



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 10 February 2004.

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DÁIL ÉIREANN

—
Dé Máirt, 10 Feabhra 2004.
Tuesday, 10 February 2004.
 —

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

—
Paidir.
Prayer.
 —

Business of Dáil.

Mr. Sargent: On a point of order, is it appropriate to proceed with business in light of requests made by letter to the Ceann Comhairle's office?

An Ceann Comhairle: That is not a point of order. We must move to Taoiseach's questions in accordance with the relevant Standing Order. I call Question No. 1.

Mr. Sargent: It is the Taoiseach I had in mind. This matter needs to be dealt with as it is very serious.

An Ceann Comhairle: It cannot be dealt with at this point as we are dealing with questions to the Taoiseach.

Ceisteanna — Questions.

Northern Ireland Issues.

1. **Mr. Kenny** asked the Taoiseach if he will report on recent developments in the Northern Ireland peace process; and if he will make a statement on the matter. [1000/04]

2. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [1001/04]

3. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the British Government; and if he will make a statement on the matter. [1002/04]

4. **Mr. Kenny** asked the Taoiseach when he next expects to meet the British Prime Minister, Mr. Blair; and if he will make a statement on the matter. [1003/04]

5. **Mr. Kenny** asked the Taoiseach when the Forum for Peace and Reconciliation will next

meet; and if he will make a statement on the matter. [1011/04]

6. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the British Prime Minister in London on 17 December 2003. [1032/04]

7. **Caoimhghín Ó Caoláin** asked the Taoiseach if he has received the annual report of the North-South Ministerial Council for 2002; and if he will make a statement on the matter. [1036/04]

8. **Mr. Kenny** asked the Taoiseach if he will report on his meeting in London with the British Prime Minister on 17 December 2003; and if he will make a statement on the matter. [1050/04]

9. **Mr. Kenny** asked the Taoiseach if he will report on his meetings with the pro-Agreement parties in London on 17 December 2003; and if he will make a statement on the matter. [1051/04]

10. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with the British Prime Minister, Mr. Tony Blair, in London on 17 December 2003. [1186/04]

11. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his talks with Northern political parties in London on 17 December 2003. [1187/04]

12. **Mr. Rabbitte** asked the Taoiseach the contacts he or his Department has had with the Democratic Unionist Party since the Assembly elections in Northern Ireland; and if he will make a statement on the matter. [1188/04]

13. **Mr. Sargent** asked the Taoiseach if he will report on recent developments in the Northern Ireland peace process; and if he will make a statement on the matter. [1274/04]

14. **Mr. Sargent** asked the Taoiseach the procedures for reviewing the Good Friday Agreement; the progress so far in the review; and if he will make a statement on the matter. [1275/04]

15. **Mr. Sargent** asked the Taoiseach if he will report on recent contacts he has had with the British Government concerning Northern Ireland; and if he will make a statement on the matter. [1276/04]

16. **Mr. Sargent** asked the Taoiseach the meetings he has had with the Northern Ireland political parties since the beginning of 2004; and if he will make a statement on the matter. [1277/04]

17. **Caoimhghín Ó Caoláin** asked the Taoiseach the role he will play in the review of the Good Friday Agreement; and if he will make a statement on the matter. [1578/04]

18. **Caoimhghín Ó Caoláin** asked the Taoiseach his plans to provide for Six County representation in the Houses of the Oireachtas in 2004. [1699/04]

19. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting on 19 January 2004 with the British Prime Minister, Mr. Tony Blair. [1731/04]

20. **Mr. Rabbitte** asked the Taoiseach the role he or his Department will play in the proposed review of the Good Friday Agreement; and if he will make a statement on the matter. [1732/04]

21. **Mr. Rabbitte** asked the Taoiseach if he has raised at any of his recent meetings with the British Prime Minister, Mr. Tony Blair, the failure of the British Government to publish the Cory report in regard to matters in Northern Ireland; if he has received an undertaking from the Prime Minister that the report will be published; when he expects this to take place; and if he will make a statement on the matter. [1733/04]

22. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the British Prime Minister on 19 January 2004. [1790/04]

23. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [1828/04]

24. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the British Government; and if he will make a statement on the matter. [1829/04]

25. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at his recent meeting with the British Prime Minister, Mr. Tony Blair; and if he will make a statement on the matter. [1837/04]

26. **Mr. Rabbitte** asked the Taoiseach if he has considered reconvening the Forum for Peace and Reconciliation, especially in view of the political vacuum that exists in Northern Ireland; and if he will make a statement on the matter. [2891/04]

27. **Mr. Rabbitte** asked the Taoiseach the matters discussed and conclusions reached at his meeting on 26 January 2004 with representatives of the Ulster Political Research Group; and if he will make a statement on the matter. [2901/04]

28. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting on 29 January 2004 in London with a delegation from the Democratic Unionist Party. [3150/04]

29. **Mr. J. Higgins** asked the Taoiseach if he will report on the matters discussed and conclusions reached at his meeting with representatives of the Democratic Unionist Party in London; and if he will make a statement on the matter. [3695/04]

30. **Mr. Sargent** asked the Taoiseach if he will report on the outcome of his meeting in January 2004 with a delegation from the Democratic Unionist Party; and if he will make a statement on the matter. [3976/04]

31. **Mr. Sargent** asked the Taoiseach the recent contacts he has had with the British Government

concerning the failure of that Government to publish the Cory report; and if he will make a statement on the matter. [3978/04]

172. **Mr. O'Connor** asked the Taoiseach if he will report on his historic meeting with the DUP in London; his views on the current situation; and if he will make a statement on the matter. [3469/04]

The Taoiseach: I propose to take Questions Nos. 1 to 31, inclusive, and No. 172 together.

I take this opportunity to pay tribute to the extraordinary contribution of John Hume to political life on this island and, on his announcement that he will not seek his party's nomination for the European Parliament elections on this occasion, in particular his contribution on the European stage. Throughout his distinguished service in the European Parliament, John has always worked with his fellow Northern Ireland MEPs across the political divide to put the interests of the people of Northern Ireland and the people of this island first. He was central to securing the support of the European Union for the peace process, support that found tangible expression through the EU Programme for Peace and Reconciliation. He is a great European who believes strongly in the European project and he leaves a remarkable legacy of achievement. I wish him well for the future.

Since the Assembly elections last November, the Minister for Foreign Affairs, Deputy Cowen, and I have had a range of contacts and meetings with Prime Minister Blair, the Secretary of State for Northern Ireland, Paul Murphy, and the political parties. I met the SDLP, the Ulster Unionist Party, Sinn Féin and the Alliance Party in London on 17 December. Most recently, I met Prime Minister Blair on 19 January. The Minister for Foreign Affairs met Paul Murphy at the British-Irish Intergovernmental Conference on 22 January. I met a DUP delegation led by Dr. Ian Paisley on 29 January in London. On 4 February, I met Mitchell Reiss, President Bush's special envoy. All these contacts have focused primarily on assessing the prospects for making progress, including in the context of the review of the Good Friday Agreement, which commenced on 3 February.

At my meeting with Prime Minister Blair, I urged again the publication of Judge Cory's report into the murders of Pat Finucane, Rosemary Nelson, Robert Hamill and Billy Wright. As I stated, I met a Democratic Unionist Party delegation led by Dr. Paisley at the Irish Embassy in London on 29 January. I sincerely welcome the opening of this dialogue with the DUP. It was an important meeting, the first in which Dr. Paisley has engaged with the Irish Government on political issues. Our discussions were of an exploratory nature. We want to have good relations with the DUP. We would like, arising from our meeting in London, to see our

dialogue continuing at all levels and on the basis of mutual respect.

Both Governments have made it clear that the review that is now under way is not a review of the fundamentals of the Agreement. We have said that there can be no change to these fundamentals, but we are open to considering practical and sensible changes in the workings of the Agreement where there is a consensus supporting such changes.

The Agreement is, of course, wider than devolution. It embraces a broad agenda of changes in other areas, changes reasserted in the Joint Declaration last year, including in policing, criminal justice, human rights and equality. This remains the agenda for both Governments and we will continue to insist that the changes are implemented. The British-Irish Intergovernmental Conference, which is chaired by the Minister for Foreign Affairs and the Secretary of State, is taking the process forward. We are committed to ensuring that the North-South arrangements continue to function in a satisfactory manner.

On Monday, 26 January, I met representatives of the Ulster Political Research Group. I have long held the view that the opening of dialogue with representatives of the loyalist community was important. This meeting was a logical follow-up to my meeting with the Loyalist Commission last June. I recognise the very real concerns 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 other criminal activities must be dealt with by the police and those responsible must be brought to justice.

I have indeed received the annual report for 2002 of the North-South Ministerial Council. Deputies will be aware that the annual report was laid before the Houses of the Oireachtas on 13 January. The annual report provides a very interesting insight into the work of the Council. It is impossible not to be impressed by the very considerable programme of work taken forward under the aegis of the North-South Ministerial Council in 2002, both in terms of the North-South bodies and in the areas where co-operation is taken forward by the respective Departments. It clearly confirms the importance of North-South co-operation and the benefits it has brought to the people of this island. Deputies will recall that, given that the NSMC cannot meet during suspension, we legislated in November 2002 to provide that both Governments could take any

decisions required to allow the North-South bodies to continue to carry out their important public functions.

In the period ahead and against the background of efforts to bring about the restoration of devolution in Northern Ireland, both Governments are committed to protecting the achievements of the agreement, including the strand two arrangements which include the North-South Ministerial Council and the all-island implementation bodies.

Whether a meeting of the Forum for Peace and Reconciliation is convened is not a matter for the Government but for the chairperson and all the participating parties. The review process will be the focus of the Government's attention in the period ahead. In these circumstances, I would not expect an early meeting of the forum.

The All-Party Oireachtas Committee on the Constitution reported on its examination of how people living in Northern Ireland could play a more active part in national political life to the extent that they so desire and in a spirit consistent with the principles underlying the agreement. The committee also suggested that it would be especially valuable periodically to have the expertise, experience and insight of politicians from Northern Ireland in specific, appropriate debates in the Dáil and Seanad.

I share the all-party committee's view that it would be desirable to extend and formalise the existing practice regarding representation from Northern Ireland in the Seanad. The review of the composition and functions of Seanad Éireann provides an opportunity in which this discussion and dialogue can be progressed.

In so far as the all-party committee's recommendations on the Dáil are concerned, I hope the Whips can examine the possibility that arrangements for appropriate participation could be considered within the timeframe of this Dáil. I fully subscribe to the view that such participation should take place on a cross-community basis with parity of esteem for all communities in Northern Ireland.

Mr. Kenny: I join the Taoiseach in paying tribute to the efforts of John Hume over three decades in Northern Ireland politics. As an MP and MEP, John Hume strode across the political landscape in Northern Ireland like a colossus and used his considerable influence to enormous beneficial effect. I trust that his experience, gained over many dark days and years, will not be lost to the political process as we move towards implementation of the Good Friday Agreement.

Does the Taoiseach agree that the announcement by the DUP, following the highly symbolic meeting between him and the party's representatives in the Irish Embassy in London, amounts to what the British Prime Minister, Mr. Blair, described as a seismic shift in attitude, in that previously the DUP wanted to deal only with the Irish Government whereas it has now declared it would be prepared to deal with

[Mr. Kenny.]

republicans provided there is clarity about ending all paramilitary links? Does the Taoiseach regard that as a fundamental change in the attitude of Dr. Paisley and his party?

Did the Taoiseach's discussions with the DUP in London centre on a review of the Good Friday Agreement or were they confined to the possibility of putting new structures in place to effect a return of the legislative assembly?

The Taoiseach: Various comments have been made about the DUP proposals. They are interesting and constructive. They certainly differ from what the party has said over the years. What must be focused upon above all is that any proposal that is not inclusive and does not allow for power sharing and total participation by all sides will not work. These are strand one proposals which open up the debate. A number of people who have expressed reservations about them have also said they at least constitute a blueprint which will enable people to begin work. The proposals have been interpreted both positively and negatively by different people. I do not wish to go into the merits and demerits of the DUP proposals. They contain a great deal of detail which is crucial and must be examined comprehensively.

The core of the peace process and the Agreement is that there should be full inclusive partnership on a cross-community basis. As I have said many times since the election, that is the real issue on which the DUP and all the other parties must focus. The review is not about the fundamentals of the Agreement. Neither Nationalist party in Northern Ireland will sign up to any dilution of the partnership proposals we have worked on over the last six years. The question for any proposal on the Northern Ireland Assembly and Executive is whether it meets the test of partnership. When people look, not just at the DUP's proposals, but all the proposals that will be discussed over the next few weeks, that is the test they must see. That is what they must focus on. Both Sinn Féin and the SDLP have made it clear they see difficulties with the proposals as they stand. Any new proposals will have to attract consensus.

That is a challenge for the DUP, but it certainly is a move away from where we have been, hitherto. In fairness to the DUP and these proposals about strand one, while we are not directly involved, we have an interest in the overall balance of the Agreement and this has to be preserved. The DUP proposals are an opening position. We should examine them and then see how they evolve in future discussions.

Mr. Kenny: The DUP put forward three models — voluntary, mandatory and corporate assembly. Two of these have been rejected by Sinn Féin. Did the Taoiseach have any discussions in respect of those models with the DUP? Taking into account that the DUP is now

facing into reality, following the electoral mandate it received in the Assembly elections, does the Taoiseach agree that the situation now puts the focus back firmly on Sinn Féin and paramilitary activities? Does he intend to meet Sinn Féin again following his meeting with the DUP to discuss this particular way forward? If the DUP is saying it is prepared to deal with the republicans based on the ending of all paramilitary activities, then clearly the focus has recented on Sinn Féin.

In respect of Barron and the Taoiseach's meeting with Prime Minister Blair, does he accept that even if the committee dealing with that report was to recommend a public inquiry, it is a non-runner unless the British Government was to say it would compel all witnesses to attend and provide all the information they have? Does he have a personal view, as between an international style tribunal or a public inquiry, in respect of Barron? I accept he may not wish to answer that fully, depending on the final outcome of the committee's inquiries. Will he say if he has a personal view on either of those two options?

The Taoiseach: Two major issues are involved, as regards the first question. I will repeat what I said earlier. As we get into the discussions the litmus test must be whether any proposals meet the test of partnership, where there is cross-community consent, support for people working together in a devolved Executive and in an Assembly. That is the crucial issue in all of the statements. The proposals being put forward by all the parties are interesting. We should acknowledge the work and effort being put in by the parties and their backroom advisers in presenting interesting papers on the review. However, it is important that is clear that what is being discussed is the operation of the Agreement, not its fundamentals. We will not be talking about the fundamentals of the Agreement, but let us see what progress we can make in the talks.

We are not involved in strand one, which is the DUP proposal. We have an interest in the overall balance so we will maintain that issue. Ultimately, the reply to Deputy Kenny's first question is that there are two issues to which we keep coming back. First is to get a devolved working partnership on the basis set out in the Good Friday Agreement. That will only be achieved and people will only work together if there is an end to paramilitarism and all associations with it. That is clear. It is also clear that, unless everybody's mandate and position is respected, there will be no progress. The review process faces the challenge of dealing with both issues as best and as fully as possible. I have discussed this matter with all sides and will discuss it again next week with the leadership of Sinn Féin. It is essential we deal with these issues.

We are now into the second week of the review. Everybody has agreed to two full-day meetings. Obviously, other meetings will take

place on the other days and parties have agreed to co-operate. The review commenced in a good atmosphere with no difficulties, walk-outs or problems such as arose in the past. That is positive.

The Deputy's second question related to the Barron report. The committee considering that issue is meeting today and will continue its meetings until it reaches its conclusions. The committee must work its way through the report. Many people involved in past and current activities are giving their views to the committee. I would rather await the outcome of that body's report. I am monitoring what is happening at the committee.

I gave my view on the matter a few weeks ago in reply to a question from Deputy Rabbitte. We should not under-estimate the level of inquiry that has taken place during the past four years. That inquiry was first overseen by the former President of the Supreme Court, the late Mr. Justice Hamilton, and later by a current member of the Supreme Court, Mr. Justice Barron. All the work done and evidence obtained on this matter from the Garda, the Department of Justice, Equality and Law Reform, and other Departments and agencies in co-operation with the different Secretaries of State in Northern Ireland and the British departments is contained in the report now under examination. I have tried many times in recent years to obtain as much information as possible in that regard. While I am not against another investigation, I do not think it will be possible for another person to discover issues not discovered by Justices Hamilton and Barron.

I made a promise last week to try to find out more about the missing files. Mr. Justice Barron believes files exist in some areas. The Department of Justice, Equality and Law Reform has stated that, following extensive examinations over the years, it is still unsure whether the files are missing or if they ever existed. I stated last week that this matter had been examined by the Garda Commissioner. That information was incorrect; the Garda Commissioner did not examine the matter. However, an extensive check was made to find out if the files ever existed.

A number of former Ministers who have appeared before the Oireachtas inquiry expressed doubts about the existence of the files. Bringing in an international judge from Canada or Australia will not improve on that situation. No member of the Garda or person currently employed in the Department was around at that time. Members should consider this matter carefully. The late Mr. Justice Hamilton worked very hard on and put a great deal of time into the inquiry, as did Mr. Justice Barron. The matter will not be resolved by bringing in an international judge or by seeking information in other areas. We must leave this matter to the Oireachtas committee and Mr. Justice Barron. I have an open mind on the issue but am reluctant to pretend we will get any further with it by

commencing another process for another four or five years. That is the difference.

Caoimhghín Ó Caoláin: Has the Government a strategy to end the suspension of the institutions by the British Government and to move the Good Friday Agreement forward to full implementation? If so, will the Taoiseach outline the strategy to the House? Does he agree with the response of both Sinn Féin and the SDLP to the DUP proposals last week that they are, in essence, unworkable and amount to a blueprint for a return to single party and majority rule in the Six County area? Does he also agree the current review must not amount to an exercise in unravelling the important progress made in the Good Friday Agreement, as some wish? Does he further agree progress can only be made regarding the Assembly and a working executive in the context of fully functioning and interlocking all-Ireland institutions? That is what people have worked towards and supported and that is a significant and important cornerstone of the Agreement.

Does the Taoiseach agree, contrary to Deputy Kenny's assertion regarding the raising by the DUP of the ending of all paramilitary activities, that that does not refocus attention on Sinn Féin but demands, as it must, a concentration of effort on the part of all elected voices and all parties to ensure an ending of all such activity, to which Sinn Féin is fully committed?

I refer to the Taoiseach's reply to a question I tabled in this grouping regarding Northern representation. He viewed this as a matter for the Whips to consider progressing within the timeframe of this Dáil. As media commentators have speculated recently on the likely timespan of this Dáil, can the Taoiseach be more specific? Is he actively encouraging his Chief Whip to make this a substantive matter on the agenda of Whips' meetings on which we will see early progress?

The Taoiseach: I will take the last question first. I have no difficulty with the proposals agreed in the last Dáil and we should get on and try to reach agreement. The only caveat I would add, which I have stated repeatedly, is the true meaning of parity of esteem must be taken into account and this facility must be open to all parties. That must be agreed by the House. The original report was agreed some years ago and I am ready to be helpful and to progress this as quickly as people want, but it must be done with everybody's agreement and representation must be open to everybody in Northern Ireland rather than just one or two parties. This must be done properly.

On the Government strategy, the review which commenced last week will examine the operation of the Agreement, not its fundamentals, and it will provide all parties with an opportunity to discuss areas where difficulties have arisen and where work needs to be done. Our strategy is that

[The Taoiseach.]

there are areas that we classify as fundamental to the Agreement, which I can outline to the House, but they are clear, and there are aspects where we can make progress. There were difficulties over recent years in the operation of the Agreement in many areas. They should be dealt with under the review and that will help.

The mandates of all parties must be respected and that is our strategy in the talks. We, naturally, wish to work with all parties in the Assembly to secure a fully operational, stable

3 o'clock institution. My meetings with all the parties have been constructive — my meeting with the DUP took place in a good atmosphere. We must wait to see what emerges in the coming weeks to assess whether the parties are ready to do business. Our strategy is clearly to encourage them to do business and to get the Executive and the Assembly up and running.

The Agreement is inclusive and that means that everybody must do business together. The process cannot go on indefinitely and it must be focused. I have stated that we should try to complete this review by Easter, which is not long away, considering the amount of work that must be dealt with. Both Governments are committed to moving the process forward and progressing implementation of the Agreement. I note Deputy Ó Caoláin's comment that his party is supportive of efforts to see the end of paramilitarism, a sentiment with which I agree. We need to achieve that end to get people into a state of mind in which they will be prepared to do business and engage in an inclusive Executive, and Deputy Ó Caoláin is aware of that.

Caoimhghín Ó Caoláin: In respect of Deputy Kenny's point regarding the DUP's particular focus on paramilitary activity and his assertion that that refocuses attention on Sinn Féin, does the Taoiseach not agree that in reality the address of paramilitary activities, in all their shapes and guises, is the responsibility of all elected representatives and all parties? Does he agree we should be moving forward collectively to an ending of such activities?

The Taoiseach: Naturally that is what I would like to see in the negotiations. We can see an ending on all sides. There is a willingness in this regard but there are some people on the fringes — the loyalists recognise this — who do not have total control or even a means of exercising such control. Regardless of whether it is republicans, dissident republicans, loyalists or whoever is involved, we must try to find a way to move towards an end of this process. If we can do that, we will open opportunities to find the means of having an inclusive Executive. Otherwise, as Deputy Ó Caoláin is aware, it is obvious we are unlikely to encourage parties to work inclusively.

In the review, we must consider how we can move towards that position. On one hand, the issue is paramilitarism and there should be the

inclusion of all sides and all factors and, on the other, the issue is the stability of a working, inclusive Executive that represents all people — Nationalists, republicans, loyalists and Unionists — in Northern Ireland. While that is not the only part of the review, it is a central point which will stop us from getting devolution into operation, as set out in the Good Friday Agreement, with a working Executive and Assembly, with the institutions under strands 2 and 3, the North-South bodies and the British-Irish Governmental Conference working properly together.

Mr. Rabbitte: When the Taoiseach met representatives of the Ulster Political Research Group did he raise the question of sectarian attacks on certain nationalist communities? Did they give any commitments or offer any views in respect of that issue? Does the Taoiseach consider favourably the movement by the DUP to offer serious prospects in terms of restoring devolved institutions to Northern Ireland? I had the opportunity in January 2003 to meet a number of DUP MLAs. Does the Taoiseach consider that I am correct in having drawn from them the impression that they were preparing to take part in serious discussions, provided the disarmament issue was dealt with?

In that regard, does he consider that the movement away from militarism within the republican movement is being maintained, or does he think it has slowed or halted? Did he raise this issue when he met Sinn Féin? Given the commitment in respect of dealing with the arms question within two years of the Belfast Agreement, does he consider it urgent that the matter be finally disposed of?

The Taoiseach: During my meeting with the Ulster research group we discussed the ongoing difficulties and the attacks on Nationalists. That issue is of ongoing concern. The group is forthcoming in its condemnation, particularly of pipe bomb attacks. It is not always possible for it to control all of these issues and there are disparate groups and individuals. However, the leadership of the group is opposed to these activities, wants nothing to do with them and does all it can to control them. In fairness to the group, there are also practical difficulties. It is not an holistic organisation which can control everything in a way that would satisfy everyone. It condemns activities and the situation, including UDA activities, is better than it was. There are also tensions within the organisation. We saw after the group met me that people expressed concerns at it being involved in such meetings. Those pressures are evident.

The issue of ending paramilitarism has not been dealt with. We have still not reach a conclusion on that issue. The discussions and work which have continued since the act of completion speech of autumn 2002 has yet to be completed. Progress is being made, the joint declaration has set out some of the positions but

we must still reach an end of that process. I hope it will be dealt with successfully because until that happens, there will continue to be concerns — some real, some factual, some based on uncertainty about who is involved. Until there is a final settlement and we see this issue as part of the overall Agreement, it will continue to poison the negotiations. That is the reality. We can wish it to go away but we all know that wishing will not make that happen.

Many of the operational issues regarding the working of the Agreement by the DUP, the UUP, Sinn Féin, the SDLP and the Alliance Party can be dealt with in the review but we still must deal with those two key issues. In the winter of 1997-98 we used say there were only 72 issues and that situation continued for a long time. There are now two issues. The first is the end to paramilitarism. I agree with Deputy Ó Caoláin that this means an end to paramilitarism in its totality and on all sides. The second issue is the total respect for everyone's mandate. Everyone must respect everyone else. I believe this issue can be dealt with satisfactorily. It is well set down now and there is not much need to do any more in terms of setting it down. The Prime Minister, Mr. Blair, and I have made different statements but their meanings are much the same. We have set out how we believe that could happen. I do not wish to go into every chapter and paragraph we have set down because that can be counter-productive. Nevertheless, it is all there. If that issue is dealt with there can be no reason for anyone to refuse to work on the basis of consent and participation in a devolved Executive. I accept that is easier to say than to do, but that is the reality. It is the end of the review looking at the working aspects of the Agreement to see how it can be improved. I accept there are many areas in which we can do that.

Regarding the DUP, which is now a large party, I have already said that it did well with its four principles on which it stood in the election, increasing its mandate, and increasing it further with the defections from the UUP. The DUP stated it stood in the election on the platform of stability, accountability, efficiency and effectiveness. I said I had no problem with any of those issues, provided the DUP also added an inclusive agreement. On that basis we should be able to make progress if we can deal with the other two issues. It is a question of whether we can deal with those issues. If we do not deal with them, I cannot see an agreement being finalised, because it is clear the review will not deal with them.

An Ceann Comhairle: Deputy Rabbitte must be brief, because I want to hear from two Deputies who submitted questions and who have not had an opportunity to speak.

Mr. Rabbitte: I want to pay tribute again to the unrivalled work of John Hume, who is leaving the political stage, and to acknowledge that he has

been a bulwark for constitutional politics in Northern Ireland for more than 30 years.

Does the Taoiseach agree that, notwithstanding the difficulties, it is regrettable that the British Government has not carried out its promise to publish the Cory report, or at least publish it in a manner which it feels is consistent with good practice?

An Ceann Comhairle: Before the Taoiseach takes that question, we will hear from the Deputies who have submitted questions.

Mr. Sargent: On behalf of the Green Party I join in the tributes paid to John Hume. He may have paid the price of peace in terms of his own health as well as the politics of his party.

Regarding the Taoiseach's comments about the insights of Northern representatives on this side of the Border, which are laudable, and which will hopefully come to pass in due course, does he regard it as important to engage the total political capital on this island that is pro-Agreement, in this House as well north of the Border? Does he agree it is necessary to find some role for Opposition parties in the Dáil in the review of the Belfast Agreement? Would he envisage bilaterals or round-table discussions being of benefit, or would he at least agree that more can be done than is being done at present?

What is the position of the Taoiseach and the Government regarding the British Government's thinking that a new election should be called in Northern Ireland, perhaps next June? Has the Taoiseach outlined the Government's position, and have any discussions taken place on this matter with the British Government?

Will the Taoiseach join me in calling on the British Government and the Northern Ireland Secretary of State to confirm or deny claims contained in Nicholas Davies' book, *Dead Men Talking*, that an alleged high level IRA spy — the Taoiseach may know of whom I am speaking — met former British Prime Minister Margaret Thatcher in the mid-1980s, and enjoyed access to high level Government intelligence committees? Does the Taoiseach share the Green Party's grave concerns about the implications of high level collusion between British intelligence and Provisional IRA command structures? Has he had an opportunity to raise this matter with the British Government?

Mr. J. Higgins: Does the Taoiseach agree that five years on, the institutionalisation of sectarian division in the political structures of Northern Ireland, and the sectarian basis on which most political parties continue to operate, have unfortunately resulted in a widening polarisation of the communities? Does the Taoiseach agree that as a result, we now have more of a pretence of a political process than any substantial reality? Does he further agree that with three elections due in Northern Ireland in the next 14 months — the European, local and Westminster elections —

[Mr. J. Higgins.]

we can expect the sectarian-based political parties to campaign true to form, continuing the polarisation?

Will the Taoiseach agree that the tragedy in all this is that working class communities, which bear the brunt of the results of polarisation and sectarianism, are still bedevilled with poverty and homelessness and now, unfortunately, in some areas racism is rearing its ugly head? Rather than having sectarian structures imposed upon them, is it not clear that working class people need a new political formation within which they can come together to unite in facing the problems they commonly face, rather than continue to be divided by sectarian politics?

The Taoiseach: In regard to Deputy Rabbitte's question on Judge Cory's reports, we would welcome the publication at the earliest opportunity of Judge Cory's reports in the cases of Pat Finucane, Rosemary Nelson, Robert Hamill and Billy Wright. I expressed the view strongly to Prime Minister Blair that they should be published as a matter of urgency and that the delay in publication is having a detrimental effect on public confidence.

Deputies will be aware that we have published the two reports relevant to this jurisdiction and that a public inquiry will be held into the Breen and Buchanan case. It is not a source of tension between the two Governments, as some have sought to suggest, but it is something that needs to be dealt with urgently and we believe the British Government should deal with it urgently. It is important that the Governments stand by the commitments we made at Weston Park.

On Deputy Sargent's question about the matter of intelligence and the contacts at various levels, I cannot either confirm or deny these reports but obviously there is contact, and the security forces over the years clearly had contact at different levels. That was inevitable in a period when the level of conflict in Northern Ireland was so high.

On the question of the Dáil's involvement, as has been mentioned here, I know that all parties are in touch and have regular meetings with the parties when they visit. When anything important arises I normally arrange to brief party leaders and I continue to do that. The parties are caught up in two full days of the review and there are other meetings and connections taking place on the other days. At this stage it is just a matter of keeping in touch and when we get towards the end of that, if there is a need to change tactics or procedures, we can do that.

On Deputy Higgins's question about sectarianism, obviously sectarianism continues to be a major problem. There is polarisation and difficulties remain within areas of people being driven from their homes. There is no doubt about that. That continued to happen even last year when things were quieter. We should support the efforts of people like the Irish Congress of Trade

Unions, the civic forum and other groups which have worked hard to assist this process because there are many people across the divide who are endeavouring to improve relationships.

A major part of this — I discussed this with the loyalists — is a research group. It applies to Catholic areas but also to loyalist areas. The difficulties in some of these communities is lack of resources for basic facilities. We have raised many times with the Northern Ireland Office, both with the Secretary of State and other Ministers, that resources need to be put in to try to rectify the difficulties and hardships experienced in these communities.

An Ceann Comhairle: That concludes Taoiseach's question time.

Caoimhghín Ó Caoláin: Very briefly, a Cheann Comhairle——

An Ceann Comhairle: Sorry, Deputy. We have gone five minutes over Taoiseach's question time.

Mr. Rabbitte: On a point of order, a Cheann Comhairle, I am advised that the Government wants to withdraw leaders' time or to change the sequence to facilitate a debate on the Flynn issue. We are quite happy to facilitate a debate but not to change the sequence of Leaders' Questions. If the Government wants to make an offer in Government time, we want that and we agree to it but we do not want it making an offer in Opposition time.

An Ceann Comhairle: Deputy, you have made your point. It is not appropriate at this time because you are eating into time that is mainly for the benefit of the Opposition to ask questions to the Tánaiste and Minister for Enterprise, Trade and Employment.

Priority Questions.

Consumer Protection.

108. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the precise role of the new consumer panel that she proposes to establish in respect of measures dealing with consumer protection; and if she will make a statement on the matter. [4177/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I am increasingly disturbed by stories of rip-off Ireland and the time has come for some radical new thinking in terms of our approach to consumer issues. My key objectives are to put in place the structures and mechanisms which will promote effective competition in consumer markets, which will encourage the active participation of consumers at all levels of economic, political and social life and which will ensure that in the future greater

attention is paid to consumer interests in the development of economic and social policy. I also believe that consumers will benefit when product and service providers become more appreciative of the contribution a satisfied customer can make to the growth and development of business.

In the past it has proved difficult to establish an effective consumer lobby in Ireland and this is due in large part not to the lack of effort on the part of those involved but to the diverse and changing nature of the consumer agenda. I am determined to change that situation. I want consumers in Ireland to have a powerful voice and for that voice to be heard. I want consumers to have effective representation and input in the development of policy proposals at national and local level. I want to encourage effective consumer participation in national debate on issues of importance to them.

Competition will only succeed with the full co-operation of consumers. Therefore, I want to encourage and see develop in Ireland a culture where consumers are confident and insistent in demanding value and quality at all times. Consumers should be able to easily understand their rights and have a simple and effective means of redress when they believe those rights are denied.

To make progress on these important objectives, I will shortly announce the establishment of a small group to advise me on the development of a national consumer agenda. Membership of the group will comprise people with the interest and expertise to allow them to contribute positively to the process. The terms of reference for the group will reflect the objectives I have outlined. I expect the group will be in a position to report within a relatively short timeframe given the importance and complexity of its task.

Mr. Hogan: Following the Tánaiste's seven years in office, she has now discovered that consumers require a stronger voice and will seek advice, from another quango that she is about to establish, on what should be done in respect of consumer issues and consumer protection before the reshuffle given that she has already announced her desire to move from her present Department. She proposes to put another group of people, or cronies, on a committee to discuss the issue. Does the Tánaiste accept that we need a powerful review and committee system that will investigate these issues in a more thorough fashion, that changes in legislation are required in the area of consumer protection that will give consumers greater diversification and choice, and that full implementation of many EU directives in the context of the Single Market is required to give greater competition to consumers?

Ms Harney: There is no question of a quango. A consumer advisory group involving 33 different personalities was established by my predecessor. Many of the 33 people represent the regulators

or the producers. In many other countries, the consumer lobby has grown organically in society. Unfortunately, that has not happened here.

The intention is to replicate what happened in insurance with the Motor Insurance Advisory Board but to have a smaller group. The group of individuals will be chosen for the personal qualities they bring to this agenda rather than being representative of any particular vested interest. That is what is required. The idea is to stand down the existing group and replace it with a more focused and smaller group of individuals who will examine, among other things, how to develop an effective consumer voice in Ireland, act as an expert adviser to me, and be separate from the enforcement role which is the responsibility of the director of consumer affairs.

The EU has an important role to play. A number of EU draft directives are being discussed during Ireland's Presidency, one of which relates to unfair commercial practices, to help consumers do business on a Community-wide basis. That does not supplement the need for a more effective lobby for consumers. Time and again when Deputies, Ministers and others seek a consumer representative, with the exception of the Consumers Association of Ireland, it is not easy to find the appropriate person or group. It is time we put an end to that difficulty.

Mr. Hogan: I submit that the Tánaiste would have a stronger Consumers' Association of Ireland if more resources were given to that body. We will not have an effective consumer voice unless there is a properly resourced Consumers Association of Ireland. The Tánaiste could do more to further the interests of consumers through that organisation if it were properly resourced. Some of the powers taken from the Office of the Director of Consumer Affairs, since its establishment in 1978, have been transferred to Irish Financial Services Regulatory Authority. This is a statutory body that could be overhauled to the extent of representing consumer interests and dealing with consumer problems.

The website for my political party, which was established recently, has had more than 20,000 visitors during the past two months. This is an indication of the level of consumer frustration with the manner in which many issues are being dealt with. Does the Tánaiste agree that a review of the powers and the legislation surrounding the Office of the Director of Consumer Affairs would be preferable rather than establishing another advisory committee?

Ms Harney: There is a need to do both. Obviously the role of the director is to enforce the law. She has made some valuable suggestions in the area of more display orders for the medical profession, dentists and doctors. From time to time the Director of Consumer Affairs makes her opinions available to me and obviously we act on them in most cases. The role of that office is to

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enforce the law and to deal with the criticisms consumers bring to her attention. It is not the role of that office to be an advocate or to carry out a constant review of legislation.

Structures may need to be examined. For example, some have suggested the Competition Authority and the Office of the Director of Consumer Affairs, in the future, may be more appropriate in one location because they are two sides of the same coin. That may be an issue on which the new group can advise. Together with the consolidation of the law, we will have resources to carry out research into areas where prices appear to be out of sync with other European countries. I have provided considerably more resources to the Consumers Association of Ireland than it had prior to my becoming Minister for Enterprise, Trade and Employment.

Insurance Industry.

109. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made to date with regard to the implementation of her action plan for the insurance industry; the elements of the plan yet to be implemented; the timetable for the implementation of the different elements of the plan; if she intends to take steps to deal, in the meantime, with the escalating cost of insurance; the number of persons recruited to date to the staff of the Personal Injuries Assessment Board; when she expects that the board will be operational; and if she will make a statement on the matter. [3821/04]

Ms Harney: The insurance reform programme that I announced on 25 October 2002 comprises a comprehensive set of inter-related measures designed to improve the functioning of the insurance market. I chair a ministerial committee established to drive the co-ordinated implementation of this reform programme across the relevant Departments and other bodies concerned. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help tackle the high cost of insurance.

One of the key measures in the reform programme is the implementation of the recommendations in the Motor Insurance Advisory Board action plan within a target timeframe. To date, 32 of the recommendations have been fully implemented, three have been partially implemented and work is in progress on the implementation of the other recommendations. I have precise information on each of the recommendations which I will make available to the Deputy.

Another key measure is the establishment of the Personal Injuries Assessment Board. As the Deputy will be aware, the Personal Injuries Assessment Board Act 2003 was signed by the President on 28 December 2003. The provisions

of this will be commenced soon. A chief executive officer has been appointed and commenced duty on 2 February 2004. The proposed structure and staffing levels of the new body are being finalised in conjunction with the new chief executive officer, and it is expected that a recruitment campaign will commence later this month. The board will become operational when the necessary staff and information technology systems are in place, which I expect will be within the next two months or so. The PIAB interim board has made enormous progress in this regard.

In addition, my Department and the Competition Authority are undertaking a joint study into the insurance market. A significant amount of the work was completed in 2003 and a report will be produced shortly.

Indications are that the reform programme is having its desired effect. The Central Statistics Office publishes monthly indices of costs for a number of classes of insurance. These statistics show that there was a reduction of 11.7 index points — 11% — in motor insurance between December 2002 and December 2003. Further, the CSO noted a significant contribution from insurance to the recent reduction in inflation. As implementation of the reform programme continues, I expect further significant reductions to occur in all forms of insurance. I am also confident that the measures the Government is putting in place to reform the insurance market will attract new players into the market and lead to further downward pressure on premia.

Mr. Howlin: The Tánaiste said she published her action plan for insurance industry reform in October 2002, a plan containing 67 measures. It is now 2004. How many of those measures are outstanding and what is the timeframe for the full implementation of all 67 measures? What is the inflation index on which she is working with her Department regarding insurance premia costs for 2004 for each of the various sectors, for example, motor insurance and the various types of business insurance? By how much would the Tánaiste expect insurance costs to rise this year?

Has the Tánaiste any comment regarding the December report of the IFSRA which found a 500% variation in motor insurance costs? When the same circumstances were presented to a variety of motor insurance companies, the difference between the cheapest and the dearest quote was 500%. Surely, the market is dysfunctional if that level of disparity is allowed to exist.

Ms Harney: I have concentrated on the implementation of the recommendations which would reduce price, such as the establishment of the PIAB, the introduction by the Minister for Justice, Equality and Law Reform of the court and civil liability Bill, which was cleared at Cabinet today, and the introduction of the penalty points system and other road safety measures. We have concentrated on the areas

which can bring about the biggest reduction in premia costs. Many of the recommendations refer to transparency and information and they have, in the main, been passed on to the IFSRA. I do not expect a rise in insurance costs but a further and substantial decrease.

Mr. Howlin: Of how much?

Ms Harney: I cannot put a figure on it but it should be quite substantial. If the decrease was 11% from 2002 to 2003, I expect it to be greater this year because the impact of the measures implemented is only now coming through. With regard to motor insurance, anecdotal as opposed to hard evidence suggests there are reductions in some cases of 40% to 50%. Nevertheless, while that is the evidence presented to me by many individual motorists, I do not want to exaggerate it or say it is general across the board.

With regard to the IFSRA, at one level one could say that the fact there are such significant discrepancies indicates there is competition in the market. I accept that such wide discrepancies are extraordinary but it proves my point — for which I was heavily criticised by Deputies and others — that it is very important for all consumers, not least in the insurance market, to shop around. That information is now given in advance of premium renewal and is of great assistance to consumers because the 15-day gap allows them to try alternatives instead of simply placing their insurance with the broker or company they have been with for a considerable time. That is proving very successful.

Information can mean power and the information from the IFSRA should help to drive home the importance for consumers of asking all necessary questions and making sure to get a number of quotes before they place their insurance.

Mr. Howlin: The Tánaiste has given the figure of 11% for the decrease in motor insurance costs. What is the figure for business insurance costs, including public liability costs? Does she expect a significant reduction in that category of costs during 2004? She will be aware that many small businesses in particular are vulnerable and regard insurance costs as the second greatest pressure in regard to their survival.

Regarding the PIAB, we discussed during the passage of the relevant legislation the expectation that the board would have been operational from 1 January last. We are now talking about a period of some months from February 2004. When will the board hear its first case?

Ms Harney: The chief executive of the PIAB was appointed and took up her position on 2 February last. The IT system and headquarters have been secured and the chief executive is now in the process of recruiting the staff required to assist her in the task. I met with her only last week and she is anxious to ensure that everything

is in order before the board opens for business, given the importance of the role of the PIAB. We expect a commencement date of sometime in April or 1 May, perhaps the latter as it is the start of a calendar month, and we are working towards that date.

I do not have the figures regarding employer liability insurance or business insurance generally. However, awards are down and the volume of claims is substantially down, and that will feed into the system very early on. Some have suggested to me that they have already experienced a reduction in premiums. However, until all measures are in place, the exaggerated and false claims provisions being brought in by the Minister for Justice, Equality and Law Reform in the court and civil liability Bill will have a particular impact on reducing the level of fraud and exaggeration and, therefore, the high cost of premia.

Equal Opportunities in Employment.

110. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the publication by the National Disability Authority of the report entitled *Towards Best Practice in the Provision of Further Education, Employment and Training Services*, which found that 60% of disabled adults in the 16 to 64 age group do not work; if it is her intention to implement the recommendations contained in that report in relation to employment and training; if adequate resources will be available to implement those recommendations; the other steps the Government will take to increase the participation of disabled workers in the labour force; and if she will make a statement on the matter. [4105/04]

182. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the publication by the National Disability Authority of the report entitled, *Towards Best Practice in the Provision of Further Education, Employment and Training Services*, which found that 60% of disabled adults in the 16 to 64 age group do not work; if it is her intention to implement the recommendations contained in that report in relation to employment and training; if adequate resources will be available to implement those recommendations; the steps the Government will take to increase the participation of disabled workers in the labour force; and if she will make a statement on the matter. [3931/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): I propose to take Questions Nos. 110 and 182 together.

I am aware of the recent report by the National Disability Authority entitled *Towards Best Practice in the Provision of Further Education, Employment and Training Services for People with Disabilities*. The report, which was received in my Department on 14 January, contains a

[Mr. Fahey.]

number of conclusions and recommendations which have policy implications for a number of Departments, including the Department of Enterprise, Trade and Employment in the area of employment and training services for people with disabilities.

Policy and programme provision in this regard are subject to ongoing monitoring and review by my Department with a view to providing the most efficient services possible for people with disabilities. The conclusions and recommendations contained in the report will assist and inform my Department's future policy development, planning and monitoring of employment and training service provision to people with disabilities. FÁS remains committed to prioritising, within available resources, the training and employment supports for people with disabilities with a view to providing the maximum potential for employment in the open labour market.

Mr. Morgan: Will the Minister of State explain to the House the reason for the failure to meet these targets? There is an exceptionally low level of employment among people with disabilities. In 1977, a 3% employment target was set in regard to people with disabilities in the civil and public service workforce. The target was never met yet I hear that ongoing monitoring and review processes have been set up. What are those processes telling us? What are the reasons for this failure to enable people with disabilities to find employment? Such reasons are not clear from any data I have seen published by the Department of Enterprise, Trade and Employment or other Departments, and the various representative organisations are not in a position to identify the reasons for this total failure to meet the targets.

In 2002, over 4,000 people with disabilities were employed on community employment schemes, which is a particularly high take-up. However, less than 10% of those progressed into the workforce. That figure indicates a willingness on the part of such unemployed people to enter the workforce yet less than 10% were able to achieve that. Does the monitoring and reporting to which the Minister of State referred give us any indication of how such a ludicrous situation came about? Can the Minister of State tell the House that the situation has improved as there has been no obvious sign of improvement in regard to this major issue? The monitoring of the progression of people with disabilities through various supportive pathways to the open market is needed yet I have not heard of this coming about. The Minister of State might outline the steps he proposes to correct that.

Mr. Fahey: The situation is improving. A determined effort is being made at present and considerable resources are being expended to

improve the possibilities of people with disabilities going into employment.

There are a variety of reasons we have not reached the targets set. These relate to historical and cultural issues in the past regarding people with disabilities. The greatest problem in finding opportunities for people with disabilities is the attitude among employers who are not informed sufficiently on the advantages of employing people with disabilities, particularly in considering the abilities of people rather than their disabilities. It is quite clear from experience that people with disabilities make a significant contribution to the workplace, not just in the actual work they do themselves, but in the positive impact they have on other employees, customers and the general public.

The Deputy is correct that we have reached the targets set out. We must focus on a number of issues. My Department will respond in a focused way to the proposals in the report. We must promote initiatives for greater access to employment and improve our ability to integrate people with disabilities into the labour market. We must develop policies and supports to enable people in the area of self-employment and small business opportunities. We intend to focus on this area in the coming 12 months. We must link more closely with other Departments, particularly the Department of Education and Science, to prepare people with disabilities for the workplace at a younger age than is happening at the moment. Some very useful pilot projects are in operation and greater co-operation within the two Departments will serve to make the projects more effective.

The level of programmes and resources has been increased substantially in recent years. There is the sheltered employment scheme, Workway, and the equal programme, all of which are being co-ordinated in a much more synchronised way than in the past. There have been a series of seminars throughout the country, beginning in Dublin, to bring all these organisations together and focus on a more co-ordinated role, with a strong message being sent to employers throughout the country that they should look positively on employing people with disabilities. If we can crack that one, we will reach the target we have set ourselves.

Mr. Morgan: I agree with the Minister of State regarding the positive influence people with disabilities have on the workforce. How then does he explain the lack of take-up by employers of people with disabilities? How significant a role does the benefits trap play? Will he accept that the removal of medical cards and secondary benefits on taking up employment is a disincentive to people taking up employment?

Mr. Fahey: We are currently discussing the issue of benefits. We must ensure there is no difficulty for people who need to retain their

disability benefits if they go into the workplace. We have addressed that matter.

Corporate Killing.

111. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made in her consideration of the recommendation made in the recent discussion paper from the Law Reform Commission that there should be a new offence created of corporate killing; and if she will make a statement on the matter. [3822/04]

Mr. Fahey: The Law Reform Commission published a consultation paper on corporate killing in October last. The commission recommends that a new offence of corporate killing should be established which would be prosecuted on indictment, without exclusion of any entity, whether incorporated or not. The offence would apply to acts or omissions of a high managerial agent, which would be treated as those of the undertaking. This is much wider than in the context of workplace safety. The commission also recommends that the legislation should provide for an unlimited fine, in order to reflect the gravity of the offence or in certain circumstances an individual high managerial agent should also be subject to imprisonment of up to five years.

I welcome the recommendations of the commission. In order to give practical effect to these recommendations, I am taking the opportunity to provide for the creation of this new offence in law in the Bill on occupational health and safety now being prepared. This will have to be subject to the final views of the Law Reform Commission when its consultation process is complete and also subject to the advice of the Attorney General.

My Department is in consultation with the Office of the Parliamentary Counsel at present and I hope it will be possible to include an appropriate provision in the new Bill, which I expect to be in a position to publish next April.

Mr. Howlin: I welcome the announcement by the Minister of State because there has been some confusion on whether the Government accepted the Law Reform Commission's report.

We have been waiting almost two years for the amending safety, health and welfare at work Bill. The Minister of State said in December that it was a very lengthy Bill, it would have many clauses and it was very difficult to construct. Will the inclusion of the new offence delay the Bill, because he gave the original date of publication as March or April? Will he have discussions with the social partners in advance of finalising the Bill, in other words, by circulating heads of the Bill? Will he give the same courtesy to the Committee on Enterprise and Small Business? If the Minister of State's original comments are accurate, it appears to be a very important Bill which we might have an input into at an early

stage. When does he expect to be in a position to present the Bill to the House?

Mr. Fahey: I expect to be able to publish the Bill in April. I do not anticipate a great delay as a result of the inclusion in the Bill of this provision. We are already in consultation with the social partners on aspects of the Bill. There will no be problem continuing with the consultations prior to its publication. If there is a request from the Oireachtas committee to have a discussion on aspects of the Bill, I will be happy to facilitate that.

Mr. Howlin: I welcome the response of the Minister of State. He will get an invitation to present his thoughts on the Bill to the Oireachtas committee.

Is he satisfied with the volume of inspections currently being carried out under the existing health and safety legislation? Is he satisfied with the number of inspectors currently employed? Is it in tandem with tightening the legislation to broaden the scope for inspection and provide resources to the Health and Safety Authority to ensure that the more rigorous regime implemented in the new Bill will also be met by more rigorous enforcement?

Mr. Fahey: There is a rigorous and effective inspection and enforcement regime in place at present. We are happy that there have been considerable improvements in the inspection process. As I stated in the Dáil some time ago, we wish to have more inspectors in the field. There are currently approximately 130 inspectors. Obviously resources are always an issue. In the context of the new Bill, we have considered providing for a regime whereby the Health and Safety Authority could provide an information and advice service to industry, which would involve remuneration. This would enable us to employ an increased number of inspectors. This is currently being considered.

I am satisfied that the Health and Safety Authority is doing an effective job. There is a reduction in the numbers of fatalities. Thank God, so far this year we have had quite a good record, which indicates that there is a good regime in place. In the end, it is all about prevention and thinking safety, which is our main priority. This is now happening in the construction and agricultural sectors, where there have been the greatest number of fatalities. Both industries are to be complimented on the significant efforts they are making by way of prevention. I would like to see greater co-ordination between the agencies involved in road safety, water safety and health and safety in the workplace so we can get the message across more effectively. The television advertising campaign by the Road Safety Authority should be extended to all sectors.

Mr. Howlin: The insurance industry representatives indicated to the Oireachtas committee that they funded some of their own health and safety initiatives. Is the insurance industry included in the new Bill and is there a role for it in making the workplace safer and reducing premiums for all industries and industrial users?

Mr. Fahey: I have had discussions with the insurance industry about contributing to campaigns to improve the preventative approach and on rewarding companies in the public liability and employers' liability sectors that have good records.

Mr. Howlin: A reward scheme was promulgated but nothing came of it.

Mr. Fahey: There is clearly a system in the insurance industry whereby companies with good safety records enjoy lower premiums. We have impressed on the insurance industry that, in the context of health and safety, it must recognise good practice and records in the premiums being charged.

Other Questions.

Price Controls.

112. **Ms Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to reports that some pubs and entertainment venues charged up to €12 for single drinks at New Year's Eve 2003 events; the steps she intends to take to stop such exploitation of consumers; and if she will make a statement on the matter. [3780/04]

Ms Harney: The best way of ensuring that markets for any goods or services are delivering value for money to consumers is through increased competition and greater consumer vigilance. That is the objective towards which all our policy interventions in the field of competition and consumer policy are directed. Certainly, I have no plans to return to the days of official price control.

Regulatory action has been taken under S.I. No. 263 of 1999 to require the price of certain alcoholic and soft drinks to be displayed just outside or immediately inside each entrance to a licensed premises. This order is enforced by the Director of Consumer Affairs.

Ms Lynch: Based on the Tánaiste's answer, if there is competition in any area, it is in the drinks industry. There is an over-abundance of premises where people can buy and consume alcohol, so competition is not the answer and clearly has not worked in this case. In a recent question I asked about the additional charges that can be made for on-line bookings and the answer I received was

that the Tánaiste did not envisage legislation for this area because she feared it would impose a greater charge on the individual customer. Surely then the Tánaiste must consider imposing some price restrictions on the drinks industry to do what she suggested in that answer, to protect the individual customer. Such exploitation of customers cannot continue.

Ms Harney: I do not envisage a situation where there will be someone from the Office of the Director of Consumer Affairs to police the Act outside every pub on New Year's Eve or other times of celebration.

Mr. Howlin: Why not?

Ms Harney: It is not sensible. I know of no country where price control works. On the contrary, those that have the most free markets are those where prices are most competitive. Not every pub in Ireland charged €12 for a drink, so people had a choice to go into a place that charged €12 or a place that did not. There is only so much one can do for a consumer. If a facility has decided it can rip people off because it is a busy night, I suggest that consumers do not go there and go somewhere that is cheaper.

Price control does not work; it has even disappeared in the countries of the former Soviet bloc. They have embraced the free market with greater enthusiasm even than me. I was recently in Slovakia and the manner in which the Government there has approached reform of tax, competition policy, consumer policy and health care reform is remarkable. These countries are doing that because they know what works.

Ms Lynch: If price control does not work, the free market is definitely not working for the consumer in Ireland. It is beyond reason that people should have to shop around on New Year's Eve to find a pub charging reasonable prices instead of €12 for a short or €10 for a pint. People do not go on a pub crawl on New Year's Eve because they want to stay in one venue to celebrate with their friends. They should not be ripped off for that pleasure.

Do admission charges to pubs on occasions of celebration have an effect on the licence? Are pubs allowed to charge a cover fee when they are public houses or do they need permission from the courts? Are they in breach of liquor licensing laws by charging a cover fee?

Ms Harney: I am not an expert on licensing law but, given that we do not have price controls, if publicans wish to charge a fee of this kind, I presume they are free to do so, although I am not certain of the licensing implications. Licensing relates to a person's suitability to have a licence, police it and enforce the criminal law and opening times. It does not refer to pricing.

It is wrong to say people do not have choices. The majority of pubs do not charge these cover

fees, but some people seem to be insensitive and will pay almost anything to go to places they believe to be popular. The variations in this city between a pub in one area and in another nearby are incredible. My message to consumers is that the law cannot protect them in these situations and it is not practical that it should. We cannot have people inspecting every price on every occasion to see if the controls are enforced. We must ensure that, through competition and people shopping around, the free market operates in this area, as it does in airline tickets, hotel rooms and other areas of life.

Mr. Hogan: The Tánaiste is out of touch because airline ticket outlets are certainly not as numerous as pubs. Progressive Democrats members like café-style bars and even spoke some years ago about the deregulation of pub licences, although we have not heard much about that lately. In rural areas, however, there would be great difficulty shopping around. On New Year's Eve people want a drink and are not concerned about the price of it. They will not travel from Ahascragh to Caltragh to find out the price of drink in different pubs. They are only concerned about the drink running out.

Ms Harney: The Deputy has proved my point.

Mr. Hogan: I am sure Progressive Democrats supporters travel from pub to pub to find out the price of drink.

Mr. Howlin: They travel by helicopter.

Ms Harney: I stayed at home on New Year's Eve.

Mr. Hogan: We should get real about what people do. What mechanism does the Tánaiste propose to establish within the new quango, the consumer panel, to allow people to complain about prices and products with which they are unhappy?

Ms Harney: The country is full of pubs and I am certain that pubs in Kilkenny and Carlow did not charge €12 for a drink.

Mr. Hogan: I know every one of them.

Ms Harney: The Deputy was probably in all of them at some stage.

Mr. Hogan: They are not café-style bars.

Ms Harney: Café-style bars change the drinking culture as well as providing drink for a reasonable price.

Mr. Hogan: That is happening in Dublin 4.

Ms Harney: It is happening not only in Dublin but all over Europe and elsewhere.

Mr. Hogan: The Minister needs to travel beyond Newlands Cross.

Ms Harney: It is happening all over the world. The Deputy has been in those establishments.

Mr. Hogan: I have not been in them in a while.

National Minimum Wage.

113. **Mr. Boyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment if there are particular industries or areas in which compliance with the minimum wage regulations has been below the national average; and if she will make a statement on the matter. [3812/04]

126. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the percentage level of compliance reported by the Labour inspectorate of minimum wage regulations; and if she will make a statement on the matter. [3810/04]

Mr. Fahey: I propose to take Questions Nos. 113 and 126 together.

Since the introduction of the national minimum wage in April 2000, inspectors have undertaken inspections under the National Minimum Wage Act 2000, with reported compliance and sanctions levels as follows. In 2000 and 2001, respectively, 3,419 and 1,192 inspections-visits were undertaken by the inspectorate. The respective outturns for 2002 and 2003 are 1,731 and 950 inspections-visits.

In 2001 there was one conviction under the National Minimum Wage Act that concerned a failure to keep relevant records. In 2002 there were three convictions. Two of these were in respect of a failure to pay the correct wage rate — arrears were paid in both cases — and the third concerned obstruction. No sanctions were applied in 2000 and 2003. In the context of the volume of inspections-visits undertaken, the number of cases where recourse to sanctions was necessary is negligible in percentage terms.

The Deputies should be aware that rights commissioners of the Labour Relations Commission, a body independent of my Department, also investigate complaints of breaches of the National Minimum Wage Act 2000. In this regard, there are 19 employment regulation orders drawn up through the joint labour committee system that regulate statutory minimum rates of pay and conditions of employment for the significant body of workers employed in the various sectors where these apply. The rates of pay for workers in these sectors are at least the equivalent of the applicable national minimum rates and in some cases can be greater. A recent ESRI report indicates that minimum wage workers are relatively heavily concentrated in the hotel, restaurant and bar sector and, to a lesser extent, the retail sector.

[Mr. Fahey.]

However, there has been no discernible trend to date, indicating that any sector is particularly

problematic in regard to compliance with the provisions of the national minimum wage.

Year	No. of Inspections	Sanction Applied	% Level Compliance Reported
2000	3,419	None	100%
2001	1,192	1 Conviction for failure to keep records	*100%
2002	1,731	3 Convictions 1 — obstructing Inspector 2 — failure to pay NMW (arrears paid in both cases)	*100%
2003	950	None	100%

*To nearest whole number

Mr. Eamon Ryan: It will not be a surprise to anyone who watched the recent RTE television programme, which is highly commendable, that the hotel, bar and restaurant sectors are mentioned in this regard. In that programme a young man worked for low wages in various establishments and reported to the public on his experiences. It was shocking to note that his wage slip for a week's work following various deductions was approximately €200. It is difficult for anyone in this city to live on that wage. The person in question ran out of money two days before his next pay day. That is a remarkable example of some of the difficulties faced by people on low wages.

If I heard the Minister of State correctly, there were approximately 900 inspections in 2002 and only one conviction, and the figures were similar for other recent years mentioned. A research document carried out by the department of economics in Maynooth found that by and large the introduction of the minimum wage has been smooth and has not presented great difficulties to companies. Does the Minister of State agree with that position or does he believe that the Small Firms Association and economic commentators are correct in stating that approximately 26% of employers have serious difficulties in paying the minimum wage? Does he believe that small businesses have a problem in paying the minimum wage or does he consider it is a fair and just rate and that the low level of convictions show that we do not have problems in this area?

Mr. Fahey: It is a fair and just rate and by and large employers are happy to go along with the minimum level of pay. However, we acknowledge the point made by the Small Firms Association that compliance with the minimum wage level adds a burden which did not exist in the past. I am satisfied that €7 per hour is not an unreasonable level of minimum pay — if anything, it may be too low. That is not to say there is a great level of difficulty with compliance — by and large there are no problems with compliance. I have urged people, and do so again now, where there are examples of employers not complying with minimum wage levels, to bring such instances to the attention of our Department or the inspectorate and they will be investigated. We indicated that where there is non-compliance

and an abuse of the system by employers, convictions should take place. Certainly, that has not been necessary as indicated by figures.

Mr. Eamon Ryan: If I am reading the regulations correctly, I note it is an offence for an employee to provide incorrect details of his or her working hours. It is of particular concern that the detail and reporting of the working conditions of migrant workers could be easily amended to suit the legislation, when they might not be earning the €7 per hour minimum wage, apropos of what happened in the case of the tragedy on the Lancashire coast recently where migrant workers were working for incredibly low rates. Have any of the convictions related to a case where an employee knowingly provided incorrect details of his or her working hours? How can the Minister of State provide assurances that the Labour inspectorate can check the proper hours record in the case particularly of migratory workers who are fearful of their status and their work permits are held by their employers who are in a strong position? What assurances can he give that we are getting a full and frank picture of the working conditions of migrant workers?

Mr. Fahey: I do not have information to hand on the reporting by employees of a fewer number of hours than they worked. I have a concern regarding the wage levels paid to some foreign workers who do piece-work. There has been some evidence in the past 12 months of foreign workers in some sectors not being paid the minimum wage because they work long hours on a piece-work basis. I refer in particular to workers in the mushroom picking industry. I take this opportunity to point out to employers in that industry that where we have evidence of workers being exploited due to working long hours on a piece-work basis and the type of work in which they are engaged not being conducive to their earning the levels of pay that should be paid — there is evidence that some foreign workers are not being adequately paid — we will pursue those employers vigorously and take them to court if necessary.

Mr. Eamon Ryan: Clearly, the Minister of State has evidence in regard to the industry to which he referred, otherwise he would not have

mentioned it. Has an investigation of that industry led to any of the convictions to which he referred?

Mr. Fahey: I do not have specific information to hand on any particular industry. We have stepped up inspections in some industrial sectors where there have been reports of foreign workers doing piece-work who are not being paid the minimum wage.

Job Losses.

114. **Mr. Deenihan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the recent spate of job losses in Kerry; the steps she intends to put in place to revise this trend; and if she will make a statement on the matter. [3633/04]

Ms Harney: I regret very much recent job losses in County Kerry, including the Sports Socks Company's plants in Cahirciveen and Tralee, and Rosenbluth in Killarney, and I am conscious of the adverse effects on the workers, their families and the local community. Finding alternative employment for the workers affected is a priority for FÁS and the State development agencies. FÁS is making available its full range of support services, including skills analysis, training and job placement for the workers affected.

In addition to targeting potential new greenfield investment from overseas industrialists, IDA Ireland is working with the existing base of companies in the county with a view to supporting them in expanding and diversifying activities. IDA Ireland has also completed site development works on its business park in Killarney and is actively promoting the area for new investment, including a new building facility in the park.

Enterprise Ireland is supporting a major expansion at FEXCO, currently under way in Killorglin and Cahirciveen, which will provide additional employment for 250 people. The agency is working closely with the development of existing enterprises in the county and is promoting the establishment of new enterprises.

In addition, Enterprise Ireland is providing aid for the expansion of the Killarney Technology Innovation Centre and to the Institute of Technology, Tralee, for the establishment of a campus business incubation centre.

Shannon Development has invested some €8 million in the development of Kerry Technology Park, Tralee, in partnership with the Institute of Technology, Tralee, Kerry County Council and the private sector. This technology park should provide a valuable base for enterprise development in the area. Kerry County Enterprise Board is also providing valuable support for the establishment and expansion of micro-enterprises in the county.

The major decentralisation programme announced in the budget includes 165 jobs to be relocated to Killarney and a further 50 jobs for Listowel. This move demonstrates the Government's commitment to balanced regional development and will provide a further boost to

enterprise development in Kerry. The designation of both Tralee and Killarney as hub towns under the Government's national spatial strategy adds to the attractiveness of the county for overseas and indigenous investment.

Mr. Deenihan: The Minister accepts that over 220 jobs have been lost in the manufacturing industry over the past two weeks. This is the equivalent of 20,000 jobs in Dublin. I can imagine the response if job losses prevailed to that extent in Dublin. Will the Minister visit Kerry as soon as possible and meet the social partners, leaders of industry and the county manager to discuss ways in which to reverse the trend?

Mr. Hogan: No problem.

Mr. Deenihan: Besides, there are further job losses on the horizon. The owners of one particular plant in Listowel were over from America last week and the outlook for the plant is very gloomy. Addressing this problem will require more than the actions the Minister outlined in her reply. She will have to come down to Kerry herself and be more proactive in her approach to reversing this trend. The social partners are ready to meet her, as are the other captains of industry.

Ms Harney: I appreciate Deputy Deenihan's invitation to Kerry. It is always a great pleasure to visit the county and I will be visiting it shortly on an extensive visit. Notwithstanding the disappointing news about the companies we mentioned, there are companies expanding in the Kerry area. The live register is up 147 year on year but there are also a substantial number of immigrant workers in many of the companies in Kerry.

I am conscious of the need for more investment in Kerry. Last year, the IDA brought five different companies on site visits to the county and I believe the new facilities in both Tralee — the Shannon Development technology park — and Killarney — the IDA's new business and technology park — will be very valuable pieces of infrastructure to market to both overseas investors and, I hope, indigenous investors.

Ms B. Moynihan-Cronin: I, too, invite the Minister to Kerry — I believe this is my fifth time to do so. I know she has been in Kerry since I first issued the invitation to her to meet the social partners and such people with regard to employment issues. It is very serious that the IDA has attracted only one person to visit Killarney. In light of the Minister's statement that Enterprise Ireland has expended funds recently, will she provide me with information — she may not have it on hand — on how they were spent? I do not believe it was to create jobs. There is no broadband in the industrial estate in question. When will this be made available? Of the 165 jobs promised as a result of decentralisation, how many will be available to those who lost their jobs recently?

Mr. Deenihan: Is the Minister happy that the IDA did not create one single job in Kerry last year? It brought only two itineraries to the constituency of Kerry North, for example. Surely this is not a credible performance.

Ms Harney: If any visit of mine to Kerry or anywhere else can generate employment, I will be willing to make such visits to any county. The IDA had five site visits to Kerry North in 2003. The support of Enterprise Ireland was for the expansion of FEXCO. In addition, FÁS has about 1,500 people in either apprenticeships or training programmes in Kerry, which represents a considerable resource. Many of these have lost their jobs as a result of the aforementioned redundancies. I assure the Deputies from Kerry that this issue is a priority, and I hope this will be a better year for investment because of the performance of the global economy. I hope Kerry will have new investment during the year.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Ferris — the urgent need to discuss recent job losses in County Kerry; (2) Deputy Deenihan — the need for the Minister to take immediate action to arrest the serious decline in manufacturing employment in County Kerry following the announcement of 220 redundancies in two companies recently and the prospect of further job losses; (3) Deputy Fiona O'Malley — the implications of the recent Charleroi ruling by the EU Commission on the future of balanced regional development in the EU; (4) Deputy Durkan — the circumstances whereby a prisoner serving a long-term sentence was shot while on temporary release, and whether there are any other prisoners serving similar sentences who are currently on temporary or other forms of release; (5) Deputy Ó Fearghail — the need to expedite the delivery of affordable housing at Magee Barracks, Kildare, in accordance with the Government's decision of July 2003 and having regard to the overall development of Kildare town and previous commitments on community gain made by the Minister for Defence; (6) Deputy Crawford — to ask the Minister for an explanation of how Castleblayney College, Ballybay College or the Collegiate School, Monaghan, failed to meet the criteria to benefit from the €30 million in funding for school building announced on 4 February; (7) Deputy Harkin — the proposed closure of Loughan House, Blacklion, County Cavan, and what, if any, arrangements have been put in place regarding the transfer of staff and the transfer of prisoners; (8) Deputy Twomey — the ongoing bed crisis in Wexford General Hospital; (9) Deputy Finian McGrath — the drugs crisis on the north side of Dublin and the need for urgent action; (10) Deputy Gormley — the

announcement by the Sisters of the Holy Faith that St. Mary's Girls' School, Haddington Road, is to close, the effect this will have on the Dublin South-East constituency, which has a growing population and yet insufficient girls' secondary schools, the need now for the Department of Education and Science to take all necessary steps to ensure the school remains open; (11) Deputy Healy — in view of the announcement on Friday last of 66 job losses at SRAM Ireland Limited, Carrick-on-Suir, the urgent need for the Tánaiste to prioritise job creation and investment for the town and the urgent need for the Minister for Finance to allocate approximately 300 IT jobs for decentralisation to Carrick-on-Suir; (12) Deputy Stanton — the need to make funding available immediately to prevent sewage contaminated water flooding the grounds of Kilcredan national school in east Cork (details supplied); (13) Deputy Hayes — the need for the Tánaiste and Minister for Enterprise, Trade and Employment to address the growing concerns about further job losses in County Tipperary given the 66 jobs to be lost at SRAM Ireland in Carrick-on-Suir and 50 job losses at Continental Promotions in Tipperary town, the urgent need to attract industry to both areas and the need for the Minister to address this very significant job loss for the people of south Tipperary; (14) Deputy Neville — mental illness in older people; (15) Deputy McCormack — the report of the interdepartmental review group on the disabled drivers' and disabled passengers' tax concessions scheme; (16) Deputy Michael Moynihan — the introduction by FÁS of a cap on workers that were employed on CE schemes between 2000 and 2003.

The matters raised by Deputies McCormack, Stanton, Twomey and Fiona O'Malley have been selected for discussion.

Business of Dáil.

The Taoiseach: I propose that notwithstanding anything in Standing Orders, the proceedings of No. a18, statements arising from the Mahon tribunal, on the second supplementary Order Paper, shall be taken today immediately at the conclusion of Leaders' Questions for 55 minutes. The following arrangements shall apply: the statements shall, if not previously concluded, be brought to a conclusion after 40 minutes, and the statements of the Taoiseach and the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called in that order, shall not exceed ten minutes in each case. Members may share time. Immediately after the statements, the Taoiseach shall take questions for a period not exceeding 15 minutes. The Order of Business, in accordance with Standing Order 26, shall take place immediately thereafter.

An Ceann Comhairle: Is that agreed? Agreed.
In anticipation that Leaders' Questions may deal with the subject matter of the statements, I would like to make a brief statement on the application of Standing Order 56, which deals

with matters *sub judice*, as it applies to issues being raised before the House. As far back as 8 April 1993, the Dáil adopted the rule which was formally adopted into Standing Orders on 15 October 1996 with a view to relaxing the rigid *sub judice* rule applied by convention up to that time. Since then, many matters have been debated in this House that otherwise would not have been debated before 1993.

The relevant part of the Standing Order states a matter shall not be raised in such an overt manner that it appears to be an attempt by the Dáil to encroach on the function of the courts or a judicial tribunal. I have given careful consideration to precedents and from this examination it is clear the application of the Standing Order depends to some degree on timing and the type of Dáil discussion. In view of the fact that there is a direct precedent in January 1999, where my predecessor allowed a discussion, I am now allowing the matter in the given circumstances of today without prejudice to any decision the Chair may be required to make in the future.

In allowing this matter to be discussed, I should point out that Standing Order 56 also states that when permission to raise a matter has been granted, there continues to be an onus on Members to avoid, if at all possible, comments which might, in effect, prejudice the outcome of proceedings in court. In addition, the normal rules of debate will apply in that serious allegations against a Member can only be made by substantive motion and not by innuendo, or otherwise, across the floor of the House.

If this issue is dealt with along the lines I have outlined, the delicate balance between the House, on the one hand, and its sovereign right to legislate and discuss matters of public importance, and the courts/tribunal, on the other hand, in ensuring that the judicial process, which now seems to include tribunals of inquiry, is not encroached upon, will be upheld to the highest standards that have always been adhered to in the past.

Leaders' Questions.

Mr. Kenny: I thank the Ceann Comhairle for his introduction. I remind him of the precedent of 10 June 1987 when the then Taoiseach proposed on the Order of Business that the Standing Order be set aside for a discussion on a matter that was before the courts. I will abide by the Ceann Comhairle's ruling.

Everyone in the House and throughout the country is acutely aware of the damage being done to public confidence and the democratic process by the torrent of revelations emanating from the various tribunals set up by the Oireachtas, which were also aired specifically in the public media last weekend. In particular, people are disgusted by the litany of wrongdoing exposed by numerous former and current colleagues of the Taoiseach's and the way in which these people appear to have been privately accommodated and protected by Fianna Fáil. We remember the debates and the actions of Messrs.

Haughey, Burke, Lawlor and Foley and Deputy Collins. Will the Taoiseach take this opportunity to give straight answers to straight questions?

Given that unresolved allegations remain, on what basis did the Taoiseach re-admit my constituency colleague, Deputy Cooper-Flynn, to the Fianna Fáil parliamentary party? Did he receive an unequivocal commitment from her that she was never involved in any way in facilitating or promoting tax evasion? Did the Minister involved at the time, the former Deputy Pádraig Flynn, ever say he would repay the £50,000 at the centre of this controversy?

Can the Taoiseach confirm to the Dáil if it is true that the Mahon tribunal wrote to him on 18 November last and in December about documents that he had told the House were being sent back to the tribunal in 1999? Can he tell the Dáil when these documents were sent back to the tribunal? If the Taoiseach did not receive such a letter, is it now his intention to sue the newspaper involved, as he chose to do in the "Starry" O'Brien case, to protect his integrity?

The Taoiseach: The Deputy asked two questions. Deputy Cooper-Flynn will make a statement to the House regarding the allegations about her that have appeared in the media. Like everybody else, she is entitled to make that statement. She is neither above nor below the law. Most people would accept that she is entitled to due process and that there should be full accountability.

Mr. Deasy: What is the Taoiseach's view of this?

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

The Taoiseach: Neither I nor anybody else should rush to judgment until we have all the facts. Allegations were made previously. Deputy Cooper-Flynn appealed her case and it was on that basis that the Fianna Fáil Party re-admitted her to the parliamentary party following the general election. We await the result of that appeal.

On the second issue, I will speak later when I will explain about the documentation I received. In answer to Deputy Kenny's question, I did not receive such a letter from the Mahon tribunal, either personally or through my legal advisers.

Mr. Kenny: The Taoiseach has not answered the two questions I asked him. Will he explain the criteria he applied in re-admitting Deputy Cooper-Flynn to the Fianna Fáil parliamentary party? The Deputy is being singled out for exceptional media treatment for her work as a financial adviser at that time. Am I to take it that the Taoiseach's re-admission of the Deputy to the party was on the basis of an appeal to the Supreme Court?

Is it the Taoiseach's intention to sue the newspaper involved to protect his integrity not just as a citizen and as a public representative but as the Head of a Government which holds the

[Mr. Kenny.]

Presidency of the European Union? Arising from that, will the Taoiseach explain to the Dáil the statement of the Minister for Justice, Equality and Law Reform in the media over the weekend to the effect that he had been aware of the serious allegations against the Flynn family for some time? How did this information come into his possession? Did he carry out an independent investigation? Did he discuss this with the Tánaiste or the Taoiseach? How long has the Taoiseach been aware of these allegations? If he is and has been aware of them, what does he propose to do about them?

The Taoiseach: As I said, Deputy Cooper-Flynn is neither above nor below the law. Most people would accept that she is entitled to due process and that there should be full accountability. Neither I nor anyone else should rush to judgment until we have all the facts. Deputy Cooper-Flynn took a civil action for defamation and we are aware of the outcome. She subsequently chose to appeal the decision. Her position as a Fianna Fáil candidate in the previous general election was in accordance with party procedure. I understand that her appeal is due to be heard shortly and I do not want to say anything that would prejudice that.

Regarding suing the newspaper, I have never sued a newspaper in my 27 years in this House and I do not intend to do so now. Deputy Kenny asked me a third question.

Mr. Kenny: Was there an offer to pay back the £50,000?

The Taoiseach: No offer was made.

(Interruptions).

An Ceann Comhairle: Allow the Taoiseach to speak.

The Taoiseach: I want to do my best to answer all of the questions. Everybody was aware that allegations were being made against Deputy Cooper-Flynn. That is why a whole module of a tribunal is examining the issues.

Mr. Rabbitte: I welcome the decision by the Taoiseach to permit a debate on these matters, as requested by the Opposition. It is not just a concession to the Opposition; it is a concession to the public demand to have these issues ventilated in the House. Does the Taoiseach agree that for a serving Cabinet Minister to open a bogus non-resident account in Castlebar is a disgraceful disservice to his office? Does he agree that the fact that the serving Cabinet Minister gave a London address while still in the Cabinet and falsely signed a revenue form is a disgraceful betrayal of the confidence placed in him by the public?

If the Taoiseach agrees with me on that, will he inform the House when he first knew about these events? I remind him of his statement that what matters is how a leader responds when he comes

into possession of certain knowledge. How did the Taoiseach respond? Did he take any action to retrieve the £50,000? What action did he take? Why did he go to Castlebar to bear-hug Flynn senior and confer his sanction on the candidacy of Deputy Cooper-Flynn, given what we knew at that time and that a High Court action had been taken?

If the Minister for Justice, Equality and Law Reform knew about these events more than a year ago, when did he inform the Taoiseach of them? Does the Taoiseach agree with that Minister that these are matters of the utmost gravity? What does he believe that Minister means when he says they are matters of the utmost gravity? Does he mean collusion in tax evasion or something else? I remind the Taoiseach that, in 1989, £50,000 would have bought two houses in the constituency represented at the time by the Tánaiste, Deputy Harney, and myself.

Will the Taoiseach state whether he was aware that officials in the Department of the Environment and Local Government recommended a Garda investigation at that time and that it was blocked by their political master?

The Taoiseach: At all times yesterday and today I have attempted to make time available to debate this. There was some debate about how that time could be made available. I made it clear that I wanted to make time available, as I have done several times in this House, unlike what was done in previous years.

As regards Pádraig Flynn channelling £50,000 through bogus accounts, there should be no doubt about my position on the general principle — tax evasion is wrong AND encouraging anyone to engage in tax evasion is equally wrong. Legislators and institutions, public or private, are all bound to observe and uphold the rule of law. No politician in this country has done more to tackle tax evasion. I continually try to do that and will do so in strengthening laws and promoting compliance.

In the first instance, I know nothing. People outside the House asked me to answer here today about Mr. Flynn's finances. I know no more about them than Deputy Kenny or Deputy Rabbitte would know about any of the issues that come up in their parties over the years, and I do not particularly want to know about them.

(Interruptions).

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

The Taoiseach: The tribunals have full responsibility and powers to find out about all these issues and, in so far as I can see and hear, I am sure they are in the process of uncovering them. As to when I first knew about these issues, I was made aware of them some years ago when it was stated that Mr. Gilmartin put it on the public record that he had given Pádraig Flynn resources. The matter has been subject to investigation since. We know a lot about this cheque now, but

it is subject to dispute. It was not made out to Fianna Fáil. This cheque was made out to cash and these issues are now subject to investigation. Whether the account was a bogus account in the Isle of Man, Jersey or anywhere else, I do not know. That is a matter for the tribunal.

The Minister for Justice, Equality, and Law Reform and other people have said that they have had concerns about these issues since they have been in the public domain for the past five years. Everybody had concerns about them. The tribunal has to find out the facts and that is being undertaken. Deputy Rabbitte asked if Fianna Fáil endeavoured to get the money back. Yes, the general secretary of Fianna Fáil wrote in 1998 to find out the full facts. No replies were given to that. I subsequently put that letter on the record of the House in its complete form over five years ago and sent that to the tribunal. The Fianna Fáil position, not that I am answerable to this House for the Fianna Fáil position but I am anxious to answer this, is that, with any of these moneys, in accordance with legal advice, whatever action is deemed necessary will be taken, based on the findings and recommendations of the inquiries.

Mr. Rabbitte: I do not want to get into a contentious debate about the Taoiseach having the most outstanding record ever on dealing with tax evasion, but in terms of people watching this, it is a matter of record that in mysterious circumstances the Taoiseach said he would oppose the introduction of a tax amnesty and then, as Minister for Finance, he brought it in. He also brought in specific measures designed to assist individual holders of valuable works of art and so on.

To go back to the question of when the Taoiseach knew about these events, is he saying he did not know about them until they came into the public domain? What does he mean by "some years ago"? Will he say what the Minister for Justice, Equality and Law Reform means about "matters of the utmost gravity"? Did the Minister for Justice, Equality and Law Reform bring to the attention of the Taoiseach his knowledge of whatever caused him to believe that these are matters of the utmost gravity? Did the Taoiseach and the Minister for Justice, Equality and Law Reform discuss what action, if any, they might take? Do his total efforts at retrieving the £50,000 amount to the single letter written by the general secretary of Fianna Fáil after this matter came into the public domain and was there any follow-up on that?

