directly in the matter. However, I have made it clear that I consider there to be an onus on the insurance industry to ensure that the reforms to be taken will have the effect of significantly reducing the cost of premiums to consumers. Reductions have already occurred in the cost of premiums and more reductions are expected.

EU Presidency.

222. **Mr. O'Connor** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plans her Department has to promote Ireland's EU Presidency among the Irish public; and if she will make a statement on the matter. [2782/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): My Department has published two separate programmes setting out the priorities and main activities in the key policy areas dealt with by the two Council of Ministers formations for which the Department takes lead responsibility, namely, the competitiveness council and the employment, social policy, health and consumer affairs council. Both programmes have been widely disseminated, are available from my Department and may be viewed on the official website of the Irish Presidency at www.eu2004.ie and on the Department's website at www.entemp.ie. I have arranged for copies to be placed in the Houses of the Oireachtas. The programmes are available in both Irish and English.

In addition, I and my ministerial colleagues in the Department have issued a number of statements and press releases about our priorities for the Presidency. I have also given a number of media interviews on matters relating to the Presidency programme which have been carried by both the print and broadcast media. Presidency related events such as conferences, seminars and meetings are being held under the auspices of my Department at several venues around the country and are also being reported upon by local and national media.

More generally, Ireland's Presidency of the EU is being promoted to the public by the Government in many ways across all Departments. My own Department is contributing to this effort in a number of ways. For example, the Department contributed to the preparation of the overall programme for the Presidency, which was agreed by the Government and published by the Department of Foreign Affairs. As well as being disseminated in booklet form, the programme is available on website of the Irish Presidency at the address given above. An outline of the key areas of Presidency activity for which my Department is responsible has also been included in public statements and presentations by both the Taoiseach and the Minister for Foreign Affairs, including to the Oireachtas.

The Irish Presidency website also contains user-friendly information about all aspects of the Presidency, including the policy areas for which my Department is responsible. Further information will be posted on the site and publicised in more traditional ways on an ongoing basis as developments occur on various issues during the Presidency. The activities and areas of interest to my Department are also reflected in various media programmes, information and public awareness campaigns and other initiatives promoted by the Department of Foreign Affairs. An information leaflet summarising Ireland's Presidency goals and objectives will also be launched in the coming weeks and will be distributed to schools, non-governmental organisations and the wider public. Publicly accessible information on all new EU legislative proposals will be submitted to the Oireachtas in the normal way during the Presidency under the statutory Oireachtas scrutiny arrangements introduced by the Government in 2002.

Job Creation.

223. **Mr. O'Connor** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on recent criticisms that not enough jobs are being created in the Dublin region; her further views on the need for such employment creation; her policy on the matter; and if she will make a statement on the matter. [2783/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Significant job creation is continuing to take place in the Dublin area despite the difficult global economic environment. Indeed, Dublin continues to perform better than the rest of the country in terms of job creation. As regards attracting overseas industry, IDA Ireland's strategy for Dublin is to attract and expand major foreign direct investment projects while moving up the value chain.

Over the past 18 months, investment in eight significant projects with a job potential of 2,230 has been announced for Dublin. Job creation arising from these projects will continue throughout 2004. In addition, I announced yesterday that Merrill Lynch, one of the world's leading financial management and advisory companies, is opening a second office in Dublin. The numbers employed in Dublin will increase by up to 300 over the next four years, bringing employment in Ireland to 700 people when the project is fully implemented.

As regards indigenous companies, Enterprise Ireland and the Dublin enterprise boards are continuing to work with new and existing clients in the Dublin area. Enterprise Ireland is also encouraging companies to adopt new technologies and move up the value chain.

Unemployment Levels.

224. **Mr. Kenny** asked the Tánaiste and Minister for Enterprise, Trade and Employment the initiatives her Department is earmarking or launching in order to curb the escalating rise in unemployment in County Donegal; and if she will make a statement on the matter. [2784/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): In recent months I met with the Donegal County Development Board and an IBEC north-west delegation to discuss employment in the county. I have arranged for the expert skills group in Forfás to carry out further research on the labour market needs of the region and I expect this to get under way shortly.

The key to enhancing employment in Donegal is the development of infrastructure, particularly roads, water, energy — including electricity and gas — air access and broadband communications, and a programme of work is being implemented in these areas. The Government, along with the industrial development agencies, is committed to ensuring balanced regional development, particularly through the implementation of the national spatial strategy and the recently announced decentralisation programme which should facilitate economic development in Donegal.

Industrial Development.

225. **Mr. Kenny** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the role of IDA Ireland in County Donegal; the breakdown of jobs created by the IDA in 1999, 2000, 2001, 2002 and 2003; and if she will make a statement on the matter. [2785/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): IDA Ireland is the agency statutorily charged with the attraction of foreign direct investment to Ireland and its regions. The agency, through its project divisions

[Ms Harney.] and network of overseas offices, is actively marketing County Donegal to overseas investors as a potential location for foreign direct investment. Ultimately, decisions regarding where to locate a project, including which areas

to visit as potential locations, are taken by overseas investors.

Over the period 1999 to 2002, the number of jobs created in IDA-supported companies in County Donegal were as follows:

1999	2000	2001	2002
67	308	353	179

The above figures are compiled from the annual Forfás employment survey. Although the 2003 Forfás survey has just been completed, detailed figures on a county-by-county basis for 2003 will not be available until the survey is published.

EU Enlargement.

226. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason Ireland has a differing policy from the majority of EU countries on restrictions to the entry of persons from accession countries; if there are protections to ensure that this does not facilitate the movement of persons involved in organised crime; and if she will make a statement on the matter. [2986/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): From 1 May 2004, the ten accession countries will be party to the treaties governing the European Communities and their citizens will, in general, enjoy the same rights as current EU citizens. However, this does not apply to provisions for labour market access. In this area, a transitional period was agreed at EU level during which each member state will be able to exercise discretion as to the extent of access to their respective labour markets. The exception to this arrangement provides for full access to the EU labour market for Malta and Cyprus. This transitional period lasts for up to five years following accession, or seven in the case of a serious disruption to the labour market of a member state.

Ireland has decided to afford full labour market access to the nationals of these new member states on the same basis as current EU nationals, with effect from the date of accession. An expanded EU labour market of 25 countries will provide a widened pool of skilled labour from which Irish employers should be able to meet their ongoing skills needs. Furthermore, only some 35% of our overseas labour in recent years has come from the accession states. Clearly, given our continuing need for overseas labour and the relatively high unemployment in some of the accession states, there is ample room to improve the percentage of overseas workers coming from the countries in question. Where my Department is satisfied that the requisite skills are available in the expanded EU, a work permit will not be granted to bring somebody from outside into the

EU to fill the vacancy in question. In short, an increase in labour market participation from within the expanded EU will mean a reduced need to attract labour from elsewhere in the world.

All research to date suggests that the impact on the EU labour market of the freedom of movement of workers after accession should be limited. However, it has been predicted that the impact of labour migration would be concentrated in certain frontline member states, resulting in possible disturbances to the labour markets there. It is for this reason that Germany and Austria, in particular, have chosen to retain their current work permit regime for the transitional period. While matters are still developing, it is clear that a number of other member states now propose to continue to manage the opening up of their labour markets and that some are perhaps more concerned about liberal access to their social security system than about access to the labour market *per se*. Any question relating to organised crime, be it from within the existing EU or from the new member states, is a matter for my colleague, the Minister for Justice, Equality and Law Reform.

Consumer Issues.

227. **Ms Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she plans introducing legislation to curb excessive booking fees whereby the ticket-selling companies can no longer charge multiple handling fees on the one transaction and to force them to charge a flat fee per transaction as opposed to a fee per ticket. [2988/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I am aware of the practice whereby ticket-selling companies charge handling fees in respect of each ticket regardless of the number of tickets purchased in a single transaction. I am not convinced, however, that legislative action to curb this practice would necessarily be in the best interest of the consumer. For example, ticket-selling companies might consider that the present system spreads their handling costs evenly, and that if charges were to be applied on a per transaction basis, then consumers purchasing single tickets or smaller numbers of tickets might experience price increases. However, the Consumer Information

(Advertisement for Concert or Theatre Performances) Order 1997 provides a measure of transparency for consumers in regard to prices and charges for concert tickets. This order is actively enforced by the Director of Consumer Affairs.

Groceries Order.

228. **Mr. Dennehy** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she is continuing to review the Groceries Order in relation to below-cost selling; and if she will make a statement on the matter. [3005/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): My review of the Groceries Order is ongoing and I hope to conclude my consideration of the matter in the near future.

Community Employment Schemes.

229. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position on persons over 55 years of age who have served three years' participation on community employment schemes, who wish to continue participating on the scheme; and if they will be allowed after the expiry of their three-year period of participation. [3006/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): As part of the Government's decision in 1999 to restructure community employment, future participation in CE by an individual was capped at three years, effective from April 2000. This change was introduced to discourage repeated participation in CE and to encourage unemployed persons to avail of training or education options where possible, which are shown to have more successful progression outcomes for individuals. The three year cap was amended in August 2001 to allow particularly disadvantaged persons to remain on the programme for a further period.

In the case of people aged over 50, the three-year cap on participation has been removed where people in this age group, having spent three years on the programme, continue to experience difficulties in obtaining employment. Participants are considered for an extension if on reaching the end of their normal entitlements on CE they are likely to experience difficulty in getting employment due to their age, literacy or numeracy problems or a lack of suitable jobs available locally. FÁS has discretion to offer up to 20% of the total number of CE participants a further period on the programme on a case-by-case basis. The structure of the CE programme is under review. A decision on the future eligibility criteria for participants on CE will be taken when the current review process has been brought to a conclusion.

Departmental Offices.

230. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment her policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if she will make a statement on the matter. [3062/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): There are two canteens in my Department and both are contracted out to private enterprise. I have no function regarding any decisions taken by the owners in the running of either business.

Departmental Travel.

231. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount her Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3172/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The total amount paid by my Department for car mileage expenses in 2003 was €352,291. In addition, a total of €106,367 was paid in respect of other modes of transport such as taxis, bus or rail.

Departmental Properties.

232. **Mr. Wall** asked the Minister for Defence the reason that account was not taken of the representations of the townspeople and business community of Kildare town regarding the Kildare town development plan, and to the commitments to the community of Kildare, when it was announced without prior notice in 2003 that Magee Barracks, Kildare, was designated as a location for social and affordable housing. [3120/04]

233. **Mr. Wall** asked the Minister for Defence in view of his commitment to the citizens of Kildare town to provide for the proper and balanced development of Kildare, following the closure of Magee Barracks in 1998, if he will make a statement on the matter, given that the commitment is not now being honoured. [3122/04]

237. **Mr. Wall** asked the Minister for Defence if the purpose for closing Magee Barracks in Kildare in 1998 was to sell the property on the open market to obtain the best price to provide funding for the reinvestment in the infrastructure of the Defence Forces and the Department of Defence; and if he will make a statement on the matter. [3124/04]

239. **Mr. Wall** asked the Minister for Defence the reason for the proposed handover of property, namely Magee Barracks, Kildare, to the

[Mr. Wall.]

Department of the Environment, Heritage and Local Government for social and affordable housing, when Magee Barracks is the most suitable location at least cost to the taxpayer for the headquarters of the decentralised Department of Defence. [3126/04]

240. **Mr. Wall** asked the Minister for Defence his views in relation to a submission (details supplied); and if he will make a statement on the matter.

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 232, 233, 237, 239 and 240 together.

As the Deputy is aware, the Government decided on 1 July 2003 that Magee Barracks, Kildare, would be among the State lands released to the Department of the Environment, Heritage and Local Government for inclusion in the Sustaining Progress affordable housing initiative. The intention is that this initiative will be targeted at those who in the past would have expected to purchase a house from their own resources but find that they are unable to do so in the current market. The release of State lands under this initiative is a critical first step in ensuring early delivery of affordable housing units. With regard to Magee Barracks, the modalities of the transfer of the property to the Department of the Environment, Heritage and Local Government are under active consideration. The future development of this site is a matter for that Department and Kildare County Council.

Statutory Instruments.

234. **Mr. J. Bruton** asked the Minister for Defence if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgment of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgment; and if not, the reason therefor. [2730/04]

Minister for Defence (Mr. M. Smith): My Department is reviewing its statutory instruments for compliance with the requirements of Bunreacht na hÉireann in the light of the recent High Court judgment concerning the Immigration Act 1999.

EU Presidency.

235. **Mr. O'Connor** asked the Minister for Defence the plans his Department has to promote Ireland's EU Presidency among the Irish public; and if he will make a statement on the matter. [2796/04]

Minister for Defence (Mr. M. Smith):

Promoting the Irish Presidency of the European Union to the public is a key priority of Ireland's EU Presidency programme and forms part of a wider commitment by the Government to communicating information about the EU to the public.

I understand that my colleague, the Minister for Foreign Affairs, will provide a more detailed outline of plans in this regard in response to a similar question which has been tabled by the Deputy. However, I would like to highlight some initiatives, including the EU 2004 Presidency website, which is managed by the Department of Foreign Affairs and features a range of user-friendly information on all aspects of the Presidency from details of events and meeting venues across Ireland to the latest press releases on developing issues. In addition, it is envisaged that the Minister of State at the Department of Foreign Affairs, Deputy Roche, will chair a conference of Ministers from existing, acceding and candidate states on 7 and 8 April to review existing EU information strategies and to discuss how the EU might be communicated more effectively to its citizens.

Departmental Offices.

236. **Dr. Upton** asked the Minister for Defence his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3063/04]

Minister for Defence (Mr. M. Smith): The type of detailed statistical information sought by the Deputy is not readily available in my Department. However I have asked that such information as may be available should be compiled as soon as possible and I will communicate directly with the Deputy at an early date.

Question No. 237 answered with Question No. 232.

Decentralisation Programme.

238. **Mr. Wall** asked the Minister for Defence the reason he is decentralising the Department of Defence to Newbridge, County Kildare; and if he will make a statement on the matter. [3125/04]

Minister for Defence (Mr. M. Smith): The Government has decided that my Department's Dublin based Civil Service staff and Defence Forces headquarters should be decentralised to Newbridge and the Curragh respectively. A wide range of factors were taken into account and balanced against each other by the Government in selecting Departments and agencies for decentralisation and locations for the new decentralised offices. These factors included: in

selecting Departments and agencies for decentralisation, the core business and nature of the relevant Departments-agencies and the location of their customer base; and in selecting locations for decentralised offices, the need to achieve a fit with the national spatial strategy, in terms of the Gateways, hubs and their respective catchments, the location of existing decentralised offices, the desirability of clustering a Department's decentralised units within a region, the importance of respecting the scale and character of locations in terms of their capacity to absorb the number of new jobs involved, the existence of good transport links — by road, rail and-or air — and the general infrastructural capacity in the areas selected.

Questions Nos. 239 and 240 answered with Question No. 232.

Departmental Travel.

241. **Mr. Eamon Ryan** asked the Minister for Defence the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3173/04]

Minister for Defence (Mr. M. Smith): The amounts paid by my Department in 2003 in respect of civil and military personnel were €2.045 million in car mileage allowances and €609,000 for rail and bus ticket expenses.

Grant Payments.

242. **Mr. Timmins** asked the Minister for Agriculture and Food the position of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [2705/04]

Minister for Agriculture and Food (Mr. Walsh): The person named included a number of forage parcels on his 2002 area aid application on which a number of overclaims were determined. In one of these land parcels, the overclaim represented 6.02 hectares of forestry. This particular claim came to light as a result of a cross-compliance check with the forest service, carried out in 2003. An overall overclaim of 14.17% was established. Under EU rules, where an applicant makes an overclaim of between 3% and 20%, a penalty of double the difference must be applied in determining the area eligible for payment purposes. Therefore, after application of the penalty, an area of 25.09 hectares was determined for his 2002 area aid. My Department will be in further correspondence with the person named concerning the recovery of any overpayments made to him.

The 2003 area aid application of the person named was fully processed with an area determined for payment purposes of 34.91 hectares. The person named was paid €3095.06 on 21 January 2004 under the 2003 area-based compensatory allowance scheme based on an area of 25.99 hectares. He was paid €951.80 in respect of 9.37 hectares of mountain type land at

€101.58 per hectare and €1477.19 in respect of 16.62 hectares of more severely handicapped land at €88.88 per hectare, and an additional sum of €666.07 under a compensation package agreed with the European Commission for farmers experiencing losses under the area-based compensatory allowance scheme.

The person named applied for premium on 11 animals under the 2003 suckler cow premium scheme. According to the terms and conditions of the scheme, a producer may be paid premium on up to 1.8 reckonable livestock units only per hectare of the forage area of his or her holding, as established from the producer's 2003 area aid application and any cattle submitted for 2003 suckler cow premium and special beef premium over and above that 1.8 reckonable livestock units limit shall not be paid such premium. The livestock units are calculated taking into account male cattle on which the producer applies for special beef premium, ewes submitted for 2003 ewe premium, notional dairy cows needed to produce any milk quota held and suckler cows or heifers in the herd for which suckler cow premium has been requested.

At the time of payment of the 80% advance instalment, the area aid record for the person named showed 25.99 hectares of forage area, which would allow payment on a maximum of 46.78 livestock units. Payment amounting to €1933.06 issued on 21 January 2004 in respect of 10.78 suckler cows as entitlement had already been established for 36 livestock units under the ewe premium scheme. This person's applications will be examined again taking account of the increase to 34.91 hectares of his forage area.

243. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Clare has not received their forestry payment; and if he will make a statement on the matter. [2722/04]

Minister for Agriculture and Food (Mr. Walsh): Payment of the 2004 forestry premium will begin from the end of March, as has been the position over recent years.

Statutory Instruments.

244. **Mr. J. Bruton** asked the Minister for Agriculture and Food if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgment of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing Orders in view of this judgment; and if not, the reason therefor. [2731/04]

Minister for Agriculture and Food (Mr. Walsh): My Department operates a wide range of legislation and I am not aware of any conflict with Article 25 of the Constitution. The legal services division of my Department constantly reviews all legislation within my ambit. In the event that legislation is found to be defective on grounds of constitutionality or otherwise, the division will consult with the Office of the Attorney General and advise on any remedial action required to be introduced.

EU Presidency.

245. **Mr. O'Connor** asked the Minister for Agriculture and Food the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2797/04]

Minister for Agriculture and Food (Mr. Walsh): The programme for the Irish term of the EU Presidency, which includes a statement of the objectives and the work programme on agriculture, was published on 18 December 2003 and was officially launched by the Taoiseach on 1 January 2004. The programme was also put on the Presidency website [http:// www.EU2004.ie](http://www.EU2004.ie).

I will continue to avail of every opportunity through my attendance and addresses at agricultural and rural development fora in Ireland and abroad, press conferences following each meeting of the Council of Ministers, statements to the press, updating the Presidency website and other appropriate means to keep the public informed of progress on the programme.

The holding of EU meetings in Ireland will also present opportunities for bringing the Presidency to the attention of the Irish public. In the agriculture area, meetings that are planned, include an informal meeting of the Agriculture and Fisheries Council, the special committee on agriculture, chief veterinary officers and directors of European agricultural guidance and guarantee fund paying agencies.

Grant Payments.

246. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will be paid the suckler cow premium for 2003, considering that they submitted an amendment form for farm-to-farm animal movements. [2808/04]

Minister for Agriculture and Food (Mr. Walsh): The person named applied for premium on 12 animals under the 2003 suckler cow premium scheme. While processing the application, it was found that data on animal tag number 272301750098 did not appear to be sufficient to account for all movements for this animal. This information has since been updated but further checks against CMMS showed that the animal was sold inside the six months retention period and would, therefore, require replacing. The applicant has nominated a

replacement animal and the case has been processed further. Payment of the 80% advance instalment will issue shortly.

Appointments to State Boards.

247. **Mr. Ferris** asked the Minister for Agriculture and Food his proposals on the appointment of the replacement for a person (details supplied) on the board of Teagasc; and if it contravened the Government's commitment to gender balance on public boards. [2821/04]

249. **Mr. Connaughton** asked the Minister for Agriculture and Food if he has satisfied with the gender balance of the present board of Teagasc; and if he will make a statement on the matter. [2826/04]

Minister for Agriculture and Food (Mr. Walsh): I propose to take Questions Nos. 247 and 249 together.

The Teagasc authority comprises a chairman and ten ordinary members. Five of the ordinary members are nominated by outside organisations and five are nominated by me. The five, which I nominate, are appointed by me on the basis of their knowledge or experience of agriculture, agricultural research, education, food processing, the food industry or the management of commercial enterprises. Each appointment is the most suitable, in the best interest of the organisation and the overall balance of the board. I am fully committed to the policies of equality and gender balance and actively promote these policies as far as possible.

Grant Payments.

248. **Mr. McGinley** asked the Minister for Agriculture and Food if 1999 cattle headage will be paid to a person (details supplied) in County Donegal. [2822/04]

Minister for Agriculture and Food (Mr. Walsh): As stated in my reply to Parliamentary Questions Nos. 72 of 20 June 2002 and 174 of 19 November 2002, the person named was informed on 18 February 2000 by his district livestock office that his 1999 cattle headage grants were being refused because he had failed to comply with the provisions of the Diseases of Animals Act 1966. He was given the opportunity to have this decision reviewed by writing to my Department within 21 days setting out any facts which he wished to put forward to support his case. He asked for a review by letter dated 28 February 2001. His case was examined and the original decision was upheld. He was notified of the results of the review by letter of 10 April 2001 and was given the opportunity to appeal the decision to the headage and premium appeals unit.

His case was fully examined in the appeals unit, where the decision to refuse grants was upheld, and he was notified of same by letter of 15 October 2001. At his request, his case was further

examined at an oral hearing on 19 December 2001, but the appeals unit did not amend its original findings, and informed him accordingly by letter of 9 January 2002.

I understand that the person named has referred this matter to the Office of the Ombudsman and that it is being examined in that office at present.

Question No. 249 answered with Question No. 247.

Compensation Payments.

250. **Mr. Timmins** asked the Minister for Agriculture and Food if he will ensure that a person (details supplied) in County Cavan is adequately compensated for their herd which is being depopulated under the bovine TB eradication scheme; and the reason his Department has not accepted CAP certificate which proves that the herd concerned has an average milk yield of 1,412 gallons per cow, which under the national system entitles the farmer to maximum compensation. [3009/04]

Minister for Agriculture and Food (Mr. Walsh): Under the terms of the on-farm market valuation scheme which was agreed following protracted negotiations with the farming organisations, individual dairy cow records are used in determining valuation if the herd has been milk recorded. Therefore, as the herd in this case has been milk recorded, the individual yield and not the average milk yield of the herd must apply for valuation purposes.

The first valuation has recently been received by my Department and is being examined. Under the terms of this scheme, either party can reject the first valuation. Where this happens, a second valuation will be urgently carried out but the same individual milk production records must be used.

Grant Payments.

251. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive his REP scheme payment. [3010/04]

Minister for Agriculture and Food (Mr. Walsh): I understand that the person named is a member of the original participant's family and is taking over the holding and the REPS plan. In these circumstances, my Department requires a new plan and a REPS 12000 form to be submitted in the name of the person named. The REPS planner involved in this case has been notified directly of this requirement. Once this documentation has been submitted processing of the application can continue.

Departmental Offices.

252. **Dr. Upton** asked the Minister for Agriculture and Food his policy in respect of provision of local, nutritious food in the canteens

and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3064/04]

Minister for Agriculture and Food (Mr. Walsh): The restaurant in Agriculture House is run as a dining club. The canteens in the Department's regional offices in Wexford, Portlaoise and Castlebar are the subject of franchise agreements. I understand the bulk of the food used by the franchise holders is purchased locally and is of Irish origin.

Departmental Travel.

253. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3174/04]

Minister for Agriculture and Food (Mr. Walsh): Total expenditure in my Department for 2003 in respect of car mileage expenses was €8,715,335. A total of €176,027 was paid in respect of rail and bus ticket expenses.

Decentralisation Programme.

254. **Mr. Stanton** asked the Minister for Agriculture and Food if he will consider opening or relocating an agriculture office in east or north Cork to provide a service to the farmers there in view of the fact that the proposal to move all the staff at present working in Cork city to Macroom will necessitate a long journey through Cork city for farmers from the east and the north of the county; and if he will make a statement on the matter. [3222/04]

Minister for Agriculture and Food (Mr. Walsh): I refer the Deputy to the Budget Statement of the Minister for Finance on decentralisation of this Department's Cork city staff to Macroom. I have no plans to open or relocate another office in Cork.

Departmental Properties.

255. **Mr. McGuinness** asked the Minister for Finance if he will consider making the units of accommodation purchased for use by the RIA, but now in storage, available to schools or community groups which are in urgent need of extra accommodation to get some value for money for the spend; and if he will make a statement on the matter. [3034/04]

Minister of State at the Department of Finance (Mr. Parlon): The buildings concerned were purchased for use at the proposed RIA centre in Kilkenny, which is currently the subject of a case before the courts. One of the buildings has been erected at MediaLab Europe for use as a children's computer club. I am asking the Department of Education and Science if it has

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any appropriate accommodation needs which could be satisfied by the other five buildings currently in storage.

Tax Code.

256. **Mr. Morgan** asked the Minister for Finance if he has satisfied himself that compliance with the law is an essential condition for all suppliers to Departments and State-sponsored bodies; and if he will make a statement on the matter. [3169/04]

Minister for Finance (Mr. McCreevy): Suppliers to Departments and State-sponsored bodies must comply with laws relating to payment of taxes and social welfare contributions. Suppliers of goods or services in excess of €6,500 in any 12 month period must produce a tax clearance certificate from the Revenue Commissioners in accordance with the terms set out in Circular 22/95, Tax Clearance Procedures — Public Sector Contracts, issued by the Department of Finance.

Suppliers who have been guilty of grave professional misconduct, are bankrupt or being wound up, may be excluded from a public contract. Under revised directives on public procurement, which are due to be adopted shortly at EU level, it will be mandatory to exclude parties who have been convicted of serious crime such as fraud, corruption, money laundering or involvement in organised crime, from participating in public contracts.

Drainage Schemes.

257. **Mr. Durkan** asked the Minister for Finance when it is expected to complete the drainage works identified throughout County Kildare in the past five years, with particular reference to Mill Lane, Leixlip, Clane, Johnstown and Kilcock; and if he will make a statement on the matter. [3202/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has implemented a drainage scheme to alleviate localised flooding in the Hazelhatch area of counties Kildare and south Dublin. Construction works on the scheme, known as the Shinkeen stream — Hazelhatch — drainage scheme, commenced in July 2001 and were finished by end of 2002 while the formal completion certificate under the Acts issued in January 2003.

In addition to the Hazelhatch scheme, a report was received in October 2001 from Kildare County Council in relation to flooding on the Lyreen and Meadowbrook rivers in the Maynooth area, and a further report was received in November 2001 on flooding in the Morrell river in the Kill-Johnstown area. Following meetings between my officials in the OPW and officials from Kildare County Council, an interim programme of flood alleviation works at an estimated cost of €1,130,500 was agreed for the

enhancement of the Morrell river and the Lyreen-Meadowbrook rivers. The works on the Lyreen-Meadowbrook have now been completed and those on the Morrell have been substantially progressed but difficulties in relation to environmental considerations and also impacts on adjoining property owners have contributed to delays in completing the works. I understand that Kildare County Council are working to resolve these difficulties.

Reports on proposed flood relief works in Ardcrough and Straffan were received from Kildare County Council in January 2003. Subsequent examination of the reports by the OPW found that the report submitted on Straffan refers to surface water drainage problems and the proposed works would therefore be outside the scope of the Arterial Drainage Acts which legislate for fluvial flooding. My officials subsequently met with officials from Kildare County Council to discuss the Ardcrough report and advised that the report required more technical detail as well as cost-benefit analysis and environmental assessment.

It is understood that the county council are also in the process of having a report prepared on flooding in the Rye Water and Liffey rivers which impact on Mill Lane, Leixlip, and I expect that this report will be forwarded to the OPW when available and that the OPW will consider what assistance, if any, can be given to the county council. The OPW has not received any report from the county council in relation to flooding at Clane.

A further meeting between OPW and the County Council officials has been arranged for 4 February 2004 when the situation regarding the Morrell, Ardcrough and Mill Lane will be reviewed. I emphasise, however, that any proposed works must have regard to the commitment of resources to flood relief works in the OPW's existing work programme for 2004. In addition, the flood policy review group which I initiated in November 2002, has now completed its work and the report of the review group has been circulated to all Departments for consideration before being submitted to Government for approval. Subject to Government approval, I hope to publish the report in the very near future.

258. **Mr. Durkan** asked the Minister for Finance the extent to which he or his Department has examined drainage requirements throughout the country; and if he will make a statement on the matter. [3203/04]

Minister of State at the Department of Finance (Mr. Parlon): The Arterial Drainage (Amendment) Act 1995 empowered the Commissioners of Public Works to carry out drainage schemes for the alleviation of localised flooding and was enacted following the widespread flooding which occurred in 1994-95.

A list of nine priority areas was identified at that time as follows:

- Mulkear river, Newport, County Tipperary
- Nanny river, Duleek, County Meath
- Sixmilebridge, County Clare
- Gort Town, Bridge Street
- Mulkear river, Cappamore, County Limerick
- Bandon river, Dunmanway
- Nore river, Kilkenny city
- Barrow river, Carlow town
- Williamstown, County Galway

Messrs Ove Arup and Partners, Consulting Engineers, were commissioned in May 1996 to carry out a scoping report on areas around the country prone to flooding with a view to advising the Office of Public Works on the compilation of a priority list of ten to 20 areas to be examined for future flood relief schemes, in effect, to prioritise schemes in some order so that a national flood relief programme of works could be carried out on an ongoing-phased basis. In excess of 280 areas were brought to the attention of the consultants in this way. Several local authorities subsequently advised the OPW of further various locations around the country which were subject to flooding problems. All of this gave rise to the OPW's ongoing work programme of flood relief schemes.

To date, flood relief schemes have been completed at the following locations: the Mulkear river catchment at Cappamore, County Limerick — scheme works started in 1998 and completed in 2000; Newport, County Tipperary — scheme works started in 1997 and completed in 1998; Nanny River, Duleek, County Meath — scheme started 1997 and completed 1998; Sixmilebridge, County Clare — started 1996 and completed 1997; Gort Town, Bridge Street, County Galway — started 1996 and completed 1997; Lacken, Ardahan, County Galway — carried out in 1997; Maam Valley, County Galway — completed January 2001; Hazelhatch, County Kildare, Shinkeen stream catchment — scheme completed end 2001; Dunmanway, County Cork, Bandon river catchment — scheme started in 2000 and completed 2001; Belclare, County Galway, Clare river catchment — a flood relief scheme was completed, using powers under the Arterial Drainage Act 1945, in 1995; Bridgend, County Donegal — small scheme carried out by the OPW in 2000; and Carrick-on-Suir, County Tipperary, Suir river catchment — completed 2003.

In Kilkenny city a major flood relief scheme is currently under construction — Nore river catchment. The construction works commenced in September 2001 and are due for completion by end of 2004. The implementation of the interim flood alleviation works on the River Tolka in both Dublin city and county Meath, by OPW direct labour, have largely been completed at a

cost of €2 million approximately. Works also continued by direct labour on the Morrell river, County Kildare.

During 2003 engineering reports were completed along with outline design for flood relief schemes in Mallow and Fermoy, both on the Munster Blackwater river.

Pre-feasibility-feasibility studies were commenced by OPW on the River Slaney, Enniscorthy, River Slaney, Tullow, River Mall, Templemore, and certain areas of the River Shannon. Studies funded by OPW were also commenced by relevant local authorities on the River Mornington, Mornington, River Avoca, Arklow, and the Dublin coastal zone risk assessment.

Local authorities were also put in funds to carry out flood relief works and studies in numerous locations throughout the country, for example, in Limerick city, Clancy's Strand, Athlone, River Al, Freemount, County Cork, Freemount Stream, and various areas in County Wicklow.

Proposed flood relief schemes for Clonmel, County Tipperary, Suir river catchment, Carlow Town, Barrow river catchment, and John's River, Waterford city, have all completed public exhibition stage.

While the OPW has been fully engaged in the implementation of the above programme of flood relief it has to be recognised that the increased frequency of serious flooding events in the last number of years has been a matter of great national concern. I therefore announced in November 2002 a major review of national flooding policy so that the Government, through the OPW and local authorities, would be in a position to respond adequately to this major issue. Although the OPW is engaged in ongoing flood relief measures throughout the country, I initiated the review to develop a streamlined national flooding policy that would deal with the growth and complexity of the flooding problem.

The purpose of the review was to assess the extent of the problem countrywide, clarify roles and responsibilities of the various agencies involved, and recommend practical action to deal with the scourge of flooding. The review was carried out by a group representing the major stakeholders — the OPW, the Departments of Finance, Environment, Heritage and Local Government, Communications, Marine and Natural Resources, and Agriculture and Food, local authorities and representatives of farming organisations and IBEC. The review group received submissions from, and consulted with, a further wide range of relevant bodies. The review group has completed its work and its report has been circulated to all Departments for consideration before being submitted to Government for approval. Subject to

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Government approval, I hope to publish the report in the very near future.

Departmental Properties.

259. **Mr. Allen** asked the Minister for Finance further to Parliamentary Question No. 139 of 10 December 2003, the duration of the lease and the person from whom each property was rented; if, in view of the promise made on 10 December 2003 in reply to the parliamentary question that the details would be forwarded to the Deputy and have not been so forwarded, he will now release the details; and the reason, if detailed plans were in place for decentralisation, his Department did not have the information of the nature requested on 10 December 2003. [2700/04]

Minister of State at the Department of Finance (Mr. Parlon): A very considerable amount of staff time has been expended on this issue to date. The information sought is currently being compiled. The completed information will be forwarded to the Deputy within the next week.

Decentralisation Programme.

260. **Mr. R. Bruton** asked the Minister for Finance the arrangements being put in place to redeploy staff who opt not to move to decentralised locations under the present decentralisation programme; if these arrangements will apply to specialist executive agencies as well as to persons within the Civil Service; and if he will make a statement on the matter. [2702/04]

267. **Mr. Ardagh** asked the Minister for Finance his proposals for those civil servants who wish to remain in Dublin despite decentralisation; and if he can give an assurance that the jobs to which they will be transferred will be of the same type, status or have the same promotion prospects or career path as those they currently have. [2756/04]

268. **Mr. F. McGrath** asked the Minister for Finance the position regarding public servants and the decentralisation plan; if it will ever be compulsory; the future of public servants that cannot move due to personal and family reasons; and if he will make a statement on the matter. [2768/04]

Minister for Finance (Mr. McCreevy): I propose to take Questions Nos. 260, 267 and 268 together.

