



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 26 February 2004.

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Déardaoin, 26 Feabhra 2004.
Thursday, 26 February 2004.

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

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 31. I will call on the Deputies in the order in which they submitted their notices to my office.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the planning requirement that one must now secure a neighbour's written permission to maintain his or her hedgerows, the stipulation that applicants for planning permission must produce a legal document signed and witnessed by their solicitor indicating the approval of the adjacent neighbour or neighbours on both sides to care for the hedges adjoining the proposed dwelling, the possibility of double jeopardy applying with farmers already obliged to maintain the hedgerows in a manageable state of repair while legally requiring adjacent planning applicants to maintain the same hedgerows and the consequent conferral of a right of veto on such neighbours which will impact seriously on planning proposals by placing intolerable burdens on people in rural Ireland

who seek permission to build homes for their families.

Mr. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the closure of the Irish Wheelchair Association's wheelchair sales and repair business at its national headquarters in Clontarf with the tragic loss of 12 jobs and the urgent need to devise a more creative and positive proposal to tackle unemployment among the disabled.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the dumping of documents from the Department of Justice, Equality and Law Reform in an illegal landfill site at Eskra, County Tyrone, the necessity for a full and frank statement on the matter by the Minister concerned, the implications of this discovery, the example this sets for members of the public and the knowledge, if any, of the Department and the Minister involved of this illegal activity.

Mr. Cullen: The Deputy might be able to assist himself.

An Ceann Comhairle: Having considered the matters, I do not consider them to be in order under Standing Order 31.

Mr. Cullen: Will there be bunkers involved?

Mr. Morgan: If the Minister for the Environment, Heritage and Local Government was more proactive, we would not have this problem.

An Ceann Comhairle: I ask that the Minister for Defence be allowed to state the Order of Business without interruption.

Mr. Morgan: The Minister for the Environment, Heritage and Local Government is joking about a very important matter.

An Ceann Comhairle: Deputy Morgan should allow the Minister for Defence to speak.

Mr. Morgan: It is not a matter to be joked about.

An Ceann Comhairle: Deputy Morgan, I ask you to resume your seat.

Mr. Morgan: On a point of order, it is not a laughing matter.

An Ceann Comhairle: If you do not resume your seat, the Chair will facilitate you leaving the House.

Mr. Morgan: I do not want you to facilitate me leaving the House.

An Ceann Comhairle: Deputy, you will leave if you do not resume your seat.

Mr. Morgan: It is not appropriate for the Minister to joke about such an important matter. I ask you to rein in the Minister.

An Ceann Comhairle: Resume your seat.

Order of Business.

Minister for Defence (Mr. M. Smith): It is proposed to take No. 12a, motion re presentation and circulation of Revised Estimates 2004; No. 3, Social Welfare (Miscellaneous Provisions) Bill 2004 — Second Stage (resumed); No. 21, An Bord Bia (Amendment) Bill 2003 [*Seanad*] — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that No. 12a shall be decided without debate and any division demanded thereon shall be taken forthwith, and the proceedings on the resumed Second Stage of No. 3 shall, if not previously concluded, be brought to a conclusion at 3.30 p.m.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with No. 12a without debate agreed?

Mr. Kenny: What caused the delay in the circulation of the Revised Estimates as set out in the public notice today?

Mr. Gormley: Will we require a Supplementary Estimate to provide extra security for the visit of President George W. Bush, given the thousands who will protest against him?

An Ceann Comhairle: That does not arise.

Mr. F. McGrath: There will be thousands on the streets.

Caoimhghín Ó Caoláin: Will the Minister please explain to the House why, a handful of weeks into this session and this year, we are looking at revised Estimates already? What does that indicate in terms of the degree of preparation and the exactitude of those responsible for preparing the Estimates in the first instance for 2004? Here we are so early into the year and clearly much of what has been presented no longer has any reality. This was pointed out by Opposition Deputies repeatedly at the time and here we are with revised Estimates in February. Surely this is indicative of something absolutely wrong within the Department.

Mr. M. Smith: It is not the first time Sinn Féin got things wrong.

Caoimhghín Ó Caoláin: It is what the Department got wrong.

An Ceann Comhairle: Allow the Minister to continue please.

Mr. M. Smith: The Estimates forwarded to the House prior to the budget was the Book of Estimates. Following the budget there were new provisions, which happens every year, and now we have the Revised Estimates which contains the original Estimates, as decided, and the additional items put forward in the budget. There is nothing sinister or underhand. It is totally open, transparent and accountable.

Caoimhghín Ó Caoláin: Is the Minister aware that the Department—

An Ceann Comhairle: The Minister for Defence, without interruption, please.

Mr. M. Smith: I ask the Deputy to take his beating now and then.

Caoimhghín Ó Caoláin: I hope that was not a punishment beating he was referring to.

Mr. M. Smith: I will come back to the Deputy in relation to a delay. I am not aware of any particular delay. What we have here is a provision which enables us to proceed with the Revised Estimates, but I will be in touch with the Deputy directly.

Mr. Kenny: I am sure it will be earth shattering.

An Ceann Comhairle: Is the proposal agreed? Agreed. Is the proposal for dealing with No. 3, conclusion of Second Stage of the Social Welfare (Miscellaneous Provisions) Bill 2004, agreed?

Mr. Kenny: It is not agreed. We have a long-standing objection to guillotines. I note that the Minister of State or acting Whip has changed the business from what the Government Whip brought in yesterday. We object to guillotines as a matter of principle.

Mr. Stagg: I welcome what seems to be a reshuffle of Ministers of State and welcome the Minister of State, Deputy Browne, as the new Whip. I hope he will be in that position for a very long time. On No. 3, there are many Members on both sides of the House lining up — they were fighting with one another on the floor of the House last night — trying to speak on the Bill. There is a limited amount of time remaining for that debate. We have had some success by putting pressure on the Government to stop wholesale guillotines. We ask that this guillotine be removed and, if not, we will oppose this measure.

Mr. Gormley: The use of the guillotine has become more widespread under this Government but, perhaps, worse than that is the practice of introducing amendments at the last minute. It happened yesterday at the Select Committee on Health and Children where amendments were introduced and we did not have time to scrutinise them. This week the Minister for Social and Family Affairs, Deputy Coughlan, was on the radio with my colleague, Deputy Boyle, when she revealed she was looking at amendments to be introduced to the Social Welfare (Miscellaneous Provisions) Bill. We have not had an opportunity to look at these amendments.

Mary Coughlan: There are no amendments on Second Stage.

Mr. Gormley: Obviously it would be preferable if we saw these amendments. According to the Minister, they are important amendments and it would be helpful if we could see them before Second Stage is completed. It is wrong to introduce important amendments at the last stage. The Government's treatment of the Opposition in this regard is a sign of deep-seated arrogance.

A Deputy: Its treatment of the people.

Mr. Gormley: The longer the Government is in office the more arrogant it is becoming.

Caoimhghín Ó Caoláin: I also object to the imposition of a guillotine on Second Stage of the Social Welfare (Miscellaneous Provisions) Bill

2004. It is absolutely imperative that all Deputies who wish to participate on Second Stage are accommodated. I know the Minister has been under some pressure recently and this has been reported in lots of media outlets. This morning I was greatly shocked to note that under a photograph of the Minister read the caption "The Passion of the Christ". I did not realise that the Minister, Deputy Coughlan, was in need of such sympathy and support. Nevertheless, I hope the same passion is not visited on the House and that the Minister for Defence, Deputy Michael Smith, and the Minister for Social and Family Affairs, Deputy Coughlan, agree to remove the guillotine from this debate.

Mr. M. Smith: I can imagine how shocked the Deputy was when he saw the photograph.

Caoimhghín Ó Caoláin: I am sure the Minister was shocked. He will never witness the same——

An Ceann Comhairle: Deputy Ó Caoláin should allow the Minister to continue without interruption.

Mr. M. Smith: The Deputy has given people a few shocks in his time.

Caoimhghín Ó Caoláin: In 1997, in 2002 and in 2007 or earlier, if you please.

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

(Interruptions).

Mr. M. Smith: I say to Deputy Gormley that I have been accused now and then of being arrogant, and I confess that maybe at times I was, but you are a red hot competitor any time.

An Ceann Comhairle: The Minister should address his remarks through the Chair.

Mr. M. Smith: We are on Second Stage of the Social Welfare (Miscellaneous Provisions) Bill 2004 and everybody knows that is not the time to introduce amendments. Amendments are introduced on Committee Stage. There is a time limit on the debate to afford the opportunity for payments to be made. Committee Stage has to be concluded at a certain time and Deputies know that well. We are trying to provide as much time as possible for Second Stage and an even longer time for Committee Stage. That will give every Member the best possible opportunity to ensure that the legislation that goes through the House is properly analysed and developed in a way that enhances the provisions of the Bill. There is nothing else involved.

Question put: "That the proposal for dealing with No. 3 be agreed."

The Dáil divided: Tá, 66; Níl, 48.

Tá

Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Aylward, Liam.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Seamus.
 Browne, John.
 Callanan, Joe.
 Carey, Pat.
 Cassidy, Donie.
 Cooper-Flynn, Beverley.
 Coughlan, Mary.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Jacob, Joe.
 Kelly, Peter.
 Killeen, Tony.

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

Níl

Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Bruton, Richard.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gormley, John.
 Gregory, Tony.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.

Kenny, Enda.
 Lynch, Kathleen.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Gay.
 Moynihan-Cronin, Breeda.
 Murphy, Gerard.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

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

Question declared carried.

Death of Macedonian President: Expressions of Sympathy.

Mr. M. Smith: It was with deep regret and sorrow that we learned this morning of the tragic and untimely death of the President of Macedonia, Boris Trajkovski. I offer the sympathies of the House and of the people of Ireland to the Prime Minister of Macedonia, who was to visit Ireland today and meet the Taoiseach and Minister for Foreign Affairs, and to the people of Macedonia on their great loss, which occurred in such a tragic and untimely way.

Mr. Kenny: I wish to be associated with the remarks of the Minister for Defence. I learned of this accident early this morning and we wish to be associated also with the expressions of sympathy to the people of Macedonia on the tragic loss of their President.

Mr. Rabbitte: On behalf of the Labour Party I join with the Minister for Defence in also offering our condolences to the people of Macedonia on this tragic accident.

Mr. Gormley: I join with other speakers in offering our condolences to the people of Macedonia on the death of their President. It is a very troubled region and he acted as a facilitator in trying to come to terms with ethnic conflict in the area. His loss will be extremely difficult to take for the people of Macedonia. On behalf of our party I offer our condolences.

Caoimhghín Ó Caoláin: I join with the Minister and other spokespersons in extending sympathy to the Government and people of Macedonia and to the family of the late President, who died tragically.

Personal Statement by Minister of State.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. O'Dea): I refer to remarks made by me yesterday in the House which were reported in this morning's newspapers. I wish to apologise for those remarks. No slur was intended on the professional or personal integrity of Maura Derrane, journalist, or on the professionalism of TV3. I also apologise to RTE for implying, by way of a slip of the tongue, that it has the resources to support a third channel.

Mr. Durkan: The Minister of State should keep going.

Mr. Rabbitte: The Minister of State never apologised to me.

Mr. Kenny: I am very grateful that the Minister of State clarified the position. I did not hear him apologise to Deputy Deasy for remarks—

An Ceann Comhairle: The matter is now closed, Deputy. If you have an issue appropriate to the Order of Business we can move on.

Mr. Kenny: The Minister of State was let in before the Order of Business proper.

An Ceann Comhairle: He gave notice to the Chair that he wished to raise the matter.

Mr. G. Mitchell: There was very little chivalry.

Order of Business (Resumed).

Mr. Kenny: In the last few days the Taoiseach said Sinn Féin and the IRA are two sides of the one coin and the Minister for Justice, Equality and Law Reform said Gerry Adams is a liar in so far as his remarks about membership of the IRA are concerned.

An Ceann Comhairle: Deputy, do you have a question appropriate to the Order of Business?

Mr. Kenny: This is appropriate. In view of recent happenings and the fact that the IRA now appears to sanction some movements and not others—

An Ceann Comhairle: I have asked the Deputy not to—

Mr. Kenny: —can we have a debate on this next week? Every party in the House will be involved in the local and European elections over the next 14 weeks.

An Ceann Comhairle: The Deputy has made his point.

Mr. Kenny: I would like to think all parties will fight those elections on a level playing field.

Caoimhghín Ó Caoláin: At least Deputy Kenny has clarified his interest in these matters—

An Ceann Comhairle: Deputy Ó Caoláin, allow Deputy Kenny to speak without interruption.

Mr. G. Mitchell: Deputy Ó Caoláin should cease fire.

Mr. Kenny: I note the spurious fundraising activities of some members of Sinn Féin.

An Ceann Comhairle: We cannot anticipate a debate or what might be said in a debate.

Mr. Kenny: The Minister for Justice, Equality and Law Reform has said publicly that organised crime is funding Sinn Féin in part.

Caoimhghín Ó Caoláin: Those are outrageous slurs. They are absolutely outrageous and unfounded.

Mr. Kenny: Voters will have to make a decision very soon. The Government should have a political discussion on this matter in the House.

An Ceann Comhairle: Deputy Kenny, you have made your point. I will allow the question, whether a debate will be allowed or not.

Mr. Kenny: It is time to cut out the nonsense and have an open debate in the House next week.

An Ceann Comhairle: The Deputy cannot anticipate the debate and make a statement at this stage.

Caoimhghín Ó Caoláin: The position of Deputy Kenny—

An Ceann Comhairle: Deputy Kenny, the use of the word “lie” was inappropriate.

Mr. Kenny: The word “lie” was used by the Minister for Justice, Equality and Law Reform.

An Ceann Comhairle: I do not mind. The word “lie” is inappropriate in the House.

Mr. Kenny: I know the Chair does not mind. I am repeating the phrase used by the Minister for Justice, Equality and Law Reform. He said Gerry Adams was telling lies about his membership of the IRA.

An Ceann Comhairle: I ask the Deputy—

Caoimhghín Ó Caoláin: That is outrageous. It is an absolute disgrace.

Mr. Kenny: I cannot withdraw a remark made by the Minister for Justice, Equality and Law Reform.

An Ceann Comhairle: The use of the word “lie” in the House is not appropriate at any time.

Mr. Durkan: He is repeating the words of the Minister.

Mr. Kenny: In all my time here I have never used the word “lie” in any remark. I am repeating a phrase used by the Minister for Justice, Equality and Law Reform.

An Ceann Comhairle: The Chair has ruled many times that the use of the word “lie” in the House is inappropriate.

Mr. M. Smith: As is the normal practice here, discussions take place between the Whips every week on how business can be ordered. We have no objection to a debate of this kind if time permits.

Mr. Rabbitte: The Minister for Defence is on a roll this morning. I thank him for last Thursday morning, when he told me the heads of the Garda Síochána Bill would be coming before Cabinet

soon. It was published on Monday, which is the kind of response we need in the House.

Mr. Treacy: Rapid response unit.

Mr. Rabbitte: Absolutely. The Taoiseach could take a lead from the Minister.

I refer to a different Bill today. The Minister for Justice, Equality and Law Reform told the One in Four group on 13 February that the investigation into alleged sex abuse in the Dublin diocese cannot proceed because a Bill has not been introduced and that it could be enacted if only the Opposition would co-operate. The Minister announced the Bill on 3 December 2002 and published it on 1 July 2003 but it has not come to the House. My impression is that the Minister has more clout with the media than the Cabinet. It is his task to get a slot in the House. The Bill is urgent. Will the Minister for Defence tell us when Second Stage of the Bill will be taken?

Mr. M. Smith: To what Bill is the Deputy referring?

Mr. Rabbitte: It is the Commissions of Investigation Bill 2003. It is not true that the Opposition is obstructing it. Speaking for my party, we are anxious to facilitate its enactment at the earliest possible time.

Mr. M. Smith: I have no more up-to-date information other than that outlined by the Deputy. I will check on the matter today and reply to the Deputy in the afternoon.

Mr. Gormley: Fianna Fáil has always prided itself on having its finger on the pulse and knowing what ordinary people are feeling and thinking. With that in mind, the Minister must know that ordinary people are very concerned about the introduction of electronic voting. Will the Minister delay the introduction of electronic voting and this legislation?

An Ceann Comhairle: The Deputy should submit a question to the Minister for the Environment Heritage and Local Government.

Mr. Gormley: If he will not delay it, what is the timetable—

An Ceann Comhairle: That question has been answered on two occasions this week.

Mr. Gormley: Do we have a precise timetable?

An Ceann Comhairle: I am calling Deputy Durkan.

Mr. Gormley: The Minister wants to answer.

Mr. M. Smith: They say sometimes that those who foresee calamities suffer them twice over. We vote with an electronic system here and Fine

Gael says it is as simple as one, two, three. We will bring in the legislation as quickly as we can. I do not want to put a time limit on this but it will be out of the way in a few weeks.

Mr. Durkan: Speaking of calamities——

Mr. Gormley: Does the Minister foresee calamities?

An Ceann Comhairle: Deputy Gormley, allow Deputy Durkan to speak without interruption.

Mr. Gormley: If there is a calamity will the Minister resign?

An Ceann Comhairle: Deputy Durkan has been called.

Mr. Durkan: Speaking of calamities and on the same subject, would it be a calamity if the Minister ran out of money?

Mr. M. Smith: Some people did not do so well with the paper trail.

An Ceann Comhairle: The Minister should allow Deputy Durkan speak without interruption.

Mr. Durkan: Is there a provision in the Estimates on the Order Paper to facilitate all the necessary expenditure in case Ministers run out of money promoting the electronic voting system which is costing the country so much? Will there be enough money?

An Ceann Comhairle: That is not in order. I call Deputy Costello.

Mr. Durkan: This question is in order.

Mr. Cullen: That would be a first.

An Ceann Comhairle: I am glad the Deputy recognises that his question was not in order.

Mr. Durkan: On promised legislation, will the fisheries (amendment) Bill come before the House before, during or after the move of the Department of Communications, Marine and Natural Resources to Cavan?

Mr. Howlin: Let us see.

Mr. Durkan: There are not too many herrings in Cavan.

Mr. M. Smith: It will not be published in time for the mayfly but a little afterwards.

Mr. Costello: Given the commitment made by the Taoiseach in a circular on the eve of the general election in 2002 that the Dublin Institute of Technology would be transferred to Grangegorman, will the Minister inform the House when that legislation, namely, the Grangegorman development agency Bill, will be

before us? It was promised more than 12 months ago and is promised again in this session. This session is coming close to an end. Is there any sign of the legislation?

Mr. M. Smith: That is an opportune question since it is intended to proceed with that Bill this session.

Mr. Howlin: When?

Mr. J. Higgins: In regard to No. 74 on the legislative list, the diplomatic relations and immunities legislation, what right has the Taoiseach to demand that the people should not protest at his disgraceful decision to invite President Bush here, given the latter's criminal invasion of Iraq?

An Ceann Comhairle: That does not arise. I call Deputy Gay Mitchell.

Mr. J. Higgins: I refer to No. 74 regarding diplomatic immunity. Should somebody responsible for the military invasion of another country——

An Ceann Comhairle: The Minister for Defence to respond on No. 74 of the legislative programme.

Mr. M. Smith: It is not possible to indicate at this stage.

Mr. G. Mitchell: It is with some reluctance that I raise in the House again the need to bring forward the health Bill. It has been confirmed that 25% of deaths in our maternity hospitals in Dublin are of non-nationals. This is becoming something of a scandal because the births have nothing to do with the health needs of those coming here. It is all to do with passports. It is an issue.

An Ceann Comhairle: We cannot discuss on the Order of Business what might be appropriate on the Second Stage of the Bill.

Mr. G. Mitchell: I want the Bill to come before us. I want the matter raised because it has become a public scandal.

An Ceann Comhairle: The Minister wishes to answer the Deputy's question about when the legislation will come before the House.

Mr. M. Smith: It will be published this year.

Ms Lynch: The only promised legislation in the agriculture area is the veterinary medicines Bill and the land Bill. Does the Minister intend to introduce legislation to ensure the banning of puppy farms?

Mr. M. Smith: No legislation is promised in that area.

Mr. Gilmore: I wish to ask about legislation promised by the Minister for the Environment, Heritage and Local Government. The legislative schedule lists a building societies Bill which is to be published this session. The Taoiseach told the Fianna Fáil Ard-Fheis that a national infrastructure Bill was urgently needed to fast-track infrastructural projects. The Minister for the Environment, Heritage and Local Government informed us there would have to be legislation arising from the Kelly judgment, presumably in advance of the European election. He also informed us legislation would be necessary to build the M50 at Carrickmines and that it was urgent. Now he has promised to introduce legislation for electronic voting in the European election. To which of these Bills is the Minister giving priority?

Mr. Durkan: That is a good question.

An Ceann Comhairle: That question was answered already this week.

Mr. M. Smith: I am sure Deputy Gilmore knows it is possible to do a number of things simultaneously——

Mr. Timmins: Before and after the Hanly report.

Mr. M. Smith: ——and I hope that will continue. The building societies Bill will be taken this session and it is hoped that the national infrastructure Bill will be brought before the Government in the next number of weeks.

Mr. Gormley: Will the Bill be published before the election?

Mr. M. Smith: The legislation in regard to Carrickmines is imminent and all this work is proceeding. It is a busy Department, as the Deputy knows.

Mr. Gilmore: Which Bill will be published first?

Mr. M. Smith: We will have more detailed information on that matter next week.

Mr. Gilmore: Why does the Minister for Defence not ask the Minister for the Environment, Heritage and Local Government since he is sitting beside him?

Mr. M. Smith: I suspect it will be the electoral Bill.

Mr. Cullen: We are trying to get them all out.

Mr. Gilmore: Perhaps the Minister is having difficulty chewing gum.

Mr. Cullen: No. That is one bad habit I do not have.

Mr. Broughan: When does the Minister expect to see the maritime safety Bill in the House and is it possible to introduce it before there are further efforts to close the Dublin marine emergency co-ordination centre? As the Minister responsible for the Naval Service, has the Minister for Defence been consulted by the Minister for Communications, Marine and Natural Resources about the closure of the centre, given that the Irish Sea is such a busy one?

An Ceann Comhairle: The first question is in order. The Deputy should submit the other question to the Minister in his capacity as Minister for Defence.

Mr. M. Smith: The maritime safety Bill will be taken this session.

Presentation of Revised Estimates: Motion.

Mr. M. Smith: I move:

That, notwithstanding Standing Order 152 (1) or (2) of the Standing Orders of Dáil Éireann relative to Public Business, Revised Estimates for the Public Services for the year ending 31st December, 2004, be presented to the Dáil and circulated to Members on 26th February, 2004, being a date later than that prescribed for the presentation of Estimates and that the Revised Estimates be referred to Select Committees pursuant to Standing Order 152 (3) and paragraph (1)(a)(ii) of each of the Committee's Orders of Reference.

Question put and agreed to.

Social Welfare (Miscellaneous Provisions) Bill 2004: Second Stage (Resumed).

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

Mr. Ellis: I referred to the decentralisation programme in my previous contribution and, having listened to "Morning Ireland" this morning, I must refer to it again.

Mr. Durkan: The Government would want to count the numbers again.

Mr. Ellis: While Deputy Durkan may have a problem with people moving to his former homeland, I have no problem with people moving to the west of Ireland.

Mr. Durkan: I have no problem with it.

An Ceann Comhairle: Allow Deputy Ellis to speak without interruption.

Mr. Ellis: It is important that we explain to people that the places seeking and selected for decentralisation are, in many cases, those where people will have a quality of life they would not

experience living in Dublin. Yesterday morning, it took me 45 minutes to travel three and a half miles in this city. In rural Ireland, one could easily commute 30 miles in 45 minutes in total safety and without the pressures of living in Dublin.

An unfair attack is being made by certain sections of the media on the decentralisation of Departments. Certain towns have been criticised, but the towns which have been selected as favourable venues and to which civil servants want to relocate, are not referred to by the media because they have attractions which are not available to people in Dublin city.

Another bone of contention I and others have, although it is not the Minister's fault, is the number of people who have sought pre-1953 pensions and have not been able to acquire the necessary records. There was apathy about stamped contributions in the period before 1953 and, in many cases, people were not given their full entitlements because stamps were often never purchased, despite employees — as well as their employers — having made contributions. Perhaps an appeals system could be put in place to allow people who have been affected by this to get their records brought up to date. Something must be done to help such people.

Many beneficiaries of the pre-1953 scheme live outside the State. It is only fair that their contribution to the country in their early life should be rewarded with pension top-ups. It is fair that the contribution they made towards this country in their earlier life should be rewarded by way of extra pension top-ups.

I want to return to something which is very important to social welfare recipients, namely, the fact that social welfare benefits are now paid in line with the calendar year. I recall when social welfare increases were not paid to recipients until July or August. They received just three months benefit in some cases, whereas taxpayers received their tax benefits as and from April. The fact that we use the calendar year is of great importance to recipients who are now treated in the same way as taxpayers. The fact that the Bill allows for the payment of money due from 1 January is something we all welcome.

The issue of migrant workers after 1 May has been referred to. We must realise that we are not in the business of providing social welfare tourism. It has been suggested that Ireland could be seen as a soft touch. If the social welfare laws are not amended, people could come here as tourists at the expense of our social welfare system. This is something no one can accept. We all accept that migrant workers who want to move across the EU have rights. However, we must also respect our own citizens' rights. This country's social welfare system is probably the best in the world, but we will not be able to maintain it if we make social welfare payments to people who have not made a contribution. We must be clear on this issue. All of us would have a certain amount of sympathy — I certainly have — with those who wish to work in the country but it will

take them a certain amount of time to get established. Perhaps we should consider a short-term benefit to allow people to get employment and set themselves up. I am talking about no more than two to three weeks. This would give people who wish to work here an opportunity to establish themselves. However, we cannot allow people to come in here, sign on for social welfare benefits and decide to make it their source of income, which is exactly what will happen.

I recently watched a television programme where migrant workers are travelling to the UK from Poland. One individual said he would earn more in three days in the UK than his mother earned in Poland in a month. This indicates that in many instances the Irish social welfare system would probably equal the monthly earnings of someone in the new accession states. The Minister is duty bound to introduce legislation to prevent any loopholes that may exist. We are all aware of loopholes that have been exploited, therefore, I have no doubt that our open border policy in respect of labour would lead to abuse if there were no constraints on the social welfare system.

I emphasise that this country needs migrant workers because many industries could not function without them. These people must also realise that they have responsibilities in the way they behave. Many migrant workers who have come here under work permits have been exceptionally beneficial to our economy, and without them we could not have made the progress we did. The catering industry, in particular, has benefited from migrant workers, even from within the EU. Many skills are still in short supply here despite the best efforts of all the training organisations. If there is a need for migrant workers with high skills to come to this country, it is imperative that they are facilitated by those who wish to employ them.

This Bill is of enormous importance in respect of the progress made in the social welfare system. We have made tremendous strides in social welfare payments over the past 20 years. As I said earlier, our social welfare system is second to none in the world. When we leave the country and meet people who live under different systems, we discover that our system is probably the best. The way in which we look after our senior citizens cannot be challenged. This morning I had to deal with a problem relating to an emigrant who now lives in the UK. This person said were it not for the top-ups he receives from the Irish social welfare system, he would be living in poverty. He said that if he were living in Ireland, he would have a much higher standard of living. It is not practical for him to do so but he said the benefits that accrue to senior citizens, such as free travel, free electricity, free telephone rental and so on, are probably worth in the region of €50 to €60 a week to senior citizens. This is a lot of money together with their regular pension payments.

[Mr. Ellis.]

Abuse is something we have managed to stamp out as far as the social welfare system is concerned. There is still an odd case of abuse but the introduction of computers and other back-up facilities has helped to put an end to fraud in the system. I hope some of the fraud which occurred recently, mainly committed by non-nationals, can be dealt with. We heard of people who managed to get birth certificates in spurious circumstances and drew welfare from the State for a period. I am pleased that loophole has now been closed. It was deplorable that people went to churchyards to find out who died as infants, obtained their birth certificates, and used this to abuse the social welfare system. I am pleased the Department of Social and Family Affairs has taken these people to task.

I welcome the Bill. It provides the necessary power to make the payments referred to. It also deals with some of the Department's problems. When the Bill reaches Committee Stage, I hope the necessary amendments to deal with social welfare tourism will be tabled.

Mr. Hayes: I wish to share my time with Deputy Timmins. I am pleased to have an opportunity to speak on the Bill. Whenever we address social welfare issues in this House, we are addressing the concerns of many people. We are addressing the concerns of younger people, people with families and disadvantaged people who may not be able to get work or may be short of money. These people find life more difficult than those of us who are lucky enough to have jobs and good careers. Everything may not go right in our lives but, at least, we have the security of a job.

When talking about social welfare, I would like, as a public representative, to say something about the officials in the Department of Social and Family Affairs. I mean this because, as public representatives, we deal with people in various Departments and authorities all the time. The service we get from the Department of Social and Family Affairs, particularly in regard to parliamentary questions, is excellent. It must be acknowledged because people are working in the background and at all times they provide a good service.

There are many varied issues in regard to the Bill. Top of the list of issues is the cutback in the back to education allowance. It will affect 12,000 people at a gross estimated cost to the Exchequer of €2.2 million. In anyone's terms, that amount represents a small saving. The back to education allowance, which has greatly benefited many people, is all but abolished.

We should encourage people to return to education. It is wrong of the Government to change the system such that it does not encourage people to return to education. To put it bluntly, education is the most important thing in people's lives. Many people drop out of education due to different circumstances. Changes in society have

led to an increase in the number of unmarried mothers and many women get pregnant at an earlier age. A certain number of women in that category have dropped out of education. I meet many people in my clinics who are anxious to return to education. When they return to education they later prove to be good employees and go on to have great careers. I condemn the cutback in this allowance and I am amazed the Minister made such a drastic cut in it.

Child benefit is a major allowance for parents. Child care costs are high and parents experience considerable financial pressure in rearing their children because of ongoing and rising costs. They like to give their children the best they possibly can. Discontinuing the crèche supplement for child care is a retrograde step. The Government should reconsider this decision. The cost involved is €2.3 million. Members should oppose this change, as it is a bad way to go about doing our business.

All types of child care have become very expensive. Regulations put in place by the health boards have resulted in the closure of some child care or crèche facilities, perhaps in some cases for some good reason. However, the regulations resulting in many such closures are far too harsh on the people involved.

I know of one case in Tipperary town, which has a RAPID programme and is known to be a disadvantaged town, where the local health board put pressure on the operators of a facility catering for approximately 60 children. The two girls who started that business had to change its opening hours. They almost closed the facility, save for the intervention of a number of intermediaries who convinced them otherwise. They are so frustrated with the provisions of the regulations that I believe they will not continue to provide the facility. As a result of the provisions of the regulations, their costs will increase, which will result in higher costs for those parents who send their children to the facility. I condemn the regulations that are having such an impact.

I listened with deep interest to the case made by the Carers Association. Carers are a valuable asset to our society and we should do more to help them and the Carers Association which represents them. They have saved taxpayers and the health care system many millions of euros over many years, but they have been totally undervalued. One would be amazed at the amount of valuable work carers do in caring for older people, their neighbours or family members. Any family members who have looked after elderly people — I have witnessed this in my family — have got great satisfaction from doing so. We should be ashamed of the way we have failed to properly resource carers. If we achieve no other change in the Bill, we should aim to address the case of carers. We celebrate the Year of Elderly, various initiatives people have undertaken and clap ourselves on the back, but we should be ashamed of what we are doing in regard to the carers. We should seriously

examine their case in coming years. The financial saving accruing to the State from their work has never been properly calculated.

The Government has been extremely harsh in changing the rent supplement which helped people to set up their own homes with their families. The people who qualify for rent supplement could not afford to build or buy their own houses. There are very long local authority housing waiting lists around the country. The numbers on those lists are increasing despite the number of houses being built. It is unfair of the Government to make this change which affects many people. When a regulation or rule such as that governing the rent supplement is changed, the case can always be made that some people are abusing the system. However, I forcefully condemn this harsh move by the Minister. It is unfair to younger people who cannot get a start in life. It makes their situation almost impossible. This affects people who are unemployed or those who are fortunate enough to have a job and want to set up home. The Government has been unfair to those people.

There are many other issues I would like to address. One that springs to mind is the case of widows over the age of 50 who have not reached retirement age, particularly those in receipt of the non-contributory old age pension. They are not looked after. They feel vulnerable and left out. We need to consider their case. They are at a vulnerable stage in their lives. We should examine the case being made by that category of widows in the next budget.

The other issue I wish to raise is decentralisation, which also applies to staff in the Department of Social and Family Affairs. I greatly approve of and support the move towards decentralisation, but when will it happen? We read newspaper reports that some civil servants do not want to move. Listening to civil servants, I am concerned that the issue is being politicised. It is time to stop the banter about decentralisation and put dates and times on the move. The indecision is upsetting to the civil servants, and more so to towns waiting with bated breath for the move to take place. I challenge the Government to announce a date for the various moves.

I also urge the Minister for Social and Family Affairs to take account of people who are hard up, and not to introduce harsh measures which make life more difficult for the vulnerable in our society.

Mr. Timmins: Previous speakers spoke about decentralisation. I will make a forecast which is not particularly brave: decentralisation as currently mapped out will never happen. It cannot and will not happen. The Minister for Finance must return to the drawing board and discuss the matter with the Departments. As it stands, workers can voluntarily go to the various locations. The Minister must determine where people want to go, and then draw up his plan.

Most people favour decentralisation, but if the matter drags on in its current form, it will undermine morale and ultimately the integrity of the Civil Service. I urge the Minister to go back to the drawing board, to be realistic, to admit that he got things wrong and to consult. The matter needs consultation. Decentralisation cannot be pulled out of a hat like a rabbit. It will not work in that way.

I acknowledge the excellent work of the staff in the Department of Social and Family Affairs relative to some other Departments, for example, the Department of Justice, Equality and Law Reform, to which the Minister of State, Deputy O'Dea, is attached. One could table 1,000 questions to that latter Department and find that the difficult questions are referred to the health board, from which one gets in return an anonymous letter containing no information. The staff in the Department of Social and Family Affairs are excellent in this regard, and very co-operative.

I wish to make a few general points regarding this Bill. Many people on welfare are vulnerable. There are many fine schemes available, such as the family income supplement scheme, but many people qualified to avail of such schemes do not do so because they are not aware that they qualify. I do not know how the Department might take a more pro-active approach. I am aware that it advertises and so on, but many people who should benefit from these schemes do not have the knowledge or confidence to fill out the forms and make the application. It is the same with all State services, whether they involve housing or health difficulties. Some people do not have the confidence or the wherewithal to apply. I ask the Department to consider this matter again. Local county councillors and social workers play a major role in this area in bringing people up to speed with information and obtaining for them their due entitlements.

I want to refer to the back to education allowance, and the crèche supplement for children, which I believe is to be discontinued. As our economy and society evolve, various jobs which we never thought would be lost, will be lost. Jobs in services as well as in manufacturing will go because people will take their services to where the labour pool is cheapest. We must address this problem with consistent training and re-education in the private and public sector. In teaching, for example, we talk about inservice days and so on, but the amount of re-training done by teachers is minuscule, totally irrelevant and unsatisfactory. Any facility that can be put in place in the social welfare system to assist education, training and child care should be beefed up rather than cut down. It is important to ensure we have a competitive advantage. We can only have that by re-training and re-skilling people.

There are some other contentious issues, and as the barristers say, "I will now diverge from my colleague's views." When one talks of welfare and

[Mr. Timmins.]

addressing its abuses, I am always conscious that the populist retort is that one is against vulnerable people. I acknowledge that one can never have enough money in the welfare system to deal with all the hardship. Nevertheless, in the measure taken by the Minister, the rent supplement allowance is being used as a blunt instrument. I ask her to consider how it might be made more user friendly. In many towns, the rent allowance has unnecessarily driven rents through the roof. As a result of the rent supplement being available, much higher rents are being paid for properties than should be paid. Many such properties are in very poor condition. Moreover, a certain number of landlords register with the local authority. I do not know where the legislation in that regard currently stands. Is there a court challenge against it? Are people obliged to register? I do not know what the people who register get for their registration. I understand there was supposed to be an inspection mechanism, but many people on rent supplement are paying a lot of money for accommodation one would not put a dog in. Something must be done about that.

I will tread carefully in the following area. I am putting the following remarks out as a theory, and I am always conscious that the Government propaganda press office can misinterpret and regurgitate what one says, placing it out of context. It is important to realise that welfare money comes from the pocket of the taxpayer. Every euro spent on a benevolent system is money lost to the system — to the good projects within it. I do not like the concept of benevolent projects. I noticed that in some states in the United States, where welfare benefits lasted for 40 weeks, the average take-up time for a job was 39 weeks; when the benefit period was reduced to 20 weeks, the average job take-up time fell to 19 weeks. If an able-bodied person, man or woman, is on welfare benefit, then after a certain period of time that person must make some contribution to society. After an appropriate period of time, perhaps 12 or 18 months, a person on long-term unemployment benefit should make a contribution to the economy. That is unless he or she is moved on to a disability or invalidity benefit — many people lose their jobs and cannot get other employment because of medical reasons. Such people might become classroom assistants or assist in some of the many public works needed. That is very important. If Intel went bust in the morning — God forbid — and people had to go on welfare, then those with a certain expertise should, after some time, unless they move to a disability or sick benefit, move into a Government Department where their skills could be used. I repeat that every euro spent on a benevolent exercise is a loss to the economy.

There is a lot of hypocrisy in this area. I recall listening one night to Fr. Seán Healy as I was driving. I hope I am not misquoting him, but he stated that €1 billion in the budget would solve

all the problems of welfare. However, when Fine Gael opposed benchmarking, one of the first responses came from Fr. Healy, who said it should be paid. One cannot have it every way. There is only so much money in the pot. I do not mean to criticise Fr. Healy in a personal capacity, but while CORI finds it simple to say welfare problems could be solved with €1 billion, the question is from what areas that money will be taken.

Mr. M. Moynihan: With the permission of the House, I would like to share my time with Deputy Andrews.

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

Mr. M. Moynihan: I welcome the opportunity to speak on the Social Welfare (Miscellaneous Provisions) Bill 2004. I wish to raise a number of issues. I draw the attention of the House and the Minister, in particular, to a number of anomalies in the system which have been raised with me and, I suppose, in every constituency clinic in recent years. Every public representative gets a greater understanding of the social welfare system than any other. That is certainly my experience. When PRSI was introduced in 1988 for self-employed people, a number of people did not pay it, either deliberately or otherwise, even though they had been making tax returns for a number of years. I came across one instance where a self-employed person had been making tax returns since the late 1960s but when compulsory PRSI for self-employed people was introduced in 1988, he did not pay it for two or three years, whether through the fault of the Revenue, his accountant or himself. When he went to claim a contributory pension, he was disallowed because he had not made a contribution prior to his 56th birthday.

Many cases can be made in that regard and perhaps the Minister and the Department will consider it, particularly since the person made tax returns and paid all other forms of tax. He has the necessary contributions because at 57 years of age or whatever, he started to pay them. He would have at least qualified for a *pro rata* pension had it not been for the legislation requiring him to have made a PRSI contribution prior to his 56th birthday. The *pro rata* pension was introduced in 1997-98. Self-employed people who began to pay PRSI contributions from 1988 onwards and who may only have paid them for five or six years are now getting a *pro rata* pension. Many people, however, paid contributions for nine or ten years. The Department and the Government should at least consider giving those who paid contributions for nine or ten years the *pro rata* pension.

The Bill gives effect to various increases announced in the budget, including child benefit and the respite grant for carers. The increase of €100 in the respite grant from €735 to €835 and

from €1,470 to €1,670 for those caring for more than one person will come into effect in May. The carer's benefit and allowance, which have been in place for some time, give some recognition from the State to the considerable contribution carers make. For a number of years carers did not receive payment, and I welcome this initiative. Members on all sides have said that carer's allowance and benefit should be increased considerably. There is no doubt about that but there is only so much money in the kitty. I welcome the increase in the respite grant.

From time to time we come across young widows and young people who have lost a spouse or a partner and who are left to care for children. I know of one woman who is in her late 20s, who has three young children and who lost her husband in the past 12 months. She is getting the single parents' allowance. With three young children under the age of five, there is no way she can return to the workforce and have a reasonable standard of income. She is caught in a poverty trap, let us be absolutely fair about it. She is committed to her three children and must look after them because they are so young. She cannot get into the workforce to increase her income. The income she is getting from the Department of Social and Family Affairs is not enough. The Minister has said on a number of occasions that she is considering the possibility of doing something for these people, and it is not before time, as has been said by many public representatives. I urge the Minister to look at this issue.

Over the years Social Welfare Bills and debates in the Houses on social welfare have changed dramatically. In the past, the focus was on unemployment benefit and assistance. Given the level of employment, the Social Welfare Bill now deals with people on carer's allowance, single parents and so on. It has changed direction.

Deputy Timmins spoke about Fr. Seán Healy. When disadvantaged areas are discussed in the newspapers and so on, the focus tends to be on inner city or large urban areas. However, there is much disadvantage in rural Ireland as well. The Department of Social and Family Affairs has targeted funding at disadvantaged people and those who are socially cut-off or neglected. Sometimes the grants made available are small, but some of them are very helpful. Great efforts have been made to target people in disadvantaged areas, whether urban or rural, through community groups and organisations, the Leader programme and so on. There is a considerable onus on the Government and on us, as legislators, to provide whatever help possible to those who are disadvantaged because those who are well off will look after themselves. Those who are isolated, both socially and economically, become more isolated as the years pass.

I welcome the increases in child benefit, which have helped people. At a community meeting I attended in recent weeks there was a discussion on child benefit and one parent said she was

getting the same amount for her last child as she did when she had four children. The money being provided for child benefit is welcome and long may the increases made since 1997 continue.

Mr. Andrews: Earlier this week the UK Home Secretary, David Blunkett, announced that people from EU accession countries would not need work permits to work in that country but would simply have to register. This has forced a rethink in Ireland and, accordingly, the Minister for Social and Family Affairs made an announcement this week.

The question of the extension of the social welfare system is mired in much misunderstanding. There is a view that a large number of people from accession countries are spongers and social welfare tourists and are waiting at the border to pour into this country and other EU member states to take advantage of social welfare. This is insulting to the accession countries. The idea that the proud races of eastern Europe would come over here simply to benefit from our social welfare system defies logic. People from the accession countries will come here to work and in that way they will add to the national fund. Those who are unable to work can be paid accordingly out of the national fund. There will be a far greater number of people contributing through their labour than those requiring social welfare assistance. The two-year moratorium can be extended later by the Government. However, I would be concerned about what could happen to a worker from a new member state who, 18 months after accession, is unable to continue working due to an occupational injury or other health reasons. What will happen to that person at that stage, before the two-year moratorium is up? Will that person be required by the Government and by EU decisions to leave the country? If he or she refuses to leave or cannot do so, will he or she be deported? It is hard to believe we could stand over a decision that would allow for deportations of EU nationals to other EU member states but that is the reality of the situation. If there is to be any seriousness about the refusal of social welfare to citizens of the accession countries, then there must be a penalty requiring deportation. It is bad enough deporting people to non-EU countries, but it is worse to suggest that it could happen to citizens of the accession states. I do not blame the Government for this state of affairs; I blame the European Union and the First World mentality. We want to take over the markets of eastern Europe but we do not want any of its problems. We want access to their markets as well as those of the Third World but we will not allow significant immigration into the EU. Effectively we are trying to have our cake and eat it. We are trying to have the best of both worlds — access to east European markets but none of the social problems that arises as a result of extending the EU's borders.

12 o'clock

[Mr. Andrews.]