Mr. McCormack: They will have to hire a debt collector.

Mr. Rabbitte: When exactly did the Taoiseach know about this matter and what action did he take? Did the Minister for Justice, Equality and Law Reform impart the knowledge to him? Does he agree with the Minister that it is a matter of the utmost gravity? What action does he now propose to take in respect of the membership of the Fianna Fáil Parliamentary Party of Deputy

Cooper-Flynn or will he allow her to take her own course of action?

The Taoiseach: I have already answered the question on Deputy Cooper-Flynn. I have stated the Fianna Fáil position on this. At the end of the Supreme Court judgment and some of these other matters that are under investigation, Fianna Fáil will reach its conclusion on that. The party has rules and procedures — indeed, it is the only party that has rules and procedures in these matters——

(Interruptions).

An Ceann Comhairle: The Taoiseach without interruption.

The Taoiseach: ——and we comply with those laws. The Minister for Justice, Equality and Law Reform and I had no discussions on this. I assume what he believes, as does everyone in the Cabinet, is that if money has been taken in an illegal fashion — I do not know what the situation is until the tribunal is finished — or bogus or offshore accounts have been used in an illegal fashion, such conduct would be of the utmost gravity. That is the position. I repeat the first I knew about anything to do with Deputy Flynn and £50,000 was when this issue was raised in the House some years ago. I have answered on the record, particularly in the case of 1999, questions on this issue. Fianna Fáil has, in all these matters — there have been a few——

Mr. Gormley: There certainly have.

The Taoiseach: ——and other parties too, but I will not get into that unless the Deputy would like me to——

(Interruptions).

Mr. Treacy: The Opposition has had its own troubles.

The Taoiseach: Fianna Fáil took the decision, on legal advice, that on the conclusion of the tribunals we would take whatever action is deemed necessary. In the case of Deputy Flynn, the party sought, through the general secretary, to find out the position. It was made clear that these matters would be dealt with in the tribunal and that we would not get a reply until the end of that inquiry.

Caoimhghín Ó Caoláin: The Taoiseach is aware that many of those who gave large donations to elected representatives of his party, including Mr. Tom Gilmartin, have stated that they were donations to Fianna Fáil. They also stated that they made that clear to the recipients at the time, including to former Minister, Pdraig Flynn. The Taoiseach told the Dáil in his statement on 27 January 1999 that he had asked the then general secretary of Fianna Fáil, Martin Macken, to write to the then EU Commissioner, Pdraig Flynn, asking if he had received £50,000

[Caoimhghín Ó Caoláin.]
from Mr. Gilmartin and if it was given to him as a donation to Fianna Fáil, and whether the money was passed on to that party.

I have three questions for the Taoiseach. Will he remind the House if a response to that letter was received from the former Minister and Commissioner, Pádraig Flynn? Did he respond to those specific questions which the Taoiseach had requested Mr. Macken to pose? Was the letter from Mr. Macken the full extent of the investigation into the allegation that the Taoiseach initiated at his own behest? Was it the only investigation undertaken by Fianna Fáil into the alleged donations to the party? What conclusions has he reached as a result of those investigations?

Mr. McCormack: He should have used a debt collector.

Caoimhghín Ó Caoláin: Has there been a series of investigations, given that there has been a series of claims that substantial moneys were given by donors to senior members of Fianna Fáil and that, as has been subsequently stated, the moneys did not find their way into the party's coffers? If so, what is the current status of such investigations?

The Taoiseach: There have been a few cases, but not many. Fianna Fáil has co-operated fully with the tribunals. Fianna Fáil accountants and legal teams have examined all the issues surrounding these donations. They comprise a small number of cases and all the facts and knowledge available to us have been given. In a number of cases we would have spoken to individuals who gave the money and to people involved in fundraising. We would have given all those facts to the tribunal. A number of those cases have been before the tribunal. I was before the tribunal on one such case. We have endeavoured to be helpful at all times.

On my involvement in the investigations regarding the £50,000 cheque, Mr. Gilmartin stated he referred that matter to me many years ago. I did not recall that. The then Minister, Pádraig Flynn, was treasurer of the party and the matter would not have been one which I would have checked at the time. I was not treasurer at that time.

From our own investigations, the donation, subscription or whatever Members wish to call it — I will not use all the other terms used, that is a matter for the tribunal to work out — the cheque was not made out to Fianna Fáil. It was stated for many years that the cheque was made out to Fianna Fáil, it was not, it was made out to cash. Obviously, the circumstances surrounding why one would make a cheque for £50,000 out to cash in the first instance are peculiar.

A Deputy: Johnny Cash.

An Ceann Comhairle: Please allow the Taoiseach to continue, without interruption, please.

The Taoiseach: Fianna Fáil took these matters seriously even if others did not.

We have, at all times and in all ways, assisted the tribunal and will continue to assist it in uncovering precisely who received the cheque and for what purposes. We have set up a detailed and expansive tribunal of inquiry. I have, at all times, assisted it in every way I possibly could. What I will not do and have not done is to run a parallel inquiry on that matter either in the Fianna Fáil Party or in this House.

Caoimhghín Ó Caoláin: I thank the Taoiseach for his reply but he did not respond to one of my key questions.

The Taoiseach: I am sorry about that.

Caoimhghín Ó Caoláin: Did former Commissioner and Minister, Pádraig Flynn, respond substantively to the questions posed by the former Fianna Fáil general secretary, Mr. Martin Macken? Has that response been received? Were the questions properly answered and explained by former Minister Flynn? Does the Taoiseach have an estimate, or an approximation, of the sums, in terms of donations, ostensibly given to Fianna Fáil but which never found their way into party funds?

Cecilia Keaveney: One would need psychic powers to know that.

Caoimhghín Ó Caoláin: It must be a substantial sum of money. The £50,000 of which we are speaking was paid some years ago. That is, in today's terms, a substantial sum.

On the statement made this week that the Fianna Fáil ethics committee will address the issue concerning Deputy Cooper-Flynn, is this the first time that committee has addressed this matter and all that swirls around it?

The Taoiseach: I thought I had answered the Deputy's question but I will do so again. Pádraig Flynn did not comprehensively answer the issue but publicly stated at that time that he would address the matter within the tribunal. That is where the matter rested during the past five years plus, since these matters came to light. While I am not answerable to this House on matters relating to Fianna Fáil, I wish to place that on record.

Donations were received on at least two or three other occasions. The sums involved were £30,000, £25,000 and the £50,000 referred to. Other sums related to a former Fianna Fáil leader but were different because it was not stated such donations were for the party. The Deputy will be aware of the various tribunal reports in that regard.

Deputy Cooper-Flynn's case has been discussed by the party before and has been comprehensively dealt with. On my proposal to the party, the whip was removed from Deputy Cooper-Flynn based on a High Court judgment.

Mr. McCormack: Does the Taoiseach propose to give it back?

The Taoiseach: That High Court judgment was subsequently appealed and the party, under its rules of due process, allowed that position to await the tribunal proceedings.

Ms Enright: The appeal does not change the judgment.

The Taoiseach: The party's rule on the code of ethics is that the party's committee—

Mr. Allen: The judgment remains the same. That is rubbish.

The Taoiseach: —cannot make—

An Ceann Comhairle: Deputy Allen, please allow the Taoiseach to continue without interruption.

Ms Enright: The judgment stands.

Mr. D. Ahern: Deputy Allen is a lawyer now.

The Taoiseach: A Cheann Comhairle, I am trying to answer questions.

An Ceann Comhairle: Please allow the Taoiseach to continue without interruption.

The Taoiseach: The party's committee cannot be an alternative investigator or tribunal. It can only deal with matters when duly established tribunals or inquiries actually deal with them. That is the party ruling as passed by the Ard-Fheis in 2000, as a matter of interest.

Mahon Tribunal: Statements.

The Taoiseach: I thank the House for the opportunity to make this statement. A serious and unfounded accusation has been made against me. It is alleged that I delayed the workings of the Mahon tribunal for five years. This is totally untrue, it is a nonsense and, as I said yesterday, it is untrue.

The tribunal was established to find the truth about accusations of grave wrongdoing against people in public life and I have always co-operated fully with it. Not only do I abide by the letter of the law, I believe in the spirit of the law which established the tribunal. Establishing the truth of what happened in the past is essential to restoring confidence in the future. I support the process of establishing all of the facts and that public life should have the public's respect. I deplore the use of public office for private gain. The Oireachtas established the tribunal and has given it the means to deal with all matters raised. Clearly, it is doing so. It will be for the Dáil and Fianna Fáil to take appropriate measures in light of the findings made by the appropriate authority through due process.

Today, in making this statement dealing more fully with the specific allegation made against me,

I respectfully ask that Members give the same consideration already given to the unfounded allegation against me. Being Taoiseach is an enormous privilege. It is a privilege based on the trust and confidence of the people. It is a trust I have never betrayed.

I now come to the ridiculous suggestion that I delayed the working of the tribunal. The fact is that the tribunal has been busy with other modules and is only now commencing hearings on the Quarryvale module. Therefore, no delay has arisen. To suggest that I delayed the tribunal for five years is absolute nonsense.

Some five years ago in my statement to the Dáil on 27 January 1999 about events 15 years ago, I referred to certain documents. In some cases, I read the entirety of those documents into the record of the House. In other cases, I read into the record relevant extracts and on 2 February 1999 my solicitors sent a copy of my Dáil statement to the tribunal together with other documentation. The substance of my statement in the Dáil was that the tribunal would be voluntarily furnished with the information referred to in my statement. This I did. I also mentioned that my statement would be sent to the tribunal. As I have already said, I set out the information either in extract form or in whole document form. In furnishing my statement, setting out in whole or in part the relevant documents, I thereby apprised the tribunal of this relevant information. Moreover, when asked to make discovery I duly discovered the documents available to me and furnished them to the tribunal. The tribunal was fully aware of the contents of the documents because they were quoted at length by me in the statement which it received. The giving of information to a tribunal is at the heart of co-operation. That is what I did, voluntarily.

On the substance of the matters referred to in the tribunal's letter, I had supplied the relevant information to the tribunal in sending it my statement and related material. I will now illustrate why this is so. Specifically, I read into the record of this House the contents of the letter dated 27 July 1989 from then Minister Pádraig Flynn to the Minister of State, Deputy Seamus Brennan. I also read into the record the official report of the meeting in the Department of the Environment and Local Government, which took place on 28 September 1989.

I read the complete text of the letter from the then general secretary of Fianna Fáil to Mr. Pádraig Flynn, dated 6 October 1998. I also read the text of the letter from Ray McSharry, then Minister for Finance, to John Wilson, then Minister for Tourism and Transport, dated 27 May 1988.

Some months ago, the tribunal wrote to me asking for a narrative statement of all the information I had regarding Mr. Gilmartin's allegation and related matters. It did this when it started work on preparing for this module. The tribunal did not then specifically request me to furnish documents to which I had referred in my Dáil statement. I furnished the requested narrative statement and I attached another copy

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of my Dáil statement from 1999 setting out all these aspects in full or in part.

The tribunal also wrote to an official in the Cabinet secretariat. The tribunal requested the particular documents which had been referred to in my statement of 1999. This was the first time the tribunal had ever specifically requested these documents. The request was marked, "Strictly Private and Confidential — To be Opened by Addressee Only", in large black print. It was dealt with on that basis by my Department, which carried out a due diligence search of its holdings to ascertain if the records were in its possession. The search was carried out on a "need to know" basis.

The request from the tribunal related not only to specific documents but also, in regard to each document, to "the file from which the document emanated". In the case of five of the documents, my Department's expectation was that such files as existed would be held in other Departments. The tribunal was informed of the Departments likely to hold them.

In the case of one other document, it was clear, on the face of it, that it was a document which had originated in the Fianna Fáil Party headquarters and my Department also brought this to the attention of the tribunal.

I am informed that my Department has dealt with a number of requests for papers in connection with the work of tribunals and the courts. It rightly takes very seriously the conditions of confidentiality that accompany them. It has never felt itself at liberty to contact third parties about records being sought, for fear this might prejudice a tribunal's proceedings. Where it is aware records of interest may be in the possession of third parties, it brings this to the attention of the tribunal, which can then decide how it wishes to proceed in regard to them.

That is what happened in this instance. I was not informed about the request, nor should I have been, as the search related to records in the Department's holding and the relevant files related to the records. It is significant that the tribunal's request was directed to the Government secretariat rather than to me or my solicitors. I was only shown the correspondence in question this morning in light of the public disclosures.

As I have made clear, the correspondence between the official and the tribunal was treated in a confidential manner by this official, which was the appropriate way to deal with the letter, and this happens regularly in all the tribunals. I should also make it clear that this letter from the tribunal was no more than the tribunal seeking documents from sources, as I am sure it has done on hundreds of other occasions in the past and will do in the future.

The tribunal also requested discovery of me, as it likewise has sought discovery of many other people who have or may have information that is of use to the tribunal. I was asked, through this discovery, to furnish the tribunal with all documentation relevant to this module. I

furnished to the tribunal all relevant documents that were in my possession or to which I had access. These included documents referred to in my Dáil statement of 27 January 1999.

The suggestion that I have delayed the work of the tribunal is untrue. The tribunal has never in any way complained to me about any delays or expressed dissatisfaction with my co-operation with it. The implication that I was unwilling to hand over these documents is unsustainable. These were documents that I myself presented to the House because they bear out my recollection of events. I disclosed their contents to this House and then, through my solicitors, to the tribunal. I have also furnished those documents available to me to the tribunal.

I welcome the opportunity to address some of the spurious political smoke which has been contrived by Members of the Opposition in the aftermath of the leaking of confidential documents, in particular the concerted effort that has been made by some Members to suggest I have questions to answer.

Mr. Durkan: That is disgraceful.

The Taoiseach: I am happy to continue co-operating with the tribunal and I look forward to the conclusion of its inquiry so that I can get the public vindication to which I am entitled.

Mr. Kenny: I remind the Taoiseach these latest allegations and revelations were made through the media, not the political process. The late Mr. Justice Hamilton remarked if the truth had been provided in reply to more questions in this House, there would be less need for tribunals of inquiry. I find it strange that the Taoiseach never saw the request from the tribunal to the Government secretariat, given that this was central to the tribunal writing to him in the first place.

The Taoiseach: None of the letters from the various tribunals to the Government secretariat seeking papers, files and diaries regarding a number of events before them have ever been shown to me, on the basis that the tribunals mark them "Strictly Confidential". None of the letters has ever been seen by me. I am not saying the Deputy said anything in this regard and I am not replying to the Deputy but other Members have made comments. That is the procedure, which is being followed, and it is the procedure that the tribunals expect to be followed. Letters sent to the Government secretariat seeking files and records from various Departments and the Government are never shown to me for a good reason. I have been before the tribunals and I am the leader of Fianna Fáil. I am a political office holder and I understand why the tribunal did that. On every single letter that is the position.

Mr. Kenny: Deputy Ahern is the leader of Fianna Fáil and he is the Taoiseach *pro tem*.

We are addressing much more than the current allegations in the newspapers. We are dealing with how the Government is sacrificing two

fundamentals of democracy — public trust and citizen participation — to advance its own political agenda and to achieve its own political ambition. We are addressing how the behaviour of the coalition parties, Fianna Fáil and the Progressive Democrats, has transformed them into some sort of separate caste — the untouchables as they would have it — beyond the reach of this Dáil and the people.

The Taoiseach assured the nation in the House on 9 December 2003 of his particular brand of ethics. He stated, “Those of us who are in here try to stay here. That is the code of ethics.” That is certainly true on the evidence but this country does not have to lower itself to the standards of Fianna Fáil or the Progressive Democrats, to whom the senior Government partner has subcontracted its conscience.

Mr. Treacy: Where’s Micky?

Mr. Kenny: Is it not the case that, true to form, the Taoiseach sold his country out when he took my colleague, Deputy Cooper-Flynn, back into the Fianna Fáil fold, with allegations against her outstanding, to shore up his own political ambitions? Is it not the case that, true to form, in doing so, he put Fianna Fáil’s private, party political interest ahead of the national interest, which is the public interest? Is it not true that, far from being an isolated incident, this is a repeating pattern, which is the political *leitmotif* of the Government?

On 8 October 1997 the Taoiseach reiterated in the House his commitment to integrity and also to justice in public life. He cited the need to “forgo short-term political advantage”. He stated, “I am working to overcome the legacy of the past in a way that properly discriminates between the good and the bad so that we can have a public life in which we are proud and in which there can be trust.” He lamented, “Due process has gone out the window. Is that the way we are supposed to run our democracy? Is that the way other countries run theirs?”

Today I want the Taoiseach to stand by his lamentation, do his duty and allow full due process and, in doing so, stand by democracy and the citizens of this Republic. His Government, far from lamenting the death of the parliamentary process, has absolutely murdered it. To the Taoiseach, talk is cheap. He has not worked to discriminate between good and bad so “we can have a public life in which we are proud and in which there can be trust.”

The Taoiseach seems not just privately to have tolerated law-breaking, aberrant and gross misbehaviour in his party, he has actively and publicly rewarded it in some cases, not just once but over and over, so much so that explanatory statements by him and members of his party are now “business as usual” for the House.

The Taoiseach, the discriminator between good and bad, appointed former Deputy Ray Burke not just to the Cabinet but to the third highest office in the land, despite the fact that he knew

Mr. Burke had received money in dubious circumstances and, subsequently, that he had misled the Dáil and, therefore, the people. There was then the Sheedy affair. After that, the Taoiseach allowed Deputy Foley to remain on the DIRT inquiry, despite his having money in illegal Ansbacher offshore accounts. Then came the Lindzon passport affair and the interest-free loan to Fianna Fáil, while the Taoiseach, along with the former Minister, Pádraig Flynn, was treasurer of that party. Then there were the events involving the former Minister of State, Deputy Ned O’Keeffe. There was also the Taoiseach’s habitual signing of blank cheques drawn on the publicly funded Leader’s account when Mr. Haughey held office.

It did not stop there. The discriminating Taoiseach and restorer of public trust proceeded to appoint former Deputy Liam Lawlor to the Committee on Members’ Interests. How ironic. After that, the Taoiseach welcomed back Deputy Cooper-Flynn into his party, even though serious allegations regarding her were still unresolved. That was followed by the Deputy Michael Collins tax affair.

Hot off the presses today is the news that the Taoiseach appears to have personally sanctioned €750,000 for a marine leisure centre in County Kerry, despite warnings from the Department that doing so could open it up to future legal action. This centre was demolished last month because it breached the planning laws. However, according to the Taoiseach’s position on ethics, in respect of which he has stated, “Those of us who are in here try to stay here”, that €750,000 was small change and money well spent on, after all, buying the support of Deputy Healy-Rae, whose pet project this was.

In light of this litany of offensive actions, I put to the Taoiseach his own two questions. Is this the way we are supposed to run our democracy? Is that the way other countries run theirs? This appears to be the Fianna Fáil-Progressive Democrats way of running this democracy. I suggest that not many modern democracies are run like it. This is a country which currently holds the Presidency of one of the most powerful social, economic and political blocs in the world, namely, the European Union.

I remind the Taoiseach that Governments are elected to govern, not just to appease. They are elected to do what is right, not just what is popular. They are elected to put the country, not the party first. Governments are elected to practise, demand and uphold probity, dignity, ethics and accountability in public life. I state this in the name of the people of the country because, in the end, this is not just about Government and Opposition; it is about securing public propriety, ethics and justice for the Irish people.

This is not a game. We are not children playing king of the castle, although at times the people could be forgiven for thinking otherwise. What happens in this House or what does not happen

[Mr. Kenny.]
here has dire consequences on the streets and in people's homes. Tonight there will be 300 to 400 people sleeping rough on the streets of Dublin. There are old and sick people queuing up at accident and emergency departments where their wait turns from hours to days. It is our politics and their lives. These people listen to what happens in this House and they hear words, noise, jabbering and meaningless nit-picking over technicalities.

(Interruptions).

Mr. Kenny: They say that politicians talk a lot but say nothing. I am saying something. If people are to have faith in politicians in public life, there must be real accountability and truth on the part of the Government, not mere verbiage uttered by the Taoiseach.

We are not canon lawyers parsing phrases, analysing words or debating about angels dancing on pinheads. We are supposed to be legislators leading the people. We are Teachtaí Dála, messengers of the people, and that is all we are. We have no power but that which comes from the people and them alone. We are democrats paid by the people to conduct the public business.

Did the Taoiseach follow up on his attempts to retrieve money meant for Fianna Fáil from the former Minister, Mr. Pádraig Flynn, from Charles Haughey, Ray Burke and Liam Lawlor? Does he recall a matter that is the cause of consternation throughout the country, namely, whether he met Tom Gilmartin in the presence of the former Minister, Senator O'Rourke, and the circumstances in which that meeting took place? Does he recall these events and is he prepared to indicate whether he did or did not?

The people who fought for the freedom of this country, who founded this State and who gave their lives for this democracy might look at the farce being conducted by Fianna Fáil and the Progressive Democrats, these keepers of the public conscience, and the mess they have made of Parliament and wonder whether it was all worthwhile. If the House holds this Government to account, their efforts may just have been worthwhile.

On what dates did the Taoiseach receive the letters from the tribunal? I understand he denied that he received a letter from the tribunal on 18 November. In the name of the people, public trust and attempts to restore decency to public life and in order to lead with honour, I demand that the Taoiseach break with his litany of the past, abandon the series of actions he has taken, give up foregoing political advantage for his party, deal with the truth and recognise that he is, after all, fully accountable to Dáil Éireann and, through it, to the people of the country. They have almost had enough.

As a public representative, I am appalled at the level of disaffection, cynicism and apathy that is

being bred among people when they look at this political——

Mr. S. Power: Opposition.

Mr. Kenny: ——series of actions and blame everybody for being the same. I have news for the Taoiseach. We are not all the same and we look at politics, truth and ethics in a different light from him and his junior partner.

(Interruptions).

Mr. Rabbitte: Although, unusually, I have not seen the Taoiseach's script, he has denied that he delayed the work of the planning tribunal for five years and I am minded to accept that. I think the allegation, though, is transparently nonsense. The Taoiseach says that some in the Opposition have used spurious political smoke to make allegations. I honestly think the Taoiseach is using his share of spurious smoke now to hinge his script on the issue of delaying the tribunal for five years. Nobody can believe that; it is complete transparent nonsense. I accept what the Taoiseach says. I presume he means by that as well that he has not delayed the transfer of any particular document or whatever in his possession. If he says that, it is fine.

The bigger issue is how the Taoiseach responds to what the Minister for Justice, Equality and Law Reform described as issues of the utmost gravity. We are seeking, in this debate, to restore confidence in politics. That is a matter that ought to be of concern for every Member of this House, regardless of the side on which they hold a seat on behalf of the people. This debate is about restoring confidence in politics and re-establishing the great purpose of politics at a time when politics has been seriously damaged.

The first task of restoring confidence in politics is to establish that citizens are equal before the law. It is clear that our citizens were not equal before the tax law, whatever else might apply. For many years, our citizens believed that the purpose of Government was to make them equal before the tax law. They find now that instead of making them equal before the tax law, Government was indulging in the inequities of the tax law. Cabinet Ministers in the Government of which some here were members — the Ceann Comhairle will remember it — the Taoiseach, Mr. Burke, Mr. Lawlor and Mr. Flynn engaged in serious and substantial tax evasion. That is the biggest issue before us. For many years, when Members of this House raised issues related to disability or homelessness, to which Deputy Kenny referred, we were told that there was no crock of gold. That was the Ray MacSharry mantra which was taken up by his successors in this House. Now we know there was a crock of gold. In the past few years alone, €922 million has been retrieved as a result of the DIRT, NIB, Ansbacher and other inquiries.

We now find that transgressions were occurring at the highest level of Government. A Cabinet Minister sent his wife into their local bank to lodge £50,000 in a bogus non-resident account, saying that their address was in Chiswick, in London, and giving a big wink. A Revenue form was then signed. This is almost unbelievable but it is the reality of which we speak.

Last week the Labour Party proposed a motion on the question of emigrants, a subject dear to my heart. Anyone from my part of the country knows about the men in Britain who have fallen on hard times in recent years because they are no longer able to work in the building industry. Mr. Gilmartin was one of that generation but he did well. He was successful in Britain. He came back to Ireland at a time when we badly needed employment. He demonstrated great foresight in assembling a site at one of the most propitious junctions in Ireland. He was told that to have the land rezoned and his plans sanctioned he would have to pay Fianna Fáil. He said that every time he looked around somebody had his hand out, and he paid them. He said the Taoiseach asked him if he had made a donation and that he would deal with that matter in another venue. Despite paying them, Mr. Gilmartin was shafted and sent back to London with his tail between his legs while benefits were conferred on a rival developer. That is bad value for money on any basis, yet that is what happened.

I am prepared to accept that the Taoiseach has co-operated with the tribunal but restoration of confidence in politics requires him to do more than that. It is not enough, when something like this comes out, for Fianna Fáil to ring the wagons, engage in the timeworn strategy of muddying the waters and exclaim, "They are all at it, and if not it is because they do not have the opportunity and if they had the opportunity they would be at it too."

A few weeks before Christmas I listened here to the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, who spent 20 minutes trying to draw a relationship between Deputy Cuffe's temporary embarrassment, for which he bore no responsibility, and the transgressions of Burke, Haughey, Lawlor and so on. The fact that the Minister, or whoever wrote his script, did so amusingly does not take away from what he tried to do. The style is to muddy the waters and claim they are all at it. Fianna Fáil knows it is in this up to its necks and the only way to survive the tribunal era is by muddying the waters.

The Taoiseach's response to this situation is not sufficient. He is required to deal with the circumstances as he knows them. Is the Taoiseach saying that the Minister for Justice, Equality and Law Reform did not tell him of the matters he regards as of the utmost gravity? Is he saying the Minister went to *The Sunday Tribune* only when this story broke to protect himself and the Progressive Democrats and to say this was a matter of the utmost gravity? During Leaders'

Questions, the Taoiseach replied to my question about the cheque but not to my question about tax evasion. It was with regard to tax evasion that the Minister, Deputy McDowell, said this was a matter of the utmost gravity and not with regard to the donation of £50,000 to Fianna Fáil or whoever — someone suggested the donation might have been made to Johnny Cash. When I was raised in Mayo there was a very admirable family of Travellers called Cash. Maybe the cheque was made out to them.

Mr. McCormack: They were horse dealers.

Mr. Rabbitte: The Minister for Justice, Equality and Law Reform has said he was "aware of the allegations of tax evasion against former Fianna Fáil Minister, Pádraig Flynn, for some time." He mentioned the allegations of tax evasion, not of taking the money. Did the Minister for Justice, Equality and Law Reform discuss this matter with the Taoiseach and, if so, what action did the Taoiseach take as a result?

There is very little point in saying to the House, as has been the mantra of Fianna Fáil spokespersons over the past three or four days, that everyone is entitled to due process and that these matters are not appropriate, as the Minister, Deputy Cullen, said, to this House but are matters for the tribunal. Deputy Peter Power repeated that mantra this morning. Of course everyone is entitled to due process but nobody appreciated that due process would take the number of years involved. Is the Taoiseach arguing that political activity on great issues such as tax evasion ought to be frozen in time until the planning tribunal has completed its work? He will be long on a Zimmer frame before that happens, and I will be with him, or near him, I hope.

Mr. S. Ryan: They might be sharing one.

Mr. Martin: If they can get one.

Mr. Rabbitte: The Taoiseach's decision to respond to the wishes of the House and the people by setting up a tribunal has proved — he could not have had foresight of this — to be the longest political touch-kick in history. It has insulated him from many of the great matters his party has been involved in and concerned with in the past. Six years later we do not know any answers to these questions and the proposition is now being put forward by his spokespersons that this matter cannot be raised in Dáil Éireann because it is a matter for the tribunal. We contest that proposition.

Therefore I ask the Taoiseach is this all he has to say. He read a script which I presume was being crafted for him for the past four days, although it shows no signs of it, and concentrated on an allegation that no one in this House ever made. Does he say that this is the extent of the action and that due process will look after the rest? Will he sack Deputy Cooper-Flynn? That is

[Mr. Rabbitte.]
the only action people outside, including Fianna Fáil people and Fianna Fáil voters, want to see. They want to see action being taken by the Taoiseach as leader of the party and Head of Government. Will he sack her and when she gets her day in court and we hear due process, he can readmit her? Is that not what he does anyway with the ones who go voluntarily? Will he sack her or does he fear that when Mr. Flynn goes into the witness box he may have some things to say that are not in accord with the historical record of the House?

Caoimhghín Ó Caoláin: I wish to share my time with Deputies Joe Higgins and Sargent.

An Ceann Comhairle: Is that agreed? Agreed.

Caoimhghín Ó Caoláin: In his opening remarks in statements on the Gilmartin controversy in January 1999, the Taoiseach, when referring to the relationship between planning decisions and big business, said, "The people are entitled to the assurance that the public interest is paramount at all times and that such decisions are taken on legitimate grounds, having regard to employment, effects on the environment and other relevant considerations." Five years later, in this short debate that has been grudgingly acceded to by Government, we have yet another reminder of the depths of sleaze and corruption into which members of establishment parties have dragged politics for decades.

It is not just the activities of one or two individuals that have fuelled public cynicism about politics but a culture of greed and self-interest that ranges from political careerism to full-blown corruption, selling political influences and favours for money. I acknowledge that everyone is not at it, but such a culture has been facilitated by the close relationship between big business and Fianna Fáil, in particular, over many years.

That relationship continues to flourish, and we have only to look at the Government's disastrous housing policy to see how it does so.

Let us consider the consequences for the people for whom the Taoiseach expressed concern just five years ago. Property speculators and landlords are rewarded as land and house prices soar, fuelled by a housing shortage which this Government has failed to address through any direct State intervention. Legally and above board, but also immorally, Government policy fills the pockets of those who donate to Fianna Fáil. This does not require individual corruption on the part of individual Ministers, but it requires and represents a collective corruption of politics, when government is conducted on behalf of vested interests, and where the wealthiest in our society can be certain that their interests will be served by government first.

Five years on, let us look at the tax breaks which last week the Minister for Finance renewed

for this particular sector in Irish society up to the year 2006. That is the real background, not the accusations thrown at individual Ministers.

Mr. S. Power: The Deputy should withdraw that.

Caoimhghín Ó Caoláin: A corruption of politics forms the background to this debate. The Government is fooling itself if it thinks for a moment that the public is not aware of that. Speaking at the World Economic Forum in Davos at the end of last month, the Taoiseach warned Sinn Féin in a very clear statement to stay quiet on issues of corruption. The party has no intention of doing so.

Mr. J. Higgins: It is clear that obvious corruption should be debated in Dáil Éireann today. When these issues arise in the future, the Taoiseach must not again reach for the tribunals, as he usually does, as a handy prophylactic to protect himself from legitimate questions which should be put in the House. Corruption went to the heart of the leadership of the Fianna Fáil Party in the 1980s and early 1990s. It is obvious there is corruption in Fianna Fáil when a property developer who survived the bruising world of the Murphys and the McAlpines in London left a meeting of senior Fianna Fáil Ministers in 1989, thinking he had been to see the more dysfunctional wing of the Corleone clan. While Mr. Gilmartin may not have had his legs crushed on the way out, he was certainly arm-twisted for lots of cash.

When I became a member of Dublin County Council in 1991, everyone knew that planning corruption was rife. I and others shouted "Stop", while no one in Fianna Fáil did so. The Taoiseach was a treasurer, Chief Whip and senior Minister of Fianna Fáil, and became the party leader. He found his way around the Fianna Fáil Party as easily as a worn wheel around a greasy axle.

It beggars belief that the Taoiseach did not know about the blatant greed that his senior Cabinet colleagues and county council colleagues were guilty of. Senior members of Fianna Fáil were not shocked by the corruption of the 1980s because there was no dividing line in Fianna Fáil between the greed of senior Ministers and the businessmen who paid them off on the one hand, and the management of the affairs of State on the other. How could it be otherwise in a party which hired out the plushiest Dublin hotel suites, where party fundraisers officially accepted the fat envelopes, referred to as political donations, from tycoons and financiers? This was legalised bribery whereby the rich and powerful bought from Fianna Fáil the influence to become richer and more powerful.

Substantial elements in the political and business establishment in the Ireland of the 1980s and 1990s were swimming in a sea of sleaze and corruption. They made fortunes from corruption and saved fortunes in tax evasion, but there were

victims — the struggling working class communities floundering in misplanned housing estates without facilities and sometimes as a result without hope, as well as the poor, the old and the sick, whose hospital beds were virtually snatched from beneath them. Those who thrived in that morass of sleaze, some of whom remain as Cabinet Ministers today, should join those who have been found out, and resign. If they do not, the people should deal a crushing indictment on 11 June to all elements of the political establishment who have cheated them, and should also take down the hapless Progressive Democrats, who have no more bark or bite and who now seem eternally locked in the inseparable but deadly embrace of Fianna Fáil.

Mr. Sargent: The enormous degree of forgiveness afforded to Fianna Fáil and the Progressive Democrats by the Irish public to date is incredible. Since the dodgy dealings and political corruption came to light, Fianna Fáil has in one form or another been elected in 1992, 1997 and 2002. Along with that, the Flood and Mahon tribunals have effectively served as a railway siding where serious questions of corruption are left unanswered while the dodgy runaway train rumbles on.

It seems that one of the perks of being a Fianna Fáil backbencher is the right to carry what amounts to a blank cheque, endorsed with the authority of the party leader and Taoiseach, entitling the bearer to behave in the most unconscionable manner regarding the laws and institutions of this modern European democracy.

Mr. M. Ahern: The Deputy should withdraw that.

Mr. Sargent: The Taoiseach was asked a number of questions which have not been answered. When asked why he allowed the former Deputy Pádraig Flynn to return to Fianna Fáil, he cited the Supreme Court appeal, notwithstanding the finding of the High Court. It seems that Fianna Fáil rules supersede High Court findings. That is very interesting. The Taoiseach still expects the public to roll over.

The Taoiseach was also asked why he went further, in terms of mileage and every other way, to embrace Mr. Flynn and his daughter in County Mayo before the last election. He has not answered that question to any degree in this House. Is it credible to think that a present of enough cash to buy two houses had no strings attached? A cheque for £100, made out not to cash but to the Green Party, was sent to the party in the early 1990s. On investigation by a journalist, the donor openly declared that he sent the cheque to the Green Party as the price of having a rezoning proposal merely read. Is it credible then that a cheque for £50,000 could be made out to cash with no strings attached? Is the Taoiseach willing to take political responsibility for political sleaze in his party? It seems not. If

justice delayed is justice denied, this is unforgivable.

Mr. Kenny: Why did the Taoiseach use the phrase “no delay has arisen” if he wanted to assert that he co-operated fully with the tribunal at all times? What was in the letter seen by the Taoiseach today, the letter sent to the Government secretariat? Did it remind the latter of the Taoiseach’s previous undertaking to the House? What documents did the Taoiseach omit which the tribunal had to pursue subsequently from the secretariat, or were there any such documents?

Finally and most important, on the issue raised by the Minister for Justice, Equality and Law Reform, in his analysis and understanding of the gravity of the situation referred to by Deputy Rabbitté, when the Taoiseach considered that Deputy Cooper-Flynn had lodged an appeal to the Supreme Court and that therefore due process should apply, and when he spoke to her prior to her re-admission to the Fianna Fáil Parliamentary Party, did she give him any undertaking or was there any discussion between them in respect of her not having anything to do — good, bad or indifferent — with the grave issue of tax evasion?

The Taoiseach: The first question Deputy Kenny asked me was about my use of the words “no delay has arisen”. I did not use those words for any particular reason. When I made a statement to the tribunal on 27 January 1999, I gave all the details in that case. Most of the details, some five or six points, I gave in full — the letter from Martin Mackin, general secretary, to Pádraig Flynn; the minutes of the meeting in the Department; and the letter between John Wilson and Ray MacSharry. The only one I could not give in full because there was no minute of one of the meetings where Mr. Gilmartin called in one day to three or four different Ministers. I checked whether there was a minute but none was taken and obviously I was not able to put the minute of that meeting on the record. That remains the position. There was no minute of that meeting. All of the other points I put either wholly on the record or certainly provided a sufficient amount of the detail to allow anyone to follow them.

In recent weeks and months the tribunal, in getting ready for the module that is to start in the spring, has been writing seeking information and the information it was seeking from the secretariat was not only in reference to the issues and the letters I mentioned but also to the files. They wanted the back-up files. The files were in other Departments; they were not in the Department of the Taoiseach and the secretariat just put them in touch. All of the references were references I had given in the substantial detail of those documents. At the time I had not given the actual documents but I had read them into the record. Our solicitors could have put on the back-

[The Taoiseach.]
up but they did not; they gave the entire document. When I was asked to do discovery in recent times, I did everything I could think of because the point was made to me that I had to do everything so I did those documents. I did many other things too. They were not of great relevance but they might be to the investigation so I covered all those matters.

On the question, and I accept Deputy Kenny is not saying this, that I am hiding behind tribunals, the reason I defend myself in this respect is that I do not hide behind tribunals. Deputy Rabbitte is correct. I did not think in 1997 that it would take all of these years. I cannot respond on one position as I am doing now. I would like to read the full content of those letters and the points but I cannot. I have the eight volumes of letters but I cannot defend myself in this. Perhaps people in the House think I am hiding behind it but the opposite is the case. I cannot use the information. I would like to give the entire eight volumes that I have to the House and make it available to Members because I am not afraid of anything in them, but I am not allowed to do that. The tribunal has emphasised, in its work in this module, that “to infringe the confidentiality of the tribunal is a very serious matter and may render a person liable to prosecution for hindering and obstructing the tribunal”. I am up in lights in this because I am the Taoiseach and I had the volumes. I cannot do anything and I am not going to break the tribunal rules but it appears that half the town has the letters. Even from his questioning, it is obvious that people have given the information to Deputy Kenny. There is nothing wrong with that because it is all in the newspapers anyway but I am not allowed to give it or quote from it.

Deputy Joe Higgins and others may think I am hiding behind the tribunals. If this was finished, I could deal with the report. Regardless of what the Minister for Justice, Equality and Law Reform or anybody else said, nobody is happy, nor am I, that issues are outstanding for five or six years with which we cannot deal or where Fianna Fáil cannot get its money back or take action.

Deputy Kenny asked me a straight question about Deputy Cooper-Flynn. Let there be no doubt about the position. I have always said that it is for tribunals of inquiry, following the process of law, to make findings of fact. Everyone is entitled to due process, and my legal people keep telling me why I have to follow due process, but in the event of the tribunal or other inquiry making a final determination of wrongdoing against Deputy Cooper-Flynn, I will have no hesitation in ensuring she will face the sanctions of her party as set out in our rules. That is the position, but she wants to state her position in the House, and she is entitled to that, but it does not mean that anybody is cosy about it.

To reply to what Deputy Kenny said earlier in his contribution, it is not a question of our having

done nothing over the past few years. We have brought in new electoral Acts for general and local elections. We have the Prevention of Corruption Acts, the Standards in Public Office Act and we have a tough regime for dealing with Members in regard to everything. We all have to submit all our data, and rightly so. We now have to have accounts available for any donations we get. I agree with all of those requirements but people forget that and say we have been hiding behind tribunals and are doing nothing. We passed eight new statutes in this House which are now law; they are tough laws. We have our own Standards in Public Office Act and all these measures are in place. It is not a question, therefore, that we have not done anything. As politicians, we should not say that because people would be of the view that we did not do anything, and that is not true. I wish these tribunals were over and we could get on with dealing with the remaining issues but that is not the position and, unfortunately, I am constrained. That does not mean we have done nothing. I have had to deal with issues in my own party — I am not answerable to the House on that — and we also put matters on a legislative basis. We have taken tough action but in the meantime I am bound by the rules of the tribunal. This House has set up tribunals and it is not good enough for a Deputy of the House — I refer to Deputy Joe Higgins — to say we are hiding behind the tribunals. We set them up. I am duty bound to abide by them. I do not know how many people but—

Mr. J. Higgins: It does not stop the Taoiseach answering questions on his responsibility.

The Taoiseach: An enormous number of people are dealing with these procedures and investigating them on behalf of this House. We delegated that authority from this House so the Deputy should not ask me to run a separate tribunal. I cannot do that.

Mr. J. Higgins: We want to know what the Taoiseach did.

The Taoiseach: I can give the resources. I can co-operate and I can help with the function—

Mr. J. O’Keeffe: The Taoiseach is filibustering.

The Taoiseach: —but I cannot set up a separate tribunal. I have to live by the strictures and rules, and the Deputy must understand that as a Member of this House.

Mr. J. Higgins: It is the Taoiseach’s responsibility. It is about what he did in 1999.

Mr. Rabbitte: Will the Taoiseach indicate what is holding up the NIB inspectors’ report? I understand it has been finished for some time. Why is it not being put into the public domain?

I want to ask the Taoiseach about the Minister for Justice, Equality and Law Reform who feels an unending compulsion to address the great issues of our time. The Taoiseach is now saying that in addition to that obligation, the Minister has been going around weighed down by the knowledge of this tax evasion for more than a year and never shared it with anyone. Did the Minister for Justice, Equality and Law Reform ever bring this knowledge to the Taoiseach's attention or is he saying that the Minister for Justice, Equality and Law Reform was seized of this knowledge and kept it to himself? I cannot reconcile that with the Deputy Michael McDowell I know. He would not have done that. If Deputy McDowell shared that knowledge with the Taoiseach, what action did he take arising from it?

I refer the Taoiseach to the Official Report, to which he also referred, of 1999 where he categorically denied that he had ever asked Tom Gilmartin for the financial contribution, either for himself or for Fianna Fáil. He also denied, equally carefully and explicitly, that he had ever asked Tom Gilmartin about a specific contribution of £50,000. Will the Taoiseach answer the question today? Did he ever at any stage ask Mr. Gilmartin in any terms if he had made a contribution of any kind to Fianna Fáil?

The Taoiseach: The issue of the NIB report is a matter for the High Court. I understand the final report is due this summer. That is the latest position.

Ms Burton: After the elections——

The Taoiseach: It is a High Court matter. There is no control over it. What was Deputy Rabbitte's second question?

Mr. Rabbitte: It was about the burden of knowledge on the Minister, Deputy McDowell's shoulders.

The Taoiseach: All Ministers and all Members have known for several years that out of all of these issues there could be serious positions about tax evasion. Nobody had any particular information and I got no particular information from the Minister for Justice, Equality and Law Reform, Deputy McDowell, or anybody else. It has been general knowledge, as somebody said here when Deputy Kenny raised the matter, that there are serious issues about this, but we will not know that until we hear it from the tribunal. There is plenty of hearsay about what might be involved in these issues——

Ms Burton: When did the Taoiseach hear it?

The Taoiseach: ——but I still did not find out what happened. The matter is before the tribunal. Even in the newspapers last week there were different views. I thought for years that the

cheque was made out to Fianna Fáil and in more recent times I heard it was made out to cash.

A Deputy: How did the Taoiseach find that out?

The Taoiseach: I heard it because, like everything else, it is doing the rounds from papers that have been leaked.

Mr. Durkan: We have to be careful with rumours.

The Taoiseach: Deputy Rabbitte's third question was about the £50,000. What is in dispute is precisely who was the intended beneficiary. The Deputy asked me if I asked Mr. Gilmartin about this matter. Quite frankly, I have no recollection of the conversation with Mr. Gilmartin. Mr. Gilmartin said he rang me to ask me to assist him. I think he also said he rang me again to thank me, so he did get some assistance. I think that is the point he made. I cannot recall Mr. Gilmartin saying to me that he gave £50,000, or gave anything, to Fianna Fáil or to Pádraig Flynn. I would not ask anyone on a phone call if they gave the money to the party, and even when I was treasurer of the party, I would not have asked if they would give money to the party or to me. I am absolutely certain about that. I appreciate the way the Deputy asked the question but I am quite certain I would not have asked him did he give a contribution to Fianna Fáil or would he give money to Fianna Fáil — I just would not do that.

Apparently what Mr. Gilmartin said in his evidence is that he was giving out about Pádraig Flynn. If he brought up the issue with me I might have exchanged discussion with him about it. I could well have done that, but I would not have asked him if he would give money to Fianna Fáil, to Pádraig Flynn or to me. I would not have done that. If he brought it up in conversation, I could well have engaged in conversation with him, but I have no recollection of that.

Mr. Sargent: A Cheann Comhairle——

An Ceann Comhairle: A very brief question from Deputy Sargent and then we are concluding.

Caoimhghín Ó Caoláin: I indicated earlier.

An Ceann Comhairle: That is correct, Deputy. Deputy Sargent may wish to give way to the Deputy.

Caoimhghín Ó Caoláin: I ask that both of us be accommodated.

An Ceann Comhairle: The House made an order that there would be 15 minutes of question time and that time has now concluded. The Chair is obliged to obey the order of the House, as are Members.

Caoimhghín Ó Caoláin: The orders of the House have to be accommodating to allow Members——

An Ceann Comhairle: If the Deputy does not allow Deputy Sargent to contribute I will move on to the next business.

Mr. Sargent: I regret it is difficult to accommodate us. May I ask the Taoiseach if it is credible that a cash payment, which amounts to the price of two houses, would not have strings attached? Did that not ring alarm bells with the Taoiseach that would result in an investigation in terms of where the money is, why it has not come back to Fianna Fáil or whether there are tax evasion implications? Is it the case that the tribunal is the reason he felt paralysed or that he did not believe it was possible that a cash payment might be corrupt?

The Taoiseach: I am not sure what the Deputy is asking me. If Mr. Gilmartin had mentioned to me in 1989 that he had given a donation to Pádraig Flynn or to Fianna Fáil, I would have assumed he was giving it to Fianna Fáil, through Pádraig Flynn in his capacity as treasurer. If a donation of £50,000 was given to a Minister which was not going to a political party — I can only visualise that if it was going to the political party it would be given to a treasurer — I do not think any individual would expect that it would be given without strings attached. There is no doubt that to get £50,000 in 1989, made out to cash, which did not find its way to the party of the treasurer, is extraordinary. There is no hiding that fact. That was a huge contribution which did not go to the party. Obviously the question arises as to what it was for, what it was about, but that is a matter for the tribunal to resolve.

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: I now propose to deal with a number of notices under Standing Order 31. Deputy Kenny.

Mr. Kenny: I will leave it because it is irrelevant now.

Mr. McHugh: I seek the Adjournment of the Dáil under Standing Order 31 to discuss the following specific and important matter of public interest requiring urgent attention, namely, the failure of the Western Health Board to expend the funding available to it in the years 2002 and 2003 with the result that it ends up with a surplus of €15 million; this surplus is at a time when an improvement in services is needed in the Western Health Board area and when the Grove Hospital, purchased by the Western Health Board in Tuam, County Galway, at the instigation of the Taoiseach and the Minister for Health and Children, remains closed because funding has not

been allocated to reopen it, and to discuss the allocation of the surplus of €15 million to finance the Tuam hospital project.

Mr. Healy: I seek the Adjournment of the Dáil to discuss a matter of urgent public importance, namely, the announcement of 66 job losses at Sram Ireland in Carrick-on-Suir, giving a live register figure of 1,000 in a town of 5,000 people; the need for the Tánaiste and Minister for Enterprise, Trade and Employment to announce the prioritisation of Carrick-on-Suir for job creation and investment; the need for the Minister for Finance to announce the decentralisation of approximately 300 IT jobs for the town and to ask the Minister to make a statement and to agree a deputation.

Mr. Morgan: I seek leave to move the Adjournment of the Dáil under Standing Order 31 to discuss the following important matter of public interest, namely, the necessity for Ministers to answer questions from Members of the House fully; the necessity to ensure that a proper effort is made to reply to all questions honestly and comprehensively, avoiding errors and attempts to evade or misinform in their answers; a continuation of the current manner in which Government members treat with disdain members of the Opposition who raise questions in this House will bring this Parliament into disrepute.

Mr. Hayes: I seek leave to move the Adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the need for the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Harney, to address the growing concerns about future job losses in County Tipperary, at Sram Ireland in Carrick-on-Suir, and a further 50 jobs at Continental Promotions in Tipperary town; the urgent need to attract industry to both areas and the need for the Minister to address the significant job losses for the people of south Tipperary.

Mr. J. Higgins: A Cheann Comhairle, you acceded to our request under Standing Order 31 even though you did not give us enough time to question the Taoiseach.

Mr. Connolly: I seek leave to move the Adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent concern, namely, the ongoing situation at Cavan General Hospital where it was found necessary to cancel day surgery yesterday morning; the continuing failure of the North Eastern Health Board executive to address the problems at Cavan General Hospital; the likelihood of constant recurrences of the Cavan General Hospital crisis until the core issue of patient volumes attending accident and emergency at Cavan is resolved; the possibility of making more

efficient use of existing resources and the facilities at Monaghan General Hospital to address the Cavan crisis; and the steps, if any, the Minister intends taking to resolve the problems at Cavan General Hospital.

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

Order of Business.

The Taoiseach: The Order of Business today shall be No. 14, motion re appointment of An Coimisinéir Teanga; No. 18, Civil Registration Bill 2003 — Order for Report and Report and Final Stages; and No. 1, Maternity Protection (Amendment) Bill 2003 [*Seanad*] — Second Stage. 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 not later than 9.30 p.m.; No. 14 shall be decided without debate; the Report and Final Stages of No. 18 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 8 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Social and Family Affairs; and Private Members' business, No. 38, motion re Order of Business and Leaders' Questions (Standing Orders 26 and 26A), shall be taken at 8 p.m.

An Ceann Comhairle: There are four proposals to be put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with No. 14, motion re appointment of an Coimisinéir Teanga, without debate agreed?

Mr. Sargent: No.

Mr. Kenny: With regard to an Coimisinéir Teanga, is this a Civil Service Commission or a ministerial appointment?

The Taoiseach: The commissioner is appointed by the Government.

Mr. Sargent: I cannot agree to this being taken without statements on the matter. This is similar to the appointment of the Ombudsman in which case there was an opportunity to mark the appointment and to give some political response — a welcome in the case of the Green Party. This appointment is being overlooked and in that sense undervalued, and it is important we redress that perception. Perhaps it would be an opportunity to address stádas na Gaeilge mar theanga oifigiúil san Aontas Eorpach agus an fáth nach bhfuil sé á lorg ag an Rialtas. Is post antábhachtach post an Choimisinéara Teanga agus tá sé á lorg le blianta fada anuas. Bhí an Teach á lorg agus níl a fhios againn conas a éireoidh leis.

Ag an am céanna, is fiú an cheist a phlé. Is post é a bheidh costasach, mar a mbíonn gach post, ach beidh sé fiúntach. Níl an post á phlé agus is trua sin.

Caoimhghín Ó Caoláin: Ba mhaith liom comhghairdeas agus dea-ghuí a ghabháil leis an gCoimisinéir Teanga, Seán Ó Cuirreáin as an bpost nua seo a líonadh. Is post mór é and it is a very welcome development that the proposal to make this appointment is before the House. I have just expressed congratulations and good wishes to Seán Ó Cuirreáin on his appointment as an Coimisinéir Teanga. It is an important appointment and, in the context of the stádas debate taking place within the Houses, there is importance attached to the proposition of Deputy Sargent that we should have the opportunity to address the appointment and the work of the commission in the course of Dáil debate. I support his proposal but do so in the context of congratulations and good wishes to the appointee.

The Taoiseach: While I am not against the point, we need to take the motion today. However, we have already agreed to hold a special debate in Irish during seachtain na Gaeilge in a few weeks, at which this can be discussed. It might be best to debate it at that stage.

An Ceann Comhairle: Is that agreed? Agreed. Is the proposal for dealing with No. 18, conclusion of Report and Final Stages of the Civil Registration Bill 2003, agreed?

Mr. Neville: No.

Mr. Stagg: That there is a guillotine on this Bill is unacceptable. The time allowed for the Bill was extended by agreement of the Whips but that time has now been eroded because of today's special debate. I ask that the additional time planned for this debate be made available. Many Members are interested in this Bill.

Mr. Neville: There was ten hours of debate on Committee Stage of this Bill and the Minister said she would examine many matters when the debate recommenced in the House. We have examined the Bill in close detail on Committee Stage and to complete it in just one hour would be impossible and would not do the Bill any justice.

Caoimhghín Ó Caoláin: I support the position articulated by the previous two speakers. This is an important matter. While I am opposed to the imposition of guillotines in principle and do not believe it should be acceptable to the House, to do so in an important debate and curtail people's opportunity to contribute on the Report and Final Stages of this Bill, when many amendments

[Caoimhghín Ó Caoláin.]
are to be addressed, is not acceptable. I oppose this guillotine.

Mr. Stagg: We could take it tomorrow.

The Taoiseach: As Deputy Neville pointed out, there was a long debate on the Bill on Committee Stage. The Bill is due in the Seanad on Thursday and, given that the Minister is accepting a number of the amendments put forward on Committee Stage, we need to conclude it this evening.

Mr. Allen: We need an extra hour.

Question, "That the proposal for dealing with No. 18 be agreed to", put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with Private Members' business agreed? Agreed. On the Order of Business, I call Deputy Richard Bruton.

Mr. R. Bruton: Tomorrow, we are due to begin Second Stage of the Finance Bill. The Minister for Finance has an important report regarding tax breaks for persons with disabilities using cars but has failed to publish it. The report is very germane to the debate on the Finance Bill and I ask you, a Cheann Comhairle, or the Taoiseach to make arrangements for it to be made available to us.

The Taoiseach: I am not aware of the report but will bring the matter to the attention of the Department.

Mr. Rabbitte: In accordance with Standing Orders, have you, a Cheann Comhairle, had application from any Member of the House to make a personal statement during this sitting?

An Ceann Comhairle: I received an application and I intend to grant permission to make a statement.

Mr. Rabbitte: At what time?

An Ceann Comhairle: As soon as we get through the Order of Business.

Mr. Sargent: In the context of previous comments, I am reminded of the vast profits being made by certain land speculators. I wonder whether the land Bill, which is down for this session, will be brought forward to offer an opportunity to debate these issues further.

The Taoiseach: It will be introduced this session.

Caoimhghín Ó Caoláin: In the context of everything we have been speaking about this afternoon, it is appropriate to ask about the intended publication of the Investment Intermediaries (Amendment) Bill. Can the

Taoiseach tell us when that legislation will be brought before the House?

The Taoiseach: The Bill is being drafted. It should be ready this year.

Caoimhghín Ó Caoláin: Will the Government rush it forward?

Ms O. Mitchell: We read regularly in the newspapers that the ban on smoking in the workplace is about to commence any day. Will the Taoiseach clarify whether it is to be introduced prior to the taking of the Public Health (Tobacco) (Amendment) Bill 2003 which is before the House, and whether he thinks it wise to do this as the House has only completed Second Stage?

The Taoiseach: I understand the ban is not dependent on the Bill but will come in after that.

Mr. Broughan: Would it be possible to allow time tomorrow for the Minister for Communications, Marine and Natural Resources to come to the House to explain the loss of €330,000 in regard to the Kenmare river in County Kerry?

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

Mr. Broughan: The question of time arises. We tried to raise the issue at the committee.

An Ceann Comhairle: Sorry, Deputy, the issue does not arise on the Order of Business.

Mr. Broughan: There are allegations that the Taoiseach made strong representations for this project, which had to be removed because planning permission had not been given.

An Ceann Comhairle: It does not arise on the Order of Business. Legislation may be before the House tomorrow.

Mr. Broughan: Will he allow the Minister to deal with the issue tomorrow?

An Ceann Comhairle: It does not arise on the Order of Business today.

Ms B. Moynihan-Cronin: Is the Taoiseach in a position to give a date for publication of the disabilities Bill?

The Taoiseach: I cannot give an exact date. There has been another meeting between the officials and the disabilities legislation group. There will be another Cabinet sub-committee meeting on the issue in the next few days, after which the officials will report back, and we will see what progress was made.

Mr. Boyle: In light of the earlier debate, will the Taoiseach ask the Minister for Justice, Equality and Law Reform to bring forward publication of the defamation Bill?

The Taoiseach: The report of the advisory group on defamation was published on 20 June and the public consultation process ended a number of days ago. The Minister will bring forward legislation later this year.

Ms McManus: We now know that certain health boards have been hoarding millions of euro while cutting back on essential services in their communities. Will the Taoiseach consider withdrawing the Health (Amendment) Bill, which is designed to get rid of democratic and professional accountability by health boards, in view of the fact that health boards have been getting away with holding on to money that should be used for the development of community and hospital services?

An Ceann Comhairle: When is it proposed to take the Health (Amendment) Bill?

The Taoiseach: This session.

Presidential Appointments: Motion.

Minister of State at the Department of the Taoiseach (Ms Hanafin): I move:

That Dáil Éireann recommends Mr. Seán Ó Cuirreáin for appointment by the President to be An Coimisinéir Teanga.

Question put and agreed to.

Personal Explanation by Deputy.

An Ceann Comhairle: I have received notice from Deputy Beverley Cooper-Flynn that she proposes to make a personal explanation to the House today and I have decided to permit a statement by the Deputy. The personal explanation will be heard without comment or intervention.

Ms Cooper-Flynn: In view of allegations made about me today in this House, a Cheann Comhairle, I thank you for giving me this opportunity to make a personal explanation to clarify my personal position.

On Friday last, 6 February, a television station ran a story, apparently based on leaked material about matters due to be dealt with by the Mahon tribunal next month. The two central people in the story were my father, Pádraig Flynn, and myself. I was not given prior opportunity to respond before that broadcast. Following the broadcast, very serious allegations were made against me that I assisted Pádraig Flynn with tax evasion and-or set up a bogus non-resident account. On Friday, 6 February, I issued a press

statement denying any personal wrongdoing, but the negative reports about me continued over the weekend of 7 and 8 February.

In 1998 I made a declaration to the Flood-Mahon tribunal, like many other TDs, Senators and councillors who were asked to do so. I answered each and every one of the written questions then put to me by the tribunal. None of the questions put to me in the questionnaire related to investments made on behalf of Pádraig Flynn. I heard nothing further from the tribunal until December 2003. On 17 December 2003 the tribunal asked me whether I had any documents relating to bank accounts of Pádraig Flynn and my mother, Dorothy Flynn, and I confirmed through my solicitors on 19 December 2003 that I did not. On 21 January this year the tribunal asked me for a narrative of my dealings with such bank accounts, which narrative was submitted via my solicitors to the tribunal earlier today. In submitting that narrative, I consider that I have fulfilled my ongoing obligations to the tribunal, both as a citizen and as a public representative. I am similarly prepared to answer as fully as I can any other questions the tribunal may subsequently ask of me.

On the recent television story and subsequent media stories about me, I confirm that the only bank accounts I dealt with on behalf of Pádraig and Dorothy Flynn were accounts they held through National Irish Bank. I started working for National Irish Bank on 1 September 1989. On 17 October 1989 I made out a report for Pádraig Flynn on a sum of IR£25,000 which he told me he wanted to invest. He did not tell me anything else about the source of that sum, nor did I know. In that report I suggested a number of different investment options. I recommended three investment unit trusts for consideration, namely, the MIM Britannia European Fund, the MIM Britannia Nippon Warrant Fund and Flemings International Eastern Opportunities Fund. All were legal investments then and are now. These companies, MIM and Flemings, were licensed and authorised to sell their products in Ireland. I accompanied the note to Pádraig Flynn with the then applicable exchange control form called an S2 which provided for notification to the Central Bank of Ireland of any transactions of that nature. As part of that report, and as highlighted by the media, I indicated that the investment would be confidential and not disclosable by the bank to any tax authority. Second, I advised Pádraig Flynn of exchange control requirements in relation to the investments. Third, I notified Pádraig Flynn of his personal tax obligations in the following terms, as quoted in the report:

In the hands of the investor there is liability to income tax on distributions, and on encashment after the investment period the proceeds are subject to Capital Gains Tax. Of course it is up to the individual investor to disclose the investment to the taxing authorities.

[Ms Cooper-Flynn.]

On 22 November 1989 Pádraig and Dorothy Flynn invested the IR£25,000 as follows: MIM Britannia European Fund, IR£15,000, the Nippon Warrant Fund, IR£5,000 and Flemings International Eastern Opportunities Fund, IR£5,000. Exchange control forms were duly completed in accordance with the then Central Bank requirements. The investments were placed in the names of Pádraig and Dorothy Flynn and myself, Beverley Flynn.

My parents, Pádraig and Dorothy Flynn, were at all times the beneficial owners of the investments. I had no beneficial interest in them at any time. My name was included simply to allow me to take care of any alternations of the investment down the line that my parents might request. Indeed, some subsequent dealings and encashments took place over a period of time and the fact that my name was on the account expedited that process. I ensured that investment updates were sent to Pádraig and Dorothy Flynn from time to time and I dealt with further investments by them in 1990 and 1994 in a similar fashion, supporting them with the necessary legal documentation.

When encashment of some of the investments took place in March 1993 and December 1994, my name was on the cheques but, as I have made clear, I had no beneficial interest in the sums invested. All the proceeds of such encashments were lodged in a National Irish Bank non-resident deposit account in the names of Pádraig and Dorothy Flynn and the address on that account was avenue Jules César 17, Brussels 1150, my parents' then address in Belgium. I had no further involvement with any of those investments and I left the bank on becoming a TD in 1997.

In my capacity as an employee of National Irish Bank, I believe that I fulfilled all my legal and ethical obligations in these investments. I did not own the funds invested. I did not personally benefit from the investments nor from the proceeds of the investments made by my parents. I did not set up a bogus non-resident account. I did not in any way engage in or assist tax evasion, as has been alleged. The allegations that have been made about me personally to this effect in recent days are false and unfounded.

Civil Registration Bill 2003: Report and Final Stages.

Mr. Neville: I move amendment No. 1:

In page 7, line 23, to delete "shall come" and substitute "comes".

This amendment proposes to use the active voice. The greater use of the active voice has been recommended by the Law Reform Commission in its report on legislative drafting. In quite a few Bills I have seen serious inconsistencies in the drafting style and quality. The commencement provisions of many Acts state "comes into

operation" but this Bill persists in using the old style. My colleagues have had this amendment accepted on Committee Stage of other Bills on a number of occasions and I urge the Minister to accept the amendment and ask her to give an assurance that the Office of the Parliamentary Counsel will become more consistent.

There should be greater use of the active instead of the passive voice. There are occasions when it is more appropriate to use the passive voice to emphasise an act rather than its agent but, on the whole, present drafting styles make far too much use of the passive voice, often obscuring the central message of a section. The drafting manual specifically mentions that the active voice is preferable to the passive and I urge the Minister to use it here. It is not a big deal but it will ensure consistency with her colleagues.

Minister for Social and Family Affairs (Mary Coughlan): I am not a parliamentary counsel, I have not read any drafting manual and I have no intention of doing so. I rely on the Attorney General's office for the provision of assistance in legislative initiatives and we abide by the advice of that office and the parliamentary counsel. I am satisfied that the drafting of the provision of the section complies with the best practice as set down by that law office.

Mr. Neville: It is not very important so we will not fall out over it.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendment No. 2 is out of order as it involves a potential charge on the Exchequer.

Amendment No. 2 not moved.

Mary Coughlan: I move amendment No. 3:

In page 8, line 26, to delete "Region" and substitute "Regional".

This corrects a typographical error.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 4 and 5 are related and will be taken together by agreement.

Mr. Penrose: I move amendment No. 4:

In page 9, line 41, after "1921" to insert " , subject to the requirement that the marriage of a person to the divorced spouse of the person's sibling shall be lawful".

Mary Coughlan: The interdepartmental committee on the reform of marriage law is currently examining a number of issues, including the capacity to marry. It intends to publish a

discussion paper on the issue and to seek views and observations from all interested parties. I will bring the views of Members of the House to the attention of the committee. It would, therefore, be pre-emptive to accept the amendment.

Mr. Penrose: The Minister gave that undertaking when we discussed this at length on Committee Stage and I assume she will be as good as her word when she says it will be considered by this committee. It is an anachronism now and should be looked at in that

context. It was an extension of a view of marriage that would no longer be valid.

Mary Coughlan: I have formally written to the committee on the issue and advised it of the Deputy's views.

Amendment, by leave, withdrawn.

Mr. Crowe: I move amendment No. 5:

In page 10, to delete line 9.

Question put: "That the words proposed to be deleted stand."

The Dáil divided: Tá, 63; Níl, 10

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Aylward, Liam.
Blaney, Niall.
Brady, Johnny.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Coughlan, Mary.
Cregan, John.
Curran, John.
Davern, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Gallagher, Pat The Cope.
Glennon, Jim.
Hanafin, Mary.
Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.

Kelly, Peter.
Lenihan, Conor.
McEllistrim, Thomas.
McGuinness, John.
Martin, Micheál.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Ryan, Eoin.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Níl

Boyle, Dan.
Crowe, Seán.
Ferris, Martin.
Gormley, John.
Healy, Seamus.

Higgins, Joe.
Morgan, Arthur.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
Sargent, Trevor.

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

Question declared carried.

Amendment agreed to.

Amendment declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 7 and 37 are related and may be discussed together by agreement.

Mary Coughlan: I move amendment No. 6:

In page 13, line 37, to delete "Shibhialta" and substitute "Sibhialta".

Mr. Penrose: I move amendment No. 7:

[Mr. Penrose.]

In page 15, line 38, after “State” to insert “further to which *section 26* or *27* (as applied by *section 28(8)*) applies”.

The register of births covers all children born in the State and, as we said on Committee Stage, children born to Irish citizens abroad in two exceptional cases. The first exception concerns children born to Irish citizens permanently resident in the State who have those children abroad where the birth is not registered or where no birth registration system exists, or where the registration system exists but where copies of birth certificates are not made available. The second exception is where children are born on Irish vessels or vessels coming to or from the State, or who are born to members of the Garda Síochána or the Army serving abroad. The provisions regarding the registration of foreign births are made in sections 26 and 27 and are welcomed by everybody. They represent a significant advance in the recording and registration of certain other births occurring outside the State.

Unfortunately, neither of these provisions applies to stillbirths. Accordingly, the only stillbirths that can be registered are those that take place in the State. A stillbirth abroad can never be registered, even if a live birth could have been registered under the same circumstances. The Labour Party amendment is intended to address this anomaly and permit the registration of foreign stillbirths in a similar manner to the registration of foreign live births. We urge the Minister to consider it. We had a fairly extensive and comprehensive debate on this matter on Committee Stage. I hope the Minister has ruminated on it further between then and now and that something positive will emerge as a result of the amendment, which is trying to fill a lacuna in the legislation that we feel should be remedied.

Mr. Neville: I support the amendments. I remember very clearly the passage of the stillbirth registration legislation in the House some years ago. I was involved in the debate on the Bill and became very conscious of the difficulties experienced by parents of stillbirths and the mourning and trauma they experience, which is every bit as real and sometimes more severe than that associated with the death of a child born at full term.

In light of this, I ask the Minister to recognise such children by allowing them to be named and have their existence registered. The previous Government accepted in principle that the same status should be given to a stillborn child in all aspects of registration as is given to a person who dies at any other period of their life. That was the spirit of the Stillbirths Registration Act 1994 and the Labour Party amendment is consistent with that view.

Mary Coughlan: On the two amendments, the section itself provides for the registration of certain births to Irish citizens domiciled in the State where there is no system of registration of births or where copies of certificates cannot be obtained. The registration of births and stillbirths occurring outside the State to Irish citizens domiciled in the State in the following circumstances has been provided for within the legislation where, first, a system of registration of birth or stillbirth does not exist in that country or it is not possible to obtain copies of birth or stillbirth certificates. Those life events, births and stillbirths, can be registered outside of the State in those circumstances. I have also made provision for the registration of births and stillbirths occurring on an Irish-registered aircraft or ship, to an Irish citizen on board a foreign aircraft or ship travelling to or from an Irish airport or seaport and to the members of the Permanent Defence Forces or the Garda Síochána.

I am satisfied within the provisions of the Bill that sections 26 and 27 adequately meet the requirements. On amendment No. 37, the section itself provides for the registration of stillbirths and replaces section 6 of the Stillbirths Registration Act 1994 to which Deputy Neville referred. It provides for the registration of stillbirths by parents or close relatives within 12 months of the stillbirth. Provision is made for the registration of stillbirths in sections 26 and 27 of the Bill. This addresses the amendment put forward by the Deputy.

Mr. Penrose: I am somewhat disappointed at this aspect. I accept that the Minister widened the ambit of registration but this amendment was important to exclude any doubt or ambiguity regarding stillbirths. The Minister’s assurance that the thrust of what we are trying to achieve in the context of this amendment is already contained within the Bill or cannot be excluded by its terms is important. Despite attempts to ensure inclusiveness in legislation, it is very often interpreted in an exclusionary mode. I hope an t-Árd Clárathoir, the superintendent and everybody else in a position to interpret the Bill where there is a great degree of sensitivity involved, will do so from the point of view of ensuring that the maximum amount of information is registered and that such interpretation will be inclusive rather technical and literal thereby excluding matters that are not set out in a fully comprehensive way in the legislation. I assume that what the Minister said will obtain and, on the basis of that assurance, I will withdraw the amendment.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 8 and 9 are related and may be discussed together.

Mr. S. Ryan: I move amendment No. 8:

In page 19, lines 2 to 6, to delete all words from and including “functions” in line 2 down to and including “other” in line 6 and substitute “the”.

We discussed this on Committee Stage and gave much consideration to it. I hoped that arising from our detailed presentation, the Minister would be in a position to deal with this issue. The purpose of the this amendment is to redress a flaw in the existing Bill. As it currently stands, the functions of a registrar are not spelled out in full but must be deduced by referring back to the 1844 legislation. This is totally inappropriate when we are trying to update the legislation. It is a recipe for complete confusion and effectively nullifies the goal of the Bill which is to modernise legislation. Under section 17(4) as it stands, all of the old legislation would have to remain in effect because it would have to be consulted in order to determine the functions of registrars. Our amendments would delete the reference to the old legislation and, therefore, force the Minister to spell out in this Bill what are the functions of registrars. It is not acceptable, when we are trying to put together the best possible Bill, for the Minister to state that this can be done by regulation. It should be defined in the Bill. On that basis I am disappointed that the Minister has not to date accepted this principle. I hope she will see the merit of our case.

Mary Coughlan: On amendment No. 9, the section deals with the staff of the civil registration authorities which are the health boards, including registrars. The reference to section 57 of the repealed Act is no longer required. These references were required to be retained in the Bill published in July 2003 as the amendments to Part 6 and the related repeal of provisions for dispensing with residence and notice of marriage to a registrar under the Marriages (Ireland) Act 1844 did not form part of the Bill at that time. In the context of repealing a range of enactments arising from the inclusion of the additional sections of the Bill relating to marriage law, it is no longer necessary to retain such references.

Amendment No. 8 relates to the staff of the registration authorities. Subsection (4) provides that the functions of the registrars appointed under this Bill will correspond to those that currently exist. This measure ensures that the health board personnel who work as registrars are in a position to continue to undertake their work without being interrupted by the implementation of the provisions of the Bill when enacted. Accepting the amendments as worded would have the effect of disrupting the continuance of the registration service, which is the opposite to what we all intend. Deputies will recall that there was considerable debate on Committee Stage on the functions of registrars and the references to the 1844 Act. As I said, I am bringing forward an amendment under

section 9 which will mean that section 57 of the Act of 1844 in section 17(4) is no longer relevant. Under the provisions of the Bill, registrars will perform a wide range of functions in the registration of different life events. In order to aid overall clarity the individual responsibilities associated with each life event are specified in the relevant part and section of the Bill. Therefore, I am not in a position to accept the amendment as worded.

Mr. Penrose: In a clever way the Minister has given us a small sop to get our teeth into in order that we can say we got something after our long day at the office. I understand where she is coming from in so far as the 1844 Act is still the basic legislation. It has been amended and incorporated and upgraded in that context. When legislation is being brought forward, we should incorporate the ethos, fundamental parameters and the foundation stones laid down in the old corpus of legislation but exclude references thereto. We should be in a position to update and codify in a new format current legislation to reflect the realities of modern life. I know the Minister is taking legal advice and accept what the lawyers are saying in this context. However, it is time to send out a warning to the Parliamentary Counsel that if legislators are to upgrade legislation and take it into a modern era, antiquated features must be eliminated. The best features of the old legislation should be incorporated into the new Bill and in that way, progress will be made.

Amendment, by leave, withdrawn.

Mary Coughlan: I move amendment No. 9:

In page 19, lines 5 and 6, to delete “or section 57 of the Act of 1844”.

Amendment agreed to.

Mary Coughlan: I move amendment No. 10:

In page 19, to delete lines 44 and 45.

The reference to section 57 of the repealed Act is no longer required. These references required to be retained in the Bill published in July as amendments to part 6 and the related repeal of provisions for dispensing with residence. Notice of marriage to a registrar under the Marriages (Ireland) Act 1844, did not form part of the Bill at that time. In the context of repealing a range of enactments arising from the inclusion of additional sections in the Bill relating to marriage law, it is no longer necessary to retain such references.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 11 is out of order. Amendments Nos. 12 to 14,

[An Leas-Cheann Comhairle.]
inclusive, are related and will be taken together by agreement. Is that agreed? Agreed.

Mr. S. Ryan: What happened to amendment No. 11?

An Leas-Cheann Comhairle: It is out of order as it would involve a potential charge on the Revenue.

Mr. Penrose: It is one of the mysteries of nature that if €5 is included in a Bill and it constitutes a charge on the Exchequer or the State, a worthwhile amendment falls by default. I know it is not the Minister's fault. It is system and custom. Deputy Boyle tabled the amendment and we tabled a similar one on Committee Stage. It is a matter of great regret that we did not have the opportunity to debate it.

Mr. S. Ryan: I wish to raise a point of order in the context of amendment No. 11.

An Leas-Cheann Comhairle: Amendment No. 11 does not exist.

Mr. S. Ryan: It does not exist, but that opinion was given to us on Committee Stage. The Minister gave a specific commitment about trying to bring all these various groups together and have an advisory structure within her Department to deal with this particular issue.

Mary Coughlan: Yes.

Mr. S. Ryan: It is not acceptable to say that is out of order as she gave a specific commitment that the spirit of the amendments tabled by the Labour Party and Deputy Boyle would be incorporated into such a structure.

Mary Coughlan: I did.

Mr. S. Ryan: It is important the Minister makes a reference to that.

An Leas-Cheann Comhairle: We cannot discuss a non-existent amendment.

Mr. Boyle: On a brief point of order, while I accept the ruling that the amendment is not accepted, I would like to place on record that the organisations mentioned in the amendment are quite prepared to volunteer for such a grouping. I would like the Minister to be aware that such a grouping could be put together as soon as possible.

Mary Coughlan: Yes.

Amendment No. 11 not moved.

Mr. Penrose: I move amendment No. 12:

In page 20, line 22, after "registrar" to insert "if required to do so".

Amendments 12 to 14, inclusive, are related. The purpose of amendment No. 12 is to make the Bill more accessible and bring it into line with the realities of the process of registering a birth. The Bill retains, as I said on Committee Stage and indeed, on Second Stage, the Victorian precept that persons registering a birth must attend in person at the registrar's office and cannot send in the information by post. It is somewhat anachronistic and unrealistic. Amendment No. 12 addresses that reality. Amendment No. 13 is to give effect to what is contained in amendment No. 12. Amendment No. 14 is again related, but the purpose of this amendment is to facilitate the transmission of information by post, with a fallback power for a registrar to require a person to attend at his or her office, which is important. That is the thrust of those amendments.

I understand why the Minister must insist on people attending in person at particular times and we try to facilitate that by having the fallback position. That was in the old 1844 7 o'clock legislation. Some 160 years later, we should not be dependent on Victorian concepts of what was right at that time. We now have a modern postal network and are in a position to take modernisation to a new level and accept that the old "penny post" is reliable in getting the information in this context. I know the Minister will argue she has cut down periods of time and has broadened the requirements as regards people who may act as informants etc. I appreciate that as positive progress in the Bill. We are moving this to see if the Minister has changed her mind in the interim. We await her comments with bated breath.

Mr. Neville: I support the amendment. I supported it on Committee Stage as well. It is the only Bill currently going through the House that requires a person to present himself or herself in person. Nowadays, everything is done through post. One can apply for a pension and a range of services and register a whole range of items without making oneself physically present.

Mary Coughlan: Ultimately, it is the duty of the parents to register the birth of the child. We are all agreed on that. There is a three month period during which registration can occur. The necessary information required to authenticate the identity of the child is important. That can be done at the registrar's office. The situation has changed to allow a registrar's office to be used. Equally, the larger maternity hospitals will facilitate this. It is not going to be a huge encumbrance on many people to register their baby when it is born.

To make it optional, as proposed by the amendment, would undermine the importance of the registration of the birth as the key factor for setting up and maintaining a lifelong personal

history. I appreciate the technology is there. Technology will facilitate better customer service and support structures, but ultimately I do not believe it presents a great difficulty for a parent to register the child's birth in person, given that this can now be facilitated in any registrar's office and in the larger maternity hospitals.

Mr. Penrose: The Minister has not changed her mind. There are a number of amendments we are attempting to reach. Due to the time restriction we want to ensure we get to as many as possible. I accept the point the Minister has made, that the process has been widened and she has increased it through the number of informants that can become involved. I feel it is a parent's personal duty to ensure registration. This is even more significant now. Nevertheless, it should be looked at in the context of further reviews on other matters because physical presence is not always required. Indeed, physical presence is not always required when dealing with judicial matters. I withdraw amendment No. 12 and will not move amendments Nos. 13 and 14 with some reservations.

Amendment, by leave, withdrawn.

Amendments Nos. 13 and 14 not moved.

Mr. S. Ryan: I move amendment No. 15:

In page 21, between lines 4 and 5, to insert the following:

“(5) Where a child is born in a vehicle or vessel in transit from one place to another and the precise place of birth cannot be identified, the place of birth to be recorded shall be that of the townland or civil parish concerned, or other identifiable geographical area concerned, or if that cannot be ascertained, either the place of departure of the vehicle or vessel or the place of arrival, as may be specified by the informant.”.

The purpose of this amendment, which we discussed on Committee Stage, is to ensure that in future persons born in transit will have the identifiable location registered as their place of birth. I will withdraw the amendment on the basis that the Minister explained on Committee Stage that its intent is already covered in the Bill.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 16, 31, 32 and 86 are related and will be taken together by agreement.

Mr. Neville: I move amendment No. 16:

In page 21, between lines 34 and 35, to insert the following:

20.—Parents may opt to have the birth details of their child recorded in the Irish

language and may opt to have a birth certificate issued in the Irish language.”.

I am disappointed the Minister has not brought forward an amendment to deal with the request that one be permitted to register one's child's birth in both languages. We are not asking that two names be registered; we are asking that the same name be registered in two languages. People wishing to register in Irish may only register their name in English because in the past, and currently, it is of international advantage to speak English and the Irish version of names may cause problems when abroad. Some people do register their names in Irish. It is common to do so in Gaeltacht areas.

Acceptance of this amendment would facilitate and recognise both languages as the official languages of this nation and would provide parents with an opportunity to register a name in the first language of the State. I thought, on Committee Stage, that the Minister was sympathetic to the view that we should develop every opportunity to be bilingual. It is interesting that the Genealogical Society of Ireland has pointed out that 90% of the 166 Deputies listed on the website are listed by forename and surname in two official languages. The Minister assured us there was no difficulty with legal documents in this regard but the genealogical society seriously questions the possibility of legal difficulty with official documents signed by Ministers using the Irish language version of their names while their names are registered in English. The Minister stated earlier that to register in the Irish language is to register a second name. If that is her contention, then surely a person signing a document as Gaeilge is signing in a name not registered by him or her.