I have already made it clear that the decentralisation programme will operate on a voluntary basis. Civil and public servants who do not wish to transfer to a decentralised location will be assigned to alternative posts in Dublin. The exact procedures which will apply in such cases will be dealt with as part of the

implementation process and will be discussed with the public service unions.

Decentralisation will inevitably change the way in which the public service will operate in the future. In the case of promotion prospects, there will continue to be broadly speaking the same opportunities across the Civil Service but the impact on the individuals — both those serving in Dublin and outside Dublin — will depend upon a variety of factors. The decentralised nature of the Civil Service will mean that people, particularly those at the more senior levels, will in the future have to consider their career prospects in the light of the opportunities that arise both in Dublin and outside Dublin. I expect, for example, that the question of regional promotion structures is an issue that is likely to arise in the discussions with the unions.

One of the advantages of the decentralisation programme is that it will create a wider range of work and career opportunities for individuals working outside Dublin than is currently the case. Present and future civil servants who aspire to senior management positions will no longer have to migrate to the capital, although many may well continue to do so. Similarly, individuals serving in Dublin will be able to pursue their careers within Dublin but again, many may choose to avail of promotion opportunities in decentralised offices.

Tax Collection.

261. **Mr. Carey** asked the Minister for Finance if, in view of the fact that an order for the execution of the judgment against a person (details supplied) is about to be executed, he will urge the Revenue Commissioners to make one final attempt at establishing whether there are any details in the area of capital gains tax which have not been fully examined and which may have a bearing on the case; and if he will make a statement on the matter. [2703/04]

Minister for Finance (Mr. McCreevy): I am advised by the Revenue Commissioners that there is no record of capital gains tax in this case. The taxpayer has approached the Revenue Commissioners on a number of occasions claiming that payments he had made had not been credited against his tax liabilities. Following exhaustive searches of their records, the Revenue Commissioners have assured me that all payments made by the taxpayer have been credited against his tax liabilities.

In 1993 judgment mortgages were registered against his dwelling house in respect of unpaid taxes. These remain in place but the Revenue Commissioners have informed me that they will not proceed to execute these judgments unless there is a change in the taxpayer's circumstances.

Departmental Offices.

262. **Mr. Ferris** asked the Minister for Finance

if any other premises were visited prior to deciding to locate the probation and welfare office at Donaghmede Shopping Centre. [2714/04]

Minister of State at the Department of Finance (Mr. Parlon): No other premises were inspected prior to deciding to locate the probation and welfare offices at Donaghmede Shopping Centre as no other sites acceptable to the probation and welfare service were available in the area at the relevant time.

263. **Mr. Ferris** asked the Minister for Finance if the tender for the refurbishment of the premises to be used as the probation office at Donaghmede was published in the Official Journal of the EU Commission, and if so, in which issue. [2716/04]

264. **Mr. Ferris** asked the Minister for Finance if he has satisfied himself that the refurbishment work being carried out at the site of the probation office in Donaghmede will not add to the value of the building. [2717/04]

265. **Mr. Ferris** asked the Minister for Finance the latest estimate on the final cost for the fit-out, including design fees and VAT, for the probation office at Donaghmede. [2718/04]

Minister of State at the Department of Finance (Mr. Parlon): The value of the construction works for the probation and welfare office at Donaghmede Shopping Centre was far below the limit that required advertising in the Official Journal of the EU Commission. In the opinion of the Commissioners of Public Works the works carried out at the second floor of Donaghmede Shopping Centre on behalf of the probation and welfare service do not add to the value of the shopping centre. The final cost for the fit out, including VAT and design team fees, of the probation and welfare offices at Donaghmede Shopping Centre is €1.805 million.

Statutory Instruments.

266. **Mr. J. Bruton** asked the Minister for Finance if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgment of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgment; and if not, the reason therefor. [2732/04]

Minister for Finance (Mr. McCreevy): My Department is reviewing its statutory instruments

for compliance with the requirements of Bunreacht na hÉireann in the light of the recent High Court judgment concerning the Immigration Act 1999.

Questions Nos. 267 and 268 answered with Question No. 260.

Tax Code.

269. **Mr. O'Connor** asked the Minister for Finance his views on the huge support for his budget day decision in respect of section 481; if his attention has been drawn to the fact that his decision will be of great benefit to the Irish film industry; if he will report on his contacts with the various groups who campaigned on the issue; and if he will make a statement on the matter. [2775/04]

Minister for Finance (Mr. McCreevy): In the budget for 2004 I announced that tax relief for film production is to be extended for a further period of four years from 31 December 2004 to 31 December 2008, and that the ceiling per film will be increased to €15 million from 2005. I also announced that future decisions will depend on there being no further abuse of the scheme and that there should also be clear evidence that the film industry can develop on a firmer footing throughout the country and not just close to Dublin. My decision was primarily informed by the case and arguments, particularly those of a non-economic nature, put forward to me by my colleague the Minister for Arts, Sport and Tourism, Deputy O'Donoghue for the continued retention of this relief.

With regard to my views on the support for my budget day announcement to extend this relief, I point out that, in my experience, all decisions to continue State financial support to a sector, either directly by way of grant aid or indirectly through the use of tax incentives are invariably widely welcomed by the sector concerned. I am aware of the views of many that the decision to extend the relief by an additional four years will be of great benefit to the Irish film industry and I share this view.

I received a large number of representations on behalf of individuals and representative bodies to extend this relief in the run up to the budget. In view of the significant number of these requests, I regret that I cannot report on my contacts with the various groups in any great detail. The vast majority of the correspondence called for the retention of this relief beyond 31 December 2004.

National Monuments.

270. **Mr. Kenny** asked the Minister for Finance the breakdown of visitors to all OPW tourist attractions in County Donegal for the years 1999,

[Mr. Kenny.]
2000, 2001, 2002 and 2003; and if he will make a statement on the matter. [2788/04]

Minister of State at the Department of Finance (Mr. Parlon): The OPW has three heritage sites

in County Donegal, which are open to the public, have a full guide service and charge an admission fee, Donegal Castle, Glebe House and Gallery and, Newmills Corn and Flax Mills.

The numbers of visitor to these sites were:

Year	Donegal Castle	Glebe House	Newmills
1999	38,879	6,022	3,346
2000	39,979	7,666	2,737
2001	33,241	10,049	2,881
2002	32,298	9,005	2,428
2003	35,235	9,586	2,897

There are a number of other national monuments in State care in County Donegal to which the public has access, but, as a fee is not charged it is not possible to determine with accuracy the number of visitors these attract.

EU Presidency.

271. **Mr. O'Connor** asked the Minister for Finance the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2798/04]

Minister for Finance (Mr. McCreevy): My Department and I are very conscious of promoting Ireland's EU Presidency with the Irish public. The overall national responsibility for promoting the Presidency rests mainly with the Department of Foreign Affairs, to whose Minister the Deputy has addressed a similar question that is also being replied to today.

The Department of Finance, within its ambit of responsibilities, would contribute to such national promotions as the Communicating Europe Initiative and the *eu2004.ie* Presidency website, which are referred to in the reply by the Minister for Foreign Affairs.

My Department's press office also ensures that the media and the public are kept fully informed of developments in the economic and financial spheres, more particularly in relation to the Council of EU Ministers of Economics and Finance, ECOFIN Council, which meets on a monthly basis and which I have the honour to chair for the six months of the Presidency.

The work of ECOFIN will be especially evident to the Irish people when it holds its Informal meeting in Ireland, in PuncHESTOWN, from 2 to 4 April. My Department has taken on additional media information resources in connection with that event to ensure the best possible information for the public in Ireland and the EU generally. Some 300 delegates and up to 400 media personnel will attend the event. It will be one of the largest meetings of the Presidency to be held in Ireland.

The principal focus of ECOFIN over the period of the Presidency will be on ensuring that the integration of the ten new member states joining on 1 May, so enlarging the EU to 25 member states, operates as smoothly as possible in the economic and financial spheres. Another priority will be the pushing forward with the economic and financial aspects of the Lisbon Agenda under which we in the EU set ourselves the goal of becoming the world's most competitive knowledge based economy by 2010. Both enlargement and the Lisbon Agenda are immensely important projects for the EU and for this country, and will provide expanded economic opportunities for our businesses and our citizens into the future.

My Department will also be informing the public on other Presidency events which it is organising in Ireland, most notably a meeting of Ministers for regional policy, to be hosted by the Minister of State at my Department, Deputy Parlan, in Portlaoise on 26 to 27 February. This meeting will make an important contribution to the future of regional policy in the EU. I am satisfied that my Department is taking the strongest possible steps to ensure that the Irish public is fully informed on the work of the Department during the Presidency.

Decentralisation Programme.

272. **Mr. O'Connor** asked the Minister for Finance if consideration can be given to moving offices of a Government service to Tallaght; if he will appreciate the huge interest in the region in this regard; and if he will make a statement on the matter. [2806/04]

Minister for Finance (Mr. McCreevy): I do not consider that the transfer of public service jobs to any County Dublin location could be regarded as decentralisation.

Flood Relief.

273. **Mr. R. Bruton** asked the Minister for Finance if his attention has been drawn to the fact that some householders who were flooded in

November 2002 when the Tolka broke its banks, have been unable to secure insurance cover in respect of storm damage and flooding; if he will make arrangements to send members of the public the engineering assessment of the works needed and those undertaken to date, which would provide important information to insurers being asked to restore cover; if he will intervene directly with the insurance companies to protect, in so far as is possible, the interests of those who are so severely affected; and if he will make a statement on the matter. [2807/04]

Minister of State at the Department of Finance (Mr. Parlon): The final report of the river Tolka flooding study was published by Dublin City Council in December 2003 and details the measures required to protect homeowners against flooding along the river. The report is available on the Dublin City Council website and is also available to view in the Drumcondra library. Copies of the report in CD-ROM format are also available from Dublin City Council.

As the Deputy is aware an initial phase of works contained in the report has already been completed by the Office of Public Works on behalf of Dublin City Council. The OPW and the city council are committed to carrying out the next phase of works in the current year and discussions are ongoing to agree the detail and timing.

Although I am not in a position to instruct insurance companies directly in this matter, I have met with the Irish Insurance Federation, IIF, as part of the review I initiated on national flood policy in November 2002. I indicated that the State would play its part in flood risk reduction and that, in turn, the insurance industry would be expected to act in a responsible manner. At my invitation the IIF made a submission to the policy review group and subsequently met with OPW officials. This meeting clarified aspects of their submission and provided an opportunity for the IIF to be briefed on the State's overall strategy on flood management.

One of the key components of this strategy is the development of "flood maps". These provide valuable information to assist in numerous decision-making processes, such as, planning and development, flood works prioritisation, assessment of risk. In this regard, I confirm that the OPW has commenced work on a flood mapping programme, the first phase of which will be completed in 2005. I am confident that the increased availability of risk information arising from the production of maps, together with the implementation of a more strategic approach to flood management will reduce exposure to risk and provide a more accurate basis upon which insurance companies formulate their decisions relating to potential flood damage in the future.

The report of the review group has been circulated to all Departments for consideration before being submitted to Government. Subject

to Government approval, I hope to publish the report in the very near future.

Civil Service Appointments.

274. **Mr. Nolan** asked the Minister for Finance the reason a person (details supplied) was notified by the Civil Service Commission of their success having attended for interview for a position with the Revenue Commissioners, to have written confirmation subsequently withdrawn; and if he will make a statement on the matter. [2825/04]

Minister for Finance (Mr. McCreevy): The candidate in question competed in an interview for the position of clerical officer on 21 October 2003. The interview was for clerical officer positions within the Civil Service. This person failed to reach the qualifying standard.

However, on 5 November 2003 the candidate was incorrectly advised by letter that the required standard had been reached at the interview and that the Office of the Civil Service Commissioners would be in touch again when a vacancy arose. On 7 November 2003, a second letter was issued conveying the correct result.

The error came to light when the candidate contacted the Office of the Civil Service Commissioners to discuss the fact that two conflicting items of correspondence regarding the interview had been received.

The manager of the clerical recruitment unit in the Office of the Civil Service Commissioners spoke to the candidate to clarify the position. An apology was given and an offer was made to meet with the candidate to discuss the matter, which the candidate declined.

The Civil Service Commissioners under the Civil Service Commissioners Act 1956 cannot appoint a person unless that person reaches the qualifying standard in a competition run by them for a post in the Civil Service. In this case, as the candidate in question did not meet the qualifying standard, the commissioners could not make an offer of appointment.

The commissioners regret the unfortunate error and any embarrassment that may have occurred and they will continue to monitor the outcome of competition procedures on an ongoing basis.

Motor Fuels.

275. **Mr. Crawford** asked the Minister for Finance the gains he hopes to achieve on an annual basis from the 5 cent increase on a litre of diesel and petrol; if any of that money is earmarked for road improvements and road safety measures; and if he will make a statement on the matter. [2838/04]

Minister for Finance (Mr. McCreevy): I am informed by the Revenue Commissioners that the extra revenue that could be expected following my budget increases of 5 cent, VAT inclusive, per litre on diesel and petrol, is expected to be in the

[Mr. McCreevy.]
region of €89 million for petrol, and €95 million for diesel. Revenue from such excise duties forms part of Government revenue which funds public services generally.

Tax Collection.

276. **Mr. Carey** asked the Minister for Finance if the amount of tax rebate in respect of a person (details supplied) in Dublin 11 is correct; and if he will make a statement on the matter. [3040/04]

Minister for Finance (Mr. McCreevy): I am advised by the Revenue Commissioners that the initial refund of €698.62 which issued on 27 January 2004 was in respect of tax paid on the taxpayer's salary from 1 January 2003 to 14 February 2003 only. The Revenue Commissioners informed me that they have now processed a further refund in respect of the tax deducted from the lump sum payment received from his former employer. A cheque for €5,746.93 will issue shortly.

Flood Relief.

277. **Mr. Hogan** asked the Minister for Finance if he will allocate funds in 2004 under the arterial drainage scheme to alleviate flooding at Piltown County Kilkenny; and if he will make a statement on the matter. [3041/04]

Minister of State at the Department of Finance (Mr. Parlon): It is no longer Government policy to carry out arterial drainage schemes. At the request of Kilkenny County Council, the OPW has agreed to carry out a pre-feasibility study to assess the potential for localised flood relief works in Piltown. No decision can be taken on further action until the results of this study are available. The study will commence later this year and is expected to be completed by mid-2005.

Tax Code.

278. **Mr. R. Bruton** asked the Minister for Finance the reason he has decided to include medical check-ups in the category of items attracting full PAYE and PRSI benefit-in-kind tax; and if he will consider treating them as exempt in the same category as education courses or pension contributions made by an employer due to the fact that they each have similar significant public benefit; and if he will make a statement on the matter. [3052/04]

Minister for Finance (Mr. McCreevy): The cost of providing medical check-ups which employees are required to undergo by their employer is not regarded as a taxable benefit and is not liable to PAYE or PRSI. However, routine medical check-ups, paid for but not required by the employer, are treated as giving a rise to a taxable benefit and I have no plans to change this position.

Refunds of educational course or exam fees to an employee which have been paid by the employer, or direct payments of educational

course or exam fees by the employer, are not treated as giving rise to a taxable benefit in certain circumstances only, that is, where the course undertaken is relevant to the business of the employer.

Likewise, certain pension contributions paid by an employer in respect of an employee do not give rise to a taxable benefit provided the contributions are made to Revenue-approved superannuation schemes.

Departmental Offices.

279. **Dr. Upton** asked the Minister for Finance his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3065/04]

Minister for Finance (Mr. McCreevy): While it is a matter of personal preference and individual choice, I would encourage people to eat healthy and nutritious food. My Department, as part of its health and well-being awareness programme, advises and encourages staff in regard to healthy eating.

Cafeteria services in the Department are provided by a private catering firm. The range, quality and sourcing of the food provided is a matter for the catering firm taking account of its customers' tastes and demands.

Decentralisation Programme.

280. **Mr. Wall** asked the Minister for Finance the consideration given to decentralising the Department of Defence to Kildare town, to optimise the true potential of the Magee Barracks site given that Kildare County Council rezoned land for housing in Kildare town in their recent development plan for the town to meet the needs for housing in the area; and if he will make a statement on the matter. [3128/04]

Minister for Finance (Mr. McCreevy): As indicated on page B25 of Budget 2004, the Defence Forces headquarters are to move to the Curragh and the headquarters of the Department of Defence will be located in nearby Newbridge.

Tax Code.

281. **Ms Burton** asked the Minister for Finance the number of persons that have benefited from the taxation allowance for professional sports people; the sports they represent; the cost of such relief for a 2002, and 2003; and the highest relief and the average relief granted in each year. [3130/04]

Minister for Finance (Mr. McCreevy): In Finance Act 2002, I introduced a new scheme of relief which provides that qualifying sportspersons, whether in a professional or semi-professional capacity, are entitled, on retirement,

to an annual deduction from earnings from direct participation in their particular sport of the order of 40% for up to ten years of assessment back to and including the tax year 1990-91 provided the sports person was resident in the State in these years. Eligible income under the scheme arises from direct participation in the sport and does not include income accruing from sponsorship, advertising or endorsements. The relief can be claimed in the year in which the sports person ceases to be permanently engaged in that sport, provided the individual is resident for tax in that year, and will be provided by way of repayment of tax.

The categories of sportspersons that can avail of this relief are listed in Schedule 23A of the Taxes Consolidation Act 1997 which provided higher contribution limits for retirement annuity purposes. These categories are an athlete, badminton player, boxer, cyclist, footballer, golfer, jockey, motor racing driver, rugby player, squash player, swimmer and tennis player. I am informed by the Revenue Commissioners that statistics are not available which would enable the information requested by the Deputy to be provided since this scheme was introduced relatively recently.

282. **Ms Burton** asked the Minister for Finance the proposals he has to introduce special tax allowances for elite amateur sports persons, as defined by the Irish Sports Council similar to the relief introduced for professional sports people. [3131/04]

Minister for Finance (Mr. McCreevy): As the Deputy will appreciate, it is not normal procedure for the Minister for Finance to comment on proposals or measures which may or may not be included in a forthcoming Finance Bill in the period immediately preceding its publication.

Pension Provisions.

283. **Mr. Blaney** asked the Minister for Finance if a person (details supplied) will be considered as a new entrant in relation to the changes in teacher pensions announced in the budget for 2004, therefore affected by the new measures; and if he will make a statement on the matter. [3170/04]

Minister for Finance (Mr. McCreevy): As the Deputy may be aware, I intend to introduce legislation in the House shortly to give effect to the public service pension reforms announced in budget 2004. This legislation is being drafted by the parliamentary counsel. It would be appropriate, at this time, to comment on individual cases which may or may not fall within the ambit of the legislation. I can assure the Deputy, however, that a fair and equitable definition of “new entrant” will be used in implementing the new pension arrangements.

Departmental Travel.

284. **Mr. Eamon Ryan** asked the Minister for Finance the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3175/04]

Minister for Finance (Mr. McCreevy): The amount paid out from my Department’s Vote in 2003 in respect of car mileage expenses was €94,945.01. The amount paid out in the period 1 May to 31 December 2003 in respect of rail and bus ticket expenses was €3,507.36. In the time available, it would not be possible to provide the detailed rail and bus ticket expenses figure for the first four months of 2003, because this information is held on an older accounts system and an extensive manual exercise would be required to extract it. However, it would be reasonable to assume that the pattern of expenditure for the first four months of 2003 was broadly similar to that during the last eight months of 2003. Using that as a base, the figure for the year 2003 would be about €5,300. If the Deputy wishes to have the detailed calculations made he can communicate directly with my Department and the necessary work will be undertaken as soon as possible.

Statutory Instruments.

285. **Mr. J. Bruton** asked the Minister for Foreign Affairs if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgment of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgment; and if not, the reason therefor. [2733/04]

Minister for Foreign Affairs (Mr. Cowen): This matter is being dealt with by the Attorney General and his office, who are currently examining the legal issues arising from the judgment of the High Court concerning the unconstitutionality of the Aliens Order and section 2 of the Immigration Act, 1999, which section sought to give the Aliens Order statutory effect as if it was an Act of the Oireachtas. The appropriate procedures to be adopted in relation to all orders will depend upon the advice of the Attorney General.

Passport Controls.

286. **Mr. Andrews** asked the Minister for Foreign Affairs his views on the significance for Irish passport holders travelling to the US of the Enhanced Border Security and Visa Entry Reform Act 2002; and if, after 26 October 2004,

[Mr. Andrews.]
passports will be required to contain biometric identifiers. [2769/04]

Minister for Foreign Affairs (Mr. Cowen): Ireland is one of 27 countries that participate in the US visa waiver programme, which enables citizens of those countries to travel to the US for up to 90 days without a visa for business or tourist purposes. The US enhanced border security act, enacted after the terrorist attacks of 11 September 2001, requires each country that participates in the visa waiver programme to introduce, or have in place a programme to introduce, passports containing biometric information by 26 October 2004. Otherwise, citizens of these countries will have to obtain a visa for travel to the US. This will only apply to passports issued on or after 26 October 2004; holders of passports issued before that date will continue to be able to enter the US under the visa waiver programme without a visa, provided their passports are machine-readable and the personal information is printed and not handwritten. All Irish passports issued in Dublin, Cork and London are machine-readable.

In view of the numbers of Irish travellers to the US and the importance of our economic and wider relationships with that country, the Government believes it is highly desirable that Ireland remain a participant in the visa waiver programme. The Government also believes that the incorporation of biometric information in passports will give greater security of identity to individual passport holders which will increase the safety of air travel. This is recognised at EU level also. The European Council in Brussels on 12 December 2003 invited the European Commission to submit in due time a proposal for the introduction of biometric identifiers in passports.

Accordingly, the Government has decided in principle that Ireland should introduce passports containing biometric information subject to further consideration of the practical and other requirements for doing so. My Department will shortly commission a feasibility study to investigate the technical, legal, data protection and other issues related to biometric passports. In the light of that study, the Government will make a final decision on the arrangements for the introduction of biometric passports. I intend to complete this work in time to enable Ireland to comply with the requirements of the US enhanced border security act.

My Department is currently developing a new Irish passport which will be introduced later this year. This is part of the modernisation of the passport issuing system designed to improve the overall passport service to the public and to ensure that Irish passports continue to adhere to the highest international security standards. The new passport will contain a polycarbonate — plastic — data page which will be capable of incorporating a microchip on which biometric

data characteristics such as the shape of a person's face or their fingerprints can be inserted.

Ministerial Meetings.

287. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will report on his recent visit to South Africa; and if he will make a statement on the matter. [2778/04]

Minister for Foreign Affairs (Mr. Cowen): I visited South Africa from 21-23 November 2003. As well as the political meetings undertaken, I visited some of Development Co-operation Ireland's projects in that country, including the township of Soweto. I saw, firsthand, the devastating impact which HIV-AIDS has on the local population there and also the great work of our development officers, NGOs and missionaries.

On 22 November, Foreign Minister, Ms Zuma, hosted a working dinner at her residence for the Irish delegation. Our discussions covered bilateral relations with South Africa, EU-Africa dialogue, Zimbabwe, UN reform, the WTO and the Middle East. It was a productive meeting, in which I outlined our intention, as EU Presidency, to work in partnership with African governments, including South Africa, to push African issues up the EU agenda. Our overarching aim would be to work together with our African partners to enhance Africa's capacity to deal with the issues the continent faces.

The Foreign Minister expressed her appreciation for my announcement of Ireland's €300,000 contribution to the NEPAD initiative. The House is aware that NEPAD is the new economic programme for African development, an African-owned and led initiative which is intended to achieve sustainable development in Africa in the 21st century. We also agreed to the establishment of a structured bilateral partnership agreement with South Africa to augment the relations between our two countries. Regular ministerial and official-level dialogue is envisaged and the details will be finalised in the coming months.

The following day, I met with President Mbeki and reiterated our aim to give strong support to African issues during our Presidency of the EU. We discussed South Africa's role as a successful mediator in various African conflicts, including Burundi. We agreed that effective multilateralism was a common foreign policy goal for both countries and, on behalf of the Government, I invited President Mbeki to make a state or an official visit to Ireland, at his convenience.

The formation of the African Union in 2002 shows that Africa is serious about tackling its problems in a real and cohesive manner. I was glad also to witness Ireland's aid programmes and to talk with the political leaders of the country. South Africa plays a pivotal role in the African Union and in the Southern Africa Development Community. These discussions were of the utmost importance in preparing for the EU

Presidency and they have contributed to the further strengthening of our relations with this influential and important country.

EU Presidency.

288. **Mr. O'Connor** asked the Minister for Foreign Affairs the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2799/04]

Minister for Foreign Affairs (Mr. Cowen): Promoting the Irish Presidency of the European Union to the public is a key priority of Ireland's EU Presidency programme and forms part of a wider commitment by the Government to communicating information about the EU to the public. Since the start of the Presidency last month, the Department of Foreign Affairs has undertaken a range of initiatives to promote public awareness of developments in the European Union that will take place during Ireland's Presidency. Included in this will be the transmission on RTE 1 in January of "Europe — How are You?", a two part television series which reviewed the enlargement of the EU which will take place during Ireland's EU Presidency and the debate on the draft constitutional treaty. These programmes were supported by the Communicating Europe Initiative, CEI, which is managed by the Department, and attracted a combined audience of over half a million viewers. Over the coming weeks, videocassettes of the programmes will be distributed to post-primary schools, NGOs, the National Forum on Europe and our embassies abroad.

CEI is also supporting a new information initiative which will provide an insight into meetings and events taking place during the Irish Presidency from a citizen's perspective. This initiative has just been launched and will provide a range of information on meetings, conferences and events taking place across Ireland during the Presidency. These reports will feature in local and regional newspapers, on local radio and on the Presidency website.

The Presidency website, which is managed by the Department of Foreign Affairs, features a range of user-friendly information on all aspects of the Presidency from details of events and meeting venues across Ireland to the latest press releases on developing issues. A specific section of the site has been dedicated to providing information about the Presidency and the EU to young people. The site also allows users to personalise web pages and receive updates on developing issues through SMS and e-mail alerts. The site also contains background information on Ireland's Presidency priorities including the IGC and enlargement, and on the EU, its history and structures.

My Department has also funded the development of an educational resource for second and third level business students — this resource uses the Presidency as a business case

study. A link is also provided to the Presidency website, which means that students have access to a comprehensive and up to date information resource.

CEI is supporting a number of initiatives to promote the Presidency and the forthcoming enlargement of the EU with groups and organisations including young people and women. It is also supporting a number of local events organised by the Irish Countrywomen's Association taking place throughout Ireland focusing on the Irish Presidency and the enlargement of the European Union. An information leaflet summarising Ireland's Presidency goals and objectives will also be launched this month and will be distributed to schools, non-governmental organisations and to the wider public.

As Presidency, the Government is committed to better informing and engaging citizens in Ireland about developments in their Union. To this end, Minister of State, Deputy Roche, will chair a conference of Ministers from existing, acceding and candidate states on 7-8 April, to review existing EU information strategies and discuss how the EU might be communicated more effectively to its citizens. The Presidents of the European Commission and the European Parliament have also been invited to attend the conference. On the second day of the conference, Ministers will meet with a delegation from Ireland's National Forum on Europe to exchange views on how better to inform and engage citizens in the EU.

Over the coming months, the Department of Foreign Affairs will continue to work with other Departments in undertaking initiatives to promote greater public awareness about Ireland's Presidency of the European Union. The Department's press section will also continue to work closely with the Irish media on a daily basis to promote a greater understanding of EU and Presidency issues among the media and, by extension to the wider Irish public. The press section works in close collaboration with the Presidency press office in the Department of the Taoiseach to ensure full public awareness of the events organised across Ireland for the Irish Presidency.

Foreign Conflicts.

289. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will present an update, in the context of Ireland's Presidency of the EU, on efforts to deal with the question of Cyprus; if he will outline his contacts in the matter; and if he will make a statement on the matter. [2819/04]

Minister for Foreign Affairs (Mr. Cowen): The United Nations plays the lead role in the search for a comprehensive settlement of the Cyprus question. Recent efforts have been framed in the context of the forthcoming accession of Cyprus to the EU. The December 2003 European Council reiterated its preference for the accession of a

[Mr. Cowen.]
 united Cyprus to the Union on 1 May 2004. The Council urged all parties to give their strong support to the UN Secretary General's efforts and, in this context, called for an immediate resumption of the talks on the basis of his proposals. The Union reiterated its willingness to accommodate the terms of a settlement in line with the principles on which the EU is founded. Following a settlement the Union is ready to provide financial assistance for the development of the northern part of Cyprus.

In the weeks since the European Council, there have been a number of developments which have a bearing on the prospects for a comprehensive settlement. In northern Cyprus, following elections which gave an equal number of seats to parties in favour of a settlement based on the Annan plan and those opposed, a broadly pro-settlement administration has been formed under Mr. Mehmet Ali Talat, in coalition with Mr. Serdar Denktash. In Turkey, following an intensive consultation process, the national security council stated on 23 January that it had reached a consensus position in favour of negotiations taking the Annan plan as a reference and on the basis of the realities of the island. Prime Minister Erdogan discussed the situation with Secretary General Annan in Davos on 24 January and subsequently stated that Turkey supported the resumption of negotiations on the basis of the Annan plan, with a view to the approval of a settlement by referendum before 1 May.

The Government has maintained contact with the parties in recent weeks. I met yesterday in Dublin with the foreign minister of Cyprus, Mr. George Iacovou. I welcome his commitment to the resumption of negotiations on the basis of the Secretary General's proposals. I discussed the prospects for a settlement when I met the UN Secretary General in Brussels on 28 January. I assured him of the full support of the EU for his efforts. He has reiterated his view that the resumption of negotiations in the framework of his mission of good offices will only be possible if all parties demonstrate the political will to finalise a settlement on the basis of his proposals in time for the outcome to be put to separate referendums before 1 May. He has also stated that if the necessary progress is to be made in the time available, resumed negotiations would have.

The Government has maintained contact with the parties in recent weeks. I met yesterday in Dublin with the foreign minister of Cyprus, Mr. George Iacovou. I welcome his commitment to the resumption of negotiations on the basis of the Secretary General's proposals. I discussed the prospects for a settlement when I met the UN Secretary General in Brussels on 28 January. I assured him of the full support of the EU for his efforts. He has reiterated his view that the resumption of negotiations in the framework of his mission of good offices will only be possible if

all parties demonstrate the political will to finalise a settlement on the basis of his proposals in time for the outcome to be put to separate referendums before 1 May. He has also stated that if the necessary progress is to be made in the time available, resumed negotiations would have to conclude by the end of March, to allow for the holding of simultaneous referendums on the island during April.

As Presidency, Ireland will support fully the role of the Secretary General, and the decision he must take in the period ahead on whether negotiations can resume. We will continue to encourage all parties to meet his requirements for the resumption of negotiations. If the Secretary General decides they can resume, the European Commission will play a direct role in the negotiations to ensure that, in line with the commitment given by the European Council, the *acquis communautaire* can accommodate the terms of a settlement. As Presidency, we will remain in close contact with the Secretary General in order to provide whatever assistance he requires to encourage a settlement in the short time available.

Departmental Offices.

290. **Dr. Upton** asked the Minister for Foreign Affairs his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3066/04]

Minister for Foreign Affairs (Mr. Cowen):
 There are no restaurants, or canteens serving food, in any of the buildings used by the Department of Foreign Affairs, though facilities for preparing meals and for dining are available for staff.

Departmental Travel.

291. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3176/04]

Minister for Foreign Affairs (Mr. Cowen):
 Total car mileage expenses in 2002 amounted to €214,000. Rail and bus ticket costs amounted to some €47,000 for the same period. These figures relate to costs incurred both at headquarters and at all missions abroad.

Decentralisation Programme.

292. **Mr. R. Bruton** asked the Minister for Education and Science if he has initiated consultations with officials in the Higher Education Training Awards Council regarding their willingness to transfer to the new location in

Offaly; and if he will make a statement on the findings of the assessment. [2701/04]

Minister for Education and Science (Mr. N. Dempsey): Officials of my Department have had a preliminary meeting with the Higher Education and Training Awards Council and other bodies under the aegis of my Department regarding decentralisation. The purpose of these meetings was to facilitate an exchange of information. 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 HETAC and its 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.

Departmental Records.

293. **Dr. Upton** asked the Minister for Education and Science the conditions under which a person (details supplied) was given access to records of his Department; if other persons can be given access to the same records and files; and if he will make a statement on the matter. [2943/04]

Minister for Education and Science (Mr. N. Dempsey): The person referred to by the Deputy has not been given access to records of my Department. In considering how access is to be granted to the records and to whom, my Department has to be mindful of key priorities at this time. High on the list of priorities is the Department's obligation to provide information and records as so ordered by the Commission to Inquire into Child Abuse. Another priority as regard access to the records arises under the statutory obligations imposed upon the Department by the Freedom of Information Act. The records in question are also accessed within the Department on a regular basis in the context of litigation arising from past abuse and, from time to time, the Garda authorities also require access to these records as part of their investigations into past abuse.

To allow any further access to the records would inevitably lead to requests from others for similar access, and indeed the Department has already had such requests. The situation could quickly escalate to the point where the commission, the courts and Garda authorities would be hindered in their work and the Department's capacity to carry out its statutory

duties in respect of freedom of information would be seriously jeopardised.

Circumstances now require that access to the records be limited for the moment to the priority purposes outlined above. This is in the interests of maintaining the records in good order; ensuring that the commission can carry out its work effectively; ensuring that people who are seeking legal redress can have access through the courts to the documents they require; and ensuring that people can exercise their statutory rights to information under the Freedom of Information Act.

Educational Projects.

294. **Mr. R. Bruton** asked the Minister for Education and Science if his attention has been drawn to the work of the Catholic Secondary School Parents Association; and if he plans to make grants available to support research and administration in this organisation in order that it can play a full part as an education partner. [2682/04]

Minister for Education and Science (Mr. N. Dempsey): Officials of my Department met representatives of the national congress of Catholic Secondary School Parent Associations, CPSA, last December. At that meeting it was agreed that CPSA would provide my Department with details of its vision for increasing the voice of parents at second level, the promotion of parents associations in schools and the level of support required to achieve those aims. My Department received a submission from CPSA in mid-January and is considering their proposals at present. Officials of my Department will be in touch in the near future with CPSA to arrange a further meeting on this issue.