The proposal is probably illegal and a barrier to the free movement of workers. The argument is made that in reality the EU only guarantees freedom of movement to people seeking jobs, rather than those seeking social welfare. However, as I have described, there are situations in which people will work for a year or so but may be unable to continue working. They may then seek social welfare, to which they should be entitled, but that will not be allowed under the present rules. Any challenge to those rules under the EU treaties could be successful. The proposal is an indirect barrier to the freedom of movement of workers within the EU and it will be understood in that manner if such a challenge occurs.

There are two basic arguments against the movement of workers from accession countries. One is the possibility of overburdening the Exchequer, which I believe does not stand up, given the number of people who will come here to contribute their labour. The other argument is the danger of social welfare fraud that many people are using as a stick with which to beat the Government's policy. Millions of euro are already being spent annually on social welfare fraud investigations. My own limited research reveals that a mere €300,000 has been saved as a result of these investigations. We do not know how much compliance is as a result of the high degree of investigation, but that probably should be added on to the savings figure, even though it would be a speculative one. We have a very strong social welfare fraud investigation system which targets employers, employees and the unemployed. The investigation system is well equipped to deal with any challenges arising from fraud that might occur concerning any immigrants, be they from the accession states or elsewhere.

Asylum applications, although a separate issue, have fallen significantly, which gives us an opportunity to consider the matter of immigration. We should be serious and mature in our approach to immigration. One way of adopting such a mature approach would be to grant an amnesty on 1 May 2004 to all illegal workers from the accession countries who are already here. The United Kingdom has decided to do that and, although our Government has not yet made a decision in that regard, it is the least we can do to acknowledge that the argument about immigration is bogged down in misunderstandings. As the current holders of the EU Presidency, we must be leaders and take a stand. It is rare that we have such a prominent role in the governance of the European Union and it will be a long time before we have such an opportunity again. On 1 May, the question will arise as to whether all the illegal people from the accession countries will be permitted to work here legally. In my view, the Government should grasp that opportunity to demonstrate that we have a mature attitude to immigration, by

providing an amnesty to all such people living here on that date.

Deputy Timmins referred to some of the comments made by Fr. Seán Healy who does manage to get into a row every now and then. He is certainly always accusing the Government of being right wing. It is not a view that I would share.

Ms Lynch: He gets some things right.

Mr. Andrews: I do not think he got that right. Social welfare spending has doubled in the last six years to over €11 billion per annum. This increase is above the consumer price index of 3.5% and comes against a backdrop of a significant fall in the numbers of unemployed. I accept that there are increased demands on social welfare due to other social and cultural changes but we must remember that the Government has doubled social welfare spending against the backdrop of an improved economy. People do not currently require the same level of social welfare support they did hitherto and, therefore, to say that this is a right-wing Government simply flies in the face of logic.

I welcome the provisions of the Bill and I do not think there are any objections that can be made to it. I welcome the changes that have been made to pensions as a result of our obligations under EU law. It is fashionable nowadays to attack political correctness and to disparage quotas and anti-discrimination measures but it is up to us as politicians to lead that debate. Although it is an obligation under EU law, what the Minister is doing under this heading is very welcome.

Child benefit increases will benefit everyone and the direct payment method is the best one. A person with three children will receive €428 per month, which provides a great improvement to people's lifestyles. In addition, the child benefit increases are above the consumer price index rate.

Carers are a group of people in society whose significance is growing. Like many north European countries, we have much greater pressure on the social welfare system, compared to earlier decades when families would have taken responsibility for their elderly and infirm relatives. In the past, there was not the same call on the State to provide such services but there has been a change in demographics and, as a result, the Government has improved the circumstances of carers. I particularly welcome the Bill's provision for an increase of €100 in the respite care grant for carers. I sincerely hope that grant will increase exponentially over the next few years, if the Fianna Fáil-PD Government remains in place.

The removal of anomalies in death benefit payments is a welcome step. I commend the Minister for the forward-looking and progressive measures she has taken regarding adoptive leave, which will improve the situation for many people

who were ignored in the past. I commend the Bill to the House.

Ms Lynch: There is little on which I disagree with the previous speaker. It continues to amaze me that he is not a member of an Opposition party. I mean that as a genuine compliment.

Mr. Andrews: I thank the Deputy.

Ms Lynch: I have spent the majority of my life promoting women's participation in all aspects of society and I am always happy when a woman is promoted to a position of power, such as a ministerial post, in which she can do something worthwhile. A position at the Cabinet table is the ultimate in power, as one can be a driving force for change if the Government has sufficient numbers.

A group of women from UCC visited me in the House yesterday. They are studying issues such as women in power, their position in society, their position in history and what the future holds for them. This probably interests women more than men but it should interest men as much as it interests women. When women have their way, society is a better place for everyone. I discussed the notion of women in power with the group and we all agreed that when women are promoted, it comes as such a shock to them that their ability is recognised and that men agree they are capable of doing the job that they are too anxious to convince the men who promoted them that they are as capable of doing the job as men.

Women have a great deal to contribute to the social welfare system and to all other aspects of society. It is not the softer option and women have a major contribution to make. However, most people believe that women have an affinity with social welfare because, at the end of the day, it is not only about the long-term unemployed and people who are sick and unable to work. Social welfare should be about the betterment of society, for instance, in the areas of child care and caring for the elderly, and it should also be about ensuring communities operate at a level that benefits everyone.

Women are better represented in sub-Saharan Africa than in Ireland. It was a greater bonus for the women of Ireland when Deputy Coughlan was appointed to a powerful position as Minister for Social and Family Affairs than it would have been in most other countries. Women expect more from each other and we suffer more when a woman in power turns out to do the job as well and in the same fashion as a man. I am sure Deputy Cooper-Flynn, who is present, has also been constantly reminded about what Margaret Thatcher and Golda Meir did when they were in power.

We are continually asked why people should vote for women when they do exactly the same as men anyway. I am worried about this. Few women are elected to the House and we do not feel as secure in our positions as men. We,

therefore, act in a way that is against our nature. Perhaps I am misreading the Minister's outlook and it may not be against her nature as she may have always wanted to run her Department like this and this is how she always felt. The social welfare budget is not in the best interests of society and local communities, in particular. Women take a different view of the world and when they assume a position of power, they should take the opportunity to ensure the world is a better place for all of us.

Deputy Andrews wondered why carers do not take more responsibility for the elderly but the elderly is not the only group that is dependent. Many people who are chronically ill continue to reside in their homes and many children need continuous care, as a result of which their parents stay at home. However, I am always amazed at how we delude ourselves in terms of our history. My mother used to tell me that the extended family, as it applied in urban Ireland, did not have anything to do with a love of the family or the fact that children could not bear to leave their mothers and fathers, as a result of which several families lived in tenements, but it related to economics because people could not afford to live independently. For example, the debate on Private Members' Business the week before last was about Irish emigrants. Cork people in the past usually emigrated to work at the Ford plant in Dagenham, England, and they did not come back because they did not have the support of their families and communities. If an emigrant returned, he or she had to live with his or her parents, with his or her family in tow. While that was not good for anyone, it was most certainly not good for women.

I hope the Minister will row back on the change to the rent allowance scheme and that the issue will strike a chord with her. Before the 2002 election the Tánaiste and Minister for Enterprise, Trade and Employment proposed that young people should not be allowed to leave home as they should be the responsibility of their parents and, therefore, rent allowance would not be easily available. That proposal has seen the light of day in this legislation through the Minister's amendment to the rent allowance scheme, and that is worrying.

It is fine for someone who has a decent job and wishes to live independently of his or her family to take up accommodation in the private rented sector. Rents are scandalously high. I agree with Deputy Timmins that most of the accommodation is of poor quality but that is changing and not all landlords are bad. However, they demand a return on their investment. The new restrictions on the rent allowance scheme has made an entire family homeless in Cork. The family consists of a mother and two teenage boys. No hostel in Cork will take males over ten years old who are accompanied by their mothers. They will not mix genders above the age of ten. The two teenage boys are depending on the decency and compassion of other families. When I

[Ms Lynch.]
inquired last week what was happening and tried to rectify the situation, I learned that the mother had also left the hostel with her daughter.

Mr. N. Ahern: Why could she not get rent allowance?

Ms Lynch: She has not been in private rented accommodation for six months.

Mr. N. Ahern: Has she an assessed need?

Ms Lynch: She has recently been assessed as having an emergency need of housing and I hope the problem will be solved this week. However, this is three weeks down the line.

Mr. N. Ahern: Where was she up to three weeks ago?

Ms Lynch: Emergency assessment is the way around this problem. I am not the only person to have discovered this. I know of a single man whose marriage has broken up and who now finds himself homeless. We know where he was up to four weeks ago. He was in the family home. He is now homeless. He was in a hostel but only on a temporary basis because most hostels are full of almost permanent residents. He is now homeless and will never be assessed as an emergency because Cork City Council does not have accommodation suitable for him.

Mr. N. Ahern: If he is homeless, he does not even need to go through the assessment procedure.

Ms Lynch: The Minister of State should tell that to the community welfare officer——

Mr. N. Ahern: The officer should look at the guidelines.

Ms Lynch: ——who must use her discretion when, according to the Minister, there is no discretion.

Mr. N. Ahern: There is no need for discretion. The guidelines are clear.

Ms Lynch: It is fine for us to sit here and talk about these matters. This man is homeless in the freezing cold.

Mr. N. Ahern: I wish people would look at the guidelines instead of at newspaper headlines.

Ms Lynch: I assume I can make a contribution without interruption.

Mr. N. Ahern: I am trying to be helpful.

Ms Lynch: The Minister of State could be helpful by withdrawing the relevant section from the Bill.

A person who loses his or her spouse receives the basic widow's or widower's pension and a child dependant allowance of €21.80. I do not think I am overly generous with my children and €20 is the least one could give a child going to town on a Saturday. This is the amount a widow or widower is given to keep a child for a week. There are no secondary benefits. I know a young widow who has six young children, some of them babies. She has had to take on three separate part-time jobs to be available at different times when her children return from school, to make ends meet and to keep a fire in the grate and food on the table. Nevertheless, Deputy Andrews claims this is not a right-wing Government.

The Government spends €100,000 per day on advisers and consultants. What element of that is spent on polling? We all know that the poor do not vote. I know one area where only 23% of the electorate voted in the previous general election. It is nice for politicians be able to sit back and say that, because the poor do not vote, we need not be concerned. We should be concerned. It is not only the poor who depend on social welfare payments. Those who contribute to the Central Fund may find themselves out of work through sickness or for some other reason and may have to depend on social welfare. Such people will get a great shock when that happens.

The Government is depending on the fact that people do not know about the changes in the small print of the social welfare code where it says that additional contributions and longer time in the workforce are required before a contributor can claim benefit. People do not know this and the Government is hoping against hope that they do not find it out for a long time. The increase in the social welfare budget in recent years has been corrected this year by a decrease of €59 million.

I come back to the question of women in power. The Minister for Social and Family Affairs was mugged at the Cabinet table. I am being kind when I say that. The Government spends €100,000 on advisers and consultants and has spent €1.74 million on new cars. I do not say Ministers should drive ramshackle cars whose engines are about to drop out. Nevertheless, the kind of belt tightening being imposed on a certain sector of the community is not being applied to the Government. A grant of €14 million was given to the Punchestown equestrian centre and €40 million has been spent on electronic voting at a time when the Government tells us the Exchequer is not a bottomless pit, there is no more money and the taxpayer must be appeased. I do not understand how any woman could stand over these cuts. How can a Minister sleep at night knowing that the changes she made in the Social Welfare Bill have made people homeless?

Mr. N. Ahern: They have not made people homeless.

Ms Lynch: They have. I can introduce the Minister of State to such people. He has not met them. The changes in the social welfare code have rendered people homeless and they will render more homeless. A person who does not have an address cannot register to vote, so what does it matter? The homeless cannot and do not vote, so why should we look after them?

Lack of child care is the last great barrier to women's participation in society. I say society and not work. The Government has the money, the opportunity and the numbers to introduce universal child care. It should be done. The template is available throughout the country but there has been no movement on this issue. Crèches are closing because mothers are giving up the struggle of rushing between work, home and child care and trying to pay for the service. Most women persist because they believe child care is only needed for a short time until children go to primary school and because they are desperately trying to hold onto their jobs.

A young single parent in her mid-20s who must leave her child in a crèche from 7 a.m. until 6 p.m. can be left with only €50 at the end of a week. She must pay for her child minder and a car loan, which she needs because she must take the child to the child minder and then drive to work. She must also keep herself together for work. When such a woman is left with only €50 at the end of the week, she is faced with a choice. Many decide that such a life enriches neither mother nor child and decide to give up their job. Such a young woman is an asset to our community and to the economy.

The Minister has chosen to ignore these difficulties because she feels she is part of the big boys' club and she must act like one of them. Any woman who finds herself in a position of power should remember her commitment to society, as a woman, act on that instinct and never allow it to be taken from us.

Ms Cooper-Flynn: I welcome the opportunity to speak on this Bill. I acknowledge the comments of the previous speaker, Deputy Kathleen Lynch, who spoke very passionately and whose sincerity I do not doubt. In the course of her speech, she stated that women expect more of other women. There is no doubt that is probably the case, but sometimes the expectations are unrealistic. It is sad that women would forgive a man for doing something but would have expected much more from a woman. I do not think that is acceptable. It is unfair that women expect other women to re-invent the wheel almost.

An Agreed Programme for Government is a five year programme and it would be unreasonable to expect it to be implemented in a period of 18 months. The programme reflected the views in society as it was voted on by men and women. In fairness to the Minister for Social and Family Affairs, Deputy Coughlan, it is wrong to say she is not interested in child care or in the

work of carers or in contributing to the community as a whole. If Deputy Lynch is dealing with individual homelessness cases, it is extremely important they are brought to the Minister's attention. I would not like a message to go out from this House that changes in the social welfare budget have resulted in people being made homeless. That is not the intention. I have no doubt that individual cases will be dealt with to the satisfaction of Deputy Lynch and the people involved.

I am not sure if I misheard, or did the Deputy say, "If women have our way, society will be a better place"?

Ms Lynch: If women have our say.

Ms Cooper-Flynn: I do not necessarily disagree that if we have our way, society will be a better place.

I too will deal with the issue of migrant workers. Yesterday, towards the end of her speech, the Minister stated she would bring forward amendments to the social welfare code on Committee Stage. During the debate on the Nice referendum many scare mongers suggested that on the accession of the ten new members in May 2004, there would be an influx of people seeking work as well as those trying to avail of our very generous social welfare system. One can frame the argument in any way one wants. For example if one wants to criticise the budget and the Social Welfare (Miscellaneous Provisions) Bill, one will comment on all the things we have not done in the social welfare system, however, if one wants to make an argument for keeping people from the accession states from coming here, one will refer to the very generous social welfare system. It is a case of adapting the arguments to one's viewpoint.

It is true that our social welfare system is generous, but let us cast our minds back to when we joined the European Economic Community in 1973. It was our hope that Ireland would benefit economically and socially from membership and that as our country developed economically we would be able to live here and our children would be able to grow up and live and work here. Thankfully, that has turned out to be the case. It is true that in the early years of membership, Irish people had to emigrate, but they emigrated to find gainful work and not to claim social welfare payments in other countries. Their hope was that one day they would return to Ireland. The situation is not any different for the citizens of the ten accession countries that will join the EU on 1 May 2004. They also want their country to develop economically and socially and I have no doubt the vast majority would like to live and raise their children in their own country if it can develop economically. It is true that a number of workers, like Irish people in the past, will leave to gain employment in other European countries. It is unfair to scare monger. If a person wants to work here, he or she will be welcomed with open

[Ms Cooper-Flynn.]

arms. Last year 47,000 work permits were granted to non-nationals to meet the labour market shortage. It is expected that 80% to 90% of the jobs for which people had work permits will now be filled by citizens from the accession countries. Those workers are needed in the labour market and they have a major contribution to make to our economy. Irish people do not object to workers doing a fair day's work for a fair day's pay. I do not believe that abuses of the social welfare system will occur.

When the Minister was interviewed on the media some weeks ago, she stated that if our social welfare system became over-burdened, she would do something about it. She sent out a message that the social welfare system and the taxpayers who fund it have to be protected. I have no doubt the Minister wants to do the correct thing in that regard.

Other European countries have put certain safeguards in place and I wonder if this was forced upon them by similar scare mongering in their media which may have represented the situation differently from what ultimately may happen. Time will tell. If our experience is anything to go by, I believe people who come to Ireland will come to work. In any event, the Minister will put the necessary safeguards in place to protect our social welfare system. I look forward to seeing the Committee Stage amendments.

We know from the budget statement that an additional €630 million was provided for improvements in the social welfare system, bringing the total spend to €11.26 billion, an increase of 7% for 2004. How anybody could criticise the Minister for presiding over an extremely generous social welfare package is extraordinary. Sometimes the memory of those on the Labour party benches is short. When in Government, with a Labour Party Minister for Finance, the levels of increase in social welfare payments were miserable and did not keep in line with inflation. At that time there was no attempt to deal with the provision of child care for mothers who wanted to participate in the work force. As a woman I recognise that child care places a huge financial burden on families, but the serious increase in child benefit that has occurred in the past five years has made a significant contribution to families. The figures speak for themselves. A comparison of the performance of the Government and the Minister for Social and Family affairs in the past seven years with the previous Government comprising the Opposition parties stands up to scrutiny.

Section 19 provides for the substitution of the existing Part VII of the Pensions Act 1990. Part VII currently provides for equal treatment of men and women in occupational benefit schemes. This new Part III will provide for the implementation of two EU Council Directives. These directives relate to discrimination on grounds of sexual orientation, religion, age, race

and disability. Part VII will also provide for the prohibition of discrimination based on marital or family status, in accordance with the commitment given in the agreement Sustaining Progress. I recognise that in this section, where a rule of the scheme is found not to comply with the equal treatment provisions it will be rendered null and void and that the more favourable treatment will be backdated to the date the rule was implemented. I further recognise that the numbers affected by these provisions will probably be quite small. It is unknown as yet. Generally, occupational schemes are compliant with the legislation. I welcome the change within the Bill.

Child benefit has increased and improvements have been made to the carer's respite grant in the context of the massive increase in social welfare spending to €11.26 billion in 2004 which is almost double the 1997 provision. Child benefit payments stand at three times the 1997 level. If speakers like Deputy Lynch have criticisms, it is important that they be fair and balanced by acknowledging some of the improvements which have been made. Some of her criticisms, particularly on rent allowance, were unfounded. I hope she brings the case she mentioned to the attention of the Minister. It was unfair of the Deputy to speak about child care without recognising the substantial increase in child benefit payments. It is also unfair to lay criticism at the door of the current Minister for Social and Family Affairs simply because she is a woman.

Mary Coughlan: It is a sexist remark.

Mr. F. McGrath: The Minister should withdraw that.

Ms Cooper-Flynn: It is a pity that these sexist remarks often come from women. Are we saying it is acceptable if child benefit increases are not so significant when a man occupies the office of Minister for Social and Family Affairs?

Mr. F. McGrath: It is men who run the country.

Ms Cooper-Flynn: Since the foundation of the State, the office has been occupied for the most part by men. It is welcome and refreshing to have a female Minister who has acquitted herself extremely well.

Mr. F. McGrath: She is dodgy on a few issues.

Ms Cooper-Flynn: If anyone listened to her a few weeks ago, as I did, he or she will be aware that she is not afraid to go out there. Thankfully, she is very good humoured as she must be, given the comments made about her.

Mary Coughlan: I have to be to listen to this crack from the Opposition.

Ms Cooper-Flynn: Women have to be good humoured in this House generally. Whenever we

rise to speak, we seem to increase the interest of Members on the opposite side of the House for whatever reason. The Minister acquitted herself very well a number of weeks ago when I heard her speaking on "Today with Pat Kenny".

Mr. F. McGrath: She must have shares in RTE. She is on it every second day.

Mary Coughlan: I do not.

Ms Cooper-Flynn: The Deputy says that because the Minister acquitted herself extremely well on the programme as well as in the eyes of the public.

Mr. F. McGrath: Is she doing anything? There are 70,000 children living in poverty.

Ms Cooper-Flynn: Deputy Finian McGrath will have the opportunity to make his contribution. The listenership was free to phone the show and people did. The Minister answered the queries made to her extremely well on behalf of the Government and I compliment her on that.

Child benefit is a universal payment which is made directly to families. Therefore, it is a very efficient and effective method for the Government to channel money to support children. The rate for the first two children has been increased by €6 per month and by €8 for the third and subsequent child. These significant increases are provided under section 3 of the Bill and bring the monthly rate to €131.60 and to €165.30, respectively. As I have mentioned, the rates are already three times what they were in 1997. The current payment represents a €77.64 increase per month for the first two children and €94.20 for a third and subsequent child since 2000.

The programme for Government features a commitment to carers to expand the income limits used to determine entitlement to carer's allowance. There is also a commitment to examine carer's respite grant. I recognise that the budget and this Bill address those commitments. Following the 2004 Budget Statement, the amount of income disregarded in the means test will be increased to €250 in the case of a single person and €500 in the case of a couple. Section 4 of the Bill increases the annual respite care grant by €100 from €735. Carers looking after more than one person will receive a grant of €1,670, which represents an increase of €200. Those increases will apply from June 2005.

We would all like to see carers rewarded to a greater extent. In all of our constituencies, we recognise the significant role carers play in our society. While it would be great to see more generous provisions put in place, we must recognise that this is a move in the right direction. It comes 18 months into the Government programme. I ask the Minister to focus on this issue over the next three and a half years. We must be sensitive to the role of carers in our

society and, perhaps, display more generosity in future. Having said that, I recognise the work which has been done. One cannot reinvent the system overnight.

Section 7 of the Bill provides for an increase in the minimum amount of unemployment assistance payable where the claimant's means are derived from parental income. The payment has been increased by €8.20 per week, bringing the minimal amount payable from €31.80 to €40, provided the claimant establishes an entitlement to unemployment assistance. I welcome the change. It is a positive increase which will provide some comfort.

A number of weeks ago, I spoke in the House on the Civil Registration Bill. I recognise that the Department of Social and Family Affairs is carrying out a great deal of work in the area of the e-Government strategy. When one registers the birth of a child, an application for child benefit is automatically made. It is good to see such improvements right across the Department's responsibilities. I compliment the Minister for pressing forward with this programme. It is the way of the future. In some areas, Members are not so inclined to move forward with technology and we have had a significant debate on electronic voting recently. In the Department of Social and Family Affairs, however, there are great benefits to be gained from pursuing this strategy and I give it every encouragement.

The Minister has presided over a very generous social welfare budget. I welcome the improvements included in the Bill before us. I look forward to hearing what the Minister has to say about migrant workers, the effects of 1 May accession and the changes she proposes to make to the Bill on Committee Stage. Much of the scaremongering which has gone on in the media must be recognised for what it is. It is important to send people the message that accession may not turn out to be the great problem some people anticipate. In fact, many workers who come here from the ten accession states will provide significant economic and social benefits. It is clear that the labour market needs these workers. Without them, we will be unable to progress in the manner we would like.

I compliment the Minister. She has come in for some criticism today and it is sad to see her gender brought into a debate. She is doing an excellent job and I wish her every success. I commend the Bill to the House.

Mr. Healy: I wish to share time with Deputies Cuffe and Ferris.

Acting Chairman (Mr. Ardagh): Is that agreed? Agreed.

Mr. Healy: This Bill, the budget from which it arises and the previous six budgets of the Government have missed the opportunity to build a fairer, inclusive society in which every person is respected and provided with sufficient

[Mr. Healy.]

means. Poor people in this country have been asked to wait again when they have waited for long enough already. The significant gap between rich and poor here is the widest in the EU. If the approach of the Minister for Finance and the Minister for Social and Family Affairs is followed in the years ahead, our society will become even more deeply divided than it is now. This scenario is unfair, unacceptable and unsustainable.

Ireland is no longer poor. While our *per capita* income is one of the highest in Europe, our infrastructure and social provision are far below the EU average. We have growing poverty rates, unequal income distribution, a growing gap between rich and poor and our health and education systems are underequipped.

These are visible signs of the extensive gap between rich and poor in Ireland. The manner in which the Bill and the previous seven budgets have been framed comes down to political decisions and political choices. Those choices, which are short-sighted, are deeply divisive and have created a two-tier society. It is clear from the outturn from last year's Government accounts that resources exist to build a fair and inclusive society. The outturn for the 2003 accounts will show that the current budget had a surplus of €3 billion which could have been used to ensure a fairer society.

Since coming to power in 1997 the rich-poor gap has widened by approximately €290 per week for a single person on long-term unemployment assistance compared to a person on a salary of €50,000 per year. The gap of €294 per week amounts to €15,500 per annum. That is not taking into account that those on sufficient incomes can subscribe to the special incentive savings scheme. The poor do not have that opportunity. There is no doubt there is a widening gap between the better off and the poor. That is unjust and unfair, is bad for social cohesion and leads to social exclusion. If democracy is to be supported and protected that trend will have to be reversed urgently.

The Bill provides for an increase of €10 in unemployment assistance, bringing the payment up to €134. It is not possible for anybody to live on that amount with dignity. There is a huge gap to be made up between now and 2007 in respect of the national anti-poverty strategy guidelines. By 2007 the unemployment assistance rate for a single person should be €182.70 or an increase of €50 from today. The Bill does not go far enough in bridging that gap.

Following the budget the Minister announced a number of severe cutbacks amounting to €58 million. Out of a total budget of €40 billion this amount is minuscule. Unfortunately, the Minister has targeted the poorest in society to face these cutbacks whereas the well off, who are supported by the Government, could well come up with the €58 million. Some of those cutbacks are serious. The back-to-education allowance has been almost abolished, the conditions for rent supplement

have been severely restricted and the crèche supplement has been abolished. Single parents who wish to attend courses are not in a position to do so. The diet supplement for those on low income who suffer from coeliac disease or diabetes has been abolished from 1 January for new applicants. Another cutback has come to my notice in recent days. Where no bed was available in a nursing home run by the health board, the board paid supplementary welfare allowance in respect of the shortfall for nursing homes in the event that sons and daughters on basic incomes were unable to make up the difference. That allowance, however, has been abolished.

Mr. Cuffe: There are many myths out there, among them is the myth that Ireland will give one a fine welcome if one comes here. Another myth is that Ireland is one of the most child-friendly countries in Europe. The terms of the Social Welfare (Miscellaneous Provisions) Bill shatter many of those myths. What they bring home to us is that we are not that child-friendly and we are not that welcoming. If anything, we are copperfastening some of the inequities that have plagued Irish society over the past generation. For example, the restrictions on social welfare benefits will apply equally to nationals of all EU states. What a glorious signal we are sending out on May day. As we commemorate the historic struggle of working people throughout the world we in Ireland are saying that we will restrict payments. We say, "come to Ireland, but only if you are ready to work". There is a sound in the distance of the Minister for Social and Family Affairs, Deputy Coughlan, cranking up the drawbridge to Ireland Limited and saying that no non-Irish need apply unless they are prepared to put their shoulder to the wheel and work.

Mary Coughlan: That has always been the case. This is a myth. Anyone, no matter where they come from in the EU, can come here as long as they are not a burden on the State.

Mr. Cuffe: We are increasing the restrictions with the passage of this Bill and the Minister's announcements in recent days. Deputy Andrews made what seems to be a generous suggestion that illegal workers from the eight accession countries should now be allowed work here legally. The more one looks at that suggestion the less generous it is. Is he proposing that they go back to their countries and come back in again because they can do so legally? Why not have a more generous amnesty? Why not grant a right to remain here to all those who are in Ireland illegally? Why not grant a right to remain to all parents of Irish citizens? If that cannot be done, why not grant a right to remain for all parents of Irish citizens born before 23 January 2003, when the Supreme Court ruling was made? Let us have a little generosity and show an Irish welcome to those who have come to our shores. Despite the words of the Supreme Court, all Irish citizen

children are not being treated equally in Ireland and children are being deported despite the pronouncements from various Departments.

On the issue of maternity benefit the Minister said we will have generous benefits of 16 weeks in total. Most countries in western Europe have far more generous benefits. Burkina Faso in Africa has the same benefits as Ireland, and Belarus has even more benefits. Let us not kid ourselves but point out that Ireland is not that good in the league table, even in western Europe, where countries such as Denmark give 18 weeks of fully-paid leave from work and France gives from 16 to 26 weeks of fully-paid benefit. Therefore, let us not kid ourselves that we are incredibly generous in terms of maternity benefit. What appears to be happening here today is a three-card trick, pushing around the maternity benefit in order that it can be paid fully after the birth of the child.

Let us look at child benefit. The increase of €6 which brings child benefit up to €131.60 is not completely ungenerous. Given that the rate of inflation is 3% to 3.5%, that wipes out three quarters of the increase. Let us not think we are becoming more generous, because we are not. We are simply trying to bring payments up to what they should have been many years ago. Austria, Luxembourg, Finland, France, Sweden, Germany, the UK, Belgium, Denmark, Norway and Australia all have much more generous child benefit than Ireland. In fact, it is Portugal and perhaps Greece which fall behind on this scale. Child benefit is not that high in Ireland. If one were to ask a lone parent what he or she thinks of the level of child benefit, that person would agree it has risen dramatically in recent years but has a long way to go. We should not fool ourselves that we are the best in Europe.

The previous speaker referred to crèche supplements, which have been cut back. It is the ultimate irony that the type of benefits paid to run community crèches are paid by the Department of Justice, Equality and Law Reform because, in essence, it is a measure to get parents back into the workplace rather than one to help children and their parents. This represents not a Victorian but a medieval view of the world. Even Victorian industrial philanthropists provided decent care for the children of their workers. They did not pay out money as in Ireland where we simply send children to crèches so their parents can work.

This country has more golf courses than playgrounds. It has failed to put the treatment of children higher up on the ladder of what should be considered. Many parents, specifically lone parents, are trapped in a vicious cycle of disadvantage. I know of mothers struggling to survive in basement flats; the Bill will do little for them. A cycle of disadvantage exists which must be broken. While the Government might point to the Residential Tenancies Bill 2003 as being a

step in the right direction, it will allow landlords to raise rents at the drop of a hat.

There are many myths regarding Ireland and its generosity towards the less advantaged, those who come from abroad and children. Such myths must be seen for what they are. We are not as generous as we would like to believe and we are not an equitable society.

Mr. Ferris: In 1985, the fuel allowance was £5 per week. Depending on stock market fluctuations caused by currency speculators, this works out at approximately €6.35 per week. Therefore, over 20 years successive Governments, in which almost every party in this House has served, have managed to increase the fuel allowance by less than €3, a statistic which is nothing short of staggering and an absolute disgrace.

According to the Society of St. Vincent de Paul, cash assistance for the provision of fuel and electricity increased by 38% last year. Research carried out by Dr. Jonathan Healy at UCD, and published at the beginning of this month, indicates that one in ten households suffer from persistent fuel poverty. This is one of the worst records in western Europe. The report goes on to state: "Ireland has the second highest seasonal variation on mortality in Europe", and suggests that fuel poverty could be a factor in as many as 2,000 winter deaths. According to a department of social development strategy and consultation document on fuel poverty, in the Six Counties another 1,300 deaths every winter are linked to the fact that people cannot keep warm in the coldest months of the year.

It is sobering to imagine that, in the midst of so much obvious wealth in this country, people are literally freezing to death; people who can only afford to heat their homes for a short period each day and who stay in bed all day to keep warm. Apart from the obvious material want involved, we are talking about human beings who have no quality of life and are reduced to a basic struggle for survival.

As with most things in life, it is those in the lowest socio-economic groups who suffer most. Almost one in four unemployed people experience fuel poverty and almost one in five lone parents are in a similar position. The most vulnerable in our society — older people, children, the chronically sick and disabled — are most likely to be counted amongst the fuel poor. No Member of this House is unacquainted with the plight of the elderly and what they must suffer, endure and give up to heat their homes.

In many rural areas, houses were built between the 1940s to the 1960s which do not have the necessary wall cavity or other insulation. Elderly people living in such homes must spend a greater percentage of their pensions — well above the rate of the allowance — to try to keep warm. This is a massive indictment on this House and those who make the decisions which condemn the elderly, in particular, to that type of poverty.

[Mr. Ferris.]

Some 347,000 households benefit from the fuel allowance scheme which runs for 29 weeks and provides an income of €9 per week. This can be increased if one lives in certain areas where only smokeless fuel is permitted. As I pointed out, €9 is not much of an increase after almost 20 years. A substantial increase in energy efficient housing is needed, as is the education of people to make their homes more energy efficient, even to the extent of providing small grants if it would help them use less energy or force them to spend less on fuel. This is important and we should work towards its achievement.

There is a need for a cross-departmental approach to the issue. The Department of the Environment, Heritage and Local Government earlier this week told my colleague, Deputy Crowe, that it is following up on a survey undertaken in 2003 to establish the number of local authority dwellings without central heating. Local authorities need to put specific programmes in place to tackle this problem, and they must be properly funded to do so. There has not been a recent budget in which the minuscule increase for the elderly in particular is not soaked up by the cost of rent for local authority housing. Funding is given with one hand and taken away with the other, which leaves the elderly in the same position, or worse off given the growing inflation they must endure.

I was contacted last week by a mother of four whose husband receives social welfare as well as undergoing tests for what could be a serious illness. She began work but, because she earns €4 over the €300 per week limit, her husband's entitlements have been penalised and he will not receive entitlements for his children. This is an example of the type of society in which we live. The Bill does nothing to rectify it.

Mr. C. Lenihan: I wish to share my time with Deputy McGuinness, by agreement.

Acting Chairman: Is that agreed? Agreed.

Mr. C. Lenihan: I welcome the focus of the previous speaker on fuel poverty. He is correct that it is extraordinary, given the current wealth and prosperity in Ireland and the closing of the income gap since 1997, that thousands still experience fuel poverty. One reason for this seems to be, as the previous speaker suggested, the poor insulation of older housing. In my own area of Tallaght, houses were built as recently as the 1980s without central heating being fitted in supposedly modern homes. While the local authorities, making the most of their budgets, are trying to fit such homes with central heating, I accept the logic of Deputy Ferris's argument that it is a tragedy such is the case in this day and age.

I am glad Deputy Ferris, in contrast to the two speakers before him, chose to focus attention on a practical and tangible matter, which we all accept is inequitable and wrong and which should

be rectified. I deliberately contrast that with the contributions of Deputies Ferris and Healy. Deputy Cuffe focused on a rather odd view, saying that the notion of the Department of Justice, Equality and Law Reform giving out child care grants represented Victorian values. The purpose of that Department is not just to focus on justice issues. There is an equality dimension to its work, which is why those grants are delivered by that Department.

A key element in Government strategy in recent years has been the insistence on equality in all aspects of Irish life. This is legally guaranteed and delivered in our new equality Acts. Child care is central to this because before the Government and its predecessor came to power in 1997, we had a very low rate of female participation in the workforce. We were 5% to 6% off the European average in that respect but thanks to the good work of this Government we have now arrived at the happy position where female participation is ahead of the European average, which is a remarkable achievement by the Government. Through the mix of social welfare and taxation packages the Government has managed to focus on a single issue, female participation in the workforce, which afflicted the economy.

The increases in child benefit in the Bill add to that focus. Deputy Cuffe mentioned the rate at which child benefit has increased, saying we are not the best in Europe. We may not be the best, but we have come a long way. The Government has achieved 89% of what it promised in 1997 for child benefit. It promised to increase child benefit to a level where it has a meaningful impact on the financial burden of child care and parenting responsibilities which falls on both single parents and those in marriages or relationships. I am glad we are getting there.

I was disappointed with Deputy Healy's contribution, which seemed to consist of the usual clichés one hears from what is broadly termed the poverty industry. He mentioned levels of poverty and the widening income gap, but in the huge growth years between 1999 and 2001, before the general downturn and the stock market collapse, we had extraordinary growth of 9% or 10% year-on-year. Economists say it is a documented economic phenomenon that during periods of intense high growth there is an apparent widening of the income gap before it closes again. We are now seeing evidence of the income gap closing again in line with general economic practice. It is not just me asserting this. I was very interested in a submission the Combat Poverty Agency made to the Oireachtas Joint Committee on Finance and the Public Service. That body is not a Government agency, nor is it known for concurring with Government pronouncements. Its view was that the budget was a redistributive budget in favour of the less well-off, which is borne out by the facts. The social welfare package is well ahead of inflation. If we delivered the percentage increases in the budget across all

categories of social welfare payments or to middle or high earners, the Opposition would be screaming blue murder about the inequities of the Government's budgetary and social welfare strategy. The budget is the first sign that recovery is under way in our economy and internationally. It is the first tangible signal that our party and Government is in favour of redistributing to the poorest and most vulnerable people in our society. If anyone was caught by the budget it was the middle income and high income classes, as they did not get the kind of tax cuts they received in recent years.

I was delighted the Minister said we will be tightening up procedures for granting social welfare payments to those who come from the accession countries. We should be clear that most of the people who come from those countries come with a view to working and participating fully in our economy. To date they have had to get work permits and 16,500 of the 47,000 work permits issued in 2003 went to people from the ten accession states. That shows the willingness of those people to work in Ireland as well as our need for them, given the obvious skills gaps and shortages that still exist in our growing economy. As the Tánaiste indicated, I expect that 70% to 80% of our work permit needs going forward will be taken up by those from the accession countries.

We have seen the Blunkett reforms in Britain and I expect the tightening of the social welfare code to focus on the rigorous definition and enforcement of "inactive". I was surprised at Deputy Cuffe's ignorance of the basic social welfare code. In his enthusiasm to welcome the welfare shopper from elsewhere he seems to have overlooked the fact that there is an obligation on a person in the State — and in most other European states — to show a willingness to be actively seeking work. One cannot wait for an offer of work to be made. There is an obligation on Irish citizens as well as those coming to Ireland from elsewhere to actively seek work and I suspect an amendment to the Bill will address the definition of "actively seeking work". That will ensure Ireland does not become a country favoured by those who want to come to a country just to draw down social welfare benefits rather than contributing by work. That is an important difference. We are trying to give a positive signal to citizens of those accession countries that they are welcome to come to Ireland to work. This is happening already and when I flew to London for a meeting of the British-Irish Interparliamentary Body — it was at the time of Mr. Blunkett's announcement — the two stewardesses on the plane were from Poland and Latvia. We will not need a huge panoply of restrictions such as those introduced in the UK, which has more pressing problems. It is a much larger economy with port and tunnel access to the Continent and is more likely to be a destination for those seeking to abuse the system. That is why its system must be tighter than ours.

We have had strong economic growth and we need outside labour to fill jobs we cannot fill ourselves. We are in a rather benign position in that we do not have to take the extreme measures the UK has had to take to curb this phenomenon, although we must be careful. We should applaud the Minister for Social and Family Affairs' declared intentions, which have been echoed by the Taoiseach. We operate in a single travel area with the UK and we have been the victims of illegal migration in the past. Ireland was advertised on websites as a place illegal migrants should go because of the ease of access to our social welfare payments.

Mr. McGuinness: I listened carefully to Opposition speakers and it should be underlined in debates like this that following the success of a particular party in an election, its programme for Government spells out what it intends to do over the following five years. It is incorrect for the Opposition to continue to say election promises are not being fulfilled. One has to look at what was achieved by the Government between 1997 and 2002 and one must then go back to the start of this Government's term in office. One can then see the promises made and understand that from the time of the election, those promises have been fulfilled.

The Minister has indicated that almost 86% of what was committed in the programmes for Government since 1997 has been fulfilled and I have no doubt that, during the lifetime of this Government, we will see further fulfilment of the commitments given to the electorate during the course of the previous general election.

I compliment the previous Administration as well as this one because the improvements have not just been percentage increases in the amounts of money, pensions or benefits paid, and we can go through the figures because the Minister has spelled them out clearly. There have also been real figure increases in the value of pensions since 1997, which have made a substantial difference to the lives of the people who receive them.

Another issue which has been raised in other debates on social welfare and to which Deputy Ferris referred is "elderly-proofing". I agree with him that we should "elderly-proof" everything we do. The elderly should be protected at all costs in our approach to legislation on social welfare and regulations for local government. The benefits should be substantial enough to ensure they have a good quality of life and that any problems which arise should be addressed immediately and efficiently by the Government. We owe it to that generation to acknowledge them in a real way because we now enjoy the fruits of their labour.

The issue of the payment of fuel allowances has been raised in this debate. It should be noted the it is within the remit of the revenue programme of local authorities to devote some of those funds to the provision of central heating systems in the homes of the elderly. For example, Kilkenny Borough Council allocated almost €150,000 from

[Mr. McGuinness.]

that account to the provision of systems in the homes of the elderly throughout the city. The scheme has worked and given great relief to the people who had systems installed.

One does not always have to look to the Department of Social and Family Affairs and a particular line in the budget because such schemes can be provided through other funds. Therefore, rather than condemning the Government, we should use our imaginations, examine schemes and initiatives which have been undertaken elsewhere and implement them throughout the country.

Each year since 1997, I have asked for the differential rents applied by local authorities to exempt in some way the increases achieved in different budgets for the elderly and those in receipt of that kind of benefit. We need to address that from a local authority point of view.

I welcome the Minister's provisions for carers. The income disregards have been increased and the increase in the carer's respite care grant must also be welcomed. However, we must continue to address the issue. The amount of work undertaken by carers in a voluntary capacity is being acknowledged by the payments but they are not being acknowledged enough. Every little helps in terms of the care of a family member or an elderly person. Carers make a major contribution and relieve the State of a huge burden given the care which would be expected if those cared for were in hospital.

I recently met a lady who is almost blind and asked Eircom for a telephone with large number keys. One would imagine that she would have been accommodated since the appliances do not cost much. However, Eircom made a huge hassle of the fact that she was not in receipt of the correct type of benefit for an application to be accepted from her for that type of appliance. In that context, if we "elderly-proof" everything we do, we will come up with much better packages and a more even-handed treatment of the elderly and those who require such benefits and attention.

In the late 1990s, the rent allowance scheme cost in the region of €5 million. I remember the figure from a meeting with the then Minister. I understand the rent allowance scheme will cost in the region of €375 million this year. The time has come for us to examine local authority housing policy and how housing accommodation units are delivered in the context of voluntary housing and the rent supplement scheme. I am not asking for rent supplement to be removed, rather that we consider the construction of local authority houses in the traditional manner in large numbers, having due recognition of the profile of the applicant now on housing lists, especially elderly single men and women who find themselves locked in a situation from which they cannot get out unless there is local authority intervention.

We must examine the concept of voluntary housing. In the past, people were allowed to purchase and move on, by which means a ladder was created. That has now been removed from the voluntary housing sector and, as long as the policy is in place, the rent allowance system will continue to grow enormously in terms of the Estimate for the Department of Social and Family Affairs. Therefore, we must use our imaginations in regard to the types of schemes which need to be introduced and the types of housing required.

I welcome that the Minister will introduce amendments on Committee Stage to deal with people who may possibly come to Ireland after EU enlargement. Deputy Cuffe stated that we should leave the gates open and allow anyone who likes come here. That is fine but we have a duty to examine Government costs as well as one to taxpayers and what is being delivered on their behalf. A system with no regulation will not work. Given that the United Kingdom and other countries have moved in this direction, Ireland will have to do likewise. The Minister is examining this issue and I encourage her to bring forward the regulations for this new development to protect current social welfare recipients and those likely to come on stream and ensure the right of taxpayers to be considered in the equation.

It must also be acknowledged that businesses in Ireland relied on 40,000 work permits last year. We cannot get away from that fact. We would be foolish not to take into consideration what is happening elsewhere in the European Union and how the matter is being dealt with. It would be wrong for Ireland to be singled out for our approach. I encourage the Minister to bring forward those amendments and I will support them.