The dual language naming system is not unique. It is a legacy of a colonial past where English advanced at the expense of the Irish language. Our Celtic cousins in Scotland, Wales and the Isle of Man share dual language naming systems. If they can operate such systems, then the one Celtic nation that has obtained full independence should provide an opportunity to register in both languages. Irish citizens should have an automatic right to register in both languages and to have such certified by the new civil registration services. This is possible without much difficulty as the registration process will be fully computerised following enactment of this legislation. Parents should be permitted to register the birth of their child using their usual surname with the option to include an Irish language version. Besides recognising the existence of these other versions of the names we use in our daily lives, the Genealogical Society of Ireland proposal provides for the production of official documents for individuals seeking to use the Irish version of their names in many documents rather than the English version as required in certain instances when a birth certificate is requested.

Mr. Penrose: Are we moving all the amendments now?

An Leas-Cheann Comhairle: We are speaking to them all now. They can be formally moved when we come to them.

Mr. Penrose: We spoke extensively on this matter during the Committee Stage debate. It is important the Irish language is recognised and is given constitutional importance. We are obliged, as legislators, to conform to the constitutional position of the language. Many of us would wish to speak fluent Irish. In fact some Members, such as the Minister, can do so. In that context, we thought she would be eager to accept this amendment. While we are not suggesting anybody is holding her back, we get the feeling she would like to include this provision.

In the past few months, many of us have called for official recognition of the Irish language at European level. The Government missed the boat in 1974 in terms of having it acknowledged at that level. No matter how justifiable and worthy that objective, one must not overlook the fact that in Ireland there is little or no official recognition of the Irish language form of our surnames or place names. The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, announced his intention to bring forward legislation to afford legal status to the Irish language version of our place names. Comparable legislation is required in terms of forenames and surnames.

As indicated by Deputy Neville, the Genealogical Society of Ireland has called for the official recognition of two possible versions of our forenames and surnames and made a submission in this regard to the Minister's Department. Citizens should have an automatic right to register either the original Irish version of their surnames or the English language version or both and should have such certified by the new civil registration service. Parents should be permitted to register the birth of their child using their usual surname with the option to include an Irish language version of the child's forename and surname. It may have been difficult to do so in the past but it is possible, with new technology, to do so now.

The Minister stated that difficulties could arise with surnames such as Penrose, the Irish version of which is Pionróis which does not lend itself easily to translation. I appreciate that point. Nevertheless, I do not believe the issue poses great difficulty. Ireland is becoming a multi-cultural, multi-ethnic and multi-racial society with many newly introduced religious beliefs and cultural practices. The new civil registration system must also accommodate the naming practices of our minorities including the possibility of registering a religious or traditional name in addition to the one formally used by the individual.

For example, those of the Jewish faith, as I pointed out on Committee Stage, should be permitted to register both the English and Hebrew versions of their names. This would permit the registrar general to issue certificates bearing the forenames and surnames of such individuals availing of that right.

This is an important issue. The Minister highlighted the flexibility provided regarding passports whereby people can use the Irish version of their names on their passports while using the English version in other spheres of life. The same right would be applied to minority groups if the Bill was amended to include such a provision, as proposed by the Genealogical Society of Ireland.

Amendment No. 32 relates to a case before the Supreme Court and I will not press it. A High Court decision has been taken on the issue. The purpose of the amendment is to redress a defect in the law for a small number of people who wish to undergo gender reassignment surgery. People who undergo such surgery currently are forced to use a birth certificate noting their original gender for the rest of their lives with no provision for change. This is unsatisfactory and the amendment provides necessary legal protection.

The European Court of Human Rights recently ruled that the failure to make provision in law for transsexuals is a breach of the European Convention on Human Rights and it is only a matter of time before such a ruling is made against Ireland. The matter is before the Supreme Court and it will be discussed in the context of the marriage reviews that will be undertaken. I will not press the amendment. However, I will press the other amendments because we have an opportunity under the legislation to give a lead. If my birth certificate bears my name in English, why should it not also bear the Irish version of my name, given that Irish is our first language?

Mr. Boyle: I support the amendments. I am curious as to how amendments are grouped. Many Irish speakers would not like to be lumped with a minority group such as people who are seeking gender realignment surgery.

Mary Coughlan: Cuir Gaeilge ar sin.

Mr. Boyle: However, somebody has made that decision, which is unfortunate. The case has been well made regarding dual language certificates and I appreciate the difficulties highlighted on Committee Stage, particularly in regard to standardised spellings. My father used to sign his name as Gaeilge as Baoghill, which was the traditional and correct spelling, but that has been shortened and customised to Baoil. Many people find themselves in a similar position when registering their details as Gaeilge.

Amendment No. 31 relates to systems of registration that would properly reflect the increased diversity of our population. It must be taken into account in the various forms of

registration that people from different cultural backgrounds may not have traditional naming patterns. They might not use the Christian name, surname approach used in Ireland. For example, the family might use the middle name as the forename. Work needs to be done to draft legislation that will reflect this and I wish the Minister's officials well in trying to square all those circles. However, it is important that these differences should be reflected in future.

I support the amendments and I hope the Minister will see fit to support them as well.

Mr. Crowe: I support amendment No. 16, which proposes to give people an option. I am surprised the Minister opposes it. She suggested on Committee Stage that if the amendment was accepted, it would lead to serious logistical problems but that does not make sense. People should be entitled to register their names in Irish and English. People move to Ireland from different backgrounds and they may use a different alphabet, for example. We should not return to the Ellis Island scenario when the official at the desk decided how one's name should be spelt. The father of John Kerry, who is campaigning to be the Democratic candidate in the US presidential election, is reputed to have picked his surname off a map. People should have the option of registering their names in Irish and that should be encouraged. The Minister's opposition to the amendment does not make sense, considering she hails from an Irish-speaking background. This will send the wrong signal and people should be encouraged rather than discouraged to use the language.

Mr. S. Ryan: I have considered the amendments since the conclusion of Committee Stage and cannot fathom the rationale behind the Minister's refusal to accept amendment No. 16 because the birth certification process should permit the recording of an optional Irish language version of a baby's forename and surname, as supplied by the parents. Every Minister and the Taoiseach pointed out that they will sign countless official documents using the Irish language version of their names, yet no official recognition exists for a dual language naming system in the registration process.

This is an utter joke in the context of our EU Presidency. We are expounding our national language, yet parents are being deprived of the opportunity to register their names and that of their children as Gaeilge. I hope, on the basis of the case and pleas that have been made, the Minister will look favourably on the amendments.

Mary Coughlan: Tá sé luaite agam go leor leor amanna go bhfuil rogha ag daoine ainm as Gaeilge nó as Béarla a úsáid. Ag éirí as an díospóireacht a bhí againn ar Chéim an Choiste, labhair mé leis an tseirbhís phoiblí agus fuair mé eolas ó thíortha eile aga bhfuil teangacha oifigiúla cosúil linn. Níl deacracht dlíthiúil ann faoi ainm a

shíniú as Gaeilge nó as Béarla nó as teanga ar bith eile, ach níl muid ag caint faoi ainm a shíniú. Chuaigh mé ar lorg eolais mar gheall ar an díospóireacht le tacaíocht a thabhairt ar an argóint atá agam.

I made inquiries regarding the position in Wales, Canada and Belgium and, for example, in Wales people have the choice of entering their names in the register of births in English or Welsh, but not in both languages, similar to our provision. Canada and Belgium both have two official languages, but only one version of a person's name may be used for official purposes. In Singapore there are four languages but the prescribed language for official purposes is English. Scotland does not allow the use of the name in two languages even though imo thuairimse tá cosúlacht mór idir na tíortha Ceilteacha a luaigh mé agus sinn agus tá an rogha céanna acu.

With regard to the public service, Deputy Crowe alluded to the issue raised on Committee Stage. A most important matter is that an identity is specified as "a set of attributes which, linked together, uniquely identifies a natural person." The key here is the unique and single fact of an identity which is fundamental to its usefulness. The proposal to facilitate both versions of a person's name would completely dilute and undermine this concept for a number of reasons. First, it would be a fundamental culture change and would lead to dual or duplicate identities. It could create confusion as to the real identity of an individual. It could also give rise to equality issues in a multicultural society, provide an opportunity for identity theft, create a risk of fraud, have a knock-on effect regarding service provision, identity control etc. and would be impossible to manage in a multicultural context. It could not be supported without significant changes to my Department's systems which set up and maintain a person's public service identity using the PPS number. If Deputy Ring were here he would be jumping up and down reminding me about all the money I have spent on the PPS system. I am damn sure he would not allow me to spend another red cent in changing it again.

In the context of identification, it is not that anyone on this side of the House is against the use of the Irish language. People have the choice. I am sure everyone would be delighted if people took the choice to register their children's names in Gaelic. That would be progressive from their perspective. If we want to give aitheantas don teanga oifigiúil, b'fhéidir gurbh é sin an rud ceart a dhéanamh.

Deputy Boyle raised the issue of names of other nationalities. These are facilitated. For example, Arabic people have four names and they are all facilitated. It does not matter what culture one comes from, whatever is one's traditional *modus operandi* in terms of writing one's name, registering and providing one

[Mary Coughlan.]
identity, that is facilitated by An tArd-Chláraitheoir.

Amendment No. 31 relates to an important section which allows for the forename of a child to be changed once. This facility is designed to allow a parent or guardian of a child a once-off opportunity to amend or complete a birth registration where no forename had been previously registered. I refer, for example, to instances where a name which is not the original registered is in common usage. Parents or guardians will be required to supply sufficient evidence to satisfy a registrar of births that the change to the forename is necessary. To accept the amendment put forward would result in the possibility of multiple changes of forenames with resulting degradation of the birth record. I am, therefore, not in a position to accept it.

I accept the views of my learned colleague from the Labour Party with regard to amendment No. 32. Fan go bhfeicimid nuair a bheidh sé críochnaithe sna cúirteanna.

Mr. Neville: I am disappointed. The Minister has been over-persuaded in respect of this matter.

Mary Coughlan: The Deputies opposite must think that I do not have a mind of my own.

Mr. Neville: I reiterate that, in her heart, she supports this amendment. Members on all sides are campaigning for recognition of our native language within the European Union. What we are seeking here is recognition of the language when births are registered. While I appreciate the Minister's statement that it is possible to register in either language, people should have the facility to do so in both. It is not beyond the bounds of the ingenuity of legislators to make provision for the registration of people's names in both languages. We are not talking about the registration of two names, it is the same name in two different languages. It is not beyond the ability of the parliamentary counsel or legislators to facilitate this.

Our legislation facilitates two languages. Why can we not register our births in two languages? I do not have the skills to do so. However, Daniel Neville-Dónal Ó Níaidh are the same name. If one must use both officially, so be it. It is merely the same name in two languages. I do not believe it would cause a major furore to register Daniel Neville-Dónal Ó Níaidh as my official name. If in future I had to use both forms in that way, I would not see a difficulty. My name is registered as Daniel Neville but I use the form of Dan Neville. People, within their family circles, decide what versions of their names to use. For the official registration of births, however, we use Daniel Neville and William Penrose. The Irish translation of Deputy Penrose's name is difficult to pronounce. It is disappointing the Minister cannot facilitate the registration of the name as Gaeilge agus as Béarla.

Mr. Penrose: I also find the Minister's response disappointing. I believe that her heart is in it. The purpose of the amendment is to give recognition to our language and promote its importance, which we have an obligation to do.

The other amendments are designed to provide greater flexibility and loosen the bureaucratic straitjacket currently contained in the Bill. I accept that there have been many major improvements but the Bill makes things easy from an administrative point of view. Somebody is ensuring that there will be a straight line and that there will be no deviations. Ease of administration, not upholding the right for the Irish language to be granted a significant position, appears to be of paramount importance.

There is no provision in the Bill, as currently drafted, to change a forename once it has already been changed. One of our amendments would provide that flexibility. In that context, I am disappointed. We feel strongly about this matter and we indicated on Committee Stage that we would push matters to the fullest on Report Stage. We are disappointed with the Minister's reply. I am of the opinion that administrative considerations have won out. I accept that the Minister indicated that there are cultural and other concerns but, like everything else, people would get used to it in a short period.

I am glad that people's religious and cultural backgrounds will be accommodated on birth certificates in our new multi-ethnic, multiracial and multicultural society. That is important. The Minister would probably say that this is superfluous. However, I have a strong view on legislation, namely, if in doubt, include. I have learned that from experience.

Mary Coughlan: Le bheith soiléir, tá aitheantas sa Bhille don nGaeilge. Is é dearcadh na tíre seo go bhfuil teangacha oifigiúla ann agus polasaí dátheangach. Gan dabht, tá aitheantas don teanga. Is rud breá é sin agus is mór an trua nach bhfuil níos mó duine ag clárú a bpáistí i nGaeilge. B'fhéidir, ag éirí as an díospóireacht seo, go mbeidh suim ag níos mó daoine i sin a dhéanamh.

Nuair atáthar ag caint faoi úsáid na teanga tá sé an-shimplí rud mar seo a dhéanamh ach ní le leas na teanga é, i ndáiríre. Aitheantas agus rogha dos na tuismitheoirí atá le fáil. Níl duine ar bith sa seirbhís phoiblí ag cur brú orm mar gheall ar seo, is cuma cad a shíleann an Teachta Neville. Fiú dá mbeadh cead agam é seo a dhéanamh ní bheinn ábalta é a chur i bhfeidhm mar nach mbeadh an t-airgead agam.

Mr. Neville: It was not ruled out of order as imposing a cost on the Exchequer.

Mr. Penrose: Get the Aire Airgeadais in here.

Mary Coughlan: Tá go leor déanta ag mo Roinn-se chun seirbhís níos fearr a thabhairt do dhaoine, rudaí atá soiléir agus éifeachtach. Ní bheadh an leasú seo éifeachtach ar chor ar bith.

Tá sé an-thábhachtach go mbeadh deacrachtaí móra maidir le haitheantas, rud atá an-thábhachtach. Luaigh mé an míniú atá leis sin agus dá bhrí sin, níl mé ábalta glacadh leis na leasuithe seo.

Amendment put and declared lost.

Acting Chairman (Celia Keaveney): Amendment No. 18 is an alternative to amendment No. 17 and both may be discussed together by agreement.

Mr. Boyle: I move amendment No. 17:

In page 22, line 18, after “not” to insert “, unless a finding of parentage in relation to the child has been made, ”.

Amendments Nos. 17 and 18 are similar and vary only in a small point of punctuation. This amendment does not go far enough in meeting the serious flaws in this section. As the Bill is written, a father who is not married to the mother of his child is given the impression that he need not, and should not, give his personal details when the child is being registered. This is one of several amendments which will try to tackle the remaining inconsistencies in this section.

The wording of my amendment has been suggested by the Law Society. It attempts to tackle the first element of the problem, where the Bill appears to allow a father who is not married to the mother of his child to avoid responsibility. I hope the effect of this amendment will be further improved upon by the acceptance of further amendments which deal with the difference between the words “person” and “father”.

The Bill places an excessive reliance on the Status of Children Act 1987, in providing such information subsequently. This method of seeking information is long and tortuous and the information received after a successful court challenge relates mainly to maintenance payments and an acceptance of parentage, not to the provision of the details children should have about their identity and parentage.

On those grounds I move this initial amendment and I hope the Minister will accept this and further amendments.

Mr. Crowe: During the debate on Second Stage, my colleague, Deputy Ferris, referred to section 22 as making fatherhood optional. If the father of a child refuses to co-operate and tends to be as unco-operative as possible, this section will make registering the father’s name extremely difficult. It will put a massive burden on the mother of the child if she seeks to have the father’s name on the birth certificate. Medical science has made progress in establishing paternity and those options are available. In practice, however, the fatherhood opt-out clause contained in the legislation will most severely affect children from working class and disadvantaged areas where mothers are often

children themselves and where the resources for parentage tests, court orders and the like might be far out of a mother’s reach.

There is another increasing problem. In a number of years we may find sisters marrying brothers because, in many cases, a mother cannot identify the father of her child. There needs to be some form of tracking. This issue is not dealt with in the Bill but it is an increasing problem for society and is found equally in urban and rural areas.

The Bill provides an opt-out. Young men should be encouraged to take responsibility for their children and this Bill appears to pull away from that. This Bill does not cover this issue. It should be closely examined.

Mr. Penrose: I have concerns about section 22. I am particularly concerned about the registration of children of unmarried parents. This section, as drafted, will cause significant problems in the future.

Section 22(1) allows an unmarried father to refuse to co-operate, as Deputy Crowe says, or to say he need only supply his name. That information, and only that, is required of him under subsection (2). It is the only requirement mentioned in that subsection. Other people are required to supply particulars but an unmarried father need only give his name. There appears to be no link between subsection (1) and section (2). There is no mention of a “person” in subsection (1) while subsection (2) makes provision for a “person” to become the father of a child.

The purpose of amendment No. 19 is to improve the drafting of the Bill. It is inappropriate that the mother of a child is referred to in the Bill as the “mother” while the father is referred to as the “person”. This is offensive to natural fathers.

A further problem is caused by the provision that if the father’s name alone has been added the birth cannot be re-registered to include any further details. When the legislation was initially drafted the implications of the extra information required to register a birth were not considered in the detail which now occurs. One can understand that.

One of the solutions suggested to me is that “father” should be made equivalent to “person” in section 22(1) so that only a person who did not know he was the father would have no obligation to register his name. Another suggested solution is to redefine “name” in subsection (2) to include all the details required for registration, such as date of birth, address and other identifying information. A name would have to be given, along with an address, a date of birth and other details about the child. Such a solution might cover all that.

Section 22(2)(d) should allow for any court order, including those allowed under section 45 of the Status of Children Act. This would at least allow the parents or child to ensure full

[Mr. Penrose.]

registration at some stage and perhaps remedy other problems that might arise from the Act.

The other solution would be to delete the section and rely on the Status of Children Act, which at least does not give the father an obvious opt-out clause. That Act is clear in this area, and “name” could be re-defined to mean details required for registration, if that is possible.

Deputy Boyle referred to adding “unless a finding of parentage relating to the child has been made”. This might have a small disadvantage in giving an opt-out for those who might acknowledge paternity but who would co-operate only nominally in the registration process. The subsequent amendments might try to deal with some of that — I do not say that merely because I have tabled them. The amendment proposed by Deputies Boyle and Crowe has the advantage of at least removing the very convenient facility of opting out. Deputy Ferris referred specifically to the father opting out on the first whim.

We must give some thought to section 22 in this context. It is a critical part of the Bill which we discussed in detail previously. Amendments such as Nos. 20 and 21 would hopefully improve the section in some way, but if we do not properly tackle section 22(1), the matter may well come back to haunt us at a later stage.

Mr. Neville: I support the amendment and feel strongly about it. I have spoken in this House on numerous occasions about the right of a child to know, as well as to be parented by, both parents. Except in exceptional circumstances, that it is a child’s fundamental right. The section as drafted reflects society’s view of parenthood outside marriage, that the mother is the parent, with the father sometimes excluded or with the option of being excluded. Many fathers are excluded against their wishes. Our society, culture and laws do not give such fathers the wherewithal to be included in the parenting of their children.

Society’s attitude must change. The laws must reflect and lead the change, to ensure that children have the right to the protection of both parents. If at the time of registration we make the information optional on the part of the father of a non-marital child, so that the father can opt out, this House is indicating it is acceptable that a child has not got the right to be parented by both parents.

The more studies that are conducted on the influence of both parents, the more the need is shown, on a daily and international basis, for such influence on a child. The child is shown to have better life opportunities if parented by both parents. We should ensure that children have automatic right of access to both parents, and that joint guardianship should be almost automatic, except in exceptional circumstances, where violence on the part of either parent is involved.

Our laws come down immediately in favour of single guardianship in the case of the mother, and unfortunately the cases are heard *in camera*, so

we do not fully know what transpires in family law courts. We know that in most instances the mother gets custody, with joint custody not considered. Joint custody should be automatic unless the courts are given good reason why it should not be so. Indicating in this Bill that the information on the father is optional lends support to the view that in situations where a couple is not married, the mother takes the responsibility and the role of parenting, and the father is not obligated even to give information on his fatherhood or the sort of details which the mother must give on registering the child.

A child has a right to know its genealogy, extended family and medical history on both sides, along with all aspects of interest which those of us born to married couples automatically know about both our parents. The Minister cannot make this an absolute right, because there will always be disputes, but one should go as far as possible to indicate the view of the Legislature that the child has a right to have both parents involved in its parenting. The proposed amendment will give such an indication.

Mr. S. Ryan: I support the amendments. My learned friend and colleague, Deputy Penrose, has outlined clearly the purpose of the amendments and the need to support them. The combined Opposition is in favour — the Fine Gael Party, the Green Party, Sinn Féin and the Labour Party.

The Law Society and other groups are concerned that the Bill as proposed will not deal with the ultimate need of the child to know the details of the parents. They are also concerned about the practicalities of the arrangement for the registration of non-marital children.

This issue arose on Committee Stage. The Minister should consider the strong case made, because the matter is unlikely to be dealt with by means of other amendments. The right of the child to know the father and mother, the details of its parentage, is fundamental.

The ball is now in the Minister’s court, as there are only ten minutes left before a vote must be taken. She can make a name for herself with this Bill and go on record as the person who stood up for the right of a non-marital child to know its father and mother.

Mary Coughlan: Will the real Minister please stand up? We need to curtail this debate because it is losing the run of itself. If I were to go down on record by accepting this amendment, I would certainly go down, along with a lead weight. It is important, so that no one is under a misapprehension regarding my position or that of the Government on children’s rights, that certain aspects be made clear.

I agree, as I believe all of us do in this House, that the best way for a child to be reared is through the involvement of both parents. Research backs that up. I have commissioned and supported much research in that area, by means

of the Family Support Agency. We have done our utmost.

There has been a change of philosophy with regard to fathers becoming more involved in the rearing of their children. Where a couple is unmarried at the time of birth of the child, in the majority of cases a registration of both father and mother would be facilitated. A number of issues arise, however. First, until one proves that one is the father, one is a person. We cannot change that legislation. One is a person until such time as one is registered as the father.

Another issue is that there is no presumption in law that a man, other than the husband of a married woman, is the father of a child. There will be practical and legal difficulties for a registrar in requiring a man to register the birth of a child without paternity being concluded.

Subsection (3) of section 22 provides that the details of the father of the child cannot be registered in the register of births where the mother was married at the date of birth of the child, or at some time during the ten month period immediately before the birth of the child, unless the person, or persons, to whom she was married during this ten month period declares he is not the father of the child. There are presumptions in law and that will create a difficulty.

Relevant issues were raised with regard to the current nature of life and the fact that there are a number of relationships where children may be half brothers or half sisters of each other. People now travel much more and there is greater interaction. That concern has been raised and it is something we should keep in mind, especially when we are constantly evaluating and re-evaluating legislation.

We may be going down the wrong road with regard to this issue. The child's right bestowed in the Bill is that the child is being registered. My view, which is probably not a legalistic view, is that there is no presumption of responsibility because one's name is on a birth certificate as the father or mother of a child.

Mr. Neville: It gives a very strong signal.

Mary Coughlan: It may give a signal but 100 names on a piece of paper does not reflect a responsibility, which is an onerous responsibility as most of us in this House who are parents know.

Mr. Boyle: It is a mark of identity too.

Mary Coughlan: It is, but there are particular sensitivities surrounding this issue. An tArd-Chláraitheoir has advised me that there are approximately 2,000 re-registrations every year arising out of these issues. The trend has changed considerably. In the main, the initial registration is where both parents are registered and that is facilitated through the hospitals and other facilities at the time of birth. Moreover, there has been a change of psyche with regard to including

the father's name when registering a child but my difficulty in making this compulsory is that there are other people involved in that relationship as well as a father.

Not having a presumption in law that a man, other than the husband of a married woman, is a father creates major difficulties. The ethos of section 22 is to encourage and facilitate the registration of a child by both parents. We would all like to see that commitment as far as practicable but we all know of other cases, and I prefer not to outline them on the floor of the House, where that is neither feasible nor possible. To imply a compulsory registration might create greater difficulties and a situation where we would be discouraging men from putting their names down as father of the child. As the Deputy is aware, a mother has access to the court and to a statutory declaration if she wants the father's name to be registered on the birth certificate.

I appreciate this is an issue for further discussion in the future but what is being provided for in section 22 adequately reflects what we are proposing to do. Unlike some of my other colleagues, if it is the case that we need to reflect on and change it, I will have no problem doing that.

Amendment put and declared lost.

Amendment No. 18 not moved.

An Ceann Comhairle: Amendment No. 19 is in the name of Deputies Penrose and Seán Ryan. Amendments Nos. 20 and 21 are related and it is proposed to take amendments Nos. 19, 20 and 21 together, by agreement.

Mr. S. Ryan: I move amendment No. 19:

In page 22, line 21, to delete "person" where it secondly occurs and substitute "father".

Deputy Penrose referred to this issue in his earlier contribution on an amendment. The purpose of the amendment is to improve the drafting of the Bill. As Deputy Penrose outlined, it is totally inappropriate that the mother is referred to in the Bill as "the mother" but the father is referred to as "the person". That is somewhat offensive.

In the context of amendment No. 20, section 22(3)(a), as currently drafted, states that where a married woman has a child with someone other than her spouse, the father must give a statutory declaration to say he is not the father. This is clearly an error. The Bill should provide that the husband would be required to give a statutory declaration that he is not the father. Our amendment corrects this error. We discussed this matter in great detail on Committee Stage. The Minister was not prepared to accept it but perhaps she will further reflect on it. The purpose of amendment No. 21 is to correct a drafting error.

Mary Coughlan: We discussed this matter a number of times and I have outlined the position with regard to “person” and “father”. Because of the presumptions in law, one is a person until one is registered as the father. The Attorney General has advised me with regard to progressing these legislative proposals. The section reflects best practice. I am sure the Deputies appreciate that I would not be in a position to accept these amendments on the basis that they would provide a presumption which, in law, cannot be accepted.

Mr. S. Ryan: We will withdraw the amendments in light of the Minister’s reply. I compliment the Minister on her progressive attitude in the context of the Bill.

Mary Coughlan: I am prepared to accept the Opposition amendment No. 26.

An Ceann Comhairle: As it is now 8 o’clock, I am required to put the following question in accordance with an order of the Dáil of this day: “That amendment No. 26 and the amendments set down by the Minister for Social and Family Affairs and not disposed of are hereby made to the Bill, that Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

Private Members’ Business.

Standing Orders: Motion.

Mr. Kenny: I move:

That, notwithstanding anything in Standing Orders, the Standing Orders of Dáil Éireann relative to Public Business are hereby amended as follows:

(a) by the deletion of Standing Order 26A; and

(b) by the adoption of the following in substitution for Standing Order 26:

‘26. (1) Every sitting of the Dáil shall be governed by a printed Order Paper, which shall be prepared under the direction of the Ceann Comhairle.

(2) The Taoiseach shall have the right to determine the order in which Government business shall appear on the Order Paper and, by announcement at the commencement of public business, the order in which it shall be taken each day; and may propose, on motion made without notice at the commencement of public business, arrangements for sittings and for the taking of such business until such business has been disposed of; save where any such proposal is opposed, the Ceann Comhairle shall permit a brief statement from a representative from each party in

opposition and the Taoiseach before he or she puts the question thereon. Provided that where a second or subsequent division is demanded on any such proposals on the Order of Business, the period for which the division bells shall ring and the interval between the ringing of the bells and the locking of the doors shall be not less than two minutes and not less than one minute respectively.

(3) Following the announcement by the Taoiseach and the disposal of any motion comprehended by paragraph (2), the Ceann Comhairle may permit, at his or her discretion—

(a) a brief question not exceeding two minutes from each Leader in Opposition to the Taoiseach about a matter of topical public importance and in respect of which the following arrangements shall apply:

(i) The Taoiseach shall be called upon to reply for a period not exceeding three minutes,

(ii) The Leader in Opposition who asked the original question may then ask a brief supplementary question not exceeding one minute,

(iii) The Taoiseach shall then be called upon in conclusion to reply for a period not exceeding one minute.

(b) the total time allowed for Leaders’ Questions on any given day under this Standing Order shall not exceed twenty-one minutes and the Taoiseach may nominate another member of the Government to take Leaders’ Questions in his or her absence.

(c) in this Standing Order, “Leader in Opposition” means the leader of a group as defined in Standing Order 114(1): Provided that the Leader of a party which is a group under Standing Order 114(1)(a) shall have precedence over the designated Leader of a group recognised under paragraph (1)(b) of the Standing Order.

(d) questions from any member about business on the Order Paper; about the taking of business which has been promised, including legislation promised either within or outside the Dáil; about the making of secondary legislation; about arrangements for sittings; and as to when Bills or other documents on the Order Paper needed in the House will be circulated: Provided that, the Taoiseach may defer replying to a question relating to the making of secondary legislation to another day.

With the Ceann Comhairle's permission I wish to share time with Deputies Tom Hayes, Crawford, Durkan and Timmins.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Kenny: The effect of the motion, if accepted, would be that the Taoiseach would attend on each sitting day but in reality would be here on Tuesdays, Wednesdays and Thursdays to deal with matters of a topical nature arising on the Order of Business; that the Labour Party would retain its position as the second party in Opposition in respect of Leaders' Questions because it is a defined and growing party, under the relevant Standing Order; and that the Taoiseach would answer Leaders' Questions on each sitting day, that is, Tuesdays, Wednesdays and Thursdays.

In recent years we have discussed Dáil reform and more effective working of the House. There are arguments for and against many of the motions. We have not had a serious proposal for some time from the Government Whip as to what could be done.

I recall a Thursday before Christmas when an allegation about involvement in the planning process in County Roscommon was raised. The Taoiseach was not present to answer it on that occasion but he did come into the House in the afternoon to make a statement because he felt he had not infringed the planning process in any way. There are occasions on Thursday mornings, in particular, where it would be appropriate that the Taoiseach should be present to answer on issues of the day, topical questions Deputies wish to raise or issues that arise from legislation, be it stem cell research, the closure of factories, issues relating to Europe, the war on terrorism or whatever. The motion deals with those three issues — that the Taoiseach should be present on sitting days, namely, Tuesday, Wednesday and Thursday; that he would answer Leaders' Questions on those days; and that the Labour Party would retain its position as currently applies.

In the seven years since the Government has been in office it has spent extraordinary sums of people's money to achieve extraordinarily little. The status of the Dáil has been reduced to that of mere nuisance. As a consequence, democracy is diminished, public trust is broken and cynicism, apathy and disaffection occur on a widespread scale. People regard politicians as all being members of the brown envelope brigade. The Government has relegated the people to mere spectators in the political process. That political process decides how people live their lives and, in many cases, how they die. That is quite an achievement.

We want the Government to be more accountable to the Dáil, to the public, and to stop behaving like a self-serving privileged elite; an elite that often ignores, accommodates and

protects, in some cases, the wrongdoings of its members in order to shore up political ambition.

When we raised the matter of ethics here earlier, there were shouts from the Government benches. Politics is not trivial. It is about public duty, about making life better for the people, about guaranteeing a future for the next generation and making that essential difference.

I recall the late Deputy John Kelly speaking here nearly 20 years ago about an address the then Taoiseach gave to a Fianna Fáil women's group which was reported in *The Irish Times*. He told them that to get past the convention they would have to eat a diet of humble pie, keep the middle ground, keep in with everyone, even though they may hate them, and, above all, be prepared to sell their souls. If one believes that a candidate should sell his or her political soul to get past the Fianna Fáil selection convention, one can only imagine what one would have to do if one ever had the ambition to become Taoiseach.

We have seen time and again what Fianna Fáil and the Progressive Democrats are prepared to do to hang on to political power. They protect and accommodate and, in some cases, law-breakers have been rewarded for the sake of their political ambition. It has been alleged that they treat the public finances as a private election slush fund, spending not according to what the people need, but according to the number of votes it will buy them.

There was the stroke on budget day that reduced the Civil Service to what it might consider its proper status, a Fianna Fáil-Progressive Democrat electioneering tool. The Equality Authority, which deals mainly with the courts in Dublin, is moving to Roscrea. There was no consultation. The hallmark of the Government has been that on any issue that has to be raised, the consultants are the first to be called in to give their response.

The manner in which the Taoiseach ambled in here on a spring evening to announce that a general election was to be held is a demonstration of the way he often treats the Chamber, whereas it should be the most public and most important forum in the land. He strolled into the House, after 9 p.m. and announced we were having a general election.

Ms Hanafin: I was here. Was the Deputy here?

Mr. Kenny: I was actually.

Mr. Durkan: I was here too.

Mr. Kenny: Many people got very frightened when he announced it. In her capacity as Chief Whip, the Minister of State has witnessed the guillotining of Bills, the ramming through of legislation and instances such as the rushing through of the Immigration Bill last week to cover up for the embarrassment caused by legislation being flawed because it was rushed through in the first place and insufficient debate

[Mr. Kenny.]

was given to it. In addition, Ministers have retired to Cheltenham when their Bills were being discussed in the House. All these examples highlight the lack of important treatment of the work of the House and the democratic process.

The Minister of State has responsibility for bringing forward proposals for the more effective operation of this House. Although she may well argue that the Opposition will attempt to stymie or disagree with what is proposed, for too long it has been said that the Chamber is empty, that Members will not turn up and that there is no real debate, only palaver.

Today's business was a concession from Government and a recognition of the pressure from those outside the Houses that a matter of national and public importance be discussed. That is why it was important the Government conceded there should be questions, answers and statements about an issue to allow it to be dealt with. Increasingly, if there is no fear among politicians to deal with such matters, elements which are dragged out *ad nauseam* at tribunals could be dealt with here in a much shorter time at very little expense. Truth is the common denominator of the answers.

I want to formally move the motion. I had discussions with the other Opposition parties and we will look at what we consider to be a range of common denominator views to improve the workings of the House. This motion is one such attempt and I hope it adds impetus to the work of the Minister of State in this regard. The Taoiseach should be in the House on Thursday mornings and should answer Leaders' Questions, which would add to the decorum and importance of the House.

Mr. Durkan: I am delighted to have an opportunity to speak on the motion and congratulate Fine Gael and my party leader for putting it down. It will help Members to focus on the removal of almost one third of the influence of the House when the Taoiseach is away from the House. While there was never a difficulty in regard to pairing arrangements for official Government business, last year we took a retrograde step when we released the Taoiseach from the House on Thursdays, thereby reducing the influence of the House.

The public expectation is that Members are in the House, the arena where Government and Parliament meet and where Parliament holds the Government to account. Over the past ten years, one issue which has become apparent is the obvious need to ensure that Government, whatever Government is in power, is always accountable to the House and that it comes here to account for itself.

While we have discussed the tribunals for many years, adequate accountability and transparency in terms of the answering of questions in this House would have meant there was no need for tribunals. When the onus and responsibility for

such matters is removed from Parliament and transferred to the courts, for example, the courts will do the job required. However, that takes a long time.

Seven years have passed and much money has been spent while tribunals dealt with issues which could and should have been dealt with in this House. If we continue as we are, another seven years will go by and we will be lucky to have a response from one tribunal on one issue. All this is in regard to matters which could have been dealt with in this House if there had been proper openness, transparency and accountability.

I regret that since I first entered this House I have seen a gradual decline in its influence and the ability of Members to question Ministers and hold them to account. While that is sad, it is easier and more convenient for Government that it is this way. However, Government, whatever hue it may be, will pay a price further along the road. I strongly urge the Minister to take on board the Fine Gael motion because it will go some way to addressing those issues.

When one talks to people in the community, one finds an expectation on their part that the issues which affect them are aired in Parliament almost immediately. While it does not always happen that way, they feel that we should be able to deal in this House with the questions which concern them, but we do not. A simple example would be a matter on the Adjournment of the House tonight. There is no chance of having the responsible Minister answer on the matter. One Minister will answer on four questions, if the House is lucky. However, if that Minister was asked to go to Áras an Uachtaráin to collect his or her seal of office, some enthusiasm would be found.

Ministers should recognise that their responsibility is not just to Government but to Parliament. Whether they like it, sooner or later we will have to arrive at a situation where the two meet and greater transparency and accountability accrue. If that does not happen and this erosion continues, we will find ourselves in a situation where Parliament becomes a sham. We will go through the motions by coming to the House in the mornings to raise a couple of items before going home.

We heard for years about the vacuum which existed in another part of this island and we know the consequences of that — we heard politicians being blamed for allowing the vacuum to continue. It is best to remember that wherever a parliamentary vacuum occurs in a democracy, it is always replaced by something else which inexorably — there are no isolated incidents — moves away from democracy.

I acknowledge the role of the Minister of State, Deputy Hanafin, in regard to today's proceedings and thank her for her help and co-operation, as I thank the other Whips. I also acknowledge that the job of Government Whip is not an easy one.

Ms Hanafin: The Deputy has got it in one.

Mr. Durkan: I would not mind swapping places with the Minister of State just the same.

Mr. Kenny: Will I write that down?

Mr. Durkan: The job of the Opposition Whip is also not easy. Members on this side of the House recognise the problems. It is not in the interests of Government to protect itself and to remain aloof or withdraw into a shell-like cocoon and refuse to answer questions which concern the House. It may well be that it postpones the answer.

My final point concerns the fact that a simple parliamentary question would require Sherlock Holmes to find its answer because, without doubt, it would be buried in the middle of the reply. It has become common practice over the years to withhold information for as long as possible from as many as possible in the hope that when it is eventually divulged, nobody will notice. That is a sad fact which I hope the Minister of State will address. I know that she sincerely believes in meaningful parliamentary reform, and such reform needs to be meaningful if we are to address the issues which confront us in society at present.

Mr. Hayes: I am pleased to have an opportunity to speak on this important Private Members' motion. It is a great opportunity to debate what we feel is a better way to do business. Having worked in the Seanad for four years prior to being elected to this House, I often wonder at the way it approaches business, especially the Order of Business and issues relevant to members' constituencies. What happens here leaves much to be desired compared with what happens in the Seanad.

The most important aspect to reform of the Dáil and the way it does its business is that it should be relevant to the public. We are here as servants of the public. It is a great honour to be elected to this House. To represent people in any national parliament is a great honour, something which happens to very few people. When elected, we have a duty to bring the views of our constituents to the Houses of the Oireachtas in the strongest way possible. Whatever the issue of the day, whether local or national, Deputies have a duty to bring it to the House. We need to be facilitated to do so. We must be facilitated by way of the Taoiseach or Cabinet Ministers answering questions relevant to the people we represent.

Thursday, when the Taoiseach is not present, is a different Dáil day from Tuesday and Wednesday when he is present and can be asked various questions by different Members. The fact that the Taoiseach is not present demeans the House. In light of the debate tonight and tomorrow night, I urge the Taoiseach to be present on Thursday rather than travelling throughout the country. I am aware that, as Taoiseach and leader of Fianna Fáil, he must travel to meet people, but this is a House of

Parliament and we expect him to be present to listen to as many of our views as possible. Members of the Government should listen to this debate and ensure this happens.

Many other issues need to be addressed. Standing Order 31, which is read out here on a regular basis, must be reformed. Today I raised the issue of 30 job losses in Tipperary town and 60 in Carrick-on-Suir. Some 90 to 100 families will be affected when these people lose their jobs in the next three weeks or month. When I raised the issue in the House today, I was asked to move on to the next business. I sought to raise the matter on the Adjournment tonight but there were more pressing issues to be dealt with. Requests under Standing Orders should be answered by the relevant Minister because each has firsthand knowledge of the issues. The Tánaiste is well aware of the issues in Tipperary to which I referred. There is no reason she could not have given me a satisfactory reply when I raised the issues today. Matters on the Adjournment must be examined. If one is fortunate enough to have something selected for the Adjournment debate, the Minister responsible should be present to give the matter the attention it deserves.

Those of us who served on county councils and gave up our seats believe the Dáil should be a much more relevant forum, whether it discusses local or national issues. I recall my time on the county council when notice of motions allowed people to obtain a proper response to issues raised within a few days. Parliamentary questions should concern anything that affects our constituents. There is no point receiving answers stating that matters are not the business of the Minister. All these issues are the business of Ministers. I received a reply recently regarding my local radio station. I was told it was not the business of the Minister, rather that of the Broadcasting Commission of Ireland. The Minister established the BCI and should be ready and willing at all times to answer such questions.

There is the issue of reform of the Dáil. It is important for future generations of people elected to this House to make life easier and more pro-family. We should not have to work late into the night. It is sufficient for the Dáil to sit in Dublin for three days and the other days to be set aside for constituency work. I began work in my constituency at 8 a.m. yesterday morning and finished at 12 midnight. Certain work must be done. I would not offer myself for re-election in the future if I could not give that time to my constituents.

I am pleased the debate is taking place. We must be much more forthright in the way we plan our business. We should not try to knock people from different sides if we have a different point of view. There are just 166 Deputies in the House. For the benefit of future representatives and the future of democracy, we need to make the House more amenable and accessible to the

[Mr. Hayes.]

people who work here. The Government, Taoiseach, civil servants and back-up staff must be ready, willing and able to assist ordinary Members who represent their constituencies.

Mr. Crawford: I thank our party leader and colleagues for tabling this important motion. We can spend much time talking about issues but if we do not have reform in the House soon we will lose even more credibility. I had friends visit the House today and they found it difficult to understand how we deal with such a difficult structure. I congratulate the Opposition parties and the Government Chief Whip on agreeing to the change in structure today to allow statements to be made and questions to be asked. To be serious, 15 minutes were allowed for questions, and two questions were answered, or not answered, whichever way one likes to see it. We must speed up the structure. The Ceann Comhairle is in charge but a structure must be put in place. In other parliaments, reactions are quick and straight to the point. There is too much waffle in this House.

I support reform in every sense. My colleague, Deputy Hayes, referred to urgent business relating to his constituency. I sometimes table a notice under Standing Order 31 because it is one of the few ways of putting an issue on the record of the House. If a Deputy does not do so, someone else will. This is the wrong reason for tabling such a notice. It should be possible to have written replies or some reply to questions at the end of the day. Nine or ten notices are read out, which is a waste of time.

I was in the House during Question Time last Wednesday. We reached only the second or third ordinary question. Some questions were taken together. Given that so much effort goes into compiling questions, it is unsatisfactory that one is allocated a limited amount of time to deal with them. The structure gives few opportunities to ask further questions or to get in-depth answers. We are answerable to the people and the Government must allow the Opposition to do its job and get those answers in this House. We may be as guilty on the Opposition benches as the Minister because we must get something onto the record. If we ask a short question, we certainly will not get a short answer and that is part of the problem.

We all like to speak on the Adjournment but such matters are really for the local media and do not achieve anything. The Minister for Health and Children, Deputy Martin, came into the House last Tuesday night at midnight to reply to a debate on health services in the Cavan-Monaghan region. However, it is often not even the responsible or relevant Minister who comes into the House. If the Fine Gael proposal is not the right proposal, we must work at this to come up with ideas that will allow Deputies to raise urgent matters at the start of the day and to get answers.

I was one of the first Deputies to raise the issue of foot and mouth disease in this House. It was a crisis and the Minister for Agriculture and Food, Deputy Walsh, answered questions and debated the issue during that period. I remember, however, that he gave Deputy Alan Dukes and me a commitment that within 12 months, we would discuss the regulations that were introduced at that time. It never happened. What is this House for? Is it relevant? Regulation after regulation has never been discussed in the Dáil. Decoupling was never discussed, although I asked for a debate on it several times. Avian flu, however, was discussed the moment it arrived. The EU is refusing to implement REPS3. When will that be discussed in the House? When will the nitrate directive be discussed? Many farmers see this House as totally irrelevant.

Would the beef tribunal have been necessary if a structure in this House had forced the Minister of the day to answer questions? No, and we would have saved the time and money lost in that and subsequent tribunals. We must examine how this Chamber and the committees can compel people to come into the House to answer questions.

We all agree that social partnership has been of benefit to the country but it would be a good idea for the results of social partnership to be discussed in the House. Health boards are a further example. They had millions of euro this year while old people could not even get a bed. The answers we get to questions about schools are a complete joke. We are told to go to the Internet but anyone can do that. When we put down questions on education, we want an answer that is relevant to the question asked, not just a statement on a website. I urge the Minister to treat this issue seriously, otherwise this House will become totally irrelevant.

Mr. Timmins: The setting this evening epitomises the difficulty with the motion. All we are missing are beer and soft drink cans and empty crisp bags. It is almost like Croke Park in the evening after an all-Ireland, desolate after the excitement of the day. This motion, however, is very important. I deeply regret that, with the exception of a few discerning commentators, this debate will be ignored by the media because it is not simple, populist or tabloid.

Most people in this House do not expect Members to sit at unreasonable times. Deputy Hayes mentioned Friday sittings, an idea that may have come from this side of the House, but the concept is unreasonable and most Members would not want it. Society does not expect us to be here five days a week for 50 weeks of the year. For many Members, the Dáil is one of the few places where their time is their own and life is much more pleasant than the hustle and bustle of the constituency.

In the recent past we have pandered to the populist concept about TDs that is heard on the Pat Kenny show or "Liveline" with Joe Duffy.

We should completely ignore it, we could even turn the tables on it. I was driving into the Dáil one day and someone on the slot normally filled by Pat Kenny said he was filling in while Pat Kenny was on holiday. That was while the Dáil was in session. I thought we had three or four months holidays while they had very few holidays.

This, however, is not a battle with the commentators. I do not want to anticipate the Government speeches but the speakers will outline how the Taoiseach is here on Tuesdays and Wednesdays and in previous Dáileanna he was not here that often on a Thursday, maybe only half the time. The line will be trotted out that he attends Parliament more than any Prime Minister in the western hemisphere. The fact of the matter is that the Taoiseach comes in here at 2.30 p.m. on a Tuesday and is gone by lunch time on Wednesday 30 weeks of the year. That has a knock-on effect. In the last Dáil we all talked about how we did not think it could become any more ineffective. It is populist to say it is a sham and irrelevant but that is what it has become.

There is only one real Order of Business, on a Tuesday, because the Order of Business on Wednesday is irrelevant. We are all at fault. The first Order of Business on a Wednesday since the end of the recess took place last week and when I came in there was only Deputy Kenny, the leader of Fine Gael, Deputy Durkan, the Fine Gael Whip, and Deputy Enright. People leave after questions to the Taoiseach to go to committees or meet groups and they do not come back. Leaders' Questions is such a set piece that it is losing its effect. It is not fair. I have looked back over Order of Business debates in the last Dáil and the Ceann Comhairle was one of the most vociferous in raising issues on the Order of Business but now they would be ruled out of order.

It is in the interests of the Government not to be in the Dáil. This is one of the few places where the Opposition is on an equal footing with the Government. Deputy Crawford mentioned the Department of Agriculture and Food. There are 200 policy makers in the Department and the Minister, Deputy Walsh, and his Ministers of State, Deputies Aylward and Treacy, have press statements spilling from the fax machine every minute of the day. It is difficult for the Opposition to compete. The Government feeds the information to journalists who need it more than it needs them.

The media have become lazy while the good cop, bad cop act has been perfected by Fianna Fáil. Fianna Fáil Members give both sides of the story on the plinth but then come into the Dáil and vote together. That hypocrisy is never highlighted because the media do not have the interest or the time to follow up on it.

We must become more relevant. It is meaningless to say we have turned out so many Bills in a year. We should have a value for money

audit and review the Bills that have been passed in recent years. I am on the board of management of a secondary school so I was interested when the Education (Welfare) Bill was introduced with great fanfare but three or four years later the educational welfare officers are not yet in place. Could we not have a system whereby we would review a certain number of Bills to ascertain their effectiveness? A list of Bills as long as one's arm has been passed in the six years I have been a Member of this House, yet I do not notice any great changes in our society. We are still driving on the left hand side of the road and there is still trouble on the streets at night. Such legislation has made no difference because its provisions have not been implemented. The necessary funding has not been provided to implement certain sections of legislation, and we are only fooling ourselves if we think otherwise.

Let us be honest with each other and recognise that we are not always right, the Deputies opposite are not always wrong and *vice versa*. We need more open discussion in this House and we need to be more honest with each other. The Deputies opposite will traipse in and vote against this motion. They will vote for their amendment which many of them believe in their hearts is not correct. We need to relax the Whip system. The issue of levies is contentious. Every Fianna Fáil politician I have spoken to has said they are wrong. Therefore, we should discuss them in an open manner and not have Members on the Government side reading from a script to the effect that they are a biscuit while Members on this side say they are bar.

I believe and hope that other groups on this side of the House will support the motion. The Taoiseach no longer has the moral authority to stay out of the Dáil on Thursdays. We are not asking him to come here every Thursday, but at the very least the Order of Business must be changed on Wednesday to make it relevant and the Taoiseach must be available on some Thursdays to come into this House. If we were honest with each other we would admit that we have turned into a dysfunctional Parliament. Despite the hype and the tripe that has been put out, that is what has happened.

Minister of State at the Department of the Taoiseach (Ms Hanafin): I move amendment No. 1:

To delete all words after "That" and substitute the following:

"Dáil Éireann:

— notes:

— the continuing commitment of the Government to engage constructively with all the parties in the Dáil on ways in which the conduct of business can be further improved;

— that valuable Dáil time is wasted on procedural wrangling and recognises the need

[Ms Hanafin.]

for a constructive dialogue on all aspect of Dáil reform;

— the initiatives which have been taken to improve the functioning of the House, including the allocation of a special Leaders' Questions time on Tuesdays and Wednesdays; and

— agrees that Dáil reform is a continuous process, best advanced by cross party agreement through the sub-committee on Dáil reform, which was established for that purpose."

I wish to share my time with Deputy Kelleher.

An Ceann Comhairle: That is agreed.

Ms Hanafin: I am somewhat surprised that Fine Gael has chosen to spend its Private Members' time discussing one small element of Dáil reform, given that there exists a sub-committee of the House where agreement can be reached among the Whips and the various parties. The reason is that we have to work together as a Parliament. We need to reach a flexible framework within which we can work together and the framework is in place whereby we can do that. The Government's amendment to the motion is to ensure that we can examine this and other Dáil reform issues to ascertain how we can create a legislative assembly which is both legislative and representative.

I take this opportunity to outline some of the proposals we would like considered under Dáil reform.

Mr. Kenny: Thank God for that.

Ms Hanafin: We will focus not only on the item Fine Gael has put forward because we want this to be a Parliament of the people. We want to bring forward proposals which will bring order, flexibility and improve the way in which we do business because that is what we on the Government side want to achieve. Unfortunately, in this debate Fine Gael is fixated on one issue——

Mr. Timmins: It is an important issue.

Ms Hanafin: ——that of ensuring the Taoiseach is in this House on Thursdays. If that is the only contribution Fine Gael can make to Dáil reform or the only topic it can find to discuss in its three hours of Private Members' time, one would have to question the relevance of the party, if not the relevance of that issue. It proves to me that Fine Gael has no alternative policies to offer on issues such as education, crime, health, immigration, justice, transport because it chose to pick on this particular issue.

It is an unusual time to focus on bringing the Taoiseach into the House on a Thursday, particularly when he holds the honour and role

of President of the European Council of Ministers, one which we all recognise places a great demand on his time, but one which has elevated the prestige——

Mr. Kenny: It has always been the tradition on this side of the House when in Opposition to pair the Taoiseach on Government business. That will always continue, but the motion is that he should be here on Thursdays.

An Ceann Comhairle: The Deputy has made his point.

Ms Hanafin: The motion is that the Taoiseach should be here on Thursdays, but I will tell the Deputy where he will be on the forthcoming Thursdays. This Thursday he will be in Rome, the following Thursday he will be in Northern Ireland and the following Thursday he will meet the Prime Minister of Macedonia and European Commissioner Barnier.

Mr. Timmins: We have the list from last term. He opened a community centre in Killinarden, a factory in Cashel——

An Ceann Comhairle: Allow the Minister of State to continue without interruption.

Ms Hanafin: Let me highlight the hypocrisy of this debate on Dáil business and on the presence of leaders in this House. Last week we issued a schedule for this Friday to discuss the Mahon tribunal and the Nally report. However, at the special request of Fine Gael because Deputy Kenny has an important meeting in Lisbon——

Mr. Kenny: Madrid.

Ms Hanafin: ——Friday's Dáil business has been cancelled. The Dáil cannot sit on Friday because Deputy Kenny will be in Lisbon, but the Dáil will sit on Thursday while the Taoiseach is in Rome.

Mr. Kenny: If the Minister of State wants to blame me for the Dáil not sitting on Friday——

Mr. Durkan: That is not a good move.

An Ceann Comhairle: Allow the Minister of State to continue without interruption.

Ms Hanafin: Deputy Kenny wants the Taoiseach to be in this House to answer questions to him on Thursday but the Dáil cannot sit on Friday because he will not be here.

Mr. Durkan: That is a spin on the spin.

Mr. Kenny: We will remember that.

Mr. Durkan: That is a dangerous road for the Minister of State to go down.

Ms Hanafin: That just shows the level of hypocrisy there is in this regard. However, the business of this House will continue.

Mr. Kenny: The Minister for Justice, Equality and Law Reform gave me a copy of that report and I did not break his confidence. There will be no more requests from the Minister of State.

Mr. Durkan: This is unbecoming of the Minister of State.

An Ceann Comhairle: The Minister of State is entitled to be afforded the same courtesy as the members of Deputy Kenny's party, including himself.

Ms Hanafin: I was more than happy to oblige Deputy Kenny but there was a certain irony about the fact that on the same week he requires the Taoiseach to be here on a Thursday he will not be here on the Friday when Government business was to be discussed.

Mr. Kenny: We will remember this.

Ms Hanafin: However, important business will continue on Thursday and the Finance Bill will be passed on Second Stage.

Mr. Durkan: The Minister of State is on a dangerous road.

Ms Hanafin: The Taoiseach is entitled to his time and to progress the European Presidency, a role which the public recognise is bringing great prestige not only to him or the Government but to the country. That has also been recognised by the *International Herald Tribune*. It has recognised the Taoiseach's ability to do the job he is doing and one of its editorials states, "For all this, Ahern is the right man Ireland is the right man — Ireland is a rich training ground for the skill of negotiating, its relations with the US are good and the country's economic transformation is a shining example." The editorial went on to state, "It is unfortunate that Ahern has only six months", but I would add that fortunately as a Government we have many more years in which to make our mark.

Mr. Durkan: One of the spin doctors must have drafted that for the Minister of State.

Ms Hanafin: To follow up on what Deputy Timmins said, the Taoiseach is not only more accountable to this House than any previous Taoiseach—

Mr. Timmins: He is the only Taoiseach we have had who does not come into the House on a Thursday.

Ms Hanafin: —but also, as he correctly pointed out, than any other European leader. It is only since February 2001 on foot of an initiative of this Government that the notion of Leaders' Questions was introduced, allowing an important

opportunity for topical issues to be raised in the Dáil every Tuesday and Wednesday.

Mr. Kenny: The Minister of State must be looking for the old step up in June.

Ms Hanafin: Previous Governments never allowed that.

What happens in other countries? In the United Kingdom the Prime Minister's only obligation to the House is to take questions for 30 minutes a week. In France, the Prime Minister takes two periods of questions each week, each period lasting an hour.

Mr. Durkan: That is what is wrong. The Taoiseach has been rubbing shoulders with too many of the gentry.

Ms Hanafin: In the case of Austria, Denmark, Italy and Germany, there are no obligations to be present for any particular time. In Portugal, the Prime Minister attends for one three hour session every month.

Mr. Durkan: This is irrelevant.

Ms Hanafin: In Spain, the Prime Minister answers questions on three Wednesdays every month for about 20 minutes a week. In Belgium and Greece, the Prime Minister attends on one day each week.

Mr. Durkan: If the Deputies opposite think they will copy that practice and plant it on us here, they have a another thing coming. We will wipe the smiles of their faces very quickly, mark my words.

An Ceann Comhairle: I ask Deputy Durkan to allow the Minister of State to continue without any interruption.

Mr. Durkan: I apologise. The smirking of the Deputies sitting behind the Minister of State annoyed me.

Mr. P. Carey: The Deputy is easily annoyed.

Ms Hanafin: If Deputy Durkan would listen he would realise what I have said.

An Ceann Comhairle: Deputy Durkan was afforded the courtesy of being heard without interruption.

Ms Hanafin: The Fine Gael Party is making petty points, which are ill-considered, regarding the Taoiseach's presence in this Chamber on one day. Fine Gael should put more time and energy into collaborating—

Mr. Kenny: Collaborating?

Mr. Durkan: Collaborating is not a word we are used to.

Ms Hanafin: —with all the parties in this House to determine the real Dáil reform measures we can bring forward to make sure that this House becomes a legislative assembly as it is meant to be and which also represents people.

In light of what has been said in this House already today, and the proposals which have come forward from other parties on Dáil reform, we must remember that this is Dáil Éireann. This is not the Four Courts. We are not the DPP. This is not a tribunal of inquiry. We are not investigators.

Mr. Kenny: Neither are we at a meeting of the ICA.

Ms Hanafin: We are a legislative assembly and what is needed is a more focused time to consider the legislation we are bringing forward.

Mr. Kenny: That is the Government's responsibility.

Ms Hanafin: That is why I will be proposing, in line with what two of the Deputies have already said, to extend the sitting times of the three days we are in this House to approximately 30 hours per week. I am conscious of the fact that the work of a Deputy does not start and end in this Chamber. All Deputies, particularly those who have constituencies outside Dublin, experience real problems in trying to balance parliamentary and constituency obligations. It is not just a matter of holding a constituency clinic, and I know the media deride that. It should also be noted that in the same way lawyers have their case law and doctors have their medical practices and their laws, we, as representatives of the people, have to know what those people are interested in, what they want and what are their concerns. This demands of us that we be involved in community issues, attend meetings, receive deputations and engage with our constituents on a wide range of issues. Any changes in sitting times would have to take account of that.

I would propose, for example, that those extra hours could mean the House sitting from 12 noon until 9.30 p.m. on Tuesdays, from 9 a.m. until 9.30 p.m. on Wednesdays and from 9 a.m. to 6 p.m. on Thursdays.

By substantially increasing the sitting hours, there would be more time for consideration of legislation, fewer guillotines, which I accept are not good practice to be used regularly, and more flexibility for special debates.

Mr. Stagg: That is the normal practice.

Ms Hanafin: It would mean that the hours we spend in the House would be much more productive. I know there are Deputies, particularly those from Dublin, who would suggest that we should sit from 9 a.m. to 5 p.m. for five days per week. This would be a totally unreasonable expectation, particularly for our colleagues with constituencies in the country who have to travel long distances and need to spend

extra time at home. Thirty hours over three days would ensure proper legislation time.

The week during which the Dáil sat in January was very valuable for allowing debate on important topical issues, considering reports on substantive issues and for Second Stage debate. We should perhaps repeat this in September, bearing in mind that the function of this House is to legislate.

I also propose the publication of a monthly schedule of Second Stage legislation to be taken in the Chamber to allow for proper preparation for debate.

Mr. Kenny: Good.

Ms Hanafin: Each of us recognises that much irrelevant material, to put it mildly, is raised on Second Stage. By giving advance notice to Members, they would be able to prepare their contributions properly and improve the quality of Second Stage speeches.

I also propose that the Chief Whip publish every month an updated version of the promised A list legislation, which would allow Members to monitor progress on the Government's legislative programme on a more frequent basis.

Mr. Kenny: Good.

Ms Hanafin: We have an unparalleled legislative programme. Since June 2002, we have enacted 58 Bills and published 69 Bills. We are determined to deliver on our programme for Government and to do so we must put in place the legislative framework to support the economy, society and the institutions of the 21st century.

Mr. Kenny: What about medical cards and the gardai?

Ms Hanafin: We want to regard this legislative process as informed, representative and as effective as possible. Some of my proposals will help in this regard.

All Members, but unfortunately nobody outside the Oireachtas, recognise the value of the work of the committees, which comprise one of the success stories of Dáil reform in recent years. Only last week I spoke with members of the Committee on Education and Science and they commented on the valuable debate and real engagement they had on the Education for Persons with Disabilities Bill.

Committees are a valuable mechanism for holding Government to account on detailed issues of policy and administration and for progressing legislation and making better legislation. All committee members spend many hours doing committee work. Committees are very useful fora for allowing members of the public to air issues of concern to them. Consider the work of the committee dealing with the Barron report in this regard. Committees have highlighted topical issues such as telephone charges and obesity in children, which have attracted considerable informed public debate.

We would like the committees to be given more recognition in the plenary session. I propose that there be a weekly opportunity for committee chairmen to address the Dáil and that an hour be made available each week to hear a report of proceedings from a committee or committees. Each would be able to answer questions in the Chamber so all Members could become involved in all the committees.

On of the great advances that has been made has been in the area of EU scrutiny. Undoubtedly, there was a democratic deficit regarding the adoption of European legislation and European affairs generally. We need to raise the profile not just of the work of the Union but of our work in scrutinising what is happening in Europe. The Chairman of the Sub-Committee on European Scrutiny should be asked to address the Dáil at least every six months. As our joint committees are dealing with EU issues, they too should come before the Dáil.

In addition to measures to strengthen our legislative process, there are other changes which would ensure greater accountability. We all recognise that holding Adjournment debates at midnight and 12.15 a.m. is unsatisfactory, not just from the perspective of the backbencher but also from the perspective of the Minister. I propose that a new “topical issues” time be introduced at a prominent time during each sitting day. This would provide an opportunity for Members to raise local and national issues and allow for interaction between the Deputy asking the question and the relevant Minister.

Deputies: Hear, hear.

Ms Hanafin: Having topical issues discussions at a prominent time would mean the issues raised would have a greater influence on the day’s business. If introduced, we could get rid of the end-of-the-day Adjournment debate, which is taken too late and is irrelevant.

Mr. B. Smith: Hear, hear.

Ms Hanafin: It would also exclude the absolute time-wasting we witness every day whereby Members raise issues under Standing Order 31 asking that the Dáil be adjourned because of something that could only be termed as very trivial or of minor interest.

The issue of Question Time has been raised by backbenchers on both sides of the House. Oral and written questions provide a very valuable opportunity for Members to obtain information and to hold Ministers to account. When one examines the numbers, one will note how important Members regard questions. In recent years, the number of parliamentary questions has increased dramatically. In 1997, 19,708 parliamentary questions were tabled, and last year 35,460 questions were asked.

Mr. Durkan: Many of them were not answered.

Ms Hanafin: The arrangements have evolved over the year but there is undoubtedly room for

improvement. Increasingly in this House, we are passing legislation to devolve power to other bodies, for example, local authorities and health boards, which are not accountable to this House. Neither is the Minister accountable for those bodies, but we need to find a mechanism by which Members can ask questions of those bodies and obtain written answers.

Furthermore, a simple, practical arrangement would involve changing the rota pertaining to questions such that if a Minister is not available, it could be changed at much shorter notice, by agreement. As one who is responsible for the Central Statistics Office, I am firmly of the view that it is not my role to talk about how many hind quarters were exported to Libya and that all questions on statistics should be tabled for written answer.

Mr. Kenny: How many seagulls flew over the Phoenix Park?

Ms Hanafin: In addition to the introduction of a “topical issues” time and improvements in the visibility of committee work, our aim must also be to continue with our special debates on topical matters and substantive issues in the extra weeks in January and September. This will improve our role as a representative body. However, it is also important that we communicate to the public the way we do business inside the House and interact with the electorate. This is the only means of reducing the apathy that exists among the public towards politicians. One way of doing so is to avail of the increased opportunities that exist for new technologies.

We make considerable personal contact with constituents, representative groups and interest groups, and this forms a vitally important part of the work of every Deputy. However, modern technology affords us the opportunity to connect with a much wider group of people and people with a broader agenda. Obviously, television and radio broadcasting open up Dáil proceedings to public scrutiny. Unfortunately, however, programmes such as “Oireachtas Report” are only for the very dedicated. However, there is considerable scope to extend this facility. In this regard, Members will be aware of C-SPAN in the United States, which is a dedicated channel. The Oireachtas committee responsible for broadcasting has already begun work in this area and should be progressing with vigour in respect of setting up a dedicated channel to broadcast parliamentary proceedings so those interested could tune in, at any time of the day, to see the work being done in the Oireachtas.

Live webcasting of proceedings in the Dáil and committees to complement the television and radio broadcasts should also be examined.

Mr. Stagg: On a point of order, will the Minister give credit to those who brought these ideas to the fore? She is simply stealing them from the last committee that sat.

Ms Hanafin: As I stated, the broadcasting committee has already progressed the issue of

[Ms Hanafin.]

considering a dedicated television channel. If Deputy Stagg had listened to me, for once in his life, he would have heard what I said. We envisage that there would be much more extensive broadcasting and increased use of new technologies.

The Oireachtas website is very valuable and provides timely information on a wide range of parliamentary affairs. However, every Member of the Oireachtas could have a link to a home page on this website to facilitate easier communication with the public. Some of us have our own websites, which have proved to be very successful, but a direct link to the Oireachtas website is important.

One of the other hats I wear is my information society hat. The Government has been progressing not only e-government but the area of the information society. E-parliament must fit into that. We will prioritise the development of the e-legislation system as part of the e-government agenda. Already we have begun the process of e-Cabinet, but e-enablement in the drafting of legislation and the passing of legislation through the House would open up a host of possibilities, allowing Members access on-line to the text of Bills, amendments, debates and other information resources in the Chamber. We need to expedite that because it will lead not only to greater debate but a greater understanding of amendments being put forward, especially on Committee, Report and Final Stages.

We already have an electronic voting system in the House. That system is often undermined when tellers call for a manual vote, having witnessed the results of the electronic vote. It is a time-wasting ploy. It is there simply to ensure that Government cannot move forward with legislation. One of the proposals should be that, on procedural matters, a double voting system should not be allowed.

We are determined to move forward on Dáil reform in a constructive manner on a wide range of issues, which I hope can be progressed within the context of the Dáil reform committee. It is not just about examining the tiny issue of what should happen on a Thursday. It is in the interests of all of the parties in the House to re-examine the way we work. Some of the worst culprits in terms of drawing criticism of the workings of this House are Members who believe there is more to be gained from standing on the plinth and criticising our operational methods than there is from being constructive in the Chamber.

We need to work not just in our own interests but in the public interest because we are here to represent the public and we are here at the taxpayers' expense. Are they getting value for money from the way we do our business? Often the main aim of members of the Opposition is to go out on the plinth and play to the gallery; to entertain, not to inform. We rarely have reasoned argument on serious issues. What we get is false indignation, Members occupying the high moral ground, and bluster and bluff about issues. If we

could rule out all that, we could focus on real legislation and engage in a democratic process designed to make this assembly what it is elected to be, namely, a representative assembly which is a legislative democracy. It is not good enough to expect people to pay for entertainment and playing to the gallery.

Mr. Coveney: The Minister should talk to her backbenchers about the plinth.

Ms Hanafin: Dáil reform is not about more play time, scoring points or making headlines, but about ensuring that we can raise real issues, progress the Government agenda and introduce real legislation. The public is not fooled by the sham indignation of people here week in, week out. Parliamentary procedure in this House is being abused by the Opposition whose constant aim is to waste time every day.

Judging by the motion that is the basis of this debate, there is only one issue that interests the Opposition, namely, keeping the Taoiseach in the House on a Thursday to ask more frivolous questions in addition to the ones already being asked instead of allowing the Government to get on with the business of Government. I regret that Private Members' time was used for an issue which belongs under the heading of Dáil reform. I regret that it was not seen as part of the wider issue of changing the system to improve democracy. However, I can understand why the Opposition did it; it has nothing else to say on any other topic.

Mr. Kelleher: I welcome the opportunity to discuss the issue of Dáil reform and I welcome the proposals outlined by the Government Chief Whip. However, I am disappointed by the narrowness of the Fine Gael motion in encouraging the Taoiseach to be present in the House on Thursdays. However, given the competent performance of the Taoiseach on Dáil questions and during Leaders' Questions, the Opposition would be better off if he were not present because he makes them look very silly most of the time. If he were present more often, they would look even worse than they currently do.

On the issue of Dáil reform and the Chief Whip's proposals, I hope the other parties will regard them favourably and support them. I wish to refer to a number of issues. The first is that this is not just a legislative but a representative Chamber. It behoves all of us to defend the work of Deputies in constituencies. Too often we kowtow to people who like to undermine the work of a Deputy in his constituency. It is an important part of representative democracy that Deputies are available to meet constituents not only as individuals but as groups. If we claim to represent the public, it is important that we are able to meet and interact with those people, hear their views and concerns, and raise them in Parliament when an opportunity arises.

I generally welcome the topical debate announcement by the Chief Whip because this will be an important instrument in allowing

Deputies to raise issues of importance in their constituencies or at national level. I hope all the other parties will support this. We have the farcical situation of Deputies raising matters under Standing Order 31 every day. I understand the frustration of Opposition Deputies in trying to raise issues and being ruled out of order. We must move to a situation where a Deputy can raise an issue, it can be responded to in a forthright manner and there can be interaction between the Deputy raising the issue and the responsible Minister. That is an important proposal. I urge the Opposition to look on this positively.

On the question of longer sitting hours, we must accept that Deputies have duties outside Dáil Éireann to their constituencies. I welcome longer sitting hours which will increase parliamentary time to 30 hours a week. That will enable us to push through more legislation and to have longer debates in which more people can take part. One of the complaints we hear, especially in Fianna Fáil because it is such a large party, is that backbenchers often have difficulty in getting time to speak.

Mr. Stagg: That is because the Government guillotines all the Bills.

Mr. Kelleher: Often they must share time and have only two or three minutes. However, members of smaller parties receive more time to debate issues. Perhaps we should examine the possibility of introducing a system whereby more time would be given to larger parties in debates. That would be only fair in a democracy.

On the issue of guillotines, in my short term as a Whip I have heard much bluff and bluster from the Opposition and manual votes being called after the results of electronic voting have been announced. That undermines the credibility of the new electronic voting system that we put in place to ensure more expeditious voting. I urge the Opposition to be constructive rather than obstructive to ensure the smooth running of votes called in the House. I understand that dividing the House is part and parcel of democracy, but surely the results of electronic voting as announced should be accepted as the *de facto* result.

We have discussed the issue of Dáil reform for a very long time. Dáil Deputies have a duty to ensure that their work rate is exposed to the public. Often when we are attacked from outside we collectively cannibalise each other in the House rather than defending the profession and outlining what we do as public representatives in our constituencies and, more importantly, in Parliament.

Committees have been grossly under-reported. I would welcome any proposal of the Chief Whip's which would ensure that the committees are more proactive and that there was more reporting of the workings of committees. They do great work. They can interview deputations, and address and outline concerns. Members of other committees can also attend meetings and listen to the views of deputations and form opinions. That

is something that is under-reported. If we implement the Chief Whip's proposals and establish a website with the possibility of linking into the various committees, it would be very beneficial.

I urge the Opposition to engage in proactive and constructive debate on these Dáil reform proposals and welcome the broad thrust of them. I hope we can have a more efficient Parliament in the years ahead.

Mr. Stagg: The second last contribution was a typical, self-righteous schoolmistressy lecture from the Minister of State. I am well accustomed to it. We have to listen to it at the Whips' meetings every week, well laced with a high degree of hypocrisy.

Mr. Carey: That is the head prefect talking now.

Ms Hanafin: The kettle—

Mr. Stagg: : The Government amendment to this motion tonight suggests that Dáil reform is a continuous process and is best advanced by cross-party agreement through the sub-committee on Dáil reform, which was established for that purpose — I am quoting from the Minister of State's amendment. However, the Government's true intentions are made apparent by the fact that the sub-committee, chaired by the Minister of State, has not convened even once since the last general election in May 2002.

Ms Hanafin: It has.

Mr. Stagg: If it has, I was not invited to the meeting.

Ms Hanafin: The Deputy was invited. He was there.

Mr. Stagg: The Minister of State might have raised an issue at a Whips' meeting to try to cherry-pick something out of a report she had nothing to do with. However, she certainly did not convene the Dáil reform committee since her appointment as its chairperson.

Ms Hanafin: On a point of order and a point of information, the record will show that the Dáil reform committee has met and, indeed, Deputy Stagg was present.

Mr. Glennon: He was too preoccupied with manual votes.

Mr. Carey: It speaks volumes for his contributions.

Mr. Stagg: I thought it was a Whips' meeting and something was stuck in at the end of the agenda, but I did not see a Dáil reform committee, since the Minister of State was appointed anyway. There was not one new idea in a single point proposed by the Minister of State. It is all contained in the document

[Mr. Stagg.]
produced by the previous Dáil reform committee and she cherry-picked out the pieces that suit Government only.

Ms Hanafin: The only thing cherry-picked—

Mr. Stagg: There is much more in that report. I inform the Minister of State that she had absolutely nothing to do with introducing Leaders' Questions. That was done by the present Leas-Cheann Comhairle when he was Ceann Comhairle. He introduced the system in the House, independent of Government.

Ms Hanafin: In February 2001.

Mr. Stagg: That is where that came from. The Minister of State is taking credit where it is not due and pinching other people's ideas, pretending they are hers and doing nothing about implementing them. She creates confrontation in this debate and there is no need for it, no more than at the Whips' meetings every week. There is no chance of getting the agreement that is necessary from all sides of the House to get the necessary Dáil reform.

Ms Hanafin: I suggest that Deputy Stagg ask to be replaced as Whip for the Labour Party if he is not happy there.

Mr. Stagg: I rise this evening in support of the motion submitted on behalf of Fine Gael. Speaking on behalf of a party whose constant theme has been the necessity to secure the accountability of Government in this House and its Members, I welcome any proposal, however modest in its terms, to advance that cause.

Specifically, Standing Order 26 provides that the Taoiseach, a member of the Government or the Government Chief Whip may take the Order of Business on Tuesdays and Wednesdays but that a member of the Government or the Government Chief Whip shall take the Order of Business on Thursdays. In other words, there is no Taoiseach on Thursdays.

Standing Order 26(3)(a) sets out the time for the taking of Leaders' Questions and provides for time limits on questions and replies with an overall time limit of 21 minutes on Leaders' Questions. It also sets out the sequence in which Leaders' Questions may be asked. Finally, it provides that political parties recognised under Standing Order 114(1)(a) get precedence over groups recognised under Standing Order 114(1)(b). Standing Order 26 is clearly defective in its terms. Apart from anything else, the Taoiseach is prohibited from taking the Order of Business on a Thursday, even if he wants to do so.

Ms Hanafin: That is not the case, and he has done so.

Mr. Stagg: There may well be sound reasons a Taoiseach would feel the need to take new and urgent business on a Thursday but, as matters stand, he cannot do so.

Ms Hanafin: On a point of order, the Standing Order states that a member of the Government can take the Order of Business. As Deputy Stagg knows, the Taoiseach is not only a member of the Government, but as Leader of the Government he has taken the Order of Business on a Thursday.

Mr. Stagg: That is not a point of order.

Mr. Carey: This is revisionism at its best.

An Leas-Cheann Comhairle: The Deputy will proceed.

Mr. Stagg: As a matter of principle, the Taoiseach should take the Order of Business and respond to Leaders' Questions on every sitting day on which he is available. Of course, there will be times when he is away on official business. There must be reasonable provision for substitutions, but there should not be automatic provision that he need not turn up on a fixed day of every week. As Leader of the House and chief spokesman and representative of his Government, his chief responsibility is to be here in this House, speaking on his Government's behalf.

Much of the focus has been placed on two aspects of Standing Order 26. These are leave of absence for the Taoiseach on Thursdays and the precedence of the leader of a political party over the nominated representative of a technical group.

Mr. Carey: With the blessing of the Labour Party.

Ms Hanafin: I thank the Labour Party for agreeing with it.

Mr. Stagg: There is, of course, as the Fine Gael motion recognises, no necessary connection between those two provisions. A group made up of representatives of three parties and others should not be given precedence over a single party that is larger than any one of those three smaller parties. However, that issue has nothing whatsoever to do with the question of the Taoiseach taking answers in this House. The fact that a Government with sufficient votes to have its own way anyway sought to create a linkage so as to share responsibility for the achievement of its desire to reduce the Taoiseach's exposure does not make my party co-author of the amendments introduced by the Government in October 2002.

Mr. Carey: Deputy Stagg might give the House the real reason the Labour Party voted with the technical group.

Mr. Stagg: I have described this evening's motion proposing amendments to these Standing Orders as modest. That is not to detract from their legitimacy, rather it is to emphasise the scale of the task facing this House when it confronts the need radically to reform the way we do our business. The Labour Party published a

comprehensive policy document in October of last year. I know that Fine Gael and the Green Party have also been active. We have been in consultation on this issue and I hope we may soon be in a position to announce an agreed programme that draws from the best of our three sets of proposals.

Mr. Carey: It is a final amalgamation.

Mr. Durkan: Deputy Carey should be careful. There are uneasy alliances sometimes on that side of the House.

Mr. Stagg: As I hope it is clear to anyone who has read the Labour Party document, we have put much research and work into it. It has been in preparation for several months. However, it was published against the background of an outpouring of criticism of the political system, to a considerable extent sparked off by the decision of the Government to close down a week's plenary session in the Dáil, for a mid-term break, only about a month after a long summer recess. Of course, that sort of public criticism is aimed at politicians in general. It is only rarely that attention is drawn to the fact that it is the Government alone, not politicians as a whole, that determines the length of parliamentary sessions and organises parliamentary business.

That Government decision encouraged the view that the Dáil, and our national Parliament generally, is losing its relevance and that the people who are elected to serve have only their own interests at heart.

Much of that criticism is superficial and uninformed. As we say in the document, the vast majority of elected TDs, of all parties, are dedicated to the interests of their constituents. They seek to live up to the commitment they make when elected that they will give all their constituents loyalty, hard work, and, in the words of Edmund Burke, their "mature judgment and enlightened conscience".

The recent practice of blaming every politician for the performance of a few is not only unfair, it is corrosive. Fianna Fáil has been successful in tarring all of us with its brush.

Mr. Carey: Tarring and feathering.

Mr. Stagg: Declining participation in election after election is a dangerous and unwelcome trend in any democracy. The performance is not simply confined to issues of efficiency or our ability in this House, under our present outdated rules, to do the job for which we are elected. Far more dangerously, we are faced with repeated allegations of sleaze, fixing, back-handers, preferential access and the illicit purchase of favourable decisions from the powerful in high office, in breach of their duty to keep faith with the public trust.

It is a constant source of anger for my party members, and for those in other smaller parties and some Independents, that allegations are repeatedly directed against a core group who long ago made their home in the largest party in this

State but that their defence to these charges is to encourage the popular belief that "You are all the same, everyone is at it".

That claim is not now and never has been true. It is spread so as to foster cynicism and indifference among the public, to alienate the people from the conduct of public affairs — their affairs, their business — and to enable the guilty to fade into the murky and corrupt backdrop of their own painting.

Dáil reform is about securing one all-important objective. It is not simply a Labour Party objective. It is a constitutional imperative. The Government is responsible to this House. For a Government to be formed and to survive, it must secure and maintain the confidence of this House. The only test by reference to which any proposal for reform must be judged is whether it assists this House in securing Government accountability.

We cannot blame anyone else for the low esteem in which we as members of this profession are held unless and until we are satisfied that we have done everything to ensure that our own house is in order. We live in the age of benchmarking, when every public servant is being asked to give evidence of a commitment to modernisation, flexibility and an enhanced service to the public. There is no reason TDs, who are nowadays well paid, as well as being accountable public servants, should be immune from that.

We have to modernise. We have to adapt to the world around us. We have to accept that the people we serve are entitled to see the fruits of our work, the better to be able to make informed judgments about our performance. Even though it is true that much of the work of a parliamentarian, work demanded by our constituents and work to which they are entitled, is invisible. Much of what the public sees, especially as filtered through the media, does not inspire a great deal of confidence and trust.

Fixing that, however, demands much more than changing the rules and procedures, however outdated. The task of parliamentarians is often described as "to legislate". The late Mr. Justice Liam Hamilton, in a ruling in the course of the beef tribunal, put it differently when he stated:

It is, *inter alia*, the duty of the Members of the Oireachtas to elect a Government, to legislate and to look diligently into every affair of Government. It is meant to be the eyes and the voice and to embody the wisdom and will of its constituents and to inform and be informed by them.

The narrow vision of the role of parliament as a Legislature cannot be sustained. We cannot be benchmarked by reference to the number of Bills processed by the end of the year. If that were the only criterion, then the Dáil, sitting two and a half days a week for a smaller number of weeks in the year, would have a higher productivity than the House of Commons, which has a five-day week and shorter holidays.