In deciding on the issue of grant aiding, I must take account of the matter of value for money and the need to avoid unnecessary duplication. This is a particular concern when money is spent on research and administration. The Deputy will also be aware that a report on these matters, commissioned by my Department, emphasised the fact that many of the issues of concern to parents with children at second level are common across the different sectors. It is important, therefore, that any State funding should promote cohesion to the greatest degree possible as this will best serve to increase the voice of parents in education.

Schools Refurbishment.

295. **Mr. R. Bruton** asked the Minister for Education and Science if he has received a report on the heating system in a school (details supplied); if he has satisfied himself that this system is capable of ensuring standards of heating as required by rules agreed with teachers and schools; and if he will make a statement on the matter. [2683/04]

Minister for Education and Science (Mr. N. Dempsey): A report has been received regarding the heating system in the school referred to by the Deputy. The project is being considered in the context of the summer works scheme, details of which will be announced shortly.

Special Educational Needs.

296. **Mr. Crowe** asked the Minister for Education and Science if his attention has been drawn to an application for funding to set up a CABAS school in Shankill, south Dublin; his views on this proposal; when he expects a decision on the funding application to be made; and if he will make a statement on the matter. [2684/04]

297. **Mr. Crowe** asked the Minister for Education and Science if his attention has been drawn to the CABAS schools operating elsewhere in the State; and if he will make a statement on this system of schooling. [2685/04]

338. **Mr. Gormley** asked the Minister for Education and Science if he will consider the application for a CABAS school in south Dublin; and if he will make a statement on the matter. [3001/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 296, 297 and 338 together.

I am most anxious that all children, including children with autistic spectrum disorders receive education appropriate to their needs. There are seven facilities in the State operating on a pilot-project basis and using alternative educational methods for teaching children on the autistic spectrum. Three of the seven are CABAS facilities, whose teaching method involves a comprehensive application of behaviour analysis to schooling approach. A decision regarding the retention of these establishments will be made in light of an evaluation of provision for children with an autistic spectrum disorder carried out by my Department's Inspectorate. It is envisaged that the outcome of the evaluation will be determined and a decision taken on the future of the facilities during the course of the current school year.

My Department is actively considering applications from CABAS, Dublin, for autistic provision in south County Dublin. My officials are liaising with my Department's inspectorate and the National Educational Psychological Service in this regard. A response will issue to the applicants as quickly as possible.

Decentralisation Programme.

298. **Mr. R. Bruton** asked the Minister for Education and Science the nature of the commitments which he has given in the past that the offices of the Higher Education Training Awards Council would be located in Dublin; the details of the commitments he has entered into in

respect of buildings to house this body in Dublin; the strategic considerations which resulted in the proposal to relocate HETAC to Edenderry, County Offaly; the details of the commitments he has made to acquire buildings in Offaly; and if he will make a statement on the matter. [2686/04]

Minister for Education and Science (Mr. N. Dempsey): The Higher Education and Training Awards Council was established on 11 June 2001 and was located at 26 Mountjoy Square Dublin 2 on an interim basis pending a decision on the permanent location of the council. On 9 November 2001, HETAC was notified by letter of the decision of the then Minister for Education and Science that HETAC be based in Dublin. On foot of this, HETAC moved to new premises in Denzille Lane, Dublin 2, taking out a 21 year lease with effect from 31 December 2002, with rent reviews every six years. HETAC is responsible for the costs of the lease until it expires. While all the leases of the agencies set up under the Qualifications (Education and Training) Act 1999 do not specifically provide for sub-leases to a third party, it is anticipated that this can be negotiated and will not present an insurmountable problem.

The strategic considerations governing the Government decision on decentralisation are set out in the budget statement of the Minister for Finance of 3 December 2003. The issue of accommodation in Edenderry is being handled by the Office of Public Works. It is the prerogative of Government to decide on the location of Departments and statutory agencies from time to time in the context of its overall decentralisation policy. There are no plans to make an exception to the Government policy as announced on 3 December 2003 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. These are being kept apprised of implementation plans as they are developed.

Special Educational Needs.

299. **Mr. R. Bruton** asked the Minister for Education and Science the number of recommendations in the recent report of the task force for dyslexia which he has accepted; the number which he has rejected; and the timescale within which the recommendations which have been accepted will be implemented. [2687/04]

Minister for Education and Science (Mr. N. Dempsey): The report of the task force on dyslexia contains more than 60 individual recommendations ranging across a wide variety of issues from identification and assessment, to models of service delivery, specialist training for

service providers, to issues relating to structural reforms. Since the task force reported, a number of initiatives have been taken in the area of dyslexia. These include the introduction of the first ever on-line training course for teachers catering for pupils with dyslexia; the appointment of ten new learning support trainers to the primary curriculum support programme specifically to provide in-depth support for the implementation of learning support guidelines for children with dyslexia; and a reduction from 11:1 to 9:1 in the pupil teacher ratio applicable to special classes catering for children with dyslexia.

In addition to the above measures, a key focus of my Department has been on advancing the fundamental structural and legislative measures, which are necessary to underpin the development and delivery of services for persons with special needs, including children with dyslexia. A key development on the structural front has been the Government's decision to approve the establishment of the National Council for Special Education. The National Council, which will have a local area presence, will play a key role in the development and delivery of services for persons with special needs, including children with dyslexia. It will have a research and advisory role and will establish expert groups to consider specific areas of special needs provision. It will also establish a consultative forum to facilitate inputs from the education partners and other interested parties. Arrangements for the establishment of the council are now well advanced. A chief executive has been appointed, the Oireachtas has approved an order establishing the council and the recruitment of council staff is in hand.

I have brought forward legislation, based on the Education for Persons with Disabilities Bill 2003, aimed at establishing the rights and entitlements of persons with special needs, including dyslexia, to an appropriate education service and providing the necessary framework for effective service delivery. My objective is to secure the passage of this legislation through the Oireachtas as quickly as possible.

Higher Education Grants.

300. **Mr. R. Bruton** asked the Minister for Education and Science the timing of the payment of the first instalment of third level grants under the VEC administered and local authority administered schemes, indicating the number of approved grants made in September, October, November and so on; if he has carried out an assessment of the time it takes for these agencies to process an application; if he has proposals to reduce the complexity of the vetting procedure or otherwise to streamline the system, in order that applicants receive their payments in a more timely manner; and if he will make a statement on the matter. [2688/04]

Minister for Education and Science (Mr. N. Dempsey): The third level maintenance grant

schemes, which my Department revises annually, are administered by the local authorities and VECs. The arrangement for the payment of grants under the grant schemes are a matter for the local authorities-VECs. The terms of the higher education grants scheme and the VEC scholarships scheme for the 2003-04 academic year provide for the payment by the local authorities-VECs of each maintenance grant in three equal instalments as early as possible in each term with the individual payable orders being addressed to the grant holder c/o the bursar's office of the college.

A survey of the 66 local authorities and VECs, carried out by my Department in early November 2003, in respect of the current academic year, indicated that the vast majority of the awarding bodies had paid the first instalment of the grant, with the exception of cases where further information from applicants was awaited or where late applications had been accepted. The remaining awarding bodies made payments in respect of the first instalment of the grant in November. A breakdown of the number of grants approved each month is not available to my Department.

My Department has issued a questionnaire to each local authority and VEC requesting information on the processing of applications for the current academic year and on the outcome of the process. When all completed questionnaires are returned, my Department will be in a position to assess the extent to which there are delays, and the reasons why, in the processing of applications. I have previously indicated that, in accordance with our commitment in An Agreed Programme for Government, it is my intention to introduce a unified grant payment scheme. I also propose to put in place a more coherent administration system which will, I believe, facilitate the introduction of more sophisticated means testing arrangements and ensure consistency of application and client accessibility as suggested in the report *Supporting Equity in Higher Education*, which was published in August 2003 and which arose from a review undertaken, at my request, within my Department. I have asked my Department to enter into consultations in this regard. Initial discussions have taken place between officials of my Department and officials in the Department of Social and Family Affairs and I expect that consultations with representatives of the other stakeholders, such as the grant awarding bodies, will take place shortly.

School Accommodation.

301. **Ms O. Mitchell** asked the Minister for Education and Science the precise status of the application for a capital grant for additional classrooms from St. Columba's College, Whitechurch, Dublin 16, which was submitted in January 2002. [2689/04]

Minister for Education and Science (Mr. N. Dempsey): : An application for capital grant aid

[Mr. N. Dempsey.]
for additional accommodation has been received from St. Columba's College, Whitechurch, Dublin 16. The application is being assessed in the school planning section of my Department. As soon as the assessment is completed, contact will be made directly with the management authority of the school with a decision in the matter.

Special Educational Needs.

302. **Mr. P. Breen** asked the Minister for Education and Science if he will provide a resource teacher for a child (details supplied) in County Clare to address the serious psychological problem; and if he will make a statement on the matter. [2721/04]

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 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 nation wide 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 6 October 2003.

Statutory Instruments.

303. **Mr. J. Bruton** asked the Minister for Education and Science if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgment of the High Court that the aliens order was unconstitutional due to the fact that it

constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of legislation to remove the constitutional infirmity of any existing orders in view of this judgment; and if not, the reason therefor. [2734/04]

Minister for Education and Science (Mr. N. Dempsey): While I have no reason to believe that any statutory instrument made by me pursuant to primary legislation is in any way invalid I have not had an opportunity to consider the judgment of the court in this matter or consult with the Attorney General. Until I do so I cannot make a decision as to the action which should be taken in response to it. Accordingly I am not yet in a position to determine whether it will be necessary to introduce legislation for the purposes referred to in the Deputy's question.

School Staffing.

304. **Mr. Neville** asked the Minister for Education and Science when he will give permanent staff to a school (details supplied) in County Limerick. [2753/04]

Minister for Education and Science (Mr. N. Dempsey): The staffing of a primary school is determined by reference to the enrolment of the school on the 30 September of the previous school year. The number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular school year following discussions with the education partners.

The only deviation from the agreed staffing arrangements is in the case of schools classified as "developing schools". The terms for obtaining a post as a "developing school" are outlined in primary Circular 9/03, a copy of which issued to the Board of Management of each school. In the case of such schools, an additional permanent post may be sanctioned provisionally pending the confirmation of the valid enrolment on 30 September. The enrolment in the school referred to by the Deputy was 25 pupils on 30 September 2002. This enrolment entitled the school to a permanent staffing of a principal and one mainstream class teacher for the 2003-04 school year. The enrolment required on the 30 September 2003 to obtain a post as a developing school was 50. The board of management projected that enrolment figure and, on that basis, provisional sanction for an additional permanent post was given in a letter to the board of management in May 2003.

According to data submitted to my Department by the board of management, the school achieved the required enrolment of 50 pupils on 30 September 2003. As sanction has already been given to fill the post on a permanent basis, and the school fulfilled the required criteria, it is a matter for the board of

management to make the appropriate appointment.

School Accommodation.

305. **Mr. Durkan** asked the Minister for Education and Science the position in relation to extra facilities required at Scoil Bhride, Kill, County Kildare; when he expects to reach a conclusion on these matters; and if he will make a statement on the matter. [2754/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is considering options to address the long-term accommodation needs of Scoil Bhride, Kill, County Kildare, including the option to acquire a site for the school. In this regard, the property management section of the OPW, which acts on behalf of my Department in relation to site acquisitions generally, is exploring the possibility of acquiring a site for the school in question.

Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify the specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

Decentralisation Programme.

306. **Mr. Ardagh** asked the Minister for Education and Science the way in which the employees who wish to remain in Dublin will be facilitated in relation to the decision to decentralise the offices of HETAC; and the assurance he can give that the jobs to which they will be transferred will be of the same type, status and have the same promotion prospects or career path as those they currently have. [2755/04]

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 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 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.

Schools Recognition.

307. **Mr. Deenihan** asked the Minister for Education and Science if permanent recognition will be granted to the multi-denominational school at Collis-Sandes, Tralee, County Kerry;

and if he will make a statement on the matter. [2767/04]

Minister for Education and Science (Mr. N. Dempsey): Tralee Educate Together national school, located at Collis-Sandes House, is operating with provisional recognition from my Department since September 2002.

An application for permanent recognition has not been received from the school authority. If such an application is received it will be given due consideration and a decision will be notified to the school authority.

School Building Projects.

308. **Mr. O'Connor** asked the Minister for Education and Science if the additional funding available to his Department gives hope to those schools awaiting sanction for works; if he will outline the schedule he will now follow; and if he will make a statement on the matter. [2776/04]

Minister for Education and Science (Mr. N. Dempsey): The level of capital funding to be provided for the primary and post-primary school building programme for 2004 amounts to €387 million and in excess of €200 million of this will be targeted at primary school projects. This compares very favourably with the €342.9 million available in 2003. In addition to the 2004 school building programme, which I published last December, a further €30 million will be spent on school building this year. I intend to publish details of how the additional €30million will be allocated tomorrow.

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. The level of funding provided for the 2004 school building programme is further evidence of the Government's consistent commitment since 1997 to education and to the modernisation of school buildings.

Physical Education Facilities.

309. **Mr. O'Connor** asked the Minister for Education and Science if he will confirm that progress can be made to provide the long awaited physical education hall at Firhouse community college in Dublin 24; and if he will outline the status of the project; and if he will make a statement on the matter. [2777/04]

Minister for Education and Science (Mr. N. Dempsey): I am pleased to advise the Deputy that the PE hall at Firhouse community college is one of a number of such projects that are included in the 2004 school building programme as part of a joint programme to develop community sports facilities in drugs task force areas. The tendering process for these PE halls

[Mr. N. Dempsey.]
has commenced and the school authorities will be kept advised of developments.

EU Presidency.

310. **Mr. O'Connor** asked the Minister for Education and Science the plans his Department has to promote Ireland's EU Presidency with the public; and if he will make a statement on the matter. [2800/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has put in place measures to help raise awareness among students of the significance of the Irish Presidency in 2004. I have put arrangements in place, in association with the national centre for technology in education, for the development and production of relevant classroom resources, which are now available through the Scoilnet website, www.scoilnet.ie/eupresidency. These resources provide up-to-date information and materials for schools on the European Union with a particular focus on the Irish EU Presidency. There is also extensive information available on the

Irish Presidency website, www.eu2004ie. All primary and post-primary school pupils were also involved in the selection of the Ireland's EU presidency logo, by registering their preferred option for the logo on-line.

On 7 January, I launched the education and youth presidency programme at Hartstown community school in west Dublin, together with the Ministers of State at the Department. A brochure outlining the programme has also been produced; the brochure contains information on the various meetings and conferences in the education and youth sector due to be held during the Presidency. I will ensure that appropriate publicity and dissemination measures will be put in place for each presidency event as they arise over the course of the next few months.

The Minister of State, Deputy de Valera, is in the process of conducting an information programme on the EU Presidency for post-primary schools to further promote an interest in EU affairs among young people during the Irish Presidency. The Minister intends to travel to 36 schools, at least one in each county, for the purposes of this information programme to which local public representatives will also be invited.

Schools Recognition.

311. **Mr. Noonan** asked the Minister for Education and Science if an application has been received from Gaelscoil Chaladh an Treoigh for permanent status; if he will sanction the gaelscoil; and if he will make a statement on the matter. [2809/04]

Minister for Education and Science (Mr. N. Dempsey): An application has been received in the school planning section of my Department for permanent recognition for Gaelscoil Chaladh an Treoigh. The officials in school planning section

are examining this application and they will revert to the school management authority shortly.

Schools Building Projects.

312. **Ms Enright** asked the Minister for Education and Science if he has made provisions for a new school for Magh Ene college, Bundoran; if he plans to include the college in the further list of projects which are to be announced to proceed to tender and construction during 2004 at the end of January 2004; and if he will make a statement on the matter. [2832/04]

Minister for Education and Science (Mr. N. Dempsey): In addition to the 2004 school building programme, which I published last December, a further €30 million will be spent on school building this year. I intend to publish details of how the additional €30 million will be allocated tomorrow.

Schools Refurbishment.

313. **Ms Enright** asked the Minister for Education and Science when the students, staff and parents of Doochary national school, County Donegal, can expect to have their school, which is in very poor condition, upgraded. [2833/04]

Minister for Education and Science (Mr. N. Dempsey): An application for improved accommodation at Doochary national school has been received and is being considered in the school planning section of my Department. Officials in the school planning section are currently examining this application and they will revert to the school management authority shortly.

School Staffing.

314. **Ms Enright** asked the Minister for Education and Science if there is a requirement for a special needs assistant to have a particular level of Irish and the requirement that exists; if there are exemptions to this; and if he will make a statement on the matter. [2834/04]

Minister for Education and Science (Mr. N. Dempsey): Special needs assistant posts are allocated by my Department where the professionally assessed needs of a child or children involved is such as to require the delivery of such support. It is then a matter for the board of management to recruit a suitable person based on certain criteria as laid down by my Department.

The minimum educational qualification required by my Department for special needs assistants is Grade D, or pass, at least, in Irish, English and mathematics in the junior certificate examination, in the day vocational certificate examination or in an examination of equivalent standard.

Circulars have issued to both primary and post-primary schools to advise them of the criteria for

the appointment of special needs assistants. A copy of these circulars follows for the Deputy's information.

Circular SNA 03/03

Department of Education and Science

Payroll Division

to Boards of Management, Principals and Special Needs Assistants in Primary Schools

Appointment Procedures for Special Needs Assistants

Introduction:

Boards of Management in accordance with the guidelines hereunder are responsible for the appointment of Special Needs Assistants in primary schools. The appointment is subject to the prior approval of the Patron. The post to be filled must be within the allocation of posts approved by the Minister for Education and Science.

1. Advertising a Post of Special Needs Assistant:

A post of Special Needs Assistant must be advertised in a local newspaper. The advertisement shall invite applications from eligible persons to be submitted by a specified date to the Chairperson of the Board of Management. Subject to any exceptions permitted by the Employment Equality Act 1998, the advertisement must not indicate an intention to discriminate or contain information in any form which might reasonably be understood as indicating an intention of this kind.

2. Details that should be included in the advertisement:

- i. The name and address of the school.
- ii. The date of commencement of the post.
- iii. That the post is for a fixed purpose.
- iv. State if the post is full time or part time and the number of part time hours.
- v. General description of duties, which, may be allocated to the post.
- vi. The latest date for receipt of application.
- vii. Specify if a curriculum vitae must be submitted with the application.
- viii. That references or the names and addresses of referees are required.

3. Selection Board for Appointment of Special Needs Assistants:

The Selection Board should consist of the Chairperson of the Board of Management, the Principal of the school and another person nominated by the Board of Management. The Selection Board must include at least one male and one female.

4. Functions of the Selection Board:

The Selection Board prior to interviewing the candidates should establish in writing the criteria for assessment of applications, having regard to appropriate legislation and the requirements of the post. The Selection Board should meet within a reasonable period after the closing date for receipt of applications.

5. Applicants for Interviews:

The Selection Board may decide to limit the number of applicants called for interview. However, a minimum of three eligible applicants must be called. If less than three applicants have applied for the post, all of the eligible applicants must be invited to interview.

6. Conducting the Interviews:

i. The Selection Board must keep to the agreed criteria for the assessment of applicants.

ii. The Chairperson must keep a record of the agreed criteria and of the scoring used to assess applications and interviews.

iii. When interviewing applicants, the Selection Board must adhere to the provisions of the Employment Equality Act (1998) and the Code of Practice of the Equality Authority.

iv. Particular caution must be taken at the interview to ensure that no questions, comments or statements might be construed as discriminatory on grounds of gender or marital status or any of the nine discriminatory grounds.

7. Appointing the successful Candidate:

The Board of Management shall meet and appoint the candidate nominated by the Selection Board unless it has good and sufficient reason not to do so, in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board. The Board of Management should retain a list of the candidates deemed suitable for appointment. This list would be effective for one school year for any appointments to posts of Special Needs Assistants.

8. Medical Certification:

The Board should obtain from the successful candidate prior to appointment a certificate of medical fitness that s/he is fit to undertake the duties of the post. A sample form is attached as Appendix B. The Board of Management should nominate the medical practitioner.

9. References and Garda Clearance:

Before notifying the successful candidate the Board of Management should check his/her references and ensure that the candidate has not been investigated in relation to substantiated complaints made concerning his/her treatment of children.

[Mr. N. Dempsey.]

Efforts should be made with the local Gardaí to provide clearance for employees employed as Special Needs Assistants. It is important to bear in mind that the clearance process may take some time. Applicants should only be employed on a provisional basis pending the outcome of the clearing process. A Special Needs Assistants appointed on a provisional basis pending Garda clearance should be made aware that in the event that they do have convictions making them unsuitable to work with children this will be a substantial ground for dismissal without notice. A sample form for completion by the candidate is attached as Appendix A.

This circular should be retained for future reference in the school. It may also be accessed on the Department of Education & Science website at www.education.ie under Education Personnel / Special Needs Assistants. Please note that queries regarding the Circular may be E-Mailed to sna-pay@education.gov.ie

P. Maloney,
Principal Officer.

August, 2003

Appendix A

Declaration to be completed by a Special Needs Assistant

Surname:
Forename:
PPS No.:
Date of Birth:
Place of Birth:

Any other name previously known as:

I, the undersigned, who has applied to work as a special need assistant in:

_____ School,
hereby authorise the Garda Síochána, to furnish to the Chairperson a statement that there are no convictions recorded against me in the State or elsewhere which deems me unsuitable for a post that involves working with children.

Please return to the Chairperson of the Board of Management by _____ on or before 5.00 p.m.

I confirm that nothing within my personal or professional background deems me unsuitable for a post that involves working with children.

Signed:

Date:

Appendix B

Certificate of fitness to commence employment as a Special Needs Assistant

To be completed by a Medical Practitioner nominated by the Board of Management.

Surname:

Forename:

I certify that I have examined the above named and found that s/he is fit to undertake duties as a Special Needs Assistant.

Signed:

Date:

Stamp or Seal

Special Educational Needs.

315. **Ms Enright** asked the Minister for Education and Science if a report will be sought in relation to a person (details supplied) in County Westmeath who was attending a school but has not been allocated extra resource hours or access to laptop facilities even though both have been recommended for them. [2835/04]

Minister for Education and Science (Mr. N. Dempsey): My Department allocates resource teaching support and special needs assistants support to second level schools and vocational educational committees to cater for students with special educational needs. Applications for such support are made to my Department by the relevant school authorities. Each application is considered on the basis of the assessed needs of the pupil(s) involved and the nature and level of support provided is determined on the advice of the psychological service.

I am pleased to inform the Deputy that the school in question has been allocated additional resource teacher support to address the needs of the student in question and a number of other students with special educational needs attending the school. The school authorities have been notified accordingly.

I understand that my Department has not received any application from the school in question in relation to the provision of computer facilities for the student to whom the Deputy refers. Any such application will be fully considered.

Schools Building Projects.

316. **Cecilia Keaveney** asked the Minister for Education and Science the timescale envisaged at this time for the progression to building of a school project (details supplied) in County Donegal; and if he will make a statement on the matter. [2836/04]

Minister for Education and Science (Mr. N. Dempsey): The proposed large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. This proposed project is at stage 3, detailed plans-

costs, of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

The proposed project will be authorised to progress to advanced architectural planning during 2004. Indicative timescales have been included 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.

Music Curriculum.

317. **Cecilia Keaveney** asked the Minister for Education and Science the details of the new music curriculum as it pertains to the primary school sector; the breadth of the programme and the timescale and means of delivery of the inservice supports and resource supports to the schools; and if he will make a statement on the matter. [2837/04]

332. **Cecilia Keaveney** asked the Minister for Education and Science the supports in place to assist primary schools to fulfil the composition aspect of the music curriculum; and if he will make a statement on the matter. [2929/04]

333. **Cecilia Keaveney** asked the Minister for Education and Science the inservice support available nationally and specifically for County Donegal to assist primary teachers familiarise themselves with the new music curriculum requirements; and if he will make a statement on the matter. [2930/04]

334. **Cecilia Keaveney** asked the Minister for Education and Science if he will give details of the current school music programme for primary schools; when it was last reviewed; the supports given to schools to roll out the programme; and if he will make a statement on the matter. [2931/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 317 and 332 to 334, inclusive, together.

The revised music curriculum, launched in 1999, comprises three strands: listening and responding; performing; and composing. The listening and responding strand emphasises the importance of purposeful, active listening, providing opportunities to listen to a range of familiar and unfamiliar musical pieces, focusing on a widening range of sound sources and challenging the child to respond imaginatively with increasing precision and musical sensitivity.

The performing strand dwells on the importance of using the voice. It includes songs and tunes with a wide range of notes, Irish songs and songs of different cultures, styles and traditions. The development of musical literacy will be closely linked with the song-singing programme in the early stages and will be

expanded through playing simple melodic instruments. In the music curriculum, literacy is explored through its two main components, rhythm and pitch.

Opportunities to demonstrate growing confidence and understanding in making music using other music sources will be afforded in the strand unit 'Playing instruments'. The composing strand seeks to develop the child's creativity and uniqueness, first and foremost by providing an avenue for self-expression. In the strand unit 'Improvising and creating' the child selects and sequences material from the range of sound sources available. The child is given opportunities to evaluate the composing process and to record his or her work in the strand unit 'Talking about and recording compositions'.

Musical activities are suggested within each strand unit that enable the child to develop an awareness of and sensitivity to the inter-related elements of music — pulse, duration, tempo, pitch, dynamics, structure, timbre, texture and style — and to grow in musical understanding. The curriculum emphasises active responses and music-making at all levels. This enables the child to gain first-hand experience of what it means to be a listener, performer and composer in the world of music.

In terms of sequence, breadth and depth, the content of the music curriculum is outlined in the curriculum guidelines. The strands and strand units offer teachers a sequenced, comprehensive programme on which to base the teaching and learning of music in the classroom. The choice of content will be determined by the previous musical experiences and needs of the children. The school plan will cover the nature and extent of music in the school, recognising the social and cultural environment, the varying needs of the children and the available resources.

A range of supports are in place to assist primary schools in fulfilling the composition aspect of the music curriculum. In addition to the detailed guidelines on composition in the curriculum handbooks, a grant totalling €6.1 million was issued to all schools in December 2000 in order to support schools in the implementation of the arts education section of the curriculum. The aim of the grant was to facilitate the purchase of necessary teaching and learning materials, for example, musical instruments, as well as activities such as inviting a composer to the school. The grant to individual schools was capitation-based and amounted to €13 per pupil. A minimum of €780 was provided for schools of 60 pupils or less.

The primary curriculum support programme was established in 1999 to provide professional development support to teachers to assist them in implementing the curriculum. The PSCP is engaged in a wide range of support activities, including organising seminars for teachers, visiting schools and providing tailored support for individual schools and clusters of schools. To date, the following aspects of the primary curriculum have been implemented and fully supported by the PCSP: English, Gaeilge,

[Mr. N. Dempsey.]
mathematics, visual arts, science and social, personal and health education.

This year, following a request from teachers' representatives, I announced a year of consolidation and review of areas of the curriculum that have already been introduced. The in-career development programme for music will therefore take place in the school year 2004-2005. All primary teachers will receive training in the new programme during that year. Teachers will begin to implement the programme during the following school year. In preparation for this roll-out, the PCSP has recruited a team and a supplementary panel of trainers for music and an assistant national co-ordinator who has particular responsibility for this team. The role of this team is to plan supports for the implementation of the music curriculum. These trainers are presently using the new methodologies in their own classrooms and sharing their experiences and expertise with the colleagues on the staff. They also work closely with the Education Centre Network in the provision of evening and summer courses. Composition is an integral component of these courses.

A six week evening course which was held for primary teachers by the Donegal Education Centre and was completed last this month. Two designated trainers from the primary curriculum support programme delivered the course. Aspects of all three strands of the Music Curriculum were covered during the six week period.

Our schools have a long and proud tradition in teaching music and our national profile in the music industry greatly exceeds expectations for a country of this size. I am committed to ensuring that schools are fully supported in continuing their excellent work.

Schools Inspection Service.

318. **Mr. Ó Fearghail** asked the Minister for Education and Science if he will appoint an inspector with responsibility for schools in Athy, County Kildare, and its hinterland. [2914/04]

Minister for Education and Science (Mr. N. Dempsey): Members of the inspectorate may be required to report to the Minister on matters related to schools or centres of education in any part of the State, either at the request of the Minister or at the initiative of the chief inspector. For administrative convenience, the Inspectorate is deployed regionally and each primary school is assigned to an inspector. When a vacancy occurs in the inspectorate, the schools concerned are normally temporarily assigned to another inspector until the vacancy is filled.

Primary schools in Athy, County Kildare, and neighbouring regions are assigned to a divisional inspector. A number of vacancies in the post-primary inspectorate resulted from transfer of a number of post-primary inspectors to the State Examination Commission. Interviews have been held for replacement of these inspectors and appointments will be made shortly. In the meantime, if an issue arises in a second level school in the Athy area that requires the

attention of an inspector, the chief inspector will assign the matter to a member of the inspectorate.

Schools Building Projects.

319. **Mr. Ó Fearghail** asked the Minister for Education and Science if his attention has been drawn to the serious overcrowding that exists in Ard Scoil Rath Iomgain, Rathangan; the length of time that a school extension has been in planning; and if he will provide funding in 2004 to allow the project proceed. [2915/04]

Minister for Education and Science (Mr. N. Dempsey): The large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. This project is at an advanced stage of architectural planning, detail design-bill of quantities. 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.

Pension Provisions.

320. **Ms Hctor** asked the Minister for Education and Science if the four years of service with Bord na Móna are reckonable with the pension scheme for teachers with the Department of Education and Science (details supplied). [2916/04]

Minister for Education and Science (Mr. N. Dempsey): The position regarding service as an apprentice or tradesman with Bord na Móna is that it has not been possible to reckon such service for purposes of a pension with a vocational education committee as the pension scheme designated for tradesmen and manual workers generally in Bord na Móna, that is, the regular works employees' superannuation scheme, is not approved by the Department of Environment, Heritage and Local Government for purposes of a transfer of service under the local government transfer network.

Following the transfer of pension functions of VEC employees from the Department of Environment, Heritage and Local Government to my Department and following consultation with the Department of Finance, it has recently been agreed that VECs are to become members of the public sector transfer network.

Steps are now being taken to put this agreement into effect. When the necessary arrangements in this regard have been made, it will be possible for service given as a Bord na Mona tradesman or manual worker to be transferred to and from VECs. My Department will then notify all VECs of the position and will

make direct contact with the person referred to by the Deputy.

Schools Building Projects.

321. **Mr. Penrose** asked the Minister for Education and Science the amount of funding being made available to Dysart national school, County Westmeath, for important and necessary works under the small schools — primary — capital programme; the stipulations and criteria attached to make a grant; and if he will make a statement on the matter. [2917/04]

Minister for Education and Science (Mr. N. Dempsey): As part of the small schools initiative my Department offered a maximum grant of €275,000 to meet the accommodation needs at Dysart national school. This initiative operates on a devolved basis and allows boards of management to address the accommodation and building priorities with a guaranteed amount of funding and gives the boards control over the pace at which building works proceed. I have arranged for a copy of the terms and conditions of the initiative to be forwarded to the Deputy.

Decentralisation Programme.

322. **Mr. Gregory** asked the Minister for Education and Science his views on the concerns of 70% of HETAC staff regarding the proposed plan for decentralisation (details supplied); and if he will make a statement on the matter. [2918/04]

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 Dublin. Included in this policy is the transfer of the Higher Education and Training Awards Council, HETAC, and its 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.

Schools Recognition.

323. **Mr. Crowe** asked the Minister for Education and Science the status of granting permanent recognition to Donabate-Portrane Educate Together School; the criteria for granting permanent recognition to a school; if the occupation by the school of new buildings in February 2004 will have an effect on its recognition; if it will receive back payments as a result dated from September 2003; and if he will make a statement on the matter. [2919/04]

Minister for Education and Science (Mr. N. Dempsey): An application from Donabate-

Portrane Educate Together national school for permanent recognition is under consideration in the school planning section of my Department. The criteria for granting permanent recognition are published on my Department's website at www.education.ie. The occupation by the school of its new accommodation in February 2004 will be a factor taken into account in arriving at a decision on the granting of permanent recognition.

Under the terms of the rental refund scheme operated by my Department, the school is liable for rental contributions up to a maximum of €3,175 in any calendar year. Any rental paid by the school in excess of this amount will be refunded on production of original paid and signed receipts.

Schools Building Projects.

324. **Mr. Crowe** asked the Minister for Education and Science the length of time it takes his Department to process a minor works grant request; and if it has received requests from Donabate-Portrane Educate Together school; and the status of such requests. [2920/04]

Minister for Education and Science (Mr. N. Dempsey): Donabate-Portrane Educate Together national school does not have permanent recognition from my Department, therefore, it is not eligible for capital grant aid for either small or large-scale works. However, my Department is aware that the school will require temporary accommodation in September 2004. When an application has been received in this regard, it will be processed as expeditiously as possible.

325. **Ms Burton** asked the Minister for Education and Science the arrangements that have been made in respect of the provision of a second ABA unit in the Rathfarnham-Bohernabreena area; and the position regarding the provision of a replacement for a person (details supplied) in Dublin 15 who has been on the waiting list for saplings for over a year. [2922/04]

Minister for Education and Science (Mr. N. Dempsey): I am most anxious that all children, including children with autistic spectrum disorders receive education appropriate to their needs. I understand from my officials that the pupil in question is currently enrolled in a special class for autism in a mainstream school in north Dublin. This class has a pupil teacher ratio of 6:1 and has the support of two special needs assistants. I further understand that ten hours home tuition per week has been sanctioned for the pupil in question until the end of the current school year.

My Department is actively considering an application from Saplings, Kildare, for autistic provision in south County Dublin. My officials are liaising with my Department's inspectorate and the national educational psychological service, NEPS, in this regard. A response will issue to the applicants as quickly as possible.

[Mr. N. Dempsey.]

I understand that the pupil referred to by the Deputy is on a waiting list for the Saplings facility. Applications for enrolment in the Saplings project are a matter for the management of the facility.

Special Educational Needs.

326. **Mr. J. Breen** asked the Minister for Education and Science if, in the reorganisation that is currently taking place in education, a guarantee will be given that there will be no cutbacks in the area of special needs and resources teachers; and if he will make a statement on the matter. [2923/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is currently reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, my officials have initiated discussions on the matter with representative interests. At this stage, it would be premature to anticipate the outcome. I can confirm, however that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

Retirement Age.