There is an issue with crèches and child care. In spite of the fact that issue was taken with the Department of Justice, Equality and Law Reform administering this fund, it must be acknowledged that the Department has made huge sums available to private crèches and communities. The positive impact that investment has had on community life by enabling people to get back into education and work is tremendous. It is to be encouraged rather than criticised by the Opposition.

Mr. Kehoe: I wish to share time with Deputies Murphy and Connolly.

Acting Chairman: Is that agreed? Agreed.

Mr. Kehoe: I am delighted to have an opportunity to speak on this important Bill. Like other speakers, I agree with Deputy McGuinness that we should look after those on social welfare, including those on disability benefit, unemployment benefit, single mothers and old age pensioners. Unfortunately, however, life is becoming increasingly difficult for those in

receipt of social welfare. The gap has grown between the rich and the poor and some are not being looked after as they should.

In this context, the group that stands out the most is carers. Members said yesterday that if old people or the less well-off were not being cared for in their own homes, they would be in nursing homes, which is true. It would cost the State more money than it is costing today. Four or five families in my community who are caring for older people are not getting one cent from the State because they are not entitled to it. These families do not want to put these older people into nursing homes which are subsidised by the State. These people should be looked after.

In my county of Wexford, a lot of voluntary fundraising is carried out for the Carers' Association. This helps to run the association and makes it possible to carry out the work. I compliment those who do such fundraising because without them the carers' association would be in serious trouble. I compliment the carers who are at the coalface in this regard. Some older people can be very difficult to manage and keep happy, but carers feel they have a duty to look after them. I ask the Minister to look after older people and assist the carers' association because these people are very committed to the work they are doing.

Reference was made to the fuel allowance. It is not often I agree with Deputies Ferris and Lenihan, but on this occasion I agree with them. People come to me, particularly older people, whose fuel allowance is not adequate to heat their homes on a weekly basis. Many local authority houses, which are six to ten years old, have just one radiator while others have no radiators. Under EU law, heating in local authority houses must reach a certain standard. I am not criticising Wexford County Council or Enniscorthy Town Council, which do a great job, but many local authority tenants do not have sufficient heating.

Like other Deputies, each day of the week people come to me with social welfare problems. I recognise that the Minister has made available an extremely good helpline for the benefit of Deputies and Senators, which is important. However, we come across some of the most ridiculous cases, including people who have had their unemployment assistance cut off. These people must get letters and go through a whole process. If one's unemployment benefit is discontinued, one must get letters from approximately ten employers in the local town or parish, appear before a referee and the whole process begins again. This should be reconsidered.

The gap has grown between the rich and poor. Following the last budget, CORI said that budget 2004 was a small down-payment on the implementation of the Government's commitments to social exclusion contained in the current national agreement and, despite the Minister's claims, the impact of the budget initiatives would be relatively limited in tackling

the substantial poverty, inequity and social exclusion which persist in Ireland today. The Government has a lot to do under Sustaining Progress. Speakers on the other side of the House referred to what was done in 1994-97. The economy has been strong from 1997 to the present day but the Government has not tried to close the gap between the rich and poor, which continues to widen. The Minister should look at this aspect.

It is sad to see people homeless and living in bad conditions, a matter to which the Minister must give serious consideration. The Government has made major social welfare commitments but there is little done and much more to do. There is a long way to go before social exclusion is tackled effectively. The Government must get its house in order and do something about the promises it made. It must not allow the gap between the rich and the poor to widen.

Mr. Murphy: The Government has been in power for the past seven years and we are told on a daily basis about the millions of euro being spent on one or other social welfare programme. However, we should look at the real facts.

In the past ten years, Ireland has spent less each year on social welfare as a percentage of GDP than any other European Union country. In 2000, payments to the unemployed, sick, elderly, homeless and disabled amounted to 14.1% of GDP in Ireland compared to 27.3% in other European countries. Despite Ireland enjoying the economic success of the Celtic tiger, the percentage of GDP spent by the Government on social welfare is decreasing each year. In 1992, social expenditure accounted for 20% of GDP and has decreased on a yearly basis ever since.

Government spokespersons jump up and down comparing increases in social welfare to those of previous Administrations, but the facts are simple. Under the Fianna Fáil-Progressive Democrats Government, social welfare recipients and the poor are getting less of the national cake. England spends up to 30% more on social welfare payments *per capita*, at a time when Ireland has one of the highest *per capita* incomes in Europe. According to ERSI reports, the number of people living below the poverty line continues to increase. The report clearly states that during the term of office of the Government the number of people living below the poverty line has more than doubled from 6% to 13%. The report also found a widening gap between the have's and the have not's at a time of increased employment and increased economic growth. There is no doubt that social welfare payments have increased by more than the rate of inflation, but social welfare payments are not keeping pace with wages.

Last week, we discussed increases in motor tax and shortly before that we discussed increases in ESB, diesel, waste collection, visits to hospitals and a whole series of stealth taxes. Fuel costs for home heating absorb 24% of income for the elderly living on the basic old age pension. For

[Mr. Murphy.]

people on low incomes, the most damaging stealth tax is the increase in VAT on essential items, which absorbs a much higher proportion of their income than is the case for better off households. The only thing social welfare recipients can be sure of is a daily diet of more stealth taxes in a culture that is becoming more and more a rip-off culture.

The Minister introduced cuts in the budget under the guise of tidying up some anomalies she claimed were evident in the rent subsidy system and MABS payments. It is notable that she did not tidy up anomalies that would have made things better for social welfare recipients. Applicants for non-contributory old age pensions are still assessed as if their savings were earning nearly 10%. Everyone knows that interest on savings in bank accounts or ordinary post office savings accounts is almost nil. Pensioners with savings need some of this money on a constant basis to live on and cannot make long-term investments. It would be interesting to know if the Minister will correct this anomaly and instruct social welfare inspectors to calculate interest on pensioners' capital at 2% to reflect the real income value of their meagre investment, mostly savings they have built up over a lifetime. People in receipt of non-contributory pensions constantly have to draw on these savings for day-to-day living expenses. These factors are combined with the knowledge that most pensioners know they must have a reserve of thousands of euro if they are forced into a nursing home for any period. The fear of being destitute and of not being able to afford nursing home care when they become extremely ill or incapacitated, is a horrendous burden our elderly have to bear on a daily basis.

Likewise, those on unemployment assistance of €144 per week are living well below the poverty line. Many spend as much on a night out as these people have to live on for a week. There has been no increase in the living alone allowance since 1996. This is creating massive problems for the people concerned. Age Action Ireland has constantly recommended bringing the living alone allowance up to the adult equivalent rate of a couple.

The Estimates published in November included 16 cuts in the area of social welfare. The thinking behind these measures was influenced more by ideology than by financial considerations. The cuts will have a devastating impact on people affected but will save only €55 million.

Last year the Government introduced a measure capping rent supplement levels. This year it made rent supplements almost impossible to get by introducing the six-month regulation. Another cut instructs community welfare officers to end MABS payments. As with the rent allowance change, one effect of the MABS cutbacks will be to restrict the range of discretion available to community welfare officers in their work to fight genuine hardship. The savings involved in MABS cutbacks are only in the region

of €750,000 out of an overall social welfare budget of €637 million for 2004. The Minister said restrictions were being placed on MABS payments because people concerned had entered into repayment arrangements that were too onerous. What is the Minister trying to achieve? Is she trying to drive these people into the hands of moneylenders which would make their position even worse. MABS is the last resort, a financial rescue package negotiated by her Department, and no better deal could be achieved than this deal. What exactly does the Minister and the Department think these people should do? This cutback at any one time may affect only 400 to 500 people and the impact of it on these families will be disastrous. The number of families in this category will grow because MABS will no longer be able to rectify their problems. The Minister is creating a major problem for the future by scrapping a good system that worked well for families who got into serious financial trouble. Again the impact is great while the saving involved is minuscule.

The Minister for Finance considers himself to be a reforming Minister and there is no doubt that he has reformed the tax system for the benefit of the wealthier sections of the community. The Minister might give particular attention to carers, as such consideration might result in a saving of money. The Tánaiste is correct, if what she is trying to do is initiate debate on care for the elderly. Two incomes of some description are needed in every household, if only to pay the mortgage. It would be far more economic and humane if care for the elderly was oriented towards the elderly being looked after at home rather than towards expensive institutions for which middle and low income families cannot afford to pay and the State is not prepared to pay. A complete review of the means testing of carer's allowance is required, together with examining what relief could be given through the tax system.

A series of issues arise in the cutbacks which will badly affect the less well-off. There was no increase in the back to school allowance and no real effort to end child poverty. For several months prior to the budget, we were treated to dire economic warnings and told of the need for a tough budget to maintain competitiveness. However, this year's prediction of disaster turned out to be unfounded.

Mr. Cassidy: There were no increases of €1.70 such as those the Deputy's party introduced when in government.

Mr. Murphy: It is clear from the outturn of the figures that money was available and there was no need for these drastic and disastrous cuts.

Mr. Connolly: I welcome the opportunity to speak on the Bill. It gives effect to some of the social welfare changes in budget 2004. The Government has again let slip an opportunity to

reduce the width of the gap between the rich and the poor.

In the area of social welfare, we have an unenviable record when compared to any of the other EU countries and many of the accession states which we will welcome into the European Union on 1 May. The proportion of GDP spent on social welfare continued to shrink during the tiger years of the 1990s and we rank in the lower echelons of the industrialised nations. The €8.20, or less than €1.20 per day, increase in unemployment assistance is another instance of the Government's legendary niggardliness.

Child care has once again suffered with the token €8 monthly increase for the first two children and €10 for subsequent children. How can parents be expected to feed, clothe, shoe and pay for bus fares, school books and stationary for a child on an extra €2 per week, or 30 cent daily, and an annual back to school clothing and footwear allowance of €30?

Social welfare recipients' children have the same tastes in designer labels and gear as other children. These labels are pumped at them on an hourly basis through advertising. Parents are put under intolerable pressure to deliver the goods. They are expected to provide the right type of kit, football jerseys, runners, etc. I remember hearing 15 years ago that was the trend across the water and that it would come here. That trend is here and every child has an expectation of wearing gear with the right types of labels or logos.

I have often heard of lorry loads of replica jerseys and discs being seized. What becomes of those? Is the Government renting a warehouse to stock these goods? Does it give them away or put them in an incinerator? What happens to replica goods seized here? When diesel is seized, what is done with it? Is it given out free or what becomes of it?

The €131.60 monthly child benefit payment for each of the first two children is significantly short of the aspirations expressed in the programme for Government when it expressed the intention to raise this payment to €158 per month. Similarly, the payment for the third and subsequent children will be pitched at €165.30, which is considerably short of the expressed aim of €196 per month. In families where both parents are required to work outside the home, child care costs are crippling. The weekly amounts of €25 to €30, which these payments represent, are a mere pittance if a family has to shell out in excess of €200 weekly on child minding costs. I am not suggesting that child minders are the problem. They have to live and pay the same types of bills, including bills in regard to schooling, as the rest of us.

We should examine the provision of crèche facilities in workplaces, particularly workplaces that have a certain number of employees, especially female employees. The Government should encourage that type of policy, to have crèches on site. In places of employment where

the number of employees is above a certain number, the employers should be compelled to move in that direction. It is no longer a luxury for families to have a dual income; it is no longer an option not to have such a dual income. It is a necessity for both partners to work, as stated by a number of speakers. Often two professional people can find it difficult to get on the household ladder and be able to afford to pay a mortgage. There are insurance costs, school costs and the high price of housing. Budget 2004 succeeded in allocating exactly the same 25% of the promised additional €414 million to child benefit which was only one of the false figures with which the general election was fraudulently purchased.

I welcome the €100 increase in the respite care grant, bringing the level up to €835, but it still falls considerably short of what is adequate. Many of Ireland's unsung heroes are those who daily perform the heroics of caring for parents and elderly relatives. For this reason, the extension of the six week payment after death to include all social welfare recipients is also to be welcomed.

Has the Minister had a change of heart since the last time I spoke on a priority question issue regarding social welfare recipients coming in from the ten accession countries? I detect a change of heart and I would like the Minister to respond.

Mr. Cassidy: I would like to share my time with Deputy Killeen.

An Leas-Cheann Comhairle: Agreed.

Mr. Cassidy: I welcome the proposals before us today. When it comes to political parties here being true to their word, particularly their commitments at election time and in the programmes for Government, Fianna Fáil has a very proud record over the past 50 years. Without mentioning various incidents, I can give many examples of our opponents not upholding such standards when they were in office. For consistency, there is no one to match the Fianna Fáil Party, and no one to match a Fianna Fáil Minister for Social and Family Affairs.

For historical reasons in my house, when I was growing up the most important Minister in the Cabinet was the Minister in charge of social welfare. I speak for many of the constituents I represent in rural Ireland, whether in Seanad Éireann for 20 years, or in Dáil Éireann since the last general election, when I say the contribution made over the past 50 years by various Ministers with responsibility for social welfare, particularly from my side of the House, has been enormous. Europe can look at examples over the years of how well we look after our older people and how we try to look after the less well-off sections of our community.

It must be a dreadful time to be an Opposition Deputy in the House today, considering all the benefits currently arriving in everyone's area. I have asked many times in my constituency, and I

[Mr. Cassidy.]

am pleased to ask in the House today — who would ever have thought four or five years ago that the child care benefit for the first and second child would be €131 per month, and €165 per month for the third and subsequent children? I remember when the benefit was less than 50 pence per child, when money was very badly needed.

Mr. Connolly: Does the Deputy remember when one could live on one salary?

Mr. Cassidy: Let us give credit where credit is due. The Deputy's constituency is beside mine on the bridge of Finea. As a man from Ulster, with a Minister for Social and Family Affairs from Ulster, the Deputy knows exactly what it would mean in our hard-pressed part of the county, part of the BMW region. Money was urgently needed in those days, and it is lovely to see sections of our community recognised and acknowledged here today.

I am pleased to see that the aspiration of Fianna Fáil, the main party in Government, to give €200 per week to our senior citizens is fast becoming a reality. I know it is the commitment of the Minister that by 2007 this will be the case. I welcome that. The Minister for Social and Family Affairs is a courageous Minister who handles a difficult portfolio with great care, understanding and compassion. Coming from the constituency from which she comes, she knows the importance of the social welfare payments in many rural homes throughout Ireland. All of us here today representing our constituents, though perhaps only for a short time, have been entrusted with that representation, to come to Dáil Éireann and fight the hardest possible battle on their behalf, which I hope we are all doing.

We have been waiting a long time for many of the proposals in this legislation. We would naturally like to see more being done, but the return of the Celtic tiger is imminent. The Minister for Finance too has excelled in his portfolio. His performance and success over seven years have been unprecedented. I know he is widely recognised throughout Europe, and by our partners and close allies in the United States of America. It should be regularly repeated in this House that we appreciate the experience, expertise and determination of Deputy McCreevy in putting our finances in the order they are in today. Those of us in the House in the 1983 to 1987 period can remember only too well the state of the finances then. Some 50,000 people were emigrating annually, inflation was in double figures, bank loan interest rates were as high as 20% and the national debt had doubled. We should give thanks for having strong leadership, good government and good policies brought before the House. Let us welcome them from all sides of the House. Deputy Crawford, another constituency neighbour of mine, will recall those

hard, bad old days. People talk of the good old days.

Mr. Crawford: I remember 1977.

Mr. Cassidy: The good old days are here, and thankfully we are here as Members of this parliament to welcome them.

Mr. Connolly: Does the Deputy remember when one could survive on one income?

Mr. Killeen: I too welcome the €630 million provided for in the social welfare package of budget 2004, and this legislation which enables the payment of some of that money.

When the Minister was speaking at the opening of the debate, she mentioned that the cost of the social welfare budget is more than €11.25 billion. Nowadays we tend to rattle off these huge figures and take them as a matter of course. It is important that we consider the huge budget required for social welfare, and that we note that this budget has almost doubled since 1997. We frequently hear people talking about the voracious appetite of the health services, for example, which cost about €10 billion annually, or the education services, which cost about €7 billion. People sometimes tend to forget that the welfare provisions of the State are enormously expensive, and that not all of them are within the remit of the Department of Social and Family Affairs.

It is good to bear in mind that there are two very substantial benefits from the current high rates of employment. First, those who are employed are making a contribution to the Exchequer by means of tax and PRSI, and second, they are not in need of payments from the social welfare budget while they are employed. The Minister referred to the increases in pensions. There has been an average increase of about €10 in the weekly payment each year since 1997. If anyone were to have said at that time, when the increase was very modest, that such increases would be possible, and would be sustained over a relatively long period, nobody would have believed it. This is a measure of the progress we have made on social issues, particularly regarding older people. The level of pension makes a very significant and positive contribution to the quality of lifestyle of older people.

There remain some difficulties. Some older people have housing problems, and heating creates extra expense for them, as was mentioned earlier. Some of the difficulties can and are being addressed.

The other huge increase is in child benefit, which now stands at three times the 1997 level. It must be frustrating for the Minister in particular, and for other Government Members, that those who highlight poverty issues frequently refuse to acknowledge the very positive impact of child benefit payments. One of the difficulties is that

there is not much agreement on the definition of relative poverty, but there is no more effective payment going into any household with children than the child benefit payment, in which the level of increase has been truly staggering. That level of increase would have been considered impossible in 1997, when increases were very modest.

The importance of child care provision for one-parent families in particular, and also for other workers, has been addressed by the Government with considerable success in a number of areas. Quite good work is being done by small private sector operators, along with excellent work in community facilities. Most of the grants for this work comes from the Department of Justice, Equality and Law Reform. One might not necessarily think the grants come from that Department, but they do. They are very effective. They provide a considerable number of places. As more places have been provided, they have become more cost-effective. It is an area where much more work needs to be done and where there is a need for the budget of the Department to keep up with the need and the willingness of people in the community and private sectors to become involved in providing these facilities.

I commend the Mid-Western Health Board in my area on introducing a child care management initiative. Its child care service has qualified for the ISO 9002 quality award.

2 o'clock Excellent work has been done by the child care service in the Mid-Western Health Board, which I acknowledge.

The recently published Maternity Protection Bill provides for a number of welcome improvements. This is an area in which much progress was made 20 years ago, although relatively little has been made since. There are some anomalies which clearly need to be addressed.

I also welcome the greater use of the personal public service number to provide access to services and to check areas where social welfare payments might be illegally claimed. Strict policing is required in a number of areas, not least in the area of employee pensions and access of employees to personal retirement savings accounts and other pensions.

I welcome the initiatives by the Minister to move towards more joined-up government. In addition to the financial provisions in this legislation, there are legislative provisions which join up with other legislation in most effective manner. An area where some improvement could be made is in the work of the community welfare officers of the health boards, who do excellent work. I have often thought the system might operate better if they were directly under the ambit of the Department of Social and Family Affairs. The standard and level of service provided to the public by community welfare officers and by employees of the Minister's Department in the Kilrush Road office in Ennis and elsewhere is excellent. I do not believe

anyone could argue that difficulties are encountered by people using that service. Almost universally, I find that people who come to me praise the service provided.

A number of Members referred to the money advice and budgeting service which is now nationwide and was piloted in a number of areas some time ago. It is an effective service and a number of my constituents have begun to use it having come to me about various matters. In my area and other parts of the country, there is considerable evidence that, as a result of the money advice and budgeting service, moneylending and illegal moneylending activities, which were rife throughout the country and hit the headlines seven or eight years ago, have now been successfully dealt with.

I also welcome the provisions of the Bill which clarify a number of anomalies in PRSI. It is an area where there has been a little confusion, but it is certainly cleared up in the Bill. The pensions fund established by the previous Government is a credit to the Minister for Finance, Deputy McCreevy, and those in the Government. There is no doubt but that the burden of State and social welfare pensions down the line will be much larger than at present in relative terms. I have no doubt that the contributions to pension schemes will need to be increased, perhaps fairly substantially. The Public Service Superannuation (Miscellaneous Provisions) Bill 2004, which is before the Seanad, deals with this area to some extent.

I support the Minister's decision to extend the provisions in place in almost all EU countries and, more particularly, in the United Kingdom relating to citizens of accession countries who are not workers coming here. It is a regrettable but a necessary decision. I do not believe we had any choice in the matter. It is important to stress that those from accession countries coming here to seek employment will still have full European Union citizen rights and will be welcomed.

The Bill contains some amendments to Part VII of the Pensions Act 1990. Some relate to the equal treatment of men and women in occupational pension schemes. We have an obligation to implement EU initiatives, and the Minister outlined our obligations in that regard. It is fair to acknowledge that the impact of the European Union on social legislation has been positive across most sectors and this is an area where it has been positive. There will be further progress in this area in the equality Bill.

The race directive of 2000 outlined a strong and clear policy to counter discrimination on racial or ethnic grounds in employment and some non-employment areas. A similar directive also from 2000 deals with discrimination on the grounds of religion or belief, disability, age and sexual orientation. Besides these grounds, I understand the Minister proposes to extend the Part VII provisions to include Travellers and marital or family status. All Members will have encountered evidence, or at the very least anecdotal evidence,

[Mr. Killeen.]

that such discrimination exists. It is notoriously difficult to prove there has been such discrimination, especially in employment. We need to be vigilant in this area and have legislative provisions and enforcement procedures. These are coming into place gradually in the context of the new regime.

The public sector cannot claim a good record in the employment of people with disabilities. Its record has been very poor. The 3% quota, which has been in place for approximately 11 years, is not being reached. Even where it is being reached, it is being used as an excuse for not employing additional people with disabilities who would be in a position to do the jobs adequately and perhaps just as well as others. In the private sector, some companies have an excellent record, but the majority are either not interested or blatantly discriminatory. It is an area we will have to address more vigorously than we have heretofore, not just in legislation but also in enforcement.

It also appears that ageism is becoming a problem, or maybe it is just that I am becoming more attuned to it at this stage in my life. There is some evidence that it is becoming a greater bar to employment than one would have thought previously. The new pension provisions in the Public Service Superannuation (Miscellaneous Provisions) Bill 2004 will have the effect of raising the pension age, which is welcome. As a society we have tended to decide that people are effectively unable to perform as employees at a particular age, but that is not the case. Some exemptions are provided for, and my former colleagues in the teaching profession would wish they were among the exemptions, but that is something for which we can argue when that Bill comes before the House. We have been slow to advert to the opportunities to employ older people in a part-time capacity or to extend job sharing facilities to them to keep them in the workforce longer. Clearly, given the scenario developing, there will be no option but to do that. It is appropriate that we begin to move in that direction now rather than wait until we must.

I welcome the raising of the income limit for carers. I referred previously to the degrees of care required by various people and I have tried to argue for a sliding scale. I know that is potentially a nightmare in terms of administration but there is a good case for it. Some beneficiaries have relatively little need while others, who have a significant level of caring need, lose out in the current situation. The abolition of the means test is likely to result in smaller payments to those on lower incomes, which would be counterproductive. At the very least, the other option of examining the relative care needs of those with various levels of disability should be considered.

The respite grant is frequently overlooked, although it is very important for carers looking after disabled persons. An initiative should be

taken to extend the respite grant to carers on higher incomes, on whom large demands are being placed.

Mr. Crawford: I wish to share time with Deputies Finian McGrath and Harkin.

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

Mr. Crawford: I am glad of this opportunity to contribute to the debate on the Social Welfare (Miscellaneous Provisions) Bill 2004. I welcome some of the Bill's provisions, including the increase in child benefit, the improvement in the carer's respite grant and the increase in death benefit pensions. These are all positive measures, which are welcome. The Minister's speech contained information about the massive increases in spending on social welfare but that is only because costs have risen. For example, house prices have risen 300% in the past ten years. We get lectures on how social welfare payments have increased since 1997, but no account is taken of the fact that costs have risen in that period.

The Minister mentioned the substantial increase in child benefit and while we agree with that, we understood from the election campaign that the increases would be much greater. The Government has a long way to go towards meeting the promises that were made, and I hope they will be met in time. Many are disappointed that child benefit has not risen to the levels it was supposed to reach in recent years.

I am not quite clear about the proposed changes for the death benefit payment once all the anomalies have been removed from the system. In rural areas, aged brothers and sisters may be living together, but how are such situations covered by the legislation in respect of death benefit payments? Nowadays, marriages may take place in a church or registry office, while in other cases unmarried partners may choose to live together. One of the anomalies I have come across on numerous occasions concerns two aged siblings who have spent all their lives together. When one of them dies, the other feels aggrieved at not receiving the benefit a married partner would receive in a similar situation. Has the Minister considered this matter? Perhaps she can deal with it in her reply. While I welcome the overall thrust of the legislation in this respect, the death of a sibling at any age can prove to be a delicate time for the person who is bereaved. We need to ensure they are dealt with as humanely as possible.

During the debate we heard many lectures from Government backbenchers who seem to be united in telling us about the massive increases that have been paid and how great the Minister is. I would not go so far as to say that she is a great Minister, however.

Mr. B. Smith: Perhaps "excellent" is the right word.

Mr. Crawford: No. We will let the people judge that. Can you make the Cavan Deputy behave himself, a Leas-Cheann Comhairle?

Mary Coughlan: That is Deputy Crawford's job.

Mr. Crawford: Even local authorities have increased the cost of renting houses quite dramatically over the last few years. Every time there is an increase in social welfare payments, there is a corresponding increase in rents, which takes away the value of rent allowance increases. The fact that the cost of living has risen generally was brought home to me this morning. A family living on farm assist, with children aged from 13 to 25 years, has had problems obtaining orthodontic treatment over the years. In the bad old days when social welfare was providing nothing, according to the Government backbenchers——

Mary Coughlan: Was that when Fine Gael was in power?

Mr. Crawford: ——three members of that family received orthodontic treatment without any problem. Recently, however, that lady brought her child for orthodontic treatment having been advised that it was a matter of urgency, but she was told it could not be done through the health service. How would the Minister advise such a family living on farm assist? The lady does some cleaning work outside the house for a few hours but it is not a very lucrative job. As a result, the family has to borrow money from the credit union — thank God for the credit union — for the orthodontic treatment, and must pay back the loan over a number of years.

It is no coincidence that yesterday I received a telephone call from a person in a similar situation, with a family of six. Two of that person's children received orthodontic treatment in the so-called bad old days. Now, however, she has been told that, since she lives close to the Border, she should go to Northern Ireland where she might get a better deal because there is no hope of our health service doing it. The general situation facing families should be considered in the context of new costs that did not exist a few years ago. The two cases I have cited prove that orthodontic treatment was available some years ago, whereas it is not available now. If the promised child benefit increases had been provided, such families would have had some means of repaying a loan for orthodontic treatment.

A similar argument can be made concerning medical cards. Families on low income may have received a €10 increase in social welfare — whether they are on farm assist or the dole — but if they do not have a medical card they will have

to face a serious economic situation. As I understand it, there are currently 100,000 fewer medical cards than there were a few years ago. That figure was provided in a reply to a parliamentary question. Although the over-70s have been included in the medical card scheme, many people on middle and low incomes are no longer eligible for medical cards. I came across a case recently of a blind woman whose child has a medical card but she does not. These costs must be taken into account when we discuss the overall budgetary measures.

The Minister's own backbenchers have raised questions concerning the cost of child care. In many cases, both partners now have to work outside the home. They may have a low-interest loan but they have high-cost housing, with major repayments to make. In such cases, they have no choice but to pay a child minder. It is hard to find child minders, although there is a good network in my own Border constituency.

I came across a disability case in recent days involving somebody who, having spent a year in part-time employment, was told by the doctor that he cannot return to full-time work. Through some assessment, during which he did not even meet a doctor, he has been told he can no longer work and cannot receive disability benefit either. The Minister would need to sit in my office and see that person crying, in order to understand that he is being dealt with as a nonentity. He did not even meet a medical adviser. There is an opportunity for review following such a meeting. However, he received a note stating that his right to work was guaranteed until next October but in the interim, he received a letter stating he had been knocked off. This is a major anomaly that needs to be addressed.

I refer to the issue of widowed persons, about which I feel strongly. I understand the anomalies that exist but there must be respect for the family unit. The family unit is the centre of the social welfare system and it should be encouraged. I received a telephone call from a widow recently who lost her husband last October. She has four children, two of whom are no longer dependants. She is trying to live on approximately €175 per week but she has a house and a car to run. Nobody should be put in the position where he or she has to sell his or her home or car. Widowed persons aged over 60 have been dealt with reasonably but the position of widowed persons who have lost a spouse at a young age in tragic circumstances must be addressed.

This is supposed to be the era of the Celtic tiger and the family is supposed to be a recognised structure in this State. I acknowledge the argument that will be made regarding lone parents and I have sympathy for them, but measures must be introduced to constructively assist people who get married and find themselves facing such a desperate scenario.

[Mr. Crawford.]

I refer to the changes in the system following the UK Government's decision but I will debate them on another occasion.

Mr. F. McGrath: I am grateful for the opportunity to contribute to the debate. While I welcome the positive aspects of the legislation, we cannot allow ourselves to lose focus on important social welfare matters and the type of society that is being created. We must also wake up to the reality that, despite the great economic advances, a section of our community has been left behind and feels totally excluded from the wider community. If issues such as poverty, low wages, social exclusion, early school leaving, dysfunctional children and homelessness are not addressed, the debate will get nowhere. I call on the Minister to listen first and then act and respond.

There is absolutely no excuse in the Ireland of 2004 to exclude people, and tough decisions must be made to share the State's wealth and resources among the vast majority of its citizens. For example, many in the Cabinet believe the poverty debate is over but I challenge them on the real issues.

I refer to families and poverty. Families with four or more children and lone parent families face the highest poverty risk. While the number of large families in the population is declining, the level of child poverty is relatively high. Approximately 8% of children are at risk of consistent poverty while one quarter of all those aged under 18 live in low income households. Child poverty damage's our children's well-being and their future prospects. It is estimated that 5.5% of households, or approximately 71,000, experience consistent poverty. Households headed by someone who is ill or who has a disability are at a relatively high risk of consistent poverty at 11%. However, the risk of poverty among households with incomes below the threshold of €147 per week stands at 54%.

The risk is accentuated by the costs associated with having a disability as well as barriers to full participation in society. Households headed by someone who is unemployed are also at risk, with slightly more than 50% living below the income poverty line while 22% live in consistent poverty. People in households where there is no employment comprise 70% of the consistently poor population. These include people working in the home, the unemployed, retirees and people with disabilities. Low paid employees, meanwhile, account for one quarter of the consistent poor.

While I welcome the increases in child benefit, the respite care grant and the death benefit pension payable to recipients aged over 80, we have a long way to go and more measures need to be implemented. Social disadvantage must be

tackled at an early age and the way to do so is through education from the day children are born. We should break the cycle and target the resources at the most needy to have an impact on poverty.

Ms Harkin: I am pleased to have the opportunity to contribute. I had not intended to contribute but I received a call from a constituent 30 minutes ago and then sought time to raise an issue with the Minister. I have come across the issue previously but this telephone call from a concerned and angry constituent was the straw that broke the camel's back. The person is on disability benefit and he has received a sheaf of letters from those running his local group water scheme stating that if he does not pay in excess of €500 towards the upgrading of the scheme, his water supply will be turned off. Many other constituents are in the same position and I have made representations on their behalf.

The man who called me earlier has been asked to set up a standing order and if he pays €85 per month for the next six months, he may not be cut off. However, people claiming disability benefit cannot afford this. Initially, I thought his was not the responsibility of the Minister and, therefore, I wrote to the Minister for the Environment, Heritage and Local Government in January 2003. At the end of his reply, he stated: "If residents find themselves unable to meet this contribution, they should contact their local community welfare officer who may be able to offer further assistance". We then contacted the community welfare officer and my constituent's appeal was refused on the ground that contributions to group water schemes are not appropriate to the supplementary welfare allowance scheme. I have received a number of letters containing that statement on behalf of different constituents.

The buck is being passed from one Minister to another and from one State agency to another. This issue only concerns claimants living in rural Ireland. Elderly people are afraid the postman will bring a letter in the morning threatening to cut off their water supply. I ask the Minister to extend the supplementary welfare scheme to cover people on low fixed incomes, such as social payments, who are in this position so that this threat is not hanging over their heads.

This issue involves a double inequity for people residing in rural Ireland. I live in Sligo town and when I turn on my tap, water flows but I do not pay for it. If I lived in rural parts of Counties Sligo or Leitrim, I would have to pay substantial fees for water. I know of people who must pay in excess of €900 a year for the upgrading and maintenance of their group water scheme. This is a double inequity for people on low fixed incomes because they cannot afford to pay into such schemes. While the Minister for the Environment, Heritage and Local Government is

partially responsible for this issue, I ask the Minister for Social and Family Affairs to address it under the supplementary welfare scheme.

Mr. B. Smith: I am glad to have this opportunity to make a short contribution to the debate on the Social Welfare (Miscellaneous Provisions) Bill 2004. Some years ago we would have debated the Social Welfare Bill much later in the year. We debated the Social Welfare Bill 2003 before Christmas and we are now debating this Bill, which will implement more of the social welfare measures announced in the budget. The recent innovation of bringing social welfare increases forward to January and April has helped all recipients. Until a short time ago social welfare increases used not come on stream until May, July or September. It is because of this welcome development that we must now have a Social Welfare Bill in December and a second Bill early in the new year to implement further measures.

I compliment the Minister on the substantial package she secured in the budget negotiations for the social welfare services and on her success in the Estimates debate. With Deputy Killeen, I pay tribute to the Minister, her officials and her Department on the efficient manner in which they deal with representations and queries, particularly from public representatives. Their help and availability and the efficiency with which the offices are run is appreciated by those of us who bring daily queries about delivery of the social welfare services.

Deputy Finian McGrath quoted figures relating to the measurement of poverty. It is clear that the best way to minimise poverty is to have people at work. The substantial increase in the number of people at work in recent years has been a means of eliminating poverty and reducing the number of households which lack adequate income.

The improvements in the qualifying criteria for a number of schemes introduced by the Minister for Social and Family Affairs and her predecessor, Deputy Dermot Ahern, have meant a considerable improvement for many households. Free telephone rental and electricity allowances and other schemes operated by the Department are now available to pensioners, regardless of their household composition. That is a welcome development. Too often in the past, a person who might have qualified for such a scheme was debarred because a family member was living with him or her.

The Minister and I were both in Belfast last weekend and the need to extend the free travel scheme to the whole island was raised with me. Free travel is available to a person who makes a journey from the South to the North but not for journeys made within Northern Ireland. The scheme is also available to people living north of the Border. I would like to see the Department

make progress with its counterpart in Whitehall to ensure that the free travel scheme is available to eligible people throughout the island, regardless of the starting point of a journey or the final destination. This small item could help many people to travel widely throughout the island and would not be prohibitively costly.

I am glad the Government has continued to improve child benefit payments. The budget of 2004 provided a worthwhile increase in payment. The increase of €6 in respect of the first and second child and €8 in respect of the third and any subsequent child brings the monthly rate to €131.60 and €165.30, respectively. This is very important. The child benefit scheme benefits an estimated 524,000 families. Those of us who deal with representations on a constant basis are always conscious of the important role played by child benefit in our society. It is a direct payment to families, is efficient and is an effective way of channelling support directly to children. Since 1997, the need to improve the levels of child benefit has been taken seriously. In the 2004 budget an additional €70 million was provided to support increases in child benefit. The importance of child benefit payment is evident when one considers that the Government has more than trebled child benefit since 1997. This is a worthwhile and necessary increase.

I compliment the Government, particularly the Minister for Social and Family Affairs and the Minister for Finance, on ensuring that the 2004 budget package for social welfare amounted to €630 million. The level of expenditure on social welfare is now double that of 1997. That the Government has allocated €11.26 billion for the provision of social welfare services in 2004 shows the huge emphasis it places on ensuring that people who need to avail of social welfare services have a decent income. The 2004 Estimate allows for an increase of 7% on what was spent in 2003. The measures the Minister is implementing with this legislation bear testimony to the Government's emphasis.

On a number of occasions in this House I have raised the difficult position in which many of our emigrants find themselves, particularly in Britain and North America. Those of us who come from counties which were devastated by emigration in the past are conscious of the role many of our emigrants played, particularly in sending remittances home to help the family income. Now that we no longer have enforced emigration, the age cohort of our emigrants is very high. There are very few young emigrants in London, Birmingham, Manchester or the big cities of the United States. This means that elderly emigrants do not have the support of younger people who followed in their footsteps. From visiting the Cavan Association in London and speaking with members of the Cavan Association in other towns, particularly in Britain, I know that severe

[Mr. B. Smith.]

difficulty is felt by emigrants who are living in inadequate housing circumstances and do not have an adequate income.

My local authority is making an effort to rehouse emigrants who wish to come home. However, it would be immature to think that all emigrants who are living in difficult circumstances would want to return to their place of birth. Many of them would not want to return to Ireland. The country has changed greatly and many emigrants no longer have relatives or friends in their home places. Nevertheless, an effort should be made and co-ordinated by the relevant Departments, for example the Departments of Social and Family Affairs, Foreign Affairs and the Environment, Heritage and Local Government, to provide housing at home for those who might wish to avail of such a scheme.

People who work on a voluntary basis with county associations, particularly in London, tell me that many emigrants who have fallen on hard times are living very lonely and isolated lives and that their circumstances are very poor. Those of us who keep in touch with county associations abroad did not need the "Prime Time" programme to highlight those facts for us. We were conscious of the problem long before RTE did a programme on it. I would like the Department of Social and Family Affairs to liaise with its counterpart in Britain to ensure that emigrants are provided with the assistance they need and given the opportunity to return home if they so desire. A small cohort of people, in relative terms, are in straitened circumstances and are not living in good housing conditions.

I pay tribute to the hundreds of thousand of people who were forced to emigrate in the 1940s, 1950s, 1960s and so on to find work and after working extremely hard in difficult occupations sent remittances that were badly needed by their families at home. The least we could do as a State that has prospered in recent times is alleviate the suffering of those people in their twilight years and show them they are not forgotten. I would like the Department, in conjunction with its counterparts in the social security department in Britain and working with the local authorities and the Department of the Environment, Heritage and Local Government, to initiate worthwhile schemes to bring those emigrants home and provide housing for them in their own counties, should they desire to return to Ireland.

People working with the county associations in London have remarked on the dwindling numbers in religious life who provide pastoral care. When the church was extremely strong in personnel, they worked with emigrants and were a constant source of contact and activity for them. Unfortunately their dwindling numbers and fewer people getting involved in voluntary activity is

limiting the contact with people who need assistance and advice. Will the Minister for Social and Family Affairs pursue that together with her colleagues in the Departments of the Environment, Heritage and Local Government and Foreign Affairs.

As Deputy Finian McGrath said, the really effective way of minimising poverty in society is to increase employment opportunities. The substantial increases in the rates of social welfare payments particularly for pensioners and for those in receipt of child benefit in the past few years have had very positive results. The Government gave a commitment to increase pension payments to €200 per person per week over the lifetime of the Government and I am very glad that substantial progress has been made in this regard.

The Bill provides for improvements in the carer's allowance, which is very welcome. We can never give enough support to people who are caring for others 24 hours a day, seven days a week all year round. I welcome the fact that the income disregard has been approved and the respite care grant, which is also very important, has been improved.

I previously put forward a suggestion that there should be a midway house between home help and the carer's allowance schemes to cater for people who are not totally incapacitated but are not able to live independently. These people typically would avail of home help, however a family member does not meet the criteria to qualify as a home help, whereas the carer's allowance may be paid to family members. Consideration should be given to a scheme that provides that a family member may stay at home to care for a parent, sibling or child who although not incapacitated is not in a position to care for himself or herself. A family member may be in a position to stay at home during the day if there was a small payment forthcoming from either the health board or the Department of Social and Family Affairs. This would be of particular help to old people who wish to stay in their own home as long as possible.

Members referred to the prohibitive cost of private nursing homes and we need to provide adequate care for people when they are no longer able to care for themselves. I hope the Department fleshes out my idea as such a scheme would help ameliorate the situation.

Mr. Gilmore: I wish to share my time with Deputy Ó Caoláin.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Gilmore: I join Deputy Brendan Smith and other Members in paying tribute to the staff at the Department of Social and Family Affairs for the very courteous and efficient manner in which they deal with queries from our respective

constituency offices. It is important to state that it is very much appreciated and it is a method of dealing with constituency queries that some Departments are beginning to replicate although not always with the same degree of effect. If it were replicated more particularly in dealing with individual queries it might remove the need for many of the parliamentary questions that we are obliged to ask.

I wish to raise the way in which increases in social welfare payments are presented. Generally they are attended with a great deal of cheer-leading on the part of the Government benches and are often represented in the media with graphic headlines, but unfortunately from the perspective of the social welfare recipient, much of that is very misleading. For somebody who benefits from the full amount of the increase, the increase is clawed back in a number of ways, for example a person in local authority housing may have it clawed back in rent and a person in receipt of rent allowance may have it clawed back in the personal contribution that is required for the rent allowance. Of course, somebody who does not receive the full benefit of the increase, a person on a *pro rata* contributory payment does not get the full benefit and I would like to draw attention to the degree to which there is growing dissatisfaction among people who are on *pro rata* pensions and not benefiting from the full amount of the increases. They do, of course, receive a proportionate amount but this has been drawn to my attention by a number of constituents who are considerably aggrieved by the small increases. Will the Minister look at *pro rata* payments as the recipients are gravely dissatisfied?

Of all the cuts, the change in the rent allowance is one of the most serious. The amount from which rent allowance may be paid has been capped. If a person on rent allowance attempts to rent accommodation where the rent is above the limit that has been arbitrarily set, he or she does not qualify for rent allowance. That is making many people homeless. The Minister, Deputy Coughlan, will argue that there are exemptions whereby people who are homeless will continue to qualify for rent allowance, that community welfare officers will have discretion and that an assessed applicant for local authority housing can qualify. The problem is that, to qualify as homeless, one must first become homeless, which is a fate many recipients of rent allowance will now have to face. In many cases an applicant may not be assessed by a local authority for several months after his or her housing need presents. In such circumstances, the person is not eligible for rent allowance.

I have a solution to suggest to the Minister. The Residential Tenancies Bill 2003 has completed Committee Stage and Report Stage is ordered for this House. There is an inconsistency between its provisions and the regulations governing rent

allowance. The Residential Tenancies Bill provides for the rent of any dwelling to be set at the market rate. It sets out a procedure whereby a tenant may apply to the residential tenancies board if he or she feels the rent he or she is paying exceeds the market rate. The board will be empowered to set the rent at the market level. Similarly, a landlord could apply to the board if he or she felt the rent was out of line with the market rate. On the other hand, the regulations governing rent allowance do not relate to the market rate. The levels are set at an arbitrary level which is that set by the health boards when the regulations were introduced last year.

It has been argued here that the State paid out huge amounts of money in rent allowance, which is true. Nobody should be surprised that this is the case when the Government has allowed the price of houses to increase and private rents to increase correspondingly while failing to provide enough social housing. In the circumstances, the supplementary payment which is made to people in need of housing who must rent privately has to increase. It is also argued that landlords are hiking up rents to qualify for increased rent allowance. The argument is that the landlord can put the rent to any level in the knowledge that rent allowance will increase in tandem. If this is true, the problem can be addressed by providing community welfare officers with the power to make representations to the residential tenancies board.

Under the new legislation, the residential tenancies board can set a rent at market levels. If a person presents for rent allowance and the community welfare officer is of the view that the rent in question is out of line with the market rate in a particular area, he or she should have the power to apply to the residential tenancies board as a tenant would in similar circumstances to argue that case. The board could then set the market rate on which the rent allowance would be based. This system is preferable to the existing one. I do not know the extent to which the problem of landlords increasing rents to qualify for enhanced rent allowance is real or an excuse, but this system would deal with it. It would provide the health boards' community welfare officers with the same entitlement as private tenants.