In our democracy, in addition to making law, the Dáil identifies who should form the

[Mr. Stagg.]

Government of the day, and part of the job of Opposition is to establish that better alternatives exist. It must seek to ensure that the Government is accountable to the people and must provide a public platform for discussion and the investigation of major issues. It must approve the raising of taxes and the way that money is spent. It must watch, appraise and criticise the activities of the Government and the public service. It must provide a forum for individuals to raise issues and grievances indirectly through its Members.

All these are essential functions. Separate from that, a Deputy has a role as representative *vis-à-vis* his or her constituents, a role insisted on by constituents and neglected at the Deputy's peril. We cannot carry out all these roles to the best of our ability when operating within antiquated rules designed to protect old-fashioned notions of decorum. Neither can we carry them out by a simple updating of the rules, necessary though that is. We must go much further.

The Labour Party position is, that if the Dáil is to be a powerhouse of accountability, a true representative of the interests of the people, a place where maladministration leading to injustice can be investigated and rooted out, it must be modern, efficient, dynamic and powerful. It must be adversarial, tough, fair and thorough.

Mr. Kelleher: And it needs an Opposition.

Mr. Stagg: That is the reason we have committed ourselves to the most fundamental set of reforms, not only of the operations of the Dáil, but of all the mechanisms and instruments of accountability ever proposed. It is also the reason we are actively pursuing that agenda with Fine Gael and the Greens. We will campaign for these changes in Opposition. We will work with other parties to agree and secure them. If not implemented, we will implement them at our first opportunity in Government.

Ms Hanafin: The Deputy will be left waiting.

Mr. Stagg: Among the measures we propose is a complete redrafting of Dáil Standing Orders. We want to see a specific obligation on the Office of Ceann Comhairle to ensure that the interests of Members and the public interest are fully protected. We want a specific obligation on Ministers to ensure questions are fully and properly answered, including an obligation to provide redress or correction if the House is misled. We also want rules covering the standard of reply.

Mr. Durkan: Hear, hear.

Mr. Stagg: We propose new measures to allow discussion of genuinely urgent matters, especially those of wider public interest. We advocate reform of the rules covering the passage of legislation to ensure that all matters covered by Bills are fully debated, including limits on the use of guillotine motions.

Ms Hanafin: And Members' contributions.

Mr. Stagg: We want changes to the rules of debate to allow far more interchange between Members and to make it obligatory on Members, including Ministers, to yield to reasonable interventions and questions from the floor.

We propose a major programme of legislative and administrative reform to ensure greater accountability in Government and throughout the system of public administration. We will restore freedom of information and extend it to the Garda Síochána. We will ensure the Freedom of Information and Ombudsman Acts are reformed so their remit covers all public bodies or those significantly funded by the State. We will repeal the constitutional provisions on Cabinet confidentiality and regulate it by law.

Ms Hanafin: On a point of order, the Constitution can be repealed only by the people of Ireland, not by the Labour Party.

Mr. Stagg: We will introduce protection for whistleblowers and repeal unnecessary provisions of the Official Secrets Act.

Mr. Carey: And govern behind a pane of glass.

Mr. Stagg: We will severely limit political donations and spending in elections and will regulate lobbying. We will restrict the right of civil servants, including political appointees, to take up positions in the private sector that might give rise to a conflict of interest. We will require heads of Bills to be published and debated in advance of final decisions taken on their structure and content.

We want major changes in the operations of Dáil Éireann. We propose that the Dáil meet four days a week in normal working hours. We also propose that the summer recess should be no longer than nine weeks, that the Christmas and Easter breaks should be no longer than normal working breaks and that the practice of a full week's holidays around St. Patrick's Day and Halloween be abandoned.

The net effect of our proposals will be to increase the number of plenary hours by one third each sitting week and the number of sitting weeks by half. We propose wide-ranging changes to the way the Dáil does its business when sitting. We believe Private Members' time should be extended and made available to all Members of the House so that Government Members and those in Opposition would be free to put forward legislation on areas of interest to them. We also propose that, ideally, such legislation should be debated and decided on a non-Whip basis, leaving Members of the House free to decide such issues on their merits. We advocate changes to the rules regarding legislation to ensure more democratic participation. We believe questions should be extended to allow written questions to the chief executive officers of public bodies given the ever increasing number of cases where Ministers no longer have official responsibility for them.

We believe the lawyer-client relationship between the Attorney General and Government, so often used as an excuse for refusing to explain why Ministers follow specific courses of action, should be re-interpreted to require a summary of the advice to be published in certain circumstances. We propose a significant expansion of the work of the Dáil on European and secondary legislation and call for much less restrictive and more informative televising, radio broadcasting and Internet streaming of the Dáil, including its committees.

The Dáil must play a major role in the carrying out of public inquiries.

Mr. Kelleher: Does Deputy Stagg actually believe what he is reading?

Mr. Stagg: As a result of recent Supreme Court judgments arising from the *Abbeylara* case and the knock-on effects of those judgments for the mini-CTC inquiry, it is clear that if parliamentary inquiries are to be effective, constitutional change is probably necessary. We therefore propose a constitutional amendment to allow the Dáil to inquire into and report on any exercise of the executive power of the State or on the administration of any of its public services.

We propose the establishment of a powerful new committee of investigations, oversight and petitions, bi-partisan in structure, and chaired by a member of the Opposition. The role of that committee would be to ensure consultation and collaboration between the Oireachtas and the Ombudsman, to receive parliamentary petitions from interested groups in the community seeking the redress of grievances connected with the public services—

Ms Hanafin: It is a good job that the Deputy was elected.

Mr. Stagg: —and with public administration generally; to arrange investigation of issues of urgent public importance which demand detailed and thorough investigation of the sort normally dealt with by a tribunal; and to supervise an office of parliamentary investigator.

The proposed office of parliamentary investigator would be designed to ensure timely and cost-effective investigation of issues giving rise to significant public concern. Persons would be appointed to this office on the basis of specific contracts to carry out specific investigations. They would perform functions similar to those carried out by the Comptroller and Auditor General and would have powers to secure attendance, to direct answers to questions, to direct the disclosure and production of documents, to secure evidence and to make determinations where privilege is claimed over information or documents. In general, they would take evidence in private, without legal and other representation by other parties and would prepare written reports on matters of established fact which could be used as the basis for further investigation, including in tribunals.

We propose a strengthening of the law in regard to legal costs in future tribunals. We will require that all future tribunals of inquiry be televised to the maximum extent possible. We also outlined a number of measures aimed at broadening the definition of accountability to take account of the changed nature of modern administration. Specifically, we intend to introduce new legislation which will specify the roles, functions, powers and duties of Departments and the position of the Minister in charge of each Department. In that context, we will make provision to permit the delegation of specific powers to civil servants who would, to the extent of the authority delegated to them, be accountable within the Department and directly to the Oireachtas.

Members of the House are entitled to reject unthinking criticism that would treat the Dáil as a Bills factory and Deputies as doing a nine to five job. Equally, we must accept that change is necessary to do the complex job to which Deputies are elected. Our proposals, published last October, amount to a detailed and complex package of measures, but it is a package. We are determined, and I believe we share this determination with many other Members of the Dáil, that our House should be a place that earns the trust and confidence of the people we represent.

If that is to be achieved, Dáil Éireann must be a place to which people can turn with confidence when normal accountability is needed, when legitimate grievance needs to be aired, when issues arising from public administration of concern to the public need to be investigated and when vital legislation needs to be seriously and thoroughly addressed. We are confident the measures we propose will transform the perception of Dáil Éireann and restore it to the position of public trust that is essential in our democracy. We will work as hard as possible, in collaboration with our partners in opposition, to implement them.

Mr. Carey: Has Fine Gael bought into that?

Debate adjourned.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on the Environment and Local Government has completed its consideration of the European Parliament Elections (Amendment) Bill 2003, and has made no amendment thereto.

Adjournment Debate.

Disabled Drivers.

Mr. McCormack: Since the early 1990s many voluntary organisations have made representations to the Department of Finance regarding the Disabled Drivers (Taxation

[Mr. McCormack.]

(Concessions) Regulations 1989. The Minister for Finance established a review group in 1997 to take submissions and report to him on the matter instead of making a decision on these representations. The scandal is that seven years later the report has not been published.

I have tabled several parliamentary questions on this matter. The group reported to the Minister in October 2002, but a year and a half later he still has not published the report or made a decision on its recommendations. He has given no indication about what he will do in terms of the recommendations. I have raised this issue in letters to the Minister and through parliamentary questions on many occasions over the past five or six years. I received another useless reply from the Minister today, which stated:

I wish to acknowledge receipt of your recent letter regarding the disabled drivers' and disabled passengers' tax concessions scheme. I will be in contact with you again on the matter as soon as possible.

The report of the Commission on the Status of People with Disabilities, entitled *A Strategy for Equality*, was published in 1998 and was endorsed by all political parties. It welcomed the Finance Act 1996 amendment, which reduced the cost of motor vehicle adaptation from 20% to 10% of the motor vehicle for disabled persons. The commission further recommended that the percentage should be reduced to zero over the next three years and it acknowledged that a car was essential for many people with disabilities. Eight years later, nothing has happened in that regard.

I refer to adapting the car for a disabled driver or passenger. To qualify for the tax rebate the disabled car owner must spend at least 10% of the net cost of the car on adapting the vehicle. This amounts to approximately €1,600 for an average car. The regulation results in an unnecessary rip-off of disabled people. Practically all of them can enter or exit a motor vehicle with limited physical assistance through the use of a simple bridge board supplied by health boards, thus avoiding the necessity of installing a swivel seat. However, if they are to qualify for the remission of VRT and the repayment of VAT on the cost of the car, the cost of adaptation must be at least 10% of the base value of the motor vehicle and because of their limited income and circumstances, disabled people cannot afford this if they do not qualify for the tax rebate.

The criteria for qualification for the tax concession should be based on strict medical certification of an applicant's degree of disability and on disability alone. They then would not be required to incur the cost of adaptation, which is 10% of the base value of a motor vehicle. That bears no relationship to the disability nor is it of assistance to the disabled passenger. I appeal to the Minister of State to ask the Minister for Finance to publish the report and outline whether he will adopt the necessary recommendations in it.

The disabled passenger or his spouse, who might be a full-time carer, is issued with a free travel pass, courtesy of the Department of Social and Family Affairs, even though the Department knows a disabled passenger cannot avail of bus services because they are not wheelchair accessible, and they do not exist in some rural areas. They are entitled to the same privileges as able-bodied people but the only option they have is to convert a motor vehicle.

I appeal to the Minister to publish the report and acknowledge whether he will implement the recommendations and abolish this unnecessary and useless provision that 10% of the net cost of a car must be expended on adapting it for a disabled passenger or driver.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): This scheme, which originated in 1968, provides valuable tax concessions for disabled drivers and disabled passengers. Over time the benefits were extended and the scheme was put on a statutory basis. The scheme is open to persons, drivers and passengers, with disabilities who have obtained a primary medical certificate. To qualify for a medical certificate, the person must be severely and permanently disabled and meet one or more of a number of specific medical criteria relating to the use of upper and lower limbs.

Possession of a primary medical certificate entitles a person to benefit from the following reliefs: remission or repayment of vehicle registration tax, VRT, and a refund of value-added tax, VAT, on the purchase of a vehicle; a refund of VAT on the cost of adaptation of a vehicle up to a maximum of €9,523 for a disabled driver and €15,872 for a disabled passenger; repayment of excise duty on motor fuel used in the vehicle for the transport of the disabled person, subject to an annual maximum of 600 gallons — this works out at approximately €1,016 per annum at current excise rates; and exemption from the payment of annual road tax payable to local authorities. Annual ongoing relief also includes the possibility of changing a car every two years. The same tax reliefs are also available to qualifying organisations for qualifying activities, that is, the transport of those disabled who are covered by the scheme.

The cost of the scheme has increased significantly in recent years. It amounted to approximately €36 million in 2003, compared with just under €6.5 million in 1996. It is estimated that 8,750 people with disabilities participate in the scheme. The average claim for VRT and VAT relief amounts to approximately €5,250. This is what it is worth, on average, on an annualised basis to an individual beneficiary.

The Minister for Finance has been informed that up to 360,000 persons in Ireland could be regarded as disabled. These include persons with medical conditions other than those covered by the scheme and those with medical conditions covered by the scheme. The substantial tax benefits of the disabled drivers and disabled passengers scheme make for considerable interest in, and desire to be admitted to, the scheme.

The scheme was reviewed by an interdepartmental review group chaired by an official from the Department of Justice, Equality and Law Reform. In addition to representatives from that Department, the group comprised representatives of the Departments of Finance, Health and Children and Social and Family Affairs and the Office of the Revenue Commissioners. The group was convened to review the operation of the scheme following a meeting in April 1998 between the Ministers for Health and Children and Finance and the Minister of State to discuss problems with the operation of the scheme. The group examined all aspects of the scheme, including the qualifying medical criteria. A copy of the report of the group, containing recommendations for changes to the scheme, was received by the Department of Finance in September 2002.

The Deputy will appreciate that the report of the review group is complex. As part of its deliberations, the group heard oral submissions over a period of five and a half days. In addition, the group received more than 260 written submissions from interested parties. Many factors have been taken into account by the review group in the formulation of this report. The Minister for Finance is considering the issues raised in the context of the objectives to be met and the best use of resources. The issues are difficult and many different, and some conflicting, viewpoints have to be taken into account. It is envisaged the report will be published once the deliberative process is fully completed.

The great interest shown by various groups in seeking access to the scheme is understandable. The benefits are significant on an individual basis. Nevertheless, it is important we review how the scheme can be operated in a fair, focused and manageable manner within available resources for those whom it can most effectively assist. I trust that the House shares this goal.

Mr. McCormack: Why is it taking so long?

School Accommodation.

Mr. Stanton: I thank the Ceann Comhairle for giving me the opportunity to raise this matter. The purpose of this motion on the Adjournment is to ask the Minister for Education and Science to make funding available immediately to prevent sewage contaminated water flooding the grounds of Kilcredan national school in east Cork. This happened recently following heavy overnight rain and resulted in a major health hazard for the staff and students. Unless urgent action is taken, this may lead to the possible closure of the school. I also ask the Minister to prioritise the provision of two extra and badly needed classrooms and associated support rooms at the school.

I stand open to correction but the Minister of State opposite, Deputy Tim O'Malley, does not hold a portfolio at the Department of Education and Science and his job is merely to come to the Chamber and read a prepared statement. This highlights the need for urgent Dáil reform, as stated in the earlier debate. However, I hope the

Minister of State will communicate my request to his colleagues in the Department of Education and Science. The standard reply one receives from that Department is that one should check its website. That is not good enough in cases where emergencies occur and where, as in this instance, an urgent need exists.

I reject the criticism that Deputies should not ask questions about schools in the Dáil because all the information is provided on the Department's website. That does not take into account the fact that emergencies occur and that we are obliged to use this mechanism to raise such issues. That is why I welcome the opportunity to raise this matter.

Kilcredan national school was built in 1972. It received almost no assistance or maintenance funding for 30 years. Last year, fortunately, following many representations, some new windows were installed. These were very welcome. There are 219 students in this excellent rural school. The area is growing, increasing numbers of people are moving there and there is a great demand for places at the school.

Last week there was heavy rain and flooding which gave rise to the problem to which I refer, which has occurred on more than one occasion. The problem is that the drainage system cannot take the excess water and the septic tanks fill up and overflow. This results in sewage contaminated water floating in the school yard and its environs. The Minister of State, who holds a portfolio in the Department of Health and Children, will agree that this situation should not be allowed to continue to obtain. I ask him to talk to the officials in the Department of Education and Science with a view to ensuring that action is taken as soon as possible in order to prevent a recurrence. I do not want to have to come before the House to discuss health scares. We want to prevent such events from happening.

The second part of my motion refers to the fact that the school requires additional classrooms. The school is so successful, thanks to its teaching and other staff, that it attracts many students. The rooms are inadequate and small. The authorities at the school have sought additional accommodation for some time. I understand that the last review took place at the school in the 1999-2000 school year. I urge that a further review take place with a view to moving it from stage three in the planning process. I am sure the Minister of State will indicate that it currently stands at this stage and should not move. Things have changed and the school has grown. The Department should review and revise its famous website on a regular basis to take account of changes that occur because of the success of schools.

I again thank the Ceann Comhairle's office for allowing me to raise this matter. I look forward to the Minister of State's reply and ask him to bring the matter to the attention of his colleagues at the Department of Education and Science and request that they take action as a matter of urgency.

Mr. T. O'Malley: I thank the Deputy for giving me the opportunity to outline to the House the Department of Education and Science's position regarding Kilcredan national school, Castlemartyr, County Cork, and the need to address the sewerage system at the school and the provision of additional accommodation.

At present, Kilcredan national school has a staffing level of a principal plus eight mainstream teachers, one resource teacher, one shared resource teacher and learning support. The school had an enrolment of 216 pupils on 30 September last.

The primary responsibility for health and safety issues relating to school buildings rests with the school managerial authorities. To assist school authorities fulfil their obligations, an annual grant is paid to schools under the grant scheme for minor works. This is also known as the devolved grant. The level of grant paid amounts to €3,809 per school plus €12.70 per pupil and was paid last December for the current school year. If the board of management of Kilcredan national school is unable to resolve the sewerage problem through the use of this grant, it should contact the Department of Education and Science to progress the matter.

I am pleased to inform the House that a full design team has been appointed and the architectural design of the major project to provide additional accommodation at the school is progressing. Kilcredan national school is listed in section 9 of the 2004 school building programme which is published on the Department's website. This proposed project is at stages four to five of architectural planning. It has been assigned a band three rating by the Department in accordance with the published criteria for prioritising large-scale projects.

The Department grant aids the rental of temporary accommodation in respect of primary schools requiring interim accommodation to cater for schools awaiting the provision of permanent accommodation. Formal application for such grant-aid should be made to the school planning section of the Department on the appropriate form. This form has been forwarded to the management authority of Kilcredan national school for completion. I again take the opportunity to thank the Deputy for raising this issue.

Hospital Services.

Dr. Twomey: I have four specific questions and one general question to put in respect of this matter. If the Minister of State cannot answer the four specific questions, perhaps he would reply to me in respect of them at a later date. All my questions relate to Wexford General Hospital. Before posing them, I acknowledge that certain actions have been taken to aid the hospital, such as an increase in consultant numbers, the medical admissions unit working and doing an excellent job, approval being granted in respect of appointing an accident and emergency consultant and that the Caredoc out of hours co-op working very well in the primary care sector.

The first of my specific questions is when funding to staff the new geriatric day ward will be provided. The ward was built more than a year ago but, unfortunately, is not being staffed at present. The second question relates to the maternity unit, the number of births at which has increased from 1,400 to 1,800. When will funding to employ extra midwives be made available because the staff in the unit are overworked? My third question relates to the medical director, Dr. Paddy McKiernan, who resigned from an implementation committee for an extra 19 beds for Wexford General Hospital. Will these 19 beds ever materialise? My final specific question is whether the Minister will stress to the South Eastern Health Board the importance of appointing the accident and emergency consultant as soon as possible, especially in light of the seriousness of the situation for both doctors and patients in County Wexford.

On my general question, in trying to maintain standards, we must maintain progress. How can we possibly maintain standards at Wexford General Hospital and similar hospitals throughout the country when we continue to rely on the wholly inadequate Hanly report in respect of reform of the health services? This report does not deal with industrial relations issues, and the future of all hospital services, especially acute hospital services, are dependent on such issues.

We talk about transferring workloads from the acute hospitals to the primary care sector, but the primary care strategy has more or less stalled. It is unlikely that general practitioners already working in the primary care sector will be able to cope with the extra workload. The ambulance service will be inadequate in terms of coping with additional journey times if local acute units are closed in any of the 36 hospitals because most ambulance drivers are not trained emergency medical technicians.

They have basic first-aid training. If a drip-line fell out of a patient no one in the ambulance service would be legally covered to replace it. Considering the extra journey times that will result from the proposed reforms of the health service, this is an important issue.

The final issue, which is under discussion at present, is that of consultants' contract. Reform of the health service in terms of the EU working time directive cannot work unless the consultants' contract is changed. This issue is not being progressed.

The Hanly report is being sold to patients in areas such as the one I represent, where we have a general hospital which feeds into an excellent, if under-resourced, regional hospital. I hope the Minister of State will answer these four questions at a later date and comment on the final question.

Mr. T. O'Malley: I thank Deputy Twomey for his questions. Many of the difficulties and delays experienced in emergency medicine departments reflect a system-wide issue such as the demand experienced by each hospital, the resources available to it and the structure organisation and staffing profile of the hospital.

The Deputy will be aware that the provision of services at Wexford General Hospital is, in the first instance, a matter for the South Eastern Health Board. The Department of Health and Children has been informed by hospital management that the situation in the emergency department of the hospital has improved this week. On Monday no patients were waiting on trolleys for admission to hospital. Earlier this morning two patients were waiting for admission and both patients were subsequently admitted. Hospital management and medical and nursing staff are actively working together to deal with the current pressures. I fully understand the demands and pressures placed on staff in these circumstances and their tremendous work is very much valued.

In 2003 my colleague, the Minister for Health and Children, Deputy Martin, provided for the appointment of four additional consultants in emergency medicine for the South Eastern Health Board, one of whom will have responsibility for the accident and emergency department at Wexford General Hospital. The availability of senior medical staff in emergency medical departments should facilitate rapid clinical decision-making and enhanced management, diagnosis and treatment of patients.

The South Eastern Health Board acknowledges, in its 2004 service plan, that there has been an increase of 12% in the population of Wexford since the 1996 census. Based on data supplied by the board to the Department of Health and Children, there has been an increase of approximately 10% in attendances at the emergency medicine department of the hospital in the period January to November 2003 compared to the same period in 2002. Overall admissions to the hospital have also increased in recent years.

Increasing the bed capacity of the acute hospital system nationally is a key priority in improving access to acute services. More than 560 new beds have been provided in hospitals throughout the country under the acute hospital bed capacity initiative. Funding has been provided by the Department to the ERHA and the health boards to commission the remaining beds approved under the first phase of this initiative.

Wexford General Hospital opened ten new medical assessment beds with funding provided under this initiative. Increasing the acute bed capacity of Wexford General Hospital continues to be a priority for the South Eastern Health Board. In this regard, the board has plans for the provision of an additional 19 beds at the hospital. All new capital commitments for 2004 and beyond are being reviewed by the Department of Health and Children in light of the overall funding resources available. The provision of additional bed capacity for Wexford General Hospital will be considered in this regard.

The Deputy has raised the issue of casemix. Under the casemix budgeting system, which is part of the resource allocation process for the acute hospital sector, a positive adjustment of €409,000 has been applied to Wexford General

Hospital for the 2004 allocation based on its activity performance and costs in 2002 relative to other hospitals which participate in the casemix system. Casemix contributes towards equity, efficiency and transparency by classifying and categorising hospital outputs. It also creates an incentive for better performance.

Since its inclusion in the casemix programme in 1998 Wexford General Hospital has consistently gained funding, with the exception of the year 2000.

The Department of Health and Children will continue to work with the South Eastern Health Board in identifying the capacity requirements of Wexford General Hospital and seeking solutions to the pressures being experienced at the hospital. I will try to ascertain the answers to the other questions Deputy Twomey has asked.

European Regional Development.

Ms F. O'Malley: The EU Commission's ruling on Charleroi begs the question of whether there is coherence in EU policy. On the one hand, competition is a live and vibrant issue within the EU and the cornerstone of commercial viability. On the other is the all-important issue of subsidiarity. The recent judgment on Charleroi appears to place the two in conflict. Is there a lack of joined-up thinking on EU policy?

Subsidiarity came into our lexicon during the debate on the Amsterdam treaty when we became enthused by the notion that decisions would be made within the regions. I offer the arrangement made by the Walloon Government for Charleroi as the classic example of very good subsidiarity and working for a region. At the risk of offending any Walloons who may be listening, I offer a grim depiction of Charleroi before Ryanair's involvement with its airport — "Ryanair's arrival at Charleroi in 1997 and its decision to transform a small and disregarded airport into a European hub has proved a blessing for an industrial city hit by the gradual collapse of its traditional coal and steel activities."

This shows how bad things had got in the area. Local government there was required to solve a difficult situation on behalf of the people. It took the decision to enter into an agreement with Ryanair and has transformed the region. I am sure the Minister of State will agree that if one can get private enterprise to do local government's job one should let them at it, particularly if they are doing it successfully.

I offer the House a quote from a gentleman who moved to Charleroi after the collapse of Sabena in Brussels and who found a job in Charleroi airport after almost a year of unemployment: "Politicians keep producing new plans to create jobs but then they are punishing a company that has provided the lifeblood to Charleroi." These are the people for whom we need to see results.

What is the implication of the judgment? We need only look at our own airports and at regional development within Ireland to see what happens. Regional development has always been based on the fulcrum of accessibility, which is

[Ms F. O'Malley.]

provided by the regional airports. If ever there was an example of how well regional development can be done, it is the involvement of Ryanair with the Walloon Government.

The Commission has ruled and we must look for a positive result of that ruling. The judgment may bring an element of clarity to the market figures for airport costs and the conditions which Ryanair have enjoyed in Charleroi may be endorsed by the Commissioner with responsibility for competition and provided to other operators.

Would any of us have heard of such numbers of people going through Charleroi ten years ago, prior to Ryanair's arrival? We would not because it was an area in decline. The effect of increasing air transport to that area has been phenomenal. The Minister may reflect on this when considering the future for Shannon and other regional airports.

Mr. T. O'Malley: As the Deputy is aware, the European Commission announced its decision on 3 February last on its investigation into a complaint lodged in 2001 concerning financial incentives received by Ryanair from the airport authorities at Charleroi, an airport owned by the local government in the Walloon region of Belgium. The full text of the Commission's decision is not yet available, but in a lengthy press statement of 3 February, the Commission summarised its main findings.

The Commission found that certain elements of the agreement between Ryanair and the airport authorities at Charleroi offended the prudent market investor principle, and therefore a portion of the incentives granted to the airline by Charleroi was deemed by the Commission to be illegal state aid. In general, the Commission objected to a number of elements of the package, including certain discounts on airport charges and reduced ground handling fees, one-off flat rate incentives paid when new routes were launched, and aid provided in respect of routes which cannot be regarded as new.

In its statement last week, the Commission made clear that it supports incentives for airlines to establish new routes provided such incentives are available to all carriers in an open, fair and transparent manner and provided that the duration of such incentives is limited to five years and the overall scale amounts to no more than 50% of the net start-up costs of a new route.

While the full text of the Commission's decision is not yet available, its statement of 3

February does not appear to set out more general ground rules for state-owned airports on an EU-wide basis. The particular conditions and restrictions referred to by the Commission apply only to the Charleroi case. Nevertheless, the basic principles set out in this decision will most likely set a precedent for other state-owned airports in Europe. I am aware that Ryanair is reported as stating that it will study the comprehensive decision when it is available but that it intends to appeal the Commission's decision on Charleroi to the European Court of Justice.

The position of the Minister for Transport on this matter has been, and remains, that the conditions and rules governing incentive schemes deriving either from this decision or from any future formalisation of rules on an EU-wide basis should endeavour to strike a balance between the avoidance of rules which are overly restrictive for airlines and which could have the unintentional affect of restricting or even preventing growth, especially in the low cost sector which has been very important for both Irish and European aviation; and the promotion of long-term airport development by State-owned regional gateway airports, such as Shannon and Cork, which are required to operate on a fully commercial basis and which must be able to grow and earn a commercial return on investment.

The Minister does not anticipate problems for growth and development at our State-owned airports, at Shannon and Cork in particular, arising out of the Commission's decision on Charleroi. By clarifying the parameters for assisting airlines to commence new routes at state-owned airports, this decision may further help both Shannon and Cork to attract new routes, new airlines and more passengers, and grow their business.

The full text of the Commission's decision will need to be carefully examined and reflected upon by the Minister and the other member states. The Minister is aware that, some years ago, the European Commission put forward a proposal for a directive on airport charges, but that proposal never matured. The Minister believes that the member states and the Commission should now take this opportunity to reflect on how the right balance can be achieved between the needs of low-cost airlines and the longer-term needs of airports in the context of balanced regional development. The Minister intends to use the Irish Presidency and the upcoming Transport Council meeting in March to discuss these important issues.

The Dáil adjourned at 10.05 p.m. until 10.30 a.m. on Wednesday, 11 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 31, inclusive, answered orally.

Questions Nos. 32 to 107, inclusive, resubmitted.

Questions Nos. 108 to 114, inclusive, answered orally.

EU Presidency.

115. **Mr. Boyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the agenda, specific papers and reports being presented to the Agenda 133 meetings which are to be held under the Irish Presidency will be available to the public or to Members of the Houses of the Oireachtas; and if she will make a statement on the matter. [3813/04]

116. **Mr. Cuffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the access which will be available for the public or Members of the Houses of the Oireachtas to the Agenda 133 meetings which are to be held under the Irish Presidency; and if she will make a statement on the matter. [3815/04]

165. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the information which will be publicly available from the Agenda 133 meetings which are to be held under the Irish Presidency; and if she will make a statement on the matter. [3811/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): I propose to take Questions Nos. 115, 116 and 165 together.

The agendas of all 133 meetings convened so far under the Irish Presidency are published on the website dedicated to the Irish Presidency. The agendas are added to the website immediately following the convocation of the individual 133 meetings and therefore in advance of each meeting. This advance notification will continue to be a feature of the publication of 133 agendas in the period to the end of the Irish Presidency.

Documents and reports presented to and circulated for discussion at 133 committee meetings are internal negotiating documents in the context of international multilateral trade talks and, as such, are restricted to members of the committee. In accordance with EU treaty provisions, trade policy is a Community competence. This means that the European Commission initiates proposals, which are submitted to the 133 consultative committee, as designated by the treaty, prior to their submission for approval by Council.

Hence, documents circulated for discussion at the 133 committees contain information communicated in confidence to officials within an international institution representative of all EU member states.

Article 133 committee meetings in common with all other Council formations are confined to member state Government representatives. The 133 committee is a committee established under the treaty and, accordingly, is a body in which only member states, Council and Commission may participate. Attendance by representatives of any other bodies does not arise.

Price Inflation.

117. **Mr. Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the report published by the Office of the Director of Consumer Affairs finding a considerable variation in the price of the over-the-counter medicines; the steps she intends to take to prevent exploitation of consumers in this area; and if she will make a statement on the matter. [3782/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I am aware of the report in question, which relates to a survey carried out by the Office of the Director for Consumer Affairs as part of its price awareness campaign.

The survey demonstrates, first, that price competition is operating in the market for over-the-counter medicines, which is a good thing and, secondly, that consumers can benefit from comparing the prices of different retail outlets.

More competition and increased consumer vigilance are the best way to deliver value for money to consumers.

Employment Support Services.

118. **Mr. Rabbitte** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the decision of the board of Clare Local Employment Service — LES, — to discontinue services; the steps she intends to take in view of the fact that this decision will lead to the loss of 16 full-time jobs and the withdrawal of mediation, advice and guidance of job seekers in County Clare; and if she will make a statement on the matter. [3791/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The board of management of Clare LES advised FÁS on 15 December last that it was discontinuing operations effective from January 30 2004. A decision of this nature is a matter solely for the board of Clare LES. The board of Clare LES is made up of representatives from the statutory and voluntary sectors and the operation of the service is funded by FÁS. Nonetheless, it is a separate legal entity and I have no function in relation to the internal workings of a body of this kind.

[Mr. Fahey.]

I have, however, asked FÁS to immediately commence an assessment of the labour market needs of the Clare region in the context of the closure of the LES with the objective of ensuring that the needs and requirements of the particular client base being dealt with by the Clare Local Employment Service are met.

Work Permits.

119. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she intends to take to ease the work permit rules for spouses of persons who are already working here; and if she will make a statement on the matter. [3802/04]

122. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment when legislation will be introduced to allow the work permit to be held by the employee rather than the employer; when changes will be introduced to give the spouses of migrant workers the right to work here; and if she will make a statement on the matter. [3764/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 119 and 122 together.

Employment permits such as the working visas and working authorisations granted to highly skilled personnel such as nurses, doctors, physiotherapists and other health professionals, to IT professionals and to construction professionals such as architects, engineers and town planners are granted to the individual employee and permit them to change employer within the given sector to which their qualifications relate.

At present the work permit facility grants the permit to an employer to recruit a specific employee to fill a specific vacancy, where the employer has been unable to find a suitable employee within Ireland or the wider European Economic Area. This arrangement does have the safeguard that the non-EEA employee in question is coming to fill a specific vacancy, an important factor when most of the personnel in question are at the lower end of the skills spectrum.

Despite assertions to the contrary, in recent years, work permit personnel have been readily facilitated in changing employers and in such circumstances a new work permit is issued to a new, eligible, employer. This flexibility has been possible and warranted by the relatively high number of vacancies arising in recent years. I should mention that in 2002 some 3,888 employees changed employer, while in 2003 this number was 3,512, or an average of 68 per week.

If we were to move to a situation where a work permit was given to the individual employee, we would in effect be giving on authorisation to come to Ireland in search of an employer. Such a system is not impossible, but it does give rise to a number of serious policy questions and does raise very significant resource issues. Any informed

decision to move to a new system should take these into account.

With regard to spouses, the Employment Permits Act 2003 provides that an employer may not employ a non-EEA national unless the employer has been granted an employment permit. There is no prohibition on the issue of work permits in respect of spouses of non-EEA nationals already working in the State. However, they are in the same position as other non-EEA nationals and require an employer to obtain an employment permit in order to employ them.

At present, when my Department receives an otherwise valid work permit application from an eligible employer, in respect of somebody who happens to be a spouse, the Department has no problem in granting a permit and regularly does so.

Some spouses resident here appear to have encountered difficulties in persuading prospective employers to apply for a permit to employ them and I have been examining just how such difficulties might best be addressed. It is intended to complete this examination shortly.

Economic Competitiveness.

120. **Ms Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the findings in the recent annual report of the National Competitiveness Council that Ireland is now one of the most expensive countries in the euro zone for consumer goods and among the most expensive for key utilities; the steps being taken to address these issues in view of the serious threat to the competitive position of Ireland; and if she will make a statement on the matter. [30080/03]

151. **Mr. Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the findings of the recent report of the National Competitiveness Council that Ireland, along with Finland, is the most expensive country in the euro zone; the steps she intends to take arising from the report; and if she will make a statement on the matter. [3781/04]

191. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she or her Department has identified the most serious obstacles to Irish competitiveness; and if she will make a statement on the matter. [4011/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 120, 151 and 191 together.

At a meeting on 25 November 2003, the Government discussed the contents of the National Competitiveness Council's annual competitiveness report 2003, and the competitiveness challenge 2003. It was agreed that the Government would consider Ireland's competitiveness status every six months and that this discussion would also cover the recommendations in both National Competitiveness Council reports. The Government also agreed to set up a monitoring

process to consider and track progress on the implementation of the council's recommendations. My Department is currently following up on this with a view to making a first report to the Government in June of this year.

The National Competitiveness Council stated in both reports that Ireland's immediate priority must be to slow the growth of prices and costs. The Government is committed to providing a positive business environment, which will enhance the competitiveness of the Irish economy. A business environment with low inflation will stabilise firms' costs and provide them with a solid competitive business environment from which they can successfully compete on both domestic and international markets. In budget 2004, the Government demonstrated that keeping inflation low was a key priority. The Government has avoided inflation-fuelling taxes in line with the requests of the National Competitiveness Council.

The most recent inflation figures from the consumer price index show an inflation rate of 1.9% in December 2003. This is significantly lower than the 5.1% rate of increase recorded in February 2003. During 2003 prices for consumer goods such as clothing and footwear decreased by 2.8% and key utilities such as housing, water, electricity, gas and other fuels decreased by 3%. However, we cannot afford to become complacent as many of our EU partners and other competitors are experiencing similar downward inflationary trends. The Government is committed to continuing to reduce the inflation differential between Irish and euro area inflation, which currently stands at 0.9%, the lowest level in more than four years.

A key element of the social partnership programme, Sustaining Progress, was the establishment of an anti-inflation initiative. As part of this initiative a group was created to examine ways of addressing domestic inflationary pressures, including inadequate competition in certain sectors, excessive pricing and insurance costs. The group published its first progress report in November 2003. The report stated that to exert downward pressure on inflation there is a need to control public expenditure, increase competition, support small business and increase consumer price awareness. In response to these recommendations, the Government agreed new management and control arrangements designed to keep public expenditure on target. The resources of the Competition Authority have been substantially increased to combat anti-competitive practice in the economy. Enterprise Ireland has introduced a competitiveness fund for companies, including SMEs, to assist them in increasing their productivity. The Government also earmarked €500,000 for the information campaign, Price Awareness Pays, which was undertaken by the Office of the Director of Consumer Affairs on behalf of the anti-inflation group.

The most important and sustainable method for reducing costs and ensuring they are maintained at an acceptable level is to facilitate increased competition in all sectors of the

economy. We can not afford to have sheltered sectors of the Irish economy immune from price competition. The Government is committed to encouraging competition in all sectors to ensure goods and services are provided at an efficient and affordable price thereby enhancing Ireland's competitiveness, providing a benign business environment and enhancing the interests of consumers.

EU Directives.

121. **Mr. Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of EU directives for which her Department has responsibility which have yet to be implemented; the number in respect of which the deadline for implementation has passed; if she has satisfied herself with the rate of compliance by her Department; the number of cases where legal actions have been notified or commenced by the EU Commission arising from a failure to implement a directive; and if she will make a statement on the matter. [3795/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The current position in relation to the transposition of EU Directives for which my Department is responsible indicates a total of 26 directives to be implemented, including ten for which the deadline for implementation, in full or in part, has passed. Details of the directives, including, insofar as it has been decided, the proposed transposition instruments, are available on my Department's website at www.entemp.ie/ecd/eudirectives. The website also contains information on directives in respect of which infringement proceedings have been commenced.

A letter of formal notice, under Article 226 of the treaty, has been issued by the European Commission in the case of one, and reasoned opinions in the case of another five, of the outstanding directives for which the deadline for implementation has passed.

I am satisfied that my Department is giving all due priority to the task of implementing the provisions of EU directives, in light of the available resources. As the Deputy may be aware, Ireland's position in regard to the transposition of directives improved significantly in 2003. The latest figures published by the Commission in January 2004 showed Ireland was joint third among the EU member states in the transposition of Internal Market directives.

Question No. 122 answered with Question No. 119.

Job Losses.

123. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she intends to take arising from the recent announcement of the loss of 170 jobs at a company (details supplied) in County Cork especially in view of the substantial number of jobs lost at other Cork plants in recent

[Ms B. Moynihan-Cronin.]
times; and if she will make a statement on the matter. [3786/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I was very disappointed at the company's announcement of plans to reduce its workforce by 170, including 75 permanent jobs, at its Brinny facility in County Cork. I understand that the decision was taken because of reduced demand for the company's main product, coupled with the recent announcement by the parent company that, as part of major global restructuring, it intends cutting payroll costs by 10% worldwide. The company plans to implement the redundancies initially on a voluntary basis, but will continue to employ about 760 people after these redundancies.

FÁS has made contact with the company and will make available its full range of training and job placement services to the affected workers. Companies in the Cork Harbour area, particularly in chemical-pharmaceutical manufacturing, will be contacted as a potential source of alternative employment for the redundant workers.

There are currently 134 IDA-assisted companies in County Cork employing approximately 18,000 people, an increase of 20% in IDA supported employment since 1999. In 2003, the agency announced 11 new projects for the Cork area, with a job potential of 800 including manufacturing, international services and high value research and development-based activities.

The pharmaceutical and health care sector continues to perform well in the Cork area. In 2003 a number of welcome new projects were announced, such as the establishment of Fournier Laboratories' investment in Carrigtwohill with a job content of 60; a €28 million investment by Italian pharmaceutical company, Recordati, in Ringaskiddy, also with a job content of 60, and a €70 million investment in Carrigtwohill by German pharmaceutical company Altana, with a job content of 150. This was in addition to the €35 million investment in research and development by GlaxoSmithKline, Carrigaline. Pepsi Cola also implemented a major expansion programme in Cork involving an additional 250 jobs.

I assure the Deputy that IDA Ireland, along with the other State development agencies, under the aegis of my Department, will continue to actively market the Cork area for enterprise development.

EU Regulations.

124. **Mr. Crowe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures she is taking to attain the EU target

of 57% of women in the labour force by 2005; the measures she is taking to develop a flexible child care system to facilitate parents working outside the usual nine-to-five working hours; and if she will make a statement on the matter. [3767/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): One of the main challenges in the area of employment policy is to increase the overall numbers of those at work, including women. The rate of employment among females in Ireland has increased by 15% since 1994. The latest female employment rate from August, 2003 of 56.7% is the highest ever and the EU target of 57% to be reached by 2005 has almost been achieved.

A number of measures are being implemented to encourage greater levels of female participation in the workforce including tax incentives, child income support, a greater commitment to flexible, family-friendly working arrangements as well as child care provision.

The Department of Justice, Equality and Law Reform, which has overall responsibility for the formulation of national policy on child care and for the implementation of child care services, established structures to bring the key players together at national and local level to ensure effective development.

The principal aim of the Equal Opportunities Childcare Programme 2000-2006, EOCP, is the development of quality child care to meet the needs of parents in employment, in training or in education. Total funding made available under the programme amounts to €436.7 million up to 2006. To date, over €249.2 million has been allocated in funding under the equal opportunities child care programme. It is estimated that the grants to child care providers and community groups to date will create 27,000 new child care places and will also support nearly 26,000 existing places. The flexibility of service being provided, including opening hours, is one of the considerations taken into account when grant applications are being assessed.

Recently, the national childminders' initiative was introduced as part of the equal opportunities child care programme. It provides childminders' development grants and continuing supports for information, networking and training opportunities for childminders. It aims to improve the quality and stimulate the development of childminding services in the childminder's home and to increase the number of childminding places.

The Government has also allocated €12.7 million to provide for crèches across the Civil Service. Both IDA Ireland and FÁS have introduced initiatives designed to facilitate the increased participation of women in the workforce. IDA Ireland has identified six of its existing business parks for the development of

child care services which will benefit both employers and employees and thereby enhance the attractiveness of IDA Ireland parks to international investors.

FÁS has operated a pilot childcare allowance scheme since 2001, to facilitate primary child carers who wish to seek training in order to get back into the workforce. A total of €6.7 million was allocated to the scheme in 2003. It is anticipated that a similar allocation will be made to the scheme in 2004.

Industrial Employment.

125. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment

1998	1999	2000	2001	2002	2003 (Sept.)
257,900	257,000	266,700	269,000	256,500	241,500

The decline in industrial employment since 2001 undoubtedly reflects the difficult business conditions in the global marketplace in recent years. However, we must also bear in mind that the numbers in employment overall have continued to rise throughout this period. The fact that employment has grown by over 440,000 since 1997 reflects favourably on the Government's management of the economy in difficult circumstances.

While industrial employment has tended to reduce in the past two years, employment in international and financial services has displayed remarkable resilience to international difficulties and has more than offset the contraction in industrial jobs. Among firms supported by agencies under my Department, employment in these sectors consistently grew from 40,221 in 1998 to 67,359 in 2002 or by 67%. Initial indications point to stable employment in this sector last year, which is quite an achievement given the readjustment of financial markets after a period of international upheaval.

Our business support agencies are undertaking co-ordinated strategies to sustain and promote growth in industrial employment. More resources are targeted towards underpinning the competitiveness of existing companies in Ireland, by encouraging existing clients to move into higher value products and higher order functions, such as research and development and more complex or demanding services. IDA Ireland, for example, is pursuing high quality new FDI that is in keeping with the competitive characteristics of the modern Irish economy. Our objective is to excel in niche areas of biotechnology, software and information and communications technologies.

In conjunction with the private sector, Enterprise Ireland has developed a range of seed and venture capital funds, in many cases dedicated to specific emerging technologies or focused on business development in the regions

the figures for the level of industrial employment at the latest date for which figures are available; the way in which this compares with the equivalent date in each of the previous five years; the steps being taken to counter the decline in industrial employment; and if she will make a statement on the matter. [3788/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The figures for average annual level of industrial employment between 1998 and 2002 together with the latest provisional figure, which is for September 2003, are as follows:

Average Annual Industrial Employment 1998-2002

outside of Dublin. More companies are being persuaded to put product and process innovation at the centre of their growth plans and for this to become an embedded feature of their strategic development. EI's other focus on increasing export capacity in indigenous firms has not diminished.

Furthermore, I have set up the enterprise strategy group, under the chairmanship of Eoin O'Driscoll. I want the group to recommend and prioritise new strategies and policies to ensure that the prosperity we enjoyed in the last decade will continue into the future. It will examine how to strengthen our enterprise environment, to promote an innovation and knowledge-driven economy while helping sustain those industries already providing employment here. The group will report to me in a few months.

Question No. 126 answered with Question No. 113.

Work Permits.

127. **Mr. Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the criticism made by the former UN Commissioner for Human Rights, Mary Robinson, of the work permit system, particularly in so far as it requires persons with permits to work for one employer only; her views on the comments made; and if she will make a statement on the matter. [3801/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I am aware of the comments in question and welcome the opportunity to set out the position on this issue. At present, the work permit facility grants the permit to an employer to recruit a specific employee to fill a specific vacancy, where the employer has been unable to find a suitable employee within Ireland or the wider European Economic Area. This arrangement does have the

[Ms Harney.] safeguard that the non-EEA employee in question is coming to fill a specific vacancy, an important factor when most of the personnel in question are at the lower end of the skills spectrum.

Despite assertions to the contrary, in recent years, work permit personnel have been readily facilitated in changing employers and in such circumstances a new work permit is issued to a new, eligible, employer. This flexibility has been possible and warranted by the relatively high number of vacancies arising in recent years. I should mention that in 2002 some 3,888 work permit employees changed employer, while in 2003 this number was 3,512, or an average of 68 per week.

I suggest to the Deputy that current reality does not support accusations that the work permit facility resembles bonded servitude.

If we were to move to a situation where a work permit was given to the individual employee, we would, in effect, be giving an authorisation to come to Ireland in search of an employer. Such a system is not impossible but it does give rise to a number of serious policy questions and does raise very significant resource issues. Any informed decision to move to a new system should take these into account.

Workplace Inspections.

128. **Ms O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of workplace inspections carried out

Month	Inspections/Visits	Month	Inspections/Visits
January	731	July	876
February	421	August	1,085
March	142	September	974
April	35	October	1,065
May	242	November	731
June	612	December	254

These figures amount to a total of 7,168.

129. **Mr. Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment the terms of the recent ban imposed by her on technical assistance or training relating to military equipment and the provision of finance for the sale, supply, transfer or export of arms and related matters in respect of the Democratic Republic of the Congo; and if she will make a statement on the matter. [3800/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): On 28 July 2003 the United Nations Security Council decided in its Resolution 1493 (2003) to impose an embargo on the supply of arms and related material as well as on the provision of assistance, advice or training related to military activities to all armed

by labour inspectors for each month of 2003; if she has satisfied herself that there are a sufficient number of inspectors to carry out an adequate level of workplace inspections; and if she will make a statement on the matter. [3792/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

The following figures provide an update on the information provided in October 2003 and state the position up to the end of the year. The numbers of workplace inspections-visits for each month in 2003 are set out in the following table.

As stated previously, a new electronic case management system was introduced into the labour inspectorate in June 2003. For the period following its introduction the old system also continued in use. In December, staff concentrated on ensuring all relevant data was finally committed to this legacy system and its day-to-day use then ceased. This work, together with the earlier preparations for the introduction of the new system, impacted on inspectorate activity both early in the year and in December. However, I am confident that this work and investment in technology, together with other actions that have been completed, such as the streamlining of procedures, ensures that the inspectorate is enabled to provide an effective and efficient service going forward.

There are no plans, at this stage, to increase the number of labour inspectors. I am satisfied the investment and actions described above will, as far as possible, ensure that employment rights and entitlements of all employees working in Ireland are protected.

groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the global and all-inclusive agreement, in the Democratic Republic of Congo.

In line with an existing practice on the implementation of arms embargoes, the European Union implemented the ban on the provision of assistance, advice or training related to military activities by means of a Council regulation, in this instance Council Regulation (EC) No 1727 of 29 September 2003. Article 6 of Council Regulation No 1727/2003 requires that each member state shall determine the sanctions to be imposed where the provisions of the regulation are infringed. In this context, the purpose of S.I. No. 678 of 2003, European Communities (Restrictive Measures)

(Democratic Republic of Congo) Regulations 2003, which I signed on 15 December 2003, is to provide for penalties for infringements of the regulation. A person who contravenes the provisions of the Council regulation is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €3,000 or imprisonment for a term not exceeding six months or both.

Consumer Protection.

130. **Ms Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment her proposals for a new board to advise the Government on consumer issues and to promote consumers rights; the terms of reference of the board; the powers that will be available to it; when she expects to appoint the members; and if she will make a statement on the matter. [3778/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): There is a growing recognition in the country that our current arrangements for the articulation and promotion of consumer interests are not all that they should be.

We all know how effective and persuasive other sectors and groups can be in defending and pursuing their economic interests. I have no difficulty about that, but if we are to have a fully competitive economy with functioning markets in all goods and services, we need the full participation of consumers and the effective representation of their interests in the economic and political process. The voice of the consumer must be heard and heeded more than it is at present.

There are many problems to be addressed in this area. Some are rooted in our culture such as the lack of assertiveness of many consumers. Another difficulty is the diverse and changing nature of the consumer agenda. Consumer representative structures in this country are generally perceived as weak relative to those of other countries.

I have been giving some thought on how best to move things forward. To help in this work, I propose to bring together a small group of independent minded and public-spirited persons with an interest in tackling this challenge. The mandate of the group will be mainly advisory, with an initial focus on consumer prices, consumer representation and advocacy arrangements and important new EU proposed consumer legislation. The group will be expected to add value to what we already have and not to substitute for any current role or responsibility carried out by my Department, the Director of Consumer Affairs, other regulatory bodies or by bodies such as the Consumer Association of Ireland. I propose to stand down, at least for the time being, the consumer advisory council which has not met for some time. The new group will also be expected, in due course, to make useful

contributions to longer-term strategic issues in areas such as consumer law, consumer education and public sector provision for consumer policy and implementation. I wish to see the new group liaising effectively with the Oireachtas Joint Committee on Enterprise and Small Business and in that way helping to raise the consumer policy profile in our deliberations here. I hope to be in a position shortly to announce further details of the proposed new body, including its composition, terms of reference and related matters.

To those who may suggest that this is a case of setting up a committee in lieu of taking action, I say that if the problems which we are addressing here, were capable of simple or quick solution they would have been solved long ago.

I have every confidence that this new initiative, the broad lines of which I am conveying to the House today, can make a valuable and lasting contribution to the interests of consumers and to national competitiveness and I hope that all sides of the House will support it.

Migrant Workers.

131. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps being taken to prevent the exploitation of migrant workers here; and if she will make a statement on the matter. [3745/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The labour inspectorate of the Department is responsible for monitoring certain employment conditions for all categories of workers in Ireland, including immigrant workers. Inspectors pursue allegations of worker mistreatment and when evidence of non-compliance with the relevant employment rights legislation is found, the inspectorate seeks redress for the individual or individuals concerned and, if appropriate, a prosecution is initiated. The inspectorate operates without any differentiation with regard to worker nationality as statutory employment rights and protections apply to immigrant workers in exactly the same manner as they do to native Irish workers.

During 2003, work was completed on the development of a new case management system to support streamlined work procedures in the labour inspectorate. The new IT system went live at the end of June 2003 and was operated in parallel with the existing system up to the end of the year. The new system represents a considerable investment by the Department, approximately €900,000, in the enforcement of employment rights for all workers. The system provides the technological support to enable inspectors operate more effectively and efficiently in their interactions with employers and employees alike.

In addition, where employers seek work permits in order to employ non-EEA nationals, the Department requires the statement of the

[Mr. Fahey.]

main functions of the job, salary-wages, deductions, other than statutory, other benefits and hours to be worked per week. Both the proposed employer and the proposed employee must sign this statement. Work permits are not granted unless there is compliance with minimum wages legislation. Applications for renewals require confirmation that the stated wages have been paid and that P60 and other sources are used. Work permits are not granted for sectors such as domestic employment where it is believed that such employment can be met from the Irish-EEA labour market and where there is a greater risk of exploitation.

I am satisfied that there are sufficient procedures in place and an appropriate level of inspection activity, 7,168 inspections-visits in 2003, to ensure, as far as possible, that rights and entitlements under Irish law are being observed for all workers. If there is evidence that employers are exploiting immigrant workers I ask that it be brought to the attention of the labour inspectorate for investigation and further action.

Employment Support Services.

132. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she intends to take arising from the warning contained in the FÁS end-of-year review that unemployment will continue to rise with further job losses in low-skilled sectors inevitable; and if she will make a statement on the matter. [3789/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Despite the global economic downturn the Irish labour market has been resilient with employment continuing to grow. A total of 1,820,800 persons were in employment in the third quarter of 2003, which represented an increase of 26,000 in the year. While job losses were experienced in some sectors, they were more than offset by employment opportunities in other sectors. The forecast for employment growth is estimated to be around 1% for this year. Average unemployment in 2003 was 4.7%, which is well below the EU average of 8%. The ESRI predict that it will remain at this level in the short to medium-term.

The challenge for the future is to ensure that Ireland makes a successful transition to innovation and knowledge-based competitiveness. This is being addressed through attraction of further foreign direct investment, increased commitment to investment in research and innovation and through training and upskilling to improve the quality of the labour force.

Ireland, through IDA Ireland, continues to win a major share of inward investment. Independent reviews confirm that Ireland's market share of inward investment into Europe continues to grow in spite of competition and the decrease in recent

years in the overall pool of investment available. In 2003, IDA Ireland signed up 64 projects, including greenfield and expansion of existing business located here. Inward investment into Ireland represents 9% of the total into Europe.

The research environment in Ireland has been significantly altered as a result of the allocation of €2.5 billion to the research, technological development and innovation priority across a range of Departments and agencies under the national development plan, NDP. Key investments aimed at building Ireland's research capability are now under way. These are being delivered through Science Foundation Ireland, SFI, the programme of research in third level institutions and through increased support aimed at enhancing research and development capabilities in industry and promoting collaboration between industry and the third level sector. Overall spending on science and technology for 2004 represents an increase of 36% over 2003 levels. I have increased the budget for Science Foundation Ireland by €53 million to bring it up to €201 million.

Enterprise Ireland has also had a significant increase in the moneys available to it to support innovation and research and development within indigenous industry. That agency continues to offer a range of supports to enable companies to minimise negative economic factors, which have an impact on the sustainability of employment. This support focuses on a number of key areas such as developing exports, improving companies' competitiveness, providing funding for research, innovation and upskilling and encouraging new company start-ups.

FÁS continues to provide a wide range of advisory and human resource development services to industries and companies. FÁS works closely with companies to identify their training needs and in 2003 specific emphasis was placed on training for lower-skilled workers. A number of pilot programmes were undertaken in 2003 and further such programmes will be run in 2004. In addition, FÁS, in co-operation with the development agencies and local organisations, has developed a process of engagement with redundant workers, the purpose of which is to ameliorate the effects on local communities of lay-offs and company closures by identifying training needs, new opportunities for enterprise development and working with new promoters to build viable projects.

Job Creation.

133. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of new jobs announced during 2003 from new investments or expansion of IDA-backed plants; the expected level of announcements during 2004; the steps being taken to promote job creation; and if she will make a statement on the matter. [3785/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment — FDI — to Ireland, including its regions and areas. In 2003, 32 greenfield and expansion job creation projects were announced by IDA Ireland. These projects have a projected total job content of nearly 5,600 jobs and were achieved against a background where there were fewer companies actively seeking to invest overseas and consequently less companies visiting Ireland.

As the ultimate decision regarding where to locate a project, including what areas to visit as potential locations are taken by overseas investors it is difficult to predict the exact number of IDA supported project announcements that might be made in 2004.

However, IDA Ireland is cautiously optimistic about the year ahead and believes it will be its best since 2000 in terms of jobs announcements, both for new investments into Ireland and growth in the value and scale of activities in overseas IDA-backed plants already operating here. This view is based on contacts with client companies and strong indications of a substantial recovery in growth in the global economy and consequent increased flows of FDI.

I too, am optimistic about the year ahead, particularly given the track record IDA Ireland has in attracting sustainable overseas investment to the country. Despite the recent global economic turndown, the level of foreign direct investment in Ireland, relative to the size of the economy, remains one of the highest in the world. For a long time, Ireland has received a far higher proportion of FDI inflows into the EU than our 1% of the population would suggest.

Vigorous pursuit by IDA of its main policy objectives is the best strategy to respond to the current challenging global environment and further increase opportunities for employment, not alone in IDA supported companies, but also across the wider economy. It is important to remember that FDI can also have knock-on benefits in other sectors such as supply, distribution and transport, thus creating further investment-employment opportunities for local people in the immediate vicinity and surrounding areas.

I am confident that the strategies and policies being pursued by IDA Ireland, together with the ongoing commitment of Government to regional development will continue to bear fruit in terms of delivering the maximum possible level of additional jobs.

Departmental Restructuring.

134. **Mr. Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the proposals produced by the Amicus-MSF trade union for a restructuring of her Department, which would include the creation of a separate department of

labour; her views on the proposals made; and if she will make a statement on the matter. [3804/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The configuration of the Department of Enterprise, Trade and Employment brings together a number of functions in a single Department, that have promoting quality jobs at their core. This recognises that enterprise and employment are not competing factors, but rather complementary. Only by growing our competitiveness, increasing our trade performance, and expanding enterprise performance can we produce sustainable high quality jobs. Similarly, only by ensuring that we have a well trained and confident workforce can enterprise flourish.

Calls for alternative configurations appear to stem from a failed paradigm that places jobs and welfare at work in competition with enterprise. Such a view leads to the development of zero-sum policies where the political champions of one perspective are pitted against those of the other. We have a different and more positive view; one that seeks to grow the quality and number of jobs by growing trade and enterprise. We seek policies that recognise the globalised nature of this modern economy. We seek win-win strategies.

Moving away from political philosophy, it is instructive to look at our track record. Since 1993, when the new configuration was started, we have seen jobs and real wages growth of an unprecedented nature, we have introduced the national minimum wage and seen a significant improvement in the legislative framework protecting workers. The welfare of workers, especially those most exposed to low incomes, has been transformed during this period. This has also helped sustain, and be sustained by, a parallel and unprecedented improvement in trade and enterprise performance. The evidence is inescapable.

While the factors supporting this transformation are manifold, and social partnership clearly played its part, our pro-enterprise and pro-jobs policies have made a real difference. Following the last election, the Government affirmed its conviction that the current configuration of the Department is right for Ireland. I strongly oppose any rowing back on this winning strategy.

National Minimum Wage.

135. **Mr. Gormley** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the full increase in the minimum wage will take place immediately; and if she will resist calls to defer half of the increase until 2005. [3819/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): On foot of a Government commitment in, Sustaining Progress, S.I. No. 205 of 2003 was

[Mr. Fahey.]
signed on 24 June 2003, increasing the national minimum wage to €7.00 per hour with effect from 1 February 2004. Accordingly, labour inspectors from my Department are obliged to enforce the new rate with effect from that date.

In such circumstances, the question of postponement of any part of the increase does not arise.

Work Practices.

136. **Mr. Sargent** asked the Tánaiste and Minister for Enterprise, Trade and Employment the long term strategies she is considering to further the goal of reconciling the demands of work and family life as stated in the Government's report to the informal meeting of the Employment, Social Policy, Health and Consumer Affairs Council in Galway in 2004; and if she will make a statement on the matter. [3820/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): At the informal meeting of the Employment and Social Policy Ministers, which was held in Galway on 16 January 2004, the Ministers concluded that, policies to reconcile work and family life are vital elements of the overall package of measures to increase participation in the labour market.

Under the EU employment strategy, the attainment of an employment rate of 67% by 2005 and 70% by 2010 has been agreed. Separate targets have been agreed in respect of women's employment, 57% by 2005 and 60% by 2010. As part of the EU employment guidelines, Ireland is committed to the provision of equal opportunities between women and men, including the provision of family friendly working arrangements.

Considerable work has already been done in the pursuit of these commitments, particularly since the establishment of the national framework committee for work-life balance policies, formerly known as the national framework committee for family friendly policies. The establishment of this committee highlights the commitment of the Government and the social partners to the area of family friendly working arrangements. The work of the committee has been acknowledged by the European Commission as having a positive contribution to the implementation of the employment guidelines.

The national framework committee comprises representatives from the IBEC, ICTU, Departments and the Equality Authority and is chaired by my Department. Its remit is to support and facilitate the development of family friendly policies at the level of the enterprise and examine how best to improve access to such policies in order to realise the potential benefits that these arrangements would offer from both an equality and competitiveness perspective.

A number of initiatives have been undertaken by the committee to date, including: the

organisation and hosting of family friendly workplace days; the provision of financial assistance to assist individual organisations in implementing and/or enhancing work-life balance working arrangements; the establishment and funding of a panel of consultants, who are available to assist in developing or implementing work-life balance arrangements; the provision of financial assistance to the social partners to assist in the development of appropriate resources for their members; and the development of an interactive website *www.familyfriendly.ie* and other information exchange-dissemination activities including newsletters, information leaflets and seminars.

A number of very useful pilot projects and research projects have also been undertaken on behalf of the committee. For example, the committee commissioned and published a major research project, *Off the Treadmill: Achieving Work/Life Balance*, last year. The focus of this research was to examine issues relating to the types of family friendly working arrangements in Irish workplaces, attitudes to family friendly working arrangements among employers, employees and work colleagues and to identify barriers to the implementation of such arrangements.

The findings of the research report confirms the fact that demands for work/life balance opportunities are increasing among a broad range of people who are at work or who may be seeking work, not just people who are seeking to balance work and family responsibilities. The increasing demand for work/life balance options will require both employers and employees to be innovative in their thinking and actions in this area.

The research report will assist and inform the work of the national framework committee going forward.

Below-Cost Selling.

137. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the issue of below-cost selling and the wisdom or otherwise of a ban. [3726/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Below-cost selling raises difficult issues in the area of competition and consumer law and many countries, including Ireland, maintain specific regulatory restrictions directed against the practice. Since all restrictions which restrain the operation of free markets need to be periodically examined and justified, I am currently looking at the Groceries Order 1987 and hope to make a further announcement on the matter very shortly.

Most people would agree that free and fair markets are better at regulating prices than Governments. Government does, however, have the vital responsibility to ensure that markets are working effectively for consumers and that is the perspective in which I am reviewing the groceries order.

Insurance Industry.

138. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to bring insurance costs here into line with competitors with particular reference to motor, fire and public liability; and if she will make a statement on the matter. [3808/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I no longer have responsibility for insurance undertakings. From 1 May 2003, the Irish Financial Services Regulatory Authority, IFSRA, is responsible for practically all of the financial services industry, including the registration and supervision of insurance undertakings and the services provided by them. However, I retain responsibility for the insurance reform programme.

I am pleased to report that the insurance reform programme that I announced on 25 October 2002 is progressing well. This programme comprises a comprehensive set of interrelated measures designed to improve the functioning of the Irish insurance market. The key measures include the implementation of the recommendations in the motor insurance advisory board action plan within a target timeframe. To date, 32 of the recommendations have been fully implemented, three have been partially implemented and work is in progress on the implementation of the other recommendations.

The Personal Injuries Assessment Board Bill 2003 completed its passage through the Houses of the Oireachtas on 19 December 2003 and was signed into law on 28 December 2003. The Act will commence in early to mid-2004 providing for the establishment of the personal injuries assessment board on a statutory basis and allowing the board to deal with cases.

My Department and the Competition Authority undertook a joint study into the insurance market. The study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. A significant amount of the work was completed in 2003 and a report will be produced in the near future.

I chair a ministerial committee established to drive the co-ordinated implementation of the reform programme across the relevant Departments and other concerned bodies. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help tackle the high cost of insurance. These include measures to reduce the number of accidents, to tackle fraudulent and exaggerated claims and streamline the law in regard to personal injury claims. Many of the measures contained in the MIAB recommendations will have the effect of encouraging competition, including those relating to transparency and the provision of information to consumers. A number of these measures have already been implemented.

The pricing and underwriting of insurance is a matter for individual insurance companies and EU law prevents Governments from intervening in regard to the matter of premium levels or in respect of what risks they are prepared to underwrite. Insurers generally make decisions about whether they are prepared to quote for a particular risk, and if so, at what premium level, based on their underwriting experience or assessment of that risk in the market. Governments are free to take action, which affects the operation of the insurance market.

I consider there to be an onus on the insurance industry to ensure that the measures the Government is putting in place to reform the Irish insurance market will have the effect of significantly reducing the cost of premia to consumers and businesses. It is heartening to report that a number of insurers have already announced reductions of 15% to 20% in motor and more recently public liability premia. As implementation of the reform programme continues, I expect reductions to occur in all forms of insurance.

I am also confident that these measures will attract new players into the market and lead to further downward pressure on premia, as improvements in the functioning of the Irish insurance market make it more attractive to other firms that do not have any previous presence in Ireland. I am keen to encourage such insurers to enter this market, and over the coming months, I intend to meet representatives of potential new entrants to the market. I have made it known that I am interested in talking to any such potential entrants.

Decentralisation Programme.

139. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, in regard to proposals for decentralisation, a survey has been undertaken to establish the number of persons employed in her Department and in boards or agencies operating under the aegis of her Department who are willing to move to the new locations announced by the Minister for Finance in his budget speech; the results of such a survey; and if she will make a statement on the matter. [3803/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Following the announcement of the Government's decentralisation programme, under which 250 staff of my Department will decentralise to Carlow, a survey was conducted within the Department with a view to establishing the numbers of staff interested in decentralising to locations outside Dublin. A total of 503 staff responded to the survey, 69 of whom indicated that they would be prepared to transfer to Carlow and 160 of whom indicated a willingness to decentralise to other locations outside Dublin.

The National Standards Authority of Ireland and Enterprise Ireland have not yet conducted a

[Ms Harney.] survey of their staff on the issue of decentralisation.

The Health and Safety Authority conducted a survey of its Dublin-based staff with 15 of the 107 staff surveyed expressing an interest in decentralising to Thomastown.

FÁS also conducted a survey of its Dublin-based staff with 30 out of the 413 surveyed expressing an interest in decentralising to Birr.

Export Licensing.

140. **Mr. S. Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she expects to receive phase 2 of the report from economic consultants (details supplied) on export licensing for military and dual-use goods; if it is intended to publish the report; and if she will make a statement on the matter. [3799/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): I understand that the report of phase 2 of the review of the operation of Ireland's export controls system is nearing completion and I would hope to receive it shortly. It is my intention to make the report publicly available.

EU Directives.

141. **Mr. G. Mitchell** asked the Tánaiste and Minister for Enterprise, Trade and Employment his views on the application of the electronic commerce directive, especially in view of the fact that 54% of European Internet users are expected to shop on-line by 2006. [30415/03]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The objective of the EU directive on electronic commerce (Directive 2000/31/EC) is to create a legal framework to ensure the free movement of information society services between the EU member states. In this regard it provides for the regulation of information society services, the legal recognition of electronic contracts, consumer information and protection and rules on unsolicited commercial emails. The e-commerce Act 2000 gave effect to the principles of the directive concerning the legal recognition of electronic contracts. The remaining provisions in the directive that required to be given effect to in Irish law were transposed by the European Communities (Directive 2000/31/EC) Regulations 2003 (S.I. 68 of 2003). The Director of Consumer Affairs enforces the transparency provisions. The Data Protection Commissioner is responsible for the enforcement of the regulation on unsolicited commercial emails.

While experience of the application of the directive is still relatively limited, the European Commission's first report on the directive, published in December 2003, shows that it has had a positive effect on the development of e-commerce within Europe. The report is based both on the Commission's experience and on

feedback received from member states, industry, professional and consumer associations and other interested parties.

While retail sales by e-commerce in Europe are still low, the prospects for growth are encouraging and successful stories of online market places, business-to-business (B2B) platforms, and online finance have emerged. The report also notes that the Internet has become a powerful tool for consumers to obtain information and compare offers in an efficient and user-friendly way, even if they do not proceed to make on-line sales. The Commission has not identified any major problems with the way in which member states have transposed the directive and it has received only a handful of notifications from member states of circumstances where they believe that permissible derogations from the terms of the directive may be warranted.

The report does point to some evidence of a lack of awareness amongst service providers of the information requirements in the directive, but also notes that such providers have responded positively and promptly when shortcomings in this regard were brought to their attention. This finding is also reflective of the experience to date of the Office of the Director of Consumer Affairs in enforcing the regulations in Ireland. The ODCA website www.odca.ie also provides advice on on-line shopping for consumers. The European Consumer Centre, which is jointly funded by the European Commission and ODCA, also conducted a cross-border e-commerce project entitled, Realities of the European online marketplace, in the second half of 2002 to assess the impact of the adoption of the e-commerce and distance selling directives on Internet shopping in Europe. This report can be viewed on the ECC website www.eccdublin.ie.

The Commission will continue to closely monitor the application of the directive in member states, including follow-up/analysis of relevant case law, administrative decisions and complaints from citizens and business. A second report on the application of the directive is due to be undertaken in 2005.

Ministerial Orders.

142. **Ms Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she intends to make an order under the Consumer Affairs Act to require doctors, dentists and allied health professionals to publicly display their prices; and if she will make a statement on the matter. [3779/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Consultations are continuing on this matter between my Department and representatives of the Irish Dental Association and the Irish Medical Organisation and I hope to be in position to conclude matters in regard to those professions as soon as possible.

I intend to consider the position regarding other professions in the health sector subsequently.

Departmental Inquiries.

143. **Mr. Rabbitte** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in regard to each of the inquiries being carried out by, or on behalf of her Department; the projected date for the conclusion of each such investigation; the inquiries in respect of which reports have been referred to the DPP; and if she will make a statement on the matter. [3797/04]

160. **Mr. S. Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the costs incurred by the State, at the latest date for which figures are available, arising from the various inquiries instigated by, or on behalf of her Department; the element of these costs which have been recovered from any of the other parties involved; and if she will make a statement on the matter. [3798/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 143 and 160 together.

A total of 16 investigations into company law matters have been initiated by me since I first came into office as Minister for Enterprise, Trade and Employment. In respect of three of these, the High Court appointed, on an application by me, inspectors under section 8 of the Companies Act 1990. The inspectors appointed to Ansbacher (Cayman) Limited presented their report to the High Court on 10 June 2002. The report was subsequently published. The report has been passed to the Director of Public Prosecutions.

Section 8 inquiries into the affairs of National Irish Bank Limited and National Irish Bank Financial Services Limited are continuing. I understand the inspectors made a submission to the court last week to inform the court of the present position of the inquiries.

One investigation under section 14 of the Companies Act 1990 was completed in 1998. The report on this has been passed to the DPP.

A total of 11 investigations were initiated by me under section 19 of the Companies Act 1990. Some six of these have been concluded. Of the six investigations completed, two of the reports were passed to the DPP. A number of summary prosecutions have since been successfully concluded in one case. One report provided an input into the successful application to the High Court for the appointment of inspectors under section 8 while the fourth report was passed to the relevant High Court inspectors. One report was completed in September 2002 and a further report was completed in March 2003. Both reports have been referred to the Director of Corporate Enforcement. Three investigations under section 19 are ongoing and the authorised

officer is working towards completing reports of these investigations by mid-2004.

Two investigations were held up in legal appeals. These enquiries are now the responsibility of the Director of Corporate Enforcement. One investigation was undertaken under section 59 of the Insurance Act 1989. The report on this has been referred to the DPP as well as to the inspectors undertaking the section 8 investigation into that company.

The costs incurred since 1997 on company investigations initiated by, or on behalf of, my Department currently amount to approximately €10.3 million. This amount does not include the salary costs of Civil Service staff working on a number of these investigations or the legal costs, which are primarily being borne by the Vote of the Chief State Solicitor. Most of the €10.3 million derives from the costs to date of the High Court inspectors appointed under section 8; €5.3 million in the case of National Irish Bank Limited-National Irish Bank Financial Services Limited and €3.5 million in the case of Ansbacher (Cayman) Limited.

The question of recovering costs from the section 8 investigations does not arise until such time as the inspectors complete their investigations. In the case of the Ansbacher enquiry, the High Court proceedings taken by the State to recover the costs of the inquiry were settled out of court for the sum of €1.25 million in favour of the State. Section 19, as originally enacted, did not provide for the recoupment of costs. This has now changed with the enactment of the Company Law Enforcement Act 2001.

Anti-Poverty Strategy.

144. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress which has been made to date to achieve the target outlined in the National Anti-Poverty Strategy 2002 of eliminating long-term unemployment as soon as possible but no later than 2007; and if she will make a statement on the matter. [3763/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Long-term unemployment has been reduced dramatically during the past seven years. In 1998 long-term unemployment amounted to 63,500, which represented 3.9% of the labour force. By 2002 the numbers had fallen by over 40,000 to 21,600, 1.2% of the labour force. There was a small increase to 26,900 in 2003, a rate of 1.4%. The EU average rate, by contrast, is 3%.

In support of the NAPS strategy, FÁS is providing a range of training and employment programmes for the long-term unemployed. These include skills training, foundation training and employment programmes such as community employment and the jobs initiative. FÁS statistics show that in the first 11 months of 2003, a total of 27,954 long-term unemployed persons started FÁS programmes.

[Ms Harney.]

To increase the focus on long-term unemployed persons, FÁS introduced two new initiatives in 2003. The employment action plan process, involving referral by the Department of Social and Family Affairs of unemployed persons to FÁS for help in gaining access to training or employment, was extended to long-term unemployed persons on a regional basis. By the end of the year, the process was operational in six of the eight FÁS regions, including Dublin. It will become operational in all regions during 2004. The process had already been shown to be successful in four pilot areas, so there is every reason to expect that it will now be successful on a State-wide basis.

A high support process was officially launched in January 2003. The process provides additional funding to help purchase specific training courses to meet individuals' needs. The target group includes long-term unemployed clients and over 450 persons were referred to the process in 2003.

Carbon Taxes.

145. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the representations she has received from industrial or commercial concerns regarding the possible introduction of carbon taxes; her views on the proposal; and if she will make a statement on the matter. [3806/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I have received representations from the possible introduction of carbon taxation from a number of interested parties, including industrial and commercial concerns. In general, the representations from the industry and commercial interests were expressing concern at possible adverse competitiveness implications of the introduction of a carbon tax.

In addition, a number of organisations which made submissions to the Department of Finance in response to the consultation paper of June 2003 on proposals for a carbon energy tax in Ireland copied their submissions to me. The Minister for Finance has indicated he will be publishing all the submissions received as part of the consultation process on his Department's website.

My Department has provided a submission as part of this consultation process and will continue to be fully involved in the development process. In its submission, my Department has made it clear that in developing the tax framework, a crucial consideration must be the minimisation of any impact on competitiveness. To that end, my Department has argued that companies, which are participating in other greenhouse gas reduction measures such as emissions trading or legally binding negotiated agreements, should be exempt from the tax.

It is also critical that the level of tax be balanced between the objectives of achieving

appropriate realistic reductions in greenhouse gas emissions and realising these reductions at least cost, thereby maintaining competitiveness in the enterprise sector. In addition, it is essential that the definitive starting date and rates for the tax should be announced well in advance to facilitate proper planning by industry.

Stem-Cell Research.

146. **Mr. Gilmore** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she intends to take steps during her period as President of the Council of Ministers to deal with the issue of funding for, and regulation of, stem-cell research; and if she will make a statement on the matter. [3783/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): No agreement was reached at the Competitiveness Council on December 3 on the Commission's amended proposal for guidelines to govern human embryonic stem cell research within the Sixth Framework Programme, or on the alternative proposal put forward by the Italian Presidency. It was apparent from the Council's consideration of these options that there was little, if any, hope of arriving at a set of guidelines, which would have sufficient support to ensure acceptance by the Council.

Given this situation, responsibility now rests with the Commission to examine such proposals it may receive for research into stem cells acquired from human embryos, bearing in mind the provisions of the established regulatory procedure, which governs research in this area. Under this procedure, in accordance with the relevant Council Decision of 28 June 1999, the Commission refers proposals for projects to the Council if there is no agreement in the programme Committee tasked with examining them in the first instance. The Council may, by qualified majority reject such proposals.

Legislative Programme.

147. **Mr. Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she intends to bring forward the promised amendments to legislation to provide for increased penalties for breaches of industrial relations law, and especially for breaching the terms of registered building agreements; and if she will make a statement on the matter. [3805/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): During Committee Stage of the Industrial Relations (Miscellaneous Provisions) Bill 2003, I informed the Select Committee on Enterprise and Small Business that I was considering the introduction of an amendment to section 32(4) of the Industrial Relations Act 1946 on Report Stage. Section 32(4) specifies the maximum fines that can be imposed by the courts upon summary

conviction for breaches of registered employment agreements.

I am actively considering the issue of amending the level of fines under this section and I intend to bring an amendment before the House on Report Stage.

National Minimum Wage.

148. **Mr. Cuffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number and level of sanctions which have been applied to companies which have been found to be in breach of the minimum wage regulations; and if she will make a statement on the matter. [3814/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): Since the introduction of the national minimum wage in April 2000, labour inspectors from my Department have undertaken inspections under the National Minimum Wage Act 2000, with

Year	No. of Inspections	Sanction Applied
2000	3,419	None
2001	1,192	1 Conviction for failure to keep records
2002	1,731	3 Convictions 1 — obstructing Inspector 2 — failure to pay NMW (arrears paid in both cases)
2003	950	None

Groceries Order.

149. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she intends to publish the results of her review of the 1987 groceries order which forbids below cost selling; and if she will make a statement on the matter. [3793/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I am continuing my review of the groceries order and hope to conclude my consideration in the near future.

Insurance Industry.

150. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the recent survey published by the Irish Financial Services Regulatory Authority showing a huge variation in the cost of motor insurance and that premiums can vary as much as 500% depending on the location at which a person lives and the insurance company in question; the action she intends to take arising from this survey; and if she will make a statement on the matter. [3773/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I very much welcome the survey by the Irish Financial Services Regulatory Authority, which is to be

reported compliance and sanctions levels as set out in the following table.

Inspectors operate on the basis of achieving compliance. Where an inspection leads to a detection of infringements the employer is required to rectify the infringements detected. Failure to do so to the satisfaction of the labour inspectorate within a specified period results in the initiation of legal proceedings.

I am pleased to note that the figures indicate infringements detected to date have been minor and have been rectified following the intervention of the inspectorate.

Deputies should be aware that rights commissioners of the Labour Relations Commission, a body independent of my Department, also investigate complaints of breaches of the National Minimum Wage Act 2000.

Deputies should also be aware that there are some 19 employment regulation orders drawn up through the joint labour committee system that regulates statutory minimum rates of pay and conditions of employment for workers employed in the various sectors where these apply.

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 of the financial services, including insurance and the services provided by it. The legislation setting up IFSRA provided for the establishment of a consumer director 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 that 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. I have made it clear, however, that I consider there to be an onus on the insurance industry to ensure that the reforms to be

[Ms Harney.]
undertaken will have the effect of significantly reducing the cost of premia to consumers. Reductions have already occurred in the cost of premia and more reductions are expected.

Question No. 151 answered with Question No. 120.

Economic Competitiveness.

152. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has undertaken an investigation into the lack of competitiveness in the Irish economy which seems to originate with goods or services not contained in the CPI and consequently not reflected in inflation rates; if a scientific evaluation can or will be undertaken on these issues; and if she will make a statement on the matter. [3807/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Both the National Competitiveness Council and the Competition Authority undertake on a continuous basis investigations into the competitiveness of the Irish economy and the level of competition within in it. These investigations highlight the key areas that require attention to enhance Ireland's competitiveness and economic performance.