327. **Mr. J. Breen** asked the Minister for Education and Science if he will meet a deputation from the INTO to discuss the retirement age contained in the Budget; and if he will make a statement on the matter. [2924/04]

Minister for Education and Science (Mr. N. Dempsey): It was announced in the budget that the Government has decided that the minimum pension age should be increased to 65 years for most new entrants to the public service, including teachers, from 1 April 2004. In announcing the Government's decision on pension age and on the intended abolition of compulsory retirement age for most new entrant public servants from 1 April 2004, the Minister for Finance stated that the public service unions would be fully informed about the implementation of the reforms in advance of their introduction with effect from 1 April 2004. The process of informing the public service unions has commenced and a number of meetings have already taken place between the public service unions, including the INTO, and officials of the Department of Finance, my Department and other Departments.

Since the Government has taken its decision on the retirement age of new entrants and as a forum has been put in place, I do not see that any useful purpose would be served at this time by a meeting as suggested by the Deputy. I must emphasise that the minimum pension age for existing public servants is not in any way affected by the Government decision.

Special Educational Needs.

328. **Mr. J. Breen** asked the Minister for Education and Science the reason no one from the primary sector is involved in the 12 member

committee reviewing special needs; if he will move to put someone from the said area on this committee; and if he will make a statement on the matter. [2925/04]

Minister for Education and Science (Mr. N. Dempsey): As I previously stated, in appointing the new National Council for Special Education I put in place a group of people with a wide range of knowledge and experience in this area. In doing this I did not set out to create a council which was representative of any particular sectoral interests, as I feel that it is very important that the council should operate in a cohesive, non representative way.

State Examinations.

329. **Mr. Dennehy** asked the Minister for Education and Science his views on reports that the State Examinations Commission is finding difficulty in recruiting sufficient teachers to conduct the oral examinations within the specified period; if he will give consideration to bringing forward measures to make participation in the scheme more attractive; and if he will make a statement on the matter. [2926/04]

Minister for Education and Science (Mr. N. Dempsey): On foot of a Government decision, I formally established the State Examinations Commission on 6 March 2003. The commission now has statutory responsibility for operational matters relating to the certificate examinations. The commission has taken additional measures to address the shortfall in examiners and I have been assured that, based on past experience, the number of applications now on hand will allow for the conduct of the oral examinations as originally planned.

Site Acquisitions.

330. **Mr. Cregan** asked the Minister for Education and Science the progress on acquiring a site for a new national school (details supplied). [2927/04]

Minister for Education and Science (Mr. N. Dempsey): The property management section of the OPW, which acts on behalf of my Department in relation to site acquisitions generally, is currently exploring the possibility of acquiring a site for the school referred to by the Deputy. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

331. **Mr. Cregan** asked the Minister for Education and Science the progress on acquiring a site to allow progress on the amalgamation of two national schools (details supplied). [2928/04]

Minister for Education and Science (Mr. N. Dempsey): The property management section of the OPW, which acts on behalf of my Department in relation to site acquisitions generally, is currently involved in negotiations to

purchase a site for the new school referred to by the Deputy. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

Questions Nos. 332 to 334, inclusive, answered with Question No. 317.

Education Welfare Service.

335. **Mr. Penrose** asked the Minister for Education and Science if an educational welfare officer has been appointed for the schools in the general Mullingar area; if so, when such an appointment will be effected; and if he will make a statement on the matter. [2933/04]

Minister for Education and Science (Mr. N. Dempsey): The Education (Welfare) Act was fully commenced on 5 July 2002. Under the Act, the National Educational Welfare Board was established to ensure that every child attends school regularly or otherwise receives an education.

To discharge its responsibilities, the board is developing a nationwide service to provide welfare-focused services to children, families and schools. It has appointed a chief executive officer, directors of corporate services and educational welfare services and a management team of eight staff. To date, 53 educational welfare staff have been appointed. This includes 29 former school attendance officers who transferred to the board from the pre-existing service. The board has recently advertised a competition to fill a further 15 vacancies which will bring the total staff complement to 84.

At this stage of its development, the aim of the board is to provide a service to the most disadvantaged areas and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed since early December in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. Some 13 towns with significant school going populations, 12 of which are designated under the Government's RAPID programme, also now have an educational welfare officer allocated to them. These towns are Dundalk, Drogheda, Navan, Athlone, Carlow, Kilkenny, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo and Letterkenny. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education.

The board has also moved to provide a service to families who decide to have their children educated in places other than in recognised schools. A small number of people with the appropriate skills have been allocated to this work and assessments will commence shortly. My Department has recently issued guidelines to assist the board in meeting its responsibilities in this area. An information leaflet and an application form are being prepared for issue to

families who are educating their children at home. Work is also proceeding on the establishment of the register for 16 and 17 year olds who leave school to enter employment.

Guidelines are being prepared for schools on the reporting of student absences and a protocol outlining the interaction between schools and educational welfare staff is being developed with the assistance of the school implementation group recently established by the board. Decisions relating to the assignment of educational welfare officers to specific areas is a matter for the board which is an independent statutory authority.

Staff Development.

336. **Dr. Upton** asked the Minister for Education and Science the terms on which a person (details supplied) was facilitated to research a PhD thesis while in the full-time employment of his Department; and if he will make a statement on the matter. [2945/04]

Minister for Education and Science (Mr. N. Dempsey): The information sought by the Deputy is not readily available in my Department. I have arranged for the information to be forwarded to the Deputy as soon as possible.

Schools Refurbishment.

337. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if he has received the inspector's report following a visit in November 2003 to Lauragh national school, Killarney, County Kerry; the proposals the Department has to provide funding to make safe the road and playground; and if he will make a statement on the matter. [2954/04]

Minister for Education and Science (Mr. N. Dempsey): The inspector's report referred to has been received and is being considered by my officials. The management authority of Lauragh national school has also applied for funding for roof repairs under the summer works scheme. Applications under this scheme are being processed in my Department and details of successful applicants under the scheme for 2004 will be published on my Department's website no later than 27 February 2004.

Question No. 338 answered with Question No. 296.

Schools Building Projects.

339. **Mr. Stagg** asked the Minister for Education and Science if his attention has been drawn to the fact that An Bord Pleanála has granted planning permission to Dún Laoghaire VEC for a new senior college building at Blackrock Town Hall, County Dublin; if following the grant of planning permission he will now grant the necessary approvals to allow this project to proceed to the next stage; and if he will make a statement on the matter. [3011/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is aware of the recent decision of An Bord Pleanála to grant planning permission for the project in question subject to certain conditions. This project is at an early stage of architectural planning. 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.

Special Educational Needs.

340. **Mr. Stagg** asked the Minister for Education and Science if he will sanction funding for the provision of a Saplings school in the Dublin area; and if he will make a statement on the matter. [3013/04]

Minister for Education and Science (Mr. N. Dempsey): I am most anxious that all children, including children with autistic spectrum disorders, receive education appropriate to their needs.

There are seven facilities in the State operating on a pilot-project basis which use alternative educational methods for teaching children on the autistic spectrum. Three of the seven are CABAS facilities which use the teaching method approach involving a comprehensive application of behaviour analysis.

A decision regarding the retention of these establishments will be made in light of an evaluation of provision for children with an autistic spectrum disorder carried out by my Department's inspectorate. It is envisaged that the outcome of the evaluation will be determined and a decision taken on the future of the facilities during the course of the current school year.

My Department is actively considering an application from Saplings, Kildare, for autistic

provision in south County Dublin. My officials are liaising with the inspectorate and the National Educational Psychological Service, NEPS, in this regard. A response will issue to the applicants as quickly as possible.

341. **Mr. McGuinness** asked the Minister for Education and Science the action he has taken to provide services and support for persons (details supplied) in County Kilkenny who are autistic; the assessments which have been made and the action which is planned; if the parents of these persons have been met by his Department or anyone representing his Department. [3054/04]

Minister for Education and Science (Mr. N. Dempsey): I am aware of the case referred to by the Deputy. My Department is currently providing funding towards home tuition for the children in question. My officials are liaising with the appropriate professionals regarding the long-term educational needs of the children and further contact will be made with the parents in this regard. To my knowledge, the parents have not met Department officials.

Departmental Offices.

342. **Dr. Upton** asked the Minister for Education and Science his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3067/04]

Minister for Education and Science (Mr. N. Dempsey): The Department of Education and Science has restaurant facilities in Athlone, Dublin and Tullamore. It is the policy of management of the restaurants to provide fresh, nutritious, locally produced food as far as possible, taking account of availability and quality of the required products at a given time. In general fast food is not provided.

The following table shows the approximate percentages in each location.

Location	Purchased produce Produced locally	Purchased produce Imported	Fast Food
	%	%	%
Athlone	80	20	3
Dublin	80	20	2
Tullamore	75	25	8

Special Educational Needs.

343. **Mr. Morgan** asked the Minister for Education and Science when a person (details supplied) in County Louth will have their application processed; and if he will make a statement on the matter. [3076/04]

Minister for Education and Science (Mr. N. Dempsey): My Department allocates resource

teaching support and special needs assistants support to second level schools and vocational educational committees to cater for students with special educational needs. Applications for such support are made to my Department by the relevant school authorities. Each application is considered on the basis of the assessed needs of the pupil or pupils involved and the nature and level of support provided is determined on the advice of the psychological service.

I am pleased to inform the Deputy that the school in question has recently been allocated an additional resource teacher support to address the needs of the student in question and a number of other students with special educational needs attending the school.

Teaching Qualifications.

344. **Mr. Crowe** asked the Minister for Education and Science, further to Questions Nos. 377 and 378 of 27 January 2004, if he is planning to publish the report of the working group on the Scrúdú le hAghaidh Cailíochta sa Ghaeilge before the end of this Dáil session or if he will give more exact detail as to when this report will be published. [3079/04]

Minister for Education and Science (Mr. N. Dempsey): The Deputy will be aware that it is my intention to publish the report of the working group on the Scrúdú le hAghaidh Cailíochta sa Ghaeilge as soon as possible. I am not in a position to provide a specific publication date at this stage.

Decentralisation Programme.

345. **Mr. Costello** asked the Minister for Education and Science if it is proposed to decentralise the Higher Education and Training Awards Council to Offaly; if his attention has been drawn to the fact that three quarters of the staff are opposed to the proposal; the plans he and the Government have to facilitate those public servants who do not wish to move; and if he will make a statement on the matter. [3080/04]

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 in 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 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. Decentralisation is voluntary and 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.

Special Educational Needs.

346. **Ms Enright** asked the Minister for Education and Science the reason a psychologist's report was requested for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [3143/04]

Minister for Education and Science (Mr. N. Dempsey): A copy of a psychological assessment was requested for the pupil in question to facilitate consideration of the application for special educational needs supports submitted by the school referred to by the Deputy. The dedicated team of inspectors and psychologists that carried out the examination found that the pupil does not meet the criteria for special needs assistant support under circular 07/02 and this was communicated verbally to the school principal recently. My officials will be in further contact with the school shortly concerning the matter of resource teaching provision.

Departmental Travel.

347. **Mr. Eamon Ryan** asked the Minister for Education and Science the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3177/04]

Minister for Education and Science (Mr. N. Dempsey): The computer system used by my Department for payment of travel and subsistence for the first six months of 2003 does not allow for a breakdown between mileage and public transport expenses. However, due to the introduction of a new financial management system in my Department in July 2003, I can provide the breakdown requested by the Deputy for the period from July 2003 to December 2003.

The travel expenses paid for the period from July to December 2003 can be broken down as follows:

July to December 2003

	€
Mileage	503,909.80
Train/Bus	40,706.99
Taxis	4,019.59

A substantial amount of travel expenses paid by my Department refers to the inspectorate.

Schools Refurbishment.

348. **Mr. Stanton** asked the Minister for Education and Science the amount he has made available to St. Aloysius second level school in Carrigwohill to enable the refurbishment of science laboratories in the school; if the work can proceed immediately; and if he will make a statement on the matter. [3200/04]

Minister for Education and Science (Mr. N. Dempsey): The management authority of St. Aloysius, Carrigwohill has applied for funding for refurbishment of science laboratories at the school under the summer works scheme. Applications under this scheme are being processed in my Department and details of successful applicants under the scheme for 2004 will be published on my Department's website no later than 27 February 2004.

Fisheries Protection.

349. **Mr. Healy-Rae** asked the Minister for Communications, Marine and Natural Resources the reason salmon quotas have been further cut in areas that are solely dependent on fishing when the figures show that the return of salmon on the spawning grounds are perfectly adequate to sustain the stocking level; and if he will make a statement on the matter. [2704/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I rely upon the advice of the National Salmon Commission and the regional fisheries boards managers in determining the terms of the wild salmon and sea-trout tagging scheme which, *inter alia*, sets out district quotas for the commercial catch. The chairman advises me that the commission has not yet completed its review of the scheme's operation in 2003 nor finalised its recommendations, including the proposed commercial catch quotas, for the operation of the scheme in 2004.

When presenting its advice on the scheme for 2003, the National Salmon Commission recommended that a three year strategy should be put in place to ensure, through progressive reductions, that the conservation limits specified by its standing scientific committee should be reached by 2005. In implementing the scheme in 2003 and to move towards attainment of conservation limits in all districts, the fisheries boards' managers advised that a pragmatic approach should be followed whereby the districts requiring the greatest reduction in current catch to meet conservation limits should be targeted with the greatest cuts in quota. It was also considered that as the current catch model is largely based on the mixed stock drift net fishery, some reduction should occur in catch level in all districts. This rationale was based on the knowledge that the districts are reporting entities rather than discrete catchments and a reduction in the mixed stock fishery in all districts will further benefit attainment of conservation limits in districts currently below the required limit.

I assure the Deputy that I will be guided by the National Salmon Commission's recommendations for the 2004 season. I will publish any revisions to the regulations in accordance with the statutory requirements as soon as possible.

Statutory Instruments.

350. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources if he will undertake a study of all orders made by him that could now be considered to be

potentially in breach of Article 25 of the Constitution in view of the judgement of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgement; and if not, the reason therefor. [2735/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): My Department is reviewing its statutory instruments for compliance with the requirements of Bunreacht na hÉireann in light of the recent High Court judgment concerning the Immigration Act 1999.

Postal Services.

351. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources if he intends to honour the transformation agreement that provides for the establishment of an employee share ownership plan for postal workers which was signed in July 2000 by the Government, the company and unions; if the staff have delivered their side of the agreement and the Government have been informed of this by the board of An Post in May 2003; when the legislation required to give effect to the ESOP will be published; and if he will make a statement on the matter. [2760/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The An Post ESOP, which was signed in 2000, provided for the transfer of up to 14.9% of the company to employees on a phased basis in return for specified costs savings and profits. Of the transfer, 5% was for transformation and 9.9% was a profit share. The purpose of the ESOP was to facilitate the transformation of An Post into a viable and profitable postal operator in order to successfully deal with challenges arising from liberalisation and electronic substitution. In return for 5% of the company, cost savings amounting to €34 million were to be achieved between 2000 and 2003. However, instead of achieving savings the opposite has happened. Staff costs rose by €24 million between 1999 and 2000, which represents a 6% increase, by €52 million between 2000 and 2001, a 13% increase, and by €40 million between 2001 and 2002, an increase of 9%.

The table below sets out profits envisaged under the ESOP and the actual financial outturn for the company:

ESOP	Annual Report	
	€m	€m
2000	7.6	9.8
2001	8.9	(6.7)
2002	20.3	(17.8)
2003	34.3	(29.5) forecast

In May, 2003 the An Post board advised that cost savings for 2000 set out in the ESOP amounting to €7 million had been achieved. However, according to documentation supplied by An Post at that time, achievement of savings was substantially below target levels in the ESOP agreement, was delayed, and took place between 2001 and 2003 instead of in 2000. In September 2003, An Post advised, following a review of company finances, that forecast profit of €1 million had turned into a loss of €29.5 million. Having regard to the substantial losses notified by An Post for 2003, the board has been asked to review the cost savings verification process and respond to the Department. We are still waiting for a response from the board of An Post on the verification of the cost savings issue.

The Government remains committed to an ESOP in An Post if it can be demonstrated that real transformation has occurred and that the cost savings envisaged in the ESOP have been achieved.

EU Presidency.

352. **Mr. O'Connor** asked the Minister for Communications, Marine and Natural Resources the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2801/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I am responsible for a wide range of EU Presidency business across the sectoral policy areas of telecommunications, energy, broadcasting, fisheries, maritime transport and maritime safety. I also hold commensurate chairing responsibilities for the agriculture and fisheries, transport, energy and telecommunications and education, youth and culture council formations. I am working to deliver on policy priorities at EU level within the Government's overall strategic approach. I welcome and will actively encourage through media briefings and interviews widespread interest across the business community, the sectors and the public generally in Ireland's Presidency which arises at a critical time for the EU itself.

My Department is promoting awareness of the Presidency through our own website, www.dcmnr.gov.ie, as well as the central Presidency website, www.eu2004.ie, in addition to our regular media briefing and releases. We are also holding the following conferences in Ireland during the Presidency:

Date	Details
1-3 March	Ministerial Conference on Broadcasting — Dublin and Drogheda
10, 11 March	Ministerial Conference on Sustainable Fisheries — Dundalk
25, 26 March	Directors General of Maritime Safety Conference — Wexford.

Date	Details
6, 7 April	Directors General of Fisheries Conference — Dublin Directors General of Fisheries Informal
19, 20 April	EuroMed ICT Conference — Dublin (t.b.c)
21-23 April	Ministerial Conference on Broadband — Dundalk
22, 23 April	Directors General of Energy Conference — Drogheda
26 April	International Conference for the Exploration of the Seas (Dublin)
11-14 May	EurOcean Conference — Galway

Harbours and Piers.

353. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position in relation to the proposed harbour development at Greencastle, County Donegal; the reasons for the delay in the progression of this badly needed facility; and if he will make a statement on the matter. [2827/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Greencastle Harbour is owned by Donegal County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. In 2003, my Department provided funding of €149,431.23 towards the completion of the project to design stage. The next step is to carry out a cost-benefit analysis and it is hoped to have this undertaken in the current year subject to funds being available. Planning permission is also required before any development commences. The question of providing funding to progress the development in the period 2005 to 2006 will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

Postal Services.

354. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the reason he has reneged on a commitment to postal employees whereby a transformation agreement was signed off in July 2000 by the Government, the company and the unions to make provisions for postal workers to acquire a 14.9% share in An Post; if he will agree to meet with the unions to discuss this issue; and if he will make a statement on the matter. [2953/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The An Post ESOP, which was signed in 2000, provided for the transfer of up to 14.9% of the company to employees on a phased basis in return for specified costs savings and profits. Of the transfer, 5% was for transformation and 9.9% was a profit share. The purpose of the ESOP was to facilitate the transformation of An Post into a viable and profitable postal operator in order to

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successfully deal with challenges arising from liberalisation and electronic substitution. In return for 5% of the company, cost savings amounting to €34 million were to be achieved between 2000 and 2003. However, instead of achieving savings the opposite has happened. Staff costs rose by €24 million between 1999 and

2000, which represents a 6% increase, by €52 million between 2000 and 2001, a 13% increase, and by €40 million between 2001 and 2002, an increase of 9%.

The table below sets out profits envisaged under the ESOP and the actual financial outturn for the company:

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In May, 2003 the An Post board advised that cost savings for 2000 set out in the ESOP amounting to €7 million had been achieved. However, according to documentation supplied by An Post at that time, achievement of savings was substantially below target levels in the ESOP agreement, was delayed, and took place between 2001 and 2003 instead of in 2000. In September 2003, An Post advised, following a review of company finances, that forecast profit of €1 million had turned into a loss of €29.5 million. Having regard to the substantial losses notified by An Post for 2003, the board has been asked to review the cost savings verification process and respond to the Department. We are still waiting for a response from the board of An Post on the verification of the cost savings issue.

I read in last Wednesday's *Irish Examiner* that I had refused to meet with the unions to discuss the ESOP. This is not true. The unions did not request the meeting with me to discuss this issue. If any union wishes to meet me to discuss issues surrounding the ESOP, they may contact my office; my door is always open.

Ministerial Travel.

355. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the purpose of the official visit to Chile by the former Minister, Deputy Fahey, during his term of office. [2983/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I wish to advise the Deputy that the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Fahey, visited Chile in 2001 in his official capacity as Minister with responsibility for marine and natural resources to gain a deeper understanding of the Chilean salmon industry, in particular, those factors which have enabled very significant growth in their industry in recent years. The Minister of State met his counterpart to convey the considerable concerns of the Irish industry about the impact of

the significant and increasing quantities of Chilean salmon production on the global market.

Prospecting Licences.

356. **Mr. McGuinness** asked the Minister for Communications, Marine and Natural Resources if he will provide funding for a site investigation at Dunbell, Maddoxtown, County Kilkenny on lands owned by the Department to determine the extent of the dolomite reserve and to help form a view as to whether the adjoining lands have the same levels of dolomite; if his attention has been drawn to the concerns of the local community in this area regarding the route of the new road and the role of his Department in the matter; and if he will make a statement on the matter. [3014/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The question of funding for site investigations to assess mineral deposits was dealt with in the reply to Question No. 116, delivered last Thursday, 29 January. The land in question is not owned by the Department. Officials of the Department met representatives of the local community on 29 January. The community's concerns will be fully considered insofar as they relate to development of existing and potential mineral deposits in the area. The Department will continue to liaise with the local community on the relevant issues.

Telecommunications Services.

357. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources if a report has been prepared on the WLAN trails being carried out in Tuam, County Galway; if he has received the report and the subsequent actions required or being undertaken to allow for the provision of broadband in Tuam, County Galway; and if he will make a statement on the matter. [3015/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): ESB telecommunications is currently undertaking a

trial of powerline carrier technology in Tuam, County Galway. Powerline carrier technology harnesses existing ESB infrastructure to provide broadband Internet access. A home can receive high-speed Internet connections by simply plugging a computer into an electricity outlet. Broadband powerline carrier systems have the potential to provide an alternative broadband delivery infrastructure to local fixed telephony networks. While the powerline carrier technology is the main focus of the trial, the project is also adding a wireless local area network, WLAN, system to provide a link between the powerline system within the town and the Internet. It is expected that the trial will be completed by the end of April 2004. Subsequently, a report will be provided on the feasibility of this technology in providing broadband services in Ireland.

Departmental Offices.

358. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3068/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): An independent catering company is contracted to provide the food served in the canteens in my Department. The Department's partnership canteen committee, which represents staff, monitors the service provided including the price, range and quality of the food. So called "fast food" is not available in the canteens. It is the collective aim of senior management and staff in the Department to ensure that the contractor maintains and consistently enhances the quality and variety of food available in the interests of the health and well being of all staff.

Departmental Travel.

359. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3178/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The information requested is not available as separate figures are not accessible in respect of expenses for car mileage and expenses for rail and bus transport. The total paid out by the Department in 2003 in respect of non-recoverable travel expenses within Ireland was €916,143.

Statutory Instruments.

360. **Mr. J. Bruton** asked the Minister for Arts,

Sport and Tourism if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgement of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgement; and if not, the reason therefor. [2736/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): My Department is reviewing its statutory instruments for compliance with the requirements of Bunreacht na hÉireann in light of the recent High Court judgement concerning the Immigration Act 1999.

Swimming Pool Projects.

361. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism if he has had contacts with South Dublin County Council regarding plans for a swimming pool project in west Tallaght; if his attention has been drawn to the anxiety of the local community that real progress be made on this most important project for the area; the assistance which is being provided in the matter; and if he will make a statement on the matter. [2758/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): South Dublin County Council has applied for grant aid for a proposed new swimming pool in Jobstown, west Tallaght. My Department has had contact with officials from the council about this application and another by the same council in respect of the refurbishment of the swimming pool at Clondalkin. The contract documents for both of these projects are under consideration in my Department.

Arts Funding.

362. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism the details of his continued efforts to provide increased funding for the arts; if his attention has been drawn to the importance of his endeavours which is appreciated by many; and if he will make a statement on the matter. [2786/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I am acutely aware of the importance of achieving the best possible outcome for the funding of the arts. I am happy that the €52.5 million provided in 2004 for the Arts Council represents an increase of some 19% on the 2003 figure. This was an extremely positive outcome given the general level of demand for Exchequer funding.

EU Presidency.

363. **Mr. O'Connor** asked the Minister for Arts,

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Sport and Tourism the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2787/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Apart from providing input into the centralised publicity and information dissemination arrangements for the EU Presidency, such as the Presidency website, my Department is publicising its Presidency programme through regular press releases and updates on the events we are organising. We are also in the process of establishing a dedicated area on the Department's website for Presidency-related activities.

Specific public relations arrangements are also in place to publicise the events being supported by the Presidency cultural programme, including the 1 May enlargement celebrations. These will include media coverage of events happening locally, nationally and internationally with discussions already in place with RTE, including Lyric FM, overseas television and radio stations and main national and international print media to confirm such coverage.

The Deputy will be aware of the extensive media publicity arising from the Europe-wide launch of the European year of education through Sport 2004 which took place in Dublin on 29 and 30 January 2004 as part of Ireland's EU Presidency programme. This included a special television programme to highlight the year which was broadcast on RTE television on 1 February 2004. I will continue to publicise activities and events as they arise during the course of the Presidency.

Departmental Offices.

364. **Dr. Upton** asked the Minister for Arts, Sport and Tourism his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3069/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The provision of the canteen facilities at my Department's headquarters in Kildare Street is the responsibility of the Department of Enterprise, Trade and Employment. There is no canteen facility at my Department's offices in Frederick Buildings.

The restaurant and canteen facilities at the National Museum of Ireland in Kildare Street, Collins Barracks, and Turlough Park House, Castlebar, County Mayo, are provided under licence by private caterers. There are no such facilities at the National Archives or the National Library of Ireland.

Departmental Travel.

365. **Mr. Eamon Ryan** asked the Minister for Arts, Sport and Tourism the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3179/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The cost of mileage expenses incurred during 2003 by officials of my Department including staff of the National Museum of Ireland, the National Library of Ireland and the National Archives amounted to €121,851.30, while an amount of €6,630.65 was paid out in respect of bus and rail tickets for my Department including the National Museum of Ireland, the National Library of Ireland and the National Archives over the same period.

Hospital Services.

366. **Mr. Timmins** asked the Minister for Health and Children the position regarding a person (details supplied) in County Wicklow who has received a bill for medical expenses from St. Vincent's Hospital which they thought would be covered by their contributions except for the €40 bed fee per day; when this will be paid; and if he will make a statement on the matter. [2706/04]

Minister for Health and Children (Mr. Martin): Entitlement to health services in Ireland is primarily based on residency and means rather than income. Any person, regardless of nationality, who is accepted by the health boards as being ordinarily resident in Ireland is entitled to either full eligibility, category 1 — medical card holders, or limited eligibility, category 2, for health services. Health boards normally regard a person as "ordinarily resident" in Ireland if he/she satisfies the health board that it is his/her intention to remain in Ireland for a minimum period of one year.

Persons in category 1 are medical card holders and they are entitled to a full range of services including general practitioner services, prescribed drugs and medicines, all in-patient public hospital services in public wards including consultants services, all out-patient public hospital services including consultants services, dental, ophthalmic and aural services and appliances and a maternity and infant care service.

Persons in category 2, non-medical card holders, are entitled, subject to certain charges, to all in-patient public hospital services in public wards including consultants services and out-patient public hospital services including consultants services. The current public hospital statutory in-patient charge is €45 per night, up to a maximum of €450 in any 12 consecutive months. Attendance at accident and emergency departments is subject to a charge of €45 where the patient does not have a referral note from his/her doctor. This charge applies only to the first visit in any episode of care. A maternity and

infant care service is provided during pregnancy and up to six weeks after birth.

Under the Health Act 1970, the determination of eligibility for health services is the responsibility of the chief executive officer of the appropriate health board and neither I nor my Department has a function in the matter. Health boards have discretion, in cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused. Alternatively, one can opt to be the private patient of both the consultant and the hospital. Any patient, whether a medical card holder or not, who opts for treatment in a private hospital or as a private patient in a public hospital is liable for the costs relating to such treatment.

I have asked the chief executive officer of the Eastern Regional Health Authority to examine the matter and reply directly to the Deputy.

Services for People with Disabilities.

367. **Mr. Carey** asked the Minister for Health and Children if he will establish from the Northern Area Health Board when a person (details supplied) in Dublin 11 will be assessed for appropriate educational support; and if he will make a statement on the matter. [3012/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of health services to persons with an intellectual disability and those with autism in the Dublin area is a matter, in the first instance, for the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the authority to investigate the matter raised by the Deputy and reply directly to him.

Long-Term Illness Scheme.

368. **Mr. Wall** asked the Minister for Health and Children if persons who have suffered from strokes are included in the long-term illness card scheme; if not, if he has plans to include such persons in the scheme; and if he will make a statement on the matter. [2674/04]

Minister for Health and Children (Mr. Martin): Under the Health Act 1970, a health board may make arrangements for the supply without charge of drugs, medicines and medical and surgical appliances to people suffering from any of the following conditions, who are not already medical card holders, for the treatment of that condition under the long-term illness, LTI, scheme: mental handicap; mental illness, for persons under 16 years only; phenylketonuria; cystic fibrosis; spina bifida; hydrocephalus; diabetes mellitus; diabetes insipidus; haemophilia; cerebral palsy; epilepsy; multiple sclerosis; muscular dystrophies; parkinsonism; thalidomide; and acute leukaemia. Strokes are not included in the list of conditions covered by the LTI.

There is a range of other schemes that provide assistance towards the cost of approved drugs and

medicines for people with significant ongoing medical expenses. People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. Eligibility for a medical card is solely a matter for the chief executive officer of the relevant health board. In determining eligibility, the CEO has regard to the applicant's financial circumstances. Health boards use income guidelines to assist in determining eligibility. However, where a person's income exceeds the guidelines, a medical card may be awarded if the CEO considers that the person's medical needs or other circumstances would justify this. Medical cards may also be issued to individual family members on this basis. Non-medical card holders, and people with conditions not covered under the LTI, can use the drugs payment scheme. Under this scheme, no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines.

Hospital Services.

369. **Ms O. Mitchell** asked the Minister for Health and Children if an investigation was carried out into the circumstances whereby a person (details supplied) in Dublin 14 was moved between the Eye and Ear Hospital, St. James's Hospital, Blanchardstown Hospital and back to St. James's Hospital between the dates of 14 June and 20 June 2002. [2675/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of hospital services to residents of Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

370. **Ms O. Mitchell** asked the Minister for Health and Children the cost to date, both capital and current, of the provision of the lung transplant unit at the Mater Hospital. [2676/04]

371. **Ms O. Mitchell** asked the Minister for Health and Children the cost in 2003 of sending lung transplant patients to Newcastle for transplant operations. [2677/04]

372. **Ms O. Mitchell** asked the Minister for Health and Children the details of staff recruited for the operation of the lung transplant unit at the Mater Hospital; and the annual cost of such staff. [2678/04]

373. **Ms O. Mitchell** asked the Minister for Health and Children the total annual operating costs of the lung transplant unit at the Mater Hospital. [2679/04]

374. **Ms O. Mitchell** asked the Minister for Health and Children the total cost for the past ten years of sending lung transplant patients to Newcastle. [2680/04]

Minister for Health and Children (Mr. Martin): I propose to take questions Nos. 370 to 374, inclusive, together.

The Eastern Regional Health Authority is charged with responsibility for commissioning health and personal social services on behalf of the population of the region, and also on behalf of those outside the region who are referred for specialist treatment. My Department has therefore requested the authority to reply to the Deputy on the issues raised.

375. **Mr. McCormack** asked the Minister for Health and Children the position regarding the attention deficit disorder programme at University College Hospital, Galway, which was set up as a pilot scheme three years ago; if this programme is being downgraded or discontinued or will be made a permanent programme at UCHG; and if the necessary funds will be made available to the health board to enable it to continue this as a permanent programme. [2681/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of the health services in Galway rests with the Western Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

Community Care.

376. **Dr. Upton** asked the Minister for Health and Children if he will investigate the delays in providing occupational therapy in a community care area (details supplied) in Dublin west; if his attention has been drawn to the fact that this authority have not recently advertised to fill job vacancies; and if he will make a statement on the matter. [2712/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health related services, including occupational therapy, for people with physical and/or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

Hospital Waiting Lists.

377. **Dr. Upton** asked the Minister for Health and Children his views on the extended delays persons have faced in getting an occupational therapist assessment (details supplied). [2713/04]

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 Dublin 10 area is, in the first instance, the responsibility of the South Western Area Health

Board acting under the aegis of the Eastern Regional Health Authority. My Department has therefore asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to her as a matter of urgency.

Statutory Instruments.

378. **Mr. J. Bruton** asked the Minister for Health and Children if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgement of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgement; and if not, the reason therefor. [2737/04]

Minister for Health and Children (Mr. Martin): My Department is reviewing its statutory instruments for compliance with the requirements of Bunreacht na hÉireann in the light of the recent High Court judgment concerning the Immigration Act 1999.

Health Board Services.

379. **Mr. G. Mitchell** asked the Minister for Health and Children if he will meet the concerns of a residents' committee (details supplied) in the SWAHB; and if he will make a statement on the matter. [2762/04]

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 Dublin area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Disabled Drivers.

380. **Mr. G. Mitchell** asked the Minister for Health and Children if he will provide resources to ensure that a person (details supplied) in Dublin 20 can be assessed and provided with a disabled person's car seat; and if he will make a statement on the matter. [2763/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The medical assessment for the purpose of the disabled drivers and disabled passengers (tax concessions) scheme is carried out by the senior area medical officer in the relevant health board. This function is to assist the Department of Finance who have statutory responsibility for the disabled drivers

and disabled passengers (tax concessions) scheme.

Accordingly, my Department has asked the chief executive officer of the South Eastern Health Board to investigate this matter and reply directly to the Deputy as a matter of urgency.

Hospital Services.

381. **Mr. F. McGrath** asked the Minister for Health and Children if he will expedite the transfer of a person (details supplied) in Dublin 7 from the Mater Hospital to the orthopaedic hospital in Clontarf in order to facilitate their recovery. [2764/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of health services to persons living in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

Services for People with Disabilities.

382. **Mr. Neville** asked the Minister for Health and Children, further to Question No. 390 of 11 November 2003, his views on the transfer of 24 persons with intellectual disability from St. Joseph's Hospital, Limerick, to accommodation appropriate to their needs. [2771/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I understand from the Mid-Western Health Board that, at present, there are 17 persons with an intellectual disability accommodated in St Joseph's Hospital, Limerick. Assessments are to be carried out on ten persons with an intellectual disability for whom placements in services for persons with an intellectual disability are considered to be the most appropriate care setting. It is envisaged that the most appropriate placements for the remaining seven persons are in the community based mental health services.

Smoking Ban.