It would also be fair to the tenant. I know of cases in which landlords increase rents and, because the tenants can do nothing about it, they face the prospect of losing their rent allowance. The provisions of the Residential Tenancies Bill and the regulations governing rent allowance must be reconciled. I ask the Minister to examine the provisions of that Bill to bring rent allowance provisions into line with them. That would resolve the problem from the point of view of the unfortunate tenants who are caught in these circumstances and from the point of view of the

[Mr. Gilmore.]

reasonable requirement on the State to protect the public purse from being ripped off by landlords who consider rent allowance a soft touch.

Caoimhghín Ó Caoláin: I thank Deputy Gilmore for sharing his time. At the Committee on Finance and the Public Service, which concluded its work on the Finance Bill 2004 today, the Minister for Finance, Deputy McCreevy, extended until 2006 a range of property-based tax reliefs. These reliefs are primarily of benefit to property speculators, developers and landlords. By his own admission in reply to a series of Dáil questions from me last week, the Minister for Finance, his Department and the Revenue Commissioners have no estimate of the cost of these reliefs. These gifts, as I can only describe them, are to be given by Government at an unknown cost to the developers of multi-storey car parks private hospitals, sports injuries clinics, hotels and holiday cottages among others.

The same Government, through the Minister for Social and Family Affairs, is imposing miserly and dangerous restrictions in the rent allowance scheme. I will return to the rent allowance scheme before concluding. This is the sort of warped thinking which dominates the Government. It is the context in which the Social Welfare (Miscellaneous Provisions) Bill 2004, which implements the inadequate social welfare increases announced in the budget, proceeds. Despite this, we see an extension of measures which seek only to look after the very well-off in our society.

In the course of this debate, several Government speakers have defended their broken promises on child benefit by pointing at Fine Gael and Labour and reminding all and sundry that the current increases are better than those made under the rainbow coalition Administration. While that may well be so, it should not be forgotten that Fianna Fáil and the Progressive Democrats have been in power during almost seven years of unprecedented economic growth. They have had resources which were not available to previous Governments of any party or combination of parties.

I listened to some of the contributions in recent days and heard a Deputy on the Government side say that we have the best welfare system in the world. The factual position is that the State has some of the lowest social expenditure in Europe while it is more unequal than any other in the developed world with the exception of the USA. If this is the best welfare system in the world, the Deputy should try living in it. While I look forward to the electorate depriving many Fianna Fáil Members of their jobs in the next election, I hope for their own sakes that they will not be

forced to test their colleagues theses as presented in the House last night.

I am beginning to think the Government has set itself the mission of proving that the arguments of those of us who opposed the ratification of the Nice treaty on both occasions were correct. We have already seen how the issue of the creation of a two-tier Europe — a notion mocked by supporters of the Nice treaty when Sinn Féin advanced it during the referendum campaigns — has come to the forefront of discussions on the future of Europe. The Minister is prepared to discriminate against the rights of workers from new member states. We argued that the Nice treaty represented a poor deal for candidate countries while respecting their sovereign rights to take the decisions they did. It is a pity the EU did not have a similar policy of respecting the sovereign rights of member states in terms of our vote on the treaty.

As my colleague, Deputy Ó Snodaigh, pointed out last night, the unclear nature of the Government's proposals to restrict access to social welfare benefits by workers from the new states makes it difficult to assess whether it will be in breach of the EU's rules on non-discrimination on the ground of nationality. The *quid pro quo* in the EU Single Market is freedom of movement for capital in exchange for freedom of movement for labour. States allow full latitude for multinational corporations to export their profits and avoid tax, an issue we address here from time to time. However, we have one of the lowest corporation tax rate regimes in the world. In comparison the benefits for working people are modest by any standards. They should be entitled, without discrimination, to State support when either out of work through illness, incapacity or redundancy. It is essential for all elected representatives to set their face against scaremongering and false claims about people flooding here to make claims against our social welfare code. That will not happen. Such scare tactics have been used in the past in a disgraceful way. All elected representatives must ensure that is completely ruled out at all times and especially in the lead up to and during the forthcoming local elections. It should have no place in the political engagement in the State. We should unite to reject such claims.

I note section 81E gives responsibility for dealing with cases of alleged discrimination or resolving disputes arising out of the changes, to the Office of the Director of Equality Investigations. While I do not have a problem with this in principle, it is safe to say this will mean an increased workload on that office. This will be particularly noticeable in the immediate aftermath of the implementation of this legislation when people try to come to terms with the changes and get used to the practical or impractical effect they will have on their daily life conditions. Perhaps the

3 o'clock

Minister will clarify whether the Government has plans to provide X amount of resources to the Office of the Director of Equality Investigations because that may be necessary to deal with the increased workload.

I referred at the outset to the rent allowance. Recently I had a case presented to me of a young single woman who had been in receipt of rent allowance and subsequently gained remunerative employment, following which the rent allowance was withdrawn. Since her employment has been reduced to ten hours per week, she is no longer able to afford her weekly rent. On her recent visit to the local community welfare officer she was advised that she could not be considered now, and for some time to come, for rent allowance. That is the invidious position in which that young woman is in today. This is just one of the real situations we cautioned against in the earlier stages of addressing the measures introduced by the Minister prior to the budget. We have another opportunity here to point them up but we do so in a more informed way. Rather than speculating on what might be the case, we are able to cite real instances of hardship being created.

I appeal to the Minister for Defence, Deputy Michael Smith, to address this matter to his colleague, the Minister for Social and Family Affairs, Deputy Coughlan. There are many in the same position as the young woman I have described. I will be happy to furnish all the details of her case. It is unacceptable that a young woman who had endeavoured to improve her circumstances, through paid employment, and through no fault of hers — as the employer had to reduce her employment to ten hours per week — is in a position where she cannot cater for her weekly living costs. What are the prospects for this young woman following the measures introduced by the Minister at the end of last year? There is no point in saying in the town of Monaghan that she should go to a cheaper abode. The cost of housing is expensive in many provincial towns, and certainly in Monaghan and other towns with which I am familiar.

I appeal to the Minister for Social and Family Affairs, Deputy Coughlan, whom I welcome into the House, to affirm her interest and willingness to look at this case and to recognise that the measure she has introduced for the rent allowance scheme needs to be addressed. The only way it can be addressed is to reverse the instruction, already issued, and allow for fair and reasonable administration of the scheme. I believe the community welfare officers find it difficult to administer these directives. They are human beings of a caring nature and find it extremely hard to turn down a deserving case. I will furnish the details of that case to the Minister. Will she confirm that she will look at it sympathetically and also at the wider issue of the outworking of her measures?

Mr. Durkan: Once again we visit the Department of Social and Family Affairs. Like many other speakers I have the utmost respect for the Minister who is a compassionate and caring person——

Mary Coughlan: Good.

Mr. Durkan: ——but she is being coddled by some of her Cabinet colleagues. It is only because she is a nice person that this is being done to her and it is not fair.

Mary Coughlan: I did not realise I was so vulnerable.

Mr. Durkan: The point raised by Deputy Ó Caoláin is correct. Instructions are being given to community welfare officers to enforce cuts which the Minister never wanted or intended. Somebody somewhere inside that amorphous mass called Government decided it should happen. The following is a classic example. Where a person gets an increase in social welfare benefit or assistance while living in a house for which the person receives a rent supplement, as soon as the increase in the social welfare benefit or allowance takes place, there is a reduction in the rent allowance. That is in breach of the law. It may well be departmental policy but once a specific figure is arrived at, in respect of which an individual is entitled to benefit or assistance, an erosion of that on the basis of some other criteria is illegal. I have had this argument with the Department of Social and Family Affairs on many occasions. The local authorities try to do the same in the area of differential rents. Where a social welfare payment is increased, automatically there is a rent increase on the basis of an increased income. The two are separate. One is supposed to be an increase which takes into account the basic minimum payment to a person in receipt of assistance. Any interference with that is in breach of the law. The differential rent is an attempt by the local authority or the health board to get a subsidy for themselves out of the system, which is wrong. The Minister will say this is not happening but it is happening on a regular basis.

When fools like me tell constituents their rights and they go to see their community welfare officers, some of those officers tell them they should not go near politicians, that they are only looking for votes, that they are not their friends and that the officers themselves can deal with the matter. I do not mind them playing a little politics. They have every right to do so, provided they run for election under the same guise. Far be it from me to suggest they would have any other motive. However, if I get another similar complaint from a constituent, I will deal with it in a way that those concerned will remember for a long time. While I do not want to have to do that, I give fair warning that I will deal with the

[Mr. Durkan.]

next complaint of that nature I receive from a constituent, and there are ways to do that here.

This is not a personal matter. I accept the Minister is a caring and compassionate person. However, she is surrounded by bushwhackers who are waiting in the bushes for her all the time.

Mary Coughlan: I will need my machete.

Mr. Durkan: The Minister must take action because nothing is as bad as a nice Minister for Social and Family Affairs who is seen as an easy target by the many vultures around the Cabinet table. You know this, a Cheann Comhairle, having been there, done that and worn the T-shirt.

Another area of concern arising from the budget is in regard to the 4 cent per day child benefit increase. I am not attempting to trivialise the issue but am simply drawing attention to a disappointing increase. I am not blaming the Minister. It is generally accepted that child benefit is a method by which income can be directed to the benefit of families in a carefully managed way so that mothers can pay for child minding, crèche facilities and other facilities. The need for such facilities has never been greater.

The Minister will probably attempt improvements in this area next year but I ask her to give it serious consideration before then. She should not let others cod her, side-track her or push her into a cul de sac. The Minister must deal with such people. She is feisty and can well deal with these people when she wants. I am simply giving her some friendly advice.

An Ceann Comhairle: Some of Deputy Durkan's descriptions are inappropriate to parliamentary debate.

Mr. Durkan: What is wrong with what I said?

An Ceann Comhairle: The Deputy referred to "bushwhackers". I am talking about the general tone of your contribution.

Mr. Durkan: The term "bushwhackers" has been used in Parliaments all over the world. I would call such people dry-gulchers, bushwhackers and a number of other things. The term "bushwhacker" is an Americanisation meaning sniper, but I do not want to use that phraseology and I think dry-gulcher or bushwhacker is more appropriate.

The reference to feistiness was a compliment and was meant as such. The Minister took it as a compliment, which is even better. I am sure you, a Cheann Comhairle, took it as a compliment also.

An Ceann Comhairle: The problem is that when a Deputy pays such compliments to a Member on the opposite side of the House, it is just as easy to go the other way. The Chair would prefer if the Deputy did not get involved.

Mr. Durkan: A Cheann Comhairle, you have been in the House a fair number of years and I have kept an eye on you for many of them. I seldom go the other way, as you know. While I accept that some of my compliments might have been back-handed, they were never malicious.

The Minister must seriously consider the issues. I make a genuine case in the context of personal knowledge of real cases, similar to that of many Members who spoke from the heart in this debate. I singled out areas of special concern to me because I deal with them regularly, and will deal with them again in coming days. The Bill does nothing to address the issues I raised, despite the budget having been deemed a windfall for social welfare recipients, which is far from the case.

Minister for Social and Family Affairs (Mary Coughlan): I worry about myself because some Members say I have no compassion and, because I am a woman, I should have — others believe I am a woman of compassion but easily manipulated by my colleagues. While I sometimes wonder where I stand on these issues, given my 17 years of experience in this House, I will stand on my own two feet, make decisions accordingly and take what consequences come my way in due course.

I thank all Members who participated in the debate. Many raised concerns with topical issues appertaining to proposed changes within the social welfare code, to which I will first allude. I indicated that I am considering restrictions within the social welfare code which will be no less robust than those applying in the United Kingdom. However, I re-emphasise the welcome which people from accession countries will have to participate in the Irish labour force.

It is important to record that, as the regulations stand, those who are inactive, such as pensioners and students, from all EU countries, including accession countries, are more than welcome to reside in this country as long as they are not a burden on the State. It is only on the basis of the common travel arrangements with the United Kingdom that we have found ourselves in a position where we could be seen as an attractive part of the world to travel to, given that we have a very strong economy and, most particularly, because some say our social welfare system will entice people to come here because the system is so good. At the same time, I am criticised in regard to the social welfare system. I must accept that is the reality of politics.

Mr. Durkan: That is right, it is the reality.

Mr. Ring: That is life.

Mary Coughlan: On one hand it is one way and, on the other, another. I will shortly introduce measures to safeguard our social welfare system. As Members will appreciate, it is proposed, given the length of the Bill, that we

take Committee Stage on Tuesday next. However, I must get the agreement of Cabinet before I make available the amendments. Many Members expressed concerns to the effect that they would prefer to receive the amendments tomorrow, Friday, but I will not be in a position to provide them because they will not have been cleared by Cabinet. We propose to take Committee Stage on Tuesday next. I have asked that the Chair consider taking the Bill on Friday, 5 March also, to allow Members time to evaluate the proposals. I and my officials will facilitate this in regard to the amendments as agreed.

Mr. Ring: The Minister would not publish the amendments on Tuesday next and expect us to discuss them on the same day.

Mary Coughlan: I will publish them on Tuesday.

Mr. Ring: Will the Minister expect us to discuss them on Tuesday?

Mary Coughlan: I hope we will continue Committee Stage on Friday, which would give Members time to consider the amendments. Otherwise, I will have to introduce them on Report Stage, which I would prefer not to do. I do not expect the Whip opposite to jump up and down while saying I am in any way circumventing due process.

With regard to the Bill, some Members were concerned with the qualification conditions for pensions. I reiterate that we are currently reviewing the qualification conditions for contributory old age pensions to ascertain whether changes can be made to the system. The possibility of replacing the current system, which is based on yearly averages, with one based on total contributions paid or credited is being examined by the Department.

Mr. Durkan: The Minister should be careful in that regard. There are many trap-doors around that issue.

Mary Coughlan: That is so. I hope to have the report in a few months but, as the Deputy knows, in regard to making changes to a major area such as contributions, in trying to solve one problem one could create another. Therefore, this will take some time to evaluate and to find the best possible way to progress.

Many speakers mentioned carers and we all agree that the support given by carers is second to none. We have had a number of discussions on carers within our committee and we intend to deliver on the programme for Government. We have almost completed our work on the disregard for carers, we have increased the personal rates for the carer's allowance and benefit and we have increased the respite care grant. Everyone would agree that, in a short time, we have changed the ethos of caring and 24,300 carers will benefit this year. I am aware of the work of the committee

and in April I will forward a comment card and literature to all interested parties in the non-governmental organisation system and Oireachtas Members seeking their views on the implications for future funding of long-term care. This issue will come to the fore in the future and we will have to make difficult decisions about how we will pay for it. We will continue our reform of the carer's allowance and benefit to address the concerns expressed by Opposition speakers.

The House agrees that child benefit is one method of dealing in a universal way with child care and child poverty in particular. We have delivered a considerable amount of investment in child benefit. It is not that long ago, 1997, that child benefit was €38.09 for the first and second child.

Mr. Durkan: The cost of living was lower too.

Mary Coughlan: It was €49.52 for third and subsequent children. It is €131.60 and €165 respectively as of April.

Mr. Ring: What about the 2001 promise?

Mary Coughlan: Members should listen. A sum of €1.775 billion is involved this year, which is a huge investment in children.

Mr. Durkan: That is history.

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

Mary Coughlan: Completion of this strategy will cost an additional €235 million in a full year and I intend to continue with investment in child benefit. We have reached 89% of our commitment and we will continue to deliver on the commitment to child benefit.

Mr. Ring: The Minister sounds like the Taoiseach.

Mary Coughlan: The child dependant allowance, CDA, issue is raised *ad infinitum* and we will have to come to some agreement on how we will deal with it. Although Members opposite may not agree, CDAs are in themselves a disincentive to people to move out of welfare dependency and into work. We are evaluating the implications under Sustaining Progress of addressing the family income supplement and CDAs. An OECD report I launched last year indicated that the use of CDAs had been ineffective and needed to be dealt with. As a policy issue we will continue the evaluation of its effectiveness within the social welfare code and we hope to be in a position to look at the interaction of the entirety of family income support in a short period.

The back to education scheme was referred to by several speakers and my flippant way was chosen by members of the media to indicate one

[Mary Coughlan.] of the reasons for changes in that scheme. We should examine the reasons the scheme was commenced along with investment in education at that time. What kind of investment existed at that time in future and additional support structures for people to remain in school and to progress to university? Things have changed considerably since the introduction of the scheme in 1990, when 67 people participated in it. In the academic year 2002-03 6,473 participated in the scheme. This year so far there has been an increase in numbers, with 7,498 people participating.

Mr. Durkan: That is good.

Mary Coughlan: It is great. I have no problem with it.

Mr. Ring: It is great for the country. Those people will not be on social welfare in the future.

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

Mary Coughlan: The scheme is targeted and looks at many of the fundamental issues which arise in this area, such as illiteracy, continuing in education and self-esteem. Foundation courses have been put together by my Department and the Department of Education and Science, as Members will be aware, in Outreach and the institutes of technology and they have been tremendous. Those in the programme at second level will not be affected and those in the programme at third level will be affected to the extent that there will be universality in the way the schemes are run.

The supplementary welfare allowance was referred to and it is an easy target. Deputy Lynch made accusations against me in the House which are the natural *modus operandi* of the Labour Party when addressing issues of concern. That party has been aware of these issues for the past 20 years but is not prepared to do anything about them. It is easy for an Opposition Member to point at me and say that, because of me, people are homeless. That is untrue. We changed the rent cap here last year and not one person was made homeless as a consequence. What happened instead was that rents were reduced. People needed the opportunity of an increased threshold and we facilitated that through community welfare officers and through my Department. We cannot continue to have vulnerable people being dealt with in a long-term context when they should be dealt with in an emergency context. I agree that housing is an issue for us all, especially members of local authorities, but there is no way we can continue to be a soft option and not allow vulnerable people the opportunity to have their long-term housing needs dealt with. Members know that many people examined for housing are described

as adequately dealt with because they are renting, and as a result they may be passed over in the housing lists. That is not fair.

I set up four pilot projects but it is interesting to see the lack of joined-up government at local level when it comes to this issue. My Department, community welfare officers, EHOs and housing officers are all involved so I decided there would have to be changes. On that basis we will produce an action plan on housing to address the concerns being raised.

Mr. Durkan: I will support the plan, provided it is worth supporting.

Mary Coughlan: I will welcome the support of all Members for its implementation, especially in county councils. Local authorities may not be enamoured with what I have to say. However, this is unfair. A huge investment of €370 million is provided for rent supplement. If county councils had that money, what could they do to address the social housing problem?

I reiterate my concerns because people are being misinformed and that is unfair. People on a housing list are entitled to supplementary welfare regardless of the six month rule. People categorised under any of the Department of the Environment, Heritage and Local Government legislation on homelessness are entitled to supplementary welfare. Those over 65, people on disability allowance, people on invalidity pension, people who have been tenants for the past six months——

Mr. Durkan: It could take up to two years to categorise some of them.

Mary Coughlan: We will have a protocol from the housing action plan to deal with those issues. It will be a short-term measure to ensure that people's applications for housing will be evaluated in time to determine their eligibility.

It is not true that the diet supplement has been done away with. The methodology of examining one's eligibility——

Mr. Ring: It is gone.

Mary Coughlan: Nobody has been removed from diet supplement.

Mr. Ring: It was taken away from those who needed it.

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

Mary Coughlan: I challenge the Deputy to name one person who has been cut off. Not one person has been cut off.

Mr. Ring: The people who need this will not get it.

Mary Coughlan: The money advice and budgeting service, MABS, is a fabulous service for people. It does not involve money. It is an advisory service where people are facilitated with their debts and concerns. This tremendous service is available throughout the country and, this year, I provided additional funding for it. We have changed the role of MABS, providing support and networking to those who need it. I have met people who were in difficulties before using MABS. Just by getting organised and being supported, they were able to deal with their issues. The protocols between MABS and particularly the ESB and others has been beneficial to people. The continuation of the MABS service and support for it will be of tremendous benefit.

We have invested considerably in social welfare and we have developed and expanded good programmes which will continue to be added to. More than €11 billion, the largest amount of money for any Department other than the Department of Finance, is being provided for the people who are less well off. It is mine and everyone else's duty to ensure we continue that. A social welfare package of more than €630 million this year is a clear indication of the Government's support for the less well off and I dare the Opposition to do better the next time.

Mr. Ring: The Minister broke her promise on child benefit.

Question put.

The Dáil divided: Tá, 62; Níl, 49.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Aylward, Liam.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cregan, John.
Cullen, Martin.
Curran, John.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Kelleher, Billy.
Kelly, Peter.

Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Conor.
McCreevy, Charlie.
McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donoghue, John.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
Power, Peter.
Roche, Dick.
Ryan, Eoin.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Ní

Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.

Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Ferris, Martin.
Gilmore, Eamon.
Gormley, John.
Harkin, Marian.
Healy, Seamus.

Níl—*continued*

Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Murphy, Gerard.
Naughten, Denis.
Noonan, Michael.
Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Social Welfare (Miscellaneous Provisions) Bill 2004: Referral to Select Committee.

Minister for Social and Family Affairs (Mary Coughlan): I move:

That the Bill be referred to the Select Committee on Social and Family Affairs, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the European Parliament Elections (Amendment) Bill 2003, without amendment.

Messages from Select Committees.

An Ceann Comhairle: The Select Committee on Health and Children has completed its consideration of the Public Health (Tobacco) (Amendment) Bill 2003, and has made amendments thereto.

The Select Committee on Finance and the Public Service has completed its consideration of the Finance Bill 2004, and has made amendments thereto.

Ceisteanna — Questions.

Priority Questions.

Criminal Prosecutions.

1. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of arrests made and convictions secured over the past three years for possession of drugs with intent to

supply; his views on whether the dealing, illicit trafficking and use of drugs is decreasing; and if he will make a statement on the matter.
[6398/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 15 of the Misuse of Drugs Acts 1977 to 1984 deals with the possession of controlled drugs for the purposes of unlawful sale or supply. I am informed by the Garda authorities that the number of section 15 cases where proceedings commenced in the years 2000, 2001 and 2002, respectively, are as follows:

Year	No. of cases
2000	1,706
2001	1,520
2002	1,530

The number of persons convicted for section 15 offences during these years are as follows:

Year	No. of convictions
2000	686
2001	366
2002	358

The comparative figures for 2003 are not yet available. The Garda Síochána annual reports for the above years provide more detailed information on the status of such section 15 cases within the criminal justice system at the time of publication of the reports. The Garda annual reports also provide detailed information on the type and quantity of illegal drugs seized annually by the gardaí.

Any assessment of trends in drug dealing, illicit trafficking and the use of illegal drugs must be made in the context of these activities being of a clandestine nature. However, what can be done to map trends is an analysis of the key pieces of information available to us which includes the

Garda and Customs and Excise statistics and information and our drug treatment and drug research data

As the Deputy will be aware, the Government's overall policy to tackle the problem is set out in the National Drugs Strategy 2001-2008. Responsibility for implementation of the strategy lies with my colleague, the Minister for State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern.

On the issue of drugs seizures in general, as the Deputy may be aware, a key performance indicator in the national drugs strategy is to increase the volume of opiates and all other drugs seized by 25% by the end of 2004 and by 50% by the end of 2008, using 2,000 seizures as a base. The Garda Síochána and the Customs and Excise service are achieving considerable success in regard to this target to date, and they are to be congratulated on their continued efforts. The available data on drug seizures is as follows. Garda seizures for 2000 amounted to €20 million; 2001, €45 million; 2002, €49 million and 2003, €100 million. Customs and Excise seizures for 2000 amounted to €11 million; 2001, €60 million; 2002, €34 million and 2003, €21 million.

Additional Information not given on the floor of the House

In terms of assessing overall trends in relation to drug use, the National Advisory Committee on Drugs, NACD, the Government's research arm on the drugs issue, released two studies in 2003 on drugs prevalence. A study into opiate users, published last May, based on 2001 data, estimated that there are approximately 14,450 users in this jurisdiction, with just under 12,500 of those users estimated to be in Dublin. The estimate is based on statistics provided by three data sources for 2001 — the Central Drug Treatment List, the Hospital In-Patient Enquiry database and the National Garda Study on opiate misuse and related criminal activity.

This was first formal estimate of opiate users undertaken since a 1996 study which used the same methodology but estimated prevalence for Dublin only. It is worth noting that while the figures are estimates, there is a marked decrease on the previously reported figure for opiate users in Dublin — 12,456 in 2001 compared with 13,461 in 1996. The fact that such a significant number of opiate users continues to exist among our communities remains an issue of major concern which leaves us with no room for complacency on this matter. However, the decrease in the Dublin figures is encouraging, as is the finding that the numbers of users in the 15 to 24 year old bracket has reduced substantially which may point to a lower rate of initiation into heroin misuse.

The second prevalence study released by the NACD during 2003 was a general population survey examining drug use in the whole island of

Ireland. This survey, done in conjunction with the drug and alcohol information and research unit, DAIRU, in Northern Ireland, found that in Ireland, 19% of the respondents had used illegal drugs in their lifetime, 5.6% within the last year of their interview and 3% within the last month of their interview. These figures place Ireland broadly in line with European averages when compared to similar surveys undertaken across Europe.

This study gathered substantial further information which will be analysed over the coming months by the NACD, DAIRU and the drug misuse division of the Health Research Board. The report containing these figures is the first in a series of bulletins which will be published as the analysis is completed on over 150 questions relating to tobacco, alcohol and illegal drug use, as well as findings relating to specific drugs, attitudes, perceived availability of illegal drugs and attempts to modify behaviour by quitting drug use.

The Government recognises that drugs seizures, while very welcome, must only be one part of our overall strategy in fighting the drugs problem which remains one of the great social ills of our times. Apart from our continuing efforts on the drug supply control side, we need to constantly continue to develop our range of responses, addressing both the causes and consequences of the problem.

Mr. Deasy: I put down the question because I visited Mountjoy last week — we all need to remind ourselves that the reason many people end up in jail in this country is largely due to the use of illegal drugs. The Minister referred to the figures relating to drug seizures. It is the case that the figures look good as opposed to two years ago.

The Minister gave two commitments when he took up office in June 2002. He said he would try to increase the number of seizures by 25% at the very least, which has happened. He also said he wanted the charges against people for possession of drugs with the intent to sell and supply them to increase by 50%, but according to the preliminary figures the level of such charges has dipped. That tells me that the message is not getting through to the people on the ground that there is a deterrent in place in regard to being found in possession of drugs with an intent to supply. The Minister needs to address sentencing policy in regard to drug dealers and not only for people who shift the drugs into the country. That message is not getting through to those people. It is clear that the ten year so-called minimum sentence brought in a few years ago has not been enforced by judges and that message is not getting through to the drug dealers. We suggested that the Minister should consider at least the imposition of a three-month minimum sentence

[Mr. Deasy.]

for a first offence of possession of drugs with intent to supply.

Mr. McDowell: I have some sympathy with what Deputy Deasy said. In regard to the ten-year mandatory sentence passed into law by this House, I am disappointed that the Judiciary has not taken to it in the way the House had intended. It is not being applied with the vigour the House had expected. The House will recall, and Deputy Deasy will be aware, that provisions were provided for in exceptional cases, but it seems that the exception is when the wish of this House is complied with. The Judiciary collectively should have regard to the proposition that this House put before it, namely, that for possession of drugs with intent to supply on a commercial basis, as defined in that statute, the norm was to be a ten-year sentence and that only in exceptional cases identified by the Judiciary should there be a lesser penalty. That has not happened, but that is something to which I will come back because I do not propose to lose sight of it.

The second point Deputy Deasy raised was the situation in prisons. I fully agree with him that the great majority of people in our prisons are there as a result of drug-related crime one way or the other. In that context, I signal to the House, and generally to the public, that the commitment in the programme for Government for the introduction of mandatory testing of prisoners and creating drug free prisons, as opposed to drug free units in prisons, is the way forward. There is no acceptable level of drugs in prisons. The notion of providing sterilising fluid and needles in prisons to abusing prisoners is anathema as far as I am concerned. I am not going to go down that road no matter what case is made for it by whomsoever.

I want to give two other figures about which there may be some optimism. The number of opiate users in Dublin, a city with an expanding population, is down from 13,461 in 1996 to 12,456 now but, more encouraging, the number of opiate users in the 15 to 24 age category is dramatically down compared to what it used to be. The figures in regard to abuse of drugs generally are not as bad as is being made out, but there is a strong drugs trade in Ireland. There is no doubt that the number of seizures represents an index of Garda activity on the one side, but it also represents an index of the volume of the trade from which these seizures are being made. Therefore, one cannot make simplistic conclusions about it.

Mr. Deasy: May I ask a brief question?

An Ceann Comhairle: No. We have gone well over the six minutes allocated for this question and we have already lost 15 minutes of Question

Time due to the vote. I want to be fair to colleagues who are waiting to have questions answered.

Sexual Offences.

2. Mr. Costello asked the Minister for Justice, Equality and Law Reform the outcome of his meeting with the One in Four group on 13 February 2004; the reason the inquiry into allegations of sexual abuse in the Dublin diocese, announced by him in October 2002, has not yet been established; when he expects the inquiry to be established and operational; and if he will make a statement on the matter. [6400/04]

Mr. McDowell: On 13 February last I held a further meeting with three people representing those who have experienced sexual abuse. In common with all our previous contacts, the meeting was very useful and friendly. In my view, the most suitable and cost effective form of investigation in this instance is the model set out in the Commissions of Investigation Bill 2003, which I published and presented to the Dáil on 1 July 2003. I wrote recently to the Government Chief Whip seeking Dáil time as a matter of urgency for this particular Bill and she has assured me of her assistance in this matter. The Second Stage has been ordered for next week. I look forward to full co-operation from other parties in the House in passing the legislation and I welcome their recent statements reaffirming their support in progressing this vital legislation.

In parallel with work on the Bill, preliminary work has started on draft terms of reference for a commission to investigate the matter referred to in the Deputy's question, and I hope the proposed commission should be in a position to commence its work in September of this year, subject to the necessary legislation being in place.

As the Deputy is aware, a special Garda investigation team was set up in the National Bureau of Criminal Investigation in October 2002 to investigate allegations of clerical child sex abuse. I sought an update from the Garda authorities in regard to this investigation and I am informed that a total of 14 files have been submitted to the Director of Public Prosecutions to date seeking directions as to criminal proceedings and a further 20 cases are currently being investigated — that is 34 in all. I am assured by the Garda authorities that all the allegations are being thoroughly investigated. Deputy Costello will appreciate that the matter of criminal prosecutions is a matter for the DPP.

Mr. Costello: I regret that it had to come to my tabling a question in the Dáil before we see action from the Minister in this regard. He said that the legislation was promised in July 2003 and he announced it on 3 December 2002, when he said he had announced he would establish an

inquiry into the clerical abuse in the archdiocese in October 2002. Now he is at last getting Dáil time from the Chief Whip to introduce the legislation. That is out of line with what was reported in the media when the Minister said that the work could begin if Opposition parties supported the Bill, giving the impression when he met the One in Four group on 13 February that the reason the legislation was not being brought through the Dáil was because there was no support for it from the Opposition parties. In February 2003, I put on record that I would support the proposed scheme the Minister indicated he would bring forward. There is no question of the Opposition at any stage suggesting it would not be supportive of this type of legislation on the commissions of investigation.

Why has the Minister made false and misleading statements as to why he has delayed so long in bringing forward an inquiry into the abuse in the archdiocese of Dublin, that was highlighted initially in the “Cardinal Secrets” programme and on “Prime Time” on RTE 18 months ago? Why is it that as a result of that, the Roman Catholic Church, which had set up the Irish Catholic Church independent commission in December 2002, disbanded the commission because of the Minister’s commitment? Judge Gillian Hussey stood down. The commission which had been set up for six months has not been sitting for the past 50 months because of the Minister’s commitments which were never delivered on.

Mr. McDowell: I made no false or misleading statements in private or in public. I indicated, as is the case, that on 1 July last I published the Bill, which has not yet received its second reading in this House. The reason for that must be plain to everybody. I am not accusing Deputy Costello, Deputy Deasy or anybody in this Chamber of responsibility in that regard, and have not done so. I have not suggested that is the responsibility of the Opposition parties.

Mr. Costello: The Minister said the legislation is not supported by the Opposition.

Mr. McDowell: No, I did not. What I said, and reiterate clearly now, is that I have 13 important Bills which cannot get an adequate and expeditious hearing in this House.

Mr. Costello: That is not our fault.

Mr. McDowell: The constant cry from Deputy Costello is that it is not his fault. Every day in this House between half an hour and an hour is wasted discussing whether we should discuss matters. That is what happens. Every day we have votes on the Order of Business and we sit here answering inane questions about what will and will not happen. If we added up all the hours

spent every week on the Order of Business wasting time and devoted that time to dealing with a Second Stage debate, this legislation would be law already.

Mr. Costello: On a point of order——

Mr. McDowell: The Deputy will get to ask his supplementary question in a second.

Mr. Costello: What the Minister said was that the work could start if Opposition parties supported the Bill.

An Ceann Comhairle: That is not a point of order. The Deputy stated that earlier.

Mr. Costello: The Minister is still misleading the House.

An Ceann Comhairle: Allow the Minister to conclude on this question, please. We lost 15 minutes on the vote.

Mr. McDowell: I do not draw a Jesuitical distinction between supporting the Bill and making provision for it to be heard. The Bill was published on 1 July 2002. I like going through the legislative process. It is one of the aspects of politics that I like. I am not shy of it, but this House seems to spend more time talking about what it is not doing than getting on with what it should be doing. I will not retract that point. I strongly believe in it.

Mr. Costello: Will the Minister ask the Chief Whip to get the legislation on the floor of the House?

An Ceann Comhairle: As with Deputy Deasy’s question, we have taken more than six minutes on this question and have already lost 15 minutes with the vote.

Garda Equipment.

3. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform his views on the plans of the Garda Síochána in relation to the use of non-lethal technology; and if he will make a statement on whether such technology has been studied for employment here. [6396/04]

Mr. McDowell: The Government noted, on 19 November 2002, my proposal to authorise the introduction of the following “less lethal” weapons for use by the Garda emergency response unit where this is necessary to avoid the use of firearms: bean bag shot, which is effectively a bag filled with shot fired from a shotgun so that it does not penetrate the body but delivers a blow with the intention of temporarily incapacitating the person — it is in effect a flying purse of lead shot; pepper spray device, a special aerosol projector designed to deliver a directional pepper

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spray to a distance of 25 to 30 feet — it could possibly be useful in this House; and ferret pepper spray shot, a shotgun cartridge device that is intended to penetrate a door or window and deliver pepper spray inside.

Before approval was sought for the introduction of these devices, the internal procedure within the Garda Síochána involved a report being compiled by a working party consisting of members of the Garda Síochána. To fully assess the requirements for the force the working party needed to consult other police forces in a confidential manner on the operation and use of such “less lethal” weapons. Confidential consultation was also required with suppliers and manufacturers. The Garda Commissioner consequently established an implementation team which is now finalising the acquisition of these items with the training syllabus to be undertaken by selected members of the Garda Síochána.

Mr. Cuffe: I am obviously aware that there is a need for changing and modernising the weapons used by the Garda Síochána. I hope there will be consultation with other interested groups, such as civil liberties organisations, who have a wide range of international experience. Does the Minister intend to have wider consultation with the public or with NGOs such as civil liberties organisations? I would like to know if this array of weaponry includes the kind of equipment that could be used in a hostage. There are other solutions that could be used to subdue or overcome aggressors in such cases. I wonder if the Garda Síochána would be able to expand the range of instruments available to it so that it could have effective tools to defuse matters in a hostage.

Mr. McDowell: A number of the points raised by the Deputy are the subject of consideration on the terms of reference on the Barr tribunal. I emphasise that the three types of less lethal weapons to which I referred are to be given to the Garda emergency response unit in substitution for firearms. From a civil liberties and individual rights point of view, we are talking of giving the Garda alternatives to using firearms. I appreciate that some of these less lethal weapons can be dangerous, but there is nothing as dangerous as the use of firearms in terms of the armoury available to the Garda Síochána. What we want to do, and what the Garda Commissioner is anxious to do, is to provide equipment less lethal than firearms for the Garda to use in appropriate circumstances. Obviously, the best solution involves persuasion by means of megaphones and so on, and psychology and counselling, when dealing with the difficult situations to which the Deputy refers.

Some people, and indeed some police forces, have criticised these less lethal weapons, saying

that they can be dangerous if improperly used or used in circumstances where the outcome is not as clear as that intended by the user. I accept that, but some of the criticism of these items has come from police forces which use the plastic bullet. They say that those bullets also involve problems. Since we do not use the plastic bullet in this jurisdiction, the Garda is making a fair judgment in saying that this less lethal technology is preferable to plastic bullets and to firearms in general.

Mr. Cuffe: The Minister might just clarify the consultation issue. Has the Garda been given permission to use these weapons or will there be consultation with the general public?

Mr. McDowell: It is open to any civil liberties group to express views on these matters, and I will pay close attention to any such views. A formalised consultation process has not been put in place. If we are replacing firearms with this sort of technology, we are talking about cases where lives are at issue, so lengthy consultation with civil liberties groups is not entirely necessary since these weapons are confined to the emergency response unit and are intended as a substitute for firearms. I do not think any civil liberties group would urge the use of firearms in preference to less lethal weapons.

Mr. Cuffe: I welcome that, but there are concerns in the United States about these items being bad technology.

Mr. McDowell: I have no doubt that there are. Any technology of this kind cannot be entirely devoid of risk.

Firearms Licences.

4. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the policy on the issuing of licences for 0308 firearms and other similar armaments; if his attention has been drawn to the fact that this policy prevents marksmen from representing Ireland internationally; and if he will make a statement on the matter. [6399/04]

Mr. McDowell: The Deputy will appreciate that there is a difficult balance to be drawn between, on the one hand, having a firearms policy which seeks to limit the availability of particular classes of firearm for reasons of public safety and national security and, on the other hand, endeavouring to meet the requirements of those who wish to participate in international shooting competitions.

Since 1972 the general approach has been that the use of all rifled firearms of a calibre exceeding .22 inches and all handguns should be curbed. It was the view of successive Ministers for Justice that public safety and security was best served by that approach as it was designed particularly to make it more difficult for pistols, revolvers and

heavy calibre rifles to come into the hands of those who would misuse them, not least in the context of the then prevailing security situation. The policy has not been inflexible in that in 1993 the then Government authorised an increase in the calibre of firearms which might be licensed for deer culling and competitive target shooting from .22 inch to .270 inch.

Granting firearms certificates, which authorise possession, use and carrying of a firearm, is a matter at the discretion of Garda superintendents in accordance with the relevant legislation. The Supreme Court found in May 2002 that in exercising that statutory function, superintendents could not be subject to directions from the Garda Commissioner. However, where a licence is required for the importation of firearms this, under law, is a matter for the Minister, and the long-standing policy would exclude the issuing of a licence for the importation of the type of firearm referred to by the Deputy.

I have heard from and met people who consider that policy antiquated. I can see some considerable force — this is a view which Deputy Deasy might share — in the proposition that the real danger to Irish society probably does not come from misappropriated sporting firearms or competitive shooting firearms, and that the prevalence of firearms and their availability from other sources is probably much more obvious as a problem than this particular problem. I want to review the position and address the difficulties that competitive shooters currently encounter.

Mr. Deasy: I appreciate the response. The problem is that this has been going on for about five or six years. The Minister spoke of balance in the policy, but there does not appear to be much of that. There does not seem to be much common sense here. A European champion applied for a licence and he poses no threat to national security, yet he was not allowed a licence.

This is officialdom gone mad on drugs. It is crazy that somebody like Nicholas Flood — we do not have many European champions — cannot get a certificate for a 0308 firearm. There must be some way out for those people who represent Ireland in these shooting competitions. The Minister informs me that neither he nor the Garda Commissioner has the power to direct a superintendent in this case. The person concerned has been informed that the superintendent has consulted his superiors and that they have said “no”. It does not make sense; this is madness. He is caught in a bureaucratic minefield — a crazy tangle of bureaucracy and officialdom.

Somebody needs to step in and make sense of this. It does not seem the gardaí are willing to do that. The Minister must address this from a common-sense standpoint. I appreciate the Minister said he will review this but, in the meantime, this country is losing money by not

being able to hold these events. Somebody must step in, make sense of this and provide a way out for these people who represent our country.

Mr. McDowell: I agree with Deputy Deasy. The situation at present is unduly conservative and a political steer is needed. I confess that I met some of the relevant interests over a year ago and promised them early action. For one reason or another, I have been blown off course on that issue.

Mr. Costello: The Opposition was not co-operative, I presume.

Mr. McDowell: I am glad Deputy Costello is interrupting me while I am admitting to fault. An intelligent, common-sense approach will make for a situation which would be more satisfactory. I share Deputy Deasy's view that people engaging in a competitive sport recognised at Olympic level and the like should not face insuperable or impossible odds on a domestic legislation front just because they live in Ireland, which is not wholly different from any other society in the world in terms of the firearms issue, when we all just wish them well when they go abroad to represent the State.

Mr. Deasy: The Minister said he will undertake a review. How soon will he do so? These people have been put on the long finger for years.

Mr. McDowell: I will stick my neck out and say that I will ask my officials to set in train a review with a view to coming to firm a decision by mid-summer of this year.

Community Policing.

5. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the reason the number of community gardaí in the Coolock Garda district, Dublin 5, has decreased by half over the past six years; if he will take steps to ensure the restoration of this Garda community unit to its previous strength; his views on community policing in tackling anti-social behaviour, joy-riding and so on; and if he will make a statement on the matter. [6440/04]

Mr. McDowell: Community policing initiatives make a significant contribution to combating joy-riding and to reducing anti-social behaviour in Coolock and other areas. Community policing initiatives provide a forum for the evolution of crime prevention programmes and for joint enterprises between the community and the local gardaí in combating local policing problems.

Community policing initiatives have, furthermore, consolidated the partnership approach to policing in the community through which the gardaí liaise with community groups and a number of projects are in operation which have proved effective in dealing with the scourge

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of joy-riding, which has been a particular problem in the Coolock area.

With regard to projects in the Coolock area, the Woodale project caters for persons at risk from either crime or anti-social activity. This project, which is a Coolock Garda initiative funded by my Department, caters for 18 juveniles who have been referred through the juvenile liaison officer scheme and the probation and welfare service. The objective of the project is to divert youths involved in anti-social behaviour and joy-riding through involvement in a range of pursuits designed to improve behaviour and social skills. The catchment area for the project is Darndale and Priorswood. Since the inception of this project, which has been successful, a number of participants have returned to full-time education while others have developed computer and literacy skills. The success of the programme is such that it is actively supported by the parents of those involved.

The capacity of the Dublin metropolitan north divisional force to respond to car crime and anti-social behaviour is under continuous review and is dealt with locally by Garda management. The Criminal Justice (Public Order) Act is actively enforced to address anti-social behaviour should it arise. In this regard, I have been informed by the Garda authorities that the number of car thefts and crimes involving cars unlawfully in the possession and use of persons of a criminal disposition has been reduced substantially in the past six months. Proactive policing in the area where this type of crime is frequent has been central to this success.

On the question of resources, I am informed by the Garda authorities that there is a sufficient number of gardaí available to patrol the Dublin metropolitan northern division.

Mr. F. McGrath: I thank the Minister for his response. Is he aware of the huge anti-social and crime problems that exist in our society? Surely community gardaí must be part of the solution. Is the Minister aware that, in part of my constituency in 2003, more than €20 million worth of drugs were confiscated and more than 278 people were arrested for drugs related offences? Is he aware of the considerable anti-social and community intimidation problems that exist in some estates where people are terrified to speak out? In the 1980s, communities fought back but it now seems the stuffing has been knocked out of them. There is a lack of confidence, especially given the shootings and murders. Will the Minister get the gardaí to do their job and urge the Government to increase the number of community gardaí and not cut back as has happened in Coolock where the number has been reduced from 12 to six over the past six years?