The National Competitiveness Council in its annual competitiveness report 2003, benchmarked Ireland's performance for 128 key competitiveness indicators against 15 other advanced countries. Though it does not rank countries as a whole or assign a single competitiveness position in regard to competitiveness, it does undertake a comprehensive examination of Ireland's competitiveness under these 128 key indicators. The competitiveness challenge 2003 brought forward the findings from the benchmarking report and offered recommendations to Government to improve national competitiveness. Examples of these recommendations included encouraging the Competition Authority to prioritise and expedite its studies, the need to roll-out national broadband infrastructure and the need to strengthen the research capacity of the third and fourth level system.

The Competition Act 2002 sets out basic competition rules and gives the Competition Authority the power to investigate breaches of the law and where necessary to bring civil and criminal prosecutions. The authority uses its enforcement powers to act promptly and rigorously to tackle anti-competitive behaviour such as collusion between firms on prices, output and market share as well as abuse of market power by firms. By taking action against these anti-competitive practices, the authority is protecting the interests of consumers and

enhancing the competitiveness of the Irish economy.

The authority is currently involved in investigative work in the insurance, banking and professional services sectors. In regard to professional services, comprehensive studies are being undertaken of eight individual professions, namely medical practitioners, veterinarians, dentists, optometrists, barristers, solicitors, engineers and architects.

The consumer price index, CPI, is designed to measure the change in the average level of prices, inclusive of all indirect taxes, paid for consumer goods and services by all private households in the country and by foreign tourists holidaying in Ireland. Over 55,000 prices are collected for a representative basket consisting of 613 headings, which cover over 1,000 different items in a fixed panel of retail and service outlets throughout the country. Expenditure on capital assets, such as property and investments, gambling and certain other activities are, however, excluded. To ensure that the selection of goods and services reflects the average spending patterns of consumers, every five years the Central Statistics Office undertakes the household budget survey, which is a comprehensive study of consumer spending patterns and makes changes to the CPI accordingly. The last household budget survey was carried out in 2001. The CPI gives a comprehensive overview of trend and price changes in Ireland. The most recent inflation figures from the CPI show an inflation rate of 1.9% in December 2003. This is significantly lower than the 5.1% rate of increase recorded in February 2003.

My Department and the agencies under its aegis will continue to be proactive in promoting greater competition through policy measures at EU and national levels and through the powers given to agencies such as the Competition Authority. Competition is essential as it stimulates innovation and efficiency among business. This enables consumers to buy goods and services at the best possible price thereby enhancing the economy's overall national competitiveness.

Job Losses.

153. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of redundancies notified to her Department during 2000, 2001, 2002 and 2003; the steps being taken to deal with the sharp increase in redundancies; and if she will make a statement on the matter. [3774/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The number of redundancies notified to my Department in the years specified, were 13,316 in 2000, 19,977 in 2001, 25,358 in 2002, and 27,702 in 2003. The increasing level of redundancies reflects slower economic activity in Ireland in line with difficult economic conditions worldwide. The quarterly national household survey prepared by the Central Statistics Office last December, shows that employment growth continued in the third

quarter of 2003 with an increase of 26,000 to bring the total number of persons in employment to 1.82 million.

The Government's focus is on improving competitiveness which is critical to sustaining and developing both the manufacturing and international traded services sectors. Policy initiatives by the Government and the State development agencies are aimed at helping the country progress towards a knowledge and innovation-driven economy. The enterprise strategy group, which I established in July 2003, has been given the task of developing strategic policy recommendations for enterprise in Ireland up to 2010.

Proposed Legislation.

154. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in regard to the establishment of a press council or press ombudsman; and if she will make a statement on the matter. [3727/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Official responsibility for matters relating to the establishment of a press council or press ombudsman is a matter for my colleague, the Minister for Justice Equality and Law Reform.

I understand that the Minister concerned has recently set out the position in some detail in a reply to a question by Deputy Sherlock, Parliamentary Question No. 48 on 29 January 2004.

EU Presidency.

155. **Ms McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment her priorities for the Irish Presidency of the EU; and if she will make a statement on the matter. [3784/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I have published a priorities paper for the Competitiveness Council of Ministers, which I will chair during the Presidency. The programme for the Competitiveness Council is firmly rooted in the ten year strategy for growth, economic reform and job creation agreed by the Lisbon European Council in 2000. A separate programme and priorities paper for the Employment Social Policy Health and Consumer Affairs Council, which covers policy areas across a number of Departments including my own, has also been published. Both priority papers are available in English, Irish and French. Copies have been placed in the Oireachtas Library and they are also posted on the official Irish Presidency website at www.eu2004.ie and on my Department's website at www.entemp.ie.

The Lisbon Agenda of economic, social and environmental renewal of the EU is a key overarching priority for the Irish Presidency. Progress on the achievement of the agenda and measures to give renewed impetus to advancing economic reform, enhancing competitiveness and stimulating employment in Europe will be the

focus of the spring European Council on 25-26 March 2004.

I will chair two formal meetings of the Competitiveness Council of Ministers, which are scheduled to take place in Brussels on 11 March and 17-18 May 2004. Particular stress will be laid by Ireland on the need for the Competitiveness Council to focus on and develop its horizontal remit in line with the Seville European Council in June 2002 and the Presidency conclusions of the 2003 spring summit. It is important that there is attention at the highest political level on issues affecting the competitiveness of enterprise and I see the role of the Competitiveness Council as central to achieving this. The Council will also discuss a range of issues in areas such as enterprise, research and innovation policies and the completion and effective operation of the internal market, particularly with regard to the services sector. Specific dossiers on issues relating to intellectual property, including the proposal for a Community patent, company law and consumer policy will also feature on the Council's agenda. I will also chair an informal meeting of EU and accession Ministers responsible for competitiveness, which is scheduled to take place at Dromoland Castle, County Clare on 26-27 April. The meeting will focus on industrial policy and innovation.

The Minister of State, Deputy Fahey, will chair the sessions of the Employment Social Policy Health and Consumer Affairs, ESPHCA, Council dealing with items on which my Department takes the lead such as the European employment strategy and other relevant individual dossiers. The ESPHCA Council is scheduled to meet in formal session on 4-5 March and 1-2 June 2004. The Irish Presidency will seek to promote closer co-operation with the two sides of industry in facilitating change and helping in the effective transformation of the European economy. To this end it will convene a tripartite social summit with the EU level social partners in advance of the 2004 spring European Council. On 16 January, the Minister of State, Deputy Fahey, co-chaired, along with the Minister for Social and Family Affairs, an informal meeting of Ministers for Employment and Social Policy on in Galway. The theme of the meeting was, making work pay. On the previous day the Irish Presidency convened a Council Troika meeting with the social partners and the social platform of NGOs.

Both the Competitiveness and ESPHCA Councils will make significant contributions to the preparation of the spring European Council meeting next March.

My Department will also be responsible for EU Council work on European common commercial policy matters during the Irish Presidency. This will involve the organisation and chairing of Council meetings at ministerial and official level in Dublin, Brussels, Geneva, Paris and elsewhere. Among the substantive issues to be dealt with will be the World Trade Organisation negotiations and the European Union's trade relations with various countries and regions. The Minister of State, Deputy Michael Ahern, will be closely

[Ms Harney.] involved in pursuing the EU agenda in the foregoing areas during the Presidency.

In addition to the formal Presidency agenda, my Department is organising a number of further Presidency-related meetings in Ireland. The calendar of such events, across all policy areas, has been deposited in the Oireachtas Library by the Minister for Foreign Affairs.

Job Creation.

156. **Mr. Ferris** asked the Tánaiste and Minister

Year	Job Gains	Job Losses
1999	16,569	10,692
2000	20,197	11,251
2001	15,071	14,235
2002	15,485	17,272
2003	12,905	16,076

Agencies: Enterprise Ireland, Shannon Development, Údarás na Gaeltachta.

While the 2003 figure represents a drop in the rate of job creation in comparison with the previous year, nonetheless this is a creditable achievement in the context of difficult economic conditions. These employment gains, however, were outweighed by losses of just over 16,000 jobs in agency-assisted companies last year, as slower economic growth and a more competitive marketplace made it much more difficult to do business than for many years.

The sustainability of employment levels in indigenous companies is heavily tied to competitiveness in terms of delivering products and services both in Ireland and to export markets. In the past few years, conditions in the global economy have been difficult, and Irish firms have had to win business against a backdrop of declining external demand, pricing pressures, and an increasingly competitive international environment.

Agencies such as Enterprise Ireland and Shannon Development have been working closely with their enterprise clients to help minimise the negative impact of these factors by providing a range of supports including help with research and development, improving competitiveness, opening new markets and expanding the existing export base. We will be unstinting in helping firms expand employment and develop more profitable sales.

Strategies for creating and sustaining indigenous enterprise include: Supporting in-company applied research and development; encouraging an increasing rate of commercialisation of research emerging from research institutes; stimulating companies to put new product-process innovation at the centre of their growth plans and to become an embedded feature of their strategic development; providing funding for closer and more intensive links between industry and universities-institutes of

for Enterprise, Trade and Employment the number of jobs created in indigenous enterprises in each of the past five years; the number lost in the same period; and if she will make a statement on the matter. [3765/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The following table sets out the trend in job creation and employment loss in indigenous companies, supported by the main development agencies. The data is based on data collected by Forfás and updated by the relevant agencies in the light of new information available to them.

technology and facilitating the setting up of incubator centres; building the webworks programme that will see high technology enterprise space built in strategic regional centres to support high potential start-ups, especially in the software and information and communications technology sectors; improving competitiveness by for example Enterprise Ireland's €10 million competitiveness fund to help small and medium enterprises, SMEs, overcome distinctive competitiveness difficulties. To date, a total of €7,509,528 has been committed; helping exports growth by arranging access to international buyers, increasing the number of in-market trade promotion activities and expanding the number of overseas incubation centres thus providing a low cost market entry mechanism for clients.

Community Employment Schemes.

157. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress which has been made in relation to the fundamental review of training and employment supports to focus on the needs of the most marginalised and disadvantaged groups to help them to progress to the open labour market which was promised in the programme for Government; her views on whether the cuts in community employment places since June 2002 will seriously hamper efforts to facilitate marginalised and disadvantaged groups who are attempting to progress from welfare to work; and if she will make a statement on the matter. [3762/04]

159. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of community employment schemes at January 2000, January 2001, January 2002, January 2003 and January 2004; the number that will be available at the end of 2004; if her

attention has been drawn to the severe difficulties being created for community and voluntary organisations by the reduction in community employment places; and if she will make a statement on the matter. [3777/04]

169. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position with regard to the various reviews or studies of community employment schemes commissioned or undertaken by her Department; the main findings of each; if she intends to publish the reports; and if she will make a statement on the matter. [3776/04]

175. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the review of training and employment supports to focus on the needs of the most marginalised and disadvantaged groups to help them to progress to the open labour market which was promised in the programme for Government has commenced; if this review is examining the role of community employment schemes both in terms of allowing disadvantaged groups learn new skills to help them move from welfare to work and in terms of service provision to marginalised and disadvantaged communities; and if she will make a statement on the matter. [4023/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): I propose to take Questions Nos. 157, 159, 169 and 175 together.

The total funding allocation for employment schemes in 2004 has been fixed at €351 million, which will support up to 25,000 places across the three employment schemes, that is, community employment, CE, jobs initiative and social economy. FÁS is being given some flexibility in the management of this financial allocation to maximise progression to the labour market while at the same time facilitating the support of community services. This allocation, €351 million, is similar to the budgeted amount provided in 2003. Accordingly, there will be no reduction in the total level of provision for the three schemes or in the combined participation levels in 2004.

The review of active labour market programmes, including community employment, job initiative, education and training and back to work programmes, which was mandated by the PPF and outlined in the programme for Government, has concluded without reaching a group consensus on the various elements of the review. The standing committee on the labour market, chaired by my Department, undertook the review. It proved impossible to reconcile the various views and expectations of members, which included representation from the community and voluntary sector, employers and unions in addition to other Departments, particularly with regard to the future of community employment. After a period of some 21 months of deliberations the process was

brought to an end in December 2003. However, it is important to emphasise that the input from individual representatives was considerable, and will inform future policy decisions.

As part of this review process Indecon International Economic Consultants was commissioned by my Department on behalf of the standing committee to facilitate a rigorous assessment of the overall effectiveness of existing programmes, and to help inform the deliberations of the standing committee. The consultant's report was finalised and brought to the standing committee in November 2002. This report will be published on the Department of Enterprise, Trade and Employment website in the near future.

The future structure of the CE programme remains under review by a group of senior officials and FÁS, and this group will report to Ministers on the outcome of their deliberations shortly.

In deciding the financial allocation for employment schemes for 2004, the Government was informed by the work to date of the cross-departmental senior officials group. The commitment to fund a continuing pool of up to 25,000 places across the three schemes brings clarity not only to the levels of activity which will be supported but will enable FÁS to give a clear commitment to the support of local community services.

FÁS has also undertaken a review of CE and jobs initiative and has indicated that this report will be published in due course. The number of CE projects since January 2000 are as follows:

Year	Projects
January 2000	2,274
January 2001	2,041
January 2002	1,967
January 2003	1,694
January 2004	1,368
December 2004 (estimate)	1,325

Ansbacher Accounts.

158. **Mr. Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason she decided not to pursue certain companies for the full costs of the Ansbacher inquiry; if she will give the full cost to the State of the inquiry; the original amount sought from the companies concerned; the actual amount settled for; and if she will make a statement on the matter. [3796/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The application made to the High Court to recover the costs of the Ansbacher investigation carried out by the High Court-appointed inspectors was made by the Minister for Justice, Equality and Law Reform, who had defrayed the costs of the investigation. The application made was for the

[Ms Harney.]

sum of €3,453,577.93, being the total costs of the investigation met by the Minister for Justice, Equality and Law Reform, at the time the application was made. The application was for the total amount against all parties.

The actual amount settled for was €1.25 million. As part of the settlement all parties agreed to pay their own legal costs, that is, the cost of dealing with the above-mentioned application of the Minister for Justice, Equality and Law Reform.

The decision to settle the application for a lesser sum was taken collectively by the Minister for Justice, Equality and Law Reform and I, in consultation with the Attorney General, and having considered all of the legal advice available to us. The decision was a difficult one and was not taken lightly.

The decision to settle the case was taken on the grounds that there was no guarantee the State would achieve a more favourable outcome if we decided to pursue the case to the bitter end.

In a previous High Court case, *Siucré Éireann v the Minister for Justice, Equality and Law Reform*, the High Court had ruled that only the company which was the subject of the investigation could be required to make a contribution towards the costs of the investigation. Our legal advice was that this precedent would almost certainly be followed by the High Court in the *Ansbacher* case. This would have meant pursuing the matter in the Supreme Court if we wished to have parties other than *Ansbacher* bear some of the costs. We were advised that the prospects of successfully doing so were finely balanced. If the Supreme Court ruled against the State, the State would have been faced with fairly massive costs in favour of those companies which were not the main subject of the investigation but which featured in the inspectors' report.

We were also advised that there was a significant risk that the High Court might not direct *Ansbacher* to pay all, or any significant portion, of the costs of the investigation because *Ansbacher* and its present owners had co-operated with the investigation and because of the inspectors' acknowledgement that almost all of the wrongdoing uncovered in their report took place prior to the acquisition of *Ansbacher* by its present owners and that the present owners took steps to bring the irregularities to an end when they became aware of them.

Question No. 159 answered with Question No. 157.

Question No. 160 answered with Question No. 143.

Job Protection.

161. **Mr. Gilmore** asked the Tánaiste and Minister for Enterprise, Trade and Employment

the steps she intends to take to counter the growing trend of jobs being transferred to lower cost countries in view of the recent announcement by a company (details supplied) that it was to transfer 150 jobs from its office at Leopardstown to Poland. [3787/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): While I regret the decision of the company in question to relocate some of their activities from Ireland, I also appreciate that it retains its commitment to the country, as evidenced by a large material investment at one of its Irish facilities recently. The company plans to maintain its other existing operations here and the 320 staff employed in those operations. The company has indicated that up to 50 of the 150 staff whose jobs are to be relocated may obtain jobs in other company facilities, and that a number of these jobs may be retained in Ireland. Efforts are already being made to locate alternative employment for those affected by the relocation. Officials from my Department will meet with the company to discuss the background to the company's decision. I cannot be complacent about these or other job losses from a national viewpoint and from a personal perspective I very much understand the serious blow to the individuals concerned as well as to their families.

Despite this setback, however, IDA Ireland continues to discuss opportunities with a number of companies considering Ireland as a location for similar activities.

Clearly, a more attractive cost environment abroad will inevitably attract some firms that are unable to produce in the high-wage environment of modern industrial economies. The continuing structural transformation of our economy is economically inevitable. With this, some plant transfers and other adjustments are bound to come, but where relocation has occurred to date, it has largely been limited to low technology, labour-intensive activities. Over the past few years I have mandated the enterprise support agencies under my Department to adjust their support strategies to meet both the needs of society in terms of high quality employment opportunities and the needs of businesses that generate and sustain those jobs. We all have a tough competitive battle ahead because our ability to win investment for Ireland will depend on convincing investors that profitable business can be done from here.

The enterprise development agencies have had a good deal of success in attracting higher-value replacement enterprises, in line with our policy of moving enterprise in Ireland to the higher value output of products and services. Such changing specialisation is a reflection of a changing comparative advantage, where we will retain those jobs that are human capital and technology intensive and characterised by high productivity and correspondingly high real wages.

We are implementing a careful progression in the sophistication and breadth of higher value activities that foreign owned companies carry out here. IDA Ireland has responded to the new value-added imperative by attracting firms working with new technologies or involved in higher value activities. We have secured superior new strategic projects and good success has been achieved by IDA Ireland in encouraging their clients to undertake more important strategic research and development and investments in their Irish operations. For example in 2003 Google, Overture and eBay announced the establishment of key European centres in Ireland while Diageo has made Waterford the location for a global supply production facility. This year the Canadian Covers Media Group decided to locate its European headquarters to Galway.

I am committed to creating and sustaining framework conditions that will encourage science and other knowledge-based activities, important to future standards of living, to take place here. We know from experience that creating the best conditions for enterprise and stimulating a climate for investment are the best ways to take industrial policy forward.

The changes taking place in our economy do not have to be consistently negative. We have proved that we can be the authors of our own successful destiny. I am committed to replacing relocated industry with other, higher-value enterprises. Investments in research, innovation, training and ICT as well as re-organisation of work and the ways we do business are constitute key ingredients of the transition process. Effective policy responses include the re-evaluation of the enterprise environment, and gaining a better understanding of the new dynamics facing industry. To this end, in July last year I set up the enterprise strategy group to recommend new strategies to ensure that the enterprise prosperity we have enjoyed will continue into the future. I expect the group to report to me around the middle of this year.

Health and Safety Regulations.

162. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position with regard to the consultation with the social partners on proposals to increase penalties for breaches of the health and safety legislation, especially in view of the ongoing level of death and injury being caused to workers; and if she will make a statement on the matter. [3775/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): Legislative proposals to repeal and amend the Safety, Health and Welfare at Work Act 1989 have been developed at departmental level and are presently the subject of legal drafting by the Office of the Parliamentary Counsel. These proposals are largely the result of a review carried out by the tripartite board, representing the social

partners, of the Health and Safety Authority which had been requested to carry out a fundamental review of the Act with a view to identifying where changes and improvements could be made to the existing principal legislation.

The consultations between officials of my Department and the Office of the Parliamentary Counsel are ongoing and I expect to be in a position to introduce a safety, health and welfare at work Bill in April. I intend to consult the social partners before publication of the Bill.

I am aware of the concerns raised by various interests about the delay in publishing the Bill. However, I emphasise that legislative proposals involve a detailed revision of the current legislative framework dealing with occupational health and safety. A revised and updated Safety, Health and Welfare at Work Act 1989, will further strengthen the legislative base for workplace safety and will be of benefit to all sectors of employment.

I can confirm to the House that I intend to provide in the new Bill for the imposition of on-the-spot fines for certain defined breaches of the health and safety code. There will also be provision for increased fines on conviction in the courts.

EU Employment Strategy.

163. **Mr. Gormley** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status of the report from the European Employment Task Force which reported in November 2003; and the way in which it is proposed that the main recommendations in the report will be progressed by the European Union and national Governments. [3818/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

The spring 2003 European Council approved the establishment of the European Employment Task Force to undertake an independent examination of employment policy and to identify practical reform measures that can have an immediate impact on the ability of member states to implement the European employment strategy. The report of the taskforce was presented to the European Commission in November 2003.

The report is useful in that it presents an independent view of the issues facing the EU in terms of employment policy. The issues raised and the recommendations made complement and reinforce the messages already made in the context of the European employment strategy.

The European Council had a first discussion on the report in December 2003 and underlined that employment will be one of the central aspects of the 2004 spring European Council. The recommendations of the report have been integrated in the joint employment report and are central to the ongoing deliberative process being undertaken in preparation for the spring European Council. The joint employment report

[Mr. Fahey.]

provides an assessment of the progress made in implementing the European employment strategy and outlines the future actions-directions that need to be taken by member states.

The revitalisation of the Lisbon Agenda as a whole, with particular reference to the employment aspect, is central to Ireland's Presidency work programme. The joint employment report, which incorporates the Employment Task Force report, will feature on the agenda of the Employment, Social Policy, Health and Consumer Affairs Council and the European Council in March, where I expect that concrete decisions in taking the process forward will be made.

EU Directives.

164. **Mr. G. Mitchell** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on European Commission proposals to make cross-border mergers more straightforward. [30414/03]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Aherne): The Commission proposal for a directive on cross-border mergers of companies with share capital, COM (2003)703, which was published on 18 November 2003 is aimed at facilitating cross-border mergers of commercial companies under favourable conditions in terms of cost and legal certainty.

Under the chairmanship of an official of my Department, Ireland has initiated EU Council working group discussions on the draft directive on cross-border mergers and provision has been made to continue to have meetings to progress this issue throughout Ireland's Presidency.

From our experience of the very limited utilisation of the third EU company law directive, which governs national mergers and which forms the basis for the company law provisions of the cross-border mergers proposal, implemented in Ireland by SI 137/1987, and based on responses to consultation taken with interested parties, it seems that interest in, and likely recourse to, the facilities proposed in the draft directive, by operators in Ireland will not be significant.

Question No. 165 answered with Question No. 115.

Labour Market Reviews.

166. **Ms O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she intends to act on the recommendation contained in the Irish Labour Market Review 2003 that low skilled, low education employees should get the chance to take part in education or training and get a recognised qualification; if there was a strong case for such training to be provided free of charge; and if she will make a statement on the matter. [3790/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

In its Irish labour market review 2003, FÁS emphasised the importance of training the existing workforce to meet Ireland's future skill needs. This importance reflects the fact that the majority of persons at work now will still be in the workforce in 2020, when job and skill requirements are likely to be very different. It also reflects the fact that there will inevitably be a reduction in employment in some manufacturing sectors over the next decade as lower value-added, lower-skill production transfers to cheaper locations worldwide. Workers in such sectors will need to change jobs, and re-training and up-skilling are important supports to such change.

The Irish labour market review 2003 examines the particular case of low-skilled employees and it suggests that a new set of initiatives is needed to promote an opportunity for low-skilled, operative-level, employees to acquire a recognised, relevant, qualification.

FÁS is currently developing new training initiatives, employee competitiveness programme, to empower and equip individuals who are employed in the most vulnerable sectors of the economy with the knowledge and skills necessary to operate in a rapidly changing and increasingly competitive economic environment. Pilot programmes have been introduced early in December 2003 and will continue into 2004. The sectors participating are clothing, engineering, textiles and retail and it is planned to include construction operatives in this programme mid-2004. Further training initiatives will be considered for employees in the area of accreditation of prior learning, APL.

FÁS, community services, the Department of Education and Science and Dublin Employment Pact, are co-operating in a pilot programme aimed at young employed workers. This involves a part-time training and education programme organised with the support of the Northside, Clondalkin and Tallaght area partnerships. As a result of positive outcomes as verified by an independent evaluation, the pilot is being extended to include other areas of Dublin.

Under the in-company training measure of the employment and human resources operational programme this Department is funding a number of projects, which promotes the training, and up-skilling of people in employment including those with low skills. The measure supplements existing activity in this area by FÁS and Enterprise Ireland.

While it would be desirable to provide free education and training to workers with low skills or educational attainment the cost of doing so would be prohibitive in the present circumstances. This issue was addressed in the context of the taskforce on lifelong learning but no consensus was reached at that point on how to progress the matter. The European Commission has recently indicated that it

proposes to publish a set of proposals, in the form of a draft directive, as distinct from a Commission recommendation, in February 2004 on the data protection of employees. Progress, during our Presidency, on this proposal will very much depend on the timing of its publication. In the light of the need to obtain the views of the European Parliament and the European social partners on the matter, the earliest date for consideration of this topic by Employment, Social Policy, Health and Consumer Affairs Ministers will be at the June Council.

As EU Presidency, Ireland will play a proactive role in progressing both of the dossiers to which I have referred during our semester.

EU Presidency.

167. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if it is the Government's intention to use this State's Presidency of the European Union to improve and harmonise upwards the rights of workers; and if she will make a statement on the matter. [3744/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

As the Deputy is no doubt aware, the right of initiative in terms of EU proposals in regard to the employment rights of workers lies with the European Commission under the treaty.

In this regard, proposals in the area of employment rights likely to be progressed during our Presidency are as follows.

The Commission communication on the review of the Working Time Directive, 93/104/EC, was published on 30 December 2003 and seeks to launch a wide-ranging consultation process capable of resulting in a possible amendment of the Directive. The communication was addressed to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the social partners at community level. The key aim of the communication is to solicit the views of these institutions and organisations on the issues discussed in the text. The deadline for receipt of views is 31 March 2004.

As Presidency, we have put the review of the Working Time Directive on the agenda of the March Employment, Social Policy, Health and Consumer Affairs Council, which, we hope, will provide an appropriate opportunity to facilitate and advance the debate on the issues identified in the Commission's communication.

As Presidency, we must be mindful that any developments at that Council would need to send a positive signal to the social partners in their subsequent formal deliberations in the matter as provided for under the treaty. These discussions between the social partners are expected to commence in April.

The European Commission recently indicated that it proposes to publish a set of proposals, in the form of a draft directive, as distinct from a

Commission recommendation, in February 2004 on the data protection of employees. Progress, during our Presidency, on this proposal will very much depend on the timing of its publication. In light of the need to obtain the views of the European Parliament and the European social partners on the matter, the earliest date for consideration of this topic by Employment, Social Policy, Health and Consumer Affairs Ministers will be at the June Council.

As it holds the EU Presidency, Ireland will play a proactive role in progressing both of the dossiers to which I have referred during our semester.

Leave Entitlements.

168. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the proposals she has to increase the statutory entitlement to paid holidays or to increase the number of public holidays, having regard to the findings of a number of recent surveys showing Irish workers had the lowest level of holidays and worked longer hours than workers in other EU countries; and if she will make a statement on the matter. [3794/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

The Organisation of Working Time Act 1997, which implemented EU Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time, provides for an annual leave entitlement of four working weeks per annum for full-time employees and *pro rata* entitlements for part-time employees as well as an average hourly working week of 48 hours averaged generally over a four month period. The Act also provides for an entitlement to nine public holidays per annum. Notwithstanding these provisions, it is possible for employers and employees to negotiate a longer annual leave entitlement or a lower hourly working week between themselves if they so wish.

I have no plans at the moment to increase the statutory minimum annual leave or public holiday entitlement nor to lower the threshold on weekly working hours provided for in the Organisation of Working Time Act, 1997.

Question No. 169 answered with Question No. 157.

Trade Union Recognition.

170. **Mr. Crowe** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will bring forward legislation to enshrine mandatory trade union recognition in law; and if she will make a statement on the matter. [3766/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

Mechanisms to resolve industrial disputes in situations where collective bargaining

[Mr. Fahey.] arrangements are not in place were considered by a high level group established under Partnership 2000 and comprising representatives from IBEC, ICTU, and various Departments and agencies and chaired by the Department of the Taoiseach. This group recommended that two distinct procedures be put in place; a voluntary procedure and a legislative fall back procedure. These recommendations were implemented through SI 145 of 2000, the Industrial Relations Act 1990 (Code of Practice on Voluntary Dispute Resolution) (Declaration) Order 2000, and the Industrial Relations (Amendment) Act 2001. This Act gave new dispute settling powers to the Labour Court in cases where no arrangements for collective bargaining are in place.

During the recent negotiations between the Government and the social partners on the national agreement, Sustaining Progress, the need to enhance the effectiveness of these procedures was agreed. A number of measures, which will result in significant improvements to the existing procedures, will be put in place. The measures include the introduction of an overall time frame of 26 weeks with provision for a maximum of 34 weeks, where necessary, for processing cases, a

prohibition on victimisation and the provision of a mechanism for the processing of complaints of victimisation including for redress where appropriate. The Industrial Relations (Miscellaneous Provisions) Bill 2003, which has completed Committee Stage in the Dáil, the amended code of practice on voluntary dispute resolution and the introduction of a new code on practice on victimisation give effect to these measures.

Trade Statistics.

171. **Mr. Durkan** asked the Taoiseach the extent to which imports and exports between this country and low wage economies have developed in the past five years; and if he will make a statement on the matter. [3994/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): The information requested by the Deputy is set out in the following tables. The analysis provided does not cover all countries. The classification of low, medium and high-income countries used is based on an analysis done by the World Bank, <http://www.worldbank.org/depweb/>, and refers to the year 1998. In the case of imports, the country of consignment is used which is not necessarily the country of origin of the goods.

€(000)

Income Rank	Consign	1998		1999		2000		2001		2002		Jan-Nov 2003	
		Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports
1. Low	India	48,361	70,569	77,745	98,809	109,730	118,633	107,045	130,737	131,015	140,022	86,673	110,263
	Indonesia	12,984	63,921	43,145	54,131	88,173	84,339	79,217	80,757	50,845	83,373	43,803	50,116
	Nigeria	78,127	1,910	84,657	3,024	97,293	2,158	126,989	898	137,145	794	109,265	557
	Guinea	496	94,554	360	83,711	620	90,645	1,038	104,575	845	83,435	769	52,325
	Pakistan	29,418	15,201	41,833	16,456	64,697	21,639	18,984	30,138	18,726	37,121	16,109	26,759
	Ghana	11,507	46,725	20,883	26,718	19,072	29,933	20,454	27,339	15,344	29,280	15,854	21,959
	Vietnam	8,988	6,785	7,322	12,257	13,363	20,212	15,064	27,967	16,225	26,719	14,746	17,637
	Senegal	14,342	91	21,125	74	25,988	205	40,692	146	38,924	66	32,711	149
	Ukraine	17,861	2,995	18,820	2,891	30,670	6,201	31,706	4,199	22,414	1,062	19,992	642
	Kenya	12,370	13,278	10,219	14,175	13,192	13,038	11,205	12,678	17,225	13,459	9,314	10,438
	Bangladesh	2,712	8,068	1,594	12,093	1,201	17,662	3,053	27,267	1,781	29,747	476	23,754
	Ivory Coast	8,906	19,942	6,020	13,858	6,491	12,949	7,838	12,453	7,816	6,711	6,240	10,242
	Cameroon	7,223	4,768	5,842	5,242	6,982	13,337	7,144	15,473	6,033	9,930	6,016	14,611
	Sudan	5,740	18	7,270	711	7,791	1,014	13,750	795	14,102	1,153	18,472	1,152
	Cambodia	109	4,391	209	6,493	353	14,152	175	13,973	370	16,219	684	8,921
	Zimbabwe	7,483	3,895	7,464	4,258	5,599	3,512	6,733	2,737	3,296	597	2,683	559
	Ethiopia	7,037	22	5,038	34	7,438	5	10,358	5	10,121	14	7,749	125
	Tanzania	2,382	1,933	4,487	3,767	6,525	599	5,309	3,737	7,904	199	5,991	127
	Congo	4,268	631	3,084	286	5,639	314	7,276	369	9,746	239	8,070	703
	Yemen	2,379	239	3,874	1,224	7,093	43	9,624	109	3,930	62	2,703	4
	Benin	6,247	5	4,772	87	3,206	723	7,451	352	5,271	1	3,336	308
	Congo (Dem Rep)	460	166	1,121	731	3,408	205	3,405	0	5,056	9	7,365	0
	Mali	5,117	1,968	3,054	1,121	4,610	781	7,504	227	12,860	807	3,033	392
	Sierra Leone	6,221	1,534	3,648	475	3,565	135	4,127	415	4,691	123	3,846	55
	Uganda	300,738	363,609	388,505	362,762	538,288	452,457	550,753	498,978	545,443	481,142	427,198	351,798
1. Low Total		300,738	363,609	388,505	362,762	538,288	452,457	550,753	498,978	545,443	481,142	427,198	351,798

Note: Only the top 25 countries (based on sum of imports and exports over the entire time period shown) listed under each income rank.

Income Rank	Consign	1998		1999		2000		2001		2002		Jan-Nov 2003	
		Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports
2. Medium	Malaysia	324,268	432,363	824,183	567,979	753,552	595,098	1,140,342	519,167	764,555	461,129	525,705	290,150
	China	75,346	238,895	119,022	287,939	166,511	442,999	338,468	684,331	537,644	877,837	503,842	1,273,670
	Philippines	288,691	169,129	424,031	197,352	691,787	211,945	769,453	214,387	342,321	215,052	190,189	164,876
	Mexico	164,028	30,464	173,373	46,393	254,873	110,941	552,431	212,067	448,566	211,686	487,808	159,991
	South Africa	343,617	50,520	369,838	61,579	391,646	117,987	384,975	94,420	274,983	97,593	251,664	127,116
	Turkey	176,345	71,797	215,403	84,793	387,020	109,021	310,411	123,275	325,908	163,338	283,463	190,326
	Poland	243,425	65,367	254,021	82,181	361,020	101,884	319,093	132,047	282,096	126,399	230,691	124,345
	Hungary	93,583	230,595	162,586	213,468	224,356	282,377	169,208	367,190	143,646	119,788	123,287	83,938
	Saudi Arabia	287,904	49,582	329,811	8,022	357,156	6,153	388,228	3,796	364,426	28,507	254,504	6,200
	Thailand	82,694	164,131	96,574	131,809	141,117	216,006	144,295	300,581	112,104	228,238	133,549	224,427
	Czech Republic	135,272	47,277	203,169	68,355	346,546	119,982	258,341	122,892	197,227	156,696	155,548	147,687
	Brazil	145,687	30,042	143,561	82,492	206,012	110,071	225,755	107,592	124,772	122,010	129,815	139,167
	Russia	245,897	14,040	257,699	12,234	177,634	8,591	240,551	31,809	254,856	31,072	232,376	28,717
	Egypt	191,402	7,491	231,763	9,495	243,009	14,739	120,513	30,263	86,290	15,235	50,060	19,685
	Morocco	29,613	37,902	61,621	28,832	87,350	36,582	120,711	53,737	112,972	29,887	101,307	25,635
	Argentina	47,355	4,792	57,299	16,707	48,801	33,365	57,846	28,887	26,345	44,744	20,637	39,547
	Romania	27,554	5,395	27,293	3,558	74,605	19,537	51,454	75,526	55,715	20,565	45,261	17,408
	Chile	31,952	9,142	35,852	16,255	36,958	22,439	37,728	27,936	36,260	31,843	39,893	29,591
	Costa Rica	13,114	10,001	48,475	20,337	49,616	3,118	118,513	5,783	8,604	30,934	7,137	22,348
	Croatia	13,458	19,830	18,423	25,118	33,741	37,956	27,888	27,293	34,712	37,677	32,148	19,052
	Lebanon	43,162	3,408	61,797	1,203	64,865	970	44,027	2,194	47,141	3,872	36,016	1,911
	Latvia	9,853	13,550	10,768	44,149	16,675	39,913	19,018	28,809	15,986	29,458	18,930	42,772
	Slovakia	18,775	11,091	28,366	12,443	47,366	14,621	38,092	12,172	39,753	15,632	33,393	15,127
	Estonia	15,554	3,573	9,851	6,062	25,669	16,958	41,338	17,120	31,613	23,465	23,127	35,394
	North Korea	97,356	15,259	4,950	24,778	18,885	31,108	15,887	22,671	118	2,452	2	147
2. Medium Total		3,145,905	1,735,636	4,169,729	2,053,533	5,206,770	2,704,361	5,934,566	3,245,945	4,668,613	3,125,109	3,910,352	3,229,227

Only the top 25 countries (based on sum of imports and exports over the entire time period shown) listed under each income rank.

Income Rank	Consign	1998		1999		2000		2001		2002		Jan-Nov 2003	
		Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports
3. High	Great Britain	11,441,274	13,639,435	13,247,558	15,331,573	17,123,851	19,008,683	20,793,808	21,493,713	20,872,604	22,112,632	12,294,708	14,452,299
	USA	7,742,611	5,999,612	10,336,842	6,681,824	14,227,805	8,353,195	15,694,396	7,923,385	16,489,871	7,954,581	15,671,332	6,225,360
	Germany	8,326,405	2,483,115	8,013,810	2,782,536	9,428,588	3,356,369	11,682,508	3,612,006	6,738,005	3,768,877	6,200,460	3,417,549
	France	4,823,791	1,502,867	5,646,394	1,774,611	6,357,411	2,515,974	5,541,568	2,684,814	4,689,655	2,126,737	4,556,617	1,561,965
	Belgium	3,225,315	1,360,511	3,439,825	705,515	4,115,540	1,064,865	4,446,178	1,048,263	13,547,568	1,001,863	9,540,307	885,753
	Netherlands	1,486,713	2,200,833	4,190,297	1,546,157	4,705,719	2,059,122	4,263,614	2,156,171	3,517,523	2,089,751	3,898,826	1,827,663
	Japan	1,943,085	678,644	2,533,052	808,667	3,122,860	2,128,632	3,261,074	1,481,526	2,628,796	1,350,541	1,903,304	1,405,673
	Italy	1,513,032	1,291,628	1,515,098	1,374,708	1,785,984	1,479,755	1,864,520	1,489,040	1,611,059	1,215,207	1,291,646	840,104
	Northern Ireland	1,156,249	328,663	1,618,754	345,735	2,033,164	406,056	2,705,698	534,123	3,115,546	555,914	2,444,485	624,038
	Switzerland	1,541,917	430,867	1,842,740	498,030	2,126,907	721,360	2,297,985	612,169	2,240,766	600,990	2,126,318	449,861
	Spain	375,884	2,043,395	482,055	1,717,021	506,354	1,961,097	641,308	1,323,374	738,702	954,106	675,767	939,804
	Singapore	1,091,177	354,645	1,096,185	419,608	1,336,973	553,898	1,355,024	446,660	1,201,356	379,942	1,097,978	353,223
	Sweden	560,382	450,273	595,917	534,222	614,928	1,062,228	587,172	951,702	515,466	804,185	485,057	974,475
	Norway	362,694	490,692	361,107	519,319	1,045,817	774,233	695,906	685,442	638,964	676,484	470,595	533,953
	South Korea	295,114	490,713	333,283	650,003	617,406	909,091	670,201	716,725	535,273	739,525	635,569	462,201
	Hong Kong	587,728	265,441	614,761	358,026	621,906	670,867	596,605	672,223	545,199	684,567	452,973	770,162
	Denmark	346,157	369,665	330,385	243,163	394,541	307,486	592,502	435,033	510,158	400,739	443,280	413,329
	Canada	3,647,641	535,360	578,868	58,688	580,737	71,739	834,838	92,077	626,235	93,448	596,885	88,345
	Belgium & Luxembourg	449,106	40,948	531,382	253,838	416,087	310,729	413,573	299,255	308,945	366,541	270,565	209,568
	Australia	313,237	256,439	412,800	106,281	468,029	126,555	414,144	158,845	338,423	218,907	298,681	148,273
	Finland	326,282	79,499	284,527	267,594	408,812	309,729	344,553	247,317	240,404	91,685	185,745	79,112
	Austria	231,073	167,628	250,009	91,764	256,903	109,917	309,889	129,116	362,192	134,260	274,031	97,797
	Israel	233,576	86,548	240,255	22,580	297,400	51,838	329,061	41,264	330,099	41,700	287,021	38,657
	Portugal	157,701	20,321	60,454,864	39,125,150	75,913,149	49,504,771	83,648,023	50,433,590	85,942,500	49,251,282	69,507,119	37,964,677
	Greece	52,178,144	35,567,742	60,454,864	39,125,150	75,913,149	49,504,771	83,648,023	50,433,590	85,942,500	49,251,282	69,507,119	37,964,677
3. High Total		52,178,144	35,567,742	60,454,864	39,125,150	75,913,149	49,504,771	83,648,023	50,433,590	85,942,500	49,251,282	69,507,119	37,964,677

Only the top 25 countries (based on sum of imports and exports over the entire time period shown) listed under each income rank.

Question No. 172 answered orally with Question No. 1.

Tribunals of Inquiry.

173. **Mr. McGuinness** asked the Taoiseach if costs can be estimated to determine the State's exposure in regard to those attending the Moriarty tribunal who intend to seek repayment of costs; the plans the State has to meet these costs; and if he will make a statement on the matter. [3654/04]

The Taoiseach: It is not possible at this stage to state whether costs will be granted to all or any of the parties concerned. Matters pertaining to the award of costs are normally decided by the chairman at the end of a tribunal of Inquiry and his or her decision is then announced at a costs

Year	Advertising	Media/PR
2002	€84,270.19	—

Of this total, €16,000 related to advertisements notifying the public of the cancellation of tours of Government Buildings in three national dailies and €2,969.21 was spent in *Iris Oifigiúil*.

Year	Advertising	Media/PR
2003	€44,437.00	€46,634.46*

On advertising, €6,239.47 was spent in *Iris Oifigiúil*.

*This figure relates to media/PR costs for Ireland's EU Presidency and covers the launch of the Irish Presidency logo and a public relations campaign in the national and provincial papers to increase public awareness of the work involved in Ireland's Presidency.

There was no expenditure in respect of videos.

A further breakdown of advertising costs on the basis requested was not readily available in the short time frame.

Question No. 175 answered with Question No. 157.

Job Losses.

176. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 254 of 30 September 2003, the progress she has made to address the job losses in the towns of Ballinasloe and Athlone; and if she will make a statement on the matter. [3604/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I have been advised by IDA Ireland that, since the Square D closure announcement in January 2003, there have now been nine site visits to Ballinasloe. IDA and other State agencies have actively participated in locally generated marketing initiatives and are involved in ongoing meetings with the Ballinasloe Town Council and Chamber of Commerce. Construction of a second advance technology building of approximately 27,000 sq. ft on the IDA business and technology park, is expected to commence shortly.

hearing. This costs hearing is held in public after the publication of his or her report.

Departmental Expenditure.

174. **Mr. Ring** asked the Taoiseach the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4057/04]

The Taoiseach: Details of amounts spent in my Department in respect of advertising and media purposes are set as follows:

Enterprise Ireland has approved a management development grant of €38,000 for the Ballinasloe Area Community Development Group, towards the employment of a manager for the community-owned enterprise centre in Ballinasloe.

FÁS continues to participate with other State agencies in helping people find suitable employment in the Ballinasloe area. FÁS is currently running an extensive childcare training programme in the area and is in the process of upgrading the jobs club in Ballinasloe.

These efforts are being supported by specific IDA initiatives in the midlands, which include a comprehensive IDA property programme in the Athlone Business and Technology Park where two new technology buildings are being marketed by IDA. Recent positive developments include the creation of 80 jobs by Alienware Corporation at their European Operations Centre in Athlone, together with the announcement that the US software company, Mapics Incorporated, is to establish a technical and shared services centre in the town, leading to the creation of 55 new jobs.

The major decentralisation package announced in the budget includes 110 jobs to be relocated to Ballinasloe and 145 to Athlone. This move demonstrates the Government's commitment to balanced regional development and will provide a further boost to enterprise development in these areas.

I assure the Deputy that the State development agencies, under the auspices of my Department, will continue to work closely together and with local interests in promoting Ballinasloe and Athlone for additional investment and job creation.

Migrant Workers.

177. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will investigate reports that an outlet (details supplied) in Dublin 1 has during the past year been involved in illegally employing migrant workers who do not have work permits; and if she will make a statement on the matter. [3710/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Garda Síochána is responsible for investigating complaints of illegal employment of migrant workers and the details supplied have been referred to the Garda National Immigration Bureau for investigation. Migrant workers could be permitted to work without work permits in any of the following circumstances: persons who are EEA citizens — the EEA consists of the EU together with Norway, Iceland and Liechtenstein; Swiss nationals, in accordance with the terms of the European Communities and Swiss Confederation Act 2001, which came into operation on 1 June 2002, and enables the free movement of workers between Switzerland and Ireland, without the need for work permits; persons who have been granted refugee status; non-EEA nationals who have permission to remain in the State as students are entitled by the Department of Justice, Equality and Law Reform to take up casual employment, defined as up to 20 hours part-time work per week, or full-time work during vacation periods, for the duration of their permission to remain; and persons who have been granted permission to remain in the State on one of the following grounds: persons with permission to remain as spouse of an Irish national, persons with permission to remain as a parent of an Irish national, and persons with permission to remain on humanitarian grounds having been in the asylum process.

178. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will investigate reports that a person (details supplied) in County Dublin is involved in charging migrant workers for work permits; and if she will make a statement on the matter. [3711/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The specific information supplied by the Deputy will be investigated by my Department as a matter of urgency.

Departmental Investigations.

179. **Ms O. Mitchell** asked the Tánaiste and

Minister for Enterprise, Trade and Employment if the cost of legal representation will be covered for those giving evidence to investigations being carried on by her Department into a company (details supplied) in view of the fact that the lack of clarity on this matter is causing great distress to witnesses of modest means who have been called to give evidence. [3712/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The investigation in question is being conducted by an authorised officer appointed by me under section 19 of the Companies Act 1990, which provides that the Minister or an authorised officer appointed by the Minister may require the production of books or documents of a company or other body corporate carrying on business in the State, if the Minister is of the opinion that there are circumstances suggesting, *inter alia*, that it is necessary to determine if an inspector should be appointed to the company or that its affairs are being conducted with intent to defraud or the body was formed for fraudulent or unlawful purposes. This power includes a power to require production of documents from individuals and to require individuals to provide explanations to the authorised officer and to give all assistance to the authorised officer as the individual is reasonably able to give in connection with the investigation. In this respect it is an offence for an individual not to comply with a request by the authorised officer.

Witnesses called by the authorised officer are complying with their statutory obligation to assist the investigation. The question of whether or not they wish to be accompanied by their legal representative is entirely a matter for the individuals concerned.

There is no specific legal provision covering payment by the Minister of costs under a section 19 inquiry. The question of whether or not costs would be reimbursed on an *ex gratia* basis in any particular case could only be considered when the investigation had been completed and the report of the authorised officer had been received in the Department, and after careful consideration of the applicant's involvement in the matters under investigation, including a consideration of any views of the authorised officer, and the nature and quantum of the costs for which reimbursement was sought.

Rural Community Scheme.

180. **Mr. Murphy** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the new rural community scheme will be administered by FÁS; her views on whether the social economy scheme should be incorporated into the community and employment scheme; and her further views on whether, for the sake of efficiency, the framework that exists for community employment schemes should be used to administer the new rural community scheme. [3728/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

Funding for the new rural community scheme was allocated in the budget to the Department of Community, Rural and Gaeltacht Affairs and responsibility for the structure and administration of the scheme rests with that Department. The scheme will be run separately from the existing community employment scheme and will not be administered by FÁS.

A review of the social economy programme was undertaken and is being considered at present by FÁS and my Department. The review will inform the future direction of the programme.

Job Creation.

181. **Cecilia Keaveney** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in relation to job creation and job retention in the north-west region, and Donegal in particular; and if she will make a statement on the matter. [3859/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): In recent months, I have met with delegations from IBEC north-west and from the Donegal County Development Board to discuss employment and related issues in the northwest. As a result, I have arranged for the expert skills group in Forfas to carry out research on the labour market needs of the region.

The Government and the State development agencies are 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 the area. The agencies continue to try and secure new investment for Donegal and are committed to playing their part in the development of the northwest by maintaining the maximum number of existing jobs and by attracting new investment into the region.

Question No. 182 answered with Question No. 110.

Work Permits.

183. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of work permit applications processed by her office in the past 12 months; the number which were new and repeats; and if she will make a statement on the matter. [3996/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The numbers of work permits issued in the 12 months up to the end of January 2004 are 21,585 new permits, 560 group permits and 25,327 renewals. Detailed statistics on work permits are available on the work permits page of my Department's website. www.entemp.ie

Export Statistics.

184. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of new markets for Irish goods and services which have opened up in the past 12 months; and if she will make a statement on the matter. [4001/04]

185. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the growth in imports to this country in each of the past five years to date; and if she will make a statement on the matter. [4003/04]

186. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent of the growth of Irish exports in each of the past five years to date; and if she will make a statement on the matter. [4004/04]

187. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has satisfied herself that Irish exports remain sufficiently strong to ensure medium and long term stability in the country; and if she will make a statement on the matter. [4007/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): I propose to take Questions Nos. 184, 185, 186 and 187 together

Since the beginning of the 1990's Ireland has become a significant trading nation. On a *per capita* basis, Ireland ranks as one of the world's top three exporters when the oil economies are excluded. As a result, Ireland trades with virtually every country in the world.

The Government encourages Irish firms to develop export markets in accordance with their potential and their long-term development strategy. Enterprise Ireland is charged with assisting companies in this regard. The key mechanism, which it uses to assist companies in developing export markets, is the brokering of meetings with international buyers, either through inward buyer missions, outward trade missions or the arrangement of individual meeting programmes.

In 2003 it arranged over 8,000 meetings between Irish companies and international buyers. This assisted 120 companies to enter markets new to them, 80 of which exported for the first time. In addition, it assisted Irish companies to secure more than 600 new customers, distributors or partners and helped 136 companies to establish an overseas market presence. Companies in the indigenous exporting sector employ approximately 150,000 people.

Over the course of the year, the Tánaiste and Minister for Enterprise, Trade and Employment and I led 14 separate trade promotion missions in 15 countries. Enterprise Ireland estimates that exports by indigenous companies amounted to approximately €11 billion in 2003, broadly in line with exports in 2002. In the context of the global economic environment and Ireland's overall

export trend this was a strong performance, reflecting the dynamism and flexibility of the developing indigenous sector. The following table gives details of the import and export trends in

merchandise goods for the past five years, including the period January to October 2003, the latest period for which figures have been released.

Year	Exports, €million	% change	Imports €million	% change
1998	57,321.8	+27.8	39,715	+20.8
1999	66,956.2	+16.8	44,327.1	+11.6
2000	83,888.9	+25.3	55,908.8	+26.1
2001	92,689.9	+10.5	57,384.2	+2.6
2002	93,587.2	+1	55,454.1	-3.4
Jan.-Oct. 2003	67,680	-14	38,880	-17

The overall trend for this period, and for the five years immediately preceding it, is extremely positive. Given the relatively small scale of the domestic economy, exports will continue to be an important driver of economic growth.

The decline in exports experienced in 2003 reflects the extremely difficult international economic environment. The decline in exports began in mid-2002, and appears to have reached its trough in the first half of 2003, with an improvement in the trend beginning to appear towards the end of the year.

The improving global economic environment is expected to assist in the recovery of exports in the course of 2004. The Government remains committed to supporting Irish companies developing markets overseas and to the improvement of the global trading environment through the successful conclusion of WTO negotiations.

Notwithstanding the difficulties of the past two years, I am confident that the strength and flexibility of the exporting businesses in Ireland will continue to contribute to economic growth in both the medium and the long term, and to this end the Tánaiste and Minister for Enterprise, Trade and Employment and myself will be working with Enterprise Ireland on a range of trade promotion events over the course of the year.

Insurance Industry.

188. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which insurance premiums, including motor and public liability rates, compare now with those of five years ago; and if she will make a statement on the matter. [4008/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I am not in a position to provide the Deputy with information on public liability insurance costs. The CSO, however, publishes monthly indices of costs for motor insurance. These statistics show that there

was an increase of 36.7 index points, or 52.8%, in motor insurance between December 1998 and December 2002. I am pleased that there was a reduction of 11.7 index points, or 11%, in motor insurance between December 2002 and December 2003.

Job Losses.

189. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in regard to the finding of a replacement industry at Celbridge, County Kildare, to compensate for the closure of a company (details supplied) with a loss of 300 jobs; if she has received any indication in relation to the required replacement; and if she will make a statement on the matter. [4009/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Following the announcement in September last of closure of the Schneider plant, IDA Ireland circulated a profile of the facility to its network of overseas offices to market the facility but has not been successful in attracting a replacement project. It is understood that interest has been expressed in acquiring the facility for non-manufacturing purposes but agreement has not yet been reached.

Industrial Development.

190. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has evaluated the impact of the creation of a high wage economy; and if she will make a statement on the matter. [4010/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): It has been obvious for some time that our economy is undergoing fundamental change and this process has been taking place in both the manufacturing and services sectors. We have become a modern enterprise and service oriented economy. It is fair to say that our strength and competitive advantages, especially compared with low wage economies has inexorably changed. Ireland has

[Ms Harney.]

now moved into a higher league of developed economies, one typified by high output, productivity and high returns to labour in the form of wages, salaries and better living standards. Ireland has become a more prosperous and wealthy economy while converging with the broad income and prosperity levels of other member states of the European Union.

It is clear from the analysis of many observers and the commentary from informed bodies such as the National Competitiveness Council and Forfás that high incomes are sustainable in the long term only if they are matched by expanding productivity and the production of higher value products and services. We have worked hard to achieve current levels of prosperity, employment and living standards and I doubt anybody in the country wants to see a return to a society of low incomes and low living standards.

The focus of enterprise policy must be to concentrate on economic and business activities with sophisticated characteristics that will justify continued levels of high income and productivity and that will allow us to sustain current levels economic growth and living standards. We have to concentrate on business investments that require high skill levels, that are, as far as possible, innovation rather than production orientated, and that link to an increasingly sophisticated business environment.

Enterprise in Ireland creates the employment, prosperity and tax base that has supported our phenomenal economic growth in past years. The onus is on my Department and the Government to influence the environment and design the framework conditions that encourage investment that brings about higher productivity, higher value added output and more sustainable higher quality employment. We are already making progress in this area. Forfás survey data on productivity and wage growth provides strong evidence of higher quality jobs in clients of the development agencies under my Department. This stems from an increasing focus on more skilled and knowledge intensive activities. According to the data, agency assisted firms enjoyed productivity growth of 4% to 5% in the period 2000-2002. This was twice the estimated European Union performance over the same period.

Research and development is the genesis of higher productivity, new product innovation and the creation of new ideas that customers are prepared to pay more to acquire. The Government demonstrated substantial commitment to this objective during 2003, committing a total investment of €285 million for this year, which is an increase of 39% on the 2003 investment. My Department also increased support for basic research through Science

Foundation Ireland, SFI, and applied research through Enterprise Ireland. SFI has made over €320 million in investment commitments since 2001, supporting over 750 world-class researchers in Ireland who are working in areas supporting biotechnology and information and communications technologies.

Measures introduced in the recent Finance Bill are clear evidence that my Government is prepared to shape the enterprise environment to encourage investment in higher order activities to meet our strategic enterprise policy objectives. The introduction of tax credits for research and development expenditure will be especially attractive to the manufacturing and technology sectors and should lead to an increase in the number of companies performing research and development. I want Ireland to be seen as the smart place in Europe to do this type of work.

My objective under Ireland's Presidency of the EU is to ensure that across the Union there is a step change in the research and innovation performance of Europe's enterprise base. Progress on the action plan for the creation of the European research area, or ERA, is a key item of the competitiveness council I am chairing during Ireland's Presidency. The ERA covers a wide spectrum of instruments and policies ranging from human resources, financial markets, intellectual property rights, etc. These are vital to helping achieve the Lisbon target of attaining research and development investment of 3% of GDP by 2010.

Last July I asked the enterprise strategy group, under the chairmanship of Eoin O'Driscoll, to recommend and prioritise new strategies and policies to ensure that the prosperity we enjoyed in the last decade will continue into the future. Some of the areas I have asked the group to examine concern what we need to do to strengthen our enterprise environment, to promote an innovation and knowledge driven economy and help sustain those industries already providing employment here. The group is working towards submitting a report to me by the middle of 2004.

Question No. 191 answered with Question No. 120.

Job Losses.

192. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs lost through relocation or otherwise in the past 12 months; the number of new jobs created in the same period; and if she will make a statement on the matter. [4012/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The past 12 months have been difficult for our enterprise

sector, particularly from an employment perspective. We have one of the most open economies in the world and trends in world trade, global business investment and consumer decisions will directly influence trends in Irish economic growth, company development and job prospects more so than in other developed economies. The fact that the main State development agencies helped companies create almost 22,800 full-time jobs during 2003, displays both the resilience of our enterprise society and the efforts that these agencies have made to counteract the force of decelerating global growth. Nevertheless we can never be immune from the impact of world business events and unfortunately just over 30,000 jobs were lost during the past 12 months, among the agencies' client base. It is not possible to attribute the numbers of jobs lost due to business decisions such as relocation, etc.

However, employment among clients of the state development agencies is just a part of the job creation picture. The latest data from the Central Statistics Office's Quarterly National Household Survey shows that employment growth across the whole economy continued in the third quarter of 2003 showing an increase of 26,000 in the year to 1,820,800.

There are indications that economic prospects are improving and our propensity to capitalise on trends in global growth is likely to again stimulate business expansion and real employment growth. The Government and the economic development agencies are undertaking a number of co-ordinated strategies to sustain and promote employment growth. Our objective is to capitalise on the potential for research and development, new process and product innovation and more complex services activity to expand higher quality and more sustainable employment.

Measures introduced in the recent Finance Bill, for example, will enhance our position as a holding company location and should prove significant for all inward investment sectors, as well as for the growing number of multinational Irish companies. Similarly, the introduction of tax credits for research and development expenditure will be particularly useful to technology sectors, and should lead to the creation of higher value added employment. We are also accelerating delivery of vital economic infrastructure for businesses such as broadband and electricity networks to reinforce the development potential of the important information and communications technology sector.

Furthermore, I have asked the enterprise strategy group, under the chairmanship of Eoin O'Driscoll, to recommend and prioritise new strategies and policies to ensure that the prosperity we enjoyed in the last decade will continue into the future. The enterprise strategy

group will examine the issues that my Government colleagues and I need to take into account to help strengthen our enterprise environment, to promote an innovation and knowledge driven economy and help sustain those industries already providing employment here. The group is working towards submitting a report to me by the middle of 2004.

FÁS Training Programmes.

193. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has provided adequate funding to enable FÁS operate its full programme of activities throughout the country; if she has received indications to the contrary; and if she will make a statement on the matter. [4013/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): A total of €837 million has been provided by my Department to FÁS in 2004. Of this, €366 million is allocated to employment programmes, €307 million to training and integration supports and €22.7 million for capital expenditure.

The allocation to employment programmes includes an amount of €351 million, which will support up to 25,000 places across the three major employment schemes i.e. community employment, job initiative and the social economy programme. This allocation is similar to that provided in 2003. Accordingly, participation levels over the three schemes in 2004 are being maintained at 2003 levels.

The allocation of €307 million to training and integration schemes in 2004 represents a 3% increase on 2003 investments. FÁS, through the prioritisation and efficient use of resources, will endeavour to maintain activity levels at 2003 levels.

The €22.7 million allocation to FÁS' capital subhead this year represents a 65% increase on the level of investment in 2003. This significant increase is being provided to allow FÁS upgrade its training centres and thereby provide improved services to trainees.

The breakdown of the funding between regions and schemes is a day-to-day matter for the board of FÁS within the overall policy guidelines set by my Department.

Job Losses.

194. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the proposals she and IDA Ireland have to replace jobs in view of recent major job losses in County Kerry; the plans she has to visit the county to discuss these job losses with relevant bodies; and if she will make a statement on the matter. [4043/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I regret very much recent job losses in County Kerry including the Sports Socks Company's plants in Cahirciveen and Tralee, and Rosenbluth in Killarney, and I am conscious of the adverse effects on the workers and their families.

Finding alternative employment for the workers affected is a priority for FÁS and the State development agencies. FÁS is making available its full range of support services including skills analysis, training and job placement for the workers affected. Arrangements are currently being put in place with the companies concerned to schedule a suitable interview programme for the staff concerned.

In addition to targeting potential new greenfield investment from overseas industrialists, IDA Ireland is working with the existing base of companies in the county with a view to supporting them in expanding and diversifying activities. There is already a diverse range of companies located in County Kerry, representing a number of sectors including international services, engineering, pharmaceuticals and consumer products.

IDA Ireland has also completed site development works on its business and technology park in Killarney and is actively promoting the area for new investment, including a new building facility in the park.

Enterprise Ireland is supporting a major expansion at FEXCO, currently under way in Killorglin and Cahirciveen, which will provide additional employment for some 250 people. The agency is working closely with the development of existing enterprises in the county and is promoting the establishment of new enterprises.

In addition, Enterprise Ireland is providing aid for the expansion of Killarney Technology Innovation Centre and to the Institute of Technology Tralee for the establishment of a campus business incubation centre. Shannon Development has invested some €8 million in the development of Kerry Technology Park, Tralee, in partnership with the Institute of Technology Tralee, Kerry County Council and the private sector. This technology park should provide a valuable base for enterprise development in the area. Kerry County Enterprise Board is also providing valuable support for the establishment and expansion of micro enterprises in the county.

The major decentralisation programme announced in the budget includes 165 jobs to be relocated to Killarney and a further 50 jobs for Listowel. This move demonstrates the Government's commitment to balanced regional development and will provide a further boost to enterprise development in Kerry. The designation of both Tralee and Killarney as hub

towns under the Government's national spatial strategy adds to the attractiveness of the county for overseas and indigenous investment.

I am satisfied that the combined efforts of the State development agencies, in co-operation with Kerry County Development Board and County Council and other local interests, should provide an adequate framework to deal with job losses and job creation in the county.

I will be glad to discuss the job situation in County Kerry with the relevant interests during my next visit to the area.

Departmental Expenditure.

195. **Mr. Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount which was spent in her Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4058/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): My Department spent a total of €185,692 on media advertising for 2002, of which €141,340 was spent on advertising in the national papers and €6,535 was spent on advertising in provincial papers. The remainder of €37,817 was spent on such areas as statutory advertising, the Department's entry in the Eircom phone book as well as photography and exhibition materials. In addition, a further €11,859 was spent on advertising the increase in the national minimum wage on RTE radio and €9,216 was spent on local radio. No expenditure was incurred on videos.

In addition to the foregoing, the offices of my Department — the Companies Registration Office, the Office of the Director of Corporate Enforcement, the Labour Court and the Competition Authority — and the Motor Insurance Advisory Board spent a combined total of €392,769 on media advertising during 2002 of which €382,102 was spent on national papers, and €10,667 on provincial papers. In addition to the above, the Competition Authority incurred expenditure of €35,788 on both national and international advertising.

The Office of the Director of Consumer Affairs incurred expenditure of €691,627 on advertising during 2002. This figure incorporates spending on advertising in the national and provincial papers, RTE radio, local radio and television advertising.

My Department spent a total of €287,239 on media advertising for 2003 of which €248,605 was spent on advertising in the national papers and €605 was spent on advertising in provincial

papers. The remainder of €38,029 was spent on such areas as statutory advertising, the Department's entry in the Eircom phone book as well as photography and exhibition materials. No expenditure was incurred on videos.

In addition to the foregoing, the offices of my Department — the Companies Registration Office, the Office of the Director of Corporate Enforcement, and the Patents Office — spent a combined total of €573,905 on media advertising and €164,547 on radio advertising. The Competition Authority also incurred expenditure of €49,151 on both national and international advertising. The Office of the Director of Consumer Affairs incurred expenditure of €636,127 on advertising during 2003. This figure incorporates spending on advertising in the

national and provincial papers, RTE radio, local radio and television advertising.

196. **Mr. Ring** asked the Minister for Defence the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4059/04]

Minister for Defence (Mr. M. Smith): Expenditure by my Department, including the Defence Forces, in 2002 and 2003 on advertising amounted to €1,438,722 and €799,545 respectively, as follows:

	Department		Defence Forces	
	2002	2003	2002	2003
	€	€	€	€
National press	62,527	52,640	314,851	112,190
Local press	38,746	36,900	46,136	7,444
National radio	nil	nil	132,753	20,691
Local radio	nil	nil	44,831	nil
Television	nil	nil	209,554	31,003
Videos/DVD	nil	56,170	nil	70,831
Other (including production costs)	4,229	nil	585,095	411,676

The videos-DVDs were for educational purposes in the Department and for promotional purposes in the Defence Forces.

Decentralisation Programme.

197. **Mr. D. Moynihan** asked the Minister for Agriculture and Food the progress made regarding the proposed decentralisation to Macroom; the numbers who have volunteered; and if he will make a statement on the matter. [3967/04]

Minister for Agriculture and Food (Mr. Walsh): Since the decision to decentralise part of my Department to Macroom an internal decentralisation implementation committee has been established. This committee is liaising with the central implementation committee as necessary and other relevant bodies, for example, the Office of Public Works, on all aspects of the decentralisation programme. A preliminary survey of officers serving in my Department has been carried out and some 64 officers have indicated that they wish to transfer to Macroom.

Farm Retirement Scheme.

198. **Mr. Perry** asked the Minister for Agriculture and Food if the pension entitlements of a person (details supplied) in County Sligo will

be continued; and if he will make a statement on the matter. [3636/04]

Minister for Agriculture and Food (Mr. Walsh): The late husband of the person named was a participant in the early retirement scheme, and following his death on 31 January 2000 she inherited the pension as a dependent. His pension would have expired on 14 January 2004, his 70th birthday. Since the pension had been awarded to him rather than directly to the person named, it was necessary to cease payment to her on that date.

Mayo Landslide.

199. **Mr. Ring** asked the Minister for Agriculture and Food if his Department is negotiating with the Irish Red Cross to make available additional humanitarian aid for those affected by the landslide in north Mayo who have not yet received aid. [3658/04]

200. **Mr. Ring** asked the Minister for Agriculture and Food when officials from his Department will meet with members of the landslide committee in north Mayo as promised before Christmas 2003; and when he expects his officials to meet persons who have suffered as a result of the landslide in September 2003. [3723/04]

Minister for Agriculture and Food (Mr. Walsh): I propose to take Questions Nos. 199 and 200 together.

The Deputy will be aware that the Government provided funding of €300,000 last year through the Office of Public Works to the Irish Red Cross, to alleviate hardship to those people who were effected by the landslide in Pullathomas, County Mayo.

On 23 January 2004, a meeting took place between officials from my Department and members of the Pullathomas Landslide Committee to discuss how my Department would address any problems arising under departmental schemes as a consequence of the landslide. My Department is not engaged in negotiations with the Irish Red Cross to make additional humanitarian aid available.

Milk Quota.

201. **Mr. Kehoe** asked the Minister for Agriculture and Food the position regarding ten persons who were promised 15,000 gallons of milk quota through the farm managers organisation; when they will receive their quota; and if he will make a statement on the matter. [3733/04]

Minister for Agriculture and Food (Mr. Walsh): Some time ago I announced my intention to introduce a pilot scheme for the allocation of milk quota to certain qualified farm managers. I indicated that initially ten farm managers would be selected from eligible applicants and each would be allocated approximately 15,000 gallons for use under specific conditions.

Earlier in the current milk quota year, I amended the milk quota regulations to allow for the registration and operation of the owner/manager milk production partnerships to provide a proper legal basis for this initiative. The criteria and conditions governing the allocation of quota in these cases are currently being finalised and I would hope that this can be completed in the near future. I wish to make it clear that no individuals have been promised an allocation of milk under this initiative.

Farm Retirement Scheme.

202. **Mr. Penrose** asked the Minister for Agriculture and Food if an application under an early retirement from farming scheme by a person (details supplied) in County Westmeath will be processed; and if he will make a statement on the matter. [3768/04]

Minister for Agriculture and Food (Mr. Walsh): The application by the person named for the early retirement pension was received in my Department on 19 December 2003. Following examination of the application, my Department wrote to him on 7 January 2004 detailing a number of issues that needed to be resolved before his application could be considered further. These issues have now been resolved and

the person named will be notified of the outcome when processing is complete.

Common Agricultural Policy.

203. **Mr. Carey** asked the Minister for Agriculture and Food if, in his capacity as President of the Council of EU Agriculture Ministers, he will consider bringing forward proposals to ensure that CAP reform which will benefit Irish farmers does not impact drastically on farmers in other countries, particularly in African, Caribbean and Pacific countries; and if he will make a statement on the matter. [3850/04]

Minister for Agriculture and Food (Mr. Walsh): The recent reform of the CAP will be of benefit to developing countries. Decoupled payments will replace production related supports, thereby reducing the potential distortion impact of production supports.

The Council of Agriculture Ministers is acutely aware of the needs of developing countries and of the implications for them of policy decisions taken at EU level. The EU has provided over many years for preferential access to EU markets for exports from developing countries through the ACP Association Agreement, the Generalised System of Preferences and other preferential trade agreements. More recently, the EU has offered duty-free and quota-free access to all imports except arms from the least developed countries. In the context of the current WTO round of trade negotiations, the EU has offered generous arrangements under the heading of Special and Differential Treatment for Developing Countries.

While under the EU treaties the right to make proposals rests with the European Commission, I intend, as President of the Council, to hold a debate at the informal Ministers meeting in May on how the impact of CAP reform on international trade as well as opportunities arising from existing and future international arrangements can best be communicated to the EU's trading partners and developing countries in particular.

Sheep Quota.

204. **Mr. Ring** asked the Minister for Agriculture and Food if there is compensation available to a person (details supplied) in County Mayo for the premium on 60 sheep considering that their quota was restored to them under the commonage framework plan for 2003 as notified to them in July 2003, yet the closing date for ewe premium applications for 2003 was in January. [3852/04]

Minister for Agriculture and Food (Mr. Walsh): Following an agreement with the EU in 1998 regarding the implementation of measures to rejuvenate commonage land, the ewe quota of the person named was reduced from 397 in 1998 to 278 in 1999, and to 294 for the years 2000 to

2002 inclusive. He was compensated in each of those years for the loss of income resulting from those reductions by Dúchas.

Following the publication of the commonage framework plans in 2002, a preliminary calculation issued to the person named indicating that his ewe premium quota was reduced from 294, the quota available to him in 2002, to 257 premium rights from 2003 onwards. He contacted my Department in November 2002 about the reduction and was advised, if he was not satisfied with the figures set out in the preliminary calculation, to consult a planner to have his calculation reviewed. He was also advised, pending the outcome of any revision by a planner, to apply on the number of animals he had in his ownership and possession and which he intended to keep for the 100 day retention period under the 2003 ewe premium scheme. This advice was given to ensure the farmer received payment on a higher number of animals in the event that the planner's recalculation resulted in a higher stocking level than that set out in the preliminary calculation. He was advised that under EU rules governing all premium schemes, a farmer cannot be paid on animals on which he does not apply. He applied for the 2003 ewe premium scheme on 294 ewes.

Following a revision of his calculation in May 2003 his maximum quota was revised upwards to 354 for 2004. This resulted in a net loss of 43 ewes over his 1998 numbers and I understand that he has recently been compensated by the national parks and wildlife service of the Department of the Environment, Heritage and Local Government for that loss. In the circumstances, there is no other compensation available to him.

Farm Retirement Scheme.

205. **Mr. Naughten** asked the Minister for Agriculture and Food the reason the farm retirement scheme is not index-linked; if there is provision under the scheme to index-link this payment; and if he will make a statement on the matter. [3866/04]

Minister for Agriculture and Food (Mr. Walsh): The rate of pension payable under the 1994 early retirement scheme is the maximum provided for by the EU Council regulation under which the scheme was introduced. The regulation does not provide for indexation of payments.

My Department's proposals for the early retirement scheme that commenced on 27 November 2000, which forms part of the CAP rural development plan for the period 2000-06, included provision for annual increases in pension over the period of the plan. The European Commission rejected this proposal and insisted that a fixed rate be set instead. My Department then proposed a rate that was the average of the scale initially proposed. This was acceptable to the Commission and is the rate provided for in the new scheme.

Departmental Expenditure.

206. **Mr. Ring** asked the Minister for Agriculture and Food the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4060/04]

Minister for Agriculture and Food (Mr. Walsh): Press advertising is mainly placed in the specialised farming press. Expenditure on advertising in the provincial press represented approximately one third of total advertising expenditure in 2002 and 2003. Details of expenditure are set out in the tables beneath:

Advertising — 2002	€
Press Advertising (including display/general advertising and Statutory Notices)	638,440.00
Promotional videos for disease eradication and beef assurance schemes	3,086.00
Total	641,526.00

Advertising — 2003	€
Advertising (including display/general advertising and Statutory Notices)	364,370.61
Radio Advertising	1,232.99
Production and screening of video on TB & Brucellosis Eradication Schemes, promotional video on the Beef Assurance Scheme and production of educational video on agriculture	186,892.27
Total	552,495.87

Houses of the Oireachtas Refurbishment.

207. **Mr. Cuffe** asked the Minister for Finance the progress that has been made with the provision, and the proposed date of opening, of the Dáil Éireann crŁche. [3663/04]

208. **Mr. Cuffe** asked the Minister for Finance the progress that has been made with the restoration of Leinster Lawn; and when it will be fully restored. [3664/04]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 207 and 208 together.

Phase 1 of the refurbishment of Kildare House includes the provision of accommodation for the Oireachtas crŁche. It is expected that this phase will be completed during the summer of 2004. The opening and operation of the crŁche is a matter for the Houses of the Oireachtas. The

[Mr. Parlon.]
 refurbishment of Kildare House necessitates the vacating of Kildare House car park and, pending completion of the project, the car parking facilities were temporarily relocated on Leinster Lawn. The restoration of Leinster Lawn will be addressed on the completion of the Kildare House refurbishment.

Decentralisation Programme.

209. **Mr. Costello** asked the Minister for Finance the respondents in Counties Sligo and Leitrim to his Department's decentralisation programme advertised in the national newspapers before Christmas 2003; the action that will be taken by his officials to progress these applications to the next level; and if he will make a statement on the matter. [3602/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has received a number of property proposals in respect of Carrick-on-Shannon and Sligo, the proposed decentralisation locations in Counties Leitrim and Sligo. These proposals, which include both offers of sites and buildings, are currently being analysed. This analysis includes local inspections which will be carried out over the coming days.

Mayo Landslide.

210. **Mr. Kenny** asked the Minister for Finance the details of allocations to residents and the community as determined by the Red Cross in the case of the Pullathomas landslide in north Mayo in 2003; and if he will make a statement on the matter. [3630/04]

Minister of State at the Department of Finance (Mr. Parlon): As in all previous cases when a humanitarian aid scheme was approved by Government, the scheme for Pullathomas, County Mayo, was administered by the Irish Red Cross Society on behalf of the Office of Public Works.

The assessment of applications for aid and decisions on the amount of aid in each case are confidential to the Red Cross and the individual applicants. The Red Cross has considerable experience in this area and I am satisfied that the scheme has been administered fairly and equitably.

Disabled Drivers.

211. **Mr. Deasy** asked the Minister for Finance the recommendations which have issued from the interdepartmental review group on the disabled drivers and disabled passengers (tax concessions) scheme; when he expects to publish same; and if he will make a statement on the matter. [3649/04]

Minister for Finance (Mr. McCreevy): As I have indicated in replies to previous questions on this issue, the interdepartmental report of the

review group on the disabled drivers and disabled passengers — tax concessions — scheme is under consideration in my Department. The report is a substantive one and needs to be studied carefully. Any recommendations contained in this report will receive full consideration. On completion of this process, I envisage that the report will be made available publicly.

Mayo Landslide.

212. **Mr. Ring** asked the Minister for Finance if the OPW is negotiating with the Irish Red Cross to make available additional humanitarian aid for those affected by the landslide in north Mayo who have not yet received aid. [3659/04]

Minister of State at the Department of Finance (Mr. Parlon): A humanitarian aid scheme for victims of the landslide in county Mayo in 2003 was administered by the Irish Red Cross Society following Government approval. The Office of Public Works provided funding of €300,000. There are no plans to make additional humanitarian aid available.

Flood Relief.

213. **Mr. Sargent** asked the Minister for Finance the progress made towards flood prevention in Clonmel; the likely timetable; and the role of the OPW. [3747/04]

Minister of State at the Department of Finance (Mr. Parlon): A flood relief scheme for the River Suir — Clonmel — has been brought to outline design stage and was placed on public exhibition, as required under the Arterial Drainage Acts, in December 2001-January 2002. The next stage in the progression of the scheme is to consider and respond to the large number of observations received following the public exhibition.

The Deputy will be aware that in November 2002 I initiated a major review of the State's approach to flooding with the primary objective of developing a cohesive national flooding policy in the future. That report is currently being considered by Departments before being submitted to the Government in the very near future. The recommendations of the review group will have an important influence on the whole flood management area in the future, and I am confident that the recommendations will, in the long term, substantially mitigate the impact of flooding on Irish society.

The timescale for progression of the proposed scheme in Clonmel is dependant on resolution of all issues arising from the public exhibition and consideration of issues arising from the policy review. I assure the Deputy that Clonmel has a high priority in the OPW flood relief programme and that every effort is being made, in conjunction with the relevant local authorities, to ensure that the scheme is progressed as quickly as possible.

Tax Code.

214. **Mr. Timmins** asked the Minister for Finance the position in relation to a person (details supplied) in County Wicklow who is waiting for payment of their RCT for October, November and December 2003; if this can be paid as a matter of urgency; and if he will make a statement on the matter. [3771/04]

Minister for Finance (Mr. McCreevy): I am advised by the Revenue Commissioners that a relevant contracts tax deduction certificate or RCTDC form in respect of the taxpayer, which covered RCT withheld during the period August to October 2003, was received by the Revenue Commissioners on 17 November 2003. A covering letter from the taxpayer's tax adviser requested Revenue not to repay the relevant credit but to retain it instead to offset against future taxes. This request was agreed to and the relevant credit was retained. A further RCTDC form covering RCT withheld during the period October to December 2003 was received by Revenue on 9 January 2004. Again, in the covering letter from the taxpayer's tax adviser accompanying this form, a request was made not to repay the relevant credit but to retain it to offset against future taxes.

I am further advised by the Revenue Commissioners that they have been in contact with the tax adviser who has informed them that the taxpayer now wishes to have the relevant credits repaid. I have been informed that both repayments were processed on Friday last, 6 February 2004, on the understanding that the taxpayer's adviser will submit his client's outstanding income tax return for 2002 and other information immediately.

215. **Mr. Timmins** asked the Minister for Finance the position in relation to payment of RCT which has a backlog of nearly three months; the reason this is the position; if extra staff are needed to deal with this backlog; and the plans he has to rectify this in view of the fact that the long delay with payment is putting livelihoods at risk; and if he will make a statement on the matter. [3772/04]

Minister for Finance (Mr. McCreevy): I am advised by the Revenue Commissioners that claims to repayment of RCT arise where a sub-contractor does not present a C2 certificate to a principal contractor when they are being paid for work which they have undertaken on a contract. In these circumstances, the principal contractor is obliged to withhold 35% RCT from such payments and to pay it over to Revenue. A C2 certificate can be applied for by a sub-contractor and will be issued by the Revenue Commissioners where Revenue satisfy themselves that the sub-contractor's business meets a number of criteria which includes ensuring that the sub-contractor is fully tax compliant. The Revenue Commissioners encourage sub-contractors to apply for C2

certificates as they not alone reduce the administrative burden on sub-contractors but also significantly assist the sub-contractor's cashflow.

I am advised by the Revenue Commissioners that due to the receipt in recent weeks of an unprecedented high volume of repayment claims and requests for offsets in respect of RCT credits for the counties of Kildare, Meath and Wicklow, there is a backlog of these claims for processing at present. An action plan is in place to deal with these arrears and it is understood that substantial inroads will be made into this backlog within the next two weeks.