383. **Mr. O'Connor** asked the Minister for Health and Children the position with regard to the smoking ban. [2773/04]

Minister for Health and Children (Mr. Martin): I will make a decision on the new date for commencement of the smoke-free workplaces regulations in the near future. I believe that the vast majority of employers, employees and the public will comply with the new measure. The primary purpose of making workplaces smoke-free is to protect people from exposure to toxic environmental tobacco smoke.

EU Presidency.

384. **Mr. O'Connor** asked the Minister for Health and Children the plans his Department has to promote Ireland's EU Presidency with the

Irish public; and if he will make a statement on the matter. [2802/04]

Minister for Health and Children (Mr. Martin):

At the end of December a programme of Presidency events in the area of public health was produced. This was circulated to a range of agencies and offices, including the health boards. I conducted media briefings during January to set out the objectives of our Presidency, the events we are holding and what developments citizens can expect to see in the public health area during our term in the Presidency.

The full programme of events, together with background information on each one as well information on the European Health legislative programme, can be viewed on the Department of Health and Children website www.doh.ie and on the Irish Presidency website www.eu2004.ie. There are also a number of other web pages dedicated to individual events associated with the calendar of events in the health area, the details of which are contained in the programme calendar.

The programme contains numerous separate events, which have a different focus on aspects of EU legislation and action in the field of public health. These will range from food safety, heart health, tobacco control, to the health applications of information and communications technology — e-health. The planning for such events specifically provides for the facilitation of significant media coverage with a view to maximising public awareness and knowledge of the issues and developments involved.

General Practitioner Co-operatives.

385. **Mr. R. Bruton** asked the Minister for Health and Children if the contract negotiated with general practitioners in respect of medical card holders includes a commitment to make arrangements for an out of hour service to patients which would avoid unnecessary resort by patients to accident and emergency services; if his Department has undertaken a study of the relationship between availability of night time calls from general practitioners and dependence on accident and emergency services; and if he has satisfied himself that reasonable incentives are in place to encourage general practitioners to provide out of hour services. [2812/04]

Minister for Health and Children (Mr. Martin):

General practitioners who choose to hold GMS contracts with health boards undertake to provide services for their medical card patients for a total of 40 hours per week on five or more days in agreement with the local health board. Doctors are obliged also "to make suitable arrangements to enable contact to be made with him or his locum or deputy outside of normal hours for urgent cases". Services provided to GMS patients out of hours attract extra consultation fees for the doctors involved.

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Full out-of-hours services are provided in some health board areas by general practitioner led co-operatives and funding totalling €46.5 million was allocated to health boards between 2000 and 2003 for the development and expansion of these co-operatives. While there has been no formal study of the relationship between availability of night time calls from general practitioners and dependence on accident and emergency services undertaken by my Department, 30% of the users of the co-op service in one health board area indicated that they would have used the accident and emergency department if the co-op had not been an option. It is worth noting that a large percentage of the calls handled by the co-ops are handled by telephone advice either from the nurse or doctor or by centre visits and that only a very small percentage require domiciliary visits by the doctors.

The independent evaluation reports of the service in the North Eastern and South Eastern Health Boards indicated that co-operatives represent an enhancement of service to the patient and that the level of satisfaction among participating general practitioners was also high. Access to the service is by using a lo-call number. There is equal access for both medical card and private patient and the information on any treatment provided is sent electronically to the patient's doctor on the following day. This helps to ensure a continuity of care for the patient.

The co-operative enables the participating GPs to have formal arrangements in place to cope with their contracted out of hours obligations. It helps them achieve a balance between work and life, and at the same time provides them with the back up transport and other services such as suitably equipped cars, drivers and communications.

Hospital Waiting Lists.

386. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for a hip operation, considering that they have been waiting for eight months already for their surgery and they are in tremendous pain; and if this person will be operated on immediately under the national treatment purchase fund. [2813/04]

Minister for Health and Children (Mr. Martin): The provision of services for persons resident in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position and to reply directly to the Deputy.

Services for People with Disabilities.

387. **Mr. Haughey** asked the Minister for Health and Children the reason health boards will not accept applications from residents of nursing homes for electric wheelchairs; if such residents can obtain assistance elsewhere for this

facility; and if he will make a statement on the matter. [2910/04]

Minister of State at the Department of Health and Children (Mr. Callely): As responsibility for the provision of health services is, in the first instance, a matter of the Eastern Regional Health Authority and the health boards, my Department has asked the chief executive officers of the boards to examine this matter and to reply directly to the Deputy as a matter of urgency.

Hospitals Building Programme.

388. **Mr. Howlin** asked the Minister for Health and Children when the refurbishment to New Haughton Hospital, New Ross, will commence, as promised by the Minister of State, Deputy Callely, during his visit to the hospital in 2003; if a specific allowance has been made by his Department for this work; and if he will make a statement on the matter. [2911/04]

Minister of State at the Department of Health and Children (Mr. Callely): As the Deputy will be aware, responsibility for the provision of health services in New Ross rests with the South Eastern Health Board in the first instance. The board has advised that upgrading of the kitchen, the provision of lighting to the entrance to the hospital and associated works at New Haughton Hospital have been completed with funding provided by my Department under the national development plan.

In 2003 the board carried out work to resolve problems with dampness in the patient care areas, roof repairs and a coverway to the laundry area and the funding for these maintenance works was met from within the board's existing resources. A number of other works such as the rewiring of the hospital and improving the patient bathing facilities are being examined by the board with a view to progressing these works.

In the course of my recent visit the submission to my Department for approval to replace the lift and staircase and provide a new reception area was brought to my attention. My Department is examining the submission and will continue to work with the South Eastern Health Board in progressing this project in line with the board's priorities and funding resources available. Following my visit, I met a delegation from the hospital. I will continue to work closely with the board regarding the progressing of this project.

Hospital Waiting Lists.

389. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for assessment for cataract removal operations on both of their eyes, particularly in view of the fact that they live alone in a rural area and are losing their sight; and if they can be seen under the national treatment purchase fund scheme. [2934/04]

Minister for Health and Children (Mr. Martin):

The provision of services for persons resident in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position and to reply directly to the Deputy.

Health and Safety Regulations.

390. **Mr. Dennehy** asked the Minister for Health and Children the measures he hopes to introduce to improve the safety of health service personnel, in view of the worrying increase in the number of attacks on such persons; and if he will make a statement on the matter. [2935/04]

Minister for Health and Children (Mr. Martin):

As the Deputy is aware, each employer in the health service owes a duty of care to all their employees, to provide a safe working environment, minimising the risk of assault. In this regard, health service employers are constantly reviewing the systems for the management and control of violence in the workplace. For example, systematic training for staff in control and restraint techniques, in addition to breakaway techniques, is now a feature of training for relevant health service staff.

Nursing hospital watch initiatives are now in place in hospitals around the country. Such initiatives have had a considerable effect on reducing the number of incidents, in accident and emergency departments in particular, while hospital management are continuing to monitor and seek improvements in the standard of staff and patient safety.

A special scheme exists for staff who are absent from work as a result of a serious physical assault by a patient or client incurred in the course of their duty. This scheme provides for full pay inclusive of premium earnings for a defined period. There is also a strong commitment towards staff rehabilitation in order to facilitate the staff member to return to work as soon as possible.

The Deputy may also wish to note that my Department has funded the committee on workplace violence in the North Eastern Health Board, which is representative of all stakeholders and services, to conduct a study into, and develop a plan for, the management of aggression and violence in the health care setting. This committee has recently conducted the first largescale methodologically rigorous study investigating aggression and violence in Irish health care, entitled the Survey of Violence Experienced by Staff — SOVES. Initial findings of the study indicate that the extent of the problem in Ireland is very similar to that which has been consistently reported internationally. The report of the findings of the SOVES study will be launched in the next few months.

In addition, the Health Service Employer's Agency is currently in the process of finalising guidelines on an occupational health safety and

welfare service for the health service, in conjunction with the Health and Safety Authority. The production of these guidelines and the establishment of an implementation plan for them are specified actions in the action plan for people management, launched in October 2002, the implementation of which is being monitored by my Department on an ongoing basis.

Hospital Services.

391. **Ms O. Mitchell** asked the Minister for Health and Children his views on the western neurosurgery campaign. [2936/04]

Minister for Health and Children (Mr. Martin):

My Department has met representatives of the western neurosurgery campaign and I am aware of their views on the development of neurosurgical services. I have asked Comhairle na nOspidéal to carry out a review of neurosurgical services and to prepare a report for my consideration. Comhairle has been asked to focus, in particular, on the provision of adequate capacity and consideration of equity of access to neurosurgical services having regard to best practice in the provision of quality health care. I understand that the work of the Comhairle committee on neurosurgical services is ongoing. Decisions on the future development of neurosurgical services will be informed by the Comhairle report.

Smoking Ban.

392. **Cecilia Keaveney** asked the Minister for Health and Children if, in the context of the forthcoming ban on smoking in public places, he envisages a widening of the locations at which smoking cessation support products will be available; and if he will make a statement on the matter. [2937/04]

Minister for Health and Children (Mr. Martin):

There is a wide range of nicotine replacement therapy, NRT, medicinal products available to those who wish to quit smoking. These products are subject to control as medicinal products, some of which are available only on prescription and others which are for sale over the counter in pharmacies.

The Irish Medicines Board is the statutory body responsible for the regulation of medicinal products and it has recently examined the possibility of making NRT products available at locations other than pharmacies. I am advised by the board that it would not be in favour of such a proposal for the following reasons. As with all medicinal products, there is a need for caution concerning the use of NRT by those under 18, persons with heart disease, and during pregnancy.

Nicotine, in any form, is considered to have the potential to generate addiction in the user. In this regard I am advised by the board that a recent survey of schoolchildren in the United States has shown that a large number of these children have

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used these products for purposes other than smoking cessation. The general principle is that unless there is a good reason to the contrary, medicinal products should be sold only in pharmacies. Many pharmacies are now open until late in the evening and at weekends and, consequently, the availability of NRT products through pharmacies is already good. In addition, smokers who are making an effort to quit will probably take care to have an adequate supply of NRT products.

In view of the advice I have received from the Irish Medicines Board, I do not propose to widen the availability of these products at this time. However, the matter will be kept under review.

Hospital Services.

393. **Mr. McCormack** asked the Minister for Health and Children the number of persons booked in for procedures at University College Hospital Galway during 2003 who had their appointments cancelled; the number who had their appointments cancelled more than once; and the number of times their appointments were cancelled. [2942/04]

Minister for Health and Children (Mr. Martin): The figures requested by the Deputy are not routinely collected by my Department. Therefore, my Department has asked the chief executive officer of the Western Health Board to collate the information requested by the Deputy and to reply to him directly.

Suicide Incidence.

394. **Mr. Neville** asked the Minister for Health and Children, further to Question No. 79 of 7 May 2003, the areas of spending on suicide prevention and research in 2004. [2955/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department has given special attention to the resourcing of suicide prevention programmes and research since the publication of the report of the national task force on suicide in 1998. This year more than €4.5 million is available to the various agencies working towards reducing the level of suicide and attempted suicide in this country. This includes the health boards, the National Suicide Review Group, the Irish Association of Suicidology and the National Suicide Research Foundation.

Work has commenced on the preparation of a national action-oriented strategy for suicide prevention. This proposed strategy, which will involve the Health Board Executive — HeBE — the National Suicide Review Group and the Department of Health and Children, will be action-based from the outset and will build on existing policy. All measures aimed at reducing the number of deaths by suicide will be considered in the context of the preparation of this strategy.

Strategy Statements.

395. **Mr. Gormley** asked the Minister for Health and Children the details of the pilot primary care initiatives that have been implemented as part of the national health strategy 2001, specifically the costs, the difficulties in implementation, the duration of the pilot schemes and the way in which the pilot schemes will be generalised for other parts of the country. [2985/04]

Minister for Health and Children (Mr. Martin): The strategy “Primary Care: A New Direction” provides for the establishment of a number of primary care teams on the basis of the principal features of the integrated interdisciplinary model described in the strategy. These are not pilot projects and they represent the first phase of implementation. The experience of these implementation projects will allow the model to be rolled out in a manner that draws on experience gained and enables all relevant professional and user stakeholders to participate in shaping its more detailed aspects. The strategy committed to the refinement and development of the model by agreement through the joint learning for which these initial implementation projects will allow.

In October 2002 I gave approval to the establishment of ten primary care implementation projects — one in each health board area. These projects are building on the services and resources already in place in the locations involved so as to develop a primary care team in line with the interdisciplinary model described in the strategy. The spread of locations, ranging from the centre-city urban areas to dispersed rural communities, has been chosen to reflect the variety of circumstances around the country in which primary care services must be delivered and to explore, in a practical way, how primary care teams will operate. Each location has its own intrinsic challenges and each primary care team will have to adapt to the needs of the area and community it serves.

The locations of the ten implementation projects are:

Eastern Regional Health Authority	
East Coast Area Health Board	Arklow, County Wicklow
Northern Area Health Board	Ballymun, Dublin City
South Western Area Health Board	Liberties, Dublin City
Midland Health Board	Portarlington, County Laois
Mid-Western Health Board	West County Limerick
North Eastern Health Board	Virginia, County Cavan
North Western Health Board	Lifford, County Donegal
South Eastern Health Board	Cashel, County Tipperary

Eastern Regional Health Authority	
Southern Health Board	West Kerry
Western Health Board	Erris, County Mayo

In 2002, initial revenue funding of €877,000 was provided. In 2003, an additional €3.623 million in revenue funding was provided on an ongoing basis. This brought the total annual revenue funding to €4.5 million.

In 2004, I have provided an additional €990,000 to the health boards on an ongoing basis in respect of implementation of the primary care strategy and health boards may, if necessary, use this to meet any additional revenue costs associated with the primary care teams. In 2002 I provided funding of €1 million to support information and communications technology developments for the implementation projects, and a total of €2 million to facilitate minor capital works.

There has been substantial progress to date with the development of primary care teams in the chosen locations. However, it must be recognised that moving to the interdisciplinary model of service delivery poses a range of challenges for both the health professionals involved and for the health boards, who have the responsibility for leading the developments. The range of issues which must be worked through as part of the development process includes: developing the team and agreeing team working processes; enrolling clients with the team; managing direct patient access to team members; appointment of additional staff; ensuring that all team members are providing services to the same population; involving the community in the development process; and addressing information and communications technology needs.

All of these issues need to be worked through in detail and this process must involve those who will be working directly as members of the team. In several cases a number of the additional staff members required to enable the teams to deliver the full range of planned services have been appointed. Health boards must ensure that in appointing additional staff they do not exceed their authorised employment numbers and in a number of instances this has been cited as having delayed the putting in place of the full primary care team.

Projects are at different stages of development, with a number already providing new or enhanced primary care services to their target populations. Even at this early stage, some of the benefits, which were anticipated for both service users and providers, are, I understand, becoming evident in these cases, as new or improved primary care services are developed. Areas which are the focus of early efforts to provide new or enhanced services include physiotherapy, which has traditionally been provided as a hospital out-patient service, shared care arrangements with the general hospitals, and the development of

social work services which will focus on general family support needs. I would like to take this opportunity to acknowledge the commitment of the frontline health professionals and the health board administrative staff who have devoted considerable effort to the development of the teams to date.

The primary care strategy acknowledged that the current health board structures are not optimised to support the development and reorganisation necessary to implement the new primary care model on a widespread basis. The new structures being developed under the health service reform programme will ensure that the system is organised and managed to support the development and implementation of the health strategy, including the primary care strategy. The structures will be designed to achieve consistent and comprehensive implementation of national policy and to manage and drive the establishment of primary care teams and networks as the standard model of service delivery. The experience gained in the initial group of implementation projects will provide valuable learning, which can inform the wider implementation to follow.

The primary care strategy also indicated that a significant component of the development of primary care teams, in the short to medium term, would involve the reorientation of existing staff and resources. In 2003 my Department requested the health boards to examine how the existing primary and community care resources can best be reorganised, so as to give effect to the application of the team working concept, as described in the strategy, on a wider basis and to map out the geographical areas to be served by primary care teams in the future. The health boards have also been asked to undertake a high-level needs assessment for primary care, which will help to inform this planning task.

The primary care strategy recognises that the provision of modern, well-equipped, accessible premises will be central to the effective functioning of the primary care team. One of the Government's key objectives is to facilitate and encourage the development, where appropriate, of modern, well-equipped, user-friendly buildings in which the broad range of primary care services, including general practice, can be delivered. The strategy also emphasises the need to gain full benefit from existing buildings and to fully exploit any opportunities for public-private partnerships in implementing the development programme. I am committed to developing policy in such a way as to maximise the opportunities to attract private sector interests into the provision of facilities to support delivery of primary care service in accordance with the new interdisciplinary model.

Smoking Ban.

396. **Mr. Gormley** asked the Minister for Health and Children the reason the Office of Tobacco Control study into the economic

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consequences of the smoking ban conducted by a company (details supplied) has not yet been published; the cost of the study; when it is likely to be published; and if he will make a statement on the matter. [2999/04]

Minister for Health and Children (Mr. Martin): As the Office for Tobacco Control is a separate statutory body, officials of my Department have contacted the office and asked it to reply directly to the Deputy in regard to the matter.

397. **Mr. Gormley** asked the Minister for Health and Children when the smoking ban is likely to come into force; and if he will make a statement on the matter. [3000/04]

Minister for Health and Children (Mr. Martin): I will make a decision on the new date for commencement of the smoke-free workplaces regulations in the near future. I believe that the vast majority of employers, employees and the public will comply with the new measure. The primary purpose of making workplaces smoke-free is to protect people from exposure to toxic environmental tobacco smoke.

Health Board Services.

398. **Cecilia Keaveney** asked the Minister for Health and Children when a person (details supplied) in County Donegal will be called for orthodontic treatment; and if he will make a statement on the matter. [3022/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Donegal rests with the North Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to her directly.

399. **Cecilia Keaveney** asked the Minister for Health and Children when a person (details supplied) in County Donegal will be called for orthodontic treatment; and if he will make a statement on the matter. [3023/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Donegal rests with the North Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to her directly.

400. **Cecilia Keaveney** asked the Minister for Health and Children when a person (details supplied) in County Donegal will be called for orthodontic treatment; and if he will make a statement on the matter. [3024/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Donegal rests with the North Western Health Board. My

Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to her directly.

Hospital Waiting Lists.

401. **Mr. Penrose** asked the Minister for Health and Children the steps he will take to expedite a procedure which a person (details supplied) in County Westmeath is required to undergo at a hospital; and if he will make a statement on the matter. [3025/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the position in relation to this case and to reply to the Deputy directly.

Nursing Home Subventions.

402. **Mr. R. Bruton** asked the Minister for Health and Children if his attention has been drawn to the different rules which apply to financial contributions by persons who are in publicly run nursing homes compared to those in privately run nursing homes with a Government subvention; if his attention has further been drawn to the fact that patients in the public setting make a contribution from their pension whereas patients in the private setting may have to sell off all their property to pay for their nursing home care; if his attention has further been drawn to the fact that the decision whether a person is provided with public or private care is often made on an arbitrary basis ignoring the fact that under the Health Acts all persons aged over 70 have a legal entitlement to appropriate care; the reform proposals he plans to introduce fairness and coherence into the Government's nursing home policy; and if he will make a statement on the matter. [3042/04]

Minister of State at the Department of Health and Children (Mr. Callely): I am aware that different arrangements apply to financial contributions from people availing of public long-stay care as opposed to those accommodated in private nursing homes. Under the Health (Nursing Homes) Act 1990 health boards may pay a subvention to assist a person in meeting the costs of private nursing home care. However, it was not intended that a subvention payment would meet the full costs of private nursing home care.

As regards people availing of public long stay care, charges can be made under two regulations. They can be made under the Health (Charges for In-Patient Services) Regulations 1976, as amended by the Health (Charges for In-Patient Services) (Amendment) Regulations 1987. These regulations enable charges to be made towards the cost of providing hospital in-patient services for persons with income who have been in receipt of such services for more than 30 days or periods

totalling more than 30 days within the previous 12 months. The regulations provide that a charge is made at a rate not exceeding the person's income. Medical card holders and persons with dependants are exempt from these charges. Charges may also be made under the Institutional Assistance Regulations 1965 where the patient receives shelter and maintenance rather than treatment. These charges apply from the date of admission and are payable by all patients who are in receipt of incomes, including medical card holders and persons with dependants.

In deciding the amount to be contributed, health boards have regard to the person's individual circumstances. Allowance is made for any financial commitments the person may have and a reasonable amount is left to meet the person's personal needs. Charges may be waived if, in the opinion of the chief executive officer of the appropriate health board, payment would cause undue hardship.

As the Deputy is aware, the Ombudsman, in his report on the nursing home subvention scheme, asserted that under the Health Act 1970 any person in need of nursing home care has a statutory entitlement to the provision of this service by a health board. As my Department advised the Ombudsman in its response to the draft report of the ombudsman, its view is that the Health Act 1970, as amended, distinguishes between eligibility and entitlement to a service, although the two terms are often used interchangeably. This view is supported by legal advice available to the Department.

The health strategy, Quality and Fairness — A Health System for You, acknowledges the need to clarify and simplify eligibility arrangements and sets down a commitment to introduce new legislation to provide for the introduction of clear statutory provisions on entitlement and eligibility. A review of all existing legislation in this area has been carried out in my Department which will inform the approach to the drafting of new legislation in this area.

In line with a Government decision, an expenditure review of the nursing home subvention scheme was undertaken by the Department of Health and Children in association with the Department of Finance. The review was carried out by Professor Eamon O'Shea and the objectives of the review were, *inter alia*, to examine the objectives of the nursing home subvention scheme and the extent to which they remained valid, to assess the service delivered and to establish what scope, if any, existed for achieving the programme objectives by other more efficient and effective means. Professor O'Shea's report, Review of the Nursing Home Subvention Scheme, was launched in June 2003 simultaneously with the Mercer report, Study on the Future Financing of Long-Term Care in Ireland, which was commissioned by the Department of Social and Family Affairs.

As the Deputy will be aware, my Department has established a working group comprising of all stakeholders to review the operation and administration of the nursing home subvention scheme following on from the publication of the O'Shea report. The purpose of the review is to develop a scheme which will be transparent, offer a high standard of care for clients, provide equity within the system to include standardised dependency and means testing, be less discretionary, provide both a home and nursing home subvention depending on need, be consistent in implementation throughout the country and draw on experience of the operation of the old scheme.

As part of the overall clarification of entitlements as promised in the health strategy and in tandem with the work of the working group on the nursing home subvention scheme, my Department will attempt to resolve the current differences in approach between the consideration of individuals' ability to pay under the various regulations in this area.

Health Board Services.

403. **Mr. R. Bruton** asked the Minister for Health and Children if he has set out for health boards target waiting times for the delivery of support services in the context of his strategy on alcohol; the waiting times he has set out for such support services and in particular the target waiting time for access to addiction counselling for persons in recovery from alcoholism; if he has received reports from the Eastern Regional Health Authority as to whether they are currently achieving the waiting time standards set; and if he will make a statement on the matter. [3043/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): National policy on the treatment of alcohol abuse, as set out in Planning for the Future, stipulates that the emphasis in the management of alcohol related problems should be on community based intervention rather than on specialist in-patient treatment. Health boards already provide and continue to develop a range of comprehensive community based support services appropriate to the needs of persons affected and afflicted by alcohol abuse. These services include family support and community, medical and social services in the management of the problem. Health boards are also considering ways in which services provided by voluntary and/or private facilities might integrate with the health boards' services. A number of the boards have made local arrangements to enable access to specialist in-patient treatment in the small number of cases where the need arises.

Responsibility for the provision of the services referred to by the Deputy rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive to investigate the matter raised by the Deputy and to reply to him directly.

Nursing Home Subventions.

404. **Mr. R. Bruton** asked the Minister for Health and Children the reason a decision was taken to gradually remove contracted beds from the available resources within the public health sector for the provision of nursing home care; and if he will make a statement on the matter. [3044/04]

Minister of State at the Department of Health and Children (Mr. Callery): The Deputy is referring to the decision by the Eastern Regional Health Authority to change its policy regarding the funding of what were formerly known as contract beds in private nursing homes from September 2003. The main reasons behind the authority's decision to change its policy were to bring a measure of equity to the system, to ensure value for money and to allow funding to be distributed more appropriately and effectively with the appropriate type of care given to those in most need.

As the Deputy will be aware, the term contract beds was used to describe private nursing home beds which were fully subvented and where the payment was made directly to the proprietor of the nursing home on behalf of the patient. Contract beds were funded by the authority through the area health boards under section 22.3 of the Nursing Homes (Subvention) Regulations 1993. While the use of contract beds was seen as a short term solution to the shortage of public long stay beds in the system, over the years the number of private nursing home beds had increased to a level where approximately 1,400 such beds were contracted in 2003.

Although referred to as contract beds, the fact is that no contract existed between the area health boards or authority and the nursing home proprietor, but rather that patients were accommodated in such beds at a fixed price. The cost of such beds had risen over the years to the point where contract beds in the authority's area were some of the most expensive beds in the country. Furthermore, because there was no legislation covering the contracting out of beds, people who were allocated these beds did not have to satisfy a means test. This had led to inequity in the system where two patients in a private nursing home could be accommodated next to each other, with one paying the full cost for the bed, while the other paid nothing towards the cost of the bed, irrespective of their ability to pay.

Because of the escalating costs of nursing home beds and the increasing number of patients in contract beds, the authority decided to cap the maximum enhanced subvention payable at €680, inclusive of the old age pension. The authority's decision to discontinue the practice of contracting beds with private nursing home proprietors has ensured that equity has been restored to the system and that resources are being targeted at those in most need.

Services for People with Disabilities.

405. **Mr. F. McGrath** asked the Minister for Health and Children the entitlements to a person (details supplied) in County Galway with a major disability; the financial assistance and other support which will be given when this person is 18 years old; and if he will give maximum advice, support and financial assistance to the family. [3045/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health related services for people with physical and-or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the Western Health Board with a request that she examine the matter and reply directly to the Deputy as a matter of urgency.

406. **Mr. McGuinness** asked the Minister for Health and Children the action he has taken to provide services and support for persons (details supplied) in County Kilkenny who are autistic; the assessments which have been made and the action which is planned; if the parents of these persons have been met by his Department or anyone representing his Department; and if he will make a statement on the matter. [3053/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services to persons with autism in the Kilkenny region lies with the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the matters raised and to reply directly to the Deputy as a matter of urgency. Officials from my Department have not met with the parents of the persons in question.

407. **Mr. McGuinness** asked the Minister for Health and Children if an assessment will be arranged immediately for a person (details supplied) in County Kilkenny who attends the presentation primary school, Kilkenny; if he will determine their medical and educational needs; and if the request supported by this person's general practitioner will be expedited. [3056/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of care and treatment of the named individual referred to by the Deputy rests with the South Eastern Health Board. My Department has, therefore, asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Medical Cards.

408. **Mr. McGuinness** asked the Minister for Health and Children if a medical card will be

issued without further delay to persons (details supplied) in County Kilkenny. [3057/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of a medical card is, by legislation, a matter for the chief executive officer of the relevant health board or authority. My Department has, therefore, asked the chief executive officer of the South Eastern Health Board to investigate the matter raised by the Deputy and to reply to him directly.

Hospital Services.

409. **Mr. McGuinness** asked the Minister for Health and Children if full-time medical care will be provided for a person (details supplied) in County Kilkenny at St. Columba's Hospital, Thomastown, Kilkenny, in view of their medical and family circumstances; and if a decision in this urgent case will be expedited. [3059/04]

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 Kilkenny area is, in the first instance, the responsibility of the South Eastern Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and to reply directly to him as a matter of urgency.

Health Board Services.

410. **Mr. McGuinness** asked the Minister for Health and Children if a home help will be provided in the case of a person (details supplied) in County Kilkenny; and if the matter will be expedited. [3060/04]

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 Kilkenny area is, in the first instance, the responsibility of the South Eastern Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and to reply directly to him as a matter of urgency.

Departmental Offices.

411. **Dr. Upton** asked the Minister for Health and Children his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3070/04]

Minister for Health and Children (Mr. Martin): Catering services in my Department are provided on a franchise basis by a private company. The company currently providing catering services works closely with the health promotion unit of my Department in the promotion, display and sale of healthy foods and takes part in all the

healthy eating campaigns. All daily menus contain a healthy option, for example, salads, vegetarian dishes, low fat wraps etc. The company has been accredited with the Happy Heart award from the Irish Heart Foundation.

As far as practicable, every effort is made by the catering company to purchase food products from Irish manufacturers. All poultry, beef, pork, eggs and milk products are purchased in Ireland and on that basis the company has received the Feile Bia award from Bord Bia. Approximately 50% of the grocery products used are made in Ireland.

Health Board Services.

412. **Mr. Penrose** asked the Minister for Health and Children the steps he will take to ensure that a person (details supplied) in County Westmeath is afforded the appropriate and required dental treatment; and if he will make a statement on the matter. [3139/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of dental treatment to eligible persons in County Westmeath rests with the Midland Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Departmental Travel.

413. **Mr. Eamon Ryan** asked the Minister for Health and Children the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3180/04]

Minister for Health and Children (Mr. Martin): In 2003 the Department of Health and Children paid €313,014 in respect of car mileage and €36,503 in respect of rail, bus and taxi expenses.

Hospitals Building Programme.

414. **Mr. Healy** asked the Minister for Health and Children when he proposes to announce his approval for the €3.2 million funding for South Tipperary General Hospital in Clonmel to enable the opening of the newly built facilities, including the location of general surgery at the hospital. [3221/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services at South Tipperary General Hospital in Clonmel is a matter for the South Eastern Health Board. Phase 1 of the development at South Tipperary General Hospital in Clonmel, which is now complete, provides the infrastructure to facilitate the transfer of surgical and ancillary services from Our Lady's Hospital in Cashel. The board has sought significant additional resources to complete the transfer of surgical and ancillary services from Our Lady's Hospital in Cashel to the South Tipperary General Hospital in Clonmel.

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My Department has been advised by the South Eastern Health Board of recent progress in commissioning some of the new facilities at the hospital, including, for example, the cardiac rehabilitation unit, CT unit, medical ward, coronary step down unit and the medical assessment unit. The overall investment in the development of acute hospital services in south Tipperary so far is in the region of €40 million. The further commissioning of this development and the transfer of services from Our Lady's Hospital in Cashel will be pursued by the South Eastern Health Board and my Department having regard to the overall level of funding available in 2004.

State Airports.

415. **Mr. P. Breen** asked the Minister for Transport his views on the historic designation of massive red zones at Irish airports; and if he will make a statement on the matter. [2723/04]

Minister for Transport (Mr. Brennan): As I have mentioned in previous replies to the House on this subject, the present red zones were formally established in 1968. The then Department of Transport and Power was originally responsible for proposing the establishment of the zones, which were approved and incorporated in the local authorities' development plans and development within those red zones is controlled by the local authorities through the Planning Acts.

I will describe for the Deputy precisely what the red zones are. International civil aviation operates under the 1944 Chicago Convention, which is administered by the International Civil Aviation Organisation, ICAO. Annex 14 of the convention, which prescribes standards for aerodromes, recommends that certain pathways through the air on approaches to runways should be clear of obstacles at certain heights, depending on how far away they are from the runway. These are known as obstacle clearance surfaces and are imaginary slopes in the air extending away from the ends of runways. They were designed for the protection of aircraft taking off and landing as an aid to safe navigation. If those slopes in the air are, on a map, projected on to the ground, they form a trapezoid shape, with the narrow base at the end of the runway.

Those shapes have been coloured red on maps for ease of identification and have, therefore, been known as red zones. The present dimensions of the red zones were established in 1968 and were notified to the local authorities on whose land the State airports are situated. While the width of the red zones was the same as the projection onto the ground of the obstacle limitation surfaces, the length of the red zones was delineated by the officials of the then Department of Transport and Power at specific distances from the runway, which varied by runway orientation, by airport and by projected

air traffic density. In delineating the length of the red zones in particular, the then Department sought to assist the local authorities to have regard to the dimension of public safety in the vicinity of the airports, that is, the safety of people on the ground, living or working underneath an approaching or departing aircraft. In Ireland, as elsewhere, these zones have been used as a basis for restricting development to limit the numbers of people on the ground who may be killed or injured by a crashing aircraft.

416. **Mr. P. Breen** asked the Minister for Transport his views on the current proposal to designate further massive public safety zones at Irish airports; and if he will make a statement on the matter. [2724/04]

Minister for Transport (Mr. Brennan): The proposal the Deputy is referring to is the recommendation in a report presented both to me and to the Minister for the Environment, Heritage and Local Government by Environmental Resource Management, ERM. Obstacle clearance surfaces, which are based on the recommendations of the International Civil Aviation Organisation, ICAO, are designed to protect the safety of aircraft as they land and take off by ensuring that there are no obstacles in their way. Projection of these obstacle clearance surfaces on to maps to create so-called red zones have, for many years, informed the deliberations of the relevant planning authorities in Ireland as to the public safety implications of developments at or near airports.

Using the latest risk assessment techniques relating to public safety generally, however, the purpose of the study conducted by Environmental Resource Management, ERM, was to determine the most appropriate arrangements for minimising the risk to the public on the ground in the event of an aircraft accident at Ireland's principal airports. That report, currently being considered by the Ministers for Transport and the Environment, Heritage and Local Government, concludes that zones of a different size and shape to the red zones are more appropriate for the protection of the public on the ground. It would not be appropriate for me to give my views on the recommendations of the report until my consideration of it is complete.

Road Traffic Offences.

417. **Mr. Dennehy** asked the Minister for Transport his views on reports that active cruise control systems in certain new car models (details supplied) can result in Garda laser equipment being unable to attain a speed reading; if the possession, installation, importation or sale of any devices designed to detect or block Garda laser speed guns is illegal; if he has satisfied himself that sufficient deterrents are in place to deter such actions; and if he will make a statement on the matter. [3037/04]

Minister of State at the Department of Transport (Dr. McDaid): Active cruise control is a new technology with variants available on relatively few new vehicles. I am aware of the claims that such equipment may interfere with certain speed detection equipment used by the Garda Síochána and have decided to ask the Garda authorities for a report on the matter.

Under the Road Traffic (Speed Meter Detectors) Regulations 1991 it is an offence to import, supply, offer to supply, fit or offer to fit a speed meter detector device in a vehicle or to use such a device in a vehicle. The penalties for a breach of the regulations are a fine not exceeding €800 in the case of a first offence, a fine not exceeding €1,500 in the case of a second or subsequent offence and a fine of

€1,500 or a term of imprisonment not exceeding three months in the case of a third or subsequent offence in a period of 12 consecutive months. I am satisfied that the combination of Garda enforcement and the penalties outlined provide sufficient deterrents.