What would the Minister say to a disabled constituent of mine who must suffer bullying and intimidation each night after 7 p.m., whose door has been kicked in and who is threatened more

when she calls the gardaí? What would he say to this woman who feels our justice system has let her down? Does the Minister agree that we can have all the Bills in the world but that, if this woman is not assisted, he has failed as Minister for Justice, Equality and Law Reform and our justice system has failed to be effective? Some of the policing forums, particularly in the south inner city, are collapsing due to lack of resources and funding. Will the Minister respond to that point as well?

Mr. McDowell: The Garda Síochána has never been better funded than it has while I have been Minister. Record resources have been allocated in real terms. This year a much higher than normal allocation was given to the Garda Síochána because of my absolute determination that adequate resources should be made available to it. I fully accept what Deputy McGrath said that, in the Coolock area, there has been a diminution in the level of policing because the figures are there to support what he said.

Mr. F. McGrath: From 12 to six.

Mr. McDowell: That is in community policing. There has been a strengthening of other forces, such as the specialist units, which support the fight against crime. It is a matter for Garda management to allocate resources within the Garda Síochána. I assure the Deputy that my policy and that of the Commissioner — we are not at odds on this — is to get as many people as possible into frontline policing, to get people out of the courts processing paper and the like and to get them into policing activities as much as we can.

I am fully aware that the task force in the R district — the Darndale, Moatview and Belcamp joy-riding task force set up in 1998 — has involved the community and has had considerable success. There has been a diminution in some of the activities, although obviously not in the bullying experienced by the lady to whom the Deputy referred. I was concerned by what he said about her. The function of the task force was to close off areas where joy-riding was happening, to narrow junctions and to raise plinth walls and the like to make the physical environment for that type of motor crime less conducive.

I fully accept legislation is not everything — a point Deputy Deasy makes — and that management is important. The long-awaited strategic management initiative report on managing Garda resources was eventually given to me today. The provision in the forthcoming Garda Bill for the involvement of elected local representatives and for forums between them and the Garda Síochána is a decisive step forward which will have a dramatic effect in changing the relationship between local communities and the Garda Síochána over time.

Mr. Deasy: Will town councils be included?

Mr. McDowell: I have not decided.

Mr. F. McGrath: I wish to praise the role of community gardaí and I do not accept their numbers should be cut from 12 to six. The drugs squad and other Garda sections in the Coolock area need resources and sometimes they have to re-deploy. I accept all these realistic options but I am concerned that if community gardaí are removed, the confidence and support of the local community will be lost. Dozens of children from violent and dysfunctional families on the northside of Dublin need help. Part of the process of helping them is achieved through the use of community gardaí. If we do not intervene soon, they will become involved in serious crime in future.

Mr. McDowell: I agree with what the Deputy has said.

Other Questions.

EU Directives.

6. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform his views on whether there will be an erosion of the requirement of EU directives that sanctions be effective in view of the fact that a single maximum award can now only be made under the Equal Status Act 2000, if section 55 of the Equality Bill 2004 proceeds as it stands, irrespective of the number of grounds of discrimination which have been proven; and if he will make a statement on the matter. [6375/04]

Mr. McDowell: The changes proposed in the Equality Bill are necessary and wholly compatible with the race directive. Section 55 of the Equality Bill 2004 adds a number of new provisions to section 27 of the Equal Status Act 2000, including a new provision at section 27(3) of the Act to provide that the maximum amount specified applies, notwithstanding that conduct, the subject of the investigation, constituted discrimination on more than one of the discriminatory grounds.

At present, if a complainant takes a single case alleging discrimination on more than one ground, for example, on gender and age, the maximum award in respect of the entire complaint would be €6,350. However, if the complainant was to take two cases, one alleging discrimination on the gender ground and another alleging discrimination on the age ground, in respect of the one incident, it would appear that two awards could be made, each up to the maximum of €6,350.

I regard it as unsatisfactory that the amount of redress should depend on the number of complaint forms lodged. This section, therefore, provides that where the conduct of a service

provider amounts to discrimination on more than one ground of discrimination, on one occasion, the complaint in respect of all grounds should be referred to as a single case and the total amount of redress which may be awarded should be the maximum set out in the Act.

However, if a complainant is victimised by the respondent for taking action under the Act, I consider that an aggravating circumstance, and I would regard it as a separate incident of aggravation requiring a separate award. It has long been the practice of the Equality Tribunal to treat multiple grounds cases, other than those involving victimisation, as single cases when awarding redress and section 55 of the Equality Bill reinforces that. The amendment is also required to keep in line with a similar amendment under the Employment Equality Act 1998.

Mr. Cuffe: I accept that there is an exception on the victimisation ground. Nonetheless, it seems like a breach of fundamental justice that Directive 202/73/EC calls on member states to provide for effective, proportionate and dissuasive sanctions, although that does not apply here. For instance, if someone from another member state of the EU is discriminated against as a lone parent with a disability, surely there should be an adding up of the grounds of discrimination in the case. It appears to be a breach of equality measures to state that all the grounds will be bundled together with a maximum award of €6,350. The Minister should reconsider section 27 of the Equal Status Act 2000 with a view to providing for a judge to be able to total up the grounds on which discrimination has taken place, and adjust the award accordingly.

Mr. McDowell: That depends on one's philosophical outlook. If the purpose of this legislation is to prevent discrimination, then a single act of discrimination — for instance, the refusal of somebody to provide a service to an aged member of the Traveller community — is, nonetheless, a refusal to provide the service. The fact that he or she cited or relied on age and membership of the Traveller community, rather than if the discrimination arose from one count alone, should surely not be taken as a basis for doubling the amount of the award. If we applied that principle to court cases it would mean that where an offence could be committed in any one of five circumstances, if two such elements existed the penalties would be doubled. That would not necessarily have a dissuasive effect but it would have an artificial effect whereby people would look at the same incident from three different perspectives and claim they were discriminated against on grounds of nationality, membership of the Traveller community and age.

In certain cases, one could add a fourth ground of sexual orientation and, thus, quadruple the amount of damages arising from the fact that one was refused entry to a hotel. That is not a very

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defensible distinction to make. We want to prevent discrimination and have provided for dissuasive penalties against it. It really does not matter if the discrimination occurs on the basis of a simple, single ground or on multiple grounds because the person on the receiving end of it is not being granted access to the service. When it comes to assessing compensation, it does not matter if, in the mind of the perpetrator, there were two separate unlawful reasons for doing it.

Criminal Gangs.

7. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the measures he intends to bring forward to deal with the activities of criminal gangs in regard to his address to the Oireachtas committee on justice on 9 December 2003; when he expects that the legislation will be published; and if he will make a statement on the matter. [6224/04]

Mr. McDowell: When I appeared before the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights on 9 December 2003, I addressed in some detail, with reference to the activities of criminal gangs, the measures I intended to bring forward to enhance the investigation and prosecution of criminal offences. My address in this respect is available on the website of the Houses of the Oireachtas but I will be happy to make a copy available to the Deputy.

I intend to provide for those measures that require legislative provision in the criminal justice Bill, which I expect to publish during the current session. The measures, the heads of which I have already outlined the joint Oireachtas committee, will include: a statutory power to preserve a crime scene; a general power in relation to the issue of search warrants; increased detention powers of up to 24 hours for arrestable offences; some amendments to the Criminal Justice (Forensic Evidence) Act 1990, in particular to reclassify saliva as a non-intimate sample; extending the power of the prosecution to appeal in limited circumstances, in particular concerning points of law; and general provisions, mostly of a technical nature, to improve efficiency in the prosecution of offences.

I informed the joint committee that I am considering a number of further proposals for inclusion in the Bill. These include a provision making it an offence to possess an article in circumstances where a reasonable suspicion may be drawn that the possession is for the purpose of committing a serious offence, and a provision on the admissibility of statements made by witnesses who subsequently refuse to testify or retract their original statements.

I also informed the joint committee that while I see serious practical evidential difficulties in creating an offence of membership of a criminal gang, I am examining the issue in conjunction with the European Union's instrument entitled

Joint Action on Participation in a Criminal Organisation, adopted in December 1998, and the 2000 UN Convention on Transnational Organised Crime, in the context of giving effect to these instruments in Irish law. Each of these instruments contains provisions on contributing to or participating in the activities of a criminal organisation. I am also examining relevant legislative provisions in other jurisdictions aimed at the activities of criminal gangs. I will bring to Government any proposals I may have in this matter with a view to including them in the forthcoming criminal justice Bill.

It will not be a simple task, however, because I note that in Canada the provisions which were held up to me as models which I should follow, are the subject of considerable controversy as to whether they are effective at all. As Deputies have said, simply introducing sections in Bills to deal with the problem is not the real issue. Consequently, I want to make the law effective in order to counter the problem. I am enthusiastic to get on with that process.

The issues surrounding the establishment of a DNA databank are currently under consideration by the Law Reform Commission, following the referral of the matter to the commission by the Attorney General as a matter of urgent public interest. As soon as I receive the Law Reform Commission's report I will act upon it, if I am in agreement with its findings. I may be in a position to include a related matter in the Bill.

I understand that the joint Oireachtas committee is expected to publish its report on the administration of justice in the near future. I look forward to examining that report and will be prepared to take whatever action may be appropriate on foot of it, including bringing forward further proposals for legislative reform, if the report so recommends.

Mr. Costello: The thrust of my question concerns not so much the general measures the Minister is proposing to introduce in the criminal justice Bill, but the specific measures relating to criminal gangs. The Minister has indicated that he will introduce a new offence to deal with criminal organisations. I want to know whether or not that proposal is a runner because we have not heard about it since. It has not been included in the criminal justice Bill and I want to know if the Minister is serious about it. He has indicated that there are some problems concerning the Canadian model and, therefore, he may not be able to follow it.

Two more gangland killings have occurred in the past 24 hours. There were 21 last year but only a small number of prosecutions were brought and no conviction was secured. Gangland activity centred on drugs, firearms and assassinations is increasing. This must be addressed through effective legislation. The Minister promised the committee he would introduce an offence related to organised crime. There are certain no-go areas in Dublin and

Limerick cities. Has progress been made on the recruitment of the 2,000 gardaí promised in the Government's manifesto?

Mr. McDowell: I will reply to a question later on the Garda recruitment issue. I will update the House on my plans in this regard.

Mr. Costello: Will we get to the question?

Mr. McDowell: I refer to gangs and organised crime. My Department is working hard on this subject and all the issues are being examined. It is easier to state in an international instrument that an activity should be criminalised but it is difficult to introduce a workable law that has an evidential underpinning, which will lead to convictions, and the Department is focusing its attention on that in a positive way. It is my intention to introduce an offence of this kind under the criminal justice Bill. The amendments to which I referred earlier are the subject of a memorandum that I have prepared for Government, which will be considered in the near future. The criminal organisation provisions will be the subject of a further memorandum to Government also in the near future.

There is not a lack of enthusiasm on my part. It is easy to provide that it shall be an offence to be a member of a criminal organisation and define it but there are questions relating to how that can be proved, how gardaí will arrest people for such an offence, what evidence will constitute proof beyond reasonable doubt and what presumptions and inferences and the like must be provided. That is the crucial and slightly more difficult aspect of this issue.

I endorse Deputy Costello's comments completely. Gangs are not always the same as criminal organisations because, for international purposes, criminal organisations must be structured. However, at least 17 ruthless gangs are operating in the Dublin area. They are centred on the drug trade. Dealing in death inures their consciences so fundamentally that they then move to debt collection, patch protection and score settling by killing. We have seen in the past 24 hours how cruel, vicious and wrong is such activity.

I have always said nobody is above the law. The great and the good are not above the law, and the same applies even if people are engaged in some form of criminality. Their lives are protected by our Constitution and nobody, therefore, is below the law. There is not a class of outlaws to which the State is indifferent or in respect of whose deaths or serious injuries it turns a blind eye. I assure the House the Garda investigates all these cases as strongly as it can because it is aware of the implications of not doing so. The Garda investigated the great majority of what can be loosely termed "gangland offences" committed in 2003 and identified the persons against whom it sought to accumulate evidence.

Mr. Costello: Only four were charged.

Mr. McDowell: The Garda was completely stymied in a tiny number of cases, with no clues as to how to bring the investigation forward. It is one thing to know who has done something, it is a different thing to provide evidence that proves he or she did it. As a result, the Garda has a constant battle on its hands in regard to those who engage in the drug trade and the use of guns.

Mr. Costello: I presume the documents found across the Border had nothing to do with criminal gangs.

Mr. McDowell: I do not know what the score is in that regard. An investigation is ongoing and I have no idea what is the explanation for that.

Liquor Licensing Laws.

8. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform when he intends to use the powers available to him under the Intoxicating Liquor Act 2003 to introduce regulations providing for traceability of alcohol sold in off-licences; if the EU has been notified of the proposed regulations; if a response has been received from the EU or other member states; and if he will make a statement on the matter. [6257/04]

Mr. McDowell: The powers are contained in section 22 of the Intoxicating Liquor Act 2003. They provide for the making of regulations to specify particulars to be affixed to a container in which intoxicating liquor is sold for consumption off the premises, which would enable the licensee and the licensed premises concerned to be identified.

I am consulting interested parties prior to making regulations with a view to ensuring implementation of this measure is effective. Discussion of issues arising in this context is ongoing between officials in the Department of Justice, Equality and Law Reform and representatives of trade organisations and other interested parties, including the Garda. I intend to notify the European Commission of proposed regulations in accordance with the so-called technical standards or transparency directives to avoid a later challenge to regulations made under section 22.

These directives have been put in place at EU level to give the European Commission and member states an opportunity to examine, in advance, proposed national standards and rules in the interests of transparency and the smooth functioning of the internal market. The notification will take place when consultations with interested parties have concluded and details of draft regulations have been progressed.

This is not an easy question. It would be a great idea if every tin of cider, beer or whatever or every bottle of wine could be labelled in every off-licence, supermarket and so on so that its

[Mr. McDowell.]

source could be identified. Nothing sounds easier. However, if a tray of beer needs to be disassembled so that bottles can be marked or bubble packs must be cut apart to mark each bottle with something that is identifiable with every off-licence, that presents significant difficulties for large supermarkets, in particular. Although one might think the common-sense approach to this would make for a simple solution, it is not that simple.

It would be twice as difficult to introduce a system that would require the incorporation of marking into the product because it would have to be considered whether a foreign manufacturer would have to incorporate such marking at the point of manufacture or whether it could be applied at a later stage in the retail distribution network. It is easy to discuss this issue but it is difficult to do something about it.

Mr. Costello: The question is about traceability provisions for off-licence sales which are provided for under the intoxicating liquor legislation and have not been introduced. The Minister has trotted out the same response as previously and I do not know whether he has conducted research into the issue other than to acknowledge there is a problem, which he does not know how to resolve. If so, he should consult technical experts. Every item purchased in a supermarket has a bar code and the price is identified as it is scanned. Modern technology can overcome the difficulties of disassembling trays of liquor and so on. The Minister should consult the technical experts. The Minister for the Environment, Heritage and Local Government did not deal with electronic voting successfully but an effort is being made to consult.

The Minister has made no effort. He said he will contact the European Commission and various interest groups, which comprise vintners and sales people, but they are not interested because it will involve expense. Has the Minister checked this provision since the legislation was passed? The provision was included in prior legislation and nothing was done then either. Will he not bring in technical expertise? He has already spent €30 million on various consultants since coming to office. He could check this out and try to have it implemented. It is the only way to determine the origin of liquor that has been consumed in the public arena, perhaps by minors, so that the Garda can achieve convictions. Unless we do this there is no sense in enacting legislation.

Mr. McDowell: First, I have not spent anything like €30 million on consultants.

Mr. Costello: Did the Minister give incorrect figures in an answer to a parliamentary question?

Mr. McDowell: I answered a question today from a member of Deputy Costello's party saying

that the answer given to a written question was, unfortunately, misleading and wrong——

Mr. Costello: That is what we say all the time.

Mr. McDowell: —: and that 90% of the sums in question had nothing to do with consultancy. Unfortunately, this miscategorisation took place and the Deputy has been making hay from it ever since. The fact is that 90% of that expenditure had nothing to do with consultancy.

Officials of my Department are engaging in a process of consultation with the licensed trade, both on and off. However, saying that bar coding is the answer to the problem does not answer the question of when the bar code is to be put onto the product. The answer to that question is by no means clear to me. If it is to be put on at the point of manufacture we have a serious European internal market issue. If it is to be put on by individual distributors in Ireland in their premises, other problems arise. If there were to be a bar coded label on every bottle of beer sold in an off-licence one would have to rip apart the six-packs and put labels referable to the particular trader on each bottle. This solution is not as easy as is being made out.

The Department of Justice, Equality and Law Reform has no aversion to making regulations when they are reasonably capable of being made. However, there is no point, as I am constantly reminded in this House, in making a futile regulation which could have no outcome.

Even if one could prove conclusively that a bottle of beer came from a particular outlet, the owner of that outlet would not be exposed to prosecution merely because the bottle or can of beer ended up in the hands of a 14 year old. One cannot have a law of that kind. One cannot punish people for having sold a product which later ended up in the hands of a child. One could — and I agree that the measure could have this beneficial effect — work out where the children in an area were generally obtaining their product——

Mr. Costello: And get a pattern of sales.

Mr. McDowell: ——and investigate the issue. One could not simply say that, because a 14 year old had a tin which came from a certain off-licence, the owner should be prosecuted. That would not be a workable law and it will never be the law in Ireland, as far as I can see.

Prisons Building Programme.

9. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform his plans for the construction of a new prison in a greenfield site close to Dublin to replace Mountjoy; if a location chosen for the new prison will be accessible, especially in terms of public transport, for families of prisoners; the plans he has for the

Mountjoy complex; and if he will make a statement on the matter. [6217/04]

Mr. McDowell: An advertisement was placed in the national newspapers seeking a suitable replacement site for the Mountjoy complex within 25 km of Dublin city centre, convenient to and accessible from the main public transport and road networks and also available for immediate development (subject to the relevant planning requirements).

The closing date for expressions of interest was Monday of this week. I have received 23 proposals, the examination and rating of which is now underway. I expect to make a determination on the proposals by the end of next month.

As I have already indicated, it is my intention to close the Mountjoy complex as soon as a suitable replacement prison has been built and to use the capital generated by the sale of the complex for the acquisition of a site and towards the building of the new prison.

I note that Deputy Deasy has said that some aspects of the campus might be preserved. Some preliminary work has been done on the valuation of the site and I have seen proposals for the maintenance of some of the more significant architectural features. However, we do not need a second Kilmainham or a second prison museum in Mountjoy.

Mr. Costello: Is the Minister considering demolishing Mountjoy prison and is it his intention to leave the women's prison, which is a very new facility, intact?

Mr. McDowell: The answer to the Deputy's second question is, no. I will have to close the women's prison and rebuild because it is inadequate at the moment. With regard to demolition, I will sell the site and it will be up to a purchaser to make a decision as to what will be done with it.

Mr. Deasy: The Minister for Arts, Sport and Tourism has been in Mountjoy prison but I am sure there are members of the Cabinet who have not. Before a decision is made on this matter the Cabinet should visit the prison. Mountjoy prison has been part of the State's history since 1850 and is a national monument. The Cabinet needs to go to Mountjoy and to make a collective decision after its visit. If someone suggested knocking down a piece of Kilmainham Jail in the interest of financial expediency, people would be very angry. This decision needs to be carefully thought out.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Connolly — the overall spending

on tourism promotion nationally and in the regions; (2) Deputy Rabbitte — the current position regarding the urgently needed refurbishment to or rebuilding of Millbrook Lawn health centre, Tallaght; (3) Deputy Crawford — the need for anaesthetists to be provided in Monaghan General Hospital; (4) Deputy Lynch — the need for the Minister to review the restrictions on rent allowance which came into operation at the beginning of this month given the hardship being created for vulnerable people and the serious concerns expressed by community welfare officers; and (5) Deputy Andrews — the restricting of local authorities' right to guarantee loans drawn down by community groups and sports clubs under Section 66 of the Local Government Act.

The matters raised by Deputies Connolly, Rabbitte, Crawford and Andrews have been selected for discussion.

Adjournment Debate.

Tourism Promotion.

Mr. Connolly: I thank the Ceann Comhairle for selecting this matter for debate on the Adjournment and I thank the Minister for Arts, Sport and Tourism for being present for the debate.

I wish to discuss the overall spending on tourism promotion, nationally and in the regions. I am concerned at the share of funding which comes to counties Cavan and Monaghan. How is spending on tourism promotion targeted at specific areas of the country? Is funding allocated on a one-off basis or does it simply follow successful tourism areas on the coastline.

Before a region can attract large numbers of tourists, it must have a tourism infrastructure and projects in place. The national development plan states, "The tourism product development scheme will have a significant impact on regional programmes for the BMW region."

According to operational guidelines produced by Bord Fáilte for the National Development Plan 2002-2006, support will be available at a maximum rate of 40% in the Border, midlands and west region subject to a maximum of €644,000. Projects must be capable of attracting 100,000 visitors per annum, a stipulation that is almost unachievable in a region that has little or no tourism. How is a region to get to 100,000 visitors without a tourism infrastructure or tradition? It is impossible. Since this is a condition of the application process, applicants from Monaghan and Cavan are precluded and the region is, therefore, prohibited from tapping into an industry that is worth €5 billion annually.

Applications were invited from counties Monaghan and Cavan for projects categorised as special interest projects in September 2002. Not surprisingly, no applications from Monaghan

[Mr. Connolly.]

were considered. We were not advanced enough at that time even to apply. We would now like to apply but applications are not being considered because the decisions on the 2002 applications have not been reached yet. It has taken 18 months to process those applications.

We should be promoting areas of Monaghan such as Kavanagh country, the Sliabh Beagh area, Lough Muckno and the Ballybay wetlands. These are all excellent projects although I do not envisage any of them attracting 100,000 visitors. More consideration should be given to such projects.

The Cavan-Monaghan area has much natural attraction but lacks tourism infrastructure. Bord Fáilte statistics for 2002 show County Monaghan receiving €10 million from foreign direct investment and total tourism budget of €5.3 million. We are very far down the pecking order. Will the Department consider appointing a special adviser to areas where tourism is undeveloped? The application process appears to be designed to put people off applying. Simple applications are made complicated by the application process which is far too daunting for most places.

Must we spend millions promoting the Blarney Stone, Killarney, the Cliffs of Moher, Mullaghmore in Sligo or County Donegal? Do we need to spend money promoting such places or are people attracted to them automatically? It is the small inland counties that suffer greatly and do not gain from the bonanza. Tourism is an industry that employs as many as 150,000 people. When people arrive, should we simply give them a road map of our coastline? I believe that is the way we are heading. We in Counties Cavan and Monaghan observe what is happening. We heard about a GAA club in Dublin that was asked to provide a set of plans to be assured of a payment of €200,000 for the development.

Two clubs, of which the Minister for Finance is a member, received €450,000. That is more than what Counties Monaghan and Carlow combined received and is the same as what Counties Laois and Leitrim have received. We heard that the Minister's constituency, Kerry South, received more than the combined counties of Carlow, Laois, Leitrim, Longford, Monaghan, Sligo and Westmeath. That is very frustrating. A GAA club in Letterkenny, County Donegal received two cheques in two years, one for €500,000 and the other for €450,000. I believe counties like ours deserve a lift.

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I thank Deputy Connolly for his comments on the issue of tourism promotion and regional spread.

In a very tight budgetary situation, I have secured the largest ever tourism services budget for my Department in 2004, amounting to almost €115 million. This includes the largest ever provision for the tourism marketing fund of €31.5

million, which by the end of 2004, will bring the national development plan investment in tourism marketing to almost €100 million. This level of Exchequer spending in tourism services, and particularly in tourism marketing and promotion, is both a reflection of the importance attached to marketing as a driver of growth and a strong endorsement of the performance of the two tourism agencies in delivering value for this substantial Exchequer investment.

Using the terminology of the recent report of the tourism policy review group, marketing and promotion are key success drivers for Irish tourism. The marketing programmes of recent years have proven very successful in enhancing Ireland's appeal as a top class tourism destination. They also maximise the business opportunities for the tourism industry in all our key consumer markets, both domestic and international.

The year 2003 proved to be yet another tough and testing year for tourism, both globally and nationally. The latest CSO figures available, for January to September 2003, show growth in visitor numbers of 4% over the same period last year. If this level of growth is maintained in the final quarter, the tourism agencies will have succeeded in delivering on their highly ambitious targets for the year, and it is worth emphasising that these targets were set before the war in Iraq and SARS emerged as critical setbacks for the tourism sector globally.

Ireland performed particularly well in the US market last year against stiff international competition. While final year figures are not yet available, Tourism Ireland is estimating a 6% increase in US visitor numbers to the Republic of Ireland last year despite the impact of the war, increased threats of terrorism and SARS. This compares to a 1 % increase in the number of Americans visiting Europe generally and a decrease of 8% experienced by our near neighbours in the United Kingdom.

A key element of this story has been the restoration of key access routes and capacity from the States in 2003, all of which have been vigorously promoted in tandem with the airlines to ensure maximum bang for everyone's buck.

Continental Europe, a market which has remained stagnant for a number of years, is also looking positive with visitor numbers up in the order of 8%. Having participated on a number of promotional visits to Europe last year, this performance comes as little surprise to me having seen at first hand the highly focused approach by Tourism Ireland and the industry in these markets.

It is clear that this performance has been hard won, with enormous pressure being placed on the industry's bottom line. The challenge will be to maintain competitiveness in a way that is economically sustainable for the sector. While there is nothing new in this, the prevailing

economic conditions mean that it is a substantially more difficult balance to strike.

It is also evident that this performance has not been shared equally, either on a regional or a sectoral basis, and I am very conscious of growing concerns in the regional distribution of tourism growth over recent years. It should be recognised that all regions and sectors continue to experience growth — the issue relates to the growing disparity in the rate of growth between the regions.

There are various reasons for this. A major one is the growing international trend towards shorter but more frequent holidays. This trend favours the easily accessible urban centres, a factor on which Dublin and more recently Cork city have capitalised to the envy of many other cities around Europe. This trend is particularly noticeable among British visitors. Unfortunately, this type of holiday runs counter to the longer “touring” holiday which traditionally favoured the regions. Another factor is the significant fall-off in the US market since 2001 which is only now returning to the same levels as 2000. US visitors traditionally stay longer and travel more extensively than other overseas visitors. They also tend to use serviced accommodation and travel on organised tours, all of which generates more revenue for the west.

In this context, the development of good access, particularly air access, is a key to strengthening the competitive position of the regions. Both tourism agencies recognise this issue and are investing significant time and resources in encouraging good air links. Already, Knock and Galway Airports are reaping the rewards of their efforts to promote direct access to the west, particularly from Britain. Tourism Ireland has also taken a strategic decision to target significant promotional resources at family touring holidays, particularly from Britain. This in itself should encourage greater regional business given that families tend to favour the rural holiday experience which the regions offer in great abundance. Tourism Ireland is also investing significantly in the US market which is showing encouraging signs of a return to growth. The coach tour business will continue to feature strongly in their promotions and they will also be encouraging the growing number of independent travellers from the US to spend longer and travel more extensively on the island of Ireland.

For its part, Fáilte Ireland is channelling €5 million directly into the regional tourism companies to strengthen and enhance their operational and marketing capabilities this year. Initiatives such as the festivals and cultural events initiative will continue to favour the lesser developed regions, and the product development scheme, with its investment in capital infrastructure, will continue to bolster the product range of those regions which have under-performed.

In more general terms, the key to Ireland's success at national and regional level has been our ability to consistently match the product with the promise. Our marketing campaigns present Ireland's key selling points — people, place and pace — in a highly sophisticated manner to a highly discerning audience. The destination and product marketing campaigns consistently present a strong rural holiday experience to the potential visitor and this message is then reinforced in the many international consumer and trade platforms in which the tourism agencies participate in our key markets overseas. Without doubt, Ireland's success to date has been based on the holiday experience on the ground which matches, and in many cases exceeds, the expectations generated by the marketing message. These expectations are usually very high. This, in marketing terminology, is called customer satisfaction. Ireland and the regions on the western seaboard deliver on this consistently.

Resting on its laurels is not something any successful business engages in for too long. For the two tourism agencies and the industry, the marketing programmes for 2004 will build on the momentum generated in 2003. With a comprehensive and highly targeted suite of marketing activities, Tourism Ireland and Fáilte Ireland are confident that they can meet the very ambitious target of 4% growth in visitor numbers again in 2004. To deliver this business, the agencies and the industry will need to maintain their focus on the job at hand and continue delivering a memorable and value for money holiday.

All in all, 2004 promises to be an exciting and, I hope, rewarding year for tourism. With the help of the substantial Government investment in the sector, I am confident that the tourism agencies and the industry will make the most of the opportunities and challenges that lie ahead and continue the good work. I sincerely hope that the Patrick Kavanagh centenary is a major success as well.

Health Board Services.

Mr. Rabbitte: I am grateful for the opportunity to raise with the Minister of State at the Department for Health and Children the reason no decision has been announced or works initiated to develop Millbrook Lawns health centre, following substantial damage by a fire in June 1999. Intolerable disruption has been endured by staff for almost five years and the hugely populous catchment area surrounding Millbrook Lawns health centre has suffered greatly as a result. The damage done in 1999 was extensive. Nine rooms were destroyed as well as a large waiting area and a storage room. The nursing service, for example, lost six rooms, which included three clinic rooms, one dressing room, one interview room and one baby changing room. The temporary arrangements put in place leave working conditions extremely difficult and it is

[Mr. Rabbitte.]
acutely stressful for citizens trying to access this service.

Almost five years later, it is almost beyond belief that the centre remains in semi-derelict condition and that only minimal surface repairs were carried out during the years of the boom. Most recently, with colleagues, I met the Minister of State at the Department of Health and Children, Deputy Callely, on 22 December 2003 and we pressed on him and his relevant officials the urgency attached to this project. Whereas the Minister was helpful, I am bound to say I came away from that meeting bewildered at the lack of clarity concerning why no decision was made over four and a half years.

The Minister may wish to comment on what seems to be a very tangled history. It is unacceptable that those of my constituents who use Millbrook Lawns health centre have been left in a limbo for almost five years. As I have asked recently in the House, how can the Government justify a 100% grant of €14.9 million to an equestrian centre at Punchestown without following the normal procedures when a decision on a desperately needed health centre at Tallaght must wait five years? This puzzle is aggravated when we learn that the cost of refurbishing of Millbrook Lawns would be €1 million.

For five years, there has been talk of using the site to build a new primary health care facility which would, perhaps, be like the Mary Mercer centre at Jobstown. That centre is acknowledged to be a splendid facility and was built for £1.9 in 1999. Health authority officials claim a similar rebuilding project at Millbrook Lawns would cost between €8 million and €10 million. I do not know whether that reflects escalating building costs or if the estimates for Millbrook Lawns have been calculated on the back of an envelope.

Given the strategic considerations for such a multidisciplinary primary care centre and the supposed dedication of the Government to the concept, the best use of the site would involve its provision. My fear is that the prospect of a new centre has been used over five years as an excuse to do nothing. Having said that, the imperative is to bring to an end the indefensible delay which has been allowed to develop. The citizens in the surrounding area of Millbrook Lawns and the staff working therein have been treated badly. We need a decision now and its speediest possible implementation. One cannot have confidence in a system which permits this neglect. Will the Minister issue the necessary directions to ensure the same delay we have seen in decision-making thus far does not accompany the refurbishment or rebuilding?

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I can only respond as outlined in the

prepared answer. The prioritisation and provision of health care facilities to meet the needs of local communities within its functional area is a matter for the relevant health board. In the case of Millbrook Lawns, this responsibility rests with the Eastern Regional Health Authority, or ERHA. The Minister for Health and Children, Deputy Martin, is acutely aware of the key role health centres play in the delivery of a wide range of services to local populations. For many, the local health centre is the first point of contact with the health services. It is important that facilities are customer-friendly, modern, well-equipped and accessible. As the Deputy said, much energy is being directed toward the establishment of primary care units.

The ERHA has advised that Millbrook Lawns health centre is a facility which provides a wide range of health services to the local area. These include medical, public health nursing, social work services, speech and language therapy, dental services, community welfare, addiction services and administration. Pre-school services are also provided at the centre. The authority is concerned to ensure that conditions in the existing health centre are maintained to the highest standard possible to ensure the effective delivery of services.

A number of improvements have been made to the centre since 1999, including the internal and external painting of the premises. Additional offices have been provided for use by community welfare services and Barnados. The fire alarm system has been upgraded and the ceiling has been substantially improved. The speech and language therapy service has been relocated to a different area within the centre. Essential health and safety improvements have been made and improvements to the electrical system have also been carried out. A health and safety audit conducted in November 2002 noted significant improvements since the previous inspection. Further recommendations from this recent audit are being actively addressed.

The authority is aware that further redevelopment of the centre is a capital priority. Accordingly, having considered various options for such redevelopment, the authority has concluded that a proposal involving reinstatement of the burnt-down section and upgrading of the existing building is the preferred option. This will cost an estimated €960,000. The authority has signalled that this work will greatly improve service delivery at the centre and conditions for staff and the public.

The redevelopment of the centre is a priority capital project for the South West Area Board and the ERHA. The Minister for Health and Children is aware of the priority afforded the project by the ERHA. Following a meeting in late December 2003 involving the Department, the ERHA, the South Western Area Health

Board and local representatives, including Deputy Rabbitte, at which the ERHA and the board outlined the preferred option for developing Millbrook Lawns, details of the revised scheme were submitted to the Department of Health and Children. All capital requirements for the health boards, including the ERHA, are funded under the national development plan, or NDP.

The Department of Health and Children is reviewing, from a national perspective, the NDP for each health board in light of the outturn position for 2003. This process encompasses providing for existing capital contractual commitments and, where possible, the planning or construction of new projects nationally in 2004 and beyond. It is in this context that capital developments for the ERHA, including the recent proposal on Millbrook Lawns health centre, are being considered.

The Department fully appreciates the importance of progressing this development and will continue to work closely with the authority to prioritise overall capital needs in line with the funding resources available under the NDP. I acknowledge what the Deputy has said. If any section loses six rooms, it will have a significant detrimental effect on local services. I can only promise to speak personally to the Minister for Health and Children early next week.

Hospital Services.

Mr. Crawford: I thank the office of the Ceann Comhairle for allowing me to raise this issue once again. I raise it as a result of a phone call from a distraught lady who called me late yesterday evening. Once again, the issue involves the lack of management at Cavan General Hospital and the lack of effort by the Minister to put anything in place.

The aged brother of the lady in question has been in hospital for a few days and needs urgent surgery. I am advised that he could have had the surgery at Monaghan General Hospital but for the fact that insufficient anaesthetic cover was available. I am also advised that, while a bed was available at Our Lady of Lourdes Hospital, Drogheda, where someone was in a position to operate, an ambulance could not be found to bring him there. The Minister of State must agree that, if this were not so serious, one would have to treat it as a joke. He would only have to listen to that lady last night, who was absolutely distraught, to wonder where things have gone wrong.

I hope that, by now, the man has been dealt with. I tried to find more information this morning and this afternoon, but I did not get anywhere. This case is just one example of the ongoing problems of mismanagement within Cavan-Monaghan hospital services which are

causing serious distress. Speaking to someone a short time ago, I learned of another case in which a young man with appendicitis who required urgent surgery could have been dealt with in Monaghan General Hospital had an anaesthetist been available. He had to be rushed to Cavan which was traumatic for him and his family. The Minister of State will be aware of media coverage of overcrowding and other problems at Cavan General Hospital.

It is high time the Minister and health board management got together to ensure that at least three senior registrars are put in place at Monaghan General Hospital to cover the needs of its catchment area. There should be co-ordination between Cavan and Monaghan hospitals to ensure that if cover was needed in Monaghan it could be transferred rather than transferring patients.

Prior to 1970 Monaghan General Hospital was under county council control and it provided a service to all its people. There was a manager in that hospital who was answerable. Now there are CEOs, deputy CEOs, group managers, administrators and so on, and it is literally impossible to find out who is responsible for anything.

Last night a young boy went into hospital with a broken arm as he needed help. I take it he was dealt with in the best possible way the staff were allowed deal with him. There was no bed in Drogheda hospital where he was supposed to be dealt with. Where does one go? His family was distraught and that is the reason I got the indirect phone call.

It is time the Bonner proposals were put in place as a minimum and a start. The Minister appointed Mr. Kevin Bonner to draw up proposals. It is time the Minister, management and consultants got off their individual high horses and treated people and patients first. I know of another case where a young footballer was taken by ambulance to Drogheda hospital. Obviously, he was not allowed go by ambulance to Monaghan General Hospital because officially it is off call, although the hospital is doing great work and I pay tribute to the staff and those working there. Once people know how to get in, they get in and are well looked after. This young man went to Drogheda hospital but it had no time to deal with him. He was looked at quickly and sent home. Fortunately, his parents knew how to get him into a hospital in Northern Ireland where he spent three days in intensive care. That is a crisis which can and must be dealt with.

Mr. N. Ahern: On behalf of my colleague the Minister for Health and Children, Deputy Martin, I welcome the opportunity to respond to the Deputy with regard to anaesthetic services at Monaghan General Hospital.

[Mr. N. Ahern.]

Responsibility for the provision of services at Monaghan General Hospital rests with the North Eastern Health Board. It is a matter for the board to determine the nature and level of service provision at the hospital, consistent with the board's commitment to the provision of a high quality, efficient and cost effective service across the north eastern region.

The decision to take Monaghan Hospital off call on 2 July 2002 was taken by the North Eastern Health Board following advice from the consultants at Monaghan and the board's medical adviser that the hospital was unable to provide a safe, viable and sustainable 24 hour anaesthetic service due to the non-availability of non-consultant hospital doctors in anaesthesia.

This situation arose because the conditions for the training of non-consultant hospital doctors as set down by the College of Anaesthetists were not being met at Monaghan Hospital. Monaghan hospital, like other hospitals, is heavily dependent on NCHDs and, accordingly, posts occupied by such doctors must meet the strict accreditation requirements of the various colleges for training purposes, in this case, the College of Anaesthetists.

The executive of the board asked the College of Anaesthetists to intervene in an effort to ensure the prompt restoration of a safe and sustainable service at Monaghan hospital. A proposal was developed based on a joint Cavan-Monaghan hospital NCHD rota, which would guarantee that anaesthetic services would resume at Monaghan in a different but sustainable configuration. I have been advised by the health board that agreement on this has not yet been reached with consultants at Monaghan. If accepted, it would ensure safe, viable and sustainable services in the interest of patient care.

Arising from the retirement of a permanent consultant anaesthetist at Monaghan hospital, the Department of Health and Children issued approval on 2 April 2002 for the replacement of the post with an increase in the number of sessions for this post from six to 11, all to be held at Monaghan. Following the recruitment process, a candidate has been selected and will commence later this year. The North Eastern Health Board has advised that there are currently three full-time consultant anaesthetists employed at the hospital. This level of consultant anaesthetic cover is comparable with that available at similar sized hospitals.

Mr. Kevin Bonner, management consultant and former Secretary General of the then Department of Enterprise and Employment was commissioned to advise and work with the board to facilitate the resolution of outstanding issues pertaining to the provision of services at Monaghan hospital.

Mr. Crawford: Where is he?

Mr. N. Ahern: On 25 July 2003 the Minister for Health and Children, Deputy Martin, published the report of Mr. Kevin Bonner and indicated his acceptance of the main recommendation, that is, that Monaghan General Hospital should continue to play a vital role in the delivery of acute hospital services to the local community within the Cavan-Monaghan hospital group. The Minister also accepted that additional services be developed at the hospital to the benefit of the local community. In particular, the Minister welcomed the proposals in the report aimed at strengthening the management capacity of the hospital within the Cavan-Monaghan hospital group. The central involvement of consultant staff within this new structure is a very significant development which should enhance the ability of the group to deliver high quality services.

Mr. Bonner has recognised in his report that the pattern of acute hospital service delivery is changing worldwide and that Monaghan hospital's best guarantee for the future is to participate in and accept those changes which will ensure its future viability. In accordance with the recommendations in the Bonner report, the Minister made additional capital funding available to the North Eastern Health Board to address urgent capital needs such as equipment replacement, refurbishment, fire precaution and health and safety measures.

The Minister is assured by the North Eastern Health Board of its continuing commitment to the future provision and development of services at Monaghan hospital. The Minister considers it essential that all parties involved play their part to resolve the present difficulties and to ensure the future delivery of services at the hospital as an integral part of the existing Cavan-Monaghan hospital group.

Local Authority Funding.

Mr. Andrews: I thank the Office of the Ceann Comhairle for the opportunity to raise this important issue for local government and local communities.

Section 66 of the Local Government Act 2001 gives local authorities a right to provide loans, guarantees and financial aid. Clearly, it was the intention of the Oireachtas that such loans, guarantees and financial aid should be for the benefit of local communities to promote social inclusion, environmental, recreational and cultural and community activities. Therefore, it was disappointing to learn that the Department of Finance has directed local authorities to limit the amount they can either guarantee or loan to a sum of €200 million. That figure is far too low and is set because of the Stability and Growth Pact.

Traditionally, local authorities were able to guarantee loans to community groups, sports organisations and other deserving bodies within their functional area but can no longer do that in many cases. I will give three examples of this problem manifesting itself in my constituency. Avoca hockey club is forced to obtain guarantees from its members, in many cases, non-playing members who have only a benevolent interest in the club and in giving these personal guarantees. The members who give the guarantees do so on behalf of the community. It was the clear intention of the Oireachtas that local authorities should take that role rather than private citizens.

Ballybrack boys' football club has a mere licence in the land it occupies and it wishes to obtain a loan from the bank to match what it has applied for from the sports capital programme. Naturally, the club has no assets and it sought a guarantee from the county council, but the council was unable to provide the guarantee to help with its loan application. Loughlinstown leisure centre is seeking to building a swimming pool. Under the new restrictions, it is not within the gift of the local authority to help the centre with a loan, which would be supported by the Department of Arts, Sport and Tourism through the Sports Council programme.

The original thinking behind the limitation, which is of recent vintage, was that the Stability and Growth Pact limited our public sector borrowing capacity. However, as the Government side of the House often points out, we have one of the lowest debt-GDP ratios anywhere in the world. It does not make sense that we should damage this very important tool of local government as we are well within our obligations under the Stability and Growth Pact. As the Minister is aware, the pact has been relaxed in the past few weeks so that borrowing can increase.

If this situation is not remedied, I would not be surprised to find county councillors bringing section 140 motions before councils to force county managers to use their reserve functions under the section, either to give loans or guarantees. The solution is either for a directive to issue from the Department of Finance to the effect that there is no longer a maximum local authority borrowing figure or that the figure should be increased from €200 million. This would enable the support of the worthy programmes which have up to now been funded in this manner, whether through community groups, sports organisations or artistic and cultural groups, and the investments can be supported by the local authorities, as was the intention of the Oireachtas a mere three years ago. I ask the Minister to consider this.

Mr. N. Ahern: The Local Government Act 1991 first introduced broad powers of general competence for local authorities to act in the

interests of the local community, thereby relaxing what was known as the *ultra vires* rule which restricted the powers of local authorities in the functions they could perform. More recently, the Local Government Act 2001, which consolidated the law on local government, gave local authorities a wide mandate to become involved at various levels in the promotion of community interests. Specifically, section 67 of the Act confers power on a local authority to, in the words of the Act, "take such measures, engage in such activities or do such things as it considers necessary or desirable to promote the interests of the local community" in relation to certain specified matters. These specified matters, which are set out in the Act, include sports, games and general recreational and leisure activities.