The Revenue Commissioners regret the delays in dealing with these repayments and offsets and they have assured me that they are doing all they can to get up to date with these claims as quickly as possible.

216. **Mr. Morgan** asked the Minister for Finance, further to Parliamentary Question no 256 of 3 February 2004, if he will confirm that grave professional misconduct includes breaches of employment laws in respect of supplies to Departments or State bodies; and if he will make a statement on the matter. [3902/04]

Minister for Finance (Mr. McCreevy): What constitutes grave professional misconduct can only be assessed having regard to the circumstances of each particular case. Ultimately such matters may have to be determined by the courts.

217. **Mr. Carey** asked the Minister for Finance the reason the higher rate of VAT is applied to telephone bills; and if he will make a statement on the matter. [3935/04]

Minister for Finance (Mr. McCreevy): Telecommunications services were made liable for VAT for the first time at the rate of 10% on 1 January 1991. The rate was subsequently increased to 12.5% in March 1991 and to 16% in March 1992. Telecommunications services remained at this rate until 1 March 1993, when in the context of the general restructuring of the VAT rates to take account of the requirements of the EU Single Market and for budgetary reasons, they became subject to the standard rate of 21%. Goods and services at the standard rate make up to over 50% of the list of goods and services which are subject to VAT. The purpose of VAT, like all other taxes, is to raise revenue to fund State services.

Decentralisation Programme.

218. **Ms B. Moynihan-Cronin** asked the Minister for Finance the situation with regard to the acquisition of a site or building in Killarney, County Kerry, for the proposed decentralisation of the Department of Arts, Sport and Tourism; and if he will make a statement on the matter. [4046/04]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has received a number of property proposals in respect of Killarney for the proposed decentralisation of the Department of Arts, Sport and Tourism. These proposals, which include both offers of sites and buildings, are currently being analysed. This analysis includes local inspections which will be carried out over the coming days.

Departmental Expenditure.

219. **Mr. Ring** asked the Minister for Finance

	2002	2003
	€	€
National press	55,125	55,924.22
Local press	5,603	6,886.79
National radio	7,626	nil
Local radio	1,907	nil
Training video	219.14	nil
Other*	46,927	28,471.18

*This category includes Aertel pages, phone book advertisements and related production and design costs and, for 2003, promotional material in relation to the e-tenders website.

In addition, the Euro Changeover Board of Ireland, ECBI, which came under the remit of my Department, had spending in 2002 for media advertising. The following is the breakdown available.

	€
Television	223,515
Radio	161,756
Press	808,509
Outdoor, etc.	46,960

Furthermore, in 2002 a total of €307,519 was also paid in this area by the Department and the ECBI which is not possible to breakdown in the manner requested by the Deputy. The vast bulk of it related to advertising agency fees, production costs and public relations services in relation to the ECBI.

It should be noted that the figures in this reply do not include spending by the NDP-CSF unit.

Overseas Development Aid.

220. **Mr. Perry** asked the Minister for Foreign Affairs the plans in place during Ireland's Presidency of the European Union to highlight the fact that more than 2.6 billion people still live on less than \$2 per day with hundreds of millions going without food and water sanitation; if he will also raise the HIV-AIDS pandemic and an end to the debt crisis; and if he will make a statement on the matter. [3641/04]

Minister for Foreign Affairs (Mr. Cowen): The problems facing the developing world, including

the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4061/04]

Minister for Finance (Mr. McCreevy): The amounts set out below were spent on media advertising by my Department for the years 2002 and 2003. The breakdown between categories has been estimated in some cases.

poverty, lack of access to clean water and sanitation, unsustainable debt levels and the HIV-AIDS pandemic, are high on the Presidency agenda.

There are four key development messages that we want to emphasise during the Presidency. First, we believe that the overriding aim of EU development assistance should be to eradicate poverty. Our efforts should be directed towards the attainment of the millennium development goals, which include the goals of halving the number of people living in extreme poverty and halving the number of those without access to clean water. Second, Ireland considers that the EU needs a stronger voice in multilateral institutions such as the UN, the international financial institutions and the WTO to focus international efforts on improving the lot of the world's poorest people. Third, the EU needs to improve coherence in its various policies to respond better to the needs of developing countries. Finally, we believe that the Union needs to continue its efforts to maximise the effectiveness of its aid, in particular building on the recent reform of community aid, from which we are now beginning to see real improvements. This is essential if the Union and its member states are to play their full part in meeting the millennium development goals.

We have already made progress towards meeting these overarching policy goals. At the General Affairs and External Relations Council in January, Ministers adopted Conclusions that reaffirm the EU's commitment to development and set out specific steps for meeting our objectives. The Government is particularly

pleased with the agreement to establish allocation criteria based on need and performance, which will help to ensure that the poorest countries in the world benefit most from the EU's development assistance.

The conclusions also place achieving the millennium development goals at the heart of EU development policy and reaffirm the EU commitments to increase official development assistance made at the Monterrey Conference on International Financing for Development. The General Affairs and External Relations Council in April will undertake a review of the follow-up to Monterrey as well as a first assessment of the EU's progress towards achieving the millennium development goals. A successful review of the millennium development goals will ensure that the EU is well-positioned to provide leadership at the international stocktaking of progress towards these goals in 2005.

The Government has made the HIV-AIDS pandemic one of the priorities of the Presidency. As part of our commitment to tackling the HIV-AIDS crisis, we will be hosting three key events during the Presidency. Later this month, an international conference on HIV-AIDS in Europe and Central Asia will be held in Dublin. We hope to obtain ministerial agreement to a new declaration which will provide a basis for stronger regional co-operation across 55 countries to fight AIDS, to tackle discrimination, to provide care and treatment and to save lives.

Ireland will also host a meeting between European and African parliamentarians in April to discuss the challenges that HIV-AIDS presents to governance in Africa. We will also host a third meeting in June on the importance of investing further in the development of an effective vaccine against HIV-AIDS. I should point out that the EU is already the largest donor to the Global Fund to Fight AIDS, Tuberculosis and Malaria, having pledged €2.2 billion as of July 2003, which accounts for 55% of commitments to the fund.

On debt, I launched in July 2002 a new debt strategy which reflected joint work by Development Co-operation Ireland and the Department of Finance. The strategy calls on the World Bank and the IMF to take a new approach to debt sustainability. It also supports, in principle, total debt cancellation for the 41 heavily indebted poor countries, HIPC, committed to good governance and sound economic management.

Since the launch of the strategy we have had discussions, both at political and official level, with the World Bank, the IMF and a number of our EU partners. We are submitting written views to the IMF as part of the review of debt sustainability. The EU is already a generous donor to debt relief having contributed over US\$ 900 million to the World Bank Trust Fund for debt relief. In addition, the Commission is committed to writing off bilateral debts owed to

it by countries qualifying for debt relief under the HIPC Initiative.

We are using whatever opportunities arise during our Presidency to promote our national debt relief strategy. I addressed the issue of debt relief in my presentation to the European Parliament's Development Committee on 20 January last and called for even greater efforts from EU partners to tackle this problem. While there is no common EU position on the policy issues relating to debt relief, I will be taking a number of opportunities to direct attention towards the urgency of action by member states in this area.

Northern Ireland Issues.

221. **Mr. Morgan** asked the Minister for Foreign Affairs if his attention has been drawn to the construction work being carried out by the British Army at Forkhill Barracks, County Armagh, resulting in the erection of a large mast which is visible across north Louth; if he will raise the matter with the British Home Office to ascertain the purpose of this mast and obtain specific technical information regarding radiation from it; and if he will make a statement on the matter. [3669/04]

Minister for Foreign Affairs (Mr. Cowen): On 30 June 2003, the British authorities informed my officials, through the offices of the British-Irish intergovernmental Secretariat, that the British Army was undertaking work on a new communications mast within the Forkhill Military Base in County Armagh. They advised us that the immediate purpose of the new mast is twofold: first, to replace two older masts at the base and thereby improve local communications for the PSNI, the British Army and also the emergency services, and second, to safeguard the security of the base itself by improving the monitoring of its perimeter.

Immediately following this notification by the British side, I directed my officials to raise our concerns about the refurbishment of security infrastructure at the Forkhill and Crosslieve bases with the relevant British authorities. I also personally raised this matter with the Secretary of State for Northern Ireland at the British-Irish intergovernmental Conference in Iveagh House on 18 September 2003. I have directed my officials to obtain from the British Government an assessment of the environmental impacts of the new communications mast, with specific regard to radiation emissions. I will contact the Deputy directly when my Department is in receipt of this assessment.

Human Rights Issues.

222. **Mr. F. McGrath** asked the Minister for Foreign Affairs the position regarding allegations of severe human rights abuses in North Korea; and if information is available on Camp 22 in that State. [3676/04]

Minister for Foreign Affairs (Mr. Cowen): The Democratic People's Republic of Korea is ruled by an authoritarian government which maintains tight and effective control on information concerning conditions in the country and has refused access to independent human rights monitors. For this reason it is very difficult for foreign governments and human rights organisations to assess accurately and independently the exact state of conditions in the DPRK. However, I am concerned by the weight of reporting that suggests ongoing repression of fundamental rights and freedoms. Of more particular, and serious, concern to the Government are the recent media reports and allegations of grave human rights abuses in prison camps and Camp 22 in particular.

The protection of human rights was raised by the EU Troika delegation which travelled to Pyongyang in December 2003. The EU delegation, which included Irish officials, emphasised to the DPRK authorities the importance of respecting international human rights norms, and reiterated our willingness to engage on this issue, and to share with the DPRK the experience and expertise of the EU in the area of human rights. However, despite such efforts, it is proving difficult to develop a dialogue with the DPRK authorities on human rights, whilst the nuclear issue continues to dominate the agenda.

The EU has also sought to address this matter through the appropriate bodies of the UN. The 2003 session of the UN Commission on Human Rights, CHR, in Geneva adopted a resolution put forward by the EU on the human rights situation in the DPRK. This resolution reaffirmed that it is the responsibility of the Government of the DPRK to ensure the full enjoyment of all human rights and fundamental freedoms for its entire population and expressed the deep concern of the CHR at reports of systemic, grave and widespread abuses of human rights in that country. The CHR also noted with regret that the authorities of the DPRK had not created the necessary conditions to permit the international community to verify such reports in an independent manner. As EU Presidency, we are examining closely all such reports and considering them carefully with our EU partners, in advance of the next session of the CHR, to take place in March this year.

In this regard, I on the government of the DPRK to respond to the reports and the human rights concerns of the international community as a matter of urgency, to co-operate fully and without restriction with the UN in relation to human rights, and to ratify and above all implement the key international human rights instruments to which it is not yet a party. These include most notably the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Sorts of

Racial Discrimination. These would be important steps towards the improvement of the human rights situation on the ground for the people of the DPRK, and would facilitate a constructive approach to human rights co-operation with the international community.

The elimination of human rights abuses has long been a central tenet of Ireland's foreign policy, and I assure the Deputy that my Department will continue to work, together with our EU partners and through the UN, to press for further information and openness from the DPRK authorities, and to address our concerns about the current human rights situation there.

Timber Imports.

223. **Mr. Gormley** asked the Minister for Foreign Affairs if he intends to use the Irish Presidency to raise the issue of logging in Burma with both the Burmese Government and the Chinese Government, which import much of the hardwood; if, as part of Ireland's Presidency, the EU will make it illegal to import conflict timber and timber that has been logged, transported or traded illegally, and punish those companies and persons involved; and if he will make a statement on the matter. [3677/04]

Minister for Foreign Affairs (Mr. Cowen): Officials from my department met recently representatives of Global Witness, and were briefed by them on their report *A Conflict of Interests: the Uncertain Future of Burma's Forests*, published in October 2003. The Deputy will be aware that the misuse of natural resources to finance illegal armed conflict is one which is of considerable concern to the United Nations. Last year, for instance, the United Nations Security Council imposed a ban on the import from Liberia of all round logs and timber products originating from Liberia, based on the recognised linkage between the illegal exploitation of natural resources such as diamonds and timber, illicit trade in such resources, and the proliferation and trafficking of illegal arms as a major source of fuelling and exacerbating conflict in west Africa. The Council also determined that it was not satisfied that the timber industry in Liberia was being used for legitimate social, humanitarian and development purposes and was, instead, being used to violate the demands of the Council. In all such cases, a number of factors need to be considered, including the reliability of evidence of illegal exploitation of resources and its linkage to conflict, as well as the likelihood and magnitude of adverse humanitarian consequences from any sanctions measure.

As regards Burma, the primary focus of the EU at present is to encourage the restoration of democracy in that country. The EU Common Position on Burma provides, *inter alia*, for a visa ban on members of the regime, a freeze on all their financial assets in the European Union, an embargo on the export to Burma of arms, munitions and military equipment which might be

used for internal suppression, and the suspension of humanitarian aid or development programmes, other than those in support of human rights and democracy, poverty alleviation and health and basic education. While it does not affect the position regarding trade in timber from Burma, we will keep this issue under review, with our partners.

Foreign Conflicts.

224. **Mr. Gormley** asked the Minister for Foreign Affairs if he intends to meet representatives of Burma's SPDC during the Irish Presidency; and if he will make a statement on the matter. [3678/04]

Minister for Foreign Affairs (Mr. Cowen): The Government stands ready to engage with the Burmese authorities if, in consultation with our EU partners, we consider that such contact will contribute to the restoration of democracy in that country. The EU Council of Ministers decided in April 2003 to make an exception to the ban on official visits to allow an EU troika at political level to travel to Burma to convey the EU's position to all interested players there. However, the events of May 2003, when Aung San Suu Kyi and her supporters were attacked, and she was arrested, concerns about the level at which the troika would be received, and the effectiveness of such a mission at that time led EU partners to decide that it would not go ahead. The possibility of a troika mission at some time during Ireland's Presidency has not been ruled out. However, for such a mission to be fully effective, it would have to meet with senior members of the government, as well as Aung San Suu Kyi, the leader of the National League for Democracy, other opposition leaders, and leaders of ethnic minority groups.

The EU Common Position on Burma, which provides for a visa ban on members of the regime, and a freeze on all their financial assets in the European Union, is due to expire on 29 April 2004. Ireland, together with our EU partners, will discuss in due course what revisions in the Common Position, if any, may be necessary in view of developments in Burma. To date, no evident progress has been made in Burma towards the restoration of democracy. The Government of Burma has indicated that it will convene a national convention some time this year, possibly May or June, which will be tasked with drafting a constitution. In August 2003, the Burmese government issued a road map on national reconciliation and the restoration of democracy. However, it lacks basic elements and benchmarks, such as the release of Aung San Suu Kyi, and a chronological framework for the restoration of democracy.

The Burmese authorities have continued to refuse to give a date for when the UN Secretary General's Special Representative, Mr Razali, might visit the country next. The government of Burma insists that Aung San Suu Kyi is no longer

under security detention; she has refused to accept the removal of restrictions on her freedom until these are extended to her supporters arrested with her. During its Presidency of the EU, Ireland will continue to contribute to the ongoing efforts in the region, and to discussion at EU and other fora on possible action with respect to Burma. We are for instance urging Burma's neighbours in Asia to encourage the Burmese authorities to take the necessary steps to end their country's isolation from the wider international community. We will also continue to take every opportunity to register our serious concern at the situation in Burma and, along with our EU partners, to monitor closely events there.

Overseas Development Aid.

225. **Mr. Kenny** asked the Minister for Foreign Affairs the assistance given by Ireland and Irish organisations in attempting to deal with the crisis of AIDS in sub-Saharan Africa; if his attention has been drawn to the fact that in excess of 11 million children under 15 years of age have been orphaned there which figure is expected to rise to 20 million by 2010; the extent of expenditure to Irish aid organisations to assist in the region; and if he will make a statement on the matter. [3903/04]

Minister for Foreign Affairs (Mr. Cowen): HIV-AIDS is a key priority for the Government. Ireland was one of the first donors to develop a HIV-AIDS strategy and we have worked to ensure that the issue is high on the agenda of the EU and of the UN's funds and programmes. Since 2001 Ireland's financial allocations to the fight against AIDS have increased tenfold with a budget allocation of €40 million in 2004, 10% of the total overseas development assistance budget. These resources are directed at HIV-AIDS activities at the global, regional, national and community levels and are implemented through international and regional organisations and in our programme countries. The latter include six highly-affected countries in southern and eastern Africa.

Sub-Saharan Africa, by far the worst affected region, is now home to over 26.6 million people living with HIV-AIDS. Approximately 3.2 million new infections occurred there in 2003, while the epidemic claimed the lives of an estimated 2.3 million Africans in the past year. HIV-AIDS has devastating effects on individuals, families and communities; it also has a profound effect on the social and economic development of countries most affected by the epidemic.

One of the most troubling consequences of the HIV-AIDS epidemic is its impact on children. Global success in combating HIV-AIDS must be measured by its impact on our children and young people. We need to ensure that children are getting access to the information they need to protect themselves from HIV and are getting the care and support they need in the absence of their parents.

[Mr. Cowen.]

In June 2001, a special session of the UN General Assembly on HIV-AIDS paid special attention to children orphaned and made vulnerable to HIV-AIDS, and set specific goals for the subsequent five years in its Declaration of Commitment. These goals underscore the importance of developing and implementing national strategies to strengthen government, family and community capacities to respond to the crisis, ensuring non-discrimination and building international co-operation.

Ireland is contributing towards the achievement of these goals through its funding and support at different levels. We provide funding to the Joint United Nations Programme on HIV-AIDS, UNAIDS, the main advocate for global action on the epidemic. We are also a strong advocate and supporter of the Global Fund for HIV/AIDS, TB and Malaria, GFATM, and are one of only a small number of countries to have fully honoured our pledge to the fund. Ireland has released €25 million to date.

Through our regional HIV programme in southern and eastern Africa, we are supporting a range of activities in the area of prevention and behaviour change; home-based care and orphan support; and countering stigma and discrimination against those living with HIV-AIDS.

All of the Government's programme countries in Africa — Uganda, Tanzania, Ethiopia, Zambia, Mozambique and Lesotho — have very severe HIV-AIDS epidemics as does South Africa, where we also have an intensive involvement in the aid field. In each case our efforts are targeted at strengthening government capacity to respond to the disease and supporting district and NGO responses at local and community levels. In many cases funding is targeted at the provision of support for orphans and vulnerable children including ensuring access to education; provision of food and clothing; and psychosocial care.

Non-governmental organisations, NGOs and faith based organisations, FBOs, are important partners for the Government. They often bear the primary responsibility for delivering home-based care; support to orphans and vulnerable children; and much needed health services in highly-affected areas. Through our NGO HIV-AIDS Partnership Scheme the Government channels financial resources to Irish NGOs working in the field of HIV-AIDS. HIV-AIDS continues to be the biggest single obstacle to reducing poverty and to attaining the millennium development goals. Through the Development Co-operation Ireland programme, the Government will do all in its power to combat the pandemic at the global, regional and national levels in developing countries.

Foreign Conflicts.

226. **Mr. F. McGrath** asked the Minister for

Foreign Affairs if he has received reports on the reported military incursion into Al Zaytoun, a residential district of Gaza city, killing eight Palestinians and causing extensive damage to civilian property on 28 January 2004; if he has raised the matter with the Israeli authorities or with his colleagues on the General Affairs and External Relations Council; and if he will make a statement on the matter. [4047/04]

Minister for Foreign Affairs (Mr. Cowen): I am aware of the incident to which the Deputy refers. I issued a statement on 29 January, in my Presidency capacity, in response to the Jerusalem bus bombing, in which I also expressed concern at the events in Zaytoun the preceding day.

Departmental Expenditure.

227. **Mr. Ring** asked the Minister for Foreign Affairs the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4062/04]

Minister for Foreign Affairs (Mr. Cowen): Expenditure on media advertising for 2002 was €251,605.51 and for 2003 was €203,919.70. This can be broken down as follows:

Vote 38 — Foreign Affairs — expenditure under the general advertising subhead of €61,543.04 in 2002 and €50,343.35 in 2003 and expenditure of €20,411, 2002, and €29,184.36, 2003, from the Passport Office subhead. Expenditure under these subheads included payments for advertisements providing details of the Department's opening hours over the Christmas period, changes in travel requirements for travellers to the United States as well as advertising of employment opportunities, e.g. legal trainees in our legal division. It is not possible, in the timeframe given, to provide the Deputy with a breakdown of each item of expenditure.

There was €18,336.92 relating to advertisements in the national newspapers advising the public of the availability of the revised White Paper on the Treaty of Nice and Seville Declarations 2002, following publication in July 2002 and €18,373.77 relating to advertisements in the national newspapers advising the public of the availability of the summary Information Guide on the Treaty of Nice and Seville Declarations 2002, during October 2002.

Vote 39 — Development Co-operation — there were advertisements placed in three national newspapers and two newspapers in Northern Ireland in 2003 in respect of the development education grants scheme, €14,001.

Advertising in 2003 for Development Co-operation Ireland, DCI, recruitment purposes and invitations for submissions to DCI task forces amounted to €22,107.27. The placement of an advertisement in 2003 in two national newspapers by the Advisory Board to Development Co-operation Ireland inviting expressions of interest to tender for research purposes cost €3,747.20. In addition, €132,940.78 was spent on the design and production of a TV and print advertising campaign for World AIDS Day 2002, as well as the purchase of space on TV networks, RTE, UTV, Channel 4, E4, Sky and TG4 and national newspapers, *The Irish Times*, *Irish Independent*, *The Star*, *Irish Examiner*, *Evening Herald*, *Evening Echo*, *Sunday Independent*, *Sunday Tribune*, *Sunday World*, *Sunday Business Post* and *Ireland on Sunday*, while €84,536.52 was spent on the design and production of a print advertising campaign for World AIDS Day 2003, as well as the purchase of a full page of space in national newspapers: *The Irish Times*, *Irish Independent*, *The Star* and *Irish Examiner*.

The Deputy will also wish to be aware of the following other media related expenditure undertaken by the Department during 2002 and 2003: the Communicating Europe Initiative or CEI funds a range of projects and activities aimed at promoting public awareness about the European Union. In 2002, CEI allocated a total of €43,782.52 for two series of the Eurofile television programme which featured reports on developments in the EU and the National Forum on Europe. The first series of Eurofile was transmitted from February to May 2002 on City TV Dublin, Meath Province 5 Television and on the EBS Satellite system. The second series of Eurofile, which was aired in autumn 2002, was transmitted on TG4.

CEI supported two audio-visual information initiatives in 2003. CEI provided €23,493.54 in funding to the National Forum on Europe in March 2003 for the production of an information video entitled *A Journey of Discovery*, which was presented by Hector Ó hEochagáin. The video explains the functioning of the EU institutions and provides information on the Convention on the Future of Europe and the enlargement of the EU. The National Forum on Europe transmits the video at public meetings and has circulated copies of the production to all second level schools in Ireland.

Development Co-operation Ireland has contributed for a number of years to the operation costs of the *Worlds Apart* series on RTE Radio 1. In 2002 and 2003, this contribution was € 47,000 and €55,000 respectively.

Prior to 2003 the development education budget was operated through the National Committee for Development Education, the NCDE. In line with the recommendations in the Ireland Aid Review, the activities of NCDE were incorporated into Development Co-operation Ireland during 2003. In this regard, €110,321 was

awarded in grants in 2003, under the Media Challenge Fund 2003, to 15 local radio stations throughout the country for the production of programmes of good development educational content. Grants were also provided to two video production companies and one community radio station in 2003, amounting to a total of €75,000, for the production of videos and radio programmes promoting development education

Apart from the projects referred to above, there was no expenditure on promotional, educational or advertising videos.

School Transport.

228. **Mr. McGuinness** asked the Minister for Education and Science if he will continue to contribute to the cost of transport to and from St. Patrick's special school, Kells Road, Kilkenny, for a person (details supplied) in County Kilkenny; the reason it was discontinued from December 2003; and if he will expedite a decision in the case. [3913/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has requested Bus Éireann to provide a report on the case. The family concerned will be advised of the position as soon as the report has been received and assessed.

Residential Institutions Redress Scheme.

229. **Mr. O'Shea** asked the Minister for Education and Science further to Parliamentary Question No. 147 of 11 December 2003, if progress has been made in regard to adding to the schedule to the Residential Institutions Redress Act 2002, Mary Immaculate school for deaf infant boys, Beechpark, Stillorgan, Dublin; and if he will make a statement on the matter. [3561/04]

Minister for Education and Science (Mr. N. Dempsey): At present 128 institutions are listed on the Schedule to the Residential Institutions Redress Act. Section 4 of the Act enables additional institutions that are identified as reformatory schools, industrial schools, orphanages, children's homes and special schools, in respect of which a public body had a regulatory or inspection function, to be added to the schedule. My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions, including Mary Immaculate School for Deaf Infant Boys, Beechpark, Stillorgan, Dublin, that may be eligible for inclusion in the schedule. Discussions have taken place between my Department and other Departments that may have provided a regulatory function in the operation of these facilities in order to ascertain whether these institutions are in fact eligible for inclusion. The initial information received in some cases was scant due to the long period that had elapsed

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since these institutions were closed and therefore the process of verifying each of these institutions has been time consuming. I intend that a list of additional institutions will be brought before both Houses of the Oireachtas as soon as the verification process is completed.

Schools Refurbishment.

230. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 129 of 2 October 2003, the status of the redevelopment of St. Mary's Hall, Boyle Community School, County Roscommon; and if he will make a statement on the matter. [3562/04]

Minister for Education and Science (Mr. N. Dempsey): Further to Parliamentary Question No. 129 of the 2 October 2003, my Department is still awaiting confirmation that a suitable lease agreement has been entered into by the VEC with the parish.

School Accommodation.

231. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 672 of 30 September 2003, if his Department will approve funding for Gaelscoil Longfort, County Longford; and if he will make a statement on the matter. [3563/04]

Minister for Education and Science (Mr. N. Dempsey): Gaelscoil an Longfoirt, County Longford, is currently operating from rented temporary accommodation. The cost of the accommodation is €32,760 per annum. My Department provides 95% of the rental cost in grant aid. Any additional accommodation requirements at the school will be addressed on an incremental basis as the school develops. The school will be similarly supported with rental grant aid for any such accommodation.

The 2004 school building programme has now been published and full details in relation to individual projects are available on my Department's website at www.education.ie. On the basis of the funding allocation and the competing priorities for that funding, it was not possible to include Gaelscoil an Longfoirt in the 2004 building programme.

However, a key strategy for building projects going forward will be grounded on the budget day announcement of multi-annual allocations for capital investment in education projects. All projects that are not going to construction as part of the 2004 school building programme will be re-evaluated with a view to including them as part of a multi-annual building programme from 2005 onwards.

I expect to be in a position to make a further announcement on this matter during 2004.

Schools Refurbishment.

232. **Mr. Naughten** asked the Minister for Education and Science, further to Question No. 128 of 2 October 2003, if further information is available; and if he will make a statement on the matter. [3565/04]

Minister for Education and Science (Mr. N. Dempsey): The scope of the works required at the school referred to by the Deputy is appropriate for consideration under the summer works scheme which was announced in December last.

Officials in the school planning section of my Department are in the process of registering and assessing all applications received for the summer works scheme 2004. Details of the result of this assessment and the schools which will receive funding will be published no later than 27 February 2004.

Schools Building Projects.

233. **Mr. Naughten** asked the Minister for Education and Science, further to Question No. 121 of 16 October 2003, if funding will be approved for the construction of a multi-purpose room at Ballinagare national school, County Roscommon; the status of the application; and if he will make a statement on the matter. [3566/04]

Minister for Education and Science (Mr. N. Dempsey): I am pleased to inform the Deputy that, as part of the devolved initiative contained in section 1 of the 2004 school building programme, Ballinagare national school has accepted a maximum grant of €100,000 to fund the provision of additional school accommodation.

Capitation Grants.

234. **Ms Enright** asked the Minister for Education and Science the number of students at primary level who are repeating a year during the school year 2003-2004; if primary schools receive the same level of capitation per student for those students who may be repeating a year as for other students; and if he will make a statement on the matter. [3567/04]

Minister for Education and Science (Mr. N. Dempsey): The annual primary census forms for the current school year are still being collected, checked, inputted and validated within my Department. Therefore, the information requested by the Deputy is not yet available for the 2003-2004 school year.

Under my Department's policy which is set out in primary circular 32/03, pupils should only be allowed to repeat a year for educational reasons and in exceptional circumstances. An additional grade level should not operate through the retention of all or a substantial number of pupils at a grade level. In exceptional circumstances, there may be cases where a principal teacher,

following consultation with the learning support teacher, class teacher and parents, will conclude that a pupil would benefit educationally by repeating a grade level. The normal capitation grant is applicable in respect of these students where the provisions of the circular are fully adhered to.

A school must not operate a repeat middle infants class or a repeat sixth/seventh class. Pupils who have completed sixth class must not transfer to another primary school to repeat sixth class. In the event that a school enrolls pupils in a repeat class, capitation grants in respect of such pupils shall not be paid.

Special Educational Needs.

235. **Mr. Rabbitte** asked the Minister for Education and Science when the special education section of his Department will be responding to the request for an extension of home tuition for a person (details supplied) in Dublin 24 made on 29 July 2003; the reason for the delay in responding; if he will be responding positively and acceding to the request for nine hours' tuition per week; and if he will make a statement on the matter. [3599/04]

Minister for Education and Science (Mr. N. Dempsey): I am aware of the case referred to by the Deputy. My officials will be in contact with the family of the person in question shortly.

Decentralisation Programme.

236. **Mr. Naughten** asked the Minister for Education and Science if a staff survey of those wishing to transfer to Athlone has been completed within the Higher Education Authority; the results of such survey; and if he will make a statement on the matter. [3607/04]

Minister for Education and Science (Mr. N. Dempsey): Any decision to undertake a staff survey in relation to decentralisation is a matter for the Higher Education Authority. However, I understand that no survey has been undertaken to date.

Staff Transfers.

237. **Mr. Naughten** asked the Minister for Education and Science the number of staff and grades which are on the transfer list to Athlone; and if he will make a statement on the matter. [3608/04]

Minister for Education and Science (Mr. N. Dempsey): The number of civil servants on the central transfer list for transfer to my Department's office in Athlone is as follows: Clerical Officer, 238; Staff Officer, 12.

Half, 50%, of the clerical officer and a quarter, 25%, of the staff officer vacancies arising in my Department's offices in Athlone, are filled from the central transfer lists.

Schools Recognition.

238. **Ms O'Sullivan** asked the Minister for Education and Science if he is considering the application of permanent status of Gaelscoil Chaladh an Treoigh; when a decision will be made; and if he will make a statement on the matter. [3618/04]

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. Officials in the school planning section are currently examining this application and they will revert to the school management authority shortly.

Benchmarking Awards.

239. **Ms O'Sullivan** asked the Minister for Education and Science when he intends to pay teachers their increases in salary under the benchmarking process; and if he will make a statement on the matter. [3619/04]

Minister for Education and Science (Mr. N. Dempsey): The payment of the final two phases of the benchmarking increase and general round increase due under the Sustaining Progress agreement is dependent, in the case of each sector, organisation and grade on verification of co-operation with flexibility and ongoing change, satisfactory implementation of the agenda for modernisation, maintenance of stable industrial relations and absence of industrial action in respect of any matters covered by the agreement.

As provided for in Sustaining Progress, the Secretary General of my Department accepted a progress report provided by the Teachers' Conciliation Council confirming progress on the agreed commitments. This was provided in the context of the payments applicable from 1 January 2004 and was predicated on the expectation that real progress would be made in the discussions on parent-teacher meetings which, under the agreement, were scheduled to be concluded before the end of December 2003. Due to the fact that no agreement had been reached and that the issue was being referred to the arbitration board, it was the view of the Secretary General that it was only reasonable to await executing arrangements for the payments due with effect from 1 January 2004 until the arbitration process had concluded. In this regard, I am happy to report that agreement has now been reached on the arrangements for the holding of parent-teacher meetings following the arbitration process.

In addition, the Deputy will be aware that difficulties arose in relation to issues of non-compliance by certain schools regarding the agreed arrangements for the standardised school year. To report comprehensively on the position and to bring the matter to the Teachers' Conciliation Council for its consideration, my Department requested that each school complete

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a declaration regarding compliance with the agreements reached in respect of the standardised school year, parent-teacher meeting and staff meetings for the school year 2003-2004.

The outcome of that process is being considered today, 10 February 2004, by the Teachers Conciliation Council in the context of finalising proposals for the arrangements for the standardised school year for the coming school years. I am hopeful that agreement will be reached at the council which will enable my Department to execute the arrangements for payment of the appropriate increases to teachers without delay. The payments will be backdated to 1 January 2004.

Site Acquisitions.

240. **Mr. Deenihan** asked the Minister for Education and Science if a site has been acquired for the new post-primary school at Castlegregory, Tralee, County Kerry; and if he will make a statement on the matter. [3621/04]

Minister for Education and Science (Mr. N. Dempsey): I am pleased to inform the Deputy that the site for the new post-primary school building at Castlegregory, Tralee, County Kerry, has been acquired by my Department.

Schools Building Projects.

241. **Mr. Howlin** asked the Minister for Education and Science if his attention has been drawn to the new housing developments that have considerably increased the population of Gorey, County Wexford; if his attention has further been drawn to the fact that this is likely to continue as many more housing developments are under way in the area; if his attention has further been drawn to the fact that the Loreto primary school, Gorey, County Wexford, does not have the capacity to accommodate additional pupils and will have to refuse enrolment to many newly arrived families with schoolchildren; the steps his Department is taking to ensure that all children residing in Gorey town can avail of primary education in their immediate locality; and if he will make a statement on the matter. [3622/04]

Minister for Education and Science (Mr. N. Dempsey): The school planning section of my Department is examining educational provision at primary level in the Gorey area. Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet the demand for places. When the examination is completed, a decision will be taken on how best to meet the accommodation needs of the area into the future.

With regard to the Loreto primary school specifically, five temporary classrooms were recently provided to meet the schools short-term

needs. In addition, a proposed extension for the school is scheduled to move into the advanced stages of architectural planning in 2004. The timing of when the project can progress to tender and construction is dependent on the financial allocation for 2005 and subsequent years, the rate of progress of existing projects in architectural planning and the priority afforded to each project by reference to the published criteria for prioritising large-scale building projects. In the meantime, it is open to the management authority of the school to apply for further temporary accommodation to meet any newly emerging needs.

242. **Mr. Connaughton** asked the Minister for Education and Science the plans he has to fund a two classroom extension to Craughwell national school, County Galway; if his attention has been drawn to the fact that the only departmental funding that appears to be available to the management board is €70,000 in lieu of the cost of a prefabricated building sanctioned but not purchased; if his attention has further been drawn to the fact that the cost of the two classrooms is likely to be more than €200,000; and if he will make available funding in 2004 to allow the school authorities to commence building the badly needed extension; and if he will make a statement on the matter. [3623/04]

253. **Mr. Connaughton** asked the Minister for Education and Science if his attention has been drawn to the fact that the €70,000 grant that has been made available to Craughwell national school, County Galway, is inadequate to build on the two classrooms that are now necessary to provide proper accommodation for the number of children attending the school; if extra funding will be provided during 2004 to enable the school authorities to begin work that is so urgently required; and if he will make a statement on the matter. [3688/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 242 and 253 together.

The management authorities of Craughwell national school were allocated a grant of €70,000 in July 2003 for the provision of a temporary classroom. The school authorities have indicated the wish to build a permanent classroom and my Department has no objections to this proposal. An application for a second classroom is currently being considered by my Department's school planning section and my Department will be in contact with the school management authorities as soon as possible.

Parents' Organisations.

243. **Ms Enright** asked the Minister for Education and Science the response of his Department to the review conducted into the issue of State financial support for and recognition of parental representation at second

level; and if he will make a statement on the matter. [3625/04]

Minister for Education and Science (Mr. N. Dempsey): My Department provided a copy of the review referred to by the Deputy to all of the interested parental groups in late October 2003. Each organisation was invited to consider the report and to forward written observations or alternatively to meet with officials of my Department to discuss their response to the report.

My Department has received written submissions from the National Congress of Catholic Secondary School Parent Associations, CPS, the Parents' Associations of Community and Comprehensive Schools, PACCS, and the Federation of Christian Brothers Schools Parents Council, FCBSPC.

In addition, meetings have taken place between officials of my Department and representatives of the National Parents' Council, post-primary, CPSA, PACCS and FCBSPC. The most recent of these, with the federation, was held on 28 January 2004. To date, none of the other parental organisations have chosen to take up my Department's invitation to forward a submission or meet officials.

In deciding on the issues addressed in the review, such as recognition and grant aiding, I must take account of the matter of value for money and the need to avoid unnecessary duplication. The review in question 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.

In considering what action to take on foot of the review, my officials and I will take stock of the submissions received and views expressed at the meetings referred to.

244. **Ms Enright** asked the Minister for Education and Science the level of funding allocated in 2004 to the National Parents' Council, post primary; if other similar organisations are funded by his Department; and if he will make a statement on the matter. [3626/04]

Minister for Education and Science (Mr. N. Dempsey): In 2004, my Department has provided an allocation of €165,000 for the National Parents' Council, post primary. The support provided to the National Parents' Council reflects the commitment given by the Government in recognising the role of parent participation in the education system. My Department also provides an annual grant to the National Parents' Council — primary.

Special Educational Needs.

245. **Mr. R. Bruton** asked the Minister for Education and Science if he has met with representatives of St. Joseph's, Gracepark Road, Dublin 9, who are working to advance the proposals of the planning group for a national centre for children with a visual impairment; his assessment of the long-term building requirements for this project; the extent of the contribution from the voluntary body to the building costs; and the system for cross-departmental co-operation in developing different sections of the proposal. [3627/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has had a number of meetings with representatives of St. Joseph's, the most recent of which took place on 29 January last. Further discussions are planned.

It is important to clarify the context and purpose of the current round of meetings. Arising from the report of a planning group, which was established to consider proposals for the development of a national centre for the visually impaired, my Department engaged a project team to consider an overall development strategy for the implementation of the planning group's report. The report of the project team was presented to my Department towards the end of 2002.

Having given careful consideration to the matter, I decided in April 2003 that the national centre as proposed should not proceed, having regard to the low and declining pupil numbers in the schools for the visually impaired and the development costs, estimated to be in excess of €30 million. The purpose of the current discussions is to explore with the school authorities concerned how aspects of the proposed centre could be developed in the context of available resources.

My Department expects to be in contact shortly with representatives of St. Joseph's in response to its outline proposal for the provision of a national centre for visually impaired. It should be noted that projects that require funding from the Exchequer, either through conventional procurement means or otherwise, must, like all other major capital projects, be thoroughly and rigorously assessed on grounds of need, viability, affordability and compliance with public procurement legislation. My Department is grant-aiding the provision of additional accommodation at Pobalscoil Rosmini and these works are expected to be completed shortly.

Schools Building Projects.

246. **Mr. Perry** asked the Minister for Education and Science the progress made on the application submitted in 2000 by Aughawillan national school, County Leitrim; when it will be sanctioned; the reason for the delays; and if he will make a statement on the matter. [3640/04]

Minister for Education and Science (Mr. N. Dempsey): An application for grant-aid has been received from the management authorities of Aughawillan national school, County Leitrim. As I announced when publishing the capital programme 2004, my Department will consult with the education partners in the coming weeks on prioritisation criteria. Following this consultation, a review of all projects will be undertaken and considered with a view to including them as part of a multi-annual building programme from 2005 onwards.

Higher Education Grants.

247. **Mr. Kenny** asked the Minister for Education and Science if, in respect of section 7.7 of the higher education grant scheme, an applicant who has a BA qualification with a masters degree and who wishes to pursue a postgraduate diploma course in primary teaching in a recognised teacher training college here is eligible to be considered for grant assistance under the mature student grant scheme on the basis that the postgraduate diploma course in primary teaching represents progression from the level at which the previous postgraduate qualification was attained in respect of the experience to be gained and the resultant further experience to teaching made available as a consequence; and if he will make a statement on the matter. [3680/04]

Minister for Education and Science (Mr. N. Dempsey): Under the terms of my Department's higher education grants scheme, a student is not eligible for grant assistance in respect of a second period of study at the same level irrespective of whether a grant was paid previously. The scheme also provides that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification.

Clause 7.7 of the higher education grants scheme does provide for financial assistance to eligible candidates who already hold a postgraduate qualification and who wish to enter a further postgraduate course at a higher level, which represents progression from the level at which the first qualification was attained. My Department understands that the student referred to by the Deputy already holds a masters degree and, accordingly, as a higher diploma does not represent progression as defined in clause 7.7. of the scheme, the student is not eligible for grant assistance.

However, tax relief is available in respect of postgraduate fees paid in publicly funded colleges here and in other EU member states, as well as in private colleges in the State. This relief applies at the standard rate of tax and is available to full-time and part-time postgraduate students. Further details and conditions in relation to this tax relief are available from local tax offices.

State Examinations.

248. **Mr. R. Bruton** asked the Minister for Education and Science if he has satisfied himself with the procedures put in place to introduce the new science syllabus at junior certificate level; and if his attention has further been drawn to the confusion which remains regarding the marking system for some projects which have already been completed by junior certificate classes; and the reason all the arrangements for the introduction of the syllabus were not completed before the start of the academic year 2003/2004. [3682/04]

Minister for Education and Science (Mr. N. Dempsey): The circular which issued on the revised junior certificate science syllabus provided that 10% of the marks would apply to mandatory experiments and investigations which students would be required to complete and record in a laboratory notebook over the three years of the course, together with a further 25% of the marks in respect of two specified investigations in the third year of the course, which would be set by the examining body. Arrangements for finalising the detail of the marking systems are being made by the State Examinations Commission.

Overall, I am satisfied with the arrangements for introduction of the syllabus and am particularly pleased that some 614 schools in the free education scheme have applied for grants and signalled that they are providing the new programme this year. As part of the second level support services, an inservice team is providing support for schools to implement the programme, and some €5.1 million has issued in the first phase of grants to schools in January of this year.

In view of the fact that the hands-on investigative approach central to the revised syllabus was seen as vital in encouraging more students to choose science at senior cycle and in third level, and the importance of science, engineering and technology skills to the economy, I announced that the new syllabus would be implemented from September 2003 as had been recommended by the task force on the physical sciences. Various reports have highlighted that Ireland's future economic growth and competitiveness will increasingly depend on the extent to which it can support high value knowledge based industries, supported by the availability of an adequate number of graduates skilled in the fields of maths, physical sciences, biological sciences, technology and engineering.

Science and Technology Funding.

249. **Mr. R. Bruton** asked the Minister for Education and Science the recommendations which have been accepted and the recommendations which have been rejected from within the Oireachtas Committee on Education and Science report regarding finance in the education system; and if he will make a statement on the matter. [3683/04]

Minister for Education and Science (Mr. N. Dempsey): It is understood that this question refers to the report of the Joint Committee on Education and Science on science and technology of October 2000. Of the 31 recommendations in the report which relate to the education sector, five have not been implemented, 12 have been implemented and partial progress has been made on a further 14. A progress report is being forwarded to the Deputy and is available on the Department's website at *www.education.ie*.

The recommendations which have not been implemented relate to the following: making junior cycle science a mandatory subject — some 89% of students study science at junior cycle level and ensuring choice is an important part of the strategy to encourage young people to stay in school; altering the marking system in leaving certificate science subjects — a recent study on grading in the leaving certificate has just been completed and is being examined by the State Examinations Commission and the National Council for Curriculum and Assessment; practical element — this is not included in the assessment arrangements for science subjects in the leaving certificate and greater emphasis on more practical modes of assessment is one of the areas which will be examined in the context of the overall reforms of senior cycle education mooted in the NCCA paper, *Developing Senior Cycle Education: Directions for Development*; premia payments — there are no plans to pay premia to teachers for participation in inservice training in particular subject areas but, as part of pay and conditions, teachers receive additional allowances with salary in respect of certain nationally certified higher level qualifications acquired; and the development of a support centre — resources are not available at present for the establishment of a science education technical support centre.

Garda Vetting Procedures.

250. **Mr. Gilmore** asked the Minister for Education and Science if his Department has been informed that the Garda Síochána has declined to process an application from a school for a vetting check on a prospective school caretaker on the grounds that Garda clearances are only issued to designated agencies, principally health boards, in respect of prospective full-time employees who may have substantial unsupervised access to children or vulnerable adults; if, in view of the recent Soham case in the UK, he has plans to have schools designated for Garda vetting checks of personnel; and if he will make a statement on the matter. [3684/04]

Minister for Education and Science (Mr. N. Dempsey): As the Deputy will be aware, I am not in a position to comment on individual cases. A joint working group on child protection was established by the North-South Ministerial Council. The group was composed of officials from my Department and the Department of Education, Northern Ireland. It subsequently

submitted its report to the council which agreed on the broad approach taken and signalled its desire to have detailed proposals for legislation prepared.

In addition, a cross-governmental working group has been established by the Department of Justice, Equality and Law Reform to consider proposals for reform of vetting of employees by the central vetting unit run by the Garda Síochána. The group, which is chaired by a chief superintendent, has met on seven occasions and is due to meet again this week. Without wishing to prejudice the work of that group, the report of which is expected in the near future, it is clear that the issues involved do not relate only to my own Department, and continuing co-operation between the Departments of Justice, Equality and Law Reform, Health and Children and Education and Science will be required in bringing forward reforms.

Special Educational Needs.

251. **Mr. Connaughton** asked the Minister for Education and Science if a learning support teacher will be provided to Craughwell national school, County Galway, in view of the urgent need for such a teacher; and if he will make a statement on the matter. [3686/04]

Minister for Education and Science (Mr. N. Dempsey): The school referred to by the Deputy has the services of a full-time shared learning support teacher.

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.

Schools Building Projects.

252. **Mr. Connaughton** asked the Minister for Education and Science the amount of money which was underspent in the schools building programme in 2003; and if he will make a statement on the matter. [3687/04]

Minister for Education and Science (Mr. N. Dempsey): The total allocation for the school building programme for 2003 was €342.9 million. Expenditure of €346.9 million was incurred on the programme during the year resulting in an excess of €4 million.

Question No. 253 answered with Question No. 242.

Special Educational Needs.

254. **Mr. Connaughton** asked the Minister for Education and Science the position regarding an application for a person (details supplied) in

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County Galway; and if he will make a statement on the matter. [3689/04]

Minister for Education and Science (Mr. N. Dempsey): The school referred to by the Deputy has the services of a full-time resource teacher together with a shared learning support teacher. My Department has received a further application for special educational resources, SER, from the school.

SER applications received between 15 February and 31 August 2003, including the one made by this school, 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 nationwide census of SER provision.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03 which issued in September, 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

Schools Building Projects.

255. **Mr. Gilmore** asked the Minister for Education and Science the consideration which has been given to the accommodation needs of St. Brendan's College, Woodbrook, Bray; the plans he has to meet those needs in the short and medium terms; and if he will make a statement on the matter. [3722/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has received an application for additional accommodation from the school authorities of St. Brendan's College, Woodbrook, Bray. The application has been examined in the school planning section of my Department and agreement reached with the school authorities on the school's long-term accommodation needs. The project is awaiting the appointment of a design team.

As I announced when publishing the capital programme for 2004, my Department is holding consultations with the education partners on the prioritisation criteria used for large-scale building projects. The purpose of these consultations is to

ensure that the criteria have optimum precision and are fully tuned to meeting the priority accommodation needs of the primary and post-primary sectors. When the consultations have been completed, a review of all projects awaiting the appointment of a design team will be undertaken and a further list of priority projects will be brought forward to commence architectural planning. The proposed project at St. Brendan's College will be included in this review.

To alleviate the accommodation problems at the school in the short-term, my Department approved the provision of six prefabs in September 2001. To date no further application for temporary accommodation has been received from the school authority.

Departmental Properties.

256. **Mr. Deenihan** asked the Minister for Education and Science if his Department will decide to provide a right of way to Kerry County Council and a portion of land to a child care group from their lands at the Grove, Dingle, County Kerry; and if he will make a statement on the matter. [3730/04]

Minister for Education and Science (Mr. N. Dempsey): The Department is considering the issue of ceding a portion of land to a local group for the purpose of building a child care centre in Dingle. As soon as a decision is made on the matter, the Department will be in contact with the local authority and the child care group.

Schools Building Projects.

257. **Mr. McGuinness** asked the Minister for Education and Science if the overcrowded situation at the Church of Ireland school, Castlecomer, County Kilkenny, has been examined by his Department officials; the plans he has to deal with this situation in the short term; and the long term plans for a new school at this location. [3737/04]

Minister for Education and Science (Mr. N. Dempsey): An application for major capital improvement works has been received from the management authority of the Church of Ireland school, Castlecomer, County Kilkenny. On the basis of the funding allocation for 2004 and the competing priorities for that funding, it was not possible to include the project in the 2004 building programme.

However, a key strategy for building projects going forward will be grounded on the budget day announcement of multi-annual allocations for capital investment in education projects. All projects that are not going to construction as part of the 2004 school building programme will be re-evaluated with a view to including them as part of a multi-annual building programme from 2005 onwards. I expect to be in a position to make a further announcement on this matter during 2004. In the meantime, it is open to the school authority

to apply to my Department for temporary accommodation to meet its short-term needs.

School Staffing.

258. **Mr. Stanton** asked the Minister for Education and Science, further to Question No. 112 of 29 January 2004, the breakdown of the cost of the employment of substitute teachers in each of the cases as outlined in his reply (details supplied); the details regarding the other absences mentioned; and if he will make a statement on the matter. [3738/04]

Minister for Education and Science (Mr. N. Dempsey): The information requested is being compiled and will be forwarded directly to the Deputy.

Asbestos Remediation Programme.

259. **Mr. Crowe** asked the Minister for Education and Science if his attention has been drawn to the financial and structural problems existing in St. Joseph's secondary school, Charlestown, County Mayo; if his attention has further been drawn to the fact that buildings were recently condemned by the Office of Public Works; and the long-term funding he intends to make available to the school to make it a safe and comfortable place for the education of children. [3739/04]

Minister for Education and Science (Mr. N. Dempsey): Officials in my Department are in contact with the authorities of St. Joseph's secondary school, Charlestown, County Mayo, regarding capital development. The Office of Public Works, which has responsibility for the national asbestos programme of detection and remediation in schools, is fulfilling its remit at St. Joseph's secondary school.

School Closures.

260. **Mr. Crowe** asked the Minister for Education and Science if his Department will consider meeting the funding needs of a school (details supplied) to ensure that the school will remain open in view of the fact that the trustees of the school have been forced to close the school within three years due to lack of funds. [3740/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has been advised of the proposed closure on a phased basis of the school to which the Deputy refers. The Deputy will appreciate that a secondary school is a privately owned and managed institution and a decision to close such a school is a matter for the trustees.

My main role in a school closure is to ensure that the best interests of the pupils are looked after in the period up to the closure and that there will be sufficient pupils places in existing schools in the general area for pupils who would

have normally enrolled in the closing school. This process will involve consultation with all affected parties.

School Curriculum.

261. **Cecilia Keaveney** asked the Minister for Education and Science his views on the Arts Council and similar bodies in assisting the delivery of the new music syllabus under the new curriculum of 1999; and if he will make a statement on the current meetings that are happening or planned in this regard. [3856/04]

Minister for Education and Science (Mr. N. Dempsey): Information requested by the Deputy in regard to meetings is being gathered and will be forwarded as soon as it is available. Following completion of the current year of consolidation and review, the primary curriculum support programme will provide inservice training and support for teachers in 2004-05 in preparation for implementation of the new music curriculum the following year. Trainers have been selected for the purpose.

With regard to the Arts Council and similar bodies assisting in delivery of the programme, the new curriculum provides ample opportunity for this. The teacher guidelines encourage schools to take account of local arts festivals, parades and events in the planning of programmes as well as using the services of local education centres and other agencies such as the Arts Council, the Music Association of Ireland, Music Network, RTE, the National Concert Hall and various artists in residence schemes. Other information sources for music materials and activities in schools are also referred to.

I am aware of the recent report by Music Network, which was published in 2003, proposing the establishment of a national music education council, which would include Arts Council representation, and the development of local music education partnerships in tandem with the local county-city development boards. However, funds are not available at present to progress this proposal.

Inservice Training.

262. **Cecilia Keaveney** asked the Minister for Education and Science the number of primary teachers awaiting training in the new music curriculum and the number of trainers available to deliver the programme; and if he will make a statement on the matter. [3862/04]

Minister for Education and Science (Mr. N. Dempsey): Approximately 26,000 primary teachers, full-time and part-time, will be involved in the teaching of the revised music curriculum at primary school. A team of trainers has been selected. The number on the team, 26, has been based on previous experience in the delivery of inservice. Training will be provided for all teachers.

[Mr. N. Dempsey.]

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. It is planned that the in-career development programme for music will take place for all primary teachers in the school year 2004-05, and that teachers will begin to implement the programme during the following school year.

The selected trainers are planning their inservice programme, using the new methodologies in their own classrooms and sharing their experiences and expertise with their colleagues on the staff. The trainers also work closely with the education centre network in the provision of evening and summer courses.

Teaching Qualifications.

263. **Cecilia Keaveney** asked the Minister for Education and Science his views on the fact that the removal of the requirement to sit a basic music test before entering teacher training has in any way reduced the overall competency or pool of expertise available to our primary schools; and if he will make a statement on the matter. [3863/04]

Minister for Education and Science (Mr. N. Dempsey): Until 1991, in addition to meeting certain academic requirements in the leaving certificate, candidates wishing to train as primary teachers were required to pass a test in oral Irish, to undergo a test in music and to appear before an interview board to determine their suitability for a course of training as a primary teacher. Since 1992, as part of the general improvement and streamlining of procedures for entry to institutions of higher education, applications for entry to the colleges of education have been processed through the Central Applications Office.

The suitability of students for a career in teaching is carefully monitored and assessed by the colleges of education during their course of training, with the objective of identifying those students who are unsuited to teaching. All the colleges of education have courses in arts education, and music is available in both Mary Immaculate College and St. Patrick's College as an academic option to degree level. Music is also available to students in these two colleges as an elective in their third year.

Psychological Service.

264. **Mr. O'Connor** asked the Minister for Education and Science if funding will be made available to cater for the referral of pupils for professional counselling outside the school setting. [3864/04]

Minister for Education and Science (Mr. N. Dempsey): My Department funds the guidance counselling service, which is available to all post-primary schools. In addition, the National

Educational Psychological Service, NEPS, provides a psychological service to children and young people in primary and post-primary schools. Guidance counsellors and NEPS psychologists provide a certain amount of counselling input and this is always provided within the school setting.

From time to time, it is felt that a pupil would benefit from more intensive, long-term counselling and-or therapy. In such cases, the guidance counsellor and-or the NEPS psychologist refer the pupil concerned to the child and adolescent psychiatric services funded by the health boards. Parents may also ask their general practitioner for a referral to these services. My Department has no plans at present to fund referrals to counselling services other than those provided by the State.

Special Educational Needs.

265. **Ms Burton** asked the Minister for Education and Science the progress which has been made in relation to the establishment of a CABAS school for autistic children on the southside of Dublin in respect of a place for a person (details supplied) in Dublin 15. [3865/04]

Minister for Education and Science (Mr. N. Dempsey): I am 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 pre-school class for autism attached to 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 CABAS, Dublin, 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.

I understand that the pupil referred to by the Deputy is on a waiting list for the CABAS facility. Applications for enrolment in the CABAS project are a matter for the management of the facility.

Education Consultation Process.

266. **Mr. Crowe** asked the Minister for Education and Science the reason none of the public meetings in the Your Education System consultation process are taking place in Donegal; and if he will reconsider this decision and arrange for a meeting to be held there bearing in mind the large geographic size of the county will make it difficult for people to travel to other meetings. [3892/04]

Minister for Education and Science (Mr. N. Dempsey): A total of 17 public meetings have been scheduled as part of this process. These include a public meeting in Sligo on 12 February 2004 and a public meeting in Letterkenny on 19 February 2004.

I have not ruled out the possibility of holding additional meetings, if it becomes clear during the next few weeks that there is a demand for these. Members of the public can also access the process through the website *www.youreducation.ie* or by writing to The Secretariat, Your Education System, Educational Research Centre, Drumcondra, Dublin 9.

School Transfer Responsibility.

267. **Mr. Noonan** asked the Minister for Education and Science if a child remains the responsibility of primary school until they transfer to secondary school; if so, at what point is a child deemed transferred; if a child does not receive the offer of a place in secondary school, who is then responsible; what should happen to this child; the responsibility of the EWO in these situations; and if he will make a statement on the matter. [3893/04]

Minister for Education and Science (Mr. N. Dempsey): In general, once a child completes his or her primary school education and has reached the age of 12 years, the child will progress to a post-primary school. Responsibility for ensuring that a child progresses from primary to post-primary education rests in the main with the child's parents. Under section 17 of the Education (Welfare) Act 2000, parents are responsible for ensuring that their children attend a recognised school or otherwise receive an appropriate minimum education.

Section 29 of the Education Act 1998 provides parents with an appeal process where a board of management of a school or a person acting on behalf of the board refuses enrolment of a student. Where an appeal under section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil.

The Education Welfare Board is required to assist parents experiencing difficulty in ensuring that their children attend school regularly, and will also assist schools in fulfilling their role under the Act. Through the appointment of educational welfare officers, the board provides a welfare-focused service which is accessible to parents, school and others concerned with the welfare of young people.

Special Educational Council.

268. **Mr. Kenny** asked the Minister for Education and Science the reason no representative of the Irish National Teachers Organisation is a member of the Special Educational Council; and if he will make a statement on the matter. [3894/04]

Minister for Education and Science (Mr. N. Dempsey): In establishing the new National Council for Special Education 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. I have put in place a group of people with a wide range of knowledge and experience in this area. I did consult the INTO, along with other representative groups, prior to making appointments to membership of the council.

Schools Building Projects.

269. **Mr. Sherlock** asked the Minister for Education and Science if he will give consideration to the plans for Coláiste Mhuire in Buttevant, County Cork, in view of the urgent need of accommodation and that the school situation remains as it was in 2003. [3895/04]

Minister for Education and Science (Mr. N. Dempsey): A large-scale building project for Coláiste Pobail Naomh Mhuire, Buttevant, County Cork, is listed in section nine of the 2004 school building programme which is published on my Department's website at *www.education.ie*. This project is at early stages of architectural planning. It has been assigned a band two 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.

270. **Mr. Sherlock** asked the Minister for Education and Science if he will give consideration to the appointment of a resource teacher to Clonpriest national school in Youghal, County Cork, with regard to the revisions of the process-criteria so as to enable a pupil to receive learning support. [3896/04]

Minister for Education and Science (Mr. N. Dempsey): The school referred to by the Deputy has the services of a full-time and part-time resource teacher together with a shared learning support teacher. My Department has received a further application for special educational resources, SER, from the school.

SER applications received between 15 February and 31 August 2003, including the one made by this school, 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.

[Mr. N. Dempsey.]

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.

Schools Building Projects.

271. **Mr. Sherlock** asked the Minister for Education and Science if he will give consideration to the plans for Kilcreadan national school in Ladysbridge, County Cork, in view of the urgent need of extra accommodation, the alleviation of flooding and the upgrading of the sewerage system. [3897/04]

Minister for Education and Science (Mr. N. Dempsey): A large scale building project for Kilcreadan national school is listed in section nine of the 2004 school building programme which is published on my Department's website at www.education.ie. This project is at early stages of architectural planning. It has been assigned a band three 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.

School Curriculum.

272. **Cecilia Keaveney** asked the Minister for Education and Science the details of who was, over the past five years, and who is currently in charge of music inspection in primary schools; the person who is responsible for the delivery of the music in the new curriculum demands of 1999; the numbers and locations of those recruited to deliver the required inservice training in music to fulfil the aspiration of the new curriculum; the level of cross-Border support that has been sought in this regard; and if he will make a statement on the matter. [3908/04]

Minister for Education and Science (Mr. N. Dempsey): Music in primary schools is inspected by primary inspectors. Each inspector is responsible for the inspection of the entire curriculum, which has been drawn up as an integrated whole. Inspectors do not specialise in particular curriculum areas. Primary inspectors are assigned schools on a geographical basis. Each regional team of inspectors is managed by an assistant chief inspector.

The primary curriculum support programme is responsible for the delivery of inservice training in music as outlined in the Primary Curriculum 1999. Class teachers are responsible for delivery of the curriculum at school level. It is planned that a team of approximately 26 trainers will deliver the required inservice training in music to teachers in 2004-05 with a view to implementing the music curriculum in primary schools the following year. This number is based on the experience of the primary curriculum support programme in delivering inservice training for six subjects to date.

The primary curriculum support programme is in contact on an ongoing basis with the advisors attached to the western library board of Northern Ireland. Our schools have a long and proud tradition in teaching music and I am committed to ensuring that schools continue their excellent work in this regard.

273. **Cecilia Keaveney** asked the Minister for Education and Science the number of meetings that have taken place in the last six months between either himself and his officials or the Minister for Arts, Sports and Tourism and his officials with regard to developing a strategy for the delivery of the new music curriculum in schools or the general issue of arts in education; and if he will make a statement on the matter. [3909/04]

Minister for Education and Science (Mr. N. Dempsey): The information requested by the Deputy in regard to meetings is being gathered at present and will be forwarded as soon as it is available.

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. The new primary curriculum, launched in 1999 and being implemented on a phased basis, is accompanied by detailed guidelines for teachers in respect of each subject area. The curriculum is also accompanied by a support programme which provides professional development for teachers, 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, Gaelige,

mathematics, visual arts, science and social, and 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. Music is one of the next subjects to be introduced. It is planned that the in-career development programme for music will take place in the school year 2004-05. 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, a team of trainers for music and an assistant national co-ordinator who has particular responsibility for this team have been selected. The role of this team is to plan supports for the implementation of the music curriculum. These trainers also work closely with the education centre network in the provision of evening and summer courses.

Religious Orders Indemnity Scheme.

274. **Ms O'Sullivan** asked the Minister for Education and Science the number of claims notified to him pursuant to clause 6(A) of the deed of indemnity dated 5 June 2002, made between him and certain religious congregations; the number of such claims classed as existing and as future claims; the number of such claims in each category of which he had previously no formal notice; the number of such claims in each category in which no State or public body had either been joined as a defendant or had been put on notice that they were liable to be joined as a co-defendant; the number of cases where, pursuant to clause 5(A) of the agreement, he has taken over the defence of legal proceedings to which the indemnity applies, specifying whether he or any other State or body had been a defendant in those proceedings prior to their being taken over; and if he will make a statement on the matter. [3930/04]

Minister for Education and Science (Mr. N. Dempsey): The information sought by the Deputy is not readily available within my Department. In the circumstances, I have asked my officials to examine the various questions raised by the Deputy with a view to issuing a comprehensive reply as soon as possible.

Special Educational Needs.

275. **Mr. Rabbitte** asked the Minister for Education and Science his views on the current shortage of places for children with autism in applied behaviour analysis schools; if he has received the proposal put forward by The Saplings to open a second school; when he proposes to sanction this much needed essential education service for young disabled children; and if he will make a statement on the matter. [3942/04]

Minister for Education and Science (Mr. N. Dempsey): I am 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 an application from The 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.

Youth Services.

276. **Mr. J. Bruton** asked the Minister for Education and Science if his attention has been drawn to the inability of Kentstown accordion band of Duleek to gain funds by way of grants from his Department in view of the fact that its members are deemed ineligible due to the fact that they are amateurs; and the funds which are available to them from his Department. [3955/04]

Minister for Education and Science (Mr. N. Dempsey): The youth affairs section of my Department operates a number of funding schemes to support those providing youth work programmes and services in Ireland. This consists mainly of grant-in-aid assistance for national and major regional youth work organisations and the special projects for disadvantaged youth grant scheme.

Funding is not available to Kentstown accordion band, Duleek, as it would not come within the remit of these schemes. However, the youth affairs section also supports youth clubs at local level by way of its local youth club grant scheme. This scheme, which is administered by the local vocational education committees on behalf of my Department, provides once-off grants and is advertised locally on an annual basis. It would be open to Kentstown accordion band to apply to County Meath VEC for funding under this scheme.

Special Educational Needs.

277. **Mr. F. McGrath** asked the Minister for Education and Science if the maximum support

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and assistance will be given to Enable Ireland school, Sandymount, Dublin 4, in granting a special needs assistant to a person (details supplied) and in granting support for more modern IT equipment; and if these will be made priority issues. [3956/04]

Minister for Education and Science (Mr. N. Dempsey): I am anxious that all children, including the child in question, receive the resources appropriate to their needs. My officials are considering the application referred to by the Deputy and a response will issue to the school authorities as quickly as possible.

278. **Mr. R. Bruton** asked the Minister for Education and Science if his attention has been drawn to the waiting list for a special school for children with autism in Dublin 5; and if appropriate education will be available for a person (details supplied) from September 2004. [3957/04]

Minister for Education and Science (Mr. N. Dempsey): I am 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 enrolled in a special pre-school class for autism attached to 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.

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.

I understand that the pupil referred to by the Deputy is on a waiting list for the CABAS facility. Applications for enrolment in the CABAS project are a matter for the management of the facility.

Schools Building Project.

279. **Mr. Murphy** asked the Minister for Education and Science the reason Aghina national school, Macroom, County Cork, has not received the go-ahead. [4014/04]

Minister for Education and Science (Mr. N. Dempsey): My Department will be in contact with the school authorities in the near future with a view to progressing this project.

Summer Works Scheme.

280. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the details of all schools in County Kerry which have applied for funding under the summer works scheme. [4038/04]

Minister for Education and Science (Mr. N. Dempsey): Officials in the school planning section of my Department are in the process of registering and assessing all applications received for the summer works scheme 2004. Details of the result of this assessment and the schools which will receive funding will be published no later than 27 February 2004.

Schools Building Projects.

281. **Ms Enright** asked the Minister for Education and Science if he intends to provide proper physical education facilities including an indoor PE facility with showers, toilets and changing rooms at the 1,027-student Loreto secondary school at Balbriggan, County Dublin; when he intends to do this; and if he will make a statement on the matter. [4039/04]

282. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the fact that Loreto secondary school, Balbriggan, County Dublin, is unable to facilitate PE classes for sixth year students due to inadequate sports facilities; his views on this; and if he will make a statement on the matter. [4040/04]

283. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the fact that students taking PE classes at Loreto secondary school, Balbriggan, County Dublin, have to sit out classes due to inadequate facilities; and if he will make a statement on the matter. [4041/04]

284. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the fact that there are 1,027 students at Loreto secondary school, Balbriggan, County Dublin, and that the only indoor PE facilities it has is an extremely small space in a building constructed in 1909; and if he will make a statement on the matter. [4042/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 281 to 284, inclusive, together.

I am pleased to advise the Deputy that Loreto secondary school, Balbriggan, is one of 32 additional schools that will benefit from the further €30 million investment in school buildings that I announced last week. These schools will bring to more than 200 the number of schools

with significant building projects to be authorised to go to tender and construction during 2004. My Department will be contacting the school regarding the accommodation to be provided and the delivery of the building project.

Special Educational Needs.

285. **Mr. Carey** asked the Minister for Education and Science if the request of a person (details supplied) in Dublin 11 will be expedited for additional educational support for their child as detailed in reports supplied to his Department; and if he will make a statement on the matter. [4054/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has received an application for special education resources, SER, for the pupil referred to by the Deputy. SER applications received between 15 February and 31 August 2003, including the one made by this school, 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 nationwide census of SER provision.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

Special Needs Assistants.

286. **Mr. Hogan** asked the Minister for Education and Science the reason special needs assistants appointed after 1 September 2003 do not receive the same remuneration as assistants appointed prior to this date, even though there was a huge backlog of applicants with his Department; and if he will make a statement on the matter. [4055/04]

Minister for Education and Science (Mr. N. Dempsey): At primary level, special needs assistants employed on a full-time basis receive the same remuneration regardless of the date of appointment. The payment of special needs assistants employed in second level schools is a

matter for the managerial authorities of each school.

The matter raised by the Deputy regarding the remuneration of special needs assistants in second level schools appointed after 1 September 2003 is being considered at present. The Deputy will be advised of the position.

Departmental Expenditure.

287. **Mr. Ring** asked the Minister for Education and Science the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4063/04]

Minister for Education and Science (Mr. N. Dempsey): The total expenditure incurred by my Department on advertising was €1,061,889 in 2002 and €919,570 in 2003. In 2002, advertising expenditure by category was as follows: print media €1,014,593; radio advertising €38,271; other advertising €9025. In 2003, advertising expenditure by category was as follows: print media €609,103; radio and television advertising €310,467.

The breakdown of expenditure between national and provincial media is not readily available. Some €1,271,192 was spent on the production of educational videos from January 2002 to December 2003.

Port Development.

288. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources the position regarding the proposed 52 acre infill in Dublin Bay; and the details of other developments in the bay in 2004. [4045/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Certain matters relating to the application by the Dublin Port Company for authorisation under the Foreshore Acts for the proposed reclamation of an area of foreshore in Dublin Bay are being pursued with the port company. These include matters concerning the environmental impact statement submitted with the application and queries relating to the title to the foreshore in question. Decisions on the further action to be taken in respect of the application will be made when these matters have been finalised.

Other proposed developments in the Dublin Bay area generally, in respect of which applications under the Foreshore Acts are being considered at present, include the construction of sea walls, railings and a reinforced concrete slab surface alongside the existing boat parking area at Strand Road, Sutton; construction of a breakwater at the rear of a private premises at

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Coliemore Road, Dalkey; a one hundred berth marina at Poolbeg for a private boat club; construction of a footbridge from City Quay to Custom House Quay; the repair and extension of an existing slipway to the rear of a private premises at Coliemore Road, Dalkey; relocation of a scout hut at Bull Island; reclamation of foreshore for construction of a boatyard and associated administration buildings at Howth harbour; and deepening and extension of berthage at the Dublin ferry terminal cargo terminal.

Harbours and Piers.

289. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources the level of funding available towards dredging costs at Buncrana, County Donegal. [3628/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Buncrana harbour is owned by Donegal County Council and responsibility for its repair and maintenance rests with the local authority in the first instance.

In November 2003 the county council submitted a proposal to my Department for funding to dredge Buncrana harbour at an estimated cost of €200,000. The question of providing funding for this project in the 2004 to 2006 period will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

Mayo Landslide Report.

290. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the report presented recently to Mayo County Council on the recent landslide at Pollathomas; and his views on whether this contradicts the reports which he had earlier received from Enterprise Energy Ireland to which he referred in replies he gave to Question No. 333 of 7 October 2003 and Questions Nos. 256 and 255 of 21 October 2003. [3634/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I am not in a position to respond to the Deputy's question as the report referred to in his question has not been made available to me.

Telecommunications Services.

291. **Mr. Murphy** asked the Minister for Communications, Marine and Natural Resources when broadband will be available in Kanturk, Charleville, Millstreet and Newmarket, County Cork. [3732/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The provision of telecommunications services, including broadband, is a matter in the first instance for the private companies operating in a fully liberalised

market regulated by the Commission for Communications Regulation, ComReg. The Government recognises the importance of a balanced regional roll-out of broadband and, in this regard, is taking a series of initiatives to support and complement investment by the private companies operating in the market.

An indicative €200 million has been set aside for the current programme of broadband infrastructure developments under the National Development Plan 2000-2006. This includes funding for 19 metropolitan area networks in towns and cities across the country, the extension of digital subscriber lines by both Eircom and Esat BT, the construction of a third national fibre trunk network by the ESB, and other regional broadband investment initiatives.

In my recent announcement of the broadband action plan, I outlined the proposals to stimulate broadband-capable infrastructural investment throughout Ireland. The key elements of the plan include the provision of broadband infrastructure in more than 90 towns with a population of 1,500 people using community broadband exchanges and strategic fibre. Both Kanturk and Charleville are such towns. A new group broadband scheme, similar to the group water schemes, is proposed for smaller communities to pool their demand and secure high speed connectivity from a range of service providers, with grant assistance from the Government under the scheme.

A multi-annual budget of €140 million has been committed to the broadband action plan in partnership with the local authorities and in co-operation with the telecoms industry here. Operational details for the broadband action plan are now being finalised, and I expect to be able to make a full announcement shortly.

The dedicated website www.broadband.gov.ie which was launched today, will allow broadband consumers to register their interest and to see the details of prices and availability of broadband services in their area. It is possible to obtain broadband services anywhere in Ireland at the moment, using one of the satellite and wireless service providers such as Amocom Satellite, Digiweb, Media Sat, South West Regional Authority or applied Dot Solutions Limited. A full list of approved providers can be obtained from the www.comreg.ie website or telephone 01-804 6900.

Harbours and Piers.

292. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources if Dingle Harbour will be given the same recognition as the other fishing ports, Killybegs, Rossaveel and Castletownbere in view of the many promises that were made by several Ministers for the Marine; the reason Dingle has not been designated as a fishery harbour centre; and if he will make a statement on the matter. [3847/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The five fishery harbour centres at Howth, Dunmore East, Castletownbere, Rossaveel and Killybegs are owned by my Department and are directly managed by the Department under the Fishery Harbour Centres Acts 1968 to 1998. These arrangements are subject to ongoing review in the context of further streamlining of the executive functions of the Department. The position of Dingle Harbour will be considered in the context of that review.

293. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the annual cost of wages, insurance, health and safety and maintenance, involved in running each of the following harbours, Killybegs, Rossaveel, Castletownbere and Dunmore East; and if he will make a statement on the matter. [3848/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The five fishery harbour centres at Howth, Dunmore East, Castletownbere, Rossaveel and Killybegs are directly managed by my Department under the Fishery Harbour Centres Acts 1968 to 1998. In 2002, the last year for which complete figures are available, the operating costs of the five centres amounted to €1.814 million. The total amount of harbour dues collected from the five harbour centres in 2002 was €753,832.

294. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if funds will be available to carry out dredging at Bunrana Harbour to facilitate launching and mooring of the RNLI lifeboat; and if he will make a statement on the matter. [3849/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Bunrana Harbour is owned by Donegal County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. In November 2003, the county council submitted a proposal to my Department for funding to dredge Bunrana Harbour at an estimated cost of €200,000. The question of providing funding for this project in the 2004-2006 period will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

Electricity Generation.

295. **Mr. C. Lenihan** asked the Minister for Communications, Marine and Natural Resources the plans he has to open up the power supply sector to competition; and the timescale he envisages for the opening of competition in this area. [3889/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): In the context of the liberalisation of the Irish electricity market, the supply sector is defined as that part of the

market concerned with the sale of electricity to customers purchasing it for their own use. Liberalisation of the electricity market is well under way and is proceeding on a phased basis under the regulatory oversight of the Commission for Energy Regulation, CER. As provided for in the Electricity Regulation Act 1999 — No. 23 of 1999 — any party can apply to the CER, for the necessary authorisations to build new plant, a licence to generate and — or a licence to supply. Details of the authorisations and licences issued to date by the CER can be found on its website at www.cer.ie.

The first phase of liberalisation was introduced with effect from 19 February 2000 by virtue of the Electricity Regulation Act 1999, in accordance with the EU Electricity Directive 96/92/EC, concerning common rules for the internal market in electricity, which was in force at that time. Ireland exceeded the requirements of that directive by opening 31% of the market, whereby 400 or so of the largest electricity customers became eligible to source their electricity from licensed electricity suppliers other than ESB. In addition, all customers became free to purchase electricity from any green or combined heat and power, CHP, licensed supplier from February 2000 and April 2001 respectively.

The second tranche of electricity market opening took place on 19 February 2002 when 40% of the electricity supply market, representing some 1,600 customers all large businesses and many medium-sized businesses, became free to shop around for keener prices in the competitive market. The third increment of market opening will take place within the next fortnight.

On 19 February next, the current level of electricity market opening will increase from 40% to 56% by virtue of the Electricity Regulation Act 1999 (Eligible Customer) (Consumption of Electricity) Order 2003 — SI No. 632 of 2003. This further step of market opening will allow an additional 12,000 or so industrial and commercial customers, whose annual consumption is greater than 1 giga watt hour, to source their electricity from independent electricity suppliers. It will result in a seven-fold increase in the target customer base for independent players in the market. The Electricity Regulation Act 1999 (Eligible Customer) (Consumption of Electricity) Order 2003 also provides for the full liberalisation of the electricity market in one year. On 19 February 2005, every customer will be eligible to source their electricity from any supplier licensed by the CER. This date is well in advance on the July 2007 deadline for full liberalisation of electricity markets set down in the recently adopted EU Electricity Directive 2003/54/EC.

State Companies.

296. **Mr. C. Lenihan** asked the Minister for Communications, Marine and Natural Resources

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the plans he has for the future of the ESB; and his views on whether the company should be further capitalised but remain in State hands. [3890/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I assume the Deputy is referring to the ownership of the ESB. Current Government policy is that the most appropriate form of ownership or structure of State companies will be approached on a case-by-case basis. I have no plans to change the ownership of the ESB and I cannot see a case or need to inject Exchequer funding into the company.

Foreshore Licences.

297. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position in relation to a foreshore lease (details supplied) in County Donegal; and if he will make a statement on the matter. [3891/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): An application was made to my Department by the organisation in question for a foreshore lease in respect of reclamation works. Having considered the application, the Department asked the organisation concerned to provide information on certain matters. A reply was received last month, together with a request that the proposed rental, that had been communicated to the organisation, be reconsidered. The matter is now being reconsidered taking account of this response. A

Projects	2000	2001	2002	2003	Amount
	€	€	€	€	€
Cahirciveen, County Kerry	Nil	2,114,084	425,392	Nil	2,539,476
Kenmare, County Kerry	Nil	332,312	Nil	Nil	332,312
Rosses Point, County Sligo	Nil	Nil	Nil	Nil	Nil
Roundstone, County Galway	Nil	Nil	Nil	Nil	Nil

An allocation has been made in the 2004 Estimates in respect of the commitment to the outstanding allocation to projects at Kenmare, Rosses Point and Roundstone but no payments have been made to date this year. Primary responsibility for development of the inland waterways rests with the North-South body, Waterways Ireland, and the provision of grant aid for such development is a matter for that body.

Harbours and Piers.

299. **Mr. Blaney** asked the Minister for Communications, Marine and Natural Resources if the planning application in relation to Greencastle Harbour has been submitted to An Bord Pleanála; and if he will make a statement on the matter. [3984/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Greencastle Harbour is owned by Donegal County Council

decision on whether the lease will be granted will be conveyed to the organisation as soon as possible.

Marina Development.

298. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources the number of grants awarded by his Department in regard to the development of marinas for each of the past three years; if grants were paid for inland marina; if not, the plans his Department has to investigate such applications; and if he will make a statement on the matter. [3975/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Deputy will be aware that an allocation of €5.7 million was provided for marine leisure projects as part of the 2000 budget and that four projects were chosen as flagship projects for marine access infrastructure development in the State. The projects and their grant allocations were as follows:

Projects	Total
	€
Cahirciveen, Co. Kerry	2,540,000
Kenmare, Co. Kerry	752,550
Rosses Point, Co. Sligo	1,270,000
Roundstone, Co. Galway	1,160,000

Payments in respect of these projects are as follows.

and responsibility for its repair, maintenance and development rests with the local authority in the first instance. Officials from my Department and the county council have been progressing the project including preparation of the necessary planning application documentation. The planning application to An Bord Pleanála in relation to the proposed development at the harbour falls to be made by Donegal County Council.

Departmental Expenditure.

300. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and

the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4064/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The information sought by the Deputy is in the table at appendix I. The expenditure relates primarily to advertisements in the print media as statutory

notices of statutory instruments, mining and exploration licences and leases, afforestation grants and aquaculture licences, calls for tender, consultation notices, notices in relation to foreshore development and fishery bye laws, recruitment advertising and advertising in relation to NDP projects. Appendix II gives a breakdown of the advertising and promotional expenditure incurred by the Irish Coastguard on water safety campaigns.

Appendix I.

Breakdown of media and promotional expenditure by the Department in 2002 and 2003.