Road Network.

418. **Mr. Durkan** asked the Minister for Transport if it is possible to put in place procedures which will in future eliminate the possibility of roads or motorways traversing heritage sites or buildings prior to the commencement of site works and thus eliminating waste of public money through appeal and counter-appeal while the works are in progress, such as has happened in the case of Carrickmines Castle; and if he will make a statement on the matter. [3204/04]

Minister for Transport (Mr. Brennan): As part of the planning and design of individual national road improvement projects, the National Roads Authority, NRA, and local authorities seek, in accordance with NRA project management guidelines, to identify from the earliest stages of project planning all potential environmental impacts including impacts on heritage sites or buildings. As part of this process, there is extensive consultation with environmental and heritage authorities and interests in order to avoid or reduce negative impacts. Major projects are also subject to comprehensive environmental impact assessment in accordance with the Roads Act 1993, which requires environmental impact statements on major road projects to be submitted to An Bord Pleanála for approval.

The implications of the High Court judgment on the order of the Minister for the Environment, Heritage and Local Government under the National Monuments Acts relating to archaeological works at Carrickmines are currently being considered by the Department of the Environment, Heritage and Local Government.

Air Accidents.

419. **Mr. P. Breen** asked the Minister for Transport the numbers of third party fatalities arising from aircraft crashes here for each of the years 1998 to 2002; and if he will make a statement on the matter. [2725/04]

Minister for Transport (Mr. Brennan): No third party fatalities have arisen from aircraft crashes in the State during the period 1998 to 2002.

Air Services.

420. **Mr. P. Breen** asked the Minister for Transport the number of aircraft movements on each of the runways at Dublin, Cork and Shannon Airports in 2002 and 2003; and if he will make a statement on the matter. [2726/04]

Minister for Transport (Mr. Brennan): The management and operation of aircraft movements at the three State airports is a day to day matter for Aer Rianta. However, I understand that Aer Rianta would be happy to deal directly with Deputies in relation to inquiries regarding data of this nature.

State Airports.

421. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 480 of 16 December 2003 relating to section 14 of the Air Navigation and Transport Act 1950, if the declaration of a protected area and the unrestricted use of land could interfere with the navigation of aircraft relates to regulating the height of buildings or other structures that could constitute a hazard to aircraft in the vicinity of aerodromes; and if he will make a statement on the matter. [2727/04]

Minister for Transport (Mr. Brennan): In my reply of 16 December 2003, I outlined the purpose of section 14 of the Air Navigation and Transport Act 1950. I have nothing further to add to that earlier reply.

Ministerial Orders.

422. **Mr. J. Bruton** asked the Minister for Transport if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgment of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgment; and, if not, the reason therefor. [2738/04]

Minister for Transport (Mr. Brennan): I understand from my colleague, the Minister for Justice, Equality and Law Reform, that it is intended to appeal the High Court decision of 22

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January. Following the hearing of that appeal, I will be guided by the advice of the Attorney General as to whether any action is required in respect of orders made by me.

EU Legislation.

423. **Ms O. Mitchell** asked the Minister for Transport if, in view of the fact that the Aviation Authority has clarified that the responsibility for proposed EU legislation concerning the flight and duty time limitations is a matter for his Department, he will ensure that the Pilots Association's concerns, that it is the scientifically accepted proposals, which are put before the Council of Transport Ministers. [2757/04]

Minister for Transport (Mr. Brennan): The responsibility for preparing proposals for European law rests with the European Commission rather than with the country that has responsibility for the Presidency. The European Commission will shortly be making a proposal for legislation to harmonise the technical requirements and administrative procedures in the field of civil aviation, which will include proposals for flight and duty time limitations. While Ireland has the Presidency, we will facilitate discussion of this matter.

As I have stated in replies to previous questions on this subject, the day to day oversight of aviation safety falls within the responsibility of the Irish Aviation Authority. The Department will liaise closely with Irish Aviation Authority safety experts prior to adopting a position on the proposal. When making a policy decision on a matter of aviation safety, I am guided by the advice received from experts in the IAA. In so far as this proposal may lead to legislative changes, I assure the Deputy that I always give the highest priority to safety matters.

Light Rail Project.

424. **Mr. O'Connor** asked the Minister for Transport if he will confirm the schedule being followed in respect of the development of the Luas line to Tallaght; his views on the strong support for his plans; and if he will make a statement on the matter. [2780/04]

Minister for Transport (Mr. Brennan): Responsibility for the day to day management of the Luas project rests with the Railway Procurement, RPA. However, I understand from the RPA that construction will be completed by May 2004 for the Tallaght to Connolly Station line, line A/C, and March 2004 for the Sandyford to St. Stephen's Green Line, line B. Following a period of testing and commissioning, passenger services will begin at the end of August 2004 for the Tallaght to Connolly line and at the end of June 2004 for the Sandyford to St. Stephen's Green line. Public reaction to the introduction of the Luas has been positive. I am aware that the services are eagerly awaited by the people of

Tallaght and other communities along the routes it will serve.

EU Presidency.

425. **Mr. O'Connor** asked the Minister for Transport the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2791/04]

Minister for Transport (Mr. Brennan): There are a range of measures used to promote Ireland's Presidency of the European Union. The Department of Foreign Affairs has a website, *www.eu2004.ie*, dedicated to the Presidency, to which the Department of Transport has contributed. In addition, the Department of Transport has its own website, *www.transport.ie*. The text of my speech on the presentation of Ireland's Presidency programme for the transport sector to the Regional Policy, Transport and Tourism Committee of the European Parliament in Brussels was placed on the website recently. Furthermore, my press office arranges briefings on Presidency related matters on a regular basis.

Public Transport.

426. **Mr. Curran** asked the Minister for Transport his views on the feasibility of providing a standard bus stop system in Dublin rather than allowing each company to provide its own individual bus stops. [2844/04]

Minister for Transport (Mr. Brennan): Under section 85 of the Road Traffic Act 1961 it is a matter for the Commissioner of the Garda Síochána to determine the location of bus stopping places in respect of any scheduled bus operation. It is a matter for the Commissioner to decide in the context of making such determinations which bus operator may use any particular stopping place. Section 16 of the Road Traffic Act 2002 provides that the function vested in the Commissioner under the 1961 Act be transferred to local authorities. I am at present giving consideration to the commencement of this provision.

Railway Procurement Agency.

427. **Mr. Haughey** asked the Minister for Transport the reason the Railway Procurement Agency was established; if Iarnród Éireann could have fulfilled these obligations instead; and if he will make a statement on the matter. [3007/04]

Minister for Transport (Mr. Brennan): The Railway Procurement Agency was set up under the Transport (Railway Infrastructure) Act 2001 which was enacted by the Oireachtas in 2001. The rationale for the establishment of the agency was set out in my predecessor's Second Stage speech to Dáil Éireann in 2001, which can be found in Vol. 542 of the Parliamentary Debates of 18 October 2001. I will arrange to have a copy sent to the Deputy.

Road Safety.

428. **Mr. Dennehy** asked the Minister for Transport if he will consider reducing the setting of speed limits for all trucks over seven and a half tonnes in order to improve road safety; and if he has satisfied himself that there is sufficient measures in place to prevent the illegal tampering with speed limits. [3008/04]

Minister of State at the Department of Transport (Dr. McDaid): The speed at which a speed limiter device is to be set in a vehicle is laid down in Directive 92/6/EEC. Under this directive goods vehicles with a maximum mass exceeding 12 tonnes are required to be fitted with a speed limiter so that the speed of the vehicle may not exceed 90 kilometres per hour. Directive 2002/85/EC extends the requirement to have a speed limiter fitted to include goods vehicles with a maximum mass exceeding 3.5 tonnes.

From 1 January 2005 all new goods vehicles with a maximum mass over 3.5 tonnes will require to have a functioning speed limiter with the device set so that the speed of the vehicle may not exceed 90 kilometres per hour. Such vehicles registered before January 2005 will require to have a functioning speed limiter by 1 January 2007. The roadworthiness test for vehicles requiring speed limiters includes a check to establish that such a device is fitted and is operating correctly. Current speed limit regulations provide that 50 miles per hour is the maximum speed limit for goods vehicles over 3.5 tonnes.

Catering Services.

429. **Dr. Upton** asked the Minister for Transport his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3071/04]

Minister for Transport (Mr. Brennan): Catering in my Department is provided by private companies. They are required to provide a variety of food including soup, sandwiches, rolls, salads and a choice of hot lunches. I have no information as to their sources of food supplies. Fast food, such as that supplied in larger commercial outlets, is not served in my Department's canteens.

Road Safety.

430. **Mr. Naughten** asked the Minister for Transport the total budget in his Department and relevant agencies for road safety in 2004; if he will give a breakdown of this allocation; and if he will make a statement on the matter. [3146/04]

Minister for Transport (Mr. Brennan): Exchequer funding in respect of 2004 for road

safety agencies under the aegis of the Department of Transport is set out in the following table:

	€
National Safety Council	2,886,000
Medical Bureau of Road Safety	2,337,000
National Roads Authority	To be announced
Total	5,223,000

In addition to Exchequer funding, the Irish Insurance Federation contributes to the National Safety Council's budget and funding is also received from sponsorship sources. Details of the National Roads Authority direct expenditure on road safety measures for 2004 will be announced shortly. The foregoing excludes expenditure by the gardaí on the enforcement of road traffic law as such expenditure is a matter for the Minister for Justice, Equality and Law Reform.

Departmental Transport.

431. **Mr. Eamon Ryan** asked the Minister for Transport the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3181/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my reply to Dáil Question No. 831 on Tuesday last, 27 January 2004.

Probation and Welfare Service.

432. **Mr. Ferris** asked the Minister for Justice, Equality and Law Reform the number of persons which will be assigned to work in the probation office in Donaghmede. [2715/04]

433. **Mr. Ferris** asked the Minister for Justice, Equality and Law Reform the date it is proposed that the probation office at Donaghmede will be fully operational. [2719/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to answer Questions Nos. 432 and 433 together.

I can inform the Deputy that the full complement of staff for the Donaghmede Probation and Welfare Service Office when it is fully operational will be 15, of whom 13 will be professional staff and two will be clerical staff.

The Deputy will be aware that I undertook to establish a monitoring committee for the office comprising representatives of the residents associations, traders of the shopping centre, the property management group, the Probation and Welfare Service, An Garda Síochána and a Department official. While staff of the Probation and Welfare Service began to move into the Donaghmede office with effect from 14 December 2003, the office will not be fully operational until such time as the monitoring committee is established. I confirm that the monitoring committee will be in place shortly. It

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is envisaged that its first meeting will be held before the end of February 2004.

Child Care Services.

434. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the plans he has to increase funding opportunities through the equal opportunities child care programme to adequately support the provision of quality child care; if, in particular, he will consider removing the existing cap on the staffing grant available from the EOCP to ensure that the financial allocation is an accurate reflection of the full costings rather than a contribution to the service; and if he will make a statement on the matter. [2708/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy may be aware, the Government responded to the issue of increased demand for quality child care by providing, with EU assistance, almost €437 million to my Department to facilitate the operation of the Equal Opportunities Childcare Programme 2000-2006, EOCP.

At this stage of the programme, over €249.2 million has been committed in funding, of which €206.5 million has been allocated in capital and staffing grants to child care providers and community groups and €42.7 million to quality improvement. It is estimated that the funding allocated to date to child care providers and community groups will create over 27,200 new childcare places and will also support over 26,200 existing places. A significant part of the remaining funding will be used to meet the ongoing costs of supporting childcare services in areas of disadvantage.

Support towards staffing costs under the EOCP is only made available to community based projects which can show that they are addressing disadvantage and are assisting parents who are in employment, education or training.

There has been considerable demand from community based groups for staffing grant assistance under the programme. To date, funding of €92.1 million has been allocated in staffing grants providing financial support for more than 3,200 child care workers, generally over a three year period.

A number of community groups have recently come to the end of their initial allocation for staffing costs but their funding is being maintained temporarily at current levels where groups which received staffing assistance can show that they are providing an adequate level of service and are targeting disadvantage. This is an interim measure pending the outcome of a review by the child care directorate in my Department on the future arrangements for ongoing staffing grant assistance to be completed later this year.

435. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the progress to date in implementing the national child care strategy of 1999. [2709/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy may be aware, the national child care strategy was drawn up by an expert working group on child care chaired by my Department in the context of Partnership 2000. Key among these recommendations was the designation of my Department as the lead Department with respect to the development of child care to meet the needs of parents in employment, education and training. These recommendations formed the basis of the €436.7 million Equal Opportunities Childcare Programme 2000 — 2006 which is aiming, *inter alia*, to increase by 50% the supply of centre based child care places by programme end. The programme also has a focus on many of the quality issues which were identified in the child care strategy and aims to ensure that there is a co-ordinated approach to the delivery of child care services throughout the country.

To date, my Department has allocated over €249.2 million in funding under the EOCP. Of this, €209.5 million has been allocated in capital funding for community based-not for profit and private child care facilities and staffing funding for community based-not for profit groups, with €42.7 million allocated to quality improvement measures, including funding for the 33 city-county child care committees and seven of the national voluntary child care organisations. This funding allocated to date will lead to the creation of 27,200 new child care places, leading to the expectation that the original target of 28,300 new places will be exceeded. Much of the uncommitted funding will be required towards the ongoing costs of existing projects and for allocation towards capital and staffing projects which best meet the programme criteria in terms of value for money and service need.

Staffing grant assistance is available under the EOCP to help with the staffing costs in community based-not for profit child care facilities which support disadvantaged families where the parents can avail of employment, training and education.

The EOCP continues to support valuable work to enhance the quality of child care available throughout Ireland. Both the national voluntary child care organisations and the city and county child care committees have drawn up strategic plans, closely linked to the aims of the EOCP, which enhance awareness among child care practitioners through training, networking and an array of other initiatives. Special provision is made for childminders who will shortly be able to avail of small capital grant assistance linked to

participation in a childminding quality awareness programme.

A number of the other recommendations fall within the remit of my Department. All groups in receipt of staffing funding under the EOCP are required to provide details of their child care staff to my Department for the purpose of Garda clearance. A working group has been established by the Garda Commissioner to examine the issue of Garda clearance and is expected to report in the near future.

My Department established the National Childcare Co-ordinating Committee, NCCC, with a remit to oversee the development of an integrated child care infrastructure throughout the country; address specific policy issues; and, through its various sub-groups, develop and inform national strategic actions in the sector, such as training and certification, diversity and multi-culturalism. To date the NCCC has developed a model framework for education, training and professional development in the early childhood care and education sector which will inform training and accreditation for the sector, has developed national guidelines for the notification of childminders, has developed a new policy document on school age child care which I hope to launch later this year and is developing two series of guidelines for multiculturalism and inclusion in child care aimed at child care practitioners and at parents.

A number of other Departments have responsibility for the implementation of some of the recommendations of the national child care strategy. The introduction of the national minimum wage has ensured that child care practitioners receive a better standard of pay than heretofore while the increased provision of accreditation and certification will lead to the development of a more attractive sector offering real employment opportunities with the prospect of career progression. FÁS has been very proactive in the delivery of training for the sector, as have the NVCOs.

A review of the Childcare (Pre-School Services) Regulations 1996 is at an advanced stage at the Department of Health and Children which has also recently introduced a system of voluntary notification for childminders. The Minister for Education and Science is developing standards for early childhood care and education and guidelines for a curriculum for the sector through the work of a number of agencies operating under his Department. The Minister for the Environment, Heritage and Local Government introduced new planning guidelines in relation to the provision of child care facilities in new developments.

The expert working group made a series of recommendations in relation to the so-called demand side of child care. Government policy in the area of child support aims to provide

assistance which will offer real choice to parents and which will benefit all children. In that context it has been decided that, as a matter of policy, child benefit will be the main fiscal instrument through which support will be provided to parents with dependent children. Child benefit provides assistance to all parents in whatever caring choices are most appropriate for them and their children. In addition, unlike tax relief, it provides support to parents irrespective of their income status.

In line with this policy approach, the Government commenced a major initiative to substantially increase the rates of child benefit. In 2001 the rate for the first and second child was increased by almost €32 per month and by €38 per month for the third and subsequent children. This represented an increase of over 50% on the rates prevailing in 2000. Similar monetary increases were provided in 2002. Further increases were implemented in 2003 and in Budget 2004 the Minister for Finance, Deputy McCreevy, announced additional increases of €6 and €8 per month, respectively, in 2004 which are around double the projected inflation rate for next year. All of this means that, since 1997, the child benefit rates have increased by more than 230% compared with a projected increase of inflation of only 28% over the period 1997 to 2004.

With regard to the tax measures in the area of child care, it should be noted that the provision of certain free or subsidised child care facilities by employers is exempt from a benefit-in-kind charge on employees benefiting from the facilities. The benefit-in-kind exemption applies if the employer provides the facilities in-house, or in a premises made available by the employer in another location. The exemption also applies if an employer provides child care facilities jointly with others, for example, with other employers, or with a voluntary body. In such circumstances, the employer must be wholly or partly responsible for financing and managing the child care facility.

The employer may opt not to be involved in the management of the child care service. In such circumstances, the benefit-in-kind exemption will be restricted to cases where the employer provides financial support for items of capital expenditure and equipment but not other costs incurred by the employer. This provision was introduced to make the scheme more attractive to employers who did not want the job of managing the facility.

In addition, capital allowances are available for capital expenditure incurred on or after 2 December 1998, on the construction, extension and refurbishment of a building or part of a building which is used for the purpose of providing a pre-school service or a pre-school service and a day care or other service to cater

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for children other than pre-school children. The allowances are also available for expenditure incurred on the conversion of an existing building or part of a building for use as a child care facility. The premises must not include any part of a building in use as, or as part of, a dwelling. The allowance is at a rate of 15% per annum for the first six years and 10% in year seven. Accelerated capital allowances of 100% are available in respect of expenditure incurred on or after 1 December 1999. Property developers are excluded from claiming the accelerated allowances. This accelerated allowance is available to both owners of the child care facilities and also to investors who wish to invest by way of leasing arrangements. Where the qualifying expenditure is incurred by an individual investor, or group of such investors, subject to certain conditions, and the premises is leased to the operator of the childcare facility, any excess of capital allowances can be off set against the investor's other income subject to an annual €31,750 limit. No such limit applies in the case of expenditure incurred by owner-operators or corporate investors.

These reliefs are available to all employers, regardless of size, once the appropriate conditions are satisfied. Finally, it should be noted that child care services are generally exempt from VAT, so no VAT should be chargeable on fees levied by crèches. Progress on the implementation of the national child care strategy to date has resulted in a very fast-growing sector with a dynamic which, on the one hand, helps to meet the child care needs of the parents of Ireland while, on the other hand, ensures that the children receive quality child care.

Visa Applications.

436. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if consideration will be given to the application by a person (details supplied) in County Clare for a temporary extension of their stay in this country for a further six months in view of personal circumstances. [2720/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has recently been in correspondence with the person in question in relation to her application. On receipt of the documentation requested the application will be fully considered.

Statutory Instruments.

437. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of

the judgement of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgement; and if not, the reason therefor. [2739/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government has brought forward the Immigration Bill 2004 to address the immediate situation arising from the High Court finding that parts of the Aliens Order 1946 are invalid. The Bill restates in primary statute form, and with a small number of changes, the contents of the Aliens Order 1946 as it was presumed to be in effect up to the date of the High Court judgment. It passed all stages in Seanad Éireann last Friday. I look forward to the debate on it in the House this week.

As indicated in my reply to Question No. 304 of 28 January 2004 and Question No. 64 of 29 January 2004, it is intended to appeal the High Court decision of 22 January. The issue raised by the decision is whether section 2 of the Immigration Act 1999 is, or is not, a constitutionally permissible method of giving the effect of primary statute law to secondary legislation, and not as characterised in the Deputy's question. The question of carrying out a study of the kind mentioned in the Deputy's question does not arise.

Proposed Legislation.

438. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he intends to repeal the provision in the Juries Act 1976 which describes persons who are deaf as incapable of serving on a jury, in view of advances in technology; and if he will make a statement on the matter. [2744/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am of the view that the wording used in the Juries Act 1976 describing deaf people — and others — as “incapable persons” — in the context of serving on a jury — is dated. I have asked that the matter be borne in mind in the context of any future review of the legislation in question. Such a review would encompass the categories of persons deemed ineligible and excusable as of right from serving on juries.

Closed Circuit Television Systems.

439. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform when the guidelines for inclusion of towns to receive closed circuit television will be finalised; if the reason for the delay in setting out the guidelines is lack of

funds; and if he will make a statement on the matter. [2751/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is assumed that the Deputy is referring to the community based CCTV scheme which was launched to facilitate community based groups who wish to install their own local CCTV system. It is not, understandably, possible for the Garda Síochána to install CCTV systems in all areas that have sought them. Some applications for CCTV systems received by the CCTV advisory committee, established by the Garda Commissioner to advise on all matters regarding CCTV systems, relate to relatively small schemes which, while of importance to the local community, cannot be regarded as a national Garda priority.

To this end, a grant-aid scheme has been launched to facilitate community based groups who wish to install their own local CCTV system. Grant assistance of up to €100,000 will, subject to the availability of funds, be obtainable from my Department towards the cost of such schemes. It will be up to the community groups, in conjunction with the relevant local authority to install, maintain and monitor the community based CCTV schemes.

A code of practice, drawn up in co-operation with the Office of the Data Protection Commissioner, and detailed technical specifications, drawn up by An Garda Síochána, are almost complete, and I assure the Deputy that no delay has been caused by lack of funds. It is not, however, possible to determine the level of funding that will be available for grant assistance under this scheme. The 2004 CCTV budget amounts to just over €4 million and includes expenditure in relation to maintenance of current Garda schemes as well as the implementation of current and planned schemes.

When both the code of practice and the technical specifications have been finalised, my Department will issue copies of same to all communities who expressed an interest in the community-based CCTV scheme and any applications subsequently received will be evaluated and processed. It is anticipated that the technical specifications and the code of practice will be finalised early this year.

Child Care Services.

440. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform when a grant will issue to a person (details supplied) in County Tipperary who submitted an application for an ADM grant for crèche facilities in 2003. [2752/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In October 2002 the child care provider in question was approved for capital

grant assistance under the Equal Opportunities Childcare Programme 2000 — 2006. I have been informed that Area Development Management Limited which administers the programme on behalf of my Department, has sought clarification on a number of significant issues in relation to the project which must be resolved if the project is to receive grant assistance.

Garda Deployment.

441. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the strong view now being openly expressed that it is time that the Garda manpower needs of Tallaght, Dublin 24, be properly addressed; if his attention has further been drawn to the fact that Tallaght is the third largest population centre and that the Garda numbers do not compare favourably with Limerick; if his attention has further been drawn to the fact that action is required; and if he will make a statement on the matter. [2774/04]

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 current personnel strength — all ranks — of Tallaght Garda station at 2 February 2004 is 163. This compares with a figure of 133 at 31 December 1997 and represents an increase of 30 members, or 22.6%, since that date.

The current personnel strength — all ranks — of Limerick division at 2 February 2004 is 468. However, it should be noted that Garda personnel allocated to Limerick division police the entire county of Limerick. Tallaght Garda station is one of a number of Garda stations which make up the Dublin metropolitan region south division, which has a personnel strength of 534 — all ranks — at 2 February 2004.

I am further informed by the Garda authorities that cognisance is always taken of population and crime trends when allocating personnel throughout the country. Garda management continue to appraise the policing and administrative strategy employed throughout the country with a view to ensuring that an effective Garda service is maintained. The situation in Tallaght will be kept under review and, when additional resources next become available, the needs of Tallaght Garda station will be fully considered within the overall context of the needs of Garda stations throughout the country.

EU Presidency.

442. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2803/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department promotes public awareness of its own role in the Presidency through the Irish Presidency website *eu2004.ie* which contains a section dedicated to justice and home affairs matters. Public awareness is also facilitated through press releases and ongoing contacts with the media.

The Government views the promotion of Ireland's European Union Presidency as a important priority which forms part of its wider commitment to communicating information about the European Union to the Irish public. A number of initiatives are being undertaken by the Department of the Taoiseach and the Department of Foreign Affairs with the aim of raising public awareness of Ireland's European Union Presidency and related developments more generally. My Department will continue to contribute to these initiatives, as appropriate.

Citizenship Applications.

443. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if he will confirm the status of the application for Irish citizenship for a person (details supplied) in Australia; and if he will make a statement on the matter. [2820/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of Irish citizenship as post-nuptial citizenship was lodged

in the Irish embassy in Sydney, Australia, on 18 December 2003. The relevant papers were forwarded to the Department of Foreign Affairs for examination before being transferred to the citizenship section of my Department for final processing on 27 January last.

The person concerned has been notified in writing by the Department of Foreign Affairs that his declaration is in order and that he should forward the statutory fee to my Department. A certificate of Irish citizenship will issue within a few weeks of receipt of the correct fee.

Garda Deployment.

444. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Clondalkin Garda station, Ronanstown Garda station and Lucan Garda station in January 1997, January 2000 and January 2004; and the number of gardaí attached to the above stations who were assigned to other duties away from their stations. [2840/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been advised by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Clondalkin, Ronanstown and Lucan Garda stations as at January 1997, 2000 and 2004 is as set out hereunder:

Station	1997	2000	2004
Clondalkin	60	59	82
Ronanstown	58	60	79
Lucan	52	58	64

One member attached to Lucan Garda station is assigned to duties in Blanchardstown Garda station.

documentation and the matter will be considered anew.

Visa Applications.

445. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the position with regard to a visa application of a person (details supplied) whose case is now being appealed; and when a decision in this case is expected. [2841/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made a visa application in September 2003. The application was refused because it had not been established, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa.

An appeal against the refusal was received but the visa appeals officer, having re-considered the application afresh, upheld the original decision. It is open to the applicant to make a fresh application with up-to-date supporting

Closed Circuit Television Systems.

446. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if he has received a recommendation from the Garda Commissioner regarding the incorporation for use into Department of Justice, Equality and Law Reform closed circuit television camera schemes of cameras funded by other State bodies or by business groups; and if he will make a statement on the matter. [2938/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that offers to fund cameras for incorporation into Garda CCTV systems have been received from a number of State bodies and businesses. These offers have been considered by the CCTV advisory committee. This committee was established by the Garda Commissioner to advise on all matters relating to CCTV systems. The committee obtained advice from the

Attorney General on certain legal issues arising from these offers. These included the acceptance of responsibility for and duty of care arising from the incorporation of third party cameras into Garda CCTV systems.

I have been informed by the Garda authorities that the use of privately funded CCTV cameras as part of the Garda system has been considered by the CCTV advisory committee and I understand that its recommendations will be submitted shortly to the Commissioner. Upon receipt of the Commissioner's views, I expect to be in a position to decide on this matter.

Prisoner Transfers.

447. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the request by a person (details supplied) who is serving a sentence in a UK prison to be returned to serve the remaining part of their sentence in a prison here; and if he will make a statement on the matter. [2939/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has not yet received an application for this transfer from the United Kingdom authorities. My officials will make inquiries with their counterparts in the UK regarding this matter.

Citizenship Applications.

448. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation by a person (details supplied) in Dublin 5 will be determined; and if he will make a statement on the matter. [2940/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 16 October 2002. The average processing time of applications for naturalisation is approximately 15 to 18 months at the present time. I understand that the processing of the application of the individual concerned is almost finalised and that it should be referred 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 Compensation.

449. **Mr. McCormack** asked the Minister for Justice, Equality and Law Reform the reason there is such delay in pursuing Garda claims for compensation when injured in the course of duty; the further reason for the delay in his not signing the necessary certification to allow cases to go to the High Court under the Garda Síochána (Compensation) (Amendment) Act 1945; the longest time that some cases have been pending

without having gone to the High Court; and if he will make a statement on the matter. [2941/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána (Compensation) Acts 1941 and 1945 provide for a scheme of compensation for members of the Garda Síochána who are maliciously injured in the course of their duty or in relation to the performance of their duties as members of the Garda Síochána and for the dependants of members who have died from injuries maliciously inflicted on them. Under Section 6 of the 1941 Act, a member of the Garda Síochána who has been maliciously injured may sue the State only by an authorisation issued by the Minister for Justice, Equality and Law Reform.

Before deciding if an applicant should be authorised to apply to the High Court for compensation in respect of the injury, the practice has been for the Minister to consider all medical reports submitted by the applicant together with a report on the incident by the Garda Commissioner and a report on the injury by the chief medical officer of the Garda Síochána. Members are referred to the Garda chief medical officer as soon as a final medical report has been submitted by their solicitors. The position is that at any one time there would be some 1,100 applications for compensation at various stages of processing.

There is no one reason delays may occur in the progressing of an application for compensation under the Acts. A backlog of applications occurred a number of years ago due initially to two judicial review cases which changed the manner in which claims are processed and then because of the death of the Garda surgeon and the delay in replacing him with the Garda chief medical officer. Delays may also occur from the late submission by a member of his or her application to my Department. The initial delay in making the application by a member may range from more than three months to several years following the date of the incident. The longest recorded delay in making an application by a member is 27 years. However, the majority of late applications are from one to three years, approximately.

There are also delays in receiving all medical reports, particularly final medical reports from the applicants or their legal advisers. In one instance the delay was 12 years. It is the practice of the Garda chief medical officer not to give an appointment to see the applicant until all relevant medical reports, including final medical reports, have been received in order that a comprehensive report can be formulated.

Within my Department, it can take time to make necessary additional inquiries because of the seriousness of the injuries received and the circumstances of the incident. However, every effort is made to keep administrative delays to a minimum. The information sought as regards the longest time that some cases have been pending

[Mr. McDowell.]

without having gone to the High Court is not readily available and cannot be ascertained within the timeframe for answering this question. I agree that applications for compensation under the Garda Síochána (Compensation) Acts should be dealt with promptly and that delays in processing applications for compensation should be avoided where possible. To this end, some initiatives have and are being implemented. To assist the Garda chief medical officer in addressing the elimination of the backlog in the Garda medical department, sanction was provided by my Department to engage a temporary medical practitioner in respect of the period from 9 December 2002 to 7 March 2003. During the period of the temporary appointment, the medical practitioner dealt exclusively with compensation applications and priority was given to cases on the waiting list at the Garda medical department for two years or more. Following a renewed request from the assistant commissioner with responsibility for human resource management, my Department recently approved the engagement of a temporary medical practitioner for a temporary period to further reduce the backlog.

Within my own area of responsibility, I am taking steps to establish a Garda Síochána Compensation Tribunal, along the lines recommended by the committee set up in 1997 to review and make recommendations on the efficiency and effectiveness of the Garda Síochána (Compensation) Acts 1941 and 1945.

The background to this initiative is that the committee set up in 1997 consisted of representatives from the Departments of Finance and Justice, the Chief State Solicitor's Office, the Attorney General's Office, Garda management and two Garda associations: the Association of Garda Sergeants and Inspectors and the Garda Representative Association. A medical practitioner who had experience of life assurance work was also on the committee which was chaired by an independent chairman. The committee presented its report to the then Minister on 28 August 1997.

The committee made 14 recommendations which included the repeal of the existing Acts and the setting up of a new Garda Síochána compensation tribunal on a statutory basis. The tribunal will operate along the same lines as the criminal injuries compensation tribunal, the main difference being that Gardaí would be compensated for "pain and suffering". It is envisaged that trainee gardaí who suffer malicious injuries prior to attestation would be covered under the new scheme and that claims already refused under the existing Acts as being minor would be allowed go before the tribunal.

Following acceptance by the four Garda staff associations of the report of the public service benchmarking body and the terms of Sustaining Progress, an agreed report of the Garda

conciliation council recording such agreement was signed by all parties on 28 November 2003. The establishment of a Garda compensation tribunal is one of the items included in the related pay agreement and the modernisation agenda in the Garda Síochána. It is intended that this matter will be finalised with the Garda associations within the next couple of months. I am confident that the Garda staff associations will co-operate with the necessary legislative change.

Departmental Correspondence.

450. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) met the Minister for Justice in the autumn of 1964; the action which was taken by his Department subsequent to the meeting; and if he will make a statement on the matter. [2944/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have had the file referred to by the Deputy examined. There is correspondence including an extensive memorandum on juvenile delinquency and the treatment of delinquents from the person referred to by the Deputy on file seeking a meeting with the then Minister for Justice. There is nothing on the file to indicate whether the meeting took place or not.

Departmental Funding.

451. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the status of the application from a child care facility (details supplied) in County Cork; when it is proposed to make a decision on the application for funding; and if he will make a statement on the matter. [2956/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The group in question initially received a one year staffing grant, amounting to €65,000, in December 2002. It was asked to draw up a development plan which would show clear evidence of its focus on disadvantage as a prerequisite to further staffing grant assistance under the Equal Opportunities Childcare Programme 2000-2006.

I understand that the group has submitted a draft development plan to Area Development Management Limited for consideration. I also understand that ADM Limited has been in contact with the group as the information supplied is not considered adequate to carry out a full appraisal of their application for further funding.

When the required information is supplied, the application will be prepared for submission to the programme appraisal committee, which is chaired by my Department, which in turn will make a recommendation to me on funding.

I advise the Deputy that support towards staffing costs under the Equal Opportunities

Childcare Programme 2000-2006 is only made available to community based projects which can show that they are addressing disadvantage and are assisting parents who are in employment, education or training.

Closed Circuit Television Systems.

452. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 426 of 25 February 2003, the status of closed circuit television for Ennis, County Clare; and if he will make a statement on the matter. [2982/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Further to my reply to Parliamentary Question No. 426 of 25 February 2003, I have been informed by the Garda authorities that planning for the installation of Ennis CCTV system is scheduled to commence later this year. No contract has been agreed and no contractor has been selected.

I have requested for an indication of the reasons for the delay in this matter and I will communicate with the Deputy further when I have received this reply.

Asylum Support Services.

453. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the extent of his Department's negotiations with property owners in Kilkenny regarding the provision of accommodation for use by the RIA; if these negotiations included the owners of the Ormonde Hostel; if a formal response was ever issued to the property owners involved in the negotiations; the individual cost of keeping a person in private accommodation such as a hostel as against the direct provision of such accommodation by the State; if he intends to sell the properties not in use which were purchased by the State for his Department; and if he will make a statement on the matter. [3033/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): At the time of the establishment of the Directorate for Asylum Support Services in November 1999, which was subsequently subsumed into the reception and integration agency, the RIA, advertisements were placed in national newspapers seeking properties throughout the State which could be used for the provision of full board accommodation to asylum seekers under the system of dispersal and direct provision which was about to be introduced. A large volume of responses to the advertisements was received, including the offer of three separate domestic dwellings in rural areas of County Kilkenny.