The legislation allows local authorities to provide assistance in money or in kind to promote such activities in the interest of the local community and, under section 66 of the Act, this assistance may take various forms, including the giving of guarantees. It is entirely at the discretion of a local authority as to whether to provide guarantees and the level of any such guarantees. Decisions in this regard are, under the legislation, a reserved function. The giving of any such guarantee does not therefore require the approval of any Minister of Government. It is only where a local authority intends to borrow money for any purpose — for example, the provision of a grant to a local community project — that approval of central Government is required.

In the case of borrowing, under section 106 of the Local Government Act 2001, sanction must be obtained from "the appropriate Minister", the Minister with the greatest interest in the matter giving rise to the borrowing. The need for such a requirement in the case of borrowing is clear, having regard to national objectives of complying with requirements on the general government sector, which includes local government, under the Stability and Growth Pact which the Deputy mentioned.

While local authorities have complete discretion in the granting of guarantees to community projects, they have over the years been advised by the Department of the Environment, Heritage and Local Government of their general responsibilities when considering sponsoring or co-funding, or giving guarantees to capital projects. Although it is accepted that local authorities have a key role in regard to local development initiatives, the involvement of local authorities in such projects must be carefully considered from a financial viewpoint over the longer term. As such, local authorities have been advised by the Department that, as a general rule, they should only become involved in projects where they are satisfied that potential liabilities or ongoing operational costs would not be such

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as to seriously impact on the financial position of local authorities.

Furthermore, local authorities have been advised that where they guarantee loans or underwrite losses on such projects, they should seriously consider the validity of projects in advance of any involvement so as to satisfy themselves of the feasibility of the projects and ensure that potential liabilities arising from such involvement are fully appraised and quantified. The Deputy will agree that such advice is soundly based and, indeed, would generally be appropriate to all development projects, not just those in the local government sector.

The giving of guarantees for loans to community groups and sports clubs is entirely a

matter for decision by the elected members of local authorities and restrictions have not been placed on the ability of local authorities to provide such guarantees. Perhaps the case of which the Deputy speaks is in the context of loans rather than guarantees, a matter which other Members have raised. While I undertake to bring this to the attention of the Minister for the Environment, Heritage and Local Government, Deputy Cullen, I will perhaps also bring it to the attention of the Minister for Finance to ascertain if anything can be done this regard.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 2 March 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 9, inclusive, answered orally.

Press Council.

10. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the position regarding his consideration of the recommendations of the Legal Advisory Group on the Defamation Law, particularly in regard to the proposals for the establishment of a statutory press council; and if he will make a statement on the matter. [6262/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my answer to Question No. 48 of 29 January 2004.

In that response I indicated that, on foot of a commitment in An Agreed Programme for Government, I asked the legal advisory group, in September 2002, to report to me on the issues involved with regard to defamation and to make recommendations. I brought the group's report to Government in June 2003. I have at all times indicated that it is the group's report; it is not a report by me to Government or indeed a report of the Government and, more particularly, the Government has made no decision in respect of the substance of the contents of the report.

One of the more specific of the legal advisory group's terms of reference was to consider the nature and extent of any statutory intervention which might attach to the establishment of any entity concerned with the regulation of the press. This is a subject where there is, it would be fair to say, some divergence of views as to the optimum approach to be followed.

The group, having carefully weighed up the options, recommended the establishment of a statutory press council with functions which would include the preparation of a press code of conduct and the investigation of complaints concerning alleged breaches of that code. The report sets out, in some detail, the main features of such a council including matters pertaining to its operation and structure and the draft defamation Bill contains a template for the legislative intervention which would be required were such an entity to be established.

The particular model examined by the group is by no means the only, or, for that matter, the most obvious model for a statutory press council and other models have been suggested during the consultative period as to how such a statutory press council could be composed. These will be

given careful consideration by me before bringing any proposal to Government.

Some of the recommendations contained in the report are more radical than others and will, inevitably, provoke considerable comment. That has the merit of securing an informed and wide-ranging debate on this important topic. In that regard, I decided, in consultation with my colleagues in Government, that the best way to proceed was to have a period of public consultation which will allow all interested parties who so wish to comment on the substance of the recommendations contained in the report. The deadline for receipt of submissions was 31 January 2004. As well as inviting written submissions on the report I held a major conference on 1 December last to facilitate an exchange of views from a cross-section of interested parties. The conference was well attended and was thought provoking.

Following completion of the consultative process I intend to reflect carefully on the consensus that emerges on the issues and also on the best way forward on the proposals I bring to Government. I hope to bring forward proposals in the latter half of this year.

Ministerial Appointments.

11. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform when the Garda Human Rights Advisory Committee will be established; the persons who will sit on it; its terms of reference; and if he will make a statement on the matter. [6371/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that a human rights working group advises the commissioner on the development of strategy in the area of human rights and associated issues.

The human rights working group is chaired by a Garda superintendent, and its membership, in addition to Garda personnel, includes two independent human rights advisers — Ms Mary O Rawe and Mr. Brian Ruane, one of whom represents Amnesty International.

This working group is tasked to highlight and promote the fundamental nature of human rights and personal dignity in a policing context in a developed liberal democracy; raise awareness of the national, regional and international standards for the protection of human rights; articulate the key role of the Garda Síochána in the protection of human rights and the dignity of all; identify groups and individuals who may be at risk and require support; audit Garda policies and codes of professional conduct; develop education-training interventions designed to inculcate respect for human rights and personal dignity in all gardaí and formulate proposals and develop

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partnership initiatives which contribute to the further development of best practices in policing.

In addition, the Garda Síochána have commissioned Ionann Management Consultants to conduct a human rights audit. The final report of the consultants is still awaited and the report's recommendations will be fully considered in due course.

Drug Seizures.

12. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the cost of securing premises containing quantities of seized drugs until their destruction in 2003; and if he will make a statement on the matter. [6328/04]

20. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the consideration he has given to changing the laws of evidence in order to negate the need for large quantities of seized drugs to be retained and stored for evidential purposes, in circumstances in which a mere sample would suffice. [6330/04]

28. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the types of premises which quantities of seized drugs were retained in between the event of seizure and the event of destruction in 2003; and if he will make a statement on the matter. [6326/04]

66. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the length of time between the seizure of large drugs hauls and their destruction in 2003; and if he will make a statement on the matter. [6327/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 12, 20, 28 and 66 together.

I am informed by the Garda authorities that all illegal drugs seized are initially conveyed to the Forensic Science Laboratory at Garda Headquarters in the Phoenix Park for technical examination.

When analysed, smaller quantities of seized drugs are retained at the relevant district or divisional headquarters where they are stored until required for court purposes. The drugs are placed in evidence bags which are labelled and sealed and placed in secure conditions until required for evidential purposes. These stations are manned on a 24 hour basis with no specific cost involved in securing the stored drugs.

In regard to significant drug seizures, they are retained at Garda Headquarters which is also manned on a 24 hour basis, with no specific cost involved, until the case has been determined and an order for their destruction obtained.

There were no other costs incurred in securing premises containing quantities of drugs seized in 2003.

During the year 2003 there were a number of significant seizures involving cannabis resin, ecstasy tablets and cocaine. In respect of two seizures of 1.6 tonnes and 0.25 tonnes of cannabis resin, respectively, in which prosecution were not forthcoming, both were destroyed after a six-month period with a representative sample being retained in case of any future developments that could lead to a prosecution. All other significant seizures occurring during 2003 have resulted in persons being arrested and charged. Their cases are currently before the courts awaiting determination. Section 10 of the Misuse of Drugs Act, 1984, provides for the introduction in evidence of a certificate of analysis signed by an officer of the Forensic Science Laboratory in regard to the drug. The certificate constitutes sufficient evidence of the facts stated therein until the contrary is shown.

I have no plans at present to change the laws of evidence in this regard. There is, at present, no evidential requirement under law to retain the full amount of seizures of drugs for the purposes of prosecution. The arrangements for the retention, production in evidence and destruction of seizures are operational matters for the Garda Síochána. I understand that such arrangements are the subject of periodical advice from the Office of the Director of Public Prosecutions to the Garda authorities.

Closed Circuit Television Systems.

13. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform the amount of money which has been expended on the installation of closed circuit television systems in towns throughout the country since he took office; and if he will make a statement on the matter. [6333/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware 17 locations are set to receive a new Garda CCTV system, subject to the availability of funds. The locations are, in alphabetical order: Athlone, Ballyfermot, Bray, Carlow, Castlebar, Clondalkin, Clonmel, Dundalk, Dún Laoghaire, Ennis, Finglas, Galway, Kilkenny, Limerick, Sligo, Tallaght and Waterford.

I have been informed by the Garda authorities that when the go-ahead was given to proceed with the installation of the above 17 town centre CCTV systems, it was decided that the implementation of the CCTV systems in these locations would proceed on a phased basis.

If work were to commence on all 17 locations simultaneously, it would prove difficult to project manage due to the complexity of the process and the geographical distribution of the proposed systems. Additional resources would also be required.

Phase 1 of the scheme comprises Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick. The contract for the supply, installation and commissioning of Garda CCTV systems for these locations was awarded to SKS Communications Limited and work on the implementation of these systems is ongoing at present. Phase 2 of the scheme comprises Athlone, Clondalkin, Tallaght and Waterford. The pre-tender process for these systems is at an advanced stage. Phase 3 of the scheme comprises Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. The planning for the installation of these is scheduled to commence later this year.

I have been informed by the Garda authorities that, since I took office in June 2002, a total of €2,339,687.07 has been expended on the CCTV schemes currently being installed in Bray, Dún Laoghaire, Dundalk, Finglas, Galway and Limerick and in respect of the completion of the Cork CCTV scheme.

Equality Legislation.

14. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform the reason persons providing personal services in domestic settings are excluded from the definition of employee in the Equality Bill 2004 and therefore from the protections afforded under the Bill in relation to harassment; and if he will make a statement on the matter. [6372/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 3 of the Equality Bill, as passed by the Seanad, provides a new definition of “employee” to include, where the context admits, members or former members of regulatory bodies as required by the directives and to exclude, with respect to access to employment, persons employed in the provision of personal services in another person’s home affecting the private or family life of those concerned. For clarity, section 3 of the Bill also includes the following definition “personal services” in relation to such services, provided in a person’s home, includes but is not limited to services that are in the nature of services in loco parentis or involve caring for those residing in the home”.

This limited exclusion replaces more broadly based exclusions of employment in domestic settings in the Employment Equality Act 1998 and is intended to strike a balance between the rights of a person to private and family life with the right to equal treatment in employment. The Bill does not exclude from the protections against discrimination afforded persons who are employed in the provision of personal services in domestic settings. The provisions of section 8 of the Bill, which enhance the protection available

to employees against harassment, apply fully to persons employed in domestic settings.

Proposed Legislation.

15. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the kind of information he envisages would be conveyed under section 22 of the Garda Síochána Bill 2004 as initiated; and if he will make a statement on the matter. [6359/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have to respect the fact that the Garda Síochána Bill will be debated next week in the Seanad and it would be inappropriate if in this House were to pre-empt its discussions on any aspect of the Bill.

I do not wish, therefore, to start going into details on items which are more appropriate to the Second Stage or Committee Stage debate on the Bill.

Illegal Immigrants.

16. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if he intends to take interdepartmental initiatives to promote the integration of long-stay immigrant groups here as part of an overall Irish and EU approach to migration; and the core elements of the Irish political, democratic and social identity which he wishes for immigrants to take on board as part of a process of integration into Irish political, democratic and social structures. [4401/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy has highlighted a broad number of issues which are relevant to ongoing debate in relation to immigration in Ireland and the range of issues covered is quite broad. Civil society, and not just Government, has a role to play in responding to the issues thrown up by migration. These issues, in so far as responsibility falls to Government, span a number of Departments but I will focus here on the ones which are relevant to my Department.

The Deputy will be aware that there are several categories of immigrants to the State such as EEA-Swiss nationals, non-EEA-Swiss nationals with employment permits, work visas or work authorisations, students, refugees and asylum seekers. My Department has specific responsibilities in regard to asylum seekers and refugees, who constitute only part of the immigrant population. Migrant workers make up the greater portion of the immigrant population and they have played and continue to play an important role in contributing to sustained economic growth in Ireland.

The Reception and Integration Agency, which was established in 2001 under the aegis of my Department, is responsible for the co-ordination and implementation of integration policy in the

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case of persons with refugee status or with leave to remain in Ireland.

Integration measures for the agency's clients are underpinned by the following general policy objectives: to ensure the upholding of the rights of all newcomers regardless of ethnic and cultural background; to create opportunities to enable newcomers to effectively participate in the economic, social and cultural aspects of Irish society and by so doing exercise their rights and discharge their responsibilities; to promote the development of a tolerant, inclusive society in which both newcomers and host society, irrespective of background, can, over time, share and develop a sense of being Irish while respecting the cultures and practices inherent in the emergence of our new multi-cultural society and to encourage and assist the host population to understand and value the economic and social contribution of newcomers.

On the broader EU dimension, the Reception and Integration Agency is represented on the EU Immigration and Asylum Committee's National Contact Points on Integration. This group, which meets on a regular basis, was established in 2003 to exchange information and good practices in the area of integration at the European level. The group's first annual report on migration and integration in Europe is expected to be presented to the European Council in June 2004.

It is worth mentioning, that with regard to specific EU initiatives, the Reception and Integration Agency is the responsible authority in Ireland for the administration of the European Refugee Fund. The fund began operating on 1 January 2000 and will continue until 31 December 2004. The selection of suitable projects is carried out by a committee, especially appointed each year by the Reception and Integration Agency and comprises representatives from both Government and NGO sectors with experience in the fields of reception, integration and repatriation. Fifty projects in Ireland were being funded in the period 2000 to 2003 under the European Refugee Fund.

Furthermore, the Reception and Integration Agency is currently working in partnership with the Ministry of Labour in Finland on the MORE project which is targeted to develop, in transnational co-operation, comprehensive resettlement models which can be utilised in European Union member states. There is a clear need to create models which would link together all resettlement related measures from interviews and decisions made in the first country of asylum to the local level reception and integration measures. The MORE project aims to address this need. Co-operating organisations in the project are the United Nations High Commissioner for Refugees, International Organisation for Migration and the European

Commission for Refugees and Exiles. The project is of 18 months duration and it is co-funded by the EU Commission under the European Refugee Fund.

As the Deputy will be aware, 'KNOW Racism', the national anti-racism awareness programme, was launched by the Taoiseach in October 2001. A core budget of €5.7 million was allocated by Government to the programme over a three-year period. The programme was implemented by a high level steering group in partnership with the equal status division of my Department. As an indication of the partnership approach which was taken to this issue, the framework for the awareness programme was drawn up by the National Consultative Committee on Racism and Interculturalism, NCCRI, following a three-month consultation process with key statutory and non-statutory organisations. The programme has stimulated and supported initiatives on an ongoing basis in partnership with key organisations at national level as well as at local level. A number of events, such as International Day Against Racism on 21 March and the Anti-Racist Workplace Week in the first week in November, are now firmly established as a result. The programme touched many aspects of Irish life and it has paved the way for the national action plan against racism.

The involvement of local communities was an important component of the KNOW Racism programme and for example, in the last grant scheme administered by KNOW Racism, a total of €322,000 was allocated, in July 2003, to 87 successful applicants in 21 counties. This was the fourth phase of grants disbursed under the programme. In total, over the past three years a total of €1.29 million was allocated to 450 successful projects in 26 counties. The grants were awarded to community groups and organisations for the development of local anti-racism initiatives or projects. The aim was to support actions which stimulated public awareness of racism, helped create the conditions that make it more difficult for racism to exist and promoted an inclusive approach to minority groups.

As the Deputy may also be aware, my Department is in the process of finalising Ireland's first ever national action plan against racism. The consultation process for the plan took place between March 2002 and February 2003 and was overseen by a steering group, with representation from both Government and non-government organisations. In July 2003, I published *Diverse Voices, A Summary of the Outcomes of the Consultative Process and a Proposed Framework for the National Action Plan Against Racism*, which is available on my Department's website. This document outlines the five main objectives which the framework for the plan will be built around. Briefly, these objectives are protection from racism, inclusion

in the socio-economic sense, equality of access to the provision of services, participation of minorities in Irish society and decision making and recognition and building respect of cultural diversity and promoting interaction and understanding.

The plan is nearing completion and we are in the process of taking on board observations which we have received from other Departments of State. When this process is completed I will bring the plan to Government.

In regard to the forthcoming local elections which will be held on 11 June, as the Deputy is well aware, it is not necessary to be an Irish citizen to vote in the elections or to stand for election. To promote the theme of participation, the NCCRI, in partnership with Integrating Ireland, ran a campaign towards the end of last year to inform members of minority ethnic groups, particularly refugees and asylum seekers, of their voting rights and to encourage them to use their franchise. Furthermore, a key tool in ensuring that the elections are kept free from racism is the anti-racism protocol for political parties, developed by NCCRI and signed up to by all political parties represented in the Oireachtas. NCCRI intends to re-launch the protocol as part of its 21 March public awareness programme.

Garda Investigations.

17. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he intends to establish an inquiry into events surrounding the murder of two persons (details supplied) and subsequent Garda investigation as sought by relatives of one of the murdered people; if he consulted with the Attorney General, the gardaí, the relatives of the murdered persons and their legal representatives; and if he will make a statement on the matter. [6212/04]

151. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if he has considered the requests for an inquiry into the Grangegorman murders; and if he will make a statement on the matter. [6442/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 17 and 151 together.

As I have previously outlined to the House, a letter from the legal representatives of the sister of one of the murder victims was received in my office on 11 February. The letter asks that there be a full independent inquiry into the circumstances surrounding the murders and grounds this request on the protection afforded by the European Convention on Human Rights. I am presently in the process of consulting with the Garda authorities and the Office of the Attorney General in order to assist me in my consideration of the request. I expect to be in a

position to respond to the solicitor's letter in the near future.

Human Rights Commission.

18. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the progress made to date with regard to the operation of the Human Rights Commission; the number of staff employed by the commission; the budget allocated to the commission for 2003; the services the commission is offering to the public; and if he will make a statement on the matter. [6251/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to refer the Deputy to my reply to a similar question on this matter on 29 January 2004, the text of which is repeated below. There has been no change in the position since that date.

The Human Rights Commission has now recruited the final member of its administrative staff, which brings its staffing complement to the ten staff requested by it. The chief executive of the commission was appointed in June 2002.

The commission recently moved to its new permanent office accommodation which is located in Jervis House, Jervis Street, Dublin 1 and that will be a crucial factor which will enhance its capability to provide services to the public in line with its wide statutory mandate and remit, as outlined in section 8 of the Human Rights Commission Act 2000. In that regard, I would direct the Deputy's attention to the commission's First Strategic Plan 2003-06, which it published on 31 March 2003. The plan sets out the areas of work on which the commission proposes to focus over the next four years, and it is a key document in the process of the commission's ongoing consultation and dialogue.

The commission's budget for 2003 was €1.28 million. However, it also received an additional once off payment of €536,000 in 2003 to assist it in the acquisition of its new premises. The commission's budget for 2004 is €1.823 million.

Garda Complaints Board.

19. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if he intends to provide additional funds or resources to the Garda Complaints Board to allow it to better discharge its functions, pending the establishment of the Ombudsman Commission for the Garda; and if he will make a statement on the matter. [6221/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the first instance, could I refer the Deputy to the 2002 annual report of the Garda Síochána Complaints Board which stated that although it had raised the issue of the absence of resources in the past, it acknowledged that there had been a positive response to this

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from my Department and, as a result, the board was in a stronger position to carry out its functions than previously, particularly in regard to tribunals.

I would also refer the Deputy to the publication by me on 17 February last of the Garda Síochána Bill 2004, which specifically provided for the replacement of the current Garda Síochána Complaints Board with a new, fully independent, Garda Ombudsman Commission.

The financial allocation of the board has been increased from €1.43 million in 2003 to €2.472 million in 2004. This additional allocation will provide, inter alia initial funding for the set-up of the new Garda Ombudsman Commission when the Bill is passed by the Oireachtas. The increased allocation demonstrates my commitment to the continued funding of the complaints board and the establishment of the new commission as soon as is practicable.

Question No. 20 answered with Question No. 12.

Witness Intimidation.

21. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the progress made to date in the review of the witness protection programme; if he is considering additional measures to support witnesses who may be giving evidence in court cases involving serious charges, but who may not wish to enter the protection programme; and if he will make a statement on the matter. [6225/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the review of the procedures of the witness security programme is ongoing under the supervision of an assistant commissioner.

The review, which is both thorough and in-depth, includes consideration of: a recent judgment of the Court of Criminal Appeal; the measures to support witnesses in court cases who may not wish to enter the programme; and current best practice from an international perspective. When received, the recommendations of the review will be given full consideration.

Garda Reserve Force.

22. **Mr. McGinley** asked the Minister for Justice, Equality and Law Reform the number of persons he envisages appointing as members of the Garda reserve force; and if he will make a statement on the matter. [6351/04]

24. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that giving the same powers to members

of a Garda reserve force as available to those in the permanent force is in the interests of the security of the State; and if he has further satisfied himself that such a decision will be in the interests of the citizens. [6350/04]

40. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the anticipated cost of training a recruit for the Garda reserve force; and if he will make a statement on the matter. [6355/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 22, 24 and 40 together.

The draft scheme of the Garda Síochána Bill made public in July 2003 made reference to a "Garda Síochána Reserve". Deputies will note that the Garda Síochána Bill, as published, does not refer to a reserve but rather it provides in section 14 for the appointment of volunteer members.

As is explained in the explanatory and financial memorandum to the Bill, section 14 provides a basis in law for the resources of the Garda Síochána to be supplemented by the appointment of persons as volunteer members of the Garda Síochána. It is an enabling provision only, and I must emphasise that no decision on the appointment of such members has been taken by the Government. The questions on numbers of persons to be appointed and the associated costs are therefore premature.

As regards the question of powers for any volunteer members, I draw the Deputies' attention to subsection (2) which provides that no person may be appointed as a volunteer member unless he or she has completed the prescribed training.

I have to respect the fact that the Garda Síochána Bill will be debated next week in the Seanad and it would be inappropriate if in the House we were to pre-empt their discussions on any aspect of the Bill. I do not wish therefore to start going into any more detail on items which are appropriate to the Second Stage or Committee Stage debates on the Bill.

Child Care Services.

23. **Ms Enright** asked the Minister for Justice, Equality and Law Reform if he has considered the benefits of promoting the use of certain school buildings for child care purposes out of school hours; and if he will make a statement on the matter. [5213/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The National Development Plan 2000-2006 enabled the Government to make a significant commitment to the development of quality child care in Ireland as a direct response to the recommendations of the Expert Working Group on Childcare, which was established under

Partnership 2000 to develop a strategy for the development and delivery of child care. With funding under regional operational programmes of the national development plan and subsequent reallocations to my Department, the Government has made €436.7 million available to me for the development of child care through the Equal Opportunities Childcare Programme 2000 — 2006, EOCP. The programme is aiming, *inter alia*, to increase by 50% the supply of centre based child care places during the seven years of the national development plan and to develop quality child care to meet the needs of parents in employment, education and training.

The Partnership 2000 Expert Working Group on Childcare noted that, with regard to school age child care, also known as out of school hours child care or after school care, “there had been relatively little interest in the topic of after-school care compared with childcare for pre-school children”. It recommended that a special policy be developed in respect of school age child care, a task subsequently undertaken in 2002 and 2003 by a Sub-Group of the National Childcare Co-ordinating Committee, NCCC. The remit of the Working Group on School Age Childcare was to: review existing provision for school age child care in Ireland and other jurisdictions; develop guidelines on quality standards for school age child care; make proposals for the development of school age child care services, on an all year round basis, taking into account the diverse forms of such child care; and report to the National Childcare Co-ordinating Committee on these issues.

In its report to the NCCC in July 2003, the working group made 33 recommendations covering all aspects of school age childcare including development, quality, training, transport and the way forward. The working group defined school age child care as “Childcare for school going children provided outside of normal school hours where the same children attend the childcare facility on a regular basis and access to the service is clearly defined by agreement with parents and guardians”.

A number of the recommendations directly addressed the issue of the use of school property and/or premises. The use of school premises for such purposes is a matter for the patrons and managing authorities of the schools and it is my Department's intention to enter into discussions in the near future with the various parties in order to create an awareness of the benefits to be derived for local communities through the use of such school premises to include a school age child care facility which would offer parents a seamless service while also ensuring that the child care service to be provided was of a high quality offering a developmental programme of activities to the child.

Following these exploratory discussions, it would be my intention to launch the report of the Working Group on School Age Childcare in the near future at a conference and seminar on school age child care where the major stakeholders can meet to discuss the development of school age child care services in a positive and well informed manner.

Funding for the development of school age child care facilities is available under the equal opportunities childcare programme and, in February 2002, my Department undertook a special media campaign inviting applications for capital and staffing grant assistance for the development of school age child care services. The advertisement was targeted at community-not for profit groups, parent groups and school managing authorities. However, the response has not been as good as was hoped. Notwithstanding this, over €14.6 million has already been committed in funding to 174 applicants for both capital and staffing grants for school age child care facilities under the EOCP.

Question No. 24 answered with Question No. 22.

Garda Communications.

25. **Mr. McCormack** asked the Minister for Justice, Equality and Law Reform the number of other common law jurisdictions whose Garda commissioner equivalent must seek the approval of the Minister for Justice prior to publishing key documents; and if he will make a statement on the matter. [6357/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are over 50 states whose legal systems are based on the common law system including states such as Australia, Canada, India, New Zealand, the United Kingdom and the United States. Each has at least one police service, many of the larger states have more than one and some have more than 50 distinct police services. It would not be practical to conduct a survey of all these police services and in any event what is at issue is whether what is proposed in the Garda Síochána Bill is right for the circumstances in this jurisdiction. I look forward to debating the matter during the passage of the Bill through the Houses of the Oireachtas.

Deportation Orders.

26. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the number of persons deported broken down by gender and nationality in respect of the mass deportations that took place on 12 February 2004; the number of such persons who were under 18 years of age; if he has satisfied himself that all those deported had access to legal advice in advance of the orders being executed; the number of gardaí involved in

[Mr. Quinn.] the operation; the cost to the Exchequer in terms of the cost of chartering the plane and the number of Garda hours involved; and if he will make a statement on the matter. [6252/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A charter flight from Dublin travelled to Moldova via Romania on 12

Country	Males	Females	Female children (under 18)	Male children (under 18)
Romania	37	6	4	6
Moldova	9	4	Nil	Nil

Some 35 members of the Garda Síochána were involved and 385 Garda hours were expended in the operation. The aeroplane used was a Boeing 757 and was chartered at a cost of €93,600.

Aircraft charter is an internationally recognised mechanism for ensuring the safe and effective deportation of persons to their countries of origin and most EU countries use such charter flights. In evaluating the cost of a charter flight for the purpose of deporting persons to their country of origin, the cost of the continued presence of persons who are the subject of deportation orders in the State has to be taken into account. These costs include social welfare costs, direct provision costs, and detention costs in certain cases. Although not a factor in this instance, the use of chartered flights is also the only viable option in cases where there is disruptive behaviour of the persons being deported or there are other genuine concerns of the airlines who have to look after passenger safety.

It is misleading to characterise the operation that took place as a mass deportation, that term implying that individual consideration of cases had not taken place. In this respect and in regard to access to legal advice, it should be made clear that deportation orders issue only following an exhaustive procedure set out in the Immigration Act 1999. Under section 3 of that Act persons whom the Minister proposes to deport must be so notified and be given the options to make representations within 15 working days setting out the reasons they should be not be deported; leave the State before the order was made; or consent to the making of a deportation order. Before making a deportation order the Minister must take account of criteria specified in section 3(6) of that Act and section 5 of the Refugee Act 1996 (Prohibition of Refoulement). At any point in this process a person may seek legal advice. Further, in most cases deportations are proposed when the person concerned has failed to be granted refugee status and throughout the asylum process legal advice is available, including from the Refugee Legal Service.

People Trafficking.

27. **Mr. Wall** asked the Minister for Justice,

February 2004 to facilitate the removal of 13 Moldovan and 53 Romanian nationals. Included in this group were two Romanian nationals who were voluntarily repatriating to their country of origin. On the flight were ten persons under the age of 18, including two Irish born children accompanied by their Romanian parents.

The breakdown of those returned was as follows:

Equality and Law Reform the action being taken to combat the reported trafficking of women, especially from Eastern Europe, for purposes of prostitution here; and if he will make a statement on the matter. [6263/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to my reply to Question No. 14 tabled for answer on 29 January 2004. The situation remains unchanged.

Question No. 28 answered with Question No. 12.

Garda Recruitment.

29. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the plans he has to honour his pre-election promise to recruit an additional 2,000 gardaí; and if he will make a statement on the matter. [6346/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Garda Síochána, all ranks, as at 23 February 2004 is 11,920.

In April 2000 the Government agreed, *inter alia*, to a system of delegated authority under which recruitment is carried out to maintain the strength of the force at an agreed level. In April 2002 the Government agreed to increase the approved strength of the force by 200 to 12,200.

Some 690 Garda trainees were taken into the Garda 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.

I have already made it quite clear that I will not be content with raising the strength of the Garda Síochána to an historic high of 12,200 by the end of 2004. As soon as budgetary circumstances permit I intend, with the approval of the Government, to make progress towards the target of 14,000 provided in the programme for Government.

Garda Equipment.

30. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform his views on whether legal advice has been obtained as to the human rights implications of the use of non-lethal technology here; and if he will make a statement on the matter. [6368/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The recommendations of the Working Group on Less Lethal Weapons were forwarded to me by the Garda Commissioner on 30 July 2002. The Government, having considered the matter, granted approval on 19 November 2002 for the introduction of certain “less lethal” weapons for use by the Garda Emergency Response Unit, ERU, where this is necessary to avoid the use of firearms.

As regards any human rights implications, I should emphasise that the purpose of making available less lethal weapons is to provide an alternative to the use of potentially lethal firearms. More generally, it is also worth noting that the section 7 of the Garda Síochána Bill 2004 will place a statutory duty on the Garda Síochána, in performing its functions, to have regard to the importance of upholding human rights.

Closed Circuit Television Systems.

31. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the progress which has been made in implementing his commitments to installing closed circuit television systems in towns throughout the country; and if he will make a statement on the matter. [6331/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Garda CCTV systems are in currently in operation as aids to policing in the following areas: Dublin city North-Central — comprising 40 cameras — provides coverage of O’Connell Street and surrounding areas. All cameras are monitored from the Garda office in O’Connell Street; Dublin city South-Central — comprising 24 cameras — provides coverage of Temple Bar-Grafton Street and surrounding areas. All cameras are monitored from Pearse Street Garda station; Cork city — comprising 29 cameras — provides coverage of the main streets in the city and adjoining areas. All cameras are monitored from Anglesea Street Garda station; Tralee, County Kerry — comprising 24 cameras — provides coverage of the town centre and

adjoining streets. All cameras are monitored from Tralee Garda station; 17 locations are also set to receive new Garda town centre CCTV systems, subject to the availability of funds.

The locations are, in alphabetical order: Athlone, Ballyfermot, Bray, Carlow, Castlebar, Clondalkin, Clonmel, Dundalk, Dun Laoghaire, Ennis, Finglas, Galway, Kilkenny, Limerick, Sligo, Tallaght and Waterford.

Phase 1 of the scheme comprises Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick. The contract for the supply, installation and commissioning of Garda CCTV systems for these locations was awarded to SKS Communications Ltd., and work on the implementation of these systems is ongoing at present.

I am pleased to announce that the full installation and commissioning of Dún Laoghaire CCTV system was completed on Tuesday, 24 February 2004. All eight cameras are now fully operational. Some 12 of the 13 cameras in Bray CCTV system are in place and relaying images to Bray Garda station. Commissioning of the system is expected to take place shortly. Some 23 of the 24 cameras in Limerick CCTV system are operational and being monitored from Henry Street Garda station. Again, commissioning of the system is expected to take place shortly. In Dundalk, six of the ten cameras are operational. Work on the installation of the remaining cameras is nearing completion.

It was intended that Finglas CCTV system would consist of nine cameras — to be monitored from Finglas Garda station. An offer has been made from statutory and other bodies to fund additional cameras for incorporation into the Finglas scheme. This offer is currently under consideration by the CCTV Advisory Committee which was established by the Garda Commissioner to evaluate applications for CCTV systems. Legal advice has been sought, by the committee, on this matter. Upon receipt of the committee’s views, I expect to be in a position to decide on this matter.

I have been further informed that the issue regarding the provision of suitable space to accommodate the monitoring of CCTV cameras in Finglas Garda station is currently being considered with regard to the overall accommodation needs of Finglas Garda Station.

A total of seven submissions were received by my Department in respect of the Galway CCTV scheme following the planning process. These are currently under consideration by my Department and responses will issue to all those who have made submissions very shortly.

Phase 2 of the programme of CCTV implementation will consist of Athlone, Clondalkin, Tallaght and Waterford. The pre-tender process for these systems is at an advanced stage. Request for tender and detailed technical specification documents are currently being drafted by the telecommunications section at

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Garda headquarters, having regard to experience with other Garda CCTV systems and technological developments in this field. It is intended that these systems will go out to tender during the first quarter of 2004.

Phase 3 comprises Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. The planning for the installation of these systems is scheduled to commence later this year.

Garda Personnel.

32. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the number of juvenile liaison officers in the gardaí at the latest date for which figures are available; if he has plans to extend the scheme in view of the proven success of it in dealing with juvenile offenders; and if he will make a statement on the matter. [6244/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that as at 23 February 2004 there are 85 JLO gardaí and eight JLO sergeants working in the various divisions throughout the country. In addition to this, the National Juvenile Office has a staff of one superintendent, two inspectors, two sergeants and four civilians.

Part 4 of the Children Act 2001 came into law in May 2002. This effectively placed the Garda juvenile diversion programme on a statutory basis for the first time in its 40 year history. Included in the Act is the introduction into the criminal justice system of the concept of restorative justice and family conferencing, the provisions of which are currently being put into effect by the Garda Síochána.

The diversion programme is delivered throughout the country by specially trained gardaí. Resource implications are constantly under review and applications for additional resources are made on a case by case basis when and where necessary.

Proposed Legislation.

33. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform if consultation on the contents of the Equality Bill 2004 was engaged in with civil society and all relevant stakeholders; and if he will make a statement on the matter. [6370/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): Prior to the preparation and drafting of the Equality Bill, the purpose of which is to amend the Employment Equality Act 1998 and the Equal Status Act 2000 to give effect to EU equality Directives 2000/43/EC (Race Directive), 2000/78/EC (Framework Employment Directive) and 2002/73/EC (Gender Equal Treatment in Employment Directive), the Department of Justice, Equality and Law Reform undertook a comprehensive consultation process.

With respect to the transposition of the employment aspect of the three directives, a discussion paper was presented to the social partners and other relevant interests in July 2002, some of whom subsequently made written submissions to my Department. A series of bilateral discussions followed in the latter half of 2002 with those bodies.

A less formal consultation process was also undertaken in relation to the race directive as it affects the Equal Status Act. This included the use of information meetings on the directives organised by the National Consultative Committee on Racism and Interculturalism and other fora, such as the public consultation on the forthcoming National Action Plan against Racism, to disseminate interest and awareness among key interest groups in the race directive. Certain issues raised in the consultations have been taken into account in the Equality Bill 2004 which was published in January this year.

Asylum Applications.

34. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the number of applications for asylum received during 2002, 2003 and to date in 2004; the number of applications upheld by the Refugee Appeals Commission; the number of appeals submitted to the Refugee Appeals Tribunal and the number of such appeals upheld; the number of applications for leave to remain and the number of such applications granted; the number of deportation orders made and the number of such deportations carried out; and if he will make a statement on the matter. [6253/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The information requested is contained in tabular format, a copy of which is being circulated to Deputies.

Table 1: Number of asylum applications received and the number of recommendations by the Office of the Refugee Applications Commissioner to grant Refugee Status (at first instance) in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of applications received	11,634	7,900	392
No. of recommendations to grant refugee status	893	345	44

* as at 31/01/04

**It is assumed that the reference in the Deputy's Question to "Refugee Appeals Commission" refers to the office of the Refugee Applications Commissioner.

Table 2: Number of appeals submitted to the Refugee Appeals Tribunal and the number upheld (at appeal stage) in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of appeals received	5,159	4,730	205
No. of appeals upheld (granted refugee status)**	1,099	825	70

*as at 31/01/04

**Substantive cases

Table 3: Number of Deportation Orders Signed and Number Effectuated in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of Deportation Orders signed	2,430	2,411	131
No. of Deportation Orders effectuated	521	590	38

* as at 31/01/04

Table 4: Number of Applications for Leave to Remain received from current or former asylum applicants

	2002	2003	2004*
No. of applications received	6,887	1,272	45

*as at 31/01/04

Table 5: Number of Applications granted for Leave to Remain by category

	2002	2003	2004*
Parentage of Irish Born Child	3,113	172	0
Marriage to an Irish National	86	132	3
Dependant of EU Citizen	138	77	6
Humanitarian Grounds	159	83	0

*as at 31/01/04

Crime Prevention.

35. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if he will initiate an inquiry into the murder by the IRA of a person (details supplied) in view of a newspaper report which suggested that the Garda did not give adequate advice on their personal protection to this person in view of the risks involved in the valuable and patriotic services this person was providing to the State, and which also suggested that the British authorities knew this person was to be murdered by the IRA but took no steps to warn the Garda or protect them in any other way. [6166/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am assured by the Garda authorities that a full investigation took place into the murder in 1991 of the person in question, responsibility for which was claimed by the Provisional IRA. Although no person has to date been charged in connection with this murder, the investigation remains open. I am informed by the Garda authorities that it is not Garda policy to comment upon any aspect of operational security

matters. I have no proposals in regard to the holding of a further inquiry into this case.

Garda Strength.

36. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the number of recruits who have graduated from the Garda Training College as full Garda members since 6 June 2002; the number of Garda who have retired, resigned or otherwise left the force since 6 June 2002; and if he will make a statement on the matter. [6237/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources including personnel that 833 recruits have graduated from the Garda College since 6 June 2002. This figure of 833 comprise those who have successfully completed the student/probationer education/training programme. This figure does not include those who have been attested to the force upon completion of phase three of their training programme and who have yet to complete the fifth and final phase of that programme. A total

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of 735 members — all ranks — have resigned, retired or otherwise left the Garda Síochána since 6 June 2002.

Employee Protection.

37. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform the way in which a person can assess whether unlawful discrimination has occurred or the likelihood of success of an action based on the condition set out in section 28 in regard to the Equality Bill 2004. [6377/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 28 of the Equality Bill 2004 as passed in the Seanad amends section 74 of the Employment Equality Act 1998 by extending the meaning of victimisation for the purposes of the Act. As a result, a number of additional actions will be included which may be cited as having given rise to a dismissal or other adverse treatment of an employee by his employer, thereby constituting victimisation under the Act of 1998. The additional actions under section 28 of the Equality Bill are: a complaint of discrimination, representation or support of a complainant, being a comparator for the purposes of the Act or lawfully opposing an act which is unlawful under the Equal Status Act 2000. These additions will considerably strengthen the scope of the protection afforded to employees, particularly in situations where they are exercising their rights under the Employment Equality Act. The investigation of a complaint of victimisation will continue to be a matter for ODEI, the Equality Tribunal, or the Labour Court in a claim of unfair dismissal. In addition, the Equality Authority will continue to offer advice to persons in regard to the application of the Act.

Common Law System.

38. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the number of other common law jurisdictions which have provided a statutory basis for the Minister for Justice equivalent to issues directives to the Garda Commissioner equivalent; and if he will make a statement on the matter. [6358/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are over 50 states whose legal systems are based on the common law system including states such as Australia, Canada, India, New Zealand, the United Kingdom and the United States. Each has at least one police service, many of the larger states have more than one and some have more than 50 distinct police services. It would not be practical to conduct a survey of all these police services and in any event what is at issue is whether what is proposed in the Garda Síochána Bill is right for the circumstances in this jurisdiction. I look forward

to debating the matter during the passage of the Bill through the Houses of the Oireachtas.

Employment Rights.

39. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the calls made by the Equality Authority for the introduction of legislation to make employers take more positive steps to promote equal rights in the workplace; if he will make a statement on this matter.

Minister for Justice, Equality and Law Reform (Mr. McDowell): A legislative and administrative framework for equality has been in place for some time with the enactment of the Employment Equality Act 1998 and the Equal Status Act 2000, and with the establishment of the Equality Authority and the ODEI, the equality tribunal. The Equality Bill 2004, which is currently before the Oireachtas, will amend both of these Acts to give effect to EU equality directives 2000/43/EC, race directive, 2000/78/EC, framework employment directive, and 2002/73/EC, gender equal treatment in employment directive. While the opportunity is being taken in the Equality Bill to more closely align the provisions of the Acts and to introduce a number of procedural improvements, the principal purpose of the legislation is to give effect to the EU directives which I have referred to and more general issues of policy and practice which are not currently under review.

As part of the consultation process undertaken by the Department of Justice, Equality and Law Reform in 2002, prior to the preparation and drafting of the Equality Bill, a submission setting out 45 recommendations was received from the Equality Authority. Included in these was a recommendation that the equality legislation implement a duty on the private sector to prepare and implement on a regular basis action plans to promote employment equality and to promote equality within the provision of goods and services across the nine grounds in a planned and systematic way; and that the Equality Authority should be given a role to establish, maintain and enforce standards in regard to these action plans. I understand that, in addition to the formal submission received from the authority, it has also advocated this approach in the course of some more recent equality fora.

As I have said, the focus of the legislation amending the Employment Equality and the Equal Status Acts is to successfully transpose the EU equality directives, none of which requires the imposition of such a duty on employers or service providers. The existing infrastructural approach to equality assigns the key role in these matters to the Equality Authority in keeping with its key functions in regard to the elimination of discrimination and the promotion of equality of opportunity.

Part VI of the Employment Equality Act, applicable also in regard to the Equal Status Act,

makes provision for a comprehensive system of equality reviews and action plans centred on this key role. The authority may invite a particular business, group of businesses or the businesses making up a particular industry or sector thereof to carry out an equality review in relation to their business or businesses and or prepare and implement an equality action plan in respect of that business or businesses.

The authority may also itself carry out an equality review and prepare an equality action plan in relation to a particular business, except where it has less than 50 employees, group of businesses or the businesses making up a particular industry or sector thereof. Further, it may employ persons qualified to audit the level of equality of opportunity which exists in such business or businesses, and to examine the practices, procedures and other relevant factors present, to determine whether they are conducive to the promotion of equality of opportunity. In addition, the Employment Equality Act gives specific powers to the Equality Authority to refer for enforcement, by the High Court or the Circuit Court as appropriate, any case of non-compliance with an equality action plan.

Question No. 40 answered with Question No. 22.

Gangland Killings.

41. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform the steps being taken to reduce access to and use by criminals of firearms, in view of the fact that the number of murders involving the use of such weapons has increased from four in 1998 to 21 in 2003; the steps he intends to take to ensure that those using such weapons are brought to justice in view of the fact that proceedings have been commenced in respect of only four of the murders in which firearms were used in 2003; the position in regard to his review of the firearms control policy; and if he will make a statement on the matter. [6222/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I assure the Deputy that I share his concern in relation to the issue of firearms becoming available to criminals. I have made inquiries with the Garda authorities who have informed me that the National Bureau of Criminal Investigation investigates homicides, serious and organised crime on a national basis. I am further informed that any action taken against organised criminal groups who habitually use firearms in the course of their criminal activities is focused through intelligence-led operations.

This approach allows Garda management to utilise local divisional resources, along with specialised units, to maximum effect. I have discussed this matter on several occasions with the Garda Commissioner and I am confident that every effort is made by the Garda Síochána to bring those engaged in crime to justice and that

appropriate action is taken where sufficient evidence is available.