Area of Department	Expenditure 2002	Expenditure 2003
	€	€
Communications		
Broadcasting	18,874	12,102
Communications Development	400	19,266
Communications Regulation	4,317	11,385
Digital Hub		1,730
Postal Division		1,708
Marine		
Sea Fish Admin. & Harbours	17,116	4,427
Sea Fish Policy & Development	117,554	113,000
Inland Fish & Aquaculture	16,103	29,116
Coastal Zone Management	12,075	13,617
Maritime Safety & Environment	24,804	26,031
Sea Fisheries Control	—	6,961
Engineering	2,386	3,726
Maritime Transport		2,609
Irish Coast Guard	6,321	120,461
Natural Resources		
Electricity Regulation	5,047	2,174
Peat Division	—	25
Oil Supply Division		20.00
Gas Policy	5,571	—
Gas Corporate	17	
Renewable Energy		14,724
Sustainable Energy	—	140
Exploration & Mining Division	31,029	39,790
Petroleum / Exploration	5,336	60,053
Forestry Administration	114,944	61,237
COFORD	—	16,247
Geological Survey Video		10,747
National Development Plan	39,685	—
Support Units		
S.M.I./I.T./Research	20,548	—
Corporate Management	5,504	363
Human Resources Division	1,950	3,772
Services	16,461	—
Central Division	36,725	—

Appendix II.

Breakdown of expenditure incurred by the Irish Coastguard on advertising and promotion in 2002 and 2003.

Area	Expenditure 2002	Expenditure 2003
	€	€
Print Media	6,321	21,349
TV/Radio	nil	77,107
Video	nil	9,000
Internet	nil	13,005
Total	6,321	120,461.

Sports Capital Programme.

301. **Mr. Crowe** asked the Minister for Arts, Sport and Tourism his views on a requirement to receive funding under the sports capital programme that the accounts of an applicant be up to date and the annual returns lodged. [3594/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The various requirements which have to be met by organisations seeking funding under my Department's sports capital programme are set out in detail in the guidelines, terms and conditions of the programme, which have been prepared for the information of applicants. There is no requirement that the accounts of an applicant be up to date or annual accounts lodged.

The financial viability of a project is among the key assessment criteria used in considering applications for funding. It is essential to have confirmation that, in addition to funding provided under the programme, the club or organisation in question has sufficient funds or commitments to funding to complete the project within a realistic timeframe. In addition, it is necessary to have assurances on the extent to which the applicant will be able to maintain the project after completion, given realistic projections of income from the project. Accordingly, an applicant must furnish, with the application form, proof of the organisation's own funding contribution in the form of a recent statement from the financial institution in which their funding is held as well as written confirmation of any proposed loan or overdraft facility with a financial institution.

I am satisfied that the requirements to be met by organisations are appropriate and adequate to enable an effective assessment to be carried out on their applications in accordance with the published criteria of the sports capital programme.

302. **Mr. Crowe** asked the Minister for Arts, Sport and Tourism the reason funding was given to the Firhouse Community and Leisure Club in 1999; and the purpose for which this money was to be used. [3595/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports

capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is run on an annual basis.

Firhouse Community and Leisure Club Limited applied for grant assistance under the 1999 sports capital programme. All applications were evaluated by my Department in accordance with the assessment criteria for the programme published in the guidelines, terms and conditions for that programme. In July 1999, this organisation was allocated a grant of €126,974 towards the extension of an existing sports and leisure centre. Full payment of the grant was completed in June 2002.

303. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the reason a significant amount of money allocated under the sports capital programme grants as far back as 2000 has not been drawn down; his plans to remedy this situation; and if he will make a statement on the matter. [3226/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under my Department's sports capital programme, grants are allocated to sporting and to voluntary and community organisations for the provision of sporting and recreational facilities and equipment. Through the programme, this and the previous Government have provided unprecedented levels of funding for sport and its infrastructure in this country by allocating almost €267 million in funding to over 3,500 projects since 1998. Under the guidelines, terms and conditions of the programme, a sunset clause provision exists for a grant to be withdrawn if within 15 months of the date of allocation the grantee is unable to satisfy the Department that it is in the process of drawing down the grant. In a number of cases each year delays arise on the part of the grantees themselves for a variety of reasons. These include supplying legal, financial and other documentation requested by my Department.

Through ongoing consultation by my Department with the legal and technical advisers to the programme, the CSSO and the Office of Public Works respectively, improvements have been made in dealing with those aspects of grant

draw-down. The rate of grant withdrawals by my Department has accelerated in recent years. A total of 131 withdrawals valued at over €3.9 million were made during 2003 and already in 2004 withdrawals to the value of over €800,000 have been carried out. It is my intention that the rate of withdrawals will be increased still further, while taking into account that there are circumstances in which a timeframe greater than provided in the sunset clause provision is required to enable the grantee to deliver the project. An example of such circumstances might be if the project involved was in a highly disadvantaged area or of significance in terms of a large integrated multi-sport project.

It should also be noted that there are a considerable number of projects for which 95% payment has been achieved with the remaining 5% of each retained pending the receipt of a certification of completion of the defects liability period of the project by my Department in each case. This is in line with my Department's procedures for sports capital funding. The certificate of completion is generally available about a year following the second last payment for the grant.

304. **Mr. Perry** asked the Minister for Arts, Sport and Tourism, further to parliamentary Question No. 200 of 25 June 2003 (details supplied), when a decision will be made on an application in County Leitrim; the amount of funding which will be granted; and if he will make a statement on the matter. [3724/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis and a separate application for funding must be made for each year for which an applicant requests funding.

Following an evaluation of all of the applications received under the 2003 programme, I announced details of the projects for which funding was being allocated in July 2003. The application from the club in question was unsuccessful and the club were advised accordingly on 5 August 2003. The 2003 programme is now closed and no further grants will be allocated under this programme. The 2004 sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The closing date for receipt of applications was 16 January 2004. A total of 1,302 applications were received before the closing date, including one from the organisation in question. All applications are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the

programme as soon as possible after the assessment process has been completed.

School Curriculum.

305. **Cecilia Keaveney** asked the Minister for Arts, Sport and Tourism the number of meetings that have taken place in the past six months between himself and his officials and the Minister for Education and Science and his officials on developing a strategy for the delivery of the new music curriculum in schools or the general issue of Arts in Education; and if he will make a statement on the matter. [3910/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The delivery of the new music curriculum in schools is a matter for the Minister for Education and Science, as is the provision of art education in schools generally. There have been no meetings on these issues in the past six months.

Sports Capital Programme.

306. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism if he will confirm that his Department has received an application for grant aid under the sports facility programme from an organisation (details supplied); the steps he will take to ensure that this group will be considered for such grant aid; and if he will make a statement on the matter. [3945/04]

307. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism if he will confirm that his Department has received an application for grant assistance under the sports facility programme from an organisation (details supplied); the steps he will take to ensure that it is considered; and if he will make a statement on the matter. [3946/04]

308. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism if he will confirm that his Department has received an application for grant assistance under the sports facility programme from an organisation (details supplied); the steps he will take to ensure that it is considered; and if he will make a statement on the matter. [3947/04]

309. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism if he will confirm that his Department has received an application for grant assistance under the sports facility programme from an organisation (details supplied); the steps he will take to ensure that it is considered; and if he will make a statement on the matter. [3948/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 306 to 309, inclusive, together.

The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and

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national level throughout the country. The programme is advertised on an annual basis.

The 2004 sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The closing date for receipt of applications was 16 January 2004. A total of 1,302 applications were received before the closing date, including one from each of the organisations in question. All applications are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

310. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism the grants available for community halls which have sporting and youth facilities. [3954/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. It is the only programme in my Department which provides funding towards community halls which incorporate sporting and youth facilities.

311. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the number of applications for the capital sports grants (lottery funding) for 2004; the way this number compares to the past three years; and if he will make a statement on the matter. [3968/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. The 2004 sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The closing date for receipt of applications was 16 January 2004.

The number of applications to the programme for the years requested by the Deputy are as follows:

Year	No. of Applications
2004	1,302
2003	1,337
2002	1,364
2001	1,467

The applications received under the 2004 programme are currently being evaluated against its assessment criteria, which are outlined in the guidelines, terms and conditions of the

programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

International Agreements.

312. **Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism if there has been contact between his Department and the Bulgarian Ministry of Sports and Youth, including discussions in relation to a bilateral sports agreement; if any of the Irish Olympians will avail of the training opportunities in that country, close to the site of the 2004 Olympics in Greece; and if there are future plans to enhance the sports relations between both countries. [3982/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Senior officials of my Department met with a representative of the Bulgarian Ministry of Youth and Sports on 12 December 2003, for preliminary discussions on the possibility of agreeing sporting exchanges between Ireland and Bulgaria. My Department is now awaiting receipt of proposals from the Ministry on behalf of any Bulgarian sports federations which may be interested in sharing experiences and expertise with Irish sports organisations. When these proposals are received, the matter will be further considered in consultation with the Irish Sports Council, the statutory body responsible for the promotion and development of sport in Ireland.

The question of training camps in preparation for the Athens 2004 Olympic Games is a matter in the first place for the Olympic Council of Ireland, who it is understood, have already established their pre-Olympic facilities.

Departmental Expenditure.

313. **Mr. Ring** asked the Minister for Arts, Sport and Tourism the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4065/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The expenditure for media and advertising purposes by my Department for the period in question was €224,255. The cultural institutions spent €425,167 under these headings. The amount spent on advertising that related to the Department was €167,815. In addition, €278,054 was spent by the cultural institutions on advertising. This sum related largely to advertising in the national newspapers and magazines with some expenditure by the cultural institutions on advertising in local press and radio. Media expenditure by the Department amounted to €56,440. In addition, €147,113 was

spent by the cultural institutions on external public relations consultants, media marketing, photography and media monitoring. There was no expenditure on videos during this period.

Services for People with Disabilities.

314. **Ms O. Mitchell** asked the Minister for Health and Children when a person (details supplied) in County Wicklow will receive speech therapy services to enable them attend mainstream school. [3570/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health related services, including speech and language 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.

Health Board Services.

315. **Mr. O'Connor** asked the Minister for Health and Children if funding will be made available for major works at Millbrook Lawns Health Centre, Dublin 24; if his attention has been drawn to the anxiety of the local community that this issue be finally progressed; and if he will make a statement on the matter. [3571/04]

Minister for Health and Children (Mr. Martin): My Department has recently met with the Eastern Regional Health Authority, ERHA, and local representatives to discuss this project. I fully appreciate the anxiety of the local community regarding the upgrading of this facility. My Department, in conjunction with the Department of Finance is examining this particular proposal in the context of an overall review of capital priorities for 2004 and beyond. This review will be completed as soon as possible. My Department will continue to liaise closely with the ERHA in relation to progressing this project.

Cancer Screening Programme.

316. **Ms McManus** asked the Minister for Health and Children when breast screening is to be in place for women, who in the west and south are at a serious disadvantage in not having breast cancer identified at an early and curable stage; and if he will make a statement on the matter. [3572/04]

Minister for Health and Children (Mr. Martin): The national roll-out of BreastCheck, which I announced last year, requires detailed planning to include essential infrastructure. The BreastCheck clinical unit in the southern area will be located at South Infirmary, Victoria Hospital, with three associated mobile units. Counties covered include Cork, Kerry, Limerick, Waterford and Tipperary

south riding. The BreastCheck clinical unit in the western area will be at University College Hospital, Galway, with two associated mobile units. The area of coverage is counties Galway, Sligo, Roscommon, Donegal, Mayo, Leitrim, Clare and Tipperary North Riding. Two capital project teams, one in each region, have been established to develop a brief for the capital infrastructure needed for the static units in the south and west. The South Infirmary considered it necessary to commission a site strategy study to ensure the integration of the breast screening service into the present and future development of the hospital.

In 2004, my Department made available a capital grant of €230,000 for a site strategy study to be undertaken by professional architectural, engineering and quantity surveying experts on behalf of the hospital. It is expected that this study will be completed in March and April 2004. BreastCheck submitted a number of options for the construction of a static unit on the grounds of University College Hospital, Galway. This is being considered by my Department in the context of the framework for capital investment between 2004 and 2008 and is being discussed with the Department of Finance at present.

An essential element of the roll out of the programme is investment in education and training of radiographers in particular. BreastCheck employs qualified and experienced radiographers who have specialised postgraduate training and qualifications related to mammography. BreastCheck and the symptomatic services combined have a significant ongoing recruitment and training requirement in this area. I also announced the development of a training centre for radiographers and mammography at Eccles Street. Resources are being made available to BreastCheck to support this initiative which will cost in excess of €750,000 and the centre is expected to be completed in the second half of 2004. Any woman irrespective of her age or residence who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her area.

Hospital Staff.

317. **Ms McManus** asked the Minister for Health and Children the cost of the public relations and information campaign relating to the report of the National Task Force on Medical Staffing; and if he will make a statement on the matter. [3573/04]

Minister for Health and Children (Mr. Martin): My Department is arranging for an information campaign on the report of the National Task Force on Medical Staffing. In line with EU procurement guidelines, the campaign is the subject of a formal tendering process, which is in progress. For competitive reasons, it would be inappropriate to specify a budget in the request for tender documents while candidate firms are

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preparing their proposals. I expect the contract to be awarded by my Department towards the end of this month.

Health Board Services.

318. **Mr. G. Mitchell** asked the Minister for Health and Children the measures he has taken to assist a person (details supplied) in Dublin 8; the measures he proposes to take to assist this person; and if he will make a statement on the matter. [3576/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Responsibility for the provision of services to young persons with specific needs such as the individual mentioned by the Deputy in the Dublin region is a matter, in the first instance, for the Eastern Regional Health Authority. While it is not usual practice to comment on individual cases, given that detailed reports have already appeared in the media, I will to comment on a number of aspects of this case.

The Eastern Regional Health Authority has informed my Department that following a review of all of this young man's records, some of which were only recently made available to the South Western Area Health Board, the advice now available to the board confirms that he requires a specialist service designed to meet his needs. The South Western Area Health Board has made arrangements for a comprehensive assessment of his needs to be carried out this week. The board has also been in contact with a number of service providers in relation to this person, including a facility in the United Kingdom which specialises in such cases. The outcome of this assessment will facilitate the board in its discussions with various services providers to source a suitable care package for him as quickly as possible.

It must be appreciated that a case such as this does not lend itself to easy solutions. The referral process now envisaged by the health authorities will be contingent on the individual himself agreeing to co-operate and attend a service. My Department has also been assured by the authority's regional chief executive that the question of providing funds should not be a hindering factor in this case nor will his age. The difficulty arises more in the identification of a suitable and appropriate placement which will provide the necessary care package to meet this person's complex needs.

National Health Promotion Strategy.

319. **Ms O. Mitchell** asked the Minister for Health and Children his views on the recent budget measure which introduces benefit-in-kind taxation for employees, when employers provide free medical check ups; and if this move is consistent with the Government's preventative health policy. [3579/04]

Minister for Health and Children (Mr. Martin): The introduction of benefit in kind for employees

when employers provide free medical check ups is a matter for the Minister for Finance. However, routine medical check ups by employees give rise to many health benefits especially in relation to promoting the health of the workforce and preventing disease. The National Health Promotion Strategy 2000-2005 sets out the policy framework to promote the health of the population. The health promotion unit of my Department works in partnership with other statutory and non-statutory bodies to create a health promoting supportive environment including educational measures, working with key groups and in key settings. The implementation of the national health promotion strategy and the cardiovascular health strategy have progressed the development of workplace health promotion, in particular through the appointment of workplace health promotion co-ordinators in each health board.

Health Board Services.

320. **Ms McManus** asked the Minister for Health and Children his views on whether the €11 million divided between all health boards since 2001 is adequate to implement the recommendations made in the report of the national advisory committee on palliative care; and if he will make a statement on the matter. [3587/04]

Minister for Health and Children (Mr. Martin): The publication of the report of the national advisory committee on palliative care was approved by Government and launched on 4 October 2001. The report describes a comprehensive palliative care service and acts as a blueprint for its development over a five to seven year period. My Department has provided funding to all the health boards on a pro-rata basis to commence the development of palliative care services in line with the recommendations in the report.

The report recommended that palliative care needs assessment studies should be carried out in each health board area and these studies are either completed or nearing completion. Information gleaned from these studies will inform the future development of palliative care services at health board level in consultation with the consultative and development committees which have been set up as recommended in the report. In addition, a paediatric palliative care needs assessment study is nearing completion and the report of the expert group on specialist design guidelines for palliative care settings is also nearing completion.

As the Deputy can see, my Department, the health boards and the voluntary sector are actively involved in planning for the development of palliative care services in line with the recommendations in the report of the national advisory committee. Funding is being provided for the development of such services on a

incremental basis in line with the recommendations in the report.

321. **Ms McManus** asked the Minister for Health and Children the action which is being taken by each of the health boards with respect to the development of palliative care services; and if he will make a statement on the matter. [3588/04]

Minister for Health and Children (Mr. Martin):

As the Deputy is aware, the development of palliative care services in this case is a matter for each health authority. My Department has, therefore, asked the Eastern Regional Health Authority and the health boards to provide the information, which will be forwarded to the Deputy, as a matter of urgency.

Diabetes Incidence.

322. **Mr. F. McGrath** asked the Minister for Health and Children the reason 50% of all amputations are related to diabetes; and the action he will take regarding this crisis. [3589/04]

Minister for Health and Children (Mr. Martin):

Diabetes is a condition that is characterised by high blood glucose concentrations. The hormone insulin, which is produced by the pancreas, helps the body to take energy from food and use it as fuel for the body. The raised glucose level occurs because the body is not producing sufficient insulin or the cells are resistant to the action of the insulin. The glucose is unable to get into the body's cells. There are two main types of diabetes mellitus, type 1, or insulin dependant diabetes mellitus, IDDM, accounts for approximately 10% of cases. It affects mainly young people and requires lifelong treatment with insulin. Type 2, or non-insulin dependant diabetes mellitus, NIDDM, accounts for 90% of all cases. It affects mainly middle aged or elderly people and is associated with lifestyle factors. Tackling modifiable factors may be the most effective method of reducing the incidence of type 2 diabetes mellitus.

Diabetes is a chronic disease and it is estimated that 6% to 7% of the population may be suffering from the condition. The prevalence of type 2 diabetes is increasing due to a number of factors including the ageing of the population and lifestyle factors such as low physical activity, obesity, poor diet, etc. It is estimated that type 2 diabetes may be present for up to seven years before diagnosis and up to half of those diagnosed may have evidence of complications at diagnosis. Microvascular complications include those associated with eye, kidney or nerve damage. Macrovascular complications result in coronary artery disease, stroke and peripheral vascular disease which are the main cause of death in diabetes mellitus. Peripheral vascular disease causes reduced blood supply to the extremities and when this blood supply deficiency

reaches a critical point, amputation becomes inevitable.

The increasing prevalence of diabetes and the high incidence of complications means that such outcomes are becoming more frequent. The reduction of complications such as vascular disease and amputations depends on the earlier diagnosis of diabetes, better management as between hospital and primary care services and provision of services such as chiropody. With a view to identifying the most effective response to the growing diabetes problem, I have asked the chief medical officer to chair a multi-disciplinary working group comprising representatives of the relevant line divisions in the Department, the health boards and the Diabetes Federation of Ireland. The group has held its first meeting and I hope to have its recommendations before the summer.

323. **Mr. F. McGrath** asked the Minister for Health and Children the reason a diabetic patient has to wait 15 months to be seen; and if he will make a statement on the matter. [3590/04]

326. **Mr. F. McGrath** asked the Minister for Health and Children if the maximum support and assistance will be given to the adult diabetic treatment centre at Beaumont Hospital, Dublin 9; and his plans to reduce the waiting list of 4,000. [3593/04]

Minister for Health and Children (Mr. Martin):

I propose to take Questions Nos. 323 and 326 together.

Services at Beaumont Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine this issue and to reply to the Deputy directly. The Deputy may be aware that I have asked the chief medical officer of the Department of Health and Children to chair a working group which will examine the current and predicted epidemiology of diabetes, health promotion and preventive initiatives including screening, current service provision, including the need to achieve better integration of care using current resources and facilities, the expansion of shared care programmes and future needs in terms of service provision and staffing.

The group is comprised of officials of the Department, service providers and the Diabetes Federation of Ireland. The first meeting of the group took place recently and I look forward to receiving its report in due course.

324. **Mr. F. McGrath** asked the Minister for Health and Children the amount of public money spent on diabetes; and if there will be further spending in 2004. [3591/04]

Minister for Health and Children (Mr. Martin):

The total amount spent on public moneys specifically dedicated to diabetes in 2003 was €49,356,252 as follows:

[Mr. Martin.]

Programme	2003
Heartwatch (Primary Care Programme)	200,000
Diabetes Federation of Ireland	63,000
Community Health — Screening for diabetic retinopathy	230,000
Long Term Illness Scheme	48,863,252
Total	49,356,252

The national programme in general practice for the secondary prevention of cardiovascular disease, Heartwatch, commenced on 1 October 2002 and is being undertaken by the Department of Health and Children and the health authorities in partnership with the Irish College of General Practitioners and the Irish Heart Foundation. This programme caters for 1,000 people with diabetes in the Midland Health Board area at an annual cost of approximately €200,000.

The cardiovascular health strategy allocated funding of €63,000 in 2003 and 2004 to the Diabetes Federation of Ireland, DFI, for the post of diabetic nurse specialist. The additional post has enabled the DFI to provide an information database and helpline, development of national awareness of diabetes, development of detailed direction for early detection and prevention of diabetes, review of literature and health promotion initiatives.

Funding of €230,000 in 2003 and €110,000 in 2004 was allocated to community ophthalmic services screening for diabetic retinopathy. This programme allows early detection and treatment and reduces the incidence of visual impairment and blindness. The North Western Health Board has taken the lead in this area and is in the process of establishing a mobile diabetic retinopathy screening programme on a pilot basis using digital retinal photography. Diabetes mellitus qualifies as one of the illnesses for the long-term illness scheme. The drug costs associated with diabetes are €39,926,058 for 2002 and €48,863,252 for 2003 an increase of almost €9 million.

Patients with diabetes who present in the acute hospital system are often presenting for treatment of some other primary condition. The acute hospitals system treats these patients on a needs basis. There was no specific additional funding for diabetes in the 2003 and 2004 letters of determination to the ERHA and the health boards under the acute hospitals heading. When the Abridged Estimates for 2004 were published in November last year, I indicated that I would have the flexibility to manage the overall health services within funding subheads available to me, allowing me to prioritise a limited number of initiatives within the overall envelope of funding available to me. With a view to identifying the most effective response to the growing diabetes

problem, I have asked the chief medical officer to chair a multidisciplinary working group comprising representatives of the relevant line divisions in the Department, the health boards and the Diabetes Federation of Ireland. The group has held its first meeting and I hope to have its recommendations before the summer. My Department will consider any funding proposals in relation to diabetes services in this overall context.

325. **Mr. F. McGrath** asked the Minister for Health and Children if early treatment of diabetes will save public money in the long-term; and if he has strategies to deal with this crisis. [3592/04]

Minister for Health and Children (Mr. Martin):

Diabetes mellitus, DM, is a condition characterised by high blood glucose concentrations. The hormone insulin, which is produced by the pancreas, helps the body to take energy from food and use it as fuel for the body. The raised glucose level occurs because the body is not producing sufficient insulin or the cells are resistant to the action of the insulin. There are two main types of DM. Type 1, or insulin dependant DM, accounts for approximately 10% of cases. It affects mainly young people and requires lifelong treatment with insulin. Type 2, or non-insulin dependant DM, accounts for 90% of all cases. It affects mainly middle-aged or elderly people and is associated with lifestyle factors. Tackling modifiable factors may be the most effective method of reducing the incidence of type 2 DM.

Studies estimate that type 2 DM is present for on average seven years prior to diagnosis and up to half of those diagnosed may have evidence of complications at diagnosis. Micro vascular — small blood vessel — complications include those associated with eye, kidney or nerve damage. Macro vascular — large blood vessel — complications result in coronary heart disease, stroke and peripheral vascular disease, which are the main cause of premature death in diabetes mellitus. A total of 2,747 patients with a diagnosis of type 2 DM were discharged from hospital in 2002, an increase of 26% in the preceding two years. The corresponding figure for type 1 DM is 8,279, an increase of 9%. Approximately 400 people die each year where DM is listed as the primary cause of death. Diabetes results in a high cost to the health service mainly associated with treatment of preventable complications. Interventions aimed at preventing or delaying onset of complications are cost effective. International evidence indicates that detection and control of diabetes and its complications will lead to lower health care costs in the long term.

A range of services for persons with diabetes is provided by the health services generally and many initiatives have significant benefits for persons with diabetes and in the prevention of the disease. A particular case in point is the

cardiovascular health strategy, which made a number of recommendations on the prevention of heart disease and these will help to reduce the occurrence of cardiovascular disease in persons with diabetes.

People with diabetes mellitus should be targeted by GPs to tackle cardiovascular risk factors. The strategy recommends that diabetics should be treated in the same manner as those non-diabetics that have had a myocardial infarct. The 47% increase in the frequency of prescriptions for cardiovascular disease for people covered by the General Medical Services Payments Board, reflects the increase in the numbers now being detected and treated with chronic heart failure. People with diabetes have a worse prognosis after myocardial infarct and should be treated intensively. The first phase of the Heartwatch programme being carried out under the cardiovascular strategy with the Irish College of General Practitioners and the Irish Heart Foundation includes up to 1,000 people with diabetes in the Midland Health Board. The third area of prevention under the cardiovascular health strategy refers to the implementation of the health promotion aspect of building healthier hearts. This, coupled with the implementation of the national health promotion strategy 2000-2005, is of direct benefit to diabetics.

The population approach being adopted through the implementation of these strategies addressing healthy eating and increasing exercise in the population, especially among children should, in the long term, reduce the numbers developing diabetes. Also in recent years, part of the €54 million funding for the implementation of the cardiovascular health strategy is providing for the appointment of 17 additional consultant cardiologists and 300 other hospital-based professional staff, resulting in the substantial increase in cardiology diagnostic and treatment services and providing more accessible, equitable and better quality care for patients with cardiac conditions.

Another major complication of diabetes is end stage renal disease requiring dialysis and possible transplantation. The evidence suggests that diabetes is the leading cause of this condition in western countries and some estimates indicate that between 30% and 50% of all patients beginning kidney dialysis are diabetics. A pilot Irish renal register compiled a number of years ago, indicated that diabetes caused end stage renal disease in 14% of patients beginning dialysis. The incidence of this condition and, therefore, the numbers requiring kidney dialysis in the future are expected to rise significantly as a result of the growing prevalence of diabetes and the ageing of the population in future years. In anticipation of this and other requirements for dialysis, significant investment of the order of €20 million has been made over the last number of years to develop renal services in response to this increased demand. This investment is supportive

of the development of services on a regional basis so that patients do not have to travel long distances for dialysis and has facilitated the approval of five additional consultant nephrologists with the commissioning of a number of new dialysis units around the country. Furthermore, I have established a group to undertake a national review of renal services. This group will be charged with formulating a national framework for the future development and delivery of services in this area with a consequent improvement in services for the large number of diabetics who require this treatment.

Another area of frequent complication is that of retinal — eye — disease leading to blindness. The evidence of the value of screening for this condition is strong and currently my Department is supporting a pilot screening project in the North Western Health Board which has set the criteria of annual examination for those with diabetes, quality assurance written into the service and a programme integrated into the care plan for each patient. A total of €340,000 has been provided by the Department for this project. It is anticipated that the first patients will be screened in April 2004.

In the development of health promotion activities and materials, the Department works in partnership with the Diabetes Federation of Ireland. These developments include a national media campaign, Ireland Needs a Change of Heart, which includes an all-island physical activity campaign, Get a Life, Get Active, and the recent physical activity campaign, Let it Go. They also include the national healthy eating initiatives. At regional level, a broad range of service developments and initiatives occurred in the areas of smoking cessation, nutrition, physical activity and dissemination of good practice. These services work in co-operation with the Diabetes Federation of Ireland. The Department supports the employment of a diabetic nurse specialist by the Diabetes Federation of Ireland which has enhanced national awareness of diabetes, development of detailed direction for early detection and prevention of diabetes and many health promotion initiatives.

The primary care strategy, Primary Care: A New Direction, is intended to develop a model of care that will provide an appropriate structure to enable the shift in care from secondary specialist care to primary generalist care and deliver the full range of health, personal and social services appropriate to this setting. A primary care project that was established in the Southern Health Board as part of the implementation of the primary care strategy and which illustrates this point is located on the Dingle Peninsula in County Kerry. The team has selected shared care of diabetes as one of its key initial priorities. It covers the entire population of the Dingle Peninsula and has been developed in co-operation between the GPs, the local health board and Tralee General Hospital. The main

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features of the programme include the establishment of a register, the use of opportunistic screening in domiciliary and practice settings for diabetes, a quality assurance and audit mechanism and participation in the diabetes quality of life study being led by UCC. It is an example of how structured shared care in primary care can be developed in a manner which works for both hospitals and primary care and most importantly, of how, especially in such a remote region, dependence of acute hospital care for people with diabetes can be appropriately reduced. Through further roll out of the primary care strategy, further development of such programmes can be expected.

The national steering committee of the primary care strategy recently produced a framework for quality assurance in primary care. These guidelines have recommended that diabetes be chosen as the specific initial focus for the development of quality indicators in primary care. I recognise that more work needs to be done. After detailed consideration of issues relating to the treatment of diabetes and having had a series of meetings with the Diabetes Federation of Ireland to consider their strategy document, *Diabetes Care: Securing the Future*, I asked the chief medical officer to chair a working group consisting of officials of the Department of Health and Children, service providers and the Diabetes Federation of Ireland. The first meeting of the group took place on 30 January. The group hopes to report to me by the summer.

The working group will examine the current and predicted epidemiology of diabetes, health promotion and preventive initiatives including screening, current service provision including the need to achieve better integration of care using current resources and facilities and the expansion of shared care programmes and future needs in terms of service provision and staffing.

Question No. 326 answered with Question No. 323.

Health Board Services.

327. **Mr. Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo can be brought for immediate orthodontic treatment in view of their urgent need for same. [3596/04]

Minister for Health and Children (Mr. Martin):

As the Deputy is aware, responsibility for the provision of orthodontic treatment to eligible persons in County Mayo rests with the Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Hospital Services.

328. **Mr. Crowe** asked the Minister for Health and Children if his attention has been drawn to

the use of resources in State and public hospitals by hospital consultants who conduct the business of their private practice; his views on whether this amounts to ethical conduct; if it is his view that enforcing properly accountable use of public funds might cut costs that could be better used; and if he will make a statement on the matter. [3598/04]

Minister for Health and Children (Mr. Martin):

The provision of private care in public acute hospitals has been a long standing feature of the Irish health care system. The White Paper on Private Health Insurance 1999 set out the advantages of allowing private practice on public hospital sites, as follows. It helps to ensure that medical and other staff of the highest calibre continue to be attracted into and retained in the public service. It promotes the efficient use of consultant's time by having public and private patients on the one site, it represents an additional income stream to the public hospital system, and it allows patients to avail of private health care when admitted as emergencies to public hospitals.

The consultants' common contract includes a provision to allow consultants treat private patients in public hospitals. Beds in public hospitals are designated public or private. On average, 20% of the beds in public hospitals are designated as private beds. The Government's health strategy, *Quality and Fairness*, contains a commitment to improve access to hospital services for public patients. This policy objective will be addressed through a series of integrated measures including increased capacity for public patients, use of the national treatment purchase fund to reduce waiting times for public patient, equity for public patients in a revised contract for consultants and clarification in relation to the rules governing access to public beds.

I am committed to ensuring that private practice within public hospitals will not be at the expense of fair access for public patients and I can assure the House that in the context of the on-going health reform programme every opportunity will be taken to re-inforce the application of this principle in the health system.

329. **Mr. Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 741 of 27 January 2004, the plans his Department has to fund residential services for persons suffering from Alzheimer's disease in County Roscommon; the specialist residential services available to such patients in County Roscommon and the complement of beds; and if he will make a statement on the matter. [3603/04]

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 Roscommon area is a matter for the Western Health Board in the first instance. My Department has been informed by the Western

Health Board that people suffering from Alzheimer's disease in County Roscommon are currently catered for in the Sacred Heart Hospital, Roscommon, in community nursing units in Boyle and Castlerea and in Aras Naomh Chaolain, Castlerea. The board has further stated that it has established a project team to prepare a brief for the development of a 12 bed unit within Our Lady's Unit in the Sacred Heart Hospital, Roscommon for people suffering from Alzheimer's disease. Following preparation of the project brief the board has stated that it will be seeking approval from my Department to appoint a design team for this project.

Services for People with Disabilities.

330. **Mr. Connaughton** asked the Minister for Health and Children the reason a query was sent by the Western Health Board to his Department, concerning blind welfare allowance entitlement policy in respect of persons aged over 16 years and under 18 years without dependants on 5 January 2004 and a reminder sent on 30 January 2004 has not been replied to; and if he will make a statement on the matter. [3613/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): A reply has issued to the Western Health Board in response to the query raised regarding blind welfare allowance entitlement in respect of persons aged over 16 years and under 18 years.

Cancer Screening Services.

331. **Ms McManus** asked the Minister for Health and Children when cervical screening is to be rolled out; if the €2.5 million was allocated in 2002; if the €1.4 million in 2003 was adequate to meet the additional demands for cervical cytology laboratory services; and if he will make a statement on the matter. [3614/04]

Minister for Health and Children (Mr. Martin): Phase 1 of the national cervical screening programme has been up and running in the Mid-Western Health Board since October 2000. Under the programme, cervical screening is being offered at five year intervals to approximately 74,000 women in the 25 to 60 age group free of charge. The national health strategy includes a commitment to extend the programme to the rest of the country. The Health Boards Executive, HeBE, has initiated an examination of the feasibility and implications of a roll out of the national programme which is a major undertaking with significant logistical and resource implications. The work currently being undertaken as part of the roll out includes an evaluation of phase 1, policy development and the establishment of national governance arrangements. This work has regard to both the experiences gained from the phase 1 programme and other international programmes as well as current best practice.

The evaluation of phase 1 is a key element in informing the development of a high quality cervical screening model for Ireland. The evaluation is currently under way and it is anticipated that it will be completed within the next few months. Once completed, HeBE has advised that it will be in a position to prepare a draft roll out plan. Over the last number of years my Department has allocated additional funding, including the amounts referred to by the Deputy, to support the ongoing development and enhancement of cervical cytology services including the achievement of a reduction in waiting times for smear test results. The funding has facilitated the employment of staff, provision of training, introduction of new technologies such as liquid-based cytology, investment in new equipment and upgrading of facilities. Further additional funding amounting to €500,000 was allocated in 2004 as part of a programme of continued investment in cervical cytology and colposcopy services.

Health Board Services.

332. **Mr. F. McGrath** asked the Minister for Health and Children if a person (details supplied) in County Carlow will receive respite payments, and their family will receive the maximum clarification, advice and support. [3615/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In 1999, the then Department of Social, Community and Family Affairs introduced the respite care grant for recipients of carer's allowance. In 2000, the respite care grant was extended to beneficiaries of domiciliary care allowance. At the time it was decided that the then Department of Social, Community and Family Affairs would be responsible for paying the respite care grant to those providing care who are beneficiaries of the carers allowance and benefit only, or the carers allowance-benefit and domiciliary care allowance. It was also decided that the Department of Health and Children, via health boards, would be responsible for paying the respite care grant to those providing care who are beneficiaries of domiciliary care allowance but who are not in receipt of the carer's allowance and benefit.

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 South Eastern Health Board with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

Cancer Services.

333. **Ms McManus** asked the Minister for Health and Children if equitable access regardless of location as a stated objective of the radiotherapy report is in practice a reality for

[Ms McManus.] terminally ill cancer patients who require radiotherapy for relief of pain; and if he will make a statement on the matter. [3616/04]

334. **Ms McManus** asked the Minister for Health and Children his views on whether patients in areas not facilitated by radiotherapy will not have access to radiotherapy for pain relief in the last period of their lives; and if he will make a statement on the matter. [3617/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 333 and 334 together.

As the Deputy is aware, I launched the report, *The Development of Radiation Oncology Services in Ireland*, in October 2003. I established the expert group on radiotherapy services to ensure that we effectively plan the current and future development of this element of cancer care. Palliative care was identified as a particular issue in relation to radiotherapy services and the expert group included a consultant in palliative care among its membership. The report provides a detailed plan for the further development of radiation oncology services in this country. The Government has accepted the recommendations of this report.

The Government accepts that there is under-capacity in radiation oncology services at present. The model of radiation oncology service proposed in the report provides a framework that provides improved access for all patients, including patients who require radiotherapy for palliation. The implementation of the report's recommendations is the single most important priority in cancer services in the acute hospital setting. Since the launch of the report, I have approved the purchase of two additional linear accelerators for the Cork centre and the necessary capital investment, amounting to more than €4 million, to commission this service as rapidly as possible.

In 2004, €1 million ongoing revenue funding is being made available for the development of these services at Cork University Hospital. I will also provide for the appointment of two additional consultant radiation oncologists in the Cork unit. This means a doubling of the consultant manpower at that unit. Discussions are taking place with Cork University Hospital in relation to the sessional commitments of the additional consultant radiation oncologists which will include significant sessional commitments to both the South Eastern and Mid-Western Health Boards. I have also approved the appointment of a project team to prepare a brief for the rapid expansion of current capacity at Cork University Hospital from four to eight linear accelerators. This project team is meeting for the first time this week.

I am making available €2.5 million ongoing revenue funding to ensure that the necessary resources are in place to allow for the commissioning of the radiation oncology centre

in University College Hospital, Galway. Approval issued last year for the appointment of a consultant radiation oncologist. I will also provide for the appointment of an additional two consultant radiation oncologists. Discussions are taking place with the Western Health Board in relation to the sessional commitments of these consultants, which will include significant sessional commitments to both the Mid-Western Health Board and the North Western Health Board.

I have requested the Western Health Board to prepare a development control plan to facilitate the expansion from three to six linear accelerators in the medium term. I have also approved the establishment of a project team to plan this expansion. These developments will significantly improve access to these services. In relation to the Eastern region, the report recommends that there should be two treatment centres, one serving the southern part of the region and adjacent catchment areas and one serving the northern part of the region and adjacent catchment areas. I have asked the chief medical officer of my Department to advise on the optimum location of radiation treatment facilities in Dublin. A detailed request for proposals will issue shortly in this regard.

It is my intention to develop a national integrated network of radiation oncology. The twin objectives of equitable access regardless of location and an effective national quality assurance programme need to be supported by a co-ordinating mechanism, as recommended in the report. I have now established a national radiation oncology co-ordinating group. The group, which recently held its first meeting, comprises clinical, technical, managerial, academic and nursing expertise from different geographic regions. The group's remit encompasses measures to facilitate improved access to existing and planned services, including transport and accommodation. The group is developing proposals in this area which will involve consultation with all health boards.

In addition, the Government has also decided that, in the future development of services, consideration should be given to developing satellite centres at Waterford, Limerick and the north-west. Such consideration will take into account the international evaluation of satellite centres, the efficacy of providing this model and the need to ensure quality standards of care.

Health Board Services.

335. **Mr. Perry** asked the Minister for Health and Children if a person (details supplied) in County Sligo will be called for treatment in view of their extenuating circumstances; and if he will make a statement on the matter. [3637/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of health services to persons living in County Sligo rests with the North Western Health Board. My Department

has therefore asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

Hospital Services.

336. **Mr. Andrews** asked the Minister for Health and Children if he will make a statement on the status of St. Michael's Hospital, Dún Laoghaire and of St. Colmcille's Hospital, Loughlinstown, in relation to current services provided and proposals for changes in those services in view of the Hanly report. [3648/04]

Minister for Health and Children (Mr. Martin):

The report of the national task force on medical staffing — Hanly — proposes that the hospitals referred to by the Deputy should form part of an integrated network alongside St. Vincent's University Hospital to meet the acute hospital needs of the east coast region. The report recommends that St. Columcille's Hospital, Loughlinstown, and St. Michael's Hospital, Dún Laoghaire, should be local hospitals within the network. The Hanly report recommends that local hospitals should provide a wide range of services as close as possible to the local community, meeting most of the local population's need for acute hospital care. This would include a greatly expanded proportion of elective day surgery and elective medical procedures, appropriate diagnostic and treatment facilities and improved access for general practitioners to services and diagnostic facilities.

I will shortly announce details of a local implementation group, which will develop a detailed action plan for the implementation of the Hanly report's recommendations in the east coast region.

Medical Cards.

337. **Mr. McGuinness** asked the Minister for Health and Children further to Parliamentary Question No. 452 of 4 November 2003, if an application for a medical card will be expedited in the name of a person (details supplied) in County Kilkenny; and the reason the matter has not been resolved in view of the serious medical circumstances involved. [3655/04]

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 authority. I understand that the Deputy raised this matter previously in a parliamentary question last November and was subsequently informed by the South Eastern Health Board that there was a medical card valid until the end of November 2003 in this case and that the renewal of this card was being assessed at that time. My Department has further asked the CEO of the South Eastern Health Board to investigate the matter raised by the Deputy and reply to him directly.

Health Board Services.

338. **Mr. M. Higgins** asked the Minister for Health and Children if, due to the lengthy delay in the publication of two reports dealing with Galway Hospice, one by the hospice itself, and the other by the Western Health Board, he will facilitate the intervention of an independent professional authority to make the residential beds in the hospice available to the public. [3668/04]

Minister for Health and Children (Mr. Martin):

As the Deputy will be aware, the provision of health services, including hospices services, in the Galway area is a matter for the Western Health Board in the first instance. The Galway Hospice Foundation, has for the past number of years, provided a valuable service to cancer patients and their families in the west. I am aware that there are difficulties surrounding the operation of the in-patient unit at the Galway Hospice and that no new patients are being admitted at present. However, home care and day care services are continuing to be provided to approximately 100 patients by the foundation with those patients who require consultant-led specialist in-patient care being admitted to University College Hospital, Galway. The Western Health Board has informed my Department that an independent expert group was established by the Galway Hospice Foundation to review procedures at the hospice and that it is expected that the report of the expert group will be available in the near future. In tandem with this review, the board is also conducting an internal review in relation to allegations made against one of its consultants and this review is ongoing.

The board has assured my Department that it is anxious that both reviews be completed as quickly as possible and that it will continue to work in partnership with the board of the Galway Hospice Foundation to deliver quality palliative care services to the people of the west. In the circumstances, I do not consider that it would be appropriate to intervene at this stage, but I can assure the Deputy that my Department will continue to monitor the situation actively.

Drugs Payment Scheme.

339. **Mr. Neville** asked the Minister for Health and Children when moneys will be paid under the refund scheme operated through the GMS payments board for a person (details supplied) in County Limerick who is eligible for a refund under the drugs payments scheme. [3670/04]

Minister for Health and Children (Mr. Martin):

My Department put in place a refund scheme to process applications from people who may be eligible for a refund due to the delay in putting the drugs payment scheme on a statutory basis. The scheme was advertised in the national press on 26 June 2003 and again on 12 and 14 September for the extension of the closing date for applications to 31 October. The GMS

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payments board is operating the scheme on behalf of the Department. I have had enquiries made in the matter and I understand that board was unable to process the claim due to a discrepancy in the details of the claim. The board is in the process of resolving the issue.

Health Board Services.

340. **Mr. F. McGrath** asked the Minister for Health and Children if a person (details supplied) in Dublin 3 will be given the maximum support and assistance when they are released from the Mater Hospital and to ensure they receive a back-up home service. [3672/04]

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 3 area is, in the first instance, the responsibility of the Northern Area Health Board acting under the aegis of the Eastern Regional Health Authority. Since my appointment as Minister of State, I have been encouraging the authority and the health boards to introduce home care packages, including home based subvention for clients applying for nursing home subvention, as an alternative to long-stay residential care. The criteria that apply for home based subvention are the same that apply for nursing home subvention. I am pleased to advise that a number of health boards are developing personal care packages that are more focused on individual care needs. These include the public health nurse service, attendance at day care, day hospital and rehabilitation and the provision of respite care, home help and care assistance. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Nursing Education.

341. **Ms M. Wallace** asked the Minister for Health and Children the position with regard to the proposed four and a half year integrated sick children's-general nursing degree programme; and if his attention has been drawn to fact that a sick children's nurse tutor was appointed to UCD, sponsored by his Department, to develop a curriculum for this programme, that there was huge disappointment that the programme did not commence in 2003 and that there is concern with regard to the timeframe for college applications, for example February 2004 for the autumn 2004 academic year. [3673/04]

Minister for Health and Children (Mr. Martin): The commission on nursing, which reported in 1998, recommended that pre-registration nursing education move from a three year diploma programme to a four year degree programme in each of the disciplines of general, psychiatric and mental handicap nursing. The Government expressed its commitment to implementing the

programme by providing capital investment in excess of €240 million to ensure the provision of purpose-built facilities for nursing students with state-of-the-art clinical skills and human science laboratories. In addition, when the programme has a full cohort of students in 2006, the total annual revenue cost will be in excess of €90 million.

The new nursing degree commenced in 13 higher education institutes in autumn 2002, with an annual approved intake of 1,640 students across the three disciplines concerned. This level of intake is 70% higher than it was in 1998. I am aware that valuable preparatory work has been done on curriculum development for an integrated sick children's-general nursing degree programme. Officials from my Department are examining the feasibility of options for progressing the matter in consultation with stakeholders. I am keeping the situation under review.

Health Board Services.

342. **Dr. Cowley** asked the Minister for Health and Children if an earlier MRI scan appointment can be made for a person (details supplied) in County Mayo who has a further six months to wait; and if he will make a statement on the matter. [3674/04]

Minister for Health and Children (Mr. Martin): The provision of medical services to residents of County Mayo is the responsibility of the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and reply directly to the Deputy.

Child Care Services.

343. **Mr. Carey** asked the Minister for Health and Children if the Eastern Regional Health Authority has made funds available to the Northern Area Health Board to allow it to support Our Lady's Nursery in Ballymun, Dublin 11, following the withdrawal of crèche supplements by the Department of Social and Family Affairs under the provisions of SWA circular 05/03; and if he will make a statement on the matter. [3675/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Responsibility for the level of funding to be provided for child care services in the Ballymun area rests with the Eastern Regional Health Authority and the Northern Area Health Board. My Department has asked the regional chief executive of the Eastern Regional Health Authority to respond directly to the Deputy on the matter which he has raised.

National Drugs Strategy.

344. **Mr. O'Dowd** asked the Minister for Health and Children if he will make a statement

on his Department's strategy to provide drug-free treatment facilities for the under-20s as requested recently by the Drug Prevention Alliance.
[3248/04]

Minister for Health and Children (Mr. Martin):

Responsibility for the provision of drug treatment services rests with the health boards in the first instance. I have been advised by the Eastern Regional Health Authority that the three area health boards within the eastern region provide detoxification and rehabilitation services on both an in-patient and out-patient basis. Those under 18 years old are prioritised for these services. For drug-free treatment programmes to be successful, the individual must be motivated to commence a programme of detoxification and engage in follow-up care. I am advised that the relapse rate for this type of treatment is high.

The three area health boards also utilise in-patient rehabilitation services outside the eastern region. The Aislinn Centre, Ballyragget, County Kilkenny, provides drug-free residential treatment for male and female adolescents aged 15 to 21 who are dependent on alcohol and drugs. The Matt Talbot adolescent services, a drug-free residential facility for the treatment of alcohol and drug misuse in young males between 14 and 18 years in the Southern Health Board, is also in operation.

The development of a protocol for the treatment of those under 18 years old presenting with serious drug problems is one of the actions set out in the National Drugs Strategy 2001-2008. A working group, chaired by an official from my Department and comprising members of both the statutory and voluntary sectors, has been established to implement this particular action. To fulfil its remit, the group undertook a number of initiatives, including an examination of the legal issues surrounding treatment, a literature review carried out by the Addiction Research Centre, a review of services and service gaps nationally, focus groups of services misusers within and outside the ERHA region, and a review of the treatment issues raised by the above by a consultant adolescent and child psychiatrist in substance abuse. The group's report is nearing completion and will focus on a four-tiered model of treatment around which are linkages to other services.

345. **Mr. O'Dowd** asked the Minister for Health and Children the interventions he has in place to reduce the significant increase in drug related deaths, particularly from opiate misuse.
[3250/04]

Minister for Health and Children (Mr. Martin):

The overall objective of the National Drugs Strategy 2001-2008 is to reduce the harm caused to individuals and society by the misuse of drugs through a concerted focus on supply reduction, prevention, treatment and research with the ultimate aim of leading a drug-free lifestyle. The health related aspects of the strategy focus in

particular on education and prevention and treatment and rehabilitation, including substitution treatment under the methadone protocol. The number of methadone treatment places has expanded considerably in recent years in line with the Government's commitment under the national drugs strategy. At the end of December 2003 there were 6,883 people receiving methadone treatment. This compares with a figure of just over 5,000 at the end of 2000. In the Eastern Regional Health Authority there are 59 drug treatment locations. This compares with 12 locations in 1997.

Outside the ERHA, treatment clinics have been established in the South Eastern Health Board, Mid-Western Health Board, Western Health Board and Midland Health Board. General practitioners and pharmacists also provide treatment services and their involvement has also increased over the last number of years.

The boards aim to address substance misuse by providing effective and sustainable services working in partnership with clients and with fellow service providers. All clients entering the addiction services are assessed and appropriate treatment plans are identified based on client needs. Decisions concerning the appropriate treatment for patients are made in accordance with best practice guidelines. Overdose prevention is an inherent part of the comprehensive range of services which the boards provide, including education and prevention, treatment, rehabilitation, counselling and harm reduction. International evidence supports the view that opiate users are safer in treatment; therefore every effort is made to encourage clients to engage in treatment. For opiate users outside of treatment, outreach workers and needle exchange services actively engage drug users to promote safer drug using practices to address the risks involved in terms of overdose, transmission of blood-borne viruses and unsafe sex practices. Harm minimisation is at the core of the three area health boards' outreach strategy and this includes the risk of overdose.

Building on existing initiatives, one area health board has designed a series of posters and leaflets, due to be piloted in spring 2004, directly addressing risk factors contributing to overdose and how individuals can best provide assistance to those who may have overdosed. This is taking place as part of a health promotion programme, which has been designed to promote service users taking a more active role in their own health in a range of areas. In the context of the increased risk of overdose facing opiate users who are released from prison, there are protocols in place for the transfer of those who are engaged in substitute treatment whilst incarcerated to facilitate their take-up of treatment on release.

The national advisory committee on drugs, NACD, has recently published a study on the prevalence of opiate misuse in Ireland. The study estimates that 14,452 people were using heroin in

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2001. Of these, 12,456 were in the Dublin area. This represents a decrease on a 1996 figure which estimated that 13,461 people were using heroin in the greater Dublin area.

Organ Retention.

346. **Mr. Neville** asked the Minister for Health and Children the expected date of completion of the Dunne inquiry into organ retention. [3690/04]

369. **Mr. Morgan** asked the Minister for Health and Children the nature of relationship required to make representations to the Dunne inquiry in respect of organs of relatives retained without permission in this State; and if he will make a statement on the matter. [3937/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 346 and 369 together.

The post-mortem inquiry is a non-statutory inquiry chaired by Ms Anne Dunne SC. Since the beginning of 2003, the inquiry has been concentrating on the investigation of the post-mortem policy, practice and procedure of the three main paediatric hospitals, the National Children's Hospital, Tallaght, the Children's University Hospital, Temple Street, and Our Lady's Hospital for Sick Children, Crumlin. By mid-October, the inquiry had heard 56 hospital and non-hospital witnesses at oral hearings and had accumulated almost 3,500 pages of transcripts of oral evidence. The chairman has informed me that the inquiry has received considerable co-operation from each of the hospitals with which it is presently dealing. I am further informed that the inquiry's non-statutory nature has not thus far significantly hampered its substantive work. The chairman is mindful of the need to have her report completed as soon as is reasonably practicable following the completion of the oral evidence. Any member of the public can make a submission to the Dunne inquiry in respect of matters relevant to its terms of reference.

Health Board Services.

347. **Mr. Durkan** asked the Minister for Health and Children if domiciliary care allowance is payable to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3691/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The assessment of entitlement to and payment of the domiciliary care allowance in any individual case is a matter for the relevant health board. Accordingly, a copy of the Deputy's question has been forwarded to the regional chief executive, Eastern Regional Health Authority, with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

Drugs Payment Scheme.

348. **Mr. Neville** asked the Minister for Health and Children when arrears of the drug refund scheme will be awarded to a person (details supplied) in County Limerick. [3719/04]

Minister for Health and Children (Mr. Martin): I presume that the Deputy is referring to the drugs payment scheme, DPS. My Department put in place a refund scheme to process applications from people who may be eligible for a refund due to the delay in putting the drugs payment scheme on a statutory basis. The scheme was advertised in the national press on 26 June 2003 and again on 12 and 14 September for the extension of the closing date for applications to 31 October. The GMS (payments) board is operating the scheme on behalf of the Department. I have had enquiries made in the matter and I understand that the board has no record of having received a claim from the person referred to by the Deputy. I have asked the GMS (payments) board to communicate directly with the person referred to by the Deputy concerning their application under the DPS refund scheme.

Hospital Services.

349. **Ms M. Wallace** asked the Minister for Health and Children if funding to Blanchardstown Hospital is to be cut by €1 million due to inefficiency in throughput of patients and average length of stay of patients; and if he will make a statement on the matter. [3720/04]

Minister for Health and Children (Mr. Martin): The rationale for the use of casemix systems as part of the budgetary process is the wish to base funding on measured costs and activity, rather than on less objective systems of resource allocation. It is also used to fund hospitals based on their mix of cases. The national casemix programme operates in 34 hospitals nationally. Those whose cost per case is higher than the mean have some of their funding redistributed to those whose cost per case is lower. The peer group sets the mean for each type of case treated, not my Department.

As part of the 2004 financial allocation, based on 2002 activity and costs, a negative adjustment of €1.079 million has been applied to James Connolly Memorial Hospital based on its performance relative to other hospitals which participate in the system. The hospital's in-patient base price — the cost of a standard case — was €731, which is 18.6% higher than the mean as a result of its costs rising faster than its peers. This resulted in the negative adjustment.

Hospitals are not penalised for excessive length of stay; credit is given to all hospitals for long-stay patients. Account is taken of a hospitals' unique issues and they are invited to make submissions on such issues each year. The programme is operated in an open and transparent fashion, and full details of the clinical

and financial information on which casemix budget adjustments are based is provided to all participating hospitals. It is a matter for local management, in consultation with their board, to review these issues and identify how best to address these matters going forward.

A comprehensive review of the entire national casemix programme has been carried out by the casemix unit of my Department. The intention of the review was to ensure that the system remains fair and accurate, and robust enough to incorporate all the strategic developments being proposed in the medium term. A report on the matter is being prepared which will make recommendations for the enhancement of the model.

Compensation Scheme.

350. **Mr. Connolly** asked the Minister for Health and Children if it is his intention to implement the task force findings of March 2003 recommending the setting up of a no-fault compensation scheme for psychiatric nurses; the commencement date for such a scheme; and if the scheme will apply to all health service workers. [3721/04]

Minister for Health and Children (Mr. Martin): I met representatives of the Psychiatric Nurses' Association on 24 September 2003. Among the issues discussed was the report of the task force on assaults on psychiatric nurses and, in particular, the proposal that a scheme be established to compensate psychiatric nurses seriously injured as a result of assault by a patient. Officials from my Department prepared a draft memorandum for Government on the recommendations contained in the report. This draft memorandum was circulated to other Departments for their observations. Responses have now been received from all Departments and are under consideration.

Health Board Services.

351. **Mr. Naughten** asked the Minister for Health and Children further to correspondence (details supplied), the number of persons on the home help waiting lists in counties Galway, Mayo and Roscommon; the total number of hours being sought in each county; the average waiting time on the list in each county; and if he will make a statement on the matter. [3731/04]

Minister of State at the Department of Health and Children (Mr. Callely): As the Deputy will be aware, the provision of health services is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Medical Cards.

352. **Mr. McGuinness** asked the Minister for

Health and Children if an appeal for a medical card will be expedited for a person (details supplied) in County Kilkenny in view of the medical circumstances of their family. [3751/04]

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 CEO of the South Eastern Health Board to investigate the matter raised by the Deputy and to reply to him directly.

Health Board Services.

353. **Mr. McGuinness** asked the Minister for Health and Children if orthodontic treatment will be provided immediately for a person (details supplied) in County Kilkenny; if their case will be examined again to establish a programme of treatment; and the criteria used in such assessments by health boards. [3752/04]

Minister for Health and Children (Mr. Martin): Statutory responsibility for the provision of orthodontic treatment to eligible persons rests with the health boards in the first instance. Entitlement to orthodontic treatment is determined by reference to orthodontic guidelines, a set of objective clinical criteria applied by health board orthodontists when assessing children's priority of need for treatment. The orthodontic guidelines were issued by my Department in 1985 and are still in use. The orthodontic guidelines are used to ensure that orthodontic resources are prioritised for and applied equitably to the most severe cases. Patients assessed as category A have severe malocclusions and should receive urgent orthodontic care; patients assessed as category B have less severe problems and are placed on orthodontic treatment waiting lists.

The number of cases treated is dependent on the level of resources available in terms of qualified staff in the area and this is reflected in the treatment waiting list. In fact, the provision of orthodontic services is severely restricted due to the limited availability of trained specialist clinical staff to assess and treat patients. Consequently, a category C waiting list may not be maintained in some health boards.

However, I have taken a number of measures to address this shortage of specialists and so increase the treatment capacity of the orthodontic service. The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in

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specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities and it will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

The chief executive officer of the South Eastern Health Board has informed me that at the end of the December quarter 2003, there were 2,249 children receiving orthodontic treatment from the health board. This means that there are over three times as many children getting orthodontic treatment from the board as there are children waiting to be treated. As responsibility for the provision of orthodontic treatment to eligible persons in County Kilkenny rests with the South Eastern Health Board, my Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Health Board Funding.

354. **Mr. Stanton** asked the Minister for Health and Children the conditions that were attached to the €857,000 that was provided to the Southern Health Board in 2003 for an expanded service in its area; and if he will make a statement on the matter. [3753/04]

355. **Mr. Stanton** asked the Minister for Health and Children, further to Question No. 128 of 29 January 2004, if he will provide additional funding in 2004 to enable a further expansion of the out-of-hours doctor co-operatives service to the areas of the Southern Health Board not having such a service; and if he will make a statement on the matter. [3754/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 354 and 355 together.

The additional moneys, €857,000, allocated to the Southern Health Board in 2003 arose out of consideration of revised proposals from that board earlier in the year. This decision was taken after careful consideration of the applications from all boards for the available funding under this heading. The allocation sought and granted covered capital and other part year costs for a start up date later in the year. The expanded service started in 2003.

Allocations to boards for 2004 under the GP development heading included these additional moneys in base funding. Further expansion of the out-of-hours service will be considered in the context of service requirements, health board proposals and funding availability. It will be noted that decisions in respect of the geographical area to be covered in any expansion are matters which fall within the remit of the relevant health board to decide having regard to the strategic, financial and other issues involved.

Hospital Services.

356. **Mr. Timmins** asked the Minister for Health and Children the position regarding the physiotherapy service at Baltinglass District Hospital; if this service will not be withdrawn; and if he will make a statement on the matter. [3770/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services in the Wicklow 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 him as a matter of urgency.

Health Board Services.

357. **Mr. Haughey** asked the Minister for Health and Children if he has issued guidelines to health boards about the provision of wheelchairs to the residents of nursing homes; and if he will make a statement on the matter. [3824/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services is, in the first instance, the responsibility of the Eastern Regional Health Authority and the health boards. All applications for aids and appliances, including wheelchairs, are assessed on the basis of need and, therefore, there are no guidelines issued on the provision of wheelchairs to residents of nursing homes. A resident of a nursing home is assessed on the basis of need for any aid or appliance, including a wheelchair. If a resident of a nursing home is assessed as having a need, the aid or appliance would normally be supplied by the local health board.

Health Board Allowances.

358. **Mr. Haughey** asked the Minister for Health and Children the details of the guidelines issued by his Department, effective from 1 July 2002, for persons claiming both the mobility allowance and the motorised transport grant; the purpose of the motorised transport grant as referred to in those guidelines; and if he will make a statement on the matter. [3825/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The national health board review group on Department of Health and Children disability allowances and grant schemes was established to review certain Department of Health and Children disability allowances and grant schemes. The review group finalised draft circulars, which were issued by the Department of Health and Children to all health boards in July 2002, to standardise the procedures used at health board level for the operation of the various allowances and grants.

The circular confirms the purpose of mobility allowance as an allowance that:

provides financial support to eligible people who are unable to walk or use public transport and is intended to enable them to benefit from a change in surroundings — for example, by financing the occasional taxi journey.

The circular on motorised transport grant states that:

a Health Board may pay a grant towards the purchase of a car and/or adaptations to a car being purchased by a person with a severe disability who is 17 years or older and up to 65 years of age, where such a car is essential for him/her to obtain or retain employment. Self-employed persons who satisfy the criteria of eligibility may also be considered (subject to the above age limits).

Therefore, the two schemes are mutually exclusive. Furthermore, the 1968 circular on motorised transport grant stated that:

the making of grants should be on the condition that the Health Authority will not be called upon at any future date to contribute towards the running expenses.

The revised motorised grant circulars reiterate this position by confirming that:

The payment of a Motorised Transport Grant is subject to the condition that the Health Board will not be called upon at any future date to contribute towards the running costs of the vehicle. In this context, a Mobility Allowance recipient cannot qualify for the Motorised Transport Grant. Similarly, a person who has received the Motorised Transport Grant in the previous three years cannot qualify for Mobility Allowance. Where a Mobility Allowance recipient wishes to avail of a Motorised Transport Grant, Mobility

Allowance should cease from the date of payment of the Motorised Transport Grant.

Health Board Services.

359. **Mr. Ring** asked the Minister for Health and Children the place a person (details supplied) in County Mayo has on the orthodontic treatment waiting list; and when his treatment will commence. [3826/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Mayo rests with the Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Residential Facilities.

360. **Mr. Carey** asked the Minister for Health and Children if the concerns of persons regarding a residential facility (details supplied) in Dublin 11 are being addressed on an ongoing basis; and if he will make a statement on the matter. [3827/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Responsibility for the residential facility in Dublin 11 referred to by the Deputy rests with the Eastern Regional Health Authority and the Northern Area Health Board. My Department has asked the regional chief executive of the Eastern Regional Health Authority to liaise with the Northern Area Health Board and to respond to the Deputy directly.

Medical Cards.

361. **Mr. McGuinness** asked the Minister for Health and Children if a medical card will be issued on medical grounds to a person (details supplied) in County Carlow given the history of the case as outlined in applications and appeals in previous years; and if a further appeal will be arranged without delay to consider all aspects of the case and to approve the application without delay. [3904/04]

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 CEO of the South Eastern Health Board to investigate the matter raised by the Deputy and to reply to him directly.

Health Board Services.

362. **Cecilia Keaveney** asked the Minister for Health and Children the waiting times for women in the North Western Health Board region for smear tests; and if he will make a statement on the matter. [3905/04]

Minister for Health and Children (Mr. Martin):

The current waiting time in the North Western Health Board region in respect of cervical smears is four weeks for priority smears and 16 weeks for routine smears. The North Western Health Board will continue to make efforts to reduce the waiting times further.

363. **Cecilia Keaveney** asked the Minister for Health and Children when it is envisaged that children with orthodontic criteria of category C will be seen in the North Western Health Board region and the efforts that can be made to avail of the treatment purchase fund for people who are already assessed or who are still awaiting assessment; and if he will make a statement on the matter. [3906/04]

Minister for Health and Children (Mr. Martin):

The provision of orthodontic services is the statutory responsibility of the health boards or authority in the first instance. The aim of my Department is to develop the treatment capacity of orthodontics, both nationally and in the North Western Health Board or NWHB, in a sustainable way over the longer term. Given the potential level of demand for orthodontic services, the provision of those services will continue to be based on prioritisation of cases based on treatment need, as happens under the existing guidelines. The guidelines are intended to enable health boards to identify in a consistent way those in greatest need and to commence timely treatment for them.

Patients in category A require immediate treatment and include those with congenital abnormalities of the jaws, such as cleft lip and palate, and patients with major skeletal discrepancies between the sizes of the jaws. Patients in category B have less severe problems than category A patients and are placed on the orthodontic treatment waiting list. The number of cases treated in the NWHB is dependent on the level of resources available, in terms of qualified staff, in the area and this is reflected in the treatment waiting list. In fact, the provision of orthodontic services there is currently severely restricted due to the limited availability of trained specialist clinical staff to assess and treat patients and, accordingly, boards do not normally maintain category C waiting lists.

I have taken a number of measures to address this shortage of specialists and so increase the treatment capacity of the orthodontic service. The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards, including one from the NWHB, for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate

of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities. It will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

In June 2002 my Department provided additional funding of €5 million — €285,000 for the NWHB — from the treatment purchase fund towards the treatment of persons on the orthodontic waiting lists. My Department instructed the health boards or authority that the funding was to be allocated on the basis of the following principles: treatment of clients longest on the waiting list in accordance with the severity of their treatment need; allocation to provide additional treatments over and above what was provided in the normal way; efficiency and value for money; and equitable delivery across health board populations. In accordance with these principles, the chief executive officer of the NWHB is responsible for identifying patients on its waiting list to be treated under the treatment purchase fund.

The chief executive officer of the NWHB has informed my Department that, at the end of the December 2003 quarter, there were 2,532 patients receiving orthodontic treatment in the board's area. This is an increase of 433 patients in orthodontic treatment when compared with the number of patients receiving treatment at the end of December 2001.

Cancer Screening Programme.

364. **Cecilia Keaveney** asked the Minister for Health and Children the position on the roll-out of the BreastCheck initiative into the north-western region and Donegal in particular; and if he will make a statement on the matter. [3907/04]

Minister for Health and Children (Mr. Martin):

The national roll-out of BreastCheck, which I

announced last year, requires detailed planning to include essential infrastructure. The BreastCheck clinical unit in the western area will be at University College Hospital, Galway, with two associated mobile units. The area of coverage is counties Galway, Sligo, Roscommon, Donegal, Mayo, Leitrim, Clare and Tipperary North Riding.

A capital project team has been established to develop a brief for the capital infrastructure needed for the static unit in the west. BreastCheck submitted a number of options for the construction of this unit on the grounds of University College Hospital, Galway. This is being considered by my Department in the context of the framework for capital investment 2004-2008 and is being discussed with the Department of Finance at present.

An essential element of the roll-out of the programme is investment in education and training of radiographers in particular. BreastCheck employs qualified and experienced radiographers who have specialised postgraduate training and qualifications related to mammography. BreastCheck and the symptomatic services combined have a significant ongoing recruitment and training requirement in this area. I also announced the development of a training centre for radiographers and mammography at Eccles Street. Resources are being made available to BreastCheck to support this initiative, which will cost in excess of €750,000, and the centre is expected to be completed in the second half of 2004.

Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her area.

Health Board Services.

365. **Mr. McGuinness** asked the Minister for Health and Children if an OT's report is available relative to an application under the DPG scheme for a person (details supplied) in County Kilkenny; and if approval under this scheme will be expedited given the urgent need of the case. [3912/04]

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 South Eastern Health Board with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

Hospital Services.

366. **Mr. R. Bruton** asked the Minister for Health and Children if he has carried out any

recent assessment of the adequacy of neurology services in Ireland; if he will indicate whether these studies have identified deficiencies which need to be filled; and if he will indicate what plans he is putting in place to fill the gaps. [3914/04]

Minister for Health and Children (Mr. Martin):

At my request, Comhairle na nOspidéal established a committee to examine existing arrangements for the provision of consultant level neurology and neurophysiology services nationally and to make recommendations on the future organisation and development of those services. Comhairle na nOspidéal has now published its report and, having considered it, I am happy to endorse its recommendations for a significant enhancement of neurology and neurophysiology services, including increases in consultant manpower.

The report also recognises that there are aspects of a number of other specialties and services, such as rehabilitation medicine, geriatric medicine and old age psychiatry, which are related to and overlap with neurology services. Comhairle na nOspidéal has recommended that a national multidisciplinary review of rehabilitation services be undertaken to further inform the policy framework on the development of neurology services. Consistent with this recommendation and in line with commitments in the national health strategy, a national action plan for rehabilitation services is being prepared by my Department. The action plan will set out a programme to meet existing shortfalls in services and to integrate specialised facilities with locally based follow-up services. The rehabilitation action plan, together with the Comhairle na nOspidéal report and the work undertaken by the Neurological Alliance of Ireland through its own publications, will offer a comprehensive policy framework for the future development of neurology and neurophysiology services in this country.

My Department will continue to work closely with the alliance and with the Irish Consultant Neurologists' Association on the future development of services. The implementation of the Comhairle na nOspidéal recommendations will be progressed having regard to the evolving policy framework in this area, competing funding priorities and the report of the national task force on medical staffing.

Health Board Services.

367. **Mr. Naughten** asked the Minister for Health and Children if he will provide funding to the Western Health Board to provide a residential place to a person (details supplied); and if he will make a statement on the matter. [3915/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of funding for services to persons with intellectual disability and those with

[Mr. T. O'Malley.]
autism in the Western Health Board region is a matter, in the first instance, for the Western Health Board. My Department has, therefore, asked the chief executive officer of the health board to investigate the matter raised by the Deputy and reply directly to him.

Smoking Ban.

368. **Ms McManus** asked the Minister for Health and Children, further to his reply to Question No. 139 of 27 January 2004 regarding the ban on smoking in public places, if he will elaborate on his reference to the powers available to the Office of Tobacco Control to cross-authorise, as set out in the extracts from his reply (details supplied); and to explain the meaning of the term and its application to the present circumstances. [3936/04]

Minister for Health and Children (Mr. Martin): Environmental health officers from the health boards and staff from the Office of Tobacco Control authorised under the Public Health (Tobacco) Act 2002 will be monitoring compliance with the smoke-free workplace regulations when made. The Health and Safety Authority, which is the statutory body with responsibility for health and safety in the workplace, will also be involved with monitoring compliance in the authority's traditional areas of operation. If it is necessary to authorise personnel other than those working with the health boards or the Office of Tobacco Control, the Public Health (Tobacco) Act 2002 provides for this.

Question No. 369 answered with Question No. 346.

Health Board Services.

370. **Mr. Broughan** asked the Minister for Health and Children the number of children and teenagers on the waiting lists for orthodontic assessment and treatment in the Eastern Regional Health Authority area and in the other seven health board areas during 2002 and 2003. [3949/04]

Minister for Health and Children (Mr. Martin): The provision of orthodontic services is a matter for the health boards in the first instance. I have taken a number of measures to improve orthodontic services on a national basis.

The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities. It will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

Orthodontic initiative funding of €4.698 million was provided to the health boards and authority in 2001 and this has enabled health boards to recruit additional staff, engage the services of private specialist orthodontic practitioners to treat patients and build additional orthodontic facilities. In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners.

The chief executive officers of the health boards and authority have informed me of the following information on their waiting lists for December 2002.

	December 2002	
	Assessment Waiting List	Treatment Waiting List
ERHA	3,344	2,924
MHB	303	161
MWHB	1,869	676
NWHB	0	239

	December 2002	
	Assessment Waiting List	Treatment Waiting List
NEHB	846	1,150
SEHB	356	550
SHB	6,511	3,328
WHB	744	971

The chief executive officers of the health boards and authority have informed me of the following

information on their waiting lists for December 2003.

	December 2003	
	Assessment Waiting List	Treatment Waiting List
ERHA	570	3,583
MHB	287	210
MWHB	2,432	642
NWHB	0	287
NEHB	990	794
SEHB	283	644
SHB	4,034	3,301
WHB	654	759

The chief executive officers of the health boards and authority have informed me that, at the end of the December quarter 2003, there were 21,295 children receiving orthodontic treatment in the public orthodontic service. This means that there are over twice as many children getting orthodontic treatment as there are children waiting to be treated and 4,000 extra children are getting treatment from health boards since the end of 2001.

371. **Mr. Broughan** asked the Minister for Health and Children the number of consultant orthodontists and auxiliary staff currently employed and in training for the Eastern Regional Health Authority area and for the other seven health board areas. [3950/04]

Minister for Health and Children (Mr. Martin): According to figures made available to my Department by the health boards, there are ten consultant orthodontists employed in the health boards and authority public orthodontic service. In addition, my Department funded 13 dentists from various health boards to obtain specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom in 2003. These 13 specialist trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an

approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities and will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

A new grade of orthodontic therapist, auxiliary dental worker in orthodontics, has been created in conjunction with the Dental Council. The Department will bring together the various staff associations at the Health Service Employers' Agency to discuss the terms to apply to these posts in the health boards. The chief executive officers of the health boards and authority have informed me that, at the end of December 2003, there were 21,295 children receiving orthodontic treatment in the public orthodontic service, 4,000 more children than were receiving treatment at the end of 2001.

Hospital Staff.

372. **Ms O. Mitchell** asked the Minister for Health and Children if the national task force on medical staffing, part 2, is continuing its work on deciding the configuration of hospitals nationally despite the fact that the consultant members have withdrawn from the task force. [3963/04]

Minister for Health and Children (Mr. Martin): Decisions regarding the work of the acute

[Mr. Martin.]

hospitals review group are a matter for its independent chairperson. I understand that the first meeting of the group has been scheduled for 19 February. It will be a matter for the chairperson to decide whether this meeting will proceed. In the meantime, the analytical and research work for the group, which is provided by a secretariat from my Department, will continue.

373. **Ms O. Mitchell** asked the Minister for Health and Children if his attention has been drawn to the danger inherent in the current uncertainty in the health service regarding the future configuration of hospitals and consultant appointments which may see mass emigration of SPRs; and if he has plans to ensure potential Irish consultants are not lost to the system. [3964/04]

374. **Ms O. Mitchell** asked the Minister for Health and Children the progress made in identifying the training needs of SPRs to ensure a sufficient flow of home-grown consultants to meet the demands of the staffing arrangements proposed in the Hanly report. [3965/04]

Minister for Health and Children (Mr. Martin):

The Government approved the publication of the report of the national task force on medical staffing, or the Hanly report, in October 2003 and is committed in principle to the implementation of its recommendations. Those recommendations include a number of measures which, far from precipitating mass emigration, are expected to improve significantly the retention in Ireland of the doctors who train here and are likely to attract back into the Irish system some of our postgraduates who are training or working abroad at present.

The Hanly report sets out in considerable detail the projected training requirements which are expected to result from the shift to a consultant-provided public hospital service model, with a near doubling of public hospital consultant numbers. The training environment, post-Hanly, will be based on a greatly improved career path for doctors in training together with more and better training opportunities, based on: aligning the numbers of doctors in training at all levels, including specialist registrar or SpR, to projected vacancies at consultant level; ensuring that all NCHD posts will in future be genuine structured training posts, that is, the eventual phasing out of all non-training NCHD posts; correcting the present unsustainable trainer-trainee ratios by significantly reducing the overall number of NCHD posts as consultant numbers increase; implementing a flexible training strategy to address the increasing need for family-friendly and part-time working and training opportunities.

I announced at the launch of the Hanly report that I had asked the members of the task force's medical education and training project group to remain in place to address a number of outstanding issues, including the implications for medical education and training of the Hanly

report itself and the short-term and long-term implications of the European working time directive, in a final report to be submitted to me as soon as possible. I understand the group expects to forward me its advice shortly on how best to accommodate training in the context of the August 2004 deadline under the directive — 58 hour maximum average working week for all doctors in training — and to submit its final report to me this autumn.

The group has been in close consultation with the key medical education and training stakeholders over the past two years and has continued to engage in detailed consultation since the publication of the Hanly report. On 9 January 2004, the group convened a successful and well-attended national seminar on postgraduate medical education and training titled, "Implementing Hanly: Top Quality Training and Improved Working Hours", which examined the long-term and short-term implications of the Hanly report and the European working time directive for all involved.

The combined effects of the measures referred to above, together with the ongoing work to address the training needs of all doctors in training and the implementation of the wider programme of health reforms, will include a greatly enhanced training environment and more and better opportunities for doctors in training to progress to consultant posts.

Departmental Properties.

375. **Mr. R. Bruton** asked the Minister for Health and Children the future plans for lands at the St. Ita's campus; if the proceeds from a transfer of these lands to new uses will be earmarked for badly needed improvements in the services for the 238 persons with intellectual disability and 189 persons with mental health problems; and the details of the improvements for these patients which are proposed. [4052/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Northern Area Health Board has submitted outline proposals for the future development of the St. Ita's campus to Fingal County Council for consideration in its revision of the county development plan. Further development of these proposals can only be considered in the context of the final development control plan to be issued by Fingal County Council. The provision of high quality accommodation and related facilities for the existing clients of the St. Ita's mental health and St. Joseph's intellectual disabilities service is a priority in any future development of the lands at St. Ita's.

The Northern Area Health Board, in conjunction with the Eastern Regional Health Authority, is keen to ensure that the need to provide high quality accommodation and related facilities is met within both a sustainable planning framework and a strategy within which the value of the site can be optimised. The Northern Area

Health Board is continuing to work with Fingal County Council in this regard. I understand that it is the intention of the Eastern Regional Health Authority to apply funds that may arise from either the potential receipts from land disposal and-or development of lands at St. Ita's towards the provision of more suitable accommodation unless alternative capital funding can be clearly identified.

Departmental Expenditure.

376. **Mr. Ring** asked the Minister for Health and Children the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radio stations and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4066/04]

Minister for Health and Children (Mr. Martin): The information requested by the Deputy is not readily available at present. I am having the information collated and will forward it to the Deputy as soon as possible.

Motoring Schools.

377. **Mr. Kenny** asked the Minister for Transport the schedule proposed to implement regulation of motoring schools here and the introduction of a compulsory driving instructors register; and if he will make a statement on the matter. [3629/04]

Minister of State at the Department of Transport (Dr. McDaid): Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. A working group comprising representatives of my Department and of instruction interests has formulated the design of the standards that a driving instructor must meet. I am considering what arrangements will be put in place to oversee implementation of the standard in the context of the establishment of the driver testing and standards authority.

Road Network.

378. **Mr. Andrews** asked the Minister for Transport the projected cost of delays arising from the High Court decision in the Carrickmines Castle case on 29 January 2004 and the cost of re-aligning the motorway in a manner that will not interfere with the site of the castle. [3646/04]

Minister for Transport (Mr. Brennan): The management of the construction of the south-eastern motorway, including issues related to additional costs attributable to delays, is a matter

for the National Roads Authority or NRA and Dún Laoghaire-Rathdown County Council.

I am informed by the NRA that, as a target lump sum price was agreed in May 2003 with the contractor for the completion in full of the south-eastern motorway by September 2005, it is not possible to identify the additional costs attributable to the delays arising from the legal proceedings relating to the Carrickmines section of the project. The lump sum contract negotiated in May 2003 took these delays and others into account and was predicated on early resolution of issues concerning the Carrickmines site. Any delay to, or disruption of, the project attributable to the Carrickmines situation beyond that anticipated in May 2003 will, I am advised by the NRA, increase costs on the scheme and therefore the target lump sum already mentioned. The NRA has advised that such costs could exceed €1 million per month given the level of labour and plant resources involved.

Any significant change to the route of the motorway such as could arise from an effort to realign the scheme at this stage could necessitate the preparation of a new environmental impact statement and the initiation of procedures to obtain a new statutory consent. The outcome of this process and the decision to be reached by An Bord Pleanála taking account of submissions and objections received cannot be predicted. In the event that a feasible realignment of the motorway could be identified and the necessary approval obtained from the board, it is possible that completion of the south-eastern motorway could be delayed by up to five years. The costs associated with such delay, including continued serious traffic congestion problems in south County Dublin, have not been quantified but would be substantial

Road Traffic Offences.