Such responses were screened initially by the appropriate local authority and, in general, facilities with a capacity of fewer than ten persons or which were located in isolated rural areas with limited infrastructure were not considered

further. The three houses offered in County Kilkenny fell into this category.

The Ormonde Hostel in Kilkenny was originally engaged in late 1999 on foot of an informal arrangement between the then Eastern Health Board, the South Eastern Health Board and the proprietors, for the provision of self-catering accommodation for asylum seekers. Arising from the introduction of direct provision in April 2000, the RIA entered into negotiations with the proprietors of the hostel to provide direct provision accommodation at this location. Following the conclusion of these negotiations, a contract was entered into by the parties and the hostel remains in use up to the present time.

The average weekly cost to the RIA of maintaining a single asylum seeker in hostel accommodation outside Dublin on a self catering basis is €130. In addition, such an asylum seeker also receives supplementary welfare allowance of €134.80 weekly which is payable by the Department of Social and Family Affairs on the same basis as applies to the indigenous population. The average cost to the RIA of maintaining a single asylum seeker in direct provision accommodation outside Dublin is €189 per week. In addition, such an asylum seeker also receives supplementary welfare allowance of €19.10 weekly which is also payable by the Department of Social and Family Affairs and is abated to take account of the benefits of the full board and ancillary services funded by the State.

Properties which have been purchased by the State and are not in use are currently the subject of litigation. As I have previously indicated, it would not be appropriate for me to comment until these proceedings have reached a conclusion.

Firearms Imports.

454. **Mr. Dennehy** asked the Minister for Justice, Equality and Law Reform his views on the possibility that criminal elements may be able to purchase deactivated firearms sold legally through trade journals in the UK which can be relatively easily reconfigured to be used again; and if he will make a statement on the matter. [3035/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In accordance with the Firearms Acts 1925 to 2000 a firearm, including a deactivated firearm, may not be imported into the State without an importation licence granted by my Department. In addition, a person may not be in possession of a deactivated firearm without an authorisation granted under the Firearms Acts. Any person who contravenes these provisions is guilty of an offence and is liable to the penalties provided under the legislation.

Departmental Appointments.

455. **Mr. Dennehy** asked the Minister for Justice, Equality and Law Reform if a new

[Mr. Dennehy.]
deputy State pathologist will be appointed in the near future; and if he will give consideration to a further additional appointment to assist the State pathology department in its work. [3036/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Following the recent appointment of a person to the post of State pathologist, a vacancy for a deputy State pathologist exists. My Department has requested the Office of the Civil Service and Local Appointments Commissioners to make arrangements for the filling of this post as a matter of urgency. I will keep the staffing requirements of the Office of the State Pathologist under review.

Liquor Licensing Laws.

456. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that the District Court system of determining licence extensions is adequate to deal with the complex social and environmental issues involved in built-up residential areas in view of the recent licence extension granted to a public house (details supplied) in Dublin 9; if he is considering changes to the present system; and if he will make a statement on the matter. [3038/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy may be aware, I have recently amended the legislation to enhance the input of the local authorities, Garda Síochána and private individuals into licensing decisions made by the courts.

A special exemption order is an order of the District Court exempting the holder of an on-licence from the provisions of the Licensing Acts relating to prohibited hours in respect of licensed premises during the hours and on the occasion specified in the order. Such orders are made under section 11 of the Intoxicating Liquor Act 2003, which substitutes a new section for section 5 of the Intoxicating Liquor Act 1927.

A special exemption order shall not be granted by the court unless the applicant has served upon the officer in charge of the Garda Síochána for the licensing area concerned a notice of intention to apply for the order setting out the applicant's name and address and the special occasion, premises and hours in relation to which the order is sought. The court may grant the order provided that it is satisfied that the special occasion will be conducted in a manner that will not cause undue inconvenience or nuisance to local people or create an undue risk to public order, and having heard the officer of the Garda Síochána for the licensing area concerned.

The Intoxicating Liquor Act 2003 also makes provision for a local authority role in determining the duration of special exemption orders in its administrative area. A local authority may adopt a resolution concerning the expiry times of

special exemption orders in its area having consulted with the Garda and having considered the views of the Garda and any other persons, including views in relation to any health aspects. The District Court must have regard to any such resolution when granting a special exemption order.

The Deputy will be aware that the codification of the licensing laws is currently being examined. The codification Bill will provide a further opportunity for discussion of the provisions relating to the grant of special exemption orders. My intention is that an outline of the codification Bill will be available by mid-2004.

Visa Applications.

457. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if consideration will be given to the application by a person (details supplied) for a visa on business grounds; and if he will make a statement on the matter. [3039/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made a visa application in December, 2003. The application was refused because it had not been established, on the basis of the documentation supplied to my Department, that the stated purpose of visit was the true purpose of visit or that the applicant would observe the conditions of the visa. It is open to the applicant to appeal against the refusal of the visa by writing to the visa appeals officer in my Department.

Departmental Offices.

458. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3072/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Canteen and restaurant facilities are not provided for staff in my Department with the exception of the prisons area and the Garda Síochána area.

On the matter of staff restaurants-canteens in the prisons area of my Department, the majority of catering services are provided by an Irish based catering company, who were awarded the contract in 2001 following a tender competition.

As part of the contract, the caterer is responsible for the day-to-day management of all catering services, including the ordering and purchasing of all food and the requirement to provide a menu cycle that will give variety on a planned basis, together with continuous attention to good food presentation, in terms of quality, nutrition and innovation. There is no breakdown available on the percentage of food produced locally, imported food or fast food.

There are more than 3,000 persons in custody in prisons in this jurisdiction on a daily basis. Their catering and dietary needs are met through the prisons catering function. The Irish Prison Service, with the support and advice of CERT, now Fáilte Ireland, has been engaged in an active programme of development and quality assurance for prisons catering in recent years. This programme is now yielding significant benefits. It has been conducted in close conjunction with the Food Safety Authority of Ireland.

All foodstuffs are purchased by tender. The catering service at each prison is audited annually having regard to preparation, presentation, hygiene, quality, value, nutritional value and service. A new 28 day menu cycle, including a 28 day vegetarian cycle, has been agreed for all prisons and is due to be introduced in the spring 2004.

Furthermore, a key aspect of the development programme for prisons catering is the establishment of an independent external audit so as to provide comprehensive reports of the quality standards being achieved and to highlight areas in need of greater attention. In the time allowed, it has not been possible to receive information from the Garda Síochána. I have, however, made inquiries about this matter with the Garda Síochána and will communicate with the Deputy directly regarding this information.

Visa Applications.

459. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the visa application of a person (details supplied); and if he will make a statement on the matter. [3082/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made a visa application in December, 2003. The application was refused because it had not been established, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa. In particular, it was felt that the applicant had not displayed sufficient evidence of her obligations to return home following her proposed visit.

An appeal against the refusal was received in January 2004. The visa appeals officer, having re-considered the application afresh, upheld the original decision. It is of course open to the applicant to make a fresh application with up to date supporting documentation and the matter will be considered anew.

460. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform the position on an application by a person (details supplied); the timeframe for this decision; and if he will make a statement on the matter. [3083/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application for family

reunification by the person in question has recently been approved by my Department.

Residency Permits.

461. **Ms Enright** asked the Minister for Justice, Equality and Law Reform when he expects to be able to process an application for residency on the basis of marriage to a person (details supplied) in County Offaly; and if he will make a statement on the matter. [3144/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission to remain in the State based on marriage to an Irish national was received from the person concerned in July 2003. Applications of this type are dealt with in strict chronological order and currently take approximately ten to eleven months to process. Applications submitted in February 2003 are currently being finalised.

462. **Ms Enright** asked the Minister for Justice, Equality and Law Reform if an applicant for residency on the basis of marriage to an Irish national can obtain a position and work while the application is being processed; and if he will make a statement on the matter. [3145/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In general a non-national requires a work permit issued by the Department of Enterprise, Trade and Employment to be employed in the State. There are circumstances whereby a non-national, by virtue of the immigration status granted him or her, such as persons granted residency on the grounds referred to by the Deputy, is exempted of this requirement.

Where an applicant for residency is a person who requires a work permit, it is only when such residency application is finally determined and permission is granted that the person may be employed without the need for a work permit.

Departmental Funding.

463. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the total budget allocated to his Department and to the Garda for road safety and road traffic enforcement in 2004; and if he will make a statement on the matter. [3147/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The total budget allocated to the Garda Síochána for 2004 is €1.055 billion. As the budget is not allocated on an activity basis, it is not generally possible to identify separately the funds provided for road safety and road traffic enforcement.

As the duties of members of the Garda Síochána are not mutually exclusive, members can discharge a number of duties, including road safety and traffic enforcement, as part of their routine policing activities.

[Mr. McDowell.]

A specific budget of €1.074 million has, however, been allocated in the 2004 Garda Vote for the purchase of road traffic equipment to assist members in the general discharge of road safety and traffic duties, and provision has been made within the computer capital subhead — A.5 — for the completion of the FCPS project.

Departmental Travel.

464. **Mr. Eamon Ryan** asked the Minister for

		€m
Vote 19	Justice, Equality and Law Reform	0.73
Vote 20	Garda Síochána	6.27
Vote 21	Prisons	1.96 (of which €0.80m. relates to the Probation and Welfare Service)
Vote 22	Courts Service	1.21
Vote 23	Land Registry and Registry of deeds	0.04

Following the production of further reports from the financial management system, I will write to the Deputy with a breakdown of this expenditure by reference to car mileage and public transport expenses.

Citizenship Applications.

465. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform when an application for Irish citizenship by naturalisation by a person (details supplied) in County Westmeath will be processed; if it can be expedited in view of the submissions; and if he will make a statement on the matter. [3219/04]

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 28 May 2003.

The average processing time for naturalisation is approximately 15 to 18 months at this point in time. Consequently, it is likely that the application of the person concerned will be finalised at the end of 2004. As soon as I have reached a decision on the matter I will inform both the applicant and the Deputy of the outcome.

Residency Permits.

466. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform when a decision will be taken in relation to a person (details supplied) in Dublin 11 who appears to fulfil all the criteria in relation to their residency application; if there is a means of fast tracking such applications where the person is married to an Irish citizen; and if a decision will be made as soon as possible in this case. [3256/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission

Justice, Equality and Law Reform the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3182/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An initial report from my Department's financial management system shows that the following amounts were spent in 2003 in connection with car mileage and public transport expenses:

to remain in the State based on marriage to an Irish national was received from the person concerned in November 2003. Applications of this type are dealt with in strict chronological order and currently take approximately ten to eleven months to process. Applications received in February 2003 are currently being finalised.

Army Barracks.

467. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the reason he did not engage in prior consultation with interested parties or commission economic and social impact studies before the announcement regarding Magee barracks in Kildare. [3121/04]

499. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of meetings he has had with local community groups in Kildare in regard to the decision to provide housing at McGee barracks, Kildare; if his attention has been drawn to the fact that the Minister for Defence agreed with these groups that a certain acreage of the site would be provided for county activity; and if he will make a statement on the matter. [3133/04]

500. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if he will explain the rationale for the proposal to build solid and affordable housing at McGee barracks, Kildare; when this property was designated in the Kildare development plan for balanced and mixed developments; and if he will make a statement on the matter. [3134/04]

501. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of the proposal to provide affordable and social housing in McGee barracks Kildare; the number of meetings his Department has had with Kildare County Council in relation to the

matter; and if he will make a statement on the matter. [3135/04]

503. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of his Department and Kildare County Council in regard to the breakdown of the approximately 60 acres deemed for housing needs at McGee barracks, Kildare as to the acreage for affordable housing against the acreage for social housing; and if he will make a statement on the matter. [3138/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 467, 499 to 501, inclusive, and 503 together.

The affordable housing initiative forms part of the housing and accommodation special initiative under the national pay agreement, Sustaining Progress. The parties to the pay agreement proposed the new Initiative with the objective of increasing the supply of affordable housing by 10,000 units thereby meeting the needs of those persons currently priced out of the housing market. In response to this proposal, the Government committed to an ambitious scale of delivery of affordable housing coming through this Initiative and arrangements under Part V of the Planning and Development Act 2002. National pay agreements form an integral role in the social and economic development of the country and the ratification of Sustaining Progress, including the affordable housing initiative, displays the Government's commitment to this development.

To ensure progress on this ambitious initiative the Government undertook to examine the best use of resources at its disposal, which included the housing potential of under-utilised State lands. Following from this process, Magee barracks in Kildare was identified as one of the sites which has the potential to deliver housing for this initiative.

I understand from Kildare County Council that the process of engaging consultants to prepare an area action plan for Magee barracks will commence shortly. I also understand that Kildare County Council have met with one representative group and a number of elected members, informing them of the process involved. As part of the planning process, there will be time for public consultations to allow all views to be considered over the content of the area action plan. Following the relevant processes, the area action plan will be then made available to the elected members for their consideration and adoption. As with any area action plan, issues such as sustainable development, facilities, the number and mix of dwelling units, will be considered and addressed.

I welcome this initiative as another means of bringing more affordable housing on stream and work on implementing this Initiative is progressing as a priority.

Electoral Acts.

468. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government his views on the report of the Standards in Public Office Commission into the operation of the Electoral Act; his views on whether the argument made by the commission that there is no case for increasing spending limits for general elections and its warning of the dangers of increasing donation limits; and if he will make a statement on the matter. [2993/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I am considering the recently published report from the Standards in Public Offices Commission entitled Review of the Electoral Acts 1997 to 2002 which the commission prepared at my request. The report will provide an input to the review of the Electoral Act 1997 which I have put in hand and now intend to advance.

Hazardous Waste.

469. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he has assessed the environmental impact of Border wash where diesel is mixed with hydrochloric acid and sulphuric acid and then filtered for illegal gain; and if he will make a statement on the matter. [3168/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department is aware, from contacts with a number of local authorities in the Border area, of the occurrence of illegal dumping of oil-laundering residues. The environmental issues involved fall to be established on a case by case basis, but such materials would generally be classified as hazardous waste. As such, and in the absence of being able to immediately establish the identity of those responsible, the local authorities concerned must collect, store and ultimately arrange for the disposal of the materials concerned.

As a result of particular difficulties which arose in this regard last year, I provided exceptional once-off funding of €168,357 and €469,930 to Monaghan and Louth county councils, respectively, to assist them in responding to instances of illegal dumping of oil-laundering residues, particularly in relation to the costs of arranging for the safe disposal abroad of the hazardous materials involved. However, my priority lies in ensuring that every effort is made to prevent such illegal dumping activities arising in the first place. In this regard, effective, co-ordinated enforcement of the law, both from a customs and waste management perspective, is crucial. I am therefore arranging for my Department to facilitate a meeting between the principal enforcement agencies concerned in order to explore the possibilities for better co-ordination of activities by the local authorities, the customs service of the Revenue Commissioners and the Garda Síochána.

Hunt Licences.

470. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if he has considered the report of a person (details supplied); if he will review the decision to grant licences to the Ward Union hunt club to hunt domesticated deer with a pack of stag hounds; and if he will make a statement on the matter. [3185/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I have considered the report to which the question refers, the conclusions of which were based on the limited monitoring that was possible in the circumstances under which it was undertaken in 1997.

Subsequent scientific investigations were carried out into the welfare of deer used for carted stag hunting. These developments provided a basis for discussions with the Ward Union hunt club and the development by the club of a hunting code of conduct, in consultation with officials of the then Department of Arts, Heritage, Gaeltacht and the Islands and of the Department of Agriculture and Food. At the conclusion of this process in September 1999, the Department of Agriculture and Food indicated to the Department of Arts, Heritage, Gaeltacht and the Islands its satisfaction with the code of conduct, which the club had submitted in support of its licence application.

Subsequent licences issued to the club include a condition that the club should carry out its hunts in accordance with its approved code of practice and hunts have been monitored by conservation rangers from the National Parks and Wildlife Service and veterinarians from the Department of Agriculture and Food. Prior to the issue of such annual licences, written reports from conservation rangers and the veterinary inspector are examined to establish that the club has satisfactorily complied with the hunting code of practice and that the hunt has been conducted in accordance with the conditions of the previous annual licence.

An annual inspection of the deer at the park is carried out at the end of the hunting season to ensure that the deer are healthy and sound and that the hunt records are complete. The last inspection was at the end of the 2002-3 season and showed no grounds for concern. Neither do the activities of the Ward Union Hunt club have a conservation impact on overall numbers of the deer species. I refer also to the reply to Questions Nos. 971 to 976, inclusive, of 27 January 2004.

Statutory Instruments.

471. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgement of the High

Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgement; and if not, the reason therefor. [2740/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department is reviewing its statutory instruments for compliance with the requirements of Bunreacht na hÉireann in the light of the recent High Court judgment concerning the Immigration Act 1999.

Wildlife Protection.

472. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if Roundstone beach is a protected area; if the wildlife service is investigating reports of the taking of hares from this area; and if he will make a statement on the matter. [2746/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Roundstone beach is located within the Dog's Bay candidate special area of conservation, cSAC. That conservation status does not preclude the capture of hares under licence. The capturing of hares requires a licence under Section 34 of the Wildlife Act 1976, as amended, and any person catching hares other than in accordance with the conditions of a licence to capture hares is open to prosecution. Any report indicating capture of hares in breach of a licence is investigated. My Department was made aware of the alleged capture of hares from Roundstone beach and investigations into the matter were carried out. These investigations are ongoing. However at this stage the necessary evidence for a prosecution has not been forthcoming.

473. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if the wildlife service is investigating reports regarding the taking of hares from Valentia Island; and if he will make a statement on the matter. [2747/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department is responsible for the issue of an annual licence to the Irish Coursing Club, ICC, and its affiliated clubs to capture live hares, under Section 34 of the Wildlife Act 1976, as amended. Only clubs which are named by the ICC in their licence application request are permitted lawfully to catch hares. Any person catching hares other than in accordance with the conditions of the licence is open to prosecution. Any report indicating capture of hares in breach of the licence would be investigated, but my Department has no indication of such a breach in relation to the capture of hares at Valentia Island.

Social and Affordable Housing.

474. **Mr. S. Power** asked the Minister for the Environment, Heritage and Local Government if it is proposed to provide more affordable and social housing in the future; and if he will make a statement on the matter. [2748/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government will continue to assist low-income groups and those with social housing needs by means of a range of targeted social and affordable housing programmes. The total housing provision, Exchequer and non-Exchequer, in 2004 of €1.885 billion represents an increase of 5.5% on the 2003 provision and should enable the housing needs of more than 12,000 households to be met in 2004 compared with almost 8,500 in 1998.

We are delivering the highest level of local authority completions for 16 years. In 2002, local authorities built or acquired 5,074 houses. In the first nine months of 2003 more than 3,270 local authority houses were completed or acquired.

The voluntary and co-operative housing sector continue to play an increasingly significant role in the provision of social housing with output of 1,360 units in 2002, the highest level ever recorded. In the first nine months of 2003, 1,113 units of accommodation were completed.

The provisions under Part V of the Planning and Development Act 2000, as amended, will also assist in the delivery of social and affordable housing

The Government is committed to an ambitious scale of delivery of affordable housing. Activity is increasing significantly under the affordable housing and shared ownership schemes with more than 7,200 households having benefited under both schemes since January 2000.

The new affordable housing initiative introduced under the national partnership agreement, Sustaining Progress, is also being progressed as a priority. This new initiative is aimed at those who in the past would have expected to purchase a house from their own resources but find that they are unable to do so in the current market. The Government has made two announcements in July and December 2003 on the release of State and local authority lands in Dublin, Kildare, Meath, Cork and Waterford to the initiative. This initiative, combined with Part V arrangements, will build on the progress made in delivering existing affordable housing schemes to boost the supply of affordable housing over the coming years.

Road Network.

475. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if the promised road pavement management study has been completed; if not, the status of same; when it will be completed; and the action it is

proposed to take with regard to the recommendations of the investigation. [2749/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department appointed consultants to carry out a pavement condition study of non-national roads and a review of pavement management systems in November 2003. Work on the study will be completed by August 2004. The results of the study will determine the extent of deficiencies remaining in the non-national road network since the last study was carried out in 1996 and the progress made since then. The results will form an important part in the ongoing process of securing and allocating resources to the network and in the implementation of the multi-annual restoration programme. The consultants have also been asked to review existing pavement management systems and to recommend a single system for use by local authorities on the non-national road network.

Electronic Voting.

476. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government his views on the criticisms of plans to use electronic voting systems at the June elections; the actions he is taking to assure the public in the matter; and if he will make a statement on the matter. [2779/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The overall use of voting machines and electronic vote counting was discussed by the Joint Committee on the Environment and Local Government on three occasions last December and the committee has now formally indicated its support for the introduction of the system at the forthcoming European and local elections. In addition, following the first use of the system at the general election in 2002, an independent survey found 96% of voters surveyed of the view that the voting machine was very easy or quite easy to use.

The electronic voting system to be used next June is a secure system and it will be more reliable and accurate than the paper ballots used to date. I will be launching an information and awareness campaign tomorrow which will inform the public about the system and respond to questions about it. The campaign will include information on television and on national and local radio, roadshows visiting each city and county, leaflets to each household, a lo-call telephone line, web page and in May next, some opportunities for the public to familiarise themselves with the voting machines. The publicity campaign will also include a voter awareness element to encourage voter turnout at the polls.

I refer also to the replies to Questions Nos. 140, 164 and 211 today.

EU Presidency.

477. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government the plans his Department has to promote Ireland's EU Presidency with the Irish public; and if he will make a statement on the matter. [2804/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Ireland's environment programme for the EU Presidency is being actively promoted by my Department. Early last month, my Department published a special Presidency edition of the quarterly Environment Bulletin entitled, EU Presidency environment programme January-June 2004, which outlines our plans and arrangements for the Presidency from an environmental point of view. Copies of the bulletin have been widely circulated, including to members of the Oireachtas, local authorities, public libraries, schools, non-governmental organisations and business interests. It is also available on my Department's website, and in hard copy form directly from my Department and ENFO, my Department's public information service on environmental matters. Further editions of the bulletin will include articles reporting developments and progress on the environment programme over the course of the Presidency.

In addition, my Department has a policy page on the official website of the Irish Presidency www.eu2004.ie and is updating information on environmental policy, events and other developments on an ongoing basis. The Presidency website is linked to my Department's own website which contains further relevant information, including contact details for staff dealing with the items which comprise the environmental programme.

The role of local authorities is important in ensuring the effective and efficient management of the Presidency and in promoting the Presidency at local level. In this regard, my Department has asked all local authorities to fly the Irish and EU flags for the six month period. Also, copies of an information leaflet summarising the overall goals and objectives of the Presidency will shortly be provided by my Department to all local authorities for distribution locally.

In addition to providing information on the environmental programme for the Presidency ENFO, my Department's public information service on environmental matters, will hold an exhibition on the environment in the ten new member states joining the EU on 1 May 2004. The exhibition, which will be held over the month of May at ENFO's offices in 17 St. Andrew Street, Dublin 2, will be open to the public and admission will be free.

Local Government Funding.

478. **Mr. O'Connor** asked the Minister for the

Environment, Heritage and Local Government the plans for increased funding for local government; and if he will make a statement on the matter. [2818/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The funding made available to local authorities through general purpose grants from the local government fund has grown to record levels over the past few years. I have allocated a total of €751.66 million for such grants in 2004. This amount represents an increase of 14% over the corresponding allocation for last year and is some 121% higher than the initial allocations for 1997. These grants are of course in addition to other specific state grants for roads, water services and so on.

While the local government fund based system of funding has clearly served local authorities well, to ensure the continued development and improvement of the local government system, I intend that an independent review of the financing of local government will shortly be launched which will examine the funding options to meet the needs of local authorities into the future.

Traveller Accommodation.

479. **Mr. Curran** asked the Minister for the Environment, Heritage and Local Government if a national mid-term review will be made of all Traveller accommodation programmes adopted by all local authorities; if the review can indicate the proposed number of accommodation units to be provided by each local authority and the number actually provided to date; and if it can also indicate the number of units under construction. [2839/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Each local authority concerned adopted a five-year Traveller accommodation programme covering the period 2000-04. Section 17(1) of the Housing (Traveller Accommodation) Act 1998 required each relevant housing authority to review its accommodation programmes at least once in each three-year period. Local authorities were therefore required to undertake a review of their programmes by 31 December 2002. It is a matter for each authority, following a review, to decide whether an amendment to its programme is warranted.

I understand that 35 of the 38 programmes adopted were reviewed. Following these reviews 14 programmes were amended. I understand that two authorities have not yet made decisions as to whether amendments are warranted following the review. In the cases of the remaining 19 programmes I understand that the relevant authorities decided that amendments were not warranted following the reviews.

Traveller accommodation programmes were based on the most recent assessments available

to local authorities, that is, those of 1999. These assessments took into account the then current need and estimated additional need arising during the course of the programmes. The Act does not require a local authority, in undertaking a review of its programme, to carry out an assessment of need for Traveller accommodation.

Based on figures taken from the annual counts of Traveller families undertaken by local authorities and figures provided to my Department, the following table sets out for each local authority the number of additional units of accommodation provided for Travellers including new permanent Traveller specific accommodation, group houses and halting site bays, as well as standard local authority accommodation provided to Travellers and accommodation provided by Travellers with the assistance of local authorities in the first three years of the programmes from 2000 to 2002. Final figures for 2003 are not yet to hand. The figures shown in the table do not include the number of units — 156 — of refurbished permanent accommodation completed in the period 2000 to 2002.

At present there are 55 new permanent units of Traveller specific accommodation under construction and a further 200 are expected to start in 2004 while further Traveller families will be accommodated in standard local authority accommodation.

Table

Local Authority	No. of Units Provided 2000-2002
Carlow Co. Co.	30
Cavan Co. Co.	7
Clare Co. Co.	23
Cork Co. Co.	4
Cork City Council	21
Donegal Co. Co.	44
Dublin City Council	95
Dún Laoghaire-Rathdown Co. Co.	28
Fingal Co. Co.	38
Galway Co. Co.	41
Galway City Council	33
Kerry Co. Co.	24
Kildare Co. Co.	26
Kilkenny Co. Co.	17
Laois Co. Co.	33
Leitrim Co. Co.	0
Limerick Co. Co.	20
Limerick City Council	0
Longford Co. Co.	29
Louth Co. Co.	0
Dundalk Town Council	36
Drogheda Borough Council	0
Mayo Co. Co.	34
Meath Co. Co.	16
Monaghan Co. Co.	14

Local Authority	No. of Units Provided 2000-2002
Offaly Co. Co.	26
Roscommon Co. Co.	3
Sligo Co. Co. & Borough Council	7
South Dublin Co. Co.	33
North Tipperary Co. Co.	25
South Tipperary Co. Co.	11
Clonmel Borough Council	0
Waterford Co. Co.	7
Waterford City Council	44
Westmeath Co. Co.	6
Wexford Co. Co.	28
Wexford Borough Council	1
Wicklow Co. Co.	26
TOTAL	830

Motor Taxation.

480. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if he will consider the introduction of a system similar to that for TV licences, whereby people could purchase stamps for car tax at post offices in view of the recent increases in car tax and the difficulties which these impose on low income drivers; and if he will make a statement on the matter. [2109/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Given that the typical annual cost of motor taxation is significantly greater than the annual cost of a TV licence and that this tax represents but one of a number of required fixed payments, for example, insurance, associated with motoring, there is no proposal to introduce a stamp savings scheme similar to that in operation for TV licences. It is open to motorists to pay motor tax for periods of three or six months, as well as for a full year.

Housing Aid for the Elderly.

481. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the details of the allocations to the Southern Health Board for the housing aid for the elderly scheme for 2003 and 2004. [2902/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Southern Health Board was allocated €1,055,000 for the operation of the special housing aid for the elderly scheme in 2003. An initial allocation of €1,050,000 for 2004 has been notified to the board.

Water and Sewerage Schemes.

482. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government when it is expected that the inspectors report on the Firies-Scartaglin —

[Ms B. Moynihan-Cronin.]
southern part B — scheme, County Kerry, will be finalised; when the report will be finalised in order that the project can be put to tender; and if he will make a statement on the matter. [2903/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Southern section B of the Furies-Scartaglin regional water supply scheme has been approved for construction under my Department's Water Services Investment Programme 2003-2005. The contracts documents for the scheme submitted by Kerry County Council are under examination in my Department and will be dealt with as quickly as possible.

Decentralisation Programme.

483. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government the progress made to date in arranging the transfer of his Department to Wexford; the actions that have been taken since the budget day announcement; when he envisages the first staff will move to Wexford; and if he will make a statement on the matter. [2904/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department is co-operating actively with the implementation committee and the Department of Finance in relation to the decentralisation programme announced in budget 2004. An internal implementation team for decentralisation, which will report regularly to me and my Department's management advisory committee, has been set up in the Department. My Department is also committed to developing innovative approaches to information management, communications and logistics so as to maintain and improve the quality of service to be delivered under decentralised arrangements and to minimise disruption.

In its initial submission to the implementation committee, my Department emphasised that the earliest possible mobilisation of its Wexford headquarters will be important. The timescale within which the first movement of staff will take place will become clearer when the report of the Implementation Committee becomes available.

Pension Provisions.

484. **Ms Hctor** asked the Minister for the Environment, Heritage and Local Government if years of service (details supplied) with CIE is reckonable to be recognised by his Department in order that a local authority employee may retire after 26 years' service with the local authority and 23 years with CIE with a full pension when he reaches retirement age in August 2004. [2905/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The CIE service

given by the person concerned could only become reckonable under the local government superannuation scheme if CIE were to make its regular wages staff pension scheme reciprocal generally with the local government superannuation scheme and accept financial liability for the period of service in question. To date, the CIE scheme has not been able to meet these conditions.

Services for People with Disabilities.

485. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the formal communication his Department has with local authorities regarding the equitable operation of the disabled person's housing grant scheme; the plans he has to issue formal guidelines in this regard; and if he will make a statement on the matter. [2906/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The statutory regulations governing the operation of the disabled persons grants scheme and the accompanying guidance circular were formally issued to local authorities in December 2001. The framework for the operation of the scheme is laid down in the regulations which, as far as practicable, are designed to give an appropriate degree of flexibility to local authorities.

A review of the scheme is being finalised in my Department at present and on its completion I will be in a position to determine the changes, if any, required to the regulations governing the scheme to ensure that the funding available is directed at those persons in greatest need of such assistance. In the context of the introduction of any amendments to the scheme I would propose to issue appropriate guidelines on their operation to local authorities.

County Development Plans.

486. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the charges which are imposed in each county for a copy of the CD of the county development plans; and if there is EU or Government funding available to subsidise the costs of the CDs for the public. [2908/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department does not have details of the charges imposed by each planning authority for a copy of the CD of the authority's development plan. The amount of any such charge is a matter to be determined by each individual planning authority. Section 16 of the Planning and Development Act 2000 provides that a planning authority shall make available for inspection and purchase by members of the public copies of its development plan. The Act further specifies that such copies shall be made available for purchase on payment of a specified fee not exceeding the reasonable cost of making

a copy. Section 248 of the 2000 Act also provides that copies of any such documents may be provided in electronic form, for example on CD.

I am not aware of any sources of funding at national or EU level to subsidise the costs to members of the public of purchasing copies of development plans, in electronic form or otherwise. It should be noted, however, that the Act requires that the planning authority must make copies of the development plan available for inspection by members of the public and this service is free of any charge.

Architectural Heritage.

487. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the areas and issues he is responsible for under the heritage portfolio; and if he will make a statement on the matter. [2909/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Following the change of Government in mid-2002 my Department now has responsibility for policy in respect of the built heritage and for policy and operational matters relating to the natural heritage. The operational and management functions in relation to the built heritage in State care have transferred to the Office of Public Works.

These organisational arrangements are designed to achieve the optimum use of the organisational resources available to the Government. They build on my Department's strengths in terms of regulation and policy development, particularly in the environmental area, and on the expertise and experience of the Office of Public Works in the areas of conservation and management of the State's property portfolio.

My Department has embraced fully its new responsibilities in relation to heritage and has already set out its key objectives and strategies for delivering on these new responsibilities which are outlined in some detail in its recently published revised Statement of Strategy 2003-2005, which is available in the Oireachtas Library.

Question No. 488 answered with Question No. 160.

Fire Stations.

489. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if he will approve the construction of a new fire station at Freshford, County Kilkenny; and if he will make a statement on the matter. [3016/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): In addition to the ten fire station projects currently approved or under construction, my Department is undertaking a review of all fire station projects that have been

proposed, with those in planning, with a view to obtaining the best outcome from the annual fire station construction programme. The proposed new fire station at Freshford, for which contract documents are with my Department, is included in this review.

The fire station element of the fire services capital programme, for which €19 million has been provided in 2004, will be determined following this review. Factors to be assessed include current fire authority priorities and needs, previous station projects provided under the programme, the competing demands of fire authorities nationally and value for money.

Water and Sewerage Schemes.

490. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the commencement date for the Kilmacow, County Kilkenny, sewerage scheme; if the contract has been awarded and the cost of the project; and if he will make a statement on the matter. [3017/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Kilmacow sewerage scheme has been approved for funding under the rural towns and villages initiative of my Department's Water Services Investment Programme 2003-2005 at an estimated cost of €2.7 million.

I understand that Kilkenny County Council has invited expressions of interest from consulting engineers in regard to the preparation of tender documents for the scheme and supervision of the construction phase in due course.

Housing Grants.

491. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if a person (details supplied) in County Kildare is entitled to the first-time buyer's grant, in view of the fact that the foundations were poured by 14 November 2002 and the person had entered into a contract to purchase the house prior to 14 November deadline. [3018/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Subject to the conditions of the new house grant scheme, which was terminated as and from 14 November 2002, a grant may be approved where a contract to purchase or to build a house was entered into or, in the case of a "self build" house, the foundations were poured on or before 14 November 2002 and the application for the grant was received in my Department on or before 4 December 2002. In this case, a new house grant cannot be allowed as the contract to purchase the house was effected subsequent to 14 November 2002.

Traveller Accommodation.

492. **Mr. Ó Fearghaíl** asked the Minister for the

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Environment, Heritage and Local Government if he has received submissions from Kildare County Council with regard to the provision of a transient Traveller halting site in County Kildare; and if he will make a statement on the matter. [3019/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the Housing (Traveller Accommodation) Act 1998 the provision of accommodation for Travellers, including the provision of transient halting sites, is a matter for each housing authority concerned. My Department has not received a proposal from Kildare County Council in relation to the provision of a transient Traveller halting site.

Social and Affordable Housing.