The provisional number of murders in 2003 involving firearms has decreased by one following the investigation of an incident where a person received a fatal shotgun wound. This incident is no longer being investigated as a murder and has been reclassified. Therefore, the provisional figure for 2003 for murders involving firearms is now 20 murders recorded, seven detected and four with proceedings commenced. These figures are provisional and are subject to a validation process.

My Department has almost finalised a review of the firearms control policy with the intention of updating the legislation in this area. The security of weapons held legitimately by individuals or dealers from robbery by criminals will be dealt with in the context of this proposed legislation. I hope to bring proposals to Government shortly.

Consultancy Costs.

42. **Ms Burton** asked the Minister for Justice, Equality and Law Reform if he intends to undertake a review of his Department's policy in regard to the hiring of consultants, especially in view of the fact that almost €30 million has been paid out to consultants, since the last general election; the steps in place to ensure value for money in regard to such consultants; and if he will make a statement on the matter. [6214/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that the reply given by me in written response to a parliamentary question of 27 January 2004, reference No. 1094/04, caused serious misunderstanding and grossly exaggerated the cost of consultancy services in my Department. I should point out that the figures provided by me in response to that question included, inadvertently and erroneously, not only costs of all consultancy projects initiated by my Department, but also the costs of non-consultancy out-sourcing of certain IT services and software development services, the necessary technical expertise for which is not available in Departments. This wrongly categorised expenditure amounted to €26.4 million, or 90.3%, of the €29.3 million referred to in the written reply.

In fact, this IT and software expenditure does not fit into the category of consultancy described by Department of Finance guidelines on the matter and should more properly have been described as contracted IT services.

Two of the more significant of these IT projects relate to the introduction of the fixed charge processing system, penalty points, and the implementation of the new Government financial management system which will integrate the financial systems for the Department, the Courts Service, the Garda Síochána and the Prison Service.

[Mr. McDowell.]

On the matter generally, my Department follows strict Government public procurement guidelines in relation to engaging consultants and outside contractors for all projects, including IT work, and contracts are awarded on the basis of the most economically advantageous tender received.

A much smaller sum has been spent on consultants engaged by my Department to help carry out research on issues such as the employment of people with disabilities in the public service and the codification of the liquor licensing laws, and to help policy research in a number of areas such as immigration and citizenship, and gender and employment equality.

The small number of projects involving consultants are actively managed by my Department so as to ensure agreed deliverables and outputs are achieved and value for money is obtained.

My Department's policy in regard to the engaging of consultants is that such a course of action is resorted to only when absolutely necessary and that full value for money is derived from all such expenditure.

Bicycle Theft.

43. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform the measures his Department are considering taking to reduce the level of bike theft in Ireland given the increases in this reported crime over the last year. [2163/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the number of pedal cycle thefts in the provisional statistics for 2003 is 518 which is an increase of 21% over the previous year. A detective superintendent in the Dublin metropolitan region has been appointed to oversee a policing initiative to tackle this increase.

Every opportunity is availed of through school visits, community meetings and crime prevention leaflets to inform the community of the importance of taking basic security measures in relation to bicycles. Garda personnel can provide assistance with the identification marking of bicycles which subsequently assists identification of the owner if the bicycle is stolen.

Every bicycle stolen or recovered is recorded on the PULSE system which is a very effective aid to restoring bicycles to their owners.

Penalty Points System.

44. **Mr. Murphy** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the operation of the penalty points system; and his views on the Garda delays in issuing notices under section 5 of the Road Traffic Act 2002. [6364/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The main objective of the penalty points system and all Garda activity in the area of road safety is to change road user behaviour, through enforcement and surveillance, ultimately resulting in a reduction of the numbers killed and injured on our roads. While there is no room for complacency, particularly given the number of recent tragedies, provisional Garda figures for 2003 indicate a reduction of 36 in the number of road deaths.

Section 5 of the Road Traffic Act 2002 to which the Deputy has referred deals with the notification to licence holders of the endorsement of penalty points. This aspect of the system is a matter for the Minister for Transport rather than the Garda Síochána.

Nevertheless, the Deputy will appreciate that the penalty points system is currently operating on a semi manual basis. This will change later this year when the fixed charge processing system becomes operational. I think the Deputy will agree that the benefits of the considerable advances in road safety achieved in the period since the introduction of penalty points outweigh the regrettable delays resulting from the operation of the interim manual system.

I am satisfied that the role played by the Garda Síochána to date in the introduction and ongoing enforcement of the penalty points has been vital in the progress made.

Garda Operations.

45. **Mr. McCormack** asked the Minister for Justice, Equality and Law Reform his views on whether chapter three of the Garda Síochána Bill 2004 raises the prospect of political interference in the policing of the State; and if he will make a statement on the matter. [6356/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): Chapter 3 of Part 2 of the Garda Síochána Bill will provide, for the first time, a clear statutory definition of the respective roles of the Minister and the Commissioner in relation to policing with appropriate checks and balances.

I believe that the provisions of the chapter, far from being a vehicle for political interference, are instead a balanced mechanism for accountability to the Government and Oireachtas while providing the Commissioner with the necessary authority to exercise his policing functions efficiently and with efficacy.

I have to respect the fact that the Garda Síochána Bill will be debated next week in the Seanad and it would be inappropriate if this House were to pre-empt their discussions on any aspect of the Bill. I do not wish therefore to start going into any more detail on items which are appropriate to the Second Stage or Committee Stage debate on the Bill.

Public Order Offences.

46. **Mr. Coveney** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 72 of 29 January 2004, if he will give further details regarding his proposals for a fixed penalty procedure; and if he will make a statement on the matter. [6363/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I indicated in my reply to Parliamentary Question No. 72 of 29 January 2004, I am considering the introduction of a statutory provision allowing for a fixed penalty procedure in respect of certain lesser public order offences, which would enhance the power of the Garda to deal with such offences in an efficient and effective way and offer an alternative to a court prosecution. Such a procedure would be similar to the fixed penalty procedure in respect of road traffic offences whereby a person charged with a relevant offence is issued with a written notice indicating that if he or she pays the appropriate penalty this will avoid a prosecution before the courts.

The proposal is being considered in the context of the proposed Criminal Justice Bill which I expect to publish this session.

Prison Accommodation.

47. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform if he is planning to close the Dóchas women's prison in the Mountjoy complex; the basis for such a closure in view of the amount of public money spent in developing the Dóchas prison and the quality of the service it provides; and if he will make a statement on the matter. [6218/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Since the opening of the Dóchas centre in 1999, there has been a serious overcrowding problem there, even with the benefit of an additional 20 spaces provided in the final phase of its construction. I do not regard this as an acceptable situation.

Social trends across Europe indicate that we will continue to experience an increasing level of women prisoners in our prison system in the future. It is the Government's intention, therefore, to include an expanded version of the Dóchas centre in the plans to move the entire Mountjoy prison complex to a green-field site in the greater Dublin area. Provision will also have to be made for additional spaces for women prisoners in the Munster area where there is currently serious pressure on the 20-person unit at Limerick prison.

Garda Vetting Unit.

48. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if he is considering the extension of the scope of the central vetting unit as a matter of urgency; and if he will make a statement on the matter. [6345/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I understand that the working group established to examine the issue of extending the services of the Garda central vetting unit to other groups, taking into account all aspects of the vetting of persons coming in contact with children and vulnerable adults, held its final meeting on 23 February, 2004. I further understand that the report of the working group will be submitted to the Garda Commissioner and myself in the near future. I can assure the Deputy that full consideration will then be given to the report, including its recommendations.

Garda Deployment.

49. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when he proposes to increase the number of gardaí available for patrol in the greater Dublin area, with particular reference to areas with high crime levels; his views on whether the situation is sufficiently serious to provide the extra number of gardaí promised in the programme for Government in order to deal with the situation; and if he will make a statement on the matter. [6382/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that great emphasis is placed on foot patrols by local management within the Dublin metropolitan region. It is Garda policy to ensure that as many personnel as possible are engaged on foot patrols and as further personnel resources become available, they are assigned to foot patrol duty. Foot patrols are carried out at retail centres, areas of high density of traffic and areas where public order issues arise, and are continually reviewed to ensure they are addressing the policing needs of an area. In addition to routine foot patrols, dedicated foot patrols are also in place by way of various operations and initiatives which are ongoing and focus on areas of high crime levels. Garda management in the Dublin metropolitan region is satisfied that adequate personnel and resources are currently in place to meet the present policing needs of the region.

With regard to the recruitment of additional gardaí, 690 Garda trainees were taken into the Garda 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 2004.

I have already made it quite clear that I will not be content with raising the strength of the Garda Síochána to this historic high by the end of 2004. As soon as budgetary circumstances permit I intend, with the approval of the Government, to make progress towards the target of 14,000 provided in the programme for Government.

Immigration Bill 2004.

50. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the purpose which lies in the decision to appeal a case (details supplied) in view of the fact that the Immigration Bill 2004 has been passed in acknowledgement of the legislative weakness in this regard; and if he will make a statement on the matter. [6361/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The decision to appeal this judgment was taken in consultation with the Attorney General. The potential effects of the judgment itself go beyond immigration related matters. It has longer term implications for the Legislature in that it appears to rule out the possibility of legislating by reference to a text not appearing in the Bill in question. In addition, it has implications for cases which are currently before the courts.

Equality Bill 2004.

51. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform if the Equality Bill 2004 will be referred to the Irish Human Rights Commission and the Equality Authority for their views; and if he will make a statement on the matter. [6379/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Prior to the preparation and drafting of the Equality Bill, the purpose of which is to amend the Employment Equality Act 1998 and the Equal Status Act 2000 to give effect to EU equality directives 2000/43/EC, race directive,

2000/78/EC, framework employment directive, and 2002/73/EC, gender equal treatment in employment directive, the Department of Justice, Equality and Law Reform undertook a comprehensive consultation process. This process was conducted during 2002 and included the social partners and other key stakeholders, including the Equality Authority. Subsequent to the publication of the Bill in January 2004, further consultations took place with the Equality Authority.

Since the principal purpose of the legislation is to give effect to the EU directives, the Bill was not specifically referred to the Human Rights Commission, which has a considerable workload, but which is free to comment as it sees fit.

Prison Committals.

52. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of women committed to prison in each year since 1994; the length of sentences for which they were committed; the average number of women incarcerated at any one time in any of those years; the number of prison spaces for women in each of these years; and if he will make a statement on the matter. [6266/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The total number of female committals, average number in custody, and capacities of the two female prisons for the years from 1994 to 2002 are set out in the table below. Official figures for the total number of committals and the average numbers in custody are not yet available for the year 2003.

Year	Number of Females Committed to Custody	Average number of females in custody	Capacity of Mountjoy Prison (Female)	Capacity of Limerick Prison (Female)
2003	Not available	Not available	80	20
2002	1,043	104	80	16
2001	1,115	96	80	16
2000	845	72	80	12
1999	868	84	40	12
1998	903	71	40	12
1997	933	63	40	12
1996	703	48	40	12
1995	696	39	40	12
1994	669	42	40	12

Sentencing Policy.

53. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the consistency of sentences being passed down in the District Courts throughout the country; and if he will make a statement on the matter. [6334/04]

60. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the plans he has to introduce sentencing guidelines, specifically for summary offences; and if he will make a statement on the matter. [6349/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 53 and 60 together.

Under our legal system, the law provides generally for maximum penalties for criminal offences. The law enables the judge to exercise his or her discretion, within the maximum penalty, by reference to the conclusions he or she has reached after hearing the case, including all the evidence and assessing the culpability and circumstances of the accused. I have no proposals to depart from this principle.

The complex question of sentencing policy was addressed at length by the Law Reform

Commission which specifically recommended against the introduction of statutory sentencing guidelines. Its report pointed out a number of differences of opinion among members of the commission in relation to some of the recommendations in the report which tends to underline the obvious complexities which arise in relation to sentencing policy. There are, however, a number of provisions relating to the general area of sentencing which may be of interest to the Deputies.

In accordance with the provisions of the Courts and Court Officers Act 1995, funds have been made available to the Judicial Studies Institute, which was established by the Chief Justice for the purposes of judicial training. I understand that the issue of sentencing has been examined by the institute in the context of its training programme.

Section 36 of the Courts (Supplemental Provisions) Act 1961 makes provision for meetings of District Court judges to discuss, *inter alia*, the avoidance of undue divergence in the exercise of the jurisdiction of the court and the general level of fines and penalties.

Garda Inquiries.

54. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform if he has received the report of the senior Garda officer who has been requested by the Commissioner to examine all matters featured in a television programme (details supplied) of 8 January 2004; and if he will make a statement on the matter. [6220/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that inquiries into matters emanating from the "Prime Time" programme are continuing and it will take some time to complete this work. It would be inappropriate to make any comment at this point in time.

Garda Stations.

55. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the number of Garda stations which have reduced their opening hours since he took office; and if he will make a statement on the matter. [6343/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Commissioner of the Garda Síochána that the reduction in the opening hours of Garda stations releases personnel employed on indoor administrative duties. Such personnel can be utilised more effectively in providing a visible Garda presence on outdoor policing duties. I have been informed by the Garda authorities who are responsible for the detailed allocation of resources including personnel, that some 18 Garda stations throughout the country have reduced their opening hours since I took office on 6 June 2002.

Bench Warrants.

56. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of outstanding bench warrants as at 31 January 2004; and if he will make a statement on the matter. [6290/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information sought by the Deputy has been requested from the Garda authorities and I will contact the Deputy when their report is to hand.

Internet Grooming.

57. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that the Child Trafficking and Pornography Act 1998 is sufficient to deal with the problem of Internet grooming; and if he will make a statement on the matter. [6347/04]

96. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform his views on whether a more satisfactory means of legislatively addressing the problem of Internet grooming has presented itself; and if he will make a statement on the matter. [6348/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 57 and 96 together.

The Deputy will be aware from my reply to Parliamentary Question No. 1 of 29 January 2004 that I have been examining the question of Internet grooming in the context of legislation which will be required for compliance with two recent EU framework decisions.

Temporary Release of Prisoners.

58. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the number of prisoners absent without leave from prisons as a result of escapes or failure to return from temporary release; the steps being taken to deal with this problem; and if he will make a statement on the matter. [6258/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I again take the opportunity to dispel any belief that there is a major security issue in this area. In this context, I refer the Deputy to Parliamentary Question No. 403 of 18 November 2003 and Parliamentary Question No. 5 of 29 January 2004 which give background material on the issue.

The most recent list of persons who are at least technically "at large" indicates that there are 665 such persons. As previously indicated, this list is under ongoing review, on a case by case basis, and it is anticipated that this process, when completed, will lead to a more realistic and significantly reduced figure. The Deputy will appreciate that the examination of individual records is a timely process and that this exercise

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is subject to the resources available to undertake this process.

Garda Stations.

59. **Mr. English** asked the Minister for Justice, Equality and Law Reform the number of Garda stations which are manned for less than 30 hours per week; and if he will make a statement on the matter. [6342/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources including personnel that a total of 495 Garda stations in the country are manned, that is, open to the public, for less than 30 hours per week. The extension of the current opening hours of these Garda stations would necessitate the employment of Garda personnel on indoor administrative duties. Such personnel can be utilised more effectively in providing a visible Garda presence on outdoor policing duties.

Question No. 60 answered with Question No. 53.

Crime Levels.

61. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the recent survey published by the Small Firms Association showing that the cost of crime to small business had jumped by 25% to almost €1 billion per year; his views on the accuracy of these figures; the action he intends to take to deal with this serious crime problem; and if he will make a statement on the matter. [6223/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware of the survey in question and I am very conscious of the considerable costs incurred by the business community as a result of crime. I welcome all well informed input and research on crime related issues. It is not my intention to in any way undervalue or underestimate the experiences of those who were victims of crime and who responded to the survey conducted by the Small Firms Association.

However, it should be borne in mind that the annual crime statistics compiled by the Garda Síochána are much more broadly based and thus provide a more reliable guide of the cost of crime in general. Having said that, even though the SFA's respondents stated the cost of crime had risen sharply, the survey also records that the incidence of crime against small business reduced by 4%. This reflects the decrease recorded in the Garda statistics: crime overall was down by 2% on 2002. In addition, the value of property stolen in burglaries, robberies and thefts recorded in the Garda crime statistics was €96.9 million in 2002.

The comparable provisional figure for 2003 was €73.3 million, representing a decrease of 24%.

The Garda Síochána provides a range of crime prevention supports to the small and large business communities alike. They include the services of crime prevention officers who carry out surveys throughout the country and provide advice on how security may be strengthened. They also disseminate information on crime prevention through their booklet, *A Guide to Retail Security*. The Garda Síochána is also involved in supporting a number of business watch schemes throughout the country.

Firearms Licences.

62. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the rationale of the policy of not issuing licences for .308 firearms and other similar armaments; and if he will make a statement on the matter. [6324/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Priority Question No. 4 of today on this matter.

Garda Síochána Bill 2004.

63. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that as drafted, aspects of the Garda Síochána Bill 2004 will retain in many instances the *status quo* of gardaí being investigated by gardaí; and if he will make a statement on the matter. [6360/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The provisions of sections 83 to 91 of the Garda Síochána Bill, 2004 deal with the ways in which complaints against the Garda Síochána are to be investigated by the independent Garda Síochána Ombudsman Commission.

In essence the position is that in cases of death or serious harm to a person, the Ombudsman Commission must investigate the matter itself using its own team of inquiry staff. This applies to all such cases irrespective of whether a complaint has been made. In all instances other than those involving death or serious harm, the commission in its independent discretion may again opt to have the matter investigated by its own staff by conducting a civil type inquiry or criminal investigation as the circumstances require, or it may request the Garda Commissioner to investigate the matter subject to certain conditions, which allow for the possibility that the commission may at any time take over that investigation. The commission could also decide to supervise that Garda Síochána investigation from the very beginning.

In no way do I accept that the Bill provides for a system of investigation where the gardaí investigate themselves which bears any comparison with the present process under the Garda Síochána (Complaints) Act 1986. No

matter what route is chosen by the Ombudsman Commission to carry out an investigation under the Bill, whether as a result of a complaint or otherwise, and whether in regard to the most serious allegations relating to the commission of criminal offences or to those at the lower end of the scale involving breaches of discipline, the policy as reflected in the Bill is that the Ombudsman Commission retains control and direction over the whole proceedings.

Garda Stations.

64. **Mr. English** asked the Minister for Justice, Equality and Law Reform the number of Garda stations which closed during 2003; and if he will make a statement on the matter. [6341/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources that no Garda stations closed during 2003.

Equality Bill 2004.

65. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform his views on whether the obligations on an employer in respect of persons with disabilities in the Equality Bill 2004 meets the requirements under the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities; and if he will make a statement on the matter. [6373/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Equality Bill 2004 which is presently before the Oireachtas will amend the Employment Equality Act 1998 and the Equal Status Act 2000 to give effect to EU equality Directives 2000/43/EC, race directive, 2000/78/EC, framework employment directive, and 2002/73/EC, gender equal treatment in employment directive. In accordance with the framework employment directive, section 9 of the Bill replaces section 16(3) of the Employment Equality Act 1998 in relation to the employer's duty to accommodate the needs of a person with a disability to enable access and participation in employment.

The UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (1994) cover all aspects of the lives of people with disabilities including provisions relating to employment. The rules are voluntary in nature and are considered primarily guidelines to the development of policy. In the area of employment, the rules provide that laws and regulations in the employment field should not discriminate against people with disabilities and must not raise obstacles to their employment. Equality legislation to date, and now the Equality Bill 2004, supports and enhances this aim. Other elements in the employment rule relate to the active support of people with disabilities in employment, the adaptation of workplaces, public awareness campaigns and a range of other

measures geared to support the integration of people with disabilities in employment. The Equality Bill allows for such measures for this purpose. In general the aims of the standards rules are being advanced both on an administrative and legislative basis.

Question No. 66 answered with Question No. 12.

Deputy State Pathologist.

67. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform when a deputy State pathologist will be appointed; if the post has been advertised; the reason a situation was allowed to develop whereby the State pathologist will have to conduct every post mortem in the State; and if he will make a statement on the matter. [6261/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that, following the recent appointment of a person to the post of State Pathologist, a vacancy for a deputy State pathologist exists. I can also inform the Deputy that my Department has requested the Office of the Civil Service and Local Appointments Commissioners to make arrangements for the filling of this post as a matter of urgency. I can further inform the Deputy that arrangements for assistance for the State Pathologist in the performance of post mortems and other related work have been put in place, as an interim measure, until a deputy State pathologist is appointed.

Inquest Procedures.

68. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the anomaly whereby only one medical doctor can give evidence at an inquest; if his attention has further been drawn to the concerns expressed by coroners regarding this anomaly; the steps he intends to take in this regard; and if he will make a statement on the matter. [6260/04]

80. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform the progress which has been made in implementing the Report of the Working Group on the Coroner Service published in December 2000; and if he will make a statement on the matter. [6259/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 68 and 80 together.

I refer the Deputy to my answer to Question No. 21 of 29 January 2004. The position has not changed.

Garda Recruitment.

69. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the membership of the Garda at the latest date for which figures are

[Mr. O'Shea.]

available; the progress made to date with regard to the commitment to recruit an additional 2,000 gardaí; the annual capacity of the Garda Training College at Templemore; if he has plans to extend the college or otherwise increase training capacity; and if he will make a statement on the matter. [6236/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Garda Síochána, all ranks, as at 23 February 2004 is 11,920.

In April 2000 the Government agreed, *inter alia*, to a system of delegated authority under which recruitment is carried out to maintain the strength of the force at an agreed level. In April 2002 the Government agreed to increase the approved strength of the force by 200 to 12,200.

A total of 690 Garda trainees were taken into the Garda 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.

I have already made it quite clear that I will not be content with raising the strength of the Garda Síochána to an historic high of 12,200 by the end of 2004. As soon as budgetary circumstances permit I intend, with the approval of the Government, to make progress towards the target of 14,000 provided in the programme for Government. Any training issues which arise, including the issue of capacity, will be addressed in that process.

The Garda College currently has accommodation on a weekly basis of 400 single rooms. These are utilised on a weekly basis to cater for student and course accommodation. The student Garda living out programme that has been developed to cater for increased numbers of Garda trainees enables Garda students to be accommodated off campus and within the environs of Templemore and can accommodate a further 300 students per week.

Garda Stations.

70. **Mr. McEllistrim** asked the Minister for Justice, Equality and Law Reform when the long awaited new Garda barracks for Castleisland, County Kerry, will proceed in view of the very inadequate and hazardous conditions of the present temporary Garda station; the recent serious assault resulting in the death of a person in the town on 27 January 2004; and the concerns of local persons regarding the rising disorder in the town, especially after dark. [6167/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are plans to build a new Garda station in Castleisland, as soon as is

practicable, to replace the old station which was destroyed by fire.

To this end, the Office of Public Works, who have responsibility for acquiring property for the State, were requested to source a suitable site in the town. When they have done that, consideration will be given to providing the new station. As with all such projects, I should point out that progress will be achieved as quickly as overall priorities within the Garda building programme and the availability of financial and other resources allow.

I understand from the Garda authorities that they are unaware of any hazardous condition in the existing temporary accommodation in Castleisland.

In relation to the serious incident referred to by the Deputy, I am informed by the Garda authorities that the matter was fully investigated and a file is currently being prepared for adjudication by the Director of Public Prosecutions.

Finally, I am informed by the Garda authorities that the level of public order incidents in Castleisland sub-district has dropped from 62 in 2002 to 38 in 2003.

Court Awards.

71. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the amount paid out either in respect of court awards or out of court settlements for claims taken against members of the Garda in respect of assault, unlawful arrest, or other breach of a citizens right in respect of 2001, 2002, 2003 and 2004 to date; the number of cases in which awards were made by the courts; the number of cases which were settled out of court; the number of such cases pending; and if he will make a statement on the matter. [6241/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy in relation to court awards and out of court settlements in actions taken against members of the Garda in respect of assault, unlawful arrest or other breaches of citizens' rights is set out in the following table.

As of 31 December 2003 there were approximately 750 civil actions taken against members of the Garda Síochána on hand. In the short timeframe for answering this parliamentary question, it is not possible to give a breakdown of these actions in the form of the number of allegations of assault, unlawful arrest and other breaches of citizens' rights. However, a database introduced in 2002 for the purposes of recording civil actions taken against members of the Garda Síochána indicates that in 2003 — the first complete year for which figures are available — of the 142 actions initiated or received in that year by my Department, there were 34 cases of alleged assault recorded and 38 cases of alleged unlawful arrest recorded. The remaining 70 cases

recorded included allegations of defamation and harassment. In the year to date, 13 actions have been initiated/received. They include four cases of alleged assault and six cases of alleged unlawful arrest.

Civil actions may be taken by the general public against members of the Garda Síochána for compensation for alleged wrongs and personal injuries inflicted on them by Garda members in the performance of their duties. The highest percentage of these types of civil actions against the Garda Síochána is in relation to assault and unlawful arrest. The great majority of these cases have been settled for less than €25,500. Settlement of cases takes place on the advice of the Chief State Solicitor, the Attorney General and State Counsel.

The Garda Commissioner has informed me that incidents which result in successful claims against the State in respect of the actions of gardaí are examined with a view to identifying and implementing operational strategies to eliminate or reduce similar claims in the future. The Garda Commissioner has also informed me that the Garda Síochána (Discipline) Regulations 1989 are invoked in appropriate cases where the actions of individual Garda members come into question. One of the principal aims of the Garda Síochána Bill 2004 is the establishment of a new mechanism for dealing with complaints against members of the Garda Síochána which will secure public confidence and which will address the acknowledged shortcomings in the existing law and procedures on complaints.

Year (Total Amount)		Assault	Unlawful Arrest	Other
		€	€	€
2001 €1,619,746.83	Awards	1,904.61 (1)	20,950.68 (2)	22,220.42 (1)
	Settlements	123,164.59 (5)	33,965.49 (3)	162,782.25 (9)
	Costs	244,665.35	123,199.41	886,894.03
	Total	369,734.55	178,115.58	1,071,896.70
2002 €1,240,388.40	Awards	1,270 (1)	3,809.21 (1)	56,500 (2)
	Settlements	166,924.48 (6)	106,835.58(10)	185,078.82(11)
	Costs	230,769.67	148,714.19	340,486.45
	Total	398,964.15	259,358.98	582,065.27
2003 (Provisional) €1,276,127.55	Awards	11,000 (1)	10,000 (2)	4,870 (2)
	Settlements	75,000 (4)	303,011 (5)	112,814.84 (4)*
	Costs	145,561.70	71,794.28	542,075.73*
	Total	231,561.70	384,805.28	659,760.57
2004 (Provisional) (as of 24/2/04) €30,375.33	Awards	0	0	0
	Settlements	10,000 (1)	4,007 (1)	0
	Costs	0	16,368.33	0
	Total	10,000	20,375.33	0

The number of cases in which awards were made by the courts and the number of cases which were settled out of court are shown in brackets in each case.

*These provisional figures are updated from those circulated with reply to Parliamentary Question No. 15, dated 29 January, as a result of being clarified in the process of drawing up the 2003 Appropriation Account.

Detention Places for Juveniles.

72. **Mr. Murphy** asked the Minister for Justice, Equality and Law Reform the places of detention for juveniles under the auspices of his Department; the number of young persons detained in each centre; his plans to expand and further develop the service; and if he will make a statement on the matter. [6365/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): For the purpose of this question a juvenile is assumed to be a person aged under 18 years of age. St. Patrick's Institution is the designated detention centre for male offenders aged between 16 and 21 years of age for which my Department has responsibility. In practice,

the majority of juveniles committed to custody are detained there. In addition, each of the prisons in the State can accommodate persons aged 17 years and over. With these provisions in mind, the location of juveniles in custody on 24 February 2004 are set out in the following table.

Location	Number
St. Patrick's Institution	56
Cloverhill Prison	6
Castlerea Prison	1
Cork Prison	4
Limerick Prison	3
Mountjoy Prison (Female)	5

Location	Number
Midlands Prison	1
Wheatfield Prison	3
Total	79

The Children Act 2001 provides a statutory framework for the future development of the juvenile justice system. There is a requirement under the Act for my Department to provide separate detention facilities for 16 and 17 year olds. Consideration is being given to locating a stand-alone juvenile detention centre in the proposed replacement campus for the Mountjoy complex.

Proposals for Prisons.

73. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform his proposals for the future of the Fort Mitchell and the Curragh Prisons; and if he will make a statement on the matter. [6216/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will be aware that on 11 November 2003, the Government approved a series of measures, to be taken on a rolling basis with effect from 1 January 2004, in the event of failure to reach agreement with the Prison Officers' Association on a change agenda aimed at eliminating overtime payments and reducing other costs in the Irish Prison Service. These measures included the mothballing of the Curragh Place of Detention and Fort Mitchell Place of Detention.

The reasons for the Government decision have been well aired in the House and indeed in the Seanad. I would refer the Deputy to the Adjournment debates in this House on 12, 18 and 27 November 2003 and to an Adjournment debate in the Seanad on 19 November 2003. In the course of those debates, I made it clear that the Irish Prison Service could not continue to spend public money to feed an overtime culture which was virtually out of control, while maintaining outdated and inefficient work practices. I also made it clear that I had no desire to close or mothball prisons and that my preference was for a mutually advantageous agreement with the Prison Officers' Association which would ensure an efficient and cost effective Prison Service into the future. My position has not changed in that regard.

In the absence of agreement with the Prison Officers' Association, the Curragh Place of Detention closed on 20 January 2004 and Fort Mitchell closed on 10 February 2004. I have no plans at present to reopen either of the two facilities.

European Arrest Warrant.

74. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if only eight of the 15 members states have enacted legislation

providing for the introduction of the European arrest warrant; the reason he felt it necessary to ask the Houses of the Oireachtas to enact the European Arrest Warrant Bill 2003 prior to the Christmas 2003 recess; the further reason the provisions of the Bill did not come into effect from 1 January 2004 throughout the EU; if he will take the opportunity to address the concerns raised by Amnesty International and the Human Rights Commission regarding the measure; and if he will make a statement on the matter. [6211/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Eight member states, including Ireland, met the deadline of 1 January 2004 for the implementation of the framework decision on the European arrest warrant. The European arrest warrant is now in force in relations between those member states. Of the remainder, the Justice and Home Affairs Council meeting this month which I chaired was assured that the great majority would have complied with their obligations by the end of April.

Implementation of the framework decision requires the enactment of national legislation in each member state and, as for the outstanding member states, I understand that the parliamentary processes are under way for the enactment of their legislation.

Member states accepted certain obligations when agreeing to adopt the framework decision on the European arrest warrant — it was adopted unanimously by all member states in June 2002. In particular, member states accepted the obligation relating to the deadlines for implementation, including the specific requirement in Article 34.1 that “Member states shall take the necessary measures to comply with the provisions of the Framework Decision by 31 December 2003”. It is a matter for each member state to comply with the obligations it assumed when adopting the framework decision. Ireland fulfilled its obligation by having its implementing legislation in place by the 31 December deadline.

The Deputy refers to concerns raised by Amnesty International and the Human Rights Commission regarding the European arrest warrant. Those concerns are focused in particular on the need for effective safeguards for arrested persons. In that regard, I would like to point out that the framework decision contains several safeguard provisions, including the obligation set out in Article 1.3 to respect the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR). In addition, recitals 12 and 13 of the framework decision provide that a member state may continue to apply its constitutional rules relating to due process, freedom of association, freedom of the press and freedom of expression in other media. Those recitals also provide that a person may not be surrendered if the warrant has been issued for reasons connected with his or her sex, race, religion, ethnic origin, nationality, language,

political opinions or sexual orientation or if there is a risk of the death penalty, torture or inhuman or degrading treatment.

The framework decision also contains several specific mandatory and discretionary grounds for refusal of a request to surrender, for example, if the person has not reached the age of criminal responsibility or has already been tried for the offence in question, and also provides that guarantees may be required from the requesting state, e.g. about a retrial where the original trial was held in absentia, before a person is surrendered. Once arrested, a person whose surrender has been sought has a right to a lawyer and an interpreter.

The European Arrest Warrant Act 2003, in particular Part 3, gives effect in Irish law to these safeguards. It is a matter for the other member states to give effect to these provisions in a manner that is consistent with the framework decision and their national legal systems.

I would also like to draw the Deputy's attention to the statement Ireland made at the adoption of the framework decision. Ireland declared that it would surrender persons only for the purposes of bringing them to trial or for the service of a sentence and not for the purposes of investigation. The aim of the declaration was to avoid the risk of persons being held in investigative detention following surrender. Section 11(3) of the 2003 Act gives effect to the declaration in Irish law.

Courts Service.

75. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the progress made by the Courts Service with regard the guidelines for members of the Garda acting as jury keepers; and if he will make a statement on the matter. [6234/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will appreciate, under the Courts Service Act 1998, the Courts Service is independent in the performance of its functions, including the management of the courts. The issue of security arrangements within the courts, including arrangements concerning juries, is a matter, in the first instance, for the Courts Service to consider. In this regard, I am advised by the Courts Service that it is currently in the process of producing guidelines for jury keepers. I am further advised that the Courts Service hopes to be in a position to finalise the guidelines in the very near future.

EU Justice and Home Affairs Council.

76. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the outcome of talks at the Justice and Home Affairs Council meeting on 19 February 2004 in Brussels regarding the proposed establishment of a European intelligence agency as a European counterpart to the CIA; and the

Government's position as represented at the meeting. [6381/04]

81. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the outcome of the Justice and Home Affairs Council meeting on 19 February 2004 in Brussels, particularly with respect to the status of plans for moving forward with the common migration and asylum policies; the Government's position on the way in which these policies should be shaped; the developments the Government anticipates in advance of the next Council meeting on 31 March 2004; and if these policies will in fact be concluded during the Irish Presidency of the EU. [6380/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 76 and 81 together.

I chaired the meeting of the Justice and Home Affairs, JHA, Council in Brussels on 19 February 2004. The Council discussed a range of issues and significant progress was made on a number of agenda items.

The issues discussed included, in the context of the development of common asylum policies, the proposal for a Council directive on minimum standards on procedures in member states for granting and withdrawing refugee status, the procedures directive, and the proposal for a Council directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection, the qualifications directive.

There was an orientation debate on the procedures directive. The objective of this proposal is, *inter alia*, to establish minimum procedures in member states for examining applications for asylum. The main focus of the debate was on the appeals element of the proposed directive. In light of the debate, the Presidency will bring forward further proposals with a view to reaching an agreement by the 1 May 2004 deadline set by the Amsterdam treaty. There was also a discussion on the qualifications directive. The purpose of this proposal is to provide a framework for an international protection regime based on existing international and community obligations and the current practice of member states. The intention is that both proposals will be further examined at the March JHA Council when the Presidency hopes that progress can be made with a view to reaching agreement by the 1 May 2004 deadline set by the Amsterdam treaty.

The Council also provided an opportunity for the Secretary General of the Council and High Representative for the Common Foreign and Security Policy, Mr. Javier Solana, to make a presentation on the European security strategy, *A Secure Europe in a Better World*. Austria, in the context of that discussion, also put forward a number of ideas as to how the European security strategy might be implemented including, *inter*

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alia, a proposal for the establishment of a European intelligence agency. The Presidency undertook to reflect further on how the JHA Council could best contribute to the development of the ESS in keeping with the mandate given to the Irish Presidency by the European Council to take forward work on the strategy.

Progress was made on a number of other items at the Council, including agreement on a Council regulation on establishing a programme for financial and technical assistance to third countries in the area of migration and asylum; a Council recommendation concerning a security handbook concerning co-operation between member states for the purpose of preventing terrorist acts at the Olympic Games and other comparable sporting events; Council conclusions arising from the Three Year Report of the European Police College, CEPOL, and the development of the visa information system, VIS; two important outstanding questions in the context of the ongoing negotiations recognition to confiscation orders; and the establishment of a Friends of the Presidency Group for the purpose of drawing up a report on organised crime originating in the Western Balkans.

There was also a discussion on the implementation of the European arrest warrant and a presentation by the Commission on its proposal for a Council regulation on the standards for the security features and biometrics in EU citizens' passports. This proposal will now be examined in the relevant Council framework.

Garda Deployment.

77. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform if the decision of Thurles Town Council to engage security personnel confirms the need for a fully resourced community policing initiative; and if he will make a statement on the matter. [6294/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources that the following Garda community relations initiatives are in operation from Thurles Garda station: six Neighbourhood Watch schemes and three community alert schemes. I have been further informed by the Garda authorities that local Garda management are satisfied with the current policing arrangements in Thurles. These policing arrangements are separate from arrangements put in place by Thurles Urban District Council, or other local authorities, to deal with estate management or related issues within their remit.

Legal Aid Service.

78. **Mr. Sherlock** asked the Minister for Justice, Equality and Law Reform the steps being taken to reduce the waiting time for an appointment with a solicitor at the legal aid

centres given that the average waiting time is five months and that this can rise to 13 months at some centres; his views on whether such waiting times are acceptable; the additional funding which has been provided in the Estimates for 2004 to reduce waiting times; and if he will make a statement on the matter. [6256/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will be aware that under the terms of section 30 of the Civil Legal Aid Act 1995, the provision of legal aid and advice is the function of the Legal Aid Board and that in accordance with the provisions of section 3 (3) of that Act, the board is independent in the exercise of its functions.

The board continuously monitors the operation of its law centre network to ensure its resources are used to maximum effect in making its services available to the greatest number of eligible persons. The additional management posts made available in recent years are enabling the board to develop a more structured change management approach to the provision of civil legal aid throughout the State. This approach is geared to examine the throughput of cases at law centres and where waiting times, for whatever reason, become excessive the position is examined by the board with a view to taking remedial action.

The Deputy will be aware that the grant-in-aid to the Legal Aid Board for this year is €18.388 million, an increase of almost 5% over the 2003 provision of €17.539 million. The resources provided to the Legal Aid Board in recent years has increased significantly. In 1997 the grant-in-aid available to the board was €10.656. The figure for 2004 represents an increase of almost 73% during this period. During this period also sanction to employ additional staff was conveyed to the board. Since 1997 sanctioned posts in the board's law centre network increased from 191 to 215, of which 89 are solicitor posts, an increase of eight solicitor posts.

With regard to persons waiting to see a solicitor, the board operates a procedure whereby priority is accorded for certain categories of cases, for example, domestic violence, child care, child abduction and other cases where there are time limits. These cases are dealt with immediately and such applicants are not placed on a waiting list. Such a system for priorities is necessary to ensure, for example, persons who are subjected to domestic violence and cases involving the care of children are provided with a speedy service. In 2002 priority appointments were offered by law centres to over 20% of applicants for the board's services.

In addition, managing solicitors at law centres have authority to give priority to any case on the waiting list at their centres. For example, if an applicant is gravely ill, or in cases where an applicant is in danger of losing assets or of losing title to a legal remedy if legal services are delayed, the managing solicitor can accord such cases priority status.

Inquiries into Garda Activities.

79. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform the action which has been taken to implement the recommendations of the Nally report regarding the keeping of better records of North-South contacts, exchanges in intelligence matters, a written code of instructions and guidelines on intelligence gathering and agent handling; and if he will make a statement on the matter. [6238/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda authorities that appropriate action has been taken in line with the recommendations of the Nally report.

Question No. 80 answered with Question No. 68.

Question No. 81 answered with Question No. 76.

Proposed Legislation.

82. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform when he expects that the promised disability Bill will be published; the discussions he has had with disability groups regarding the terms of the Bill; and if he will make a statement on the matter. [6265/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I assure the Deputy it is my intention, in accordance with the commitment given in An Agreed Programme for Government, to circulate a disability Bill in some weeks time. Given the complex and cross cutting issues involved, the preparation of the Bill is being overseen by the Cabinet Committee on Social Inclusion.

The disability Bill is a key part of the framework being put in place by the Government to underpin the equal participation by people with disabilities in Irish society. The framework includes the Education for Persons with Disabilities Bill 2003, which has recently completed Committee Stage; the Comhairle (amendment) Bill, which is being prepared in the Department of Social and Family Affairs regarding the provision of advocacy and sign language interpretation services; sectoral plans for key public services; and equality legislation.

Following concerns expressed by interest groups, the Government agreed to further consultations about the Disability Bill 2001 and proposals for disability legislation. An expert consultation team was appointed by the Government in April 2002 to oversee the consultation process. The team met with and received the views of stakeholders, including the

disability legislation consultation team, DLCG, the social partners, the community and voluntary sector and relevant Departments before completing its task in February 2003. These discussions covered a broad range of issues, including assessment of need, related service provision, access to public buildings and services including transport and redress.

As Deputies will be aware, the DLCG is a group representative of people with disabilities, their families, carers and service provider which was brought together by the National Disability Authority, NDA, to facilitate dialogue at national level, both within the sector and with the consultation team. The DLCG presented the document, Equal Citizens — Proposals for Core Elements of Disability Legislation, to the expert consultation team in February 2003.

The Taoiseach and the Minister of State at the Department of Justice, Equality and Law Reform, Deputy O'Dea, who has responsibility for equality and disability issues met the DLCG in mid-July 2003. A further meeting took place between the group and the Taoiseach on 27 November 2003. Separate meetings have also taken place between the DLCG and the Tánaiste and Minister for Enterprise, Trade and Employment and the Minister of State at the Department of Health and Children, Deputy Tim O'Malley. The discussions at these meetings covered such matters as assessment of need, standards, service provision, the need to build capacity in key sectors of the public service so as to allow provision of disability accessible services in a cost effective way and workable redress mechanisms. The DLCG was assured of the Government's commitment to publish the disability Bill as a matter of priority.

In recent weeks, there have been meetings between the DLCG and officials from my Department, the Department of the Taoiseach and the Department of Social and Family Affairs. At these meetings, the DLCG was given an outline of the proposals for legislation and their views about these proposals were discussed and noted for consideration by the Cabinet Committee on Social Inclusion. The Cabinet committee and the Government are finalising their deliberations about the Bill, which will be circulated in some weeks time.

Local Drug Task Forces.

83. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the findings of the recent report published by the north inner city drugs task force entitled Drugs, Crime & Community — Monitoring Quality of Life in the North Inner City; and the implications this report has for his Department. [3251/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): During 2002 my Department

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funded the Dublin north inner city local drug task force's study, Drugs, Crime & Community in Dublin — Monitoring Quality of Life in the North Inner City, at a cost of €10,800. The report, which was compiled by Mr. Johnny Connolly, was formally launched at a seminar held in Ozanam House, Dublin 1 on 23 June 2003.

The study was concerned with the piloting of a research instrument to aid in ascertaining the quality of life in a specific location in Dublin's north inner city with a focus on the impact of drug related crime and anti social behaviour. The recommendations contained in the report are currently under consideration by a subgroup of the task force which will formulate proposals for action to relevant Departments, including my own, and other agencies.

Proposed Legislation.

84. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he has proposals for legislative change to support the mediation process as a method of dispute resolution. [6165/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Civil Liability and Courts Bill, which I published recently, contains provisions relating to mediation in personal injuries actions. The Bill provides that a court may direct that parties to a personal injuries action meet in a mediation conference, with an independent chairperson, to discuss and attempt to settle the action. Where a party fails to comply with a direction to take part in the mediation, the Bill provides that the court may direct that party to pay costs incurred after the giving of the direction.

The Rules of the Superior Courts (Commercial Proceedings) 2004, made by the superior courts rules committee with my concurrence, have provision for mediation, conciliation or arbitration in commercial proceedings. The rules apply generally to claims, other than claims for damages for personal injuries, with a value of at least €1,000,000.

The second programme of the Law Reform Commission, approved by Government, includes alternative dispute resolution, ADR, among the topics which will be examined by the Commission. I look forward to the outcome of this work in due course.