379. **Ms Shortall** asked the Minister for Transport the penalties applied in respect of HGVs over 12,000kg or buses over 10,000kg which are found to have a speed limitation device that is not functioning properly; the penalties applied when it is discovered that a cut off switch for the speed limiter may be operated by the driver; and if he will make a statement on the matter. [3586/04]

Minister of State at the Department of Transport (Dr. McDaid): The fitting and use of speed limitation devices on goods vehicles over 12,000kg and buses over 10,000kg is governed by the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 1993. Under these regulations such vehicles shall, at all times when used in a public place, be equipped with a speed limitation device the set speed of which does not exceed 85 kilometres per

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hour in the case of a goods vehicle and 100 kilometres per hour in the case of a bus.

The use of a vehicle that is subject to these regulations in a public place where the fitted speed limitation device was not operating or was not functioning correctly would be offences under the Road Traffic Acts. The penalties for a breach of the regulations involve 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. In addition, the Road Traffic Act 2002 provides that certain offences relating to speed limitation devices will attract between one and three penalty points.

Rural Transport Initiative.

380. **Mr. Costello** asked the Minister for Transport if he intends to allocate additional funding to the rural transport initiative to expand the programme to include other rural and isolated areas; if he considers the RTI value for money; and if he will make a statement on the matter. [3600/04]

Minister for Transport (Mr. Brennan): Area Development Management Limited, or ADM, administers the rural transport initiative, or RTI, on behalf of my Department. Specific allocations for individual RTI projects are made by ADM from funds provided for this purpose by my Department. A total of €6 million has already been provided for the RTI in the two-year period ending December 2003 and further funding of €3 million is being provided in 2004. This compares favourably with the €4.4 million earmarked up to 2006 for the RTI under the national development plan.

All 34 community transport groups being funded under the RTI are now fully operational and I understand from ADM that an external body has now been commissioned to undertake a full appraisal of the initiative. Among other things, the purpose of the appraisal is to measure the effectiveness of the RTI in addressing the transport needs of rural Ireland and in providing value for money. I will consider the results of the appraisal, which is due to be completed by the summer, before making any further policy decisions on rural transport.

Rail Network.

381. **Mr. Costello** asked the Minister for Transport if his attention has been drawn to the fact that, despite the many millions of euros invested in the rail network, thousands of tonnes of untreated raw sewage is continually dumped on the nation's railways and their environs annually as a result of no sewage treatment or

holding facilities on many of Iarnród Éireann's inter-city rolling stock; his views on whether, in view of the fact that nearly 500,000 people used the train between Sligo and Dublin in 2003, this practice is a health hazard to employees, local communities and to drinking water, particularly in places at which wells are in use; the action he intends to take to safeguard the environment and to have this practice discontinued; and if he will make a statement on the matter. [3601/04]

Minister for Transport (Mr. Brennan): I am informed by Iarnród Éireann that all trains purchased since the mid-1990s are fitted with a closed toilet system and these do not present a problem. With regard to other trains which are quite old, particularly the mark II and craven carriages, Iarnród Éireann has informed me of its plans to withdraw these from service on a phased basis over the next two to three years as additional inter-city trains which are on order come into service. There are a number of trains in service, mark III, which will be required to continue in service after the current replacement programme, and it is intended to fit closed toilet systems to these vehicles.

Decentralisation Programme.

382. **Mr. Naughten** asked the Minister for Transport the discussions he has had with the staff of the National Roads Authority regarding decentralisation; if a staff survey of those wishing to transfer has been completed; the results of such survey; and if he will make a statement on the matter. [3606/04]

Minister for Transport (Mr. Brennan): I have established a decentralisation implementation group in my Department to manage the decentralisation process. It is chaired by an assistant secretary and includes representatives from the areas or agencies scheduled for decentralisation. The chief executive officer of the National Roads Authority is a member of this group. A staff survey has not been completed but the question of conducting a survey of the nature referred to above is among the issues being considered by this group.

Light Rail Project.

383. **Mr. O'Connor** asked the Minister for Transport if, in the context of the start up of Luas services in 2004, consideration has been given to including these services on the integrated transport tickets which many members of the public purchase in April; and if he will make a statement on the matter. [3632/04]

Minister for Transport (Mr. Brennan): The Railway Procurement Agency has statutory responsibility for the implementation and delivery of an integrated ticketing system which will enable a passenger to use a single ticket on

one or more public transport services by road or rail, irrespective of the operators involved. This includes Luas. The system which the RPA is developing will use smart card technologies and the target date for launch of the full integrated ticketing system is 2005.

Pending the full introduction of integrated ticketing using smart card technology, the RPA and Dublin Bus are working on an integrated ticket using existing technology. The scheme under which benefit-in-kind tax exemptions are available on travel passes paid for by employers has been included in the new Finance Bill to include integrated tickets and the new Luas services.

384. **Mr. Carey** asked the Minister for Transport if an assessment has been made on the possibility of providing a Luas line to Dublin Airport via Glasnevin and Ballymun; if so, the outcome of this assessment; if an assessment is being made of the feasibility of building a spur to the airport off the DART line serving the north side of Dublin city; if this examination includes a cost comparison; and if he will make a statement on the matter. [3693/04]

Minister for Transport (Mr. Brennan): The programme for Government contains a commitment to develop a metro with a link to Dublin Airport. The proposed metro overtook earlier proposals for a Luas line to Dublin Airport.

The original outline business case for phase one of the metro from the Railway Procurement Agency, RPA, involved a line from the airport to the city centre. This was subsequently revised to take account of the relevant experience in Madrid and contained a number of changes in comparison with the original business case. These changes reduced the capital cost of the proposal significantly and involved a shorter, more direct route and fewer stations changes in design. At my request, the RPA is doing further work on this revision. I expect to bring my proposals on the metro to the Government in the coming weeks.

The precise route, and hence costs, will depend on a number of factors, including the Government decision, geo-technical surveys, negotiations with bidders and the railway order process, including the public inquiry. In preparing a submission for the Government on this matter, the merits of all alternative solutions and routes will be considered. In this regard, a spur from the DART to the airport would have only limited capacity, would deal only with airport traffic and, compared with a Dublin metro system, would make little contribution to relieving congestion.

The Oireachtas Joint Committee on Transport has recently commissioned a report on the metro. The committee's report will be completed shortly and I look forward to receiving it.

Driving Tests.

385. **Mr. Hayes** asked the Minister for Transport the procedures for persons with literacy difficulty to obtain a driving licence; and the plans he has to change these regulations. [3759/04]

Minister for Transport (Mr. Brennan): I assume the Deputy is referring to the requirement that applicants for first provisional licences must undergo and pass the driver theory test before being granted a licence.

The specification which the contractor operating the driver theory test is obliged to meet provides for the delivery of a user-friendly computerised theory testing system and requires that candidates with special needs be provided for. This includes the provision of reading assistance and voiceover audio with an extended time slot for the test. The test is based on a question bank, which has been developed, *inter alia*, in consultation with the Association for Children and Adults with Learning Difficulties and the National Adult Literacy Agency. The question bank is available in book format or as a CD rom which includes voiceover audio.

386. **Mr. Carey** asked the Minister for Transport if his attention has been drawn to the suggestion that his Department's driver test centre at Finglas, Dublin 11, has a higher failure rate than any other in the country; and if he will make a statement on the matter. [3760/04]

Minister for Transport (Mr. Brennan): As in other EU countries, there are variations in the pass rate among driving test centres. The pass rate may be influenced by a number of factors, including the number of lessons taken by the candidate, the standard of instruction available and demographic factors. Pass rates in the Finglas test centre are broadly in line with pass rates in the other Dublin test centres. The failure rate in the Finglas test centre has not been the highest nationally in any of the past five years.

Taxi Hardship Panel.

387. **Mr. McGuinness** asked the Minister for Transport the person who set out the eligibility criteria for the taxi hardship payment scheme; the reason the minimum loan outstanding at the date of deregulation was set at €40,000 under category five; if this regulation will be reviewed; and if he will make a statement on the matter. [3761/04]

Minister for Transport (Mr. Brennan): The taxi hardship panel was an independent three person panel established to report in general terms on the nature and extent of extreme personal financial hardship that may have been experienced by individual taxi licence holders arising from loss of income as a direct result of the liberalisation of the taxi licensing regime. The

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panel's report recommended the establishment of a scheme to provide payments to individual taxi licence holders who fall into one of six categories that the panel assessed as having suffered extreme personal financial hardship arising from taxi liberalisation. The Government approved the implementation on a phased basis of these recommendations.

Category five of the panel's report refers to particular circumstances where large loan repayments are outstanding and these have been secured against a family home. The report recommends a hardship payment under this category to qualifying persons, ranging from €6,000 to €12,000, depending on the amount of the loan outstanding, the minimum loan amounts ranging between €40,000 and €100,000.

The taxi hardship payments scheme is based on the recommendations and parameters set out in the taxi hardship panel report, as approved by Government. The scheme allows individuals who find, due to their particular circumstances, that they fall outside the requirements for a particular category of hardship to complete the application form and submit their details, including information regarding the extenuating circumstances involved in their hardship, for consideration by Area Development Management Limited, which has been engaged to administer and manage the scheme. I have no proposals to depart from the terms of the panel report or the Government's decision on it.

Road Network.

388. **Mr. Carey** asked the Minister for Transport if his attention has been drawn to the matters raised in a report to Dublin City Council on the impact of the Dublin port tunnel on traffic flows in the areas surrounding the tunnel portals and to the concerns that traffic congestion should be avoided in the tunnel itself; if he has satisfied himself that the ventilation system within the tunnel is adequate to deal with emergencies which may arise within it; his views on the proposal to charge motorists for the use of the tunnel as a disincentive to its use by motorists; his further views on whether the expected number of HGVs using the port tunnel will have a positive impact on traffic flows in Dublin city; and if he will make a statement on the matter. [3828/04]

Minister for Transport (Mr. Brennan): A copy of a draft interim report prepared for Dublin City Council on the development of a HGV management strategy for Dublin city to coincide with the opening of the Dublin port tunnel to form the basis of a public consultation exercise on this issue was sent by Dublin City Council to my Department. I understand from Dublin City Council that this plan has three objectives: to ensure the optimal use by HGVs of the port

tunnel; to minimise adverse effects of remaining HGV movements in the city and to manage the movement of vehicles not within permitted dimensions, for example, through permit systems. Implementation of such a HGV management strategy was always envisaged as part of the overall transport strategy underpinning the construction of the port tunnel to ensure that port HGV traffic utilises the tunnel to the maximum extent.

Ventilation in the port tunnel is matter for Dublin City Council and the NRA. The tunnel has been designed as a longitudinally ventilated tunnel. This means that for each tube air is drawn in at one end and pushed through the tunnel both by means of the "piston effect" of vehicles and by large fans mounted on the roof of the tunnel. Under this arrangement, in the event of a fire the fans push the smoke downstream of the fire incident, that is, in the direction of vehicle travel, and the smoke is limited from affecting the area behind the incident. Vehicles downstream of the fire incident can exit the tunnel safely by continuing to drive out of the tunnel. This is the basis upon which numerous international tunnels operate. A recent safety audit of the project confirms that the Dublin port tunnel complies in all respects with the requirements of the proposed EU directive on safety on road tunnels.

The operating system for the tunnel and the ventilation and safety systems have been designed with safety as a paramount parameter. This ventilation system, along with a package of further safety measures, including emergency telephones, lay-bys, pedestrian and vehicular cross passages, continuous CCTV coverage of the tunnels, a 24 hour manned control room, fire detection equipment and incident detection equipment, represents a comprehensive approach to ensuring the safe passage of vehicles through the port tunnel. It is in line with the best international practice.

A key objective of the operating system for the Dublin port tunnel will be to ensure that there is no build-up of traffic in the tunnel. This objective would apply regardless of the ventilation system in use. A vital mechanism to ensure that the tunnel meets its primary objective of providing easy access to Dublin Port for HGV traffic will be the implementation of a differentiated tolling system applicable to private cars. Currently, all truck journeys in and out of Dublin Port pass through city centre streets and adjacent residential areas. Completion of the tunnel will provide relief to the city centre, environmental and safety benefits and relief from congestion for freight distributors and other port related traffic.

Air Services.

389. **Ms O'Sullivan** asked the Minister for Transport if the 50-50 share of transatlantic

landings between Dublin and Shannon as enshrined in the bilateral agreement between the Irish and US Governments will be maintained; and if he will make a statement on the matter. [3829/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my reply to Question No. 162 of 28 January 2004. Negotiations have begun between the European Commission and the US authorities to establish an EU-US open aviation area agreement. The third round of those negotiations will take place in Washington next month. Officials of my Department met with the Aer Rianta unions on a number of occasions late last year to hear their views on this matter.

I consider it appropriate for any changes that occur in this area to be on a phased basis over a number of years. To protect the Irish position and with a view to securing new US routes for Aer Lingus as well as taking account of the developing EU-US negotiations, I have authorised my officials to seek negotiations with the US so both sides can discuss arrangements for any possible phased amendments to the Ireland-US bilateral agreement. Negotiations have not yet commenced.

In January, I wrote to SIPTU and ICTU regarding, *inter alia*, the dual gateway status of Shannon and I confirmed my commitment to renew direct engagement with them to seek to work out a means of best addressing the challenges arising for Shannon Airport. I will also consult further with the board designate of Shannon Airport about this issue.

Driving Tests.

390. **Mr. Carey** asked the Minister for Transport if he will establish the reason a person (details supplied) was forced to forfeit the €34 fee in respect of the driving theory test; if he will request the company to refund the fee; and if he will make a statement on the matter. [3925/04]

Minister for Transport (Mr. Brennan): The driver theory testing service has procedures in place for dealing with complaints, including any about the refund of fees, which may be addressed to the customer service manager at PO Box 144, Drogheda, County Louth. The granting of further tests without payment of fees would be a matter for determination by the driver theory testing service as part of the complaint consideration process.

Road Safety.

391. **Mr. Naughten** asked the Minister for Transport if he will provide funds to the National Safety Council to make drivers aware of the danger of overtaking and cutting in on HGVs; and if he will make a statement on the matter. [3926/04]

Minister for Transport (Mr. Brennan): The National Safety Council has been mandated with responsibility for promotional and educational initiatives relating to road safety and has been allocated €2.886 million by my Department for 2004 for this purpose. In addition to Exchequer funding, the Irish Insurance Federation contributes to the National Safety Council's budget and funding is also received by the council from other sources, such as local authorities and sponsorship.

The form and focus of the promotional campaigns mounted by the council is a matter for its determination. Recent promotions have included the presentation of filmlets that highlighted safe driving practice in the key areas of roundabouts, motorways and overtaking manoeuvres.

Air Services.

392. **Mr. P. Breen** asked the Minister for Transport the discount schemes which are in operation currently for Shannon and Dublin airports for new transatlantic routes; if he will provide a route by route and by airline breakdown for these schemes; if any route discounts are proposed for the 2004 summer schedule; the start date and end date of these schemes for both Shannon and Dublin; and if he will make a statement on the matter. [3940/04]

Minister for Transport (Mr. Brennan): The incentive schemes for the development of new routes at the three State airports, including Dublin and Shannon, are a day to day matter for Aer Rianta. Details of the new route support schemes for 2004 in Dublin and Shannon airports are available on the Aer Rianta website at www.aer-rianta.ie. Operators on any new routes which commence operations during the period 1 January 2004 to 31 December 2004 and which meet the qualifying criteria listed by Aer Rianta in the route support documentation are entitled to such support.

393. **Mr. P. Breen** asked the Minister for Transport if his officials are currently engaged or propose to engage with American officials about a change in the current bilateral agreement to permit two flights into Dublin and one into Shannon Airport; if he can confirm that this is true; and if he will make a statement on the matter. [3941/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my reply to Question No. 162 of 28 January 2004.

Light Rail Project.

394. **Aengus Ó Snodaigh** asked the Minister for Transport if the Luas works on Davitt Road, Dublin 12, are over schedule and the time limits

[Aengus Ó Snodaigh.]
have been breached several times; and the new deadline for completion. [3979/04]

396. **Aengus Ó Snodaigh** asked the Minister for Transport if the contractors involved in Luas works on Davitt Road, Dublin 12, will reinstate the Grand Canal banks along the stretch of road to a condition acceptable to the local community which has patiently awaited completion of these disruptive works. [3981/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 394 and 396 together.

The Railway Procurement Agency, RPA, is responsible for the management of the Luas project. I have contacted the agency about the Luas works on Davitt Road and it has informed me that the two way traffic system will not be restored until all the works are completed. The decision was taken in consultation with all interested parties. The estimated date for completion of these works is April 2004.

The section of the scheme along Davitt Road canal bank has been designed in conjunction with Waterways Ireland. The RPA has informed me that the Luas contractor's responsibility extends only to those areas disturbed by the construction of the Luas.

395. **Aengus Ó Snodaigh** asked the Minister for Transport if the disruptive Luas works are six months overdue for completion on Steven's Hill, Dublin 8; and the new deadline date for completion. [3980/04]

Minister for Transport (Mr. Brennan): The Railway Procurement Agency, RPA, is responsible for the management of the Luas project. The RPA has informed me, however, that St. Steeven's Lane has now been closed permanently to through traffic following initial periods of temporary closure. It has also assured me that the closure of the lane to through traffic is in line with the plans for Luas, line A, in respect of which a light railway order has been made. The Luas works in this area will be completed over the coming weeks when trial running will commence.

Question No. 396 answered with Question No. 394.

Departmental Expenditure.

397. **Mr. Ring** asked the Minister for Transport the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radio stations and so on; the amounts spent on a year to year basis; and the amount of money which was spent

on videos, whether for promotional, educational or advertising purposes. [4067/04]

Minister for Transport (Mr. Brennan): With regard to 2002, I refer the Deputy to my replies to Question No. 4184/03 of 13 February 2003, when I indicated that expenditure of €261,443 was incurred in 2002. This expenditure was mainly in respect of national newspaper advertising. There was no expenditure on video during 2002.

The amount of money spent from the Vote of the Department of Transport on advertising from January 2003 to December 2003 was €191,342. This was spent primarily on formal public notice advertisements on the tendering for and information on specific projects being undertaken by the Department. A sum of €3,110 was spent on videos for training purposes on enhanced customer relations in 2003.

Juvenile Offenders.

398. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform the measures he has taken to assist a person (details supplied) in Dublin 8; the measures he proposes to take to assist this person; and if he will make a statement on the matter. [3577/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not my practice to comment on individual cases. However, I have been advised by the probation and welfare service that this young man was accepted by a hostel, which is funded by my Department, prior to Christmas 2003 but that during his one week stay, he absconded from the hostel on a number of occasions. I am further informed that a recent multi-disciplinary case conference was held to consider whether the hostel in question was a suitable placement in the short term as an alternative to a continued remand in custody, pending the availability of a place at a unit specialising in cases of this type.

Following further deliberations, the management committee at the hostel decided that it was not in a position to offer a further placement, even temporarily, to the young man in question. Arrangements have been made by the South Western Area Health Board with the National Rehabilitation Hospital to carry out a comprehensive assessment of this young man's needs. The assessment is to take place this week. This young man is currently on remand in custody to Cloverhill Prison and this case is listed for further hearing on Wednesday, 11 February 2004.

Citizenship Applications.

399. **Mr. English** asked the Minister for Justice, Equality and Law Reform the stage the citizenship application for a person (details

supplied) in County Meath is at; and if he will make a statement on the matter. [3581/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of acceptance of post-nuptial citizenship from the person referred to by the Deputy was received in my Department in February 2003. The declaration and accompanying papers were examined by officials in the citizenship section of my Department in early September 2003. Following contact with the declarant on two occasions about some necessary amendments, the declaration was accepted as valid on 26 November 2003.

Unfortunately, the letter confirming acceptance of the declaration contained a number of clerical errors and, following contact from the individual concerned, a corrected letter was issued on 26 January last. As soon as the person concerned completes the procedures requested in the letter, a certificate of citizenship will issue to him.

400. **Mr. English** asked the Minister for Justice, Equality and Law Reform his views on whether five hours per week is sufficient time for the citizenship information lines at his Department to be open to the public; the number of calls dealt with per week during that five hour period; and if he will make a statement on the matter. [3582/04]

401. **Mr. English** asked the Minister for Justice, Equality and Law Reform the number of staff who operate the citizenship information lines at his Department during the five hours per week these lines are open to the public; and if he will make a statement on the matter. [3583/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The helpline for the citizenship section of my Department operates from 10 a.m. to 12.30 p.m. on Tuesdays and Thursdays. During this period, two telephones are in operation. A total of 8,572 calls, approximately 165 per week, were dealt with in 2003 and 842 calls were dealt with in January 2004.

The citizenship section, in common with other areas of the immigration and citizenship division of my Department, has seen a huge increase in recent years in the volume of business it deals with. In 1999, a total of 739 applications for naturalisation and 1,242 declarations of post-nuptial citizenship were received. In 2003, the corresponding figures were 3,580 and 2,369. In 1999, 416 certificates of naturalisation and 1,022 certificates of post-nuptial citizenship were issued. The corresponding figures in 2003 were 1,664 and 2,227 respectively. At the same time, the processing time for applications for naturalisation and declarations of post-nuptial citizenship has been reduced from 2.5 years and

12 months at the start of 2001 to 15-18 months and eight months respectively at present.

Given the volume of applications being received, it is intended to continue to focus resources on decision making and maintaining the processing times at their current levels. Since November 2002, comprehensive information leaflets on citizenship matters are available on my Department's website at www.justice.ie. Application forms for naturalisation and post-nuptial citizenship can also be downloaded from the website.

Road Traffic Offences.

402. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the enforcement of regulations in respect of the compulsory fitting of speed limitation devices on buses over 10,000 kg and HGVs over 12,000 kg; the number of prosecutions for violations of these regulations recorded in the past three years for which figures are available; and if he will make a statement on the matter. [3585/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities enforce the regulations in respect of the compulsory fitting of speed limitation devices on buses-coaches with more than eight passenger seats, excluding the driver's seat, with a design gross vehicle weight exceeding ten tonnes and heavy goods vehicles exceeding 12 tonnes. Vehicles first registered prior to 1988 are exempted from these regulations. Speed limiters must be set at 85 km/h in the case of heavy goods vehicles and 100 km/h in the case of buses and coaches.

Breaches of these regulations are dealt with as part of routine enforcement by the Garda Síochána and are also targeted by multi-agency checkpoints carried out by the gardaí in conjunction with the Department of Transport, the Health and Safety Authority and the Revenue Commissioners. The Garda authorities have advised me that figures from PULSE for the period 1 January 2000 to 31 December 2003 indicate that proceedings for breaches of the regulations were initiated in 56 cases. This figure is provisional and subject to change.

Decentralisation Programme.

403. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the discussions he has had with officials in the Land Registry section of his Department regarding decentralisation; if a staff survey of those wishing to transfer has been completed; and the results of such survey; and if he will make a statement on the matter. [3605/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The chief executive officer-

[Mr. McDowell.]

Registrar of Deeds and Titles is a member of the justice and equality sector decentralisation implementation group, which is actively planning the implementation of the Government's decision on decentralisation for the entire justice and equality sector. In line with other Departments and agencies, the Land Registry has provided information to the central implementation committee under the chairmanship of Mr. Phil Flynn.

On 15 December 2003, the human resources manager conducted a "preliminary survey" of staff to ascertain the level of interest amongst existing Land Registry staff in moving with the Land Registry to Roscommon town. The survey was for indicative purposes only and a response at that time did not imply any commitment or otherwise to decentralise to Roscommon. Out of a total of 710 staff surveyed, 45 indicated a possible interest.

Drug Seizures.

404. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the arrangements that exist for the safe custody of illegal drugs seized by the gardaí; the arrangements that exist for the destruction of such illegal substances; and if he will make a statement on the matter. [3610/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): All illegal drugs seized are initially conveyed to the forensic science laboratory for analysis. Once analysed, smaller quantities of seized drugs are returned to the Garda district or divisional headquarters of origin. They are stored in secure conditions, in a safe, for evidential purposes until no longer required.

Number of Incidents Reported to the NCCRI

Report	Period Covered	Number of Incidents
1	May 2001 — October 2001	41
2	November 2001 — April 2002	40
3	May 2002 — October 2002	67
4	November 2002 — April 2003	48

I understand that figures for the period May to October 2003 are being compiled.

The Garda racial and intercultural office was established to co-ordinate, monitor and advise on all aspects of policing in the area of ethnic and cultural diversity. Incidents that are motivated by racism, sectarianism, xenophobia and anti-Semitism are recorded on the PULSE computer system. Personnel at the Garda racial and intercultural office, which was established in 2001, monitor all incidents to ensure that the system is accurately recording all such offences. Where such incidents occur, the Garda Síochána

ensures that an investigation is pursued with reference to the provisions of the Criminal Justice (Public Order) Act 1994 and the Prohibition of the Incitement to Hatred Act 1989, which are the relevant legislative instruments pertaining to hate crime.

Crime Levels.

405. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of racially motivated attacks that have been reported to the Garda Síochána for each month since January 2002; the number of such attacks that have been reported in the Dublin metropolitan area for each month since January 2002; and if he will make a statement on the matter. [3611/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Racially motivated incidents are independently recorded by two bodies, the Garda Síochána and the National Consultative Committee on Racism and Interculturalism, NCCRI.

The NCCRI was established with funding from my Department. Its objective is to develop an integrated approach against racism and promote a more participative and intercultural society. The NCCRI, in partnership with a range of non-governmental organisations, has organised a system of reporting racist incidents. The system aims to profile the number, type and location of incidents and to identify emerging trends. These incidents are compiled into six monthly reports. As noted in the fourth report, victims can be refugees, asylum seekers, EU citizens, Irish citizens, for example, Travellers, or tourists.

ensures that an investigation is pursued with reference to the provisions of the Criminal Justice (Public Order) Act 1994 and the Prohibition of the Incitement to Hatred Act 1989, which are the relevant legislative instruments pertaining to hate crime.

Garda policy on the recording in PULSE of racially motivated incidents was circulated to the organisation in December 2002. The Garda records racially motivated incidents rather than racially motivated attacks. A racially motivated incident is defined as any incident which is

perceived to be racially motivated by any of the following: the victim, a member of the Garda Síochána, a person who was present and who witnessed the incident or a person acting on behalf of the victim. I have had inquiries made

with the Garda authorities about the number of racially motivated incidents reported since January 2002 and the information is outlined in the following tables.

Racially Motivated Incidents 2002

Month	Nationwide	Dublin Metropolitan Region
January	8	4
February	7	5
March	3	1
April	15	1
May	13	6
June	6	3
July	6	5
August	8	7
September	12	5
October	14	6
November	7	3
December	3	3
Total	102	49

Racially Motivated Incidents 2003*

Month	Nationwide	Dublin Metropolitan Region
January	9	9
February	11	5
March	7	3
April	3	3
May	3	2
June	8	4
July	6	2
August	8	3
September	3	3
October	2	1
November	7	1
December	1	1
Total	68	37

*Statistics for year 2003 are provisional and are subject to a validation process and are liable to change

Departmental Properties.

406. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the reason Shanganagh Castle open prison has not been sold a year after he announced the closure and sale of the premises; if any legal difficulty has arisen regarding the proposed sale; if there are staff still retained in the prison; the cost to the Exchequer of maintaining the prison for the past 12 months; the plans he has for the prison; and if he will make a statement on the matter. [3612/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Agreement in principle for the terms of the sale of the property has been reached with Dún Laoghaire-Rathdown County Council. No major legal difficulties have arisen to

date and I expect the sale to be completed this year. A minimal staffing presence has been retained to maintain the security of the premises. Maintenance costs for the year 2003 were approximately €117,000.

Grant Payments.

407. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the progress made on the capital grant and staffing application submitted by a group (details supplied) in County Sligo; when the necessary funding will be allocated; the amount that will be sanctioned; and if he will make a statement on the matter. [3635/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for capital grant

[Mr. McDowell.]

assistance from the Equal Opportunities Childcare Programme 2000 — 2006 was received from this community based group in August 2002.

All applications for grant assistance undergo a thorough assessment and appraisal process by Area Development Management Limited. On completion of the assessment process, applications are considered by the programme appraisal committee, chaired by my Department, for a recommendation before I make a final decision. There has been considerable demand from community based groups for capital grant assistance under the programme and every county has benefited from significant grant commitments to provide new and enhanced community based child care facilities.

My Department is currently carrying out an extensive review of the programme's capital commitments to date to ensure that those grant commitments previously entered into will, in fact, be realised by the groups on the ground. At the same time, it is also reviewing the different budget lines under the capital programme to ensure that the most effective use is made of all remaining capital funding in accordance with the objectives of the programme.

All applications for capital grant assistance are appraised in accordance with the programme criteria to ensure that those projects which best meet the aims and objectives of the programme receive the capital grant assistance which will enable them to provide quality child care in areas where there are service deficits. As the group's application for staffing grant assistance relates directly to the capital grant application, it will be considered following the completion of the appraisal process of the capital grant application.

Garda Vetting.

408. **Mr. Andrews** asked the Minister for Justice, Equality and Law Reform if he will support the extension of the functions of the Garda central vetting unit to include vetting of school caretakers; and if he will make a statement on the matter. [3642/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 307 of 4 February 2004.

Deportation Orders.

409. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that it is in keeping with humanitarian norms to return a person (details supplied) to Angola; and if he can assure Dáil Éireann that this person can return there safely. [3643/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The person concerned, an Angolan, entered the State on 10 January 2001 and claimed asylum. The Refugee Applications Commissioner recommended that his claim be refused and he was informed of this recommendation on 4 July 2001. He appealed this recommendation on 23 July 2001. The Refugee Appeals Tribunal affirmed the recommendation and he was informed of this decision on 16 November 2001.

In accordance with section 3 of the Immigration Act 1999, he was informed on 30 November 2001 that it was proposed to make a deportation order in respect of him and was given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons why he should be allowed to remain in the State, to voluntarily leave the State or to consent to deportation. An application for leave to remain was received from the person's legal representatives on 28 December 2001. On 19 June 2002, he was notified that his application for leave to remain was being given consideration.

Following examination of his case under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 a deportation order in respect of the person was signed on 17 September 2003. *Refoulement* was not found to be an issue in this case and, in this context, consideration was given to the major improvement in the situation in Angola since the ceasefire there in April 2002. The most recent UNHCR position paper of January 2004 advises that the overall position continues to improve in Angola and that large numbers of former refugees are voluntarily returning there.

The effecting of the deportation order in this case is a matter for the Garda national immigration bureau.

Asylum Support Services.

410. **Ms M. Wallace** asked the Minister for Justice, Equality and Law Reform if the Mosney Reception Centre in County Meath was opened to cater for a maximum of 500 asylum seekers; the number of asylum seekers accommodated at this location, distinguishing between adults and children; and if he will make a statement on the matter. [3644/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): On 22 November 2000, the directorate for asylum support services, which was subsequently subsumed into the Reception and Integration Agency or RIA, entered into a contract with the proprietor of Mosney Holiday Centre for the provision of accommodation and ancillary services at that stage for up to 500 asylum seekers, comprised mainly of families.

The duration of the contract is four years and nine months and the initial placements at the centre were made on 7 December 2000.

The provision of accommodation and ancillary services to asylum seekers is demand led and, having regard to the numbers of persons who applied for asylum during the course of 2001, the RIA entered into a further agreement with the proprietor to increase the capacity of the centre to 769. There are currently 742 residents at the centre of which 366 are children under the age of 18 years.

Garda Training.

411. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the facilities available in each division to gardaí for training in firearms; and if he will make a statement on the matter. [3645/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In addition to the indoor firing range at Garda headquarters and the firing range at the Garda College, Templemore, 11 Defence Forces ranges, located throughout the country, are available to members of the Garda Síochána for training in firearms.

Garda Management Systems.

412. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if he has received the SMI steering group's report into the structural and operational systems of the Garda Síochána; if it contains recommendations in respect of opening hours of Garda stations; and if there are changes envisaged in the opening hours of Rathfarnham Garda station. [3679/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed that the Garda SMI implementation steering group is in the process of finalising its report which will be forwarded to me in the coming weeks.

Registration of Title.

413. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing application for a person (details supplied) in County Mayo will be completed, particularly as the queries raised have been replied to. [3714/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for a transfer of part and charge which was lodged on 21 October 2003 — dealing No. D2003SM008544B refers. A reply has been received to the query issued to the lodging solicitor in December 2003. I am further informed that this dealing is associated with dealing No. D2002SM009309J and that registration cannot proceed until a query

outstanding on this dealing is satisfactorily resolved. A reminder issued in this regard on 5 February 2004. On receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

414. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if the Land Registry Office will expedite a dealing application on a folio for a person (details supplied) in County Mayo. [3715/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for a copy map which was lodged on 4 December 2003 — application No. P2003SM227907C refers. I am further informed that as the lodging solicitors have already made a copy map application for the same folio prior to this application which has been issued, they intend to withdraw this application.

Garda Recruitment.

415. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform if he has plans to allow persons to join the Garda Síochána even if they are over the age of 26; if his attention has been drawn to the fact that other European countries do not have such stringent age restrictions; if mature recruits give great benefits to the Garda Síochána; and if he will make a statement on the matter. [3743/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána (Admissions and Appointments) Regulations 1988, as amended, govern entry to the Garda Síochána and provide that applicants generally must be at least 18 and under 26 years on the first day of the month that the competition is advertised. The regulations provide for some extension to the upper age limit for applicants with certain specified service in the Defence Forces. This is underpinned by section 37 of the Employment Equality Act 1998 which provides, *inter alia*, that employment in the Garda Síochána is exempt from those parts of the Act relating to discrimination on age grounds.

The Equality Bill 2004, currently before the Seanad, will bring into effect new equality provisions in line with EU directives on equality including, *inter alia*, Council Directive 2000/78/EC establishing a general framework for equal treatment in employment. The Equality Bill 2004 will amend section 37 of the 1998 Act to the effect that the age exemption can continue to apply to recruitment to the Garda Síochána to the extent that the operational capacity of the force would otherwise be adversely affected. The implications of this for the current rules on admission to the Garda Síochána are currently under consideration.

Asylum Applications.

416. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kilkenny will be given permission to remain here on medical grounds; and if an appeal in their case will be expedited. [3755/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned entered the State on 26 April 2002 and applied for asylum on 29 April, 2002. The Refugee Applications Commissioner recommended that his claim be refused and he was informed of this recommendation on 11 October 2002. He appealed this recommendation on 18 November 2002. The refugee appeals tribunal affirmed the recommendation and he was informed of this decision on 18 July 2003.

In accordance with section 3 of the Immigration Act 1999 he was informed on 10 September 2003 that it was proposed to make a deportation order in respect of him and was told that he could make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons why he should be allowed to remain in the State; voluntarily leave the State; or consent to deportation. An application for leave to remain was received on 1 October 2003 and I expect the case file to be submitted to me for a decision shortly.

417. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if he will reconsider the decision given in the case of a person (details supplied) in County Kilkenny to allow them to remain in the State on humanitarian grounds; and if he will make a statement on the matter. [3756/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy was refused refugee status in the State following consideration of his case by the refugee applications commissioner and on appeal by the refugee appeals tribunal. In accordance with section 3 of the Immigration Act 1999, he was informed that it was proposed to make a deportation order in respect of him and he was given the following options: to make written representations within 15 working days setting out reasons why he should be allowed to remain in the State, to voluntarily leave the State or to consent to deportation.

Following an examination of his case, including all representations received from him and on his behalf, under section 3(6) of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of refoulement — a deportation order issued in his respect on 11 December 2003. The repatriation of this person, responsibility for

which rests with the Garda national immigration bureau, must now proceed.

Visa Applications.

418. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application for a visa for a person (details supplied); and if a decision will be expedited in their case. [3757/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was approved on 3 February 2004.

Local Authority Housing.

419. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if, in view of the funding his Department has made available to Kildare County Council and Newbridge Town Council, it will be possible for the residents of Liffey Terrace, Newbridge, County Kildare to be allowed to purchase outright the leasehold in their houses in view of the fact that this is the normal procedure. [3823/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 26 of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 applies in this case and that the acquisition of fee simple for dwellings leased to a tenant by a housing authority is a matter for said housing authority and is not a matter for my Department.

Decentralisation Programme.

420. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform the number of people that will be moving to Tipperary town as a result of decentralisation; the status-category of staff likely to be moved; and if he will give a timeframe involved in this. [3916/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is anticipated that in the region of 200 staff, the bulk of whom will be from the asylum-immigration area of the Department, will be moving to Tipperary town under the decentralisation programme. The precise configuration of staff and services is being considered at the moment and once this has been finalised, I will be in a position to outline the categories of staff involved in the move and the overall timescale.

Registration of Title.

421. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if he will give details of the dealing applications which are pending on folios for a person (details supplied) in County Mayo in the Land Registry Office; and when they will be completed. [3938/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar

of Titles that this is an application for a transmission which was lodged on 21 January 2004 — dealing No. D2004SM000580C refers. I am further informed that, subject to no queries arising, the application will be completed within the next few weeks.

Asylum Applications.

422. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application to remain in the State on humanitarian grounds of a person (details supplied) in County Kilkenny; and if he will expedite a decision in the case. [3951/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 2 May 2001 and applied for asylum on the same day. She was interviewed about her claim for refugee status on 8 October 2001 by an officer of the refugee applications commission. Her claim was subsequently refused on 5 March 2002. The person concerned appealed this decision on 27 March 2002, and had her appeal heard by the refugee appeals tribunal on 8 May 2002. On 24 June 2002 her appeal was rejected.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, she was informed by letter dated 15 August 2002 that it was proposed to make a deportation order in this case. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of a deportation order. Representations have been made to my Department requesting that the person concerned be allowed to remain in the State. I expect the case file in this matter to be submitted to me for a decision shortly.

Registration of Title.

423. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform if his Department will complete a dealing (details supplied) in County Leitrim in respect of land which was re-allocated under schedule No. 92504, County Leitrim by the Land Commission. [3958/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for a Land Commission schedule which was lodged on 15 September 1994 — schedule No. 92504 refers. Land Commission schedule applications are deemed to be registered as of the date of vesting which is prior to the date of lodgement of the documents in the Land Registry. Accordingly, registration in the Land Registry of Land Commission cases is afforded a lower priority than the registration of other dealings. However,

I can assure the Deputy that the application is receiving attention in the Land Registry.

424. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform if his Department will complete dealings on folio numbers in respect of persons (details supplied) in County Leitrim. [3959/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the dealings referred to by the Deputy relate to an application for a transmission of part — D2001WS007521X — which was lodged on 13 September 2001 and completed on 23 January 2004, an application for a transfer of part — D2002WS004809V — which was lodged on 24 June 2002 and completed on 29 January 2004, and an application for a deed of exchange — D2003WS005796B — which was lodged on 23 June 2003 and completed on 29 January 2004.

Citizenship Applications.

425. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if the application of a person (details supplied) in County Kildare for naturalisation will be granted; and if he will make a statement on the matter. [3960/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for naturalisation on behalf of the person in question, who is a minor, was received in the citizenship section of my Department on 26 August 2003. Some additional information was requested in connection with this application in September 2003 and I understand that while a response to this request was received on 5 February last, the information provided was incomplete. My officials are taking up the matter once more with the applicant. When the remaining information is submitted, it should be possible to finalise the case shortly thereafter. As soon as I have reached a decision on the matter, I will inform both the applicant and the Deputy of the outcome.

Prisoner Transfers.

426. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding the educational programmes for prisoners transferred from the Curragh prison to the Midlands Prison, Portlaoise; the position regarding the educational staff attached to the Curragh Prison; and if he will make a statement on the matter. [3971/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The intention is that prisoners who transferred from the Curragh Place of Detention to the Midlands Prison on 19 and 20 January 2004, will continue to have access to education classes. The Deputy will appreciate that the transfer of the 85 prisoners concerned

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has involved inevitable short-term disruption to their education provision. This disruption arises not only because of the significant logistics involved in the transfer arrangements but also the impact of the transfer on day-to-day security and other operational arrangements at the Midlands Prison. Every effort is being made, however, to keep this disruption to a minimum.

The director general of the Irish Prison Service informs me that provision is already made for five prisoners who had been undertaking open university courses at the Curragh Place of Detention to continue their studies at the Midlands Prison. In addition, education records from the Curragh Place of Detention, together with some education equipment, have been transferred to the Midlands Prison and further such transfers will take place in the coming fortnight to facilitate the commencement of taught education classes for the transferred prisoners.

Since the closure of the Curragh Place of Detention, teachers from County Kildare VEC have continued to report there to complete the mothballing of the education unit and assist in the transfer of the education records and equipment to the Midlands Prison. The teachers have also liaised with colleagues based at the Midlands Prison in regard to arrangements for continuation of education programmes which had been in place at the Curragh Place of Detention. The Irish Prison Service is currently in touch with the Department of Education and Science and County Kildare VEC about the possibility of secondment of teachers from the Curragh Place of Detention to provide education classes at the Midlands Prison. I understand that a meeting to consider this option will take place later this week involving each of the foregoing parties and the Teachers Union of Ireland.

427. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if all the personal belongings of prisoners moved from the Curragh prison to the Midlands Prison have been returned to the prisoners; when this logistic was completed; and if he will make a statement on the matter. [3972/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Standard procedure in our prisons is that all properties, personal or otherwise, of those committed to custody must be recorded and searched in accordance with the regulations. Over the past two weeks, a total of 120 prisoners were committed to the Midlands Prison, 85 of whom transferred from the Curragh Place of Detention. As the Deputy can appreciate, the practicalities associated with transferring such a large number of persons en bloc are not inconsiderable. Due to the large

influx of prisoners and associated property, the searching and recording procedures required will take some time. I am informed that the prisoners concerned have received their permitted quota of clothing and that they have also received items of personal property on request. The rest of their property is still being recorded and will be issued as soon as possible.

Garda Recruitment.

428. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the present situation with regard to Garda recruitment; the number of new gardaí his Department proposes to recruit in 2004; if he will provide details of same; and if he will make a statement on the matter. [4048/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is my policy and the policy of the Government to prioritise Garda recruitment and training to bring the strength of the force up to its maximum authorised strength of 12,200 as soon as possible making maximum use of the existing capacity of the Garda training college at Templemore. There were 690 Garda trainees taken into the college during 2003. The commissioner has projected, based on the anticipated rate of retirement, that the maximum authorised force strength of 12,200 will be achieved during 2004.

In addition the commissioner has projected that a total of 342 trainees are required to meet the demand created by compulsory retirements and projected voluntary retirements and other discharges for 2004. However, he cautions that all projections are based on variables and are therefore subject to change. The matter of voluntary retirements will be closely monitored, particularly in the early months of this year when historically a higher number of applications are received.

Departmental Expenditure.

429. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4068/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 170 of 13 February 2003 relating to the information sought for the year 2002. The information sought by the Deputy in respect of 2003 is set out in the

following table. This information does not include any expenditure by the courts, the Garda Síochána, the Prisons Service, the Land Registry and Registry of Deeds direct from their respective Votes.

The expenditure outlined mainly relates to advertising costs for such matters as tender competitions, recruitment competitions and information regarding holiday opening and

Print Media	Television	National Radio	Local Radio	Video	Other
€711,868.80	€314,761.12	€54,672.16	€76,887.38	€3047.48	€6,292.79

Traveller Accommodation.

430. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government if 50% of all moneys allocated by his Department for halting site development in the country is being spent in the South Dublin County Council administrative area; and if he will make a statement on the matter. [3568/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the Housing (Traveller Accommodation) Act 1998, all relevant local authorities adopted five year Traveller accommodation programmes covering the period 2000-04. The provision under these programmes of new Traveller specific accommodation and the refurbishment of existing Traveller specific accommodation which includes halting sites and group houses is funded under my Department's Traveller accommodation capital programme. Of the overall total of €46,666,152 provided to local authorities for the provision or refurbishment of halting sites in the first four years of the programmes — 2000-03 — €8,089,394 was provided to South Dublin County Council.

Proposed Legislation.

431. **Mr. Andrews** asked the Minister for the Environment, Heritage and Local Government when legislation can be prepared and passed into law which would enable the resumption of works on the M50 at Carrickmines Castle. [3646/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Arising from the recent High Court decision, it is my intention to bring legislation before the Oireachtas as soon as possible to amend the provisions of the National Monuments Acts 1930 to 1994.

Recycling Policy.

432. **Mr. Andrews** asked the Minister for the Environment, Heritage and Local Government if he will allow schools to make use of paper recycling bring centres. [3647/04]

closing times of the Department's offices. The Deputy will appreciate that advertisements which my Department wishes to place in local and national press must be routed through the central Government contract which has been placed for this purpose. In this context, my Department does not routinely maintain records in relation to individual publications but, rather of the totals invoice and paid on foot of the contract.

Minister for the Environment, Heritage and Local Government (Mr. Cullen):

I assume that the question relates to the siting of paper recycling bring facilities on school grounds. Under the Planning and Development Regulations 2001, "class 42" developments relating to the use of land as a bring facility — as outlined in Part 1 of the Second Schedule to the regulations — are exempt from planning permission requirements subject to the following conditions and limitations: no more than five receptacles shall be provided; the capacity of each receptacle shall not exceed 4.5 cubic metres; no such receptacle shall be situated on a public road; and no such receptacle shall be situated within 50m. of any house, save with the consent in writing of the owner or occupier thereof. There is no prohibition by the Minister for Education and Science on the siting of bring facilities on school grounds. Such decision is a matter for the management of individual schools.

With regard to the issue of schools being allowed to deposit their paper waste at bring banks not located on school grounds, the position is that bring banks are generally provided for the deposit of specified wastes for recycling from the household sector. The granting of permission to deposit wastes at bring banks to persons other than households is a matter for the operators of the bring banks in question, generally local authorities, and I have no function in this regard.

Tribunals of Inquiry.

433. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if costs can be estimated to determine the State's exposure in regard to those attending the Mahon tribunal who intend to seek repayment of costs; the plans the State has to meet these costs; and if he will make a statement on the matter. [3653/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen):

The costs of the Tribunal of Inquiry into Certain Planning Matters and Payments fall to be met from the Vote of the Department of the Environment, Heritage and Local Government. The future legal costs of the

[Mr. Cullen.]
tribunal cannot be estimated by my Department at this stage as these depend on the progress of its business by the tribunal and on decisions by the tribunal with regard to costs of witnesses.

Departmental Expenditure.

434. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the total cost of the publication entitled, *Delivering Value for People — Service Indicators in Local Authorities*; the total cost of the event which was held to launch this publication; the persons who were invited to the launch; the arrangements made to publicise the event and publication, including the engagement of consultants; and if he will make a statement on the matter. [3741/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The report, *Delivering Value for People — Service Indicators in Local Authorities*, was launched on 28 January 2004. Its 42 key service indicators were drawn up by a customer service group representative of my Department, local authorities and the Institute of Public Administration. The total cost of preparing the report and its publication — 3,000 copies — was €23,049. This includes research, editing, design and printing. The cost of the event to launch the report was €4,428, which includes catering, sound engineering and backdrop. Invitations to the launch were issued to representatives of the Association of Municipal Authorities of Ireland, the General Council of County Councils, the Local Authority Members Association, managers and other senior officials from local authorities, the Local Government Computer Services Board, the Local Government Management Services Board, representatives of the Institute of Public Administration, the Departments of the Taoiseach and Finance, and members of the media. The event and publication were publicised by way of invitations to the launch and a press release. No consultants were engaged by my Department in preparing the report or in assisting at the launch.

Water and Sewerage Schemes.

435. **Mr. Grealish** asked the Minister for the Environment, Heritage and Local Government when he envisages that work will be carried out on the Carraroe group sewerage scheme; and if he will make a statement on the matter. [3742/04]

437. **Mr. Grealish** asked the Minister for the Environment, Heritage and Local Government when he envisages work to be carried out on the Carraroe water scheme as the current water supply is being contaminated by affluent from the

nearby sewerage scheme; and if he will make a statement on the matter. [3748/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 435 and 437 together.

The Costelloe regional water supply scheme, under which it is proposed to provide a new water supply source for Carraroe, and the Carraroe sewerage scheme, are included in my Department's water services investment programme 2003-05, to commence construction in 2005. I approved Galway County Council's proposals to update the preliminary report for the Costelloe regional water supply scheme in April 2003 and I understand that the council hopes to submit the updated report to my Department in the near future. I approved the preliminary report for the Carraroe sewerage scheme in November 2003 and my Department is now awaiting the submission by the council of contract documents for approval.

Greenhouse Gas Emissions.

436. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the form which the public consultation on the national allocation plan for greenhouse gas emissions under the EU emissions trading directive will take. [3746/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Government has determined the allocation of emission allowances between the trading and non-trading sectors, for purposes of the emissions trading scheme under directive 2003/87/EC, having regard to a consultancy report, *Determining the share of National Greenhouse Gas Emissions for Emissions Trading in Ireland*, by ICF Consulting — London — and Byrne O Cleirigh — Dublin — which was prepared to underpin decision-making in this regard. A national allocation plan, NAP, in accordance with the requirements of the directive, will now be designed by EPA, as the designated national allocation authority and submitted to the European Commission by 31 March 2004. In its preparation of the NAP, it is a matter for the EPA to undertake appropriate consultations. A copy of the above-mentioned report is available in the Oireachtas Library.

Question No. 437 answered with Question No. 435.

Local Authority Housing.

438. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government the amount of money advanced by his Department to all local authorities in the country under the improvement works-in-lieu of local

authority housing for each year since its inception; the number of grants this represents for each year; the amount of money and the number of grants advanced to Dublin City Council over the same period; the changes which have been made since the scheme's inception in the way the weekly repayment amounts are computed; if the scheme represents a worthwhile intervention in the delivery of housing policy; his views on the difficulty or otherwise for

Year	1991 €m	1992 €m	1993 €m	1994 €m	1995 €m	1996 €m	1997 €m	1998 €m	1999 €m	2000 €m	2001 €m	2002 €m	2003 €m
Amount	0.085	0.269	2.539	2.939	1.921	2.896	3.809	5.564	4.377	4.945	5.790	8.760	8.333

Information relating to activity under the improvement works scheme for each local authority is published in my Department's quarterly and annual bulletins of housing statistics, copies of which are available in the Oireachtas Library. Information on the cost of each extension provided is not obtained by my Department as local authorities have delegated authority to undertake works which do not

Year	1994 €m	1995 euro;m	1996 €m	1997 €m	1998 €m	1999 €m	2000 €m	2001 €m	2002 €m	2003 €m
Amount	0.100	0.032	Nil	0.110	Nil	0.270	Nil	0.276	1.625	1.676

The beneficiaries under the scheme are required to make repayments related to the applicants ability to pay in respect of the cost of the works over a 15 year period. These repayments are based on a formula which is designed to relate the differential payment to the cost of the work having regard to the average cost of providing a local authority house. The denominator in the formula for this calculation of weekly repayment was updated on 1 July 2002. In the event of the house being sold within the 15 year period after the work has been carried out, the owner is required to repay a proportion of the cost of the work to the local authority calculated in accordance with a formula.

The operation of the scheme is a matter for local authorities. I have encouraged local authorities to utilise the improvement works in lieu scheme and other social housing measures available in order to respond to the housing needs in their areas where such interventions are less costly than the provision of a new house. I am not aware of any particular difficulties in relation to the operation of the scheme.

Grant Payments.

439. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if a company (details supplied) in County Louth received grants from his Department; if his attention has been drawn to grants going to this

participants of buying out of the scheme; and if he will make a statement on the matter. [3749/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The amount of funding provided by my Department to local authorities for the improvement works in lieu scheme since the inception of the scheme in 1991 is set out in the following table:

exceed a prescribed value without the prior approval of my Department. The current limit is €75,000.

The amount of funding provided to Dublin City Council under the scheme in the years 1994 to 2003 is set out in the following table. Details in respect of the years 1991 to 1993 are not available in my Department.

company; and if he will make a statement on the matter. [3750/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): A grant application for assistance under the solid waste management measure of the regional operational programmes has been received in my Department and is being considered.

Fire Stations.

440. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the reason an application for a fire station at Granard, County Longford, has not progressed despite the obvious necessity of the construction of a new fire station at this location and the fact that it was at contract document stage a considerable period of time ago; if, in this context, the provision of a new fire station at Granard will be expedited; and if he will make a statement on the matter. [3769/04]

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, along with those in planning, with a view to obtaining the best outcome from the annual fire station construction programme. The

[Mr. Gallagher.]

proposed new fire station at Granard, 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.

Social and Affordable Housing.

441. **Mr. Haughey** asked the Minister for the Environment, Heritage and Local Government the details of the safe home organisation as referred to in Parliamentary Question No. 493 of 3 February 2004; the way in which they can be contacted; and if he will make a statement on the matter. [3831/04]

Minister of State at the Department of Environment, Heritage and Local Government (Mr. N. Ahern): The Safe Home Programme Limited obtained approved status under the Housing Acts from my Department in January 2002. Safe Home assesses applications from elderly emigrants for accommodation under the amended terms of my Department's capital assistance scheme and compiles a list of eligible applicants. It liaises with relevant voluntary bodies throughout the country and with local authorities regarding accommodation for eligible elderly emigrants on its waiting list and carries out a co-ordinating role generally in relation to the scheme.

I understand that Safe Home offers a service which includes the provision of information and practical advice to emigrants considering returning to this country including those emigrants arranging their own accommodation on return. This service includes the provision of information in relation to entitlements in this country such as social welfare benefits, health services, housing, etc. I understand that Safe Home also provides information on benefits in the country of residence which a returning emigrant may have transferred with him or her on returning to this country.

Safe Home can be contacted in writing by addressing correspondence to The Safe Home Programme Limited, St. Brendan's Village, Mulranny, County Mayo. It can be contacted by telephone from abroad at 00353 98 36036 or by fax at 00353 98 36037. Safe Home's e-mail address is safehomeireland@eircom.net and its website address is www.safehomeireland.com.

Housing Grants.

442. **Mr. Murphy** asked the Minister for the Environment, Heritage and Local Government

when approval will be given to a group (details supplied) in Dromina, Charleville, County Cork; and if he has received all the supporting documentation from Cork County Council and this group. [3833/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Question No. 291 of 5 November 2003. The position is unchanged.

Fire Regulations.

443. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if the new fire regulations will be implemented the same for a family run B& as they will be for a large hotel chain and the assistance that is available to family run B&Bs with these additional costs; and if he will make a statement on the matter. [3899/04]

444. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the new fire regulations being implemented to cover bed and breakfast accommodation; and if he will make a statement on the matter. [3900/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 443 and 444 together.

The fire safety of buildings, including bed and breakfast accommodation, has long been governed by legislation and regulations. Section 18(2) of the Fire Services Act 1981, as amended by section 29(b) of the Licensing of Indoor Events Act 2003, places responsibility on the "person in control" of the premises to guard against the outbreak of fire and to take reasonable measures to ensure the safety of persons on the premises.

To assist the "person in control" in discharging their statutory duty, my Department published, Fire Safety in Guest Accommodation, in June 2001. This guide sets out the fire safety issues which should be considered, and the actions which should be taken, to ensure the safety of guests. The specific fire safety requirements for the building, namely, the means of escape, the fire detection and alarm system etc., usually reflect the scale of the premises and the requirements on hotels would therefore be more onerous than on family run bed and breakfast accommodation.

The fire safety of the design and construction of new guest houses is governed by Part B — fire safety — of national building regulations made under the Building Control Act 1990. Guidance on how to comply with Part B for new guest houses is set out in technical guidance document B — TGD-B — published by my Department. My Department has published a draft revised

edition of TGD B, primarily to implement EU fire performance standards for construction products. This will not have any significant impact on new bed and breakfast accommodation.

The owners of bed and breakfast accommodation owe it to their guests, and their own families, to comply with statutory fire safety requirements. I understand that the installation of fire detection and alarm systems and fire escapes are allowable as a deduction against income from a bed and breakfast business, for income tax purposes.

Local Authority Funding.

445. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government when he proposes to approve the application of Cork County Council and Fermoy Town Council to raise a loan in respect of the court house and civic offices in Fermoy; and if he will make a statement on the matter. [3901/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): In budget 2004, the Minister for Finance introduced, for the first time, limits in relation to the general government balance — GGB — for the local government sector. A key component in measuring the GGB is the level of borrowing sanctioned for and drawn down by local authorities. An assessment of the 2004 borrowing requirements of local authorities is accordingly being completed by my Department. Decisions on individual loan applications from local authorities, including that for the Fermoy courthouse and civic offices, will be made following completion of this assessment, the results of which I expect shortly.

Register of Electors.

446. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government his views on an inequity whereby local councillors can get the electoral register free as soon as it is available this year whereas candidates for the June 2004 elections will not be entitled to free copies until they are officially nominated only weeks before the election; and if he would consider acting to rectify this. [3932/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The facility of furnishing copies of the register of electors free of charge to elected members of the Dáil, Seanad, Members of the European Parliament, local authorities and duly nominated candidates at elections was established by the legislature in the context of the Electoral Act 1992 (Rule 13 of the Second Schedule). There are no proposals to amend these legislative provisions.

Local Government Elections.

447. **Mr. Sargent** asked the Minister for the

Environment, Heritage and Local Government his views on correcting the anomaly whereby about 700 voters in County Laois vote in the local elections for Carlow and the councillors they elect cannot act for them in local council matters because they are a matter for Laois County Council. [3933/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Under the Local Government Act 1994 and associated regulations, the boundaries of a number of towns were, following local agreement, extended for local electoral purposes only to take in immediately adjoining residential areas. Following such agreement between Laois County Council and Carlow County Council, the boundary of County Laois was altered by the Local Government (Boundaries) (Town Elections) Regulations 1994, to exclude a small part of the electoral division of Graigue Rural in County Laois and include it within the boundary of County Carlow for local electoral purposes only.

It is open to any local authority involved in the above arrangements to make a proposal for the revision of these arrangements. No such proposal has been made in the present case.

Local Authority Funding.

448. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if he will approve an application (details supplied) to improve the quality of housing. [3934/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Question No. 313 of 1 October 2003, which set out the position on the funding of central heating in Dublin City Council housing stock.

Apart from the specific programmes outlined such as for remedial works, area regeneration, re-development and so on, there is no specific funding mechanism available from my Department at present for the installation of central heating in local authority rented dwellings and Dublin City Council is aware of the position in this regard.

Planning and Development Act 2000.

449. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if regulations bringing into force section 261 of the Planning and Development Act 2000 have been made; and if he will make a statement on the matter. [3943/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department is currently finalising detailed guidance for the assistance of planning authorities on the implementation of section 261 (on the control of

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quarries) of the Planning and Development Act 2000. It is intended to commence this section of the Act following the publication of the guidance this spring.

Local Authority Funding.

450. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the funds allocated to Clashganna Mills Trust; the projects the money was to be used for; if the money allocated was used; and if he will make a statement on the matter. [3953/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A grant of €812,632 was approved to this trust for the provision of accommodation under the voluntary housing capital assistance scheme in July 1987. However, as no application for payment was subsequently received, the grant was withdrawn.

Archaeological Sites.

451. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government when the archaeological report on the excavation at Ardfert Cathedral will be published; and if he will make a statement on the matter. [3961/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): It had been hoped that the final draft of the excavation report for Ardfert would be finished by September 2003. Unfortunately, the specialist report on the human remains has still not been completed by the relevant consultant. He has indicated that the report will be submitted by the middle of the year and publication will follow. As promised previously, I will arrange for a copy of the published report to be forwarded to the Deputy.

End-of-Life Vehicles.

452. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if, regarding Part VA of the Waste Management Act as inserted by section 44 of the Protection of the Environment Act 2003 (details supplied), the oil has to be removed before the treatment centre or at the treatment centre; and if he will make a statement on the matter. [3962/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Article 6 of European Parliament and Council Directive 2000/53/EC on end-of-life vehicles (ELVs) requires member states to ensure that any establishments undertaking the treatment and recovery of ELVs are authorised to do so, and that all such authorised treatment facilities must comply with detailed minimum requirements in relation to the environmentally sound treatment

and recovery of ELVs as outlined in annexe 1 to the directive. Concerning the depollution of ELVs as part of the minimum treatment requirements, and with a view to ensuring that subsequent ELV shredder waste is not contaminated, paragraph 3 of Annexe 1 specifically requires authorised treatment facilities to remove, separately collect and store all oils and fluids contained in the ELVs being treated — i.e. fuel, motor oil, transmission oil, gearbox oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, air-conditioning system fluids and any other fluids unless they are necessary for the reuse of the parts concerned.

Necessary enabling provisions to facilitate implementation of the directive in Ireland have been incorporated in the Protection of the Environment Act 2003. Part VA of the Waste Management Act 1996, as inserted by section 44 of the Protection of the Environment Act 2003, provides that ELVs deposited at authorised treatment facilities shall be subject to appropriate treatment and recovery in line with the directive requirements. The detailed arrangements giving full effect to the appropriate treatment and recovery of ELVs in line with the directive requirements will be provided for in regulations.

Disabled Persons' Grants.

453. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the total funding allocated to Kildare County Council for disabled persons grants for 2004; and if he will make a statement on the matter. [3973/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Details of the capital funding being provided for the disabled persons grant scheme will be made available in the Revised Estimates for Public Services 2004 which will be published shortly.

Notification of capital allocations for the payment of disabled persons grants in 2004 will issue to local authorities as soon as all authorities have submitted details of their expenditure on the scheme in 2003 together with an estimate of their requirements for 2004.

Local Government Act 1963.

454. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the financial burden placed on schools by virtue of section 89 of the Local Government (Planning and Development) Act 1963 and regulations made under that Act, whereby schools are charged €630 per annum for having direction signs to their location; and if he will consider introducing regulations providing exemptions from these charges for educational institutions. [3985/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Section 89 of the Local Government (Planning and Development) Act 1963 was repealed on 11 March 2002, and restated in section 254 of the Planning and Development Act 2000. This section provides for a licensing system for the placement of various structures and appliances on, under, over or along a public road, including town or landscape maps for indicating directions or places and advertisement structures. The licensing system ensures that the local authority can exercise control over the placing of structures on roads to prevent traffic hazards arising.

Regulations were made in 2002 to provide for a fee for advertisement structures consisting of a direction sign to indicate tourist accommodation. Planning authorities will be advised to ensure that the licensing system is not applied inappropriately to direction signs that are not advertisement structures.

Benchmarking Awards.

455. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the grades of employees of local authorities which are entitled to receive the recent benchmarking payments; and if all local authorities are obliged to make these payments. [3986/04]

456. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if temporary full time employees of local authorities are entitled to be paid the benchmarking increases appropriate to their permanent colleagues; and if not, the reason therefor. [3987/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 455 and 456 together.

The benchmarking increases are payable to all local authority staff in the grades examined by the Public Service Benchmarking Body. In addition, measures are payable under the parallel benchmarking processes for local authority craftworkers and for general operatives employed by the local authorities outside Dublin, and to other local authority grades with an established relationship with the grades examined. No distinction is made between temporary and permanent staff.

Payment of the benchmarking awards is conditional on verified satisfactory progress on a programme of flexibility, modernisation and change issues and on the maintenance of stable industrial relations. In effect, where such conditions are complied with, local authorities would be obliged to make the payments.

Water and Sewerage Schemes.

457. **Ms B. Moynihan-Cronin** asked the

Minister for the Environment, Heritage and Local Government the number of applications for sewerage schemes from Kerry County Council; the details of the locations of the schemes; the estimated cost of each scheme; their status within his Department; the number of these applications to be funded in 2004; and if he will make a statement on the matter. [4044/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): A copy is being sent to the Deputy of the list of water and sewerage schemes identified by Kerry County Council in response to my Department's request to each local authority to undertake a fresh assessment of the need for capital works in its area and to prepare a prioritised list of projects based on the assessment. This assessment is the council's most up to date and complete statement to my Department of its current water and sewerage infrastructure proposals.

Details of approved water services schemes in County Kerry are set out in my Department's water services investment programme 2003 — 2005, a copy of which is available in the Oireachtas Library. The programme sets out a timetable under which funding will be provided by my Department to facilitate the commencement of specific schemes during the period 2003 to 2005. Funding is also available to allow schemes included in the programme under the rural towns and villages and serviced land initiatives to proceed to construction once the contract procurement process has been completed. In addition, the programme identifies schemes that have been approved to advance through planning and to which construction start dates will be assigned in future phases of the programme.

Departmental Expenditure.

458. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4069/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): A total of €3,864,128 was spent by my Department between 1 January 2002 and 31 December 2003, for advertising and promotion in the media.

Expenditure was incurred on statutory notification requirements and a range of advertising campaigns to highlight issues of relevance to my Department, particularly those

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relating to the environment. Expenditure was spread across the whole media spectrum including the *Iris Oifigiúil*, television, local radio, national and provincial papers, other local publications as well as cinema advertising and billboard poster campaigns.

An amount of €15,044 was incurred in 2003 on the production of videos to promote the education and visitor services of my Department. The Department also funds the operations of ENFO — the environmental information service. ENFO provides an authoritative source of factual information on the environment and sustainable life styles. This is achieved, *inter alia*, through providing access to a drop-in centre, library, exhibitions, leaflets, CDs and videos.

The Department has had responsibility for heritage functions since June 2002. While some general advertising costs in relation to these are included in the above expenditure figures, other advertising costs are charged to individual heritage projects and programmes. They have not been included in the above figures because the extraction of this information under current accounting arrangements would involve a disproportionate allocation of staff time and resources.

Inland Waterways.

459. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to plans to upgrade, refurbish and utilise the Grand Canal from Harold's Cross Bridge, Dublin, to Cherry Orchard, Dublin, for the benefit of the public; the details of the plan; when they will be acted on; the costs involved; and if such plans exist, if they include the erection of facilities which will allow for the public to enjoy the recreational leisure and sports opportunities of this valuable though neglected asset of the State. [3983/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The issue raised by the Deputy about plans to upgrade, refurbish and utilise the Grand Canal from Harold's Cross Bridge, Dublin, to Cherry Orchard, Dublin, is the day-to-day responsibility of Waterways Ireland, a North-South implementation body for inland waterways, set up under the British-Irish Agreement Act 1999.

Waterways Ireland informs me that in partnership with Dublin City Council they have carried out pilot projects on the Grand Canal at Charlemont Street to Harold's Cross Bridge and on the Royal Canal at Charleville Mall and Binn's Bridge to Cross Guns Bridge. These projects included works to enhance the towpaths and the instillation of ancillary infrastructure. Waterways Ireland and Dublin City Council have been examining the possibility of carrying out

rejuvenation projects on other sections of the Royal and Grand Canals, including the stretches of canal mentioned by the Deputy west of Harold's Cross Bridge. A final decision has not been taken yet.

Community Development.

460. **Mr. Carey** asked the Minister for Community, Rural and Gaeltacht Affairs the reason his Department has taken a decision to cease funding to the Sherkin Island community development programme (details supplied); and if he will make a statement on the matter. [4344/04]

461. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the details of the funding which has been withdrawn from the local community development program on Sherkin Island, County Cork; the reasons for the withdrawal of such funding; and if he will review this decision in view of the potential effects on community development and activity on the island. [3574/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 460 and 461 together.

Sherkin Island Development Society — SIDS — Limited has received funding under the community development programme since 1997. This funding primarily allows the project to employ a development officer and an administrative assistant, in addition to covering administrative costs and overheads associated with maintaining a premises.

My Department has been concerned for some time that the SIDS project has not been achieving the primary aim of the community development programme, i.e., the empowerment of the local community to address, in a participative manner, the issues identified as important to the community as a whole. Following an investigation, my Department concluded that SIDS has failed to maintain appropriate procedures and has shown a weakness in terms of community development and conflict resolution skills. In the circumstances, I am of the view that the Sherkin community would not be served by the continuation of the project as presently constituted. The management of SIDS have been informed that funding is to be withdrawn with effect from 31 March 2004. I should point out, however, that it is my intention to examine the future development needs of the Sherkin community. The Sherkin community will be consulted as part of this process.

National Drugs Strategy.

462. **Mr. Carey** asked the Minister for Community, Rural and Gaeltacht Affairs if he has given consideration to including alcohol and

its abuse in the remit of the national drugs strategy team and of local and regional drugs task forces; and if he will make a statement on the matter. [3735/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy is aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. The strategy contains 100 individual actions, under the four pillars of supply reduction, prevention, treatment and research, to be implemented by a range of Departments and agencies. Since it was launched in May 2001, these Departments and agencies have made considerable progress in implementing the actions set out for them in the strategy.

With regard to the national alcohol policy, the Deputy will be aware that this is the responsibility of my colleague, Deputy Martin the Minister for Health and Children, who is pursuing a number of initiatives in this area. The national drugs strategy calls for increased links between both policies in terms of cross-representation on the relevant committees and working groups to ensure complementarity between the different measures being taken and this is being done on an ongoing basis. There are no plans at this time to include alcohol within the remit of the national drugs strategy team.

Departmental Funding.

463. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the reason a significant amount of money allocated under the sport capital programme, as part of the young people's services and facilities fund, as far back as 2000 has not been drawn down; his plans to remedy the situation; and if he will make a statement on the matter. [3736/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy is aware, the young people's facilities and services fund, YPFSF, was established in 1998 to assist in the development of facilities, including sport and recreational facilities, and services in disadvantaged areas where a significant drug problem exists or has the potential to develop.

To date, the main focus of the fund has been in the 14 local drugs task force, LDTF, areas, which were established in 1997 in the areas experiencing the worst levels of drug misuse. However, recognising that the drug problem is not confined to the LDTF areas, funding was also allocated to four urban areas, Galway, Limerick, Waterford and Carlow. In excess of €68 million has been allocated or spent to fund almost 350 projects in the areas identified. While a small number of projects have yet to draw down the full

amount of funding allocated to them, that sum is not significant in the overall context of the fund. In any event, I am confident that a significant proportion of the unspent moneys will be drawn down in the current financial year.

With regard to the sports capital programme, the Deputy should be aware that the administration of that scheme is entirely a matter for my colleague, the Minister for Arts, Sport and Tourism, Deputy O'Donohue.

Closed Circuit Television Systems.

464. **Mr. Carey** asked the Minister for Community, Rural and Gaeltacht Affairs if grants are available from his Department for persons to install a closed circuit television monitoring system if the area around their home is situated in a location which is subject to constant anti-social behaviour; and if he will make a statement on the matter. [3834/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The scheme of community support for older people, administered by my Department, provides funding for initiatives to improve the security and social support of vulnerable older people. This funding is provided by way of grant aid to voluntary groups and organisations that have undertaken to identify those elderly people in need of such assistance.

Under the terms of the scheme, grant aid is available towards the once-off costs of purchase and/or installation of small-scale physical security equipment and socially monitored alarm systems. The provision of closed circuit television monitoring systems does not come within the scope of the scheme.

Departmental Programmes.

465. **Mr. Carey** asked the Minister for Community, Rural and Gaeltacht Affairs when he expects to be in a position to complete his Department's review of community development projects, area based partnerships and such other bodies as deal with the delivery of the Government's social inclusion interventions; and if he will make a statement on the matter. [3836/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my response to Questions Nos. 151, 153, 156, 163, 172, 173 and 185 on 4 February 2004.

Departmental Expenditure.

466. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the amount which was spent in his Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers,

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provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4070/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my reply to Questions Nos. 338, 343 and 345 of 12 February 2003. The expenditure for media purposes and advertising placed by my Department and its predecessor, the Department of Arts, Heritage, Gaeltacht and the Islands, in 2002 and by my Department in 2003 was as follows: Brindley Advertising holds the Government contract for advertising in the print media, mainly for statutory and official notifications, in 2002, €829,528; in 2003 — €244,558.

The following amounts were also paid in respect of advertising during these periods: to RTE in 2002, €1,362 and in 2003, €75; to O'Meara & Partners — in respect of advertising of the National Folklife Museum, Turlough House, Castlebar: in 2002, €6,525, and in 2003, nil; to Montague Communications — in respect of the national advisory committee on drugs, in 2002, €19,303 and in 2003, €62,111; to LBV Television, €14,750 in respect of a bilingual departmental video for participation in community information roadshow in October 2003; to the Irish Farmers Journal, €2,194.94; and to Hoson Publishing €847 in respect of advertising the Department's attendance at the national ploughing championships 2003.

Payments made by my Department's press office for external public relations and media monitoring services were as follows: 2002 media monitoring, €6,742.31 and public relations, €2,108.66: total €850.97. In 2003, media monitoring, €11,774.00 and public relations, €1,968.87: the total was €13,743.00.

Social Welfare Benefits.

467. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of people likely to be affected by the regulations preventing them from obtaining rent allowance for the first six months of their tenancy; and if she will make a statement on the matter. [4371/04]

471. **Mr. Morgan** asked the Minister for Social and Family Affairs if she will assess the restrictions as an expenditure cutback in view of the vulnerability of people likely to be affected by the restrictions on eligibility for rent supplement, and in view of the several meetings held with the Department of Finance; if the failure to hold even a personal meeting with the Minister for the Environment, Heritage and Local Government to plan and develop a co-

ordinated programme for social housing support to protect the most disadvantaged in Irish society was appropriate; and if she will make a statement on the matter. [3939/04]

473. **Mr. Gilmore** asked the Minister for Social and Family Affairs the number and nature of consultations and meetings held between her Department and the Departments of Finance and of the Environment, Heritage and Local Government and the health boards, prior to the changes in the rent supplement eligibility rules being introduced in the 2004 Book of Estimates; if she has estimated the number of persons that may be pushed into further deprivation through the changes to the rent supplement; and if she will make a statement on the matter. [4050/04]

Minister for Social and Family Affairs (Mary Coughlan): I propose to take Questions Nos. 467, 471, and 473 together.

Subject to certain conditions, the supplementary welfare allowance scheme, which is administered on behalf of my Department by the health boards, provides for the payment of a weekly or monthly supplement in respect of rent to eligible people in the State whose means are insufficient to meet their accommodation needs.

As the Deputies are aware I have recently introduced a number of changes to the rent supplement scheme. These measures are designed to ensure that rent supplement is paid in appropriate circumstances, in accordance with established policy and taking into account the objective of the scheme, which is to focus on meeting immediate, short-term income maintenance needs.

Specific provision has been made to ensure that the interests of vulnerable groups such as the homeless, elderly and disabled are fully protected in the course of implementing the new measures.

Anyone who is assessed by a housing authority as having a housing need and who meets the existing qualifying criteria will receive rent supplement.

The discretion of a health board to make a payment in exceptional circumstances where a board considers that the circumstances of the case so warrant will not be affected by the changes. In effect, the only people who will no longer qualify because of the six month rule are people who in the opinion of the local authority do not have a housing need. It is anticipated that up to 2,000 fewer claims for rent supplement will arise in 2004 as a result of the new six month rule. Given the careful manner in which these changes are being implemented I do not anticipate that any person will be pushed into deprivation as a result of these measures.

The measures will be implemented in the context of a greater role for local authorities in meeting the long-term housing needs of people who currently rely on rent supplement. This will

achieve a better outcome both for the people involved and for the State. Following the announcement of the changes in November 2003 and prior to the introduction of the regulations which gave effect to the changes in January 2004, my Department initiated contacts and consultations with health board representatives as well as officials from the Department of the Environment, Heritage and Local Government.

In addition to these contacts, a number of meetings took place prior to the estimate announcements between officials of my Department, the Departments of Finance and the Environment, Heritage and Local Government on the future of rent assistance. Contrary to media reports the Minister for housing and I have had several discussions on these and related matters.

Question No. 468 withdrawn.

469. **Mr. Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo is entitled to a social welfare payment other than widows pension; if this person is entitled to unemployment benefit. [3717/04]

Minister for Social and Family Affairs (Mary Coughlan): The person concerned is in receipt of the maximum rate of contributory widow's pension and is not entitled concurrently to unemployment benefit. However, if she is unemployed, available for and genuinely seeking work she should contact her social welfare local office as she may have an entitlement to credited contributions.

Social Welfare Appeals.

470. **Mr. Ring** asked the Minister for Social and Family Affairs the reason an oral hearing was not scheduled for a person (details supplied) in County Mayo so that they can personally give evidence to support their appeal; and the resources they are now supposed to live on as there is no income coming into this household. [3920/04]

Minister for Social and Family Affairs (Mary Coughlan): A deciding officer disallowed the unemployment assistance claim of the person concerned from 16 January 2001 to 23 September 2003 on the grounds that he was not unemployed for this period. He has been employed on a part-time basis and did not inform the Department of this. He has also failed to supply information regarding his means. A letter outlining the decision and informing him of the overpayment which he has incurred issued to him on 4 December 2003.

The person concerned appealed the decision to the social welfare appeals office. Where the appeals officer is of the opinion that the case is of

such a nature that it can properly be determined without an oral hearing, the appeal may be determined summarily. Following an examination of the case an appeals officer upheld the deciding officer's decision. 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. An appeals officer's decision is final in the absence of new facts or fresh evidence.

Question No. 471 answered with Question No. 467.

Social Welfare Benefits.

472. **Mr. Penrose** asked the Minister for Social and Family Affairs the cost to her Department if the carer's allowance was increased to the old age non-contributory pension level at current rates; and if she will make a statement on the matter. [3952/04]

Minister for Social and Family Affairs (Mary Coughlan): The carer's allowance is a social assistance payment which provides income support to people who are providing certain elderly or incapacitated persons with full time care and attention and whose incomes fall below a certain limit.

From January the maximum rate of carer's allowance for a carer under 66 years increased to €139.60 per week while a carer over age 66 years may be entitled to a maximum rate of €157.80 per week. The maximum weekly rate of old age non-contributory pension is €154. Thus the 10% of carer's allowance recipients who are over 66 years of age receive a higher rate of payment than recipients of old age non-contributory pension. In addition, all recipients of the carer's allowance receive an annual respite care grant of €835 and the free schemes, and a person caring for two or more people receives an additional 50% on their payment.

The cost of increasing the carer's allowance rates for carers under 66 years to the level of old age non-contributory pension would be in the region of €14 million annually. Such an increase in the rate of carer's allowance could only be considered in a budgetary context.

Question No. 473 answered with Question No. 467.

Departmental Funding.

474. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if the maximum funding will be awarded to the Dublin branch of Down Syndrome Ireland to launch its new service.

Minister for Social and Family Affairs (Mary Coughlan): The family support agency administers the scheme of grants for voluntary organisations providing marriage, child and bereavement counselling services. I retain final responsibility for approving funding under the scheme. An application form for the 2004 scheme of grants issued recently to Down Syndrome Ireland. The closing date for receipt of applications is Friday, 27 February 2004. Down Syndrome Ireland's application for funding will be considered having regard to available resources and the overall demand for funding.

Departmental Expenditure.

475. **Mr. Ring** asked the Minister for Social and Family Affairs the amount which was spent in her Department from January 2002 to December 2003 for media purposes and advertising; the areas in which the money was spent, that is, national papers, provincial papers, RTE radio, local radios and so on; the amounts spent on a year to year basis; and the amount of money which was spent on videos, whether for promotional, educational or advertising purposes. [4071/04]

Minister for Social and Family Affairs (Mary Coughlan): The amount spent by my department for media and advertising purposes in the period January 2002 to December 2003 was €1,605,919. This money was spent on advertising in national,

daily and Sunday newspapers, provincial papers, television, national, radio and local radio.

In this two year period, my department advertised on a broad range of social welfare related issues. Issues covered included the introduction of the euro, the payment arrangements for the budget 2002 and budget 2003 increases, a campaign promoting awareness of the personal public service number and its uses, the promotion of the farm assist scheme among low income farmers, the promotion of grant schemes, and the relocation of departmental offices.

The total amount spent on advertising for all our various schemes and services in 2002 was €1,319,239. This comprised of €981,960 in the print media and €337,279 in the broadcast media. Of the print media expenditure, €524,389 was in respect of national papers, €366,825 in respect of provincial papers and €90,746 in respect of periodicals during the year. The broadcast media expenditure was divided between 127,558 on national television, €49,078 on national radio, €29,977 on local radio and €130,666 on other broadcast media.

The total amount spent on advertising for all our various schemes and services in 2003 was €286,680, divided between €258,572 on the print media and €28,108 on the broadcast media. Print media expenditure comprised of €120,114 in national papers, €74,323 in provincial papers and €64,135 in periodicals. Broadcast media expenditure amounted to €6,002 on local radio advertising and €22,106 on other broadcast media.