493. **Mr. Haughey** asked the Minister for the Environment, Heritage and Local Government if he will confirm that it is possible for an Irish person living abroad to apply to an Irish local authority for social housing while still living in a foreign country; if Dublin City Council is implementing this policy change; and if he will make a statement on the matter. [3020/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The letting of local authority housing is a matter for the relevant local authority in accordance with its scheme of letting priorities which is drawn up and adopted at local level. It is understood that local authorities do not accept applications for housing from applicants living outside the State. To qualify for housing here in Ireland applicants must be prepared to take up residence in Ireland, usually within the functional area of the local authority from whom they intend seeking accommodation, and make a formal application to that authority for housing. The application is then processed in accordance with the approved scheme of letting priorities operated by that authority.

However, under an amendment made to the terms of my Department's voluntary housing capital assistance scheme in November 2001, up to 25% of accommodation in new projects provided throughout the country by individual voluntary housing bodies with funding under the scheme may be allocated to elderly returning emigrants who satisfy eligibility criteria in relation to their present circumstances and are included in the Safe Home waiting list. Safe Home carries out a co-ordinating role liaising with relevant individual voluntary housing bodies throughout the country in relation to accommodation for eligible elderly emigrants who are included in their waiting list. Elderly emigrants wishing to apply for accommodation may apply and be assessed for housing provided under the scheme without the requirement of having first returned to this country.

Voluntary Housing Scheme.

494. **Mr. Haughey** asked the Minister for the Environment, Heritage and Local Government if he will list the voluntary and co-operative housing associations involved in accommodating returned Irish emigrants, which are financially assisted by his Department; and if he will make a statement on the matter. [3021/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The following table sets out the names of the approved housing bodies which have been assisted under the terms of my Department's voluntary housing capital assistance scheme, as amended in November 2001, in providing accommodation in which units of accommodation have been made available to returning elderly emigrants.

Table

Aghamore Voluntary Housing Association
Aras Mhuire Housing Association
Ballincollig Senior Citizens Club Limited
Banada Tourlestrane Voluntary Housing Association
Brickens — Logboy — Tulrahan Housing Association Limited
Claremorris & District Integrated Resource Development Company
Claremorris Voluntary Housing Organisation Limited
Cluid Housing Association
Enniscorthy Community Housing Limited
Grantstown Voluntary Housing Association
Homes for Dunmore
Hospital Voluntary Housing Association
Inagh Housing Association
Kathleen & Michael Connolly Foundation
Killeshandra Housing Association
Lisdoonan & District Voluntary Housing Association
Louisburgh Community Housing Association
Mulranny Day Care Centre Housing
Newbridge Sheltered Housing Trust
Oakdene House
Rathkeale Sheltered Housing Association
Respond! Voluntary Housing Agency
Society of St. Vincent de Paul
Sue Ryder Foundation (Ireland)
The Matthew Shee Charity
Tithe Cois Tra Lacken Housing Association

Local Authority Housing.

495. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if there are regulations or guidelines in place to facilitate the transfer of residents from one local authority to another; if the Department has any role in requests for such transfers; and if he will make a statement on the matter. [3046/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Guidelines issued by my Department to local authorities on the preparation of their schemes of letting priorities indicate that, *inter alia*, a scheme should normally

contain a provision to enable a local authority to cater for transfers by tenants to and from other local authorities on conditions mutually agreed between the local authorities. My Department has no role in transfers by tenants and the Minister for the Environment, Heritage and Local Government is excluded by law from directing the letting of a local authority dwelling to any individual person.

Local Authority Funding.

496. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the position in relation to an application from Wicklow County Council for the capital assistance scheme for an organisation (details supplied) in County Wicklow; if this can be sanctioned as a matter of urgency; and if he will make a statement on the matter. [3048/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An application for further supplementary funding under the capital assistance scheme for this project was received on 6 January 2004. Wicklow County Council, which is responsible for administering the scheme in its area, has been requested to provide necessary additional details. On receipt of all the required information, the local authority will be advised of the outcome.

Departmental Offices.

497. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government his policy in respect of provision of local, nutritious food in the canteens and restaurants in his Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3073/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The provision of food in my Department's canteens and restaurants is contracted out to private contractors and, accordingly, the information sought is not available. However, a wide variety of food is provided by the various operators and they are open to considering any requests for particular foodstuffs. The invitation to tender for the Department's main restaurant in the Custom House specified that a wide range of nutritious food, including vegetarian options, should be provided. It is the policy of the successful company to prepare all foods fresh on a daily basis and to put in place an innovative approach to the provision of a healthy nutritious diet.

Local Government Act.

498. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he will bring in the relevant provisions of the

Local Government Act (details supplied); and if he will make a statement on the matter. [3132/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The relevant statutory provisions are set out in Part 17 of the Local Government Act 2001. While these provisions have not yet been commenced due to a heavy legislative work programme in 2003, I hope to be in a position to commence these and other relevant provisions of the Act during the course of the year so that any proposal for the establishment of a town council can then be considered within this new statutory framework.

A reply to the correspondence attached to the question issued from my Department on 19 January.

Questions Nos. 499 to 501, inclusive, answered with Question No. 467.

502. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of applicants on the Kildare County Council housing list for Kildare town; the number on the list for the rest of the country; and if he will make a statement on the matter. [3136/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The results of the statutory assessment of local authority housing need, which was undertaken by local authorities in March 2002, indicated that a total of 48,413 households were in need of housing. Detailed information on the results of the 2002 assessment was published in my Department's September 2002 quarterly edition of the Housing Statistics Bulletin, copies of which are available in the Oireachtas Library. Kildare town is not a separate housing authority area. Separate information in relation to the number of households in need of housing in Kildare town is not therefore available in my Department.

Question No. 503 answered with Question No. 467.

Planning Issues.

504. **Mr. B. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if it is his understanding that An Bord Pleanála should adhere to Government policy when arriving at appeal decisions; and his views on whether public trust will be severely diminished. [3153/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Under section 143 of the Planning and Development Act 2000, An Bord Pleanála is subject to a general requirement to have regard, in performing its functions, to the policies and objectives of the Government, a State authority, the Minister for the Environment, Heritage and Local

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Government, planning authorities and any other body which is a public authority whose functions have a bearing on the proper planning and sustainable development of any area. The inclusion of this requirement was approved by the Oireachtas when adopting the 2000 Act.

However, when making a decision on any individual case, the board is bound to consider the impact of that specific development on proper planning and sustainable development, having regard to a number of criteria including the relevant local development plan, any written submissions or observations received, as well as any relevant Government policy. While the Minister may determine general policy in an area, he is statutorily barred, under section 30 of the 2000 Act, from exercising any power or control in regard to any particular case with which the board is concerned. I am satisfied that the statutory provisions in the 2000 Act provide a reasonable framework within which An Bord Pleanála must operate, and I believe that there is public confidence in the capacity of the board to make independent decisions.

Departmental Travel.

505. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3183/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department paid €1,911,624 in respect of mileage expenses in 2003. A further amount of €94,720 was expended on bus, rail and related expenses, for example, taxi fares and car parking fees. A separate figure is not available for bus and rail expenses; systems are being put in place which will enable my Department to provide details of such expenditure from 2004.

My Department also operates a travel pass scheme for staff under which they purchase an annual bus or rail pass in a tax efficient manner approved by the Revenue Commissioners; some 244 staff avail of this.

Archaeological Sites.

506. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which he has plans to excavate historical sites other than in the course of modern development works, with particular reference to the educational value of such locations; and if he will make a statement on the matter. [3201/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department has no proposals to undertake excavations of historical sites for educational purposes. Funding is provided by my Department to the Royal Irish Academy, RIA, which administers grants to

approved research excavation projects and also to the Heritage Council which, in turn, supports the archaeological research body, Discovery Programme.

Electronic Voting System.

507. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the person to whom he or his Department has given responsibility for perfecting the proposed electronic voting system; the cost or likely costs involved; and if he will make a statement on the matter. [3205/04]

509. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the total cost to date of preparations for electronic voting; and if he will make a statement on the matter. [3207/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 507 and 509 together.

My Department has overall responsibility for the delivery of electronic voting and counting working in conjunction with the system suppliers, returning officers and their staff, the Local Government Computer Services Board and the company handling the public awareness and information campaign. To date, some €20 million has been spent on the project, which is estimated to cost €44 million, including VAT. The estimated cost of the public education and awareness campaign, which will also include a major drive to encourage people to vote, is €5 million, including VAT.

508. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the considered and expert opinion which questions the security of electronic voting; and if he will make a statement on the matter. [3206/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to my reply to Question No. 211 on today's Order Paper.

Question No. 509 answered with Question No. 507.

Waste Management.

510. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has taken steps to discourage illegal dumping either in landfills or throughout the countryside; and if he will make a statement on the matter. [3208/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Better enforcement of the waste management code has been, and continues to be, a major priority for me since coming into office. In this regard, I have introduced or arranged for a number of

important initiatives, the most significant of which are as follows: the establishment in October 2003 of a new Office of Environmental Enforcement, OEE, within the Environmental Protection Agency. The mobilisation of the new office, which is focusing particularly on the waste sector in its early stages of operation, brings greater professionalism to environmental enforcement by having a dedicated and fully resourced team with extensive powers. As a result, we will be much better placed to ensure that those who flout the law and cause environmental pollution are held to account.

At local authority level, I announced last summer the allocation of some €7 million from the environment fund to support the first year of a major five year programme of waste enforcement by local authorities and further funding, on a sliding scale, will follow in the following four years. The aim of this programme is to provide a stronger and more visible local authority enforcement presence on the ground and to ensure more frequent inspecting of permitted waste facilities, speedier responses to reports of illegal dumping and more widespread co-operation with the gardaí in conducting checks on vehicles involved in the movement of waste.

In terms of waste legislation, I have strengthened the enforcement provisions of the waste code in a number of ways through the Protection of the Environment Act 2003. In particular, the Act has provided for the following: significant increases in the fines for offences, up to a maximum of €15 million for conviction on indictment; reversal of the burden of proof in certain cases so that it will be up to the defendant to prove that an activity did not cause environmental pollution; the introduction of a presumption under which landowners can, by virtue of certain factors, be deemed to be complicit in illegal dumping activities on their lands, unless the contrary can be proved; and strengthening of the powers of “authorised persons” under the Waste Management Acts in regard to the stopping, inspection and detention of vehicles. In addition, in support of more effective involvement of the gardaí in certain enforcement activities, a mechanism has been introduced under which the Garda Commissioner can appoint members of the Garda Síochána to be “authorised persons”, ensuring that the powers under the Acts can be made available, speedily, to individual gardaí, where necessary.

I am confident that the combination of all these measures will lead to a more vigorous enforcement regime in regard to waste matters, serving a dual deterrent and detection purpose. I will continue to monitor the situation closely to ensure that these new structures, resources and powers work well and to identify any further measures that experience may demonstrate to be necessary. I will also be taking account of the outcome of a number of major investigations into

illegal waste activities which are being advanced by the Garda Síochána’s National Bureau of Criminal Investigation.

Environmental Policy.

511. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which he has examined the report from the EPA or other agencies regarding pollutants or undesirable emissions at the various locations throughout the country; if he has come to any conclusions arising from such studies; and if he will make a statement on the matter. [3209/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Environmental Protection Agency prepares and makes publicly available a wide range of reports-data on the quality of the environment, both in printed form and on its website, *www.epa.ie*. These reports-data, as well as other relevant analytical work, are an important input to the ongoing development of appropriate policy responses and have been fully recognised and drawn upon in recent major policy documents from my Department on the environment such as: the National Climate Change Strategy — 2000; Preventing and Recycling Waste: Delivering Change — 2002; and Making Ireland’s Development Sustainable — 2002.

Social and Affordable Housing.

512. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of affordable houses built and occupied in County Kildare since the inception of the scheme; and if he will make a statement on the matter. [3210/04]

513. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of affordable houses provided throughout the country occupied to date; and if he will make a statement on the matter. [3211/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 512 and 513 together.

Information on activity under the affordable housing schemes for each local authority is published in my Department’s Housing Statistics Bulletins, copies of which are available in the Oireachtas Library.

514. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the way in which it is intended that a person or a couple can provide themselves with a home of their own, if their income is €10,000 above the maximum qualifying income limit for shared ownership or other local authority loans and they will not be entertained by banks or building societies on the grounds of insufficiency of

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income; and if he will make a statement on the matter. [3212/04]

516. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has authorised an increase in the shared ownership and annuity loans in some local authorities; and if he will make a statement on the matter. [3214/04]

517. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when he is likely to give directions to the various local authorities to increase the loan limits in respect of shared ownership or annuity loans, having particular regard to the fact that the present limit of €130,000 makes it impossible for young persons to provide themselves with a home; and if he will make a statement on the matter. [3215/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 514, 516 and 517 together.

It is a matter for each local authority to administer house purchase loans in its area, having regard, as appropriate, to the housing needs and circumstances of their area. The income limit for eligibility for the shared ownership scheme and other house purchase loans is €32,000 for a single income household, with a *pro rata* increase for a dual income household. While the income limit applying to these house purchase loans is set nationally, the application of maximum price limits and determination of the maximum mortgage loan in each case is a matter for the relevant local authority. In addition, local authorities should have regard to the purchaser's ability to repay by reference to his or her net household income.

The national maximum limit for house purchase loans advanced by local authorities is €130,000. My Department is keeping the terms of the income and loan limits under review, taking into account the movement in house prices, the effectiveness of various schemes in meeting the needs of the relevant target group and the availability of mortgage finance in the private sector.

515. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the way in which it is intended that persons in a one income household earning €35,000 provide themselves with a home of their own, particularly if they are excluded from the local authority waiting lists; and if he will make a statement on the matter. [3213/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government affords a high priority to housing issues as evidenced by the range of policies and measures employed by my

Department and other public agencies involved to ensure that the broad spectrum of housing needs is appropriately met.

We have placed a strong emphasis on increasing housing supply to meet demand, particularly for first-time buyers, against a background of unprecedented demand for housing, fuelled mainly by rapid economic growth and demographic changes. The measures introduced by the Government to boost supply and thereby improve affordability, including significant investment in infrastructure, improving planning capacity and promoting increased residential densities, are having effect. The year 2002 was the eighth successive year of record house completions, with 57,695 units completed, which represents an increase in output of 9.7% nationally and more than a 30% increase in the Dublin area on the corresponding figures for 2001. I expect that in excess of 60,000 units were completed nationally in 2003. Indicative data available to my Department show that first-time buyers continue to have a significant presence in the housing market. The Government will continue to focus on measures to maintain a high level of housing supply.

Government interventions have boosted the supply of affordable housing under targeted schemes for low and middle-income purchasers. I anticipate that the numbers of middle-income purchasers benefiting from affordable housing will further increase this year as more affordable housing comes on stream as a result of agreements under Part V of the Planning and Development Act 2000, as amended. In the first nine months of 2003 a total of 82 units were acquired and a further 449 units were in progress under Part V agreements. At end September 2003, a further 1,895 units were proposed.

The new affordable housing initiative introduced under the national partnership agreement, Sustaining Progress, is also being progressed as a priority. This new initiative is aimed at those who in the past would have expected to purchase a house from their own resources but find they are unable to do so in the current market. The Government made two announcements in July and December 2003 on the release of State and local authority lands in Dublin, Kildare, Meath, Cork and Waterford in regard to the initiative. This initiative, combined with Part V arrangements, will build on the progress made in delivering existing affordable housing schemes to boost the supply of affordable housing over the coming years.

At the same time, my Department keeps the terms of the income and loan limits which apply to local authority house purchase loans under review, taking into account the movement in house prices, the effectiveness of various schemes in meeting the needs of the relevant target group and the availability of mortgage finance in the private sector.

Questions Nos. 516 and 517 answered with Question No. 514.

Water and Sewerage Schemes.

518. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the applications he has received from Cork County Council under the respective programmes administered by his Department in order to upgrade the public water supply to Castlemartyr and Ladysbridge; the amount required; when he will make the necessary funding available; and if he will make a statement on the matter. [3216/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Proposals were received by my Department from Cork County Council in August 2002 for the provision of water and sewerage facilities, estimated to cost €1 million, at Ladysbridge under the serviced land initiative measure of the water services investment programme. A proposed water supply scheme to serve Mogeely, Castlemartyr and Ladysbridge, at an estimated cost of €1.6 million, was subsequently submitted by the council under the serviced land initiative in December 2003. The proposals will be further considered on receipt of the additional information requested by my Department from the council in regard to both schemes.

Countryside Access.

519. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if he proposes to introduce legislation regarding the difficulties with hillwalkers gaining access to walk on farmers land; if, in that context, he has been in discussion with the IFA and other farming organisations, the Mountaineering Council of Ireland, and representatives from the Keep Ireland Open campaign; if he is ensuring that an open line of dialogue is being maintained between all interested parties in this matter; and if he will make a statement on the matter. [3078/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I have decided to establish a countryside council, to be called “Comhairle na Tuaithe”, which will address issues relating to waymarked ways and access to land. This decision follows consideration by the rural-agri-tourism advisory group of a report presented recently by the consultation group on access to waymarked ways, which I established last April. The establishment of a countryside council was the key recommendation of the report. The report has been published on my Department’s website, www.pobail.ie. The IFA, Keep Ireland Open and the Mountaineering Council of Ireland have been fully involved in this process.

Comhairle na Tuaithe will be established directly and up to €40,000 will be available to

enable the initial research, evaluation and pilot actions of Comhairle an Tuaithe to be undertaken by a research-development officer. I also envisage that maintenance of waymarked or approved locally agreed walks could be included as rural services for the purpose of the new rural social scheme. I am not considering proposals to introduce legislation on this matter.

Statutory Instruments.

520. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if he will undertake a study of all orders made by him that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgment of the High Court that the Aliens Order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if he intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgment; and if not, the reason therefor. [2741/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department has reviewed its statutory instruments for compliance with the requirements of Bunreacht na hÉireann in the light of the recent High Court judgment concerning the Immigration Act 1999, and I can advise the Deputy that there are no orders made in my Department of the type to which he refers.

EU Presidency.

521. **Mr. O’Connor** asked the Minister for Community, Rural and Gaeltacht Affairs the plans his Department has to promote Ireland’s EU Presidency with the Irish public; and if he will make a statement on the matter. [2795/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): First, I wish to confirm the information I have already given to the House on a number of occasions during the past year in response to questions concerning my Department’s plans to contribute to the promotion of Ireland’s Presidency of the EU, *viz.*, that our programme comprises the following events: a conference on territorial Cohesion (formerly islands) in Galway on 25 to 27 May 2004; a conference on rural development in Westport on 30 and 31 May and 1 June 2004; and a meeting of national drugs strategy co-ordinators in Clontarf on 15 June 2004.

Second, these events will be promoted with the public, through e-Government initially and, additionally, by media briefings. They are already included in the events listed on the central Irish Presidency website, www.eu2004.ie, which can also be accessed via my Department’s website, www.pobail.ie. More detailed information in regard to them will be put up on my Department’s website in the coming months. In addition, my address to the Committee on

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Agriculture and Rural Development in the European Parliament on 27 January last has been posted on my Department's website.

Departmental Offices.

522. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs his policy in respect of provision of local, nutritious food in the canteens and restaurants in the Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale which is fast food; and if he will make a statement on the matter. [3074/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Department does not have any restaurants and the canteen facilities are provided on the basis that staff provide their own food.

Departmental Travel.

523. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs the amount his Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3184/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The amount paid by my Department in 2003 for car mileage expenses was €246,397. The amount paid to cover rail and bus expenses was €7,481.

Community Development.

524. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the groups and organisations that benefited from the scheme of locally based grants to voluntary and community groups in 2003 administered by his Department; the amount granted in each case; the amount sought in each case; the identity of the other applicants who were not successful and the amount requested in each of these unsuccessful cases; the criteria used in awarding the grant aid; when the next round of such assistance will be available; and the total amount that he expects to have available for dispensing; and if he will make a statement on the matter. [3217/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The scheme of grants for locally-based community and voluntary organisations provides once-off grants which benefit voluntary and community groups who focus on tackling poverty and disadvantage and enhancing community development. Under the scheme, funding is available for: training, education or research initiatives aimed at enhancing the effectiveness of local communities and voluntary groups; and the acquisition or refurbishment of premises, or the purchase of equipment and transport.

Each year the number of applications received under the various schemes greatly exceeds the funds available to meet them. Therefore, not all projects can be funded and choices have to be made from within the available resources. The overriding criterion in the allocation of grants is the degree to which the project involved addressed disadvantage and social exclusion and assists in a process of community development. Project and services suitable for funding under other specialised schemes operated by Government agencies are generally not eligible for funding. There may, however, be aspects of such projects and services that qualify. Groups funded under the scheme must account for the expenditure of the grant for the purpose for which it was approved. Further applications for funding are not considered from groups who have not satisfactorily accounted for previous grants received.

Details of all organisations funded under the scheme up to and including 2002, indicating the amount each received, are available in the Oireachtas Library for the information of the Members. Details of organisations funded in 2003 are available on my Department's website, www.pobail.ie. Due to the volume of applications received, details of unsuccessful applicants are not published. The scheme for 2004 will be advertised in the national and provincial newspapers in the near future. The funding available for grants to voluntary organisations for 2004 will be of the order of €2.4 million.

Dormant Accounts Fund.

525. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the allocations of dormant account funds to his Department; the amount available; the way it is to be distributed; the number of applications received; and if he will make a statement on the matter. [3218/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Dormant Accounts Fund Disbursements Board published its first disbursement plan on 7 November 2003. The plan sets out the board's priorities and provides for the distribution of funds to assist programmes or projects targeting three broad categories of persons — those affected by economic and social disadvantage, those affected by educational disadvantage and persons with a disability. A significant level of disbursements from the fund will be ring-fenced for programmes and projects within RAPID, CLÁR and drugs task force areas.

The board has engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf. In this regard, an invitation to organisations, groups etc. to make applications for funding was advertised in the national press on Friday, 21 November. I understand that approximately 190 applications

have been received to date which ADM is assessing on an ongoing basis.

At its meeting on 19 December 2003, the board approved three projects for funding totalling approximately €175,000. The board will next meet on 17 February 2004 and it is anticipated that a significant number of projects will be submitted to the board for decision at this meeting.

The current value of the fund is in the order of €175 million, including a reserve which must be maintained to meet claims for repayment and various costs associated with administering the scheme. A second transfer of funds from credit institutions, together with the first transfer of moneys from life assurance policies, will take place at the end of April 2004. However, at this stage I do not have an accurate estimate as to the likely yield from these sources in 2004 and this information will only become clearer at the end of April.

The Deputy should also note that at its meeting of 16 December, the Government reviewed arrangements in relation to dormant accounts. It decided to give the board key roles in relating to advising, monitoring and planning in the area of dormant accounts, with particular regard to the following: advising on priority areas to be considered annually for funding; preparation of the disbursement plan; and reviewing, evaluating and reporting on the effectiveness, additionality and impact of disbursements.

In the context of the need to ensure appropriate capacity to evaluate and process applications, and to secure maximum transparency on disbursements, the Government decided that the objectives of the disbursements scheme would remain unchanged but that it would make decisions on disbursements. Such decisions would be taken following a transparent application and evaluation process, and appropriate arrangements would be put in place so that spending from the dormant accounts fund is clearly separate to Estimates provision. Draft legislation is to be brought forward in 2004 with a view to giving effect to these decisions.

Social Welfare Benefits.

526. **Mr. Ring** asked the Minister for Social and Family Affairs the full rate social welfare payments which persons are entitled to claim in conjunction with the farm early retirement scheme. [2707/04]

Minister for Social and Family Affairs (Mary Coughlan): The conditions for receipt of EU farm retirement pension are a matter for my colleague, the Minister for Agriculture and Food. As far as social welfare payments are concerned farm retirement pension is not generally payable in addition to social welfare payments.

In the case of persons under the age of 66 the pension is assessed in the same way as other cash income for the purpose of entitlement to social assistance payments. The pension is not assessable as means for old age pension purposes from age 66 but, where old age pension is awarded, the farm retirement pension is reduced accordingly.

527. **Mr. Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo is entitled to claim for a widow's non-contributory pension in conjunction with her farm early retirement scheme payment. [2690/04]

Minister for Social and Family Affairs (Mary Coughlan): The person concerned was in receipt of widow's non-contributory pension at the weekly rate of €111.30 until June 2002. Payment of pension was then discontinued as her means were in excess of the weekly statutory limit of €122.60. Her means were derived from a yearly farm retirement pension of €13,515.00, equivalent to €259.90 weekly.

Farm retirement pension is assessable in full for all means tested schemes where the recipient is under 66 years. It is not assessable where the person is 66 years of age or over. The person concerned should therefore contact the pensions services office again prior to reaching age 66 so that her claim can be re-examined.

Under social welfare legislation, decisions in relation to claims are made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

528. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo is not receiving the living alone allowance. [2691/04]

Minister for Social and Family Affairs (Mary Coughlan): The living alone allowance is an additional payment of €7.70 per week that is paid to people aged 66 years or over who are in receipt of specified social welfare payments, including widow's contributory pension. It is also available to those under 66 years of age who are receiving disability allowance, invalidity pension, blind person's pension or unemployability supplement. The person concerned, who is in receipt of a widow's contributory pension, is under 66 years of age and is therefore not qualified for receipt of the allowance.

Under social welfare legislation, decisions in relation to claims are made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Statutory Instruments.

529. **Mr. J. Bruton** asked the Minister for Social and Family Affairs if she will undertake a study of all orders made by her that could now be considered to be potentially in breach of Article 25 of the Constitution in view of the judgment of the High Court that the aliens order was unconstitutional due to the fact that it constituted an attempt to determine by secondary legislation a matter that ought to have been determined by the Oireachtas itself; if she intends to undertake the introduction of any legislation to remove the constitutional infirmity of any existing orders in view of this judgment; and if not, the reason therefor. [2742/04]

Minister for Social and Family Affairs (Mary Coughlan): The Social Welfare (Consolidation) Act 1993, as amended, provides the primary legislative basis for the social welfare code. This primary legislation is supplemented by statutory instruments which are made under powers conferred by the Act.

In preparing preliminary drafts of all legislation within its remit, my Department, in line with the advice of the Attorney General, has always been conscious of the need to have matters of policy and principle dealt with in primary legislation.

All statutory instruments are laid before both Houses of the Oireachtas — a period of 21 sitting days is provided during which the instrument may be considered by the Members — and annulled if deemed not to be in keeping with the policy and principles contained in the governing primary legislation.

Given my Department's long-standing approach, the supervision of the Office of the Attorney General and the role of the Members of both Houses to scrutinise delegated legislation such as statutory instruments, I am satisfied that there is no systematic deficiency in this regard. However, my Department will continue to exercise care in the matter and will take full account of this issue in its ongoing review and consolidation of social welfare legislation.

EU Presidency.

530. **Mr. O'Connor** asked the Minister for Social and Family Affairs the plans her Department has to promote Ireland's EU Presidency with the Irish public; and if she will make a statement on the matter. [2805/04]

Minister for Social and Family Affairs (Mary Coughlan): My overall focus for the Irish Presidency will be to advance the EU social policy agenda generally and in particular, make progress in delivering on the ten year goals set by the Lisbon European Council in 2000.

The Irish Presidency priorities for the Employment, Social Policy, Health and

Consumer Affairs Council formation are detailed in the booklet entitled, More and better jobs and greater social cohesion in an enlarged Union, which is also available on the Presidency website. In early January I issued a detailed press release setting out the priorities in the social policy area. These are making work pay; co-ordination of social security for migrant workers; migration; family issues; social inclusion; and pensions.

As part of our contribution to modernising social protection systems, "making work pay" was chosen as the main theme for discussion at the informal Council of Ministers for Employment and Social Policy, which was held on the 16 January in Galway. The outcome of the discussions was explained fully through special press conferences and related interviews. I will also be hosting a number of major conferences over the period of the Presidency and these will be fully publicised at the appropriate times.

The Irish Presidency will work to secure, for the first time, an agreed high level paper to be presented to the spring European Council of Heads of State and Government. This will reflect in an integrated way the council's work on social inclusion, pensions, demographic developments, making work pay, gender equality and the employment related policy challenges addressed in the report of the European employment task force and elsewhere.

As Deputies are aware, a special Presidency website has been set up which can be accessed by the general public. Detailed information on the Presidency programme is available on that website. I will continue to make up to date information available on the website over the coming months.

Social Insurance.

531. **Mr. Ring** asked the Minister for Social and Family Affairs the person by whom PRSI contributions were submitted for a person (details supplied) in County Mayo from 1985 to 1993 inclusive; and the amount that was paid. [2814/04]

532. **Mr. Ring** asked the Minister for Social and Family Affairs the details of the PRSI contributions paid by a person (details supplied) in County Mayo after 1993; and if she will give an account of same and details of who paid this. [2815/04]

533. **Mr. Ring** asked the Minister for Social and Family Affairs if he will provide a breakdown of the PRSI contributions for a person (details supplied) in County Mayo; if she will include the dates and amounts of each payment. [2816/04]

Minister for Social and Family Affairs (Mary Coughlan): I propose to take Questions Nos. 531 to 533, inclusive, together.

The person concerned is a self-employed contributor and as such became liable for PRSI for the first time when it was extended to the self-

employed in 1988. Details of PRSI payments made by the contributor since 1988 are shown in the following appendix.

Appendix:

Year	Amount of PRSI	No. of contributions	Dates paid
	£		
1988/89	208.00	52S	31/10/88
1989/90	251.00	52S	15/04/99
1990/91	259.45	52S	09/05/99
1991/92	334.00	52S	09/05/99
1992/93	481.45	52S	09/05/99 13/02/00
1993/94	556.75	52S	13/02/00 05/03/00 21/05/00
1994/95	405.45	52S	21/05/00

Social Welfare Benefits.

534. **Mr. Durkan** asked the Minister for Social and Family Affairs if disability allowance is payable in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [2957/04]

Minister for Social and Family Affairs (Mary Coughlan): My Department has no record of a claim for disability allowance from the person concerned. An application form has been sent to him for completion. On receipt of this form, his entitlement to the allowance will be considered and he will be notified directly of the outcome.

Pension Provisions.

535. **Mr. Penrose** asked the Minister for Social and Family Affairs the necessary steps she will take to refund PRSI and health levies to PRSA contributors who pay direct to PRSA providers as distinct from contributors through payroll deduction, as provided in the Pension (Amendment) Act 2002, as such direct contributions are losing out financially due to the Department's failure to put in place the mechanism to effect such refunds, resulting in the exchequer being unjustly enriched; and if she will make a statement on the matter. [3004/04]

Minister for Social and Family Affairs (Mary Coughlan): Provision has been made to exempt from PRSI contributions payments made to personal retirement savings accounts, PRSAs, introduced under the Pensions (Amendment) Act 2002 and payments to other personal pensions in the form of ordinary retirement annuity contracts, which are paid through the payroll system. These arrangements were provided for in the regulations that govern the PAYE system.

Contributions to PRSAs and other personal pensions may also be made in a personal capacity outside the payroll system. Social welfare legislation provides for the return, subject to

certain conditions, of PRSI contributions paid in respect of payments made to such pensions by employees or proprietary directors outside the payroll system. The calculation of a refund requires input from both the Revenue and social welfare systems and, in addition, a PRSI refund may also be linked with an application for income tax relief.

My Department and the Revenue Commissions are in consultation to agree mechanisms to refund these contributions. As soon as the mechanisms are in place information as to how to claim a refund will be publicised and all refunds due will be paid in full.

Social Welfare Benefits.

536. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if a decision has been made in the appeal of a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [3047/04]

Minister for Social and Family Affairs (Mary Coughlan): The person concerned was in receipt of disability benefit from 31 July 2000. Payment was disallowed by a deciding officer from 3 October 2002 following an examination by a medical assessor who considered that she was capable of work. She appealed this decision to the social welfare appeals office and was found capable of work at a further medical examination on 11 November 2002.

Following an oral hearing on 13 March 2003 the appeals officer decided that the appellant was not incapable of work, within the meaning of the social welfare legislation, from 3 October 2002 and was not entitled to be paid disability benefit.

Following the disallowance of the appeal, further medical evidence was submitted. This was considered by the appeals officer on 15 July 2003 who decided that this evidence did not warrant the revision of the decision to disallow her appeal.

In late October 2003, further medical evidence was submitted on behalf of the appellant. This

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evidence was submitted to the chief medical adviser of the Department. He advised on re-examining the case that a revised decision was not warranted.

The person concerned was advised on 25 November 2003 that the appeals officer did not consider that there were any new facts or fresh evidence that would warrant a revision of his earlier decision to disallow her appeal.

Following representations made by the Deputy, arrangements were made to have the person concerned re-examined on 30 December 2003 by a medical assessor and she was found incapable of work from that date. She is entitled to disability benefit at the rate of €60.60 per week.

From the information available to the Department at this time, it would appear that the total amount of disability benefit payable to the household would be maximised if the person in question were to take up the option of receiving payment as a dependant on her spouse's existing disability benefit claim. The person concerned has been requested to advise the Department of her preferred option. As supplementary welfare allowance is already in payment at the maximum rate for the household in question, there would be no net increase in the household income.

Departmental Offices.

537. **Dr. Upton** asked the Minister for Social and Family Affairs her policy in respect of provision of local, nutritious food in the canteens and restaurants in their Department; the percentage of the purchased provisions which are produced locally; the percentage which is imported; the percentage of the food on sale

which is fast food; and if she will make a statement on the matter. [3075/04]

Minister for Social and Family Affairs (Mary Coughlan): My Department provides facilities for a canteen service for staff in a number of locations. However, it is not directly involved in the provision of meals or in the running of these facilities. Arrangements for the provision of services in these facilities are put in place by voluntary committees of staff in the locations in question. As a rule this involves the appointment of a commercial company to provide the service under the committee's general supervision.

I do not set down conditions in relation to the type of food to be provided under these arrangements, nor would I consider it appropriate for me to do so. The committees, however, would solicit views of staff from time to time in relation to the service and any issues arising would be discussed with the caterer.

Departmental Travel.

538. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs the amount her Department paid out in 2003 for car mileage expenses; and the separate amount paid to cover rail or bus ticket expenses. [3186/04]

Minister for Social and Family Affairs (Mary Coughlan): There is a significant level of travel expenditure in my Department's budget, arising from the dispersed nature of my Department's services and, *inter alia*, the fact that a considerable level of investigative work must be carried out in the course of delivering the Department's services. The total amount paid out in 2003 by my Department in respect of home travel expenses in 2003 was €1,868,638. This amount includes car mileage, bus-train fares and miscellaneous costs; these expenses are not recorded separately.