At European level, in April 2002, the European Commission produced a Green Paper on ADR in Civil and Commercial Law. This was with the objective of launching a broad consultation process as to how best to promote ADR. It is understood that the Commission may present a proposal for a legislative instrument on ADR before the end of this year but there is no information available as to the likely content of such a proposal.

Equality Legislation.

85. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform his views on the reason, under section 47 of the Equality Bill 2004, non-nationals are excluded protection under the Equal Status Act 2000 in respect of widely defined actions of public authorities; and if he will make a statement on the matter. [6378/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): This section does not permit discrimination, in the provision of goods and services, to anyone in the State, on the basis of race or nationality.

Section 47, however, clarifies that any action taken by a public authority, governing or arising from the entry to and residence in the State of non-nationals is not challengeable under the Equal Status Act 2000. This was implicit in the existing Act because permitting entry to and residence in the State is not a "service" within the meaning of the Act. Moreover, treating persons differently on the basis of their legal status, for example, distinguishing between those lawfully and unlawfully resident in the State, and those seeking asylum and those granted it, is not discrimination on the grounds of race or nationality.

Article 3 of the race directive states, "This Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned."

In the Equal Status Act, we outlaw discrimination on the ground of nationality. This goes beyond the requirements of the race directive.

In line with Article 3(2) of the directive, we wish to extend the statutory exclusion in section 14 of the Equal Status Act 2000 to also exclude non-statutory schemes, for example, direct provision for asylum seekers, which allow different treatment on the basis of the legal status of third country nationals from the remit of the Equal Status Act 2000. This amendment is required also to keep in line with a similar amendment being provided for the Employment Equality Act 1998.

Contrary to what is suggested by the Deputy, section 47 narrowly defines the actions of the public authorities that are exempt, namely those actions governing or arising from the entry to and residence in the State of non-nationals.

Strategic Management Initiative.

86. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if he has received the report from the steering group working under the SMI on Garda organisational structures which he told Dáil Éireann on 29 January 2004 was

expected within the coming weeks; the main findings of the report; if it is intended to publish the report; and if he will make a statement on the matter. [6242/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda SMI implementation steering group has finalised its report, which I have just received. I am having the report examined in my Department and will give careful consideration to all of the steering group's recommendations and to the question of publication.

Proposed Legislation.

87. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he proposes to introduce legislation relating to judicial conduct; and if he will make a statement on the matter. [6164/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Agreed Programme for Government contains a commitment to bring forward legislation to provide effective remedies for complaints about judicial misbehaviour including lay participation in the investigation of complaints.

Work on the development of the scheme of a Bill is under way in my Department. As indicated in the Government's legislative programme for the current Dáil session, published by the Government Chief Whip on 25 January last, I expect to seek Government approval to publish the Bill in the current year.

Garda Investigations.

88. **Ms Burton** asked the Minister for Justice, Equality and Law Reform the position in regard to the Garda investigation into the murder of a person (details supplied); and if he will make a statement on the matter. [6213/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the murder of the person referred to in the Deputy's question was fully investigated by the Garda and an investigation file was forwarded to the Director of Public Prosecutions for directions.

I am further informed that in 2002 the investigation was subsequently reviewed by members of the Garda independent from the investigators who carried out the original investigation and a report was forwarded to the DPP who directed that no prosecution should ensue.

Arising from recent related civil proceedings at Cork Circuit Court and following consultation with the DPP, the Garda Commissioner requested the officers who undertook the 2002 review to conduct an evaluation of the oral evidence tendered at the hearing. Any new evidence arising out of this process will be forwarded to the DPP for directions.

As the Deputy will appreciate, I have no role in the investigation or prosecution of cases. This is a long standing principle of our system of justice. The role of the Garda is to investigate alleged offences, to gather whatever evidence may be available and to submit a report to the Director of Public Prosecutions. The question of whether a person should be prosecuted and for what criminal offence is the responsibility of the DPP. The director, who is independent in the performance of his functions, makes his decision on the basis of the Garda findings viewed against the background of common and-or statute law. In the circumstances it would, therefore, be inappropriate for me to comment further on the case.

Garda Strength.

89. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the number of gardaí who retired during 2003; and if he will make a statement on the matter. [6335/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that a total of 417 members — all ranks — resigned, retired or otherwise left the Garda during 2003.

Freedom of Information.

90. **Mr. Sherlock** asked the Minister for Justice, Equality and Law Reform when he intends to bring forward an order applying the Freedom of Information Act 1997 to the Garda; and if he will make a statement on the matter. [6255/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána is one of the bodies under the aegis of my Department which has not to date been made subject to the Freedom of Information Acts of 1997 and 2003.

The FOI Acts have been extended to additional public bodies on a phased basis since it commenced in April 1998. The Government has decided that this process should continue so that all bodies appropriate for inclusion are covered by end 2005. The Department of Finance is, therefore, conducting a consultation with all Departments with a view to preparing a list of bodies that are considered to be appropriate or inappropriate for inclusion under FOI for submission to the Government in the near future. I do not wish to anticipate the outcome of this process, but I do not anticipate the extension of the FOI Acts to the Garda.

Garda Equipment.

91. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the type and quantity of non-lethal weaponry which was issued to the Garda in 2003; and if he will make a statement on the matter. [6292/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In November 2002 I authorised the acquisition and introduction, for use by the emergency response unit, of three less than lethal devices recommended in the Implementation Plan for the Introduction of Less than Lethal Devices into An Garda Síochána.

I have been informed by the Garda authorities that a request for tender for the acquisition of non-lethal weapons was issued to a number of companies late last year. This tender process is still ongoing. I am further informed that there was no non-lethal weaponry issued to gardaí in 2003.

Garda Retirement.

92. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the plans he has to increase the retirement age for existing gardaí and sergeants from 57 to 60; and if he will make a statement on the matter. [6344/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána (Retirement) Regulations 1951 govern retirement from the Garda Síochána.

These regulations state, *inter alia*, that every member of the Garda Síochána shall retire from the Garda Síochána on attaining the age which is applicable to the rank in the Garda Síochána at the time of retirement by each member, that is to say, (a) in the case of a member holding the rank of chief superintendent or superintendent on attaining the age of 60 years; and (b) in the case of a member below the rank of superintendent on attaining the age of 57 years.

There are currently no plans to alter these regulations for serving members. The changes in the retirement age for members of the Garda Síochána, outlined in the Public Service Superannuation (Miscellaneous Provisions) Bill 2004, will apply only to "new entrants" who are recruited to the Garda Síochána after 1 April 2004.

Garda Operations.

93. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform the amount of Garda time spent in trying to detain persons pursuant to bench warrants in the period 1 January 2004 to 31 January 2004; and if he will make a statement on the matter. [6295/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the information requested is not readily available and could only be obtained by the expenditure of a disproportionate amount of Garda time and resources which could not be justified in the circumstances.

Citizenship Applications.

94. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform if the Government is

considering proposals to withdraw the constitutional right of citizenship to all those born on this island; and if he will make a statement on the matter. [6254/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government is concerned at the abuse of Irish citizenship law by persons with no connection to the State arriving in Ireland with the sole objective of giving birth to a child who will, as a result of being born in Ireland, be entitled to Irish citizenship. The Supreme Court judgement of 23 January 2003, in the cases of L&O, brought clarity to the situation of those non-national parents of a child born in Ireland who sought to establish a basis for residence in the State solely on the basis of their parentage of such a child. On 17 July 2003 the Government's policy on the handling of claims for leave to remain in the State from the parents of such children was announced. Ireland is the only member state of the European Union which grants citizenship to a child based solely on its birth on the national territory. In all other member states the citizenship of a child is dependent on the citizenship of the parents and/or the status and duration of residence in the member state concerned.

There are serious issues relating mainly to citizenship to be dealt with and the Government is considering all aspects, including the question of whether constitutional and legislative change may be necessary.

Garda Investigations.

95. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the investigation which has been held into the murder of a person (details supplied) on 27 January 2004; if the Garda investigation has been completed; if a file has been sent to the DPP; and if he will make a statement on the matter. [6219/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy was found in his cell in the B wing of Mountjoy prison at approximately 12:07 p.m. He was attended to by medical orderlies before being removed to the Mater Hospital where he was pronounced dead at approximately 12.45 p.m.

I am informed that the internal investigation being carried out by the Governor of Mountjoy Prison is at an advanced stage and it is expected that he will report his findings to me in due course.

I am informed by the Garda authorities that there is an ongoing Garda investigation into the murder of the person concerned and that an investigation file will be forwarded to the Director of Public Prosecutions in due course.

Question No. 96 answered with Question No. 57.

Garda Operations.

97. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of persons involved in organised crime or deemed to be benefiting from such activities in the greater Dublin area; the extent to which any or all of them have been arrested and charged in the past two years; if each or all of them have holiday homes or residential accommodation outside the State; the extent to which their operations including drugs and firearms dealings have been curtailed in the same period; the number of times such persons have travelled outside the State in this time; and if he will make a statement on the matter. [6383/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the policy of tackling organised criminal groups through targeted intelligence-led operations has yielded excellent results during the past year. This covered several areas of criminal activities, including armed robberies and trafficking in illicit drugs.

To this end the co-ordination and tasking of the individual specialised units attached to national support services and crime and security branch, together with the utilisation of local units in consultation with regional assistant commissioners, has proven very effective.

There is continual analysis of criminal intelligence by specialised units which allows for a varied Garda response to particular trends in criminal activity.

As I indicated to the Deputy in my reply to Questions Nos. 149 and 157 on 29 January, the most recently completed EU Situation Report on Organised Crime identified 17 major crime groups in this country. Approximately half of these groups operate in Dublin but, by its nature, the position in regard to gangland activity, including the composition of various groups, does not remain static.

I am further informed by the Garda authorities that to disclose any aspect of operational intelligence runs the risk of inhibiting its effectiveness. It is not the practice or policy of the Garda Síochána to comment on particular operations carried out by specialist national units.

When intelligence-led operations against organised criminal groups are mounted by the Garda Síochána arrests are made where the circumstances warrant such a course of action.

Joint Policing Committees.

98. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if the meetings of bodies referred to in section 31 (2)(a) of the Garda Bill 2004 will be principally held in public. [6291/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The working arrangements for the joint policing committees, which it is proposed to establish under section 32, will be

addressed in guidelines to be agreed between my colleague, the Minister for the Environment, Heritage and Local Government and myself. I will have particular regard, in agreeing guidelines, to the desirability of the greatest possible degree of openness and transparency consistent with effectiveness in the operation of the committees.

I do have to respect the fact that the Garda Síochána Bill will be debated next week in the Seanad and it would be inappropriate if in this House were to pre-empt its discussions on any aspect of the Bill. I do not wish therefore to start going into any more detail on items which are appropriate to the Second Stage or Committee Stage debate on the Bill.

Tribunals of Inquiry.

99. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform when the promised tribunal of inquiry arising from the Cory report will be established; the form it will take; and if he will make a statement on the matter. [6240/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In accordance with the recommendation of Mr. Justice Peter Cory, I secured Government approval in December last for the establishment of a public inquiry into the murders in 1989 of RUC Chief Superintendent Harry Breen and RUC Superintendent Bob Buchanan.

The Government further approved that the public inquiry will take the form of a tribunal of inquiry under the Tribunals of Inquiry (Evidence) Acts 1921-2002.

My Department is currently drafting specific terms of reference for the tribunal, in consultation with the Office of the Attorney General, and I intend to secure further Government approval as soon as possible to bring the necessary resolutions before both Houses of the Oireachtas.

100. **Mr. McGinley** asked the Minister for Justice, Equality and Law Reform the way he envisages a Garda volunteer force to operate with reference to his recently announced plans to establish such a force; and if he will make a statement on the matter. [6366/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As is explained in the explanatory and financial memorandum to the Garda Síochána Bill 2004, section 14 provides a basis in law for the resources of the Garda Síochána to be supplemented by the appointment of persons as volunteer members of the Garda Síochána. It is an enabling provision only, and I must emphasise that no decision on the appointment of such members has been taken by the Government.

I have to respect the fact that the Garda Síochána Bill will be debated next week in the Seanad and it would be inappropriate if in this

[Mr. McDowell.]

House were to pre-empt their discussions on any aspect of the Bill. I do not wish therefore to start going into any more detail on items which are appropriate to the Second Stage or Committee Stage debate on the Bill.

Garda Recruitment.

101. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the number of gardaí recruited during 2003. [6336/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that a total of 690 trainees commenced training in the Garda College in Templemore during 2003.

Crime Prevention.

102. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform his views on the need for town councils to supplement the work of the gardaí by engaging security personnel; and if he will make a statement on the matter. [6293/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources including personnel, that it is their view that there is no need for town councils to supplement the work of the Garda Síochána.

I have been further informed that Garda management is satisfied with current policing arrangements. These policing arrangements are quite separate from any arrangements put in place by any local authority to deal with estate management or other related issues within their remit.

Prison Staff.

103. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform the position in regard to efforts to settle the industrial dispute involving members of the Prison Officers' Association; and if he will make a statement on the matter. [6215/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Discussions between the Irish Prison Service and the Prison Officers' Association are taking place at the Labour Relations Commission with the assistance of a facilitator. As these discussions are still ongoing, the Deputy will appreciate that it would be inappropriate for me to comment in detail on progress at this time. I very much hope that agreement can be reached in the discussions.

Export Licences.

104. **Mr. M. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment

the details of the dual use export licences for goods within the 3A001a7 category since 1 January 2000; and if any of the goods authorised for export were for incorporation into military systems. [6411/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): My Department issued 554 dual-use export licences within the 3A001a7 category since 1 January 2000. These data are broken down as follows:

Dual-use export licences under Category 3A001a7

Year	Number of Licences issued
2000	41
2001	96
2002	201
2003	210
2004 (to 25/02/2004)	6
Total	554

None of the goods were authorised for export my Department for incorporation into military systems. My Department is unable to disclose the names of the licensed exporters as all dealings with individual applicants for export licences, which can involve the disclosure of commercially sensitive information, are conducted on the basis that confidentiality will be maintained.

EU Trade Policy.

105. **Mr. G. Mitchell** asked the Tánaiste and Minister for Enterprise, Trade and Employment the duties of Article 133 Committee of the European Union; her views on the case for greater transparency in relation to this committee; and if she will make a statement on the matter. [6435/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): Community trade policy is decided according to the provisions of Article 133 of the EC Treaty. The EU Commission negotiates on behalf of the member states in consultation with a special trade policy committee provided for under the treaty — the so-called Article 133 committee — which comprises trade officials representative of all EU member states. A key element of the duties performed by the committee includes the provision of advice to the EU Commission, as negotiator, in the conduct of trade negotiations from the opening through to the conclusion of EU multilateral, regional and bilateral trade agreements.

Committee members discuss the full range of trade policy issues impacting on the Union, from strategic issues including the launch of WTO multilateral trade rounds, trade aspects of wider EU concern, including regional and bilateral

trade agreements between the Union and non-EU states, to specific issues which impact on the export of products and services. This ensures a consistent policy approach in the formulation and evolution of the common commercial policy — CCP — of the Union.

Decisions on the mandate to open trade negotiations, directives for negotiation to guide the Commission as lead EU negotiator, and the decision ultimately on whether to adopt an accord rests solely with the EU Council of Ministers. In these cases the EU Commission submits proposals to the EU Council for approval. It is the Council of Ministers alone, as decision-makers, who have ultimate responsibility for approval of proposals to open, conduct and finalise EU trade agreements in the context of the development of the CCP.

Regular and substantive discussions with stakeholders are a feature of the process of consultation on key policy issues and negotiating positions considered at 133 committee meetings. In addition to consultation at the official level, across Departments, ongoing consultations are undertaken with other stakeholders including civil society. Meetings and consultations are convened with the business community, the farming community and development NGOs at the request of these interested parties. Thus, for example, the network of NGOs under the trade matters umbrella meets regularly, at their request, with myself and with officials from relevant Departments, including the Departments of Enterprise, Trade and Employment, Foreign Affairs, and Agriculture and Food.

Since assuming the Presidency of the European Union, the agendas of the meetings of the Article 133 Committee are published in advance, in the interests of greater transparency, on the Irish EU Presidency website, www.eu2004.ie.

I regard the current arrangements as being appropriate and, in the context of regular and ongoing consultations with key stakeholders, as providing a substantial degree of transparency in the operation of the work of the 133 committee.

Employment Support Services.

106. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the efforts she has made to date to replace the 300 jobs lost arising from the closure of a company (details supplied) in County Kildare; the extent to which she has met with bodies, groups or agencies likely to provide replacement or alternative jobs; if she has met or will again meet with management or employees of the company with a view to a solution; and if she will make a statement on the matter. [6510/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The State agencies, IDA Ireland and Enterprise Ireland, which have responsibility for enterprise

development, have been marketing the Celbridge facility for some months. An updated profile of the facility was circulated to IDA's network of overseas offices but efforts to attract a replacement project have not been successful. However, interest has been expressed in acquiring the facility for non-manufacturing purposes but agreement has not yet been reached on this issue.

Enterprise Ireland and the Kildare County Enterprise Board have provided advice to a number of Schneider employees interested in starting small businesses. There is considerable ongoing enterprise development in the ICT sector in the Leixlip area which should provide opportunities for alternative employment.

FÁS is meeting staff, who are being made redundant, and offering them its full range of support services, including career guidance, access to labour market information, and training courses, where appropriate, to enhance employability. To date, with the co-operation of the company, FÁS has interviewed over 100 workers for this purpose. Out-placement consultants are also working closely with the company in seeking other employment opportunities.

While I have not met interests from the Celbridge area in relation to the Schneider job losses, the State agencies, under the aegis of my Department, are working closely with them with a view to finding alternative employment for the workers affected.

Milk Quota.

107. **Mr. Murphy** asked the Minister for Agriculture and Food if a person (details supplied) in County Cork can be awarded extra quota under the hardship clause; and if he will make a statement with regard to the qualifying criteria used for gaining extra quota. [6443/04]

Minister for Agriculture and Food (Mr. Walsh): The allocation of milk quota from the national reserve is granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The tribunal is a body established to consider applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system. There is no record of the person named having applied to the tribunal in the current 2003-04 quota year. While the deadline for application in respect of the current quota year has passed, an application may be made for the 2004/05 quota year when the application forms become available in the autumn.

The tribunal gives priority to the following categories of producers: small scale producers whose entitlement to purchase quota under recent milk quota restructuring schemes was limited; younger dairy farmers with small milk quotas; producers whose butterfat representative

[Mr. Walsh.] levels are very low; and producers who are in financial difficulty.

In assessing these applications, the tribunal takes account of the following factors: current quota size; off-farm income and/or other farm enterprises; size of holding; family circumstances, including succession; commitment to dairying; and previous allocations from the national reserve.

Grant Payments.

108. **Mr. Ring** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo has had their REP scheme payment reduced. [6484/04]

Minister for Agriculture and Food (Mr. Walsh): An amended plan was received in my Department on 11 February 2004. The amended plan declared a reduction of some 3.8 hectares in the commonage area of this holding.

The applicants payment will now be based on some 34.4 hectares at the enhanced measure A rate of payment of €242 per hectare with the balance up to the maximum of 40 hectares at the €151 per hectare rate. Previously the applicant had declared some 38.2 hectares as eligible for the enhanced measure A rate of payment.

Farm Retirement Scheme.

109. **Mr. J. O'Keeff** asked the e asked the Minister for Agriculture and Food if his attention has been drawn to the concerns of many farmers who entered the farm retirement scheme (details supplied); and if he has proposals to deal with the injustices thereby arising. [6491/04]

Minister for Agriculture and Food (Mr. Walsh): My Department is involved in working groups and in continuing discussions with the European Commission on the detailed rules for implementing the mid-term review agreement. While it may be some time yet before the position is clear, I have already raised and will continue to raise a number of issues relating to farmers who

have retired under the early retirement schemes, and the implications for them of de-coupling and the single payment scheme.

The legal position regarding the single payment system, as laid down in the European Council regulation, is that entitlements are not linked to land but to farmers who were active producers during the reference period and who remain active farmers in 2005. A farmer who joined the early retirement scheme has undertaken to give up farming permanently, and therefore he or she cannot be regarded as a farmer when the time comes to activate single payment entitlements in 2005.

Retired farmers cannot themselves activate entitlements that were earned during the reference period. However, following negotiations, the Commission has indicated that it favours arrangements that will allow family members who take over these holdings to have access to the national reserve. This would include cases where the land was leased to a non-family member at the time of retirement because a family member, usually a son or daughter, was not yet ready or eligible as a transferee at that time but subsequently takes over.

I will continue work to secure as favourable an outcome as possible to these and other issues affecting retired farmers, having regard to the legitimate aspirations of the various stakeholders involved.

Public Service

110. **Mr. R. Bruton** asked the Minister for Finance the recorded number of persons employed in the public service whose pay is met directly or indirectly by the Government in each quarter of 2001, 2002, 2003 and in 2004 to date. [6421/04]

Minister for Finance (Mr. McCreevy): Aggregate figures for numbers of persons employed within the public service are not available on a quarterly basis for the period in question, but are available on an annual basis. The following table sets out the figures by sector for the years concerned.

	2001	2002	2003 Estimated	2004 Projected
Civil Servants	36,092	37,796	37,593	37,164
Garda Síochána	12,460	12,642	12,688	12,646
Defence Forces	11,808	11,650	11,600	11,400
Education	73,295	75,720	76,989	76,489
Non Commercial semi-State Bodies	11,086	11,612	11,476	11,331
Health Services	92,996	95,679	95,800	95,600
Local Authorities	32,062	34,175	33,845	33,515
	269,799	279,274	279,991	278,145

Footnote:

All figures are on a whole-time equivalent basis at 31 December.

Local Authority numbers are not included in the Public Service Pay bill

111. **Mr. R. Bruton** asked the Minister for Finance the difference in absolute numbers and in the trends of public service numbers as recently published by FÁS, as published by the Central Statistics Office, and as recorded by his Department; and the extent to which the Government's target of reducing public service numbers by 5,000 has been achieved under each of these measures. [6422/04]

Minister for Finance (Mr. McCreevy): I assume the question refers to the FÁS Quarterly Labour Market Commentary for the first quarter of 2004, which was published last week. The employment figures quoted therein are drawn from the CSO Quarterly National Survey, 2003, quarter 3. These figures indicated that employment in a category headed "public services" increased by just over 20,000 to 373,000 from the third quarter of 2002 to the third quarter of 2003. There was a certain amount of comment on these figures in the media but many of the conclusions drawn were inaccurate.

Most significantly the CSO figures in this survey are not an indicator of public service employment. The CSO classification of "public services" includes sizeable private sector elements in the health and education sectors including work without a public sector parallel. For example, the health sector figure includes private sector health practitioners and providers and also private crèche workers. The education sector figure includes private schools, colleges, and training providers.

As regards public sector employment, a more relevant CSO series is that on public sector employment and earnings, although it should be noted that this survey includes the commercial State companies, which are not covered by the Government's numbers policy, and only includes

figures in respect of the health sector, which is covered by the numbers policy, annually, in respect of December, rather than quarterly as for all other sectors. The most recent figures available under this series are in respect of September 2003, published on the 18th of this month. This shows a reduction of 5,000, from 240,700 to 235,700, between June and September 2003. There is certainly a seasonal element in this but the reduction in 2003 was more than double the average reduction in the same months in the previous three years.

It is also worth noting that the CSO figures under both headings discussed above include all employees whether full-time or part-time. The surveys cover those who worked at least one hour in the reference week. The most appropriate measure for the purposes of monitoring the effect of the Government's policy on public service numbers is whole time equivalents. On this basis my Department's figures show a total public service employment of 279,274 at 31 December 2002 and an estimated 279,991 at 31 December 2003 with a projected figure of 278,145 at the end of 2004.

Therefore, the level of public service employment, having risen steadily over a number of years up to 2002, stabilised in 2003 and should fall this year. Within that overall 2003 picture, numbers are marginally up in the health sector, attributable mainly to persons taken on as public servants during 2003 following the withdrawal of certain private and voluntary providers from areas of the health service; numbers in the education sector rose by about 1,250, largely attributable to special needs education provision; while numbers reduced in the rest of the public service.

The figures by sector of the public service are as follows:

Public Service Employment	31/12/2002	31/12/2003 Estimated	31/12/2004 Projected
Civil Service	37,796	37,593	37,164
Garda Síochána	12,642	12,688	12,646
Defence Forces	11,650	11,600	11,400
Education	75,720	76,989	76,489
NCSSB's	11,612	11,476	11,331
Health Services	95,679	95,800	95,600
Local Authorities	34,175	33,845	33,515
Public Service	279,274	279,991	278,145

All Figures are on a Whole-Time equivalent basis.

Local Authority numbers are not included in the Public Service Pay bill.

Bank Levies.

112. **Mr. Durkan** asked the Minister for Finance the extent to which his Department has increased levies or charges on bank customers; the way in which this compares with competitors; and if he will make a statement on the matter. [6436/04]

Minister for Finance (Mr. McCreevy): In budget 2003, I announced a number of increases in stamp duty charges on various financial products such as ATM cards, laser cards, credit cards, cash cards and cheques. As the Deputy may be aware, the Finance Act 2003 gave legislative effect to increases in these stamp duties from €6.25 to €10 on ATM cards and from

[Mr. McCreevy.]

€19 to €40 on charge cards and on credit card accounts. The 2003 Finance Act also introduced a stamp duty of €10 on laser cards with a payable duty of €20 on a combined ATM/laser card. I would point out that the stamp duty on credit cards and ATM cards had not been increased since 1992 and 1996 respectively. Consequently, there had been a reduction in real terms in the rate of these duties and it was considered appropriate to apply such increases in budget 2003 to assist the Exchequer. There were no further changes to these stamp duty charges in budget 2004.

In relation to bank charges in general, I would like to point out that the control of non-interest bank charges rests with the Irish Financial Services Regulatory Authority, IFRSA. It has a wide regulatory remit which covers consumer protection and prudential supervision of the services provided by most of the financial services industry. The Department of Finance is not responsible for the regulation of such bank charges.

Property Status.

113. **Mr. Gilmore** asked the Minister for Finance if he has been in communication with solicitors acting for a person (details supplied) concerning their interest in a small piece of ground at a location (details supplied); if he will respond to the request made especially in view of the long period of time which has elapsed since the issue first arose; and if he will make a statement on the matter. [6464/04]

Minister for Finance (Mr. McCreevy): The position regarding the property in question is that it has not been clarified if indeed it has vested in the State. It has been recommended to the person referred to in the question that she secure legal advice on the status of the property. To date, no communication from a legal representative acting on behalf of this person has been received either by my Department or by the Chief State Solicitor who is representing me in this matter.

Until the status of the property has been established, I am not in a position to make a decision in relation to this case.

Bank Accounts.

114. **Ms Shortall** asked the Minister for Finance if his attention has been drawn to the continuing difficulty for some young people, particularly those in trainee positions, in opening bank accounts due to the list of documents required of them by their banks, and in particular documents which prove address; if his attention has been further drawn to a bank (details supplied) in Dublin 11 which is no longer accepting ML 10 Garda forms as proof of identity and address; and the plans he has to change the regulations to make it easier for young people to open bank accounts. [6519/04]

Minister for Finance (Mr. McCreevy): Section 32 of the Criminal Justice Act 1994 requires financial institutions to take reasonable measures to identify their customers. Recommended procedures for the implementation of this provision are set out in guidance notes issued under the aegis of the money laundering steering committee which is chaired by the Department of Finance and includes representatives of financial services industry bodies and the regulatory authorities and State agencies, including the Garda Síochána. The full text of the money laundering guidance notes for credit institutions is available on the Department of Finance website at <http://www.finance.gov.ie/Publications/otherpubs/monlaun.htm>.

Identification of a customer comprises two elements. These are name verification, typically evidenced by photograph-bearing document such as passport, driving licence or other reputable source document, and address verification. Paragraph 28 of the guidance notes states that any measures adopted by credit institutions should not deny a person access to financial services solely on the grounds that they do not possess certain specified identification documentation. Paragraph 45 of the guidance notes provides for those persons who cannot reasonably be expected to produce certain forms of identification, such as a person who does not have a passport or driving licence and/or whose name and Irish address does not appear on a utility bill, electoral register or directory. One of the alternative methods of verifying a persons name is the Garda form mentioned by the Deputy. My understanding is that the bank referred to by the Deputy has no difficulty in accepting this form as proof of identity.

However, the guidance notes do not intend that this form should be used to verify a person's address.

The alternative methods of address verification set out in the guidance notes include; letter/statement from a person in a position of responsibility, for example, a solicitor, accountant, doctor, minister of religion, teacher, social worker, community employment scheme supervisor, who is in a position to confirm the person's address to the credit institution. In such instances the person providing the letter/statement must present themselves to the relevant credit institution providing proof of their own identity and verifying their status to the credit institution.

Documentation/cards issued by a Department showing the address of the person.

Normally, difficulties arising at account opening are resolved by an approach from the prospective customer to the branch management or to the bank's customer service department. I should stress that it is a matter for each institution to ensure that its procedures satisfy the legal requirement under the Criminal Justice Act 1994

that financial institutions take reasonable measures to identify their customers.

School Transport.

115. **Dr. Cowley** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo is unable to avail of a school bus service even though it is only three miles away from their home; and the reason the evaluation of this route is based on schools (details supplied) which have both been closed for approximately 20 years. [6407/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has requested Bus Éireann to furnish a report on the matter. When this report is received and considered, the school transport section of my Department will be in contact with the family referred to in the details supplied by the Deputy.

Special Educational Needs.

116. **Mr. Penros** asked the Minister for Education and Science if an application will be expedited for a resource teacher for a person (details supplied) at a school in County Westmeath; and if he will make a statement on the matter. [6408/04]

Minister for Education and Science (Mr. N. Dempsey): I can confirm that my Department has received applications for special educational resource, SER, from the school referred to by the Deputy including an application for the pupil in question.

SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service, NEPS. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent 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 resource already allocated for special educational needs within the school.

Proposed Legislation.

117. **Dr. Fitzpatrick** asked the Minister for Education and Science when it is proposed to publish the Grangegorman Development Bill; the purpose of the Bill; and if he will make a statement on the matter. [6409/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is currently engaged in finalising legislation for early publication which will set up an agency with the responsibility of developing a 73 acre site at Grangegorman as a single campus for the Dublin Institute of Technology comprising 65 acres. In addition, the agency will be responsible for the development of the balance of the site to address the interests of the Eastern Regional Health Authority and the Northern Area Health Board. The agency will be known as the Grangegorman development agency.

The function of the agency in the initial phase will be to draw up a strategic development plan for the site. The proposed legislation will make provision for comprehensive consultation with all interested parties, including local residents and representatives.

Special Educational Needs.

118. **Mr. S. Power** asked the Minister for Education and Science when a special needs assistant will be assigned to a person (details supplied) in County Kildare attending Moone national school, County Kildare; and if he will make a statement on the matter. [6410/04]

Minister for Education and Science (Mr. N. Dempsey): The school referred to by the Deputy currently has the services of one shared learning support teacher and one shared resource teaching post. I can confirm also that my Department has received applications for special educational resources, SER, from the school, including an application for resource teaching support for the pupil in question. My Department has no record of receiving an application for special needs assistant support for this pupil.

SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service, NEPS. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

[Mr. N. Dempsey.]

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.

University Funding.

119. **Mr. Durkan** asked the Minister for Education and Science if he will provide extra funding to universities whose current budgets will have to incorporate the extra cost of benchmarking and other national pay awards; and if he will make a statement on the matter. [6438/04]

Minister for Education and Science (Mr. N. Dempsey): An amount of €630.5 million has been provided in the 2004 Estimates for universities and HEA designated institutions. I have no plans to provide additional funding to the sector this year.

From 1997 to 2004 there has been an increase of almost €300 million in the recurrent provision to the university sector. This represents an increase of approximately 90% over this period. Overall funding, capital and current, for the wider higher education sector will stand at €1.48 billion in 2004. This is up €631 million or 74% on 1997 levels.

I am aware that the universities will be challenged in the short term by the constraints on recurrent Exchequer funding placed on them in 2004, having regard to overall cost pressures. I appreciate that individual institutions are required to find economies and to become more streamlined in some of their operations in order to reconcile available budgets with pre-existing demands and commitments. This must be viewed, however, in the context of overall increases in investment in higher education over recent years and the Government's longer term strategic objective for excellence in the sector.

Ireland's spend on higher education as a percentage of GDP in 2000 ranked us eighth out of 29 OECD countries looked at. If GNP, as opposed to GDP, is used as the comparator for Ireland, we would be placed among the top ranking OECD countries on this measure.

The Government has identified the placement of our higher education system at the top rank of the OECD in terms of quality and levels of participation as a key national strategic issue and we are continuing to work towards that. In this context, I have asked the OECD to conduct a wide-ranging review of higher education in Ireland and this is currently underway. The objective of this review is to lay down a strategy for future excellence for higher education in

Ireland in the context of the intensely competitive global environment in which we now operate. Moving forward, we need to measure ourselves against the best systems worldwide if we want to build on the strong foundations for success that we already enjoy here in Ireland. The OECD review will provide us with that international reference point and will consider all of the issues and challenges associated with achieving those goals.

Schools Building Projects.

120. **Mr. Gilmore** asked the Minister for Education and Science, further to Parliamentary Question No. 422 of 27 January 2004, the progress which has been made regarding the provision of a CABAS school in Shankill, County Dublin; and if he will make a statement on the matter. [6455/04]

Minister for Education and Science (Mr. N. Dempsey): I am most anxious that all children, including children with autistic spectrum disorders, receive education appropriate to their needs.

There are seven facilities in the State operating on a pilot-project basis 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. I wish to confirm that my Department is prepared to continue to provide funding for the three CABAS facilities for the next school year, 2004-05.

My Department will, in due course, consider the reports of the inspectorate on autism-specific provisions and any issues arising therefrom will be raised directly with the relevant managements. The position regarding the future of the CABAS facilities beyond 2004-05 will be considered in the context of this process.

My Department is actively considering applications from CABAS, Dublin, for autistic provision in South County Dublin. My officials are liaising with my Department's inspectorate and the National Educational Psychological Service, NEPS, in this regard. A response will issue to the applicants as quickly as possible.

121. **Mr. Murphy** asked the Minister for Education and Science if he will issue a statement clarifying when his Department will be providing the necessary finances to provide appropriate accommodation for Liscarroll national school, County Cork. [6456/04]

Minister for Education and Science (Mr. N. Dempsey): I am pleased to advise the Deputy that a one classroom extension, GP room and ancillary accommodation for Liscarroll national school, County Cork, is listed for proceeding to tender and construction as part of the 2004 school building programme. The tendering process will

commence shortly and the school authorities will be kept advised of developments.

122. **Mr. Murphy** asked the Minister for Education and Science when the sanctioning of the proposed new works for Lismire national school, Kanturk, County Cork will begin; and if he will make a statement on the matter. [6457/04]

Minister for Education and Science (Mr. N. Dempsey): An application for grant-aid towards improvement works has been received from the management authorities of Lismire national school.

When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005, and I expect to be in a position to make further announcements on this matter in the course of the year.

123. **Mr. Murphy** asked the Minister for Education and Science if he will re-consider the application for a new school for Aghinagh, Macroom, County Cork. [6458/04]

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.

School Accommodation.

124. **Ms Shortall** asked the Minister for Education and Science if his attention has been drawn to the fact that the status and proposed use for a site, currently being reserved for a school (details supplied) is about to be reviewed by the local authority and that the local authority require confirmation from his Department that it will approve the school; if he will arrange for his Department's intentions to be clarified with the local authority so that the site is not put in jeopardy; and if he will make a statement on the matter. [6459/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is considering options for the long term accommodation needs of Gaelscoil Cholmcille including the possible purchase of a site. However, due to the commercial sensitivities surrounding site acquisitions the Deputy will appreciate that I am unable to comment on specific site purchase issues.

Third Level Fees.

125. **Mr. Ring** asked the Minister for Education and Science the way in which the third level grant means test treats family income

supplement and farm assist payments; and if both these payments are treated as income. [6483/04]

Minister for Education and Science (Mr. N. Dempsey): Under the means test provisions of my Department's student maintenance grant schemes, a candidate's reckonable income for the purposes of the award of a grant is the candidate's gross income from all sources and that of his/her parents or guardians, where applicable. The following social welfare and health board payments are excluded when calculating a candidate's reckonable income: child benefit; family income supplement; disability allowance — where paid to the candidate; blind pension — where paid to the candidate; means tested one-parent family payment; orphan's pension; back to education allowance; foster care allowance; domiciliary care allowance; and carer's allowance.

As family income supplement is one of the excluded payments, it is not included in the calculation of reckonable income for grant purposes. As farm assist is not one of the excluded payments, it is considered in the calculation of reckonable income for grant purposes.

Schools Building Projects.

126. **Mr. Boyle** asked the Minister for Education and Science, further to Parliamentary Question No. 207 of 22 October 2002, the details of the PE hall development for Coláiste Chríost Rí, Capwell Road, Cork, in view of the fact that it is not listed on the current building programme. [6487/04]

Minister for Education and Science (Mr. N. Dempsey): As the Deputy may be aware, 2004 is designated as the European Year of Education through Sport, EYES, the official launch of which was successfully held in Dublin in January. To coincide with EYES, my Department's published 2004 school building programme includes a number of physical education halls at post-primary level that can proceed to tender and construction in the current year.

These sports facilities are to be delivered under two programmes, the dual use PE halls under the drugs task force initiative and the generically-designed halls, which will provide the template for future sports facilities in schools nationwide.

Both programmes will be evaluated on an ongoing basis throughout the construction phase and in relation to the generically designed halls in particular, this will inform any decision to extend the scheme to those post-primary schools requiring new or refurbished indoor sporting facilities. Progression of the PE hall development project at Coláiste Chríost Rí will be considered in this regard and in the context of a multi-annual building programme from 2005 onwards.

Special Educational Needs.

127. **Mr. Durkan** asked the Minister for Education and Science the number of special needs class places catering for children with autism or other special needs available in the various schools in north Kildare; if all ages are catered for; the number of such places required at present; and if he will make a statement on the matter. [6513/04]

Minister for Education and Science (Mr. N. Dempsey): I wish to advise the Deputy that the following special classes are currently operating in mainstream primary schools in County Kildare: ten classes for children with autistic spectrum disorder operating at a pupil teacher ratio of 6:1; six classes for children with mild general learning disability, MGLD, operating at a pupil teacher ratio of 11:1; and seven classes for children with severe profound general learning disability operating at a pupil teacher ratio of 6:1.

In addition, there is one special school for pupils with MGLD and two special schools for pupils with moderate general learning disabilities catering for approximately 165 pupils.

My Department also provides funding for the Saplings Project, a facility sanctioned on a pilot basis which uses applied behavioural analysis methodologies for children with autism. Some 30 children are currently enrolled in the facility.

In general, applications for enrolment in primary schools are made directly to the boards of management by parents without reference to my Department, so the number of places required is not available.

The Department allocates resource teacher posts and special needs assistant posts to second level schools and vocational educational committees to cater for pupils with special needs, including pupils with autism. Applications for such support are made to the Department by the relevant school authorities. Each application is considered on the basis of the professionally assessed needs of the pupil(s) in question and the nature and level of the support provided is based on the advice of the National Educational Psychological Service.

The Department is currently reviewing a range of possibilities for the development of appropriate models of support at second level for children with autism in the north Kildare/west Dublin area with a view to putting in place the necessary support services when required.

Health Board Services.

128. **Mr. S. Ryan** asked the Minister for Health and Children the position following requests by the family of a person (details supplied) that they be moved to another hospital, as soon as possible. [6423/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of care and treatment of the named individual rests with the Eastern Regional

Health Authority. My Department has therefore asked the regional chief executive to investigate the matter raised by the Deputy and reply to him directly.

129. **Mr. S. Ryan** asked the Minister for Health and Children the position regarding the urgent need to provide one-to-one 24 hour care at home for a person (details supplied) in County Dublin with properly trained carers to facilitate all their needs regarding disability and chronic illness. [6424/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health related support services, including home help services for people with physical and sensory disabilities, is a matter for the relevant health board. Accordingly, the Deputy's question has been referred 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.

Hospital Services.

130. **Mr. Rabbitte** asked the Minister for Health and Children the plans he has for the future of Mallow Hospital, County Cork; and if he will make a statement on the matter. [6425/04]

Minister for Health and Children (Mr. Martin): The Deputy will be aware that the provision of services at Mallow General Hospital is a matter for the Southern Health Board.

The national task force on medical staffing — Hanly report — concluded that the reorganisation of acute hospital services is needed to implement a consultant-provided service based on consultants working in teams and, as required under the European working time directive, to reduce the average working hours of non-consultant hospital doctors.

In this regard I recently announced the composition of the acute hospitals review group. The group, to be chaired by Mr. David Hanly, will build on the work done by the national task force on medical staffing. The acute hospitals review group will prepare a plan for the interim health services executive for the reorganisation of acute hospital services, taking account of the recommendations of the Hanly report including spatial, demographic and geographic factors. The role of all acute hospitals, including Mallow Hospital, will be examined in this context.

Health Board Services.

131. **Mr. G. Mitchell** asked the Minister for Health and Children if an urgent appointment will be arranged for a person (details supplied) for a hearing assessment for a new hearing aid; and if he will make a statement on the matter. [6426/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy will be aware, the provision of health services in the Dublin 12 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.

Fitness to Practise.

132. **Ms O. Mitchell** asked the Minister for Health and Children the reason there is an ongoing delay in setting up an inquiry into a case (details supplied) and other related issues. [6430/04]

Minister for Health and Children (Mr. Martin): Arising from the report of the fitness to practise committee of the Medical Council into the professional conduct of the person in question, the Government has agreed to establish a non-statutory inquiry into certain matters of concern at Our Lady of Lourdes Hospital, Drogheda. Following consultations with the Attorney General, Judge Maureen Harding Clark of the International Criminal Court has been appointed to chair the inquiry. I understand Judge Clark is currently studying the transcript of the proceedings at the fitness to practise committee and other relevant background documentation. Premises have been secured and recruitment of staff, both legal and administrative, is under way. The terms of reference and format of the inquiry are being finalised and I intend to bring recommendations to Cabinet in the very near future.

Adoption Services.

133. **Mr. G. Mitchell** asked the Minister for Health and Children if his Department will make sufficient resources available to the health boards in order to ensure that there is no delay in dealing with inter-country adoption applications; and if each health board will have adequate resources. [6439/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The allocation of resources within the health boards is a matter for the management of each board.

Health Board Services.

134. **Mr. McGuinness** asked the Minister for Health and Children if domiciliary care allowance will be awarded to a person (details supplied) in County Kilkenny; if it will be backdated to birth; if they are entitled to this allowance and to have it backdated by right; if the same arrangement has been made for other parents with autistic children; if the five hours home support due to this family since September 2003 will be provided;

the reason for the delay in this matter; if the attention of the parents of autistic children has been drawn to their entitlements in a proactive way; if the services are being delivered in the same fashion; if not, the reason therefor; and if he will make a statement on the matter. [6445/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Domiciliary care allowance may be paid in respect of eligible children from birth to the age of 16 who have a severe disability requiring continual or continuous care and attention which is substantially in excess of that normally required by a child of the same age. The condition must be likely to last for at least one year. Where medical confirmation is supplied which pre-dates the actual date of application and the health board's senior area medical officer is satisfied that the child required continual or continuous care and attention, substantially in excess of that normally required by a child of the same age, then payment may be made from the date that he or she is satisfied such additional care and attention is required.

The assessment of entitlement to and payment of the domiciliary care allowance in any individual case and the provision of other support services, such as home supports, is a matter for the relevant health board as is the provision of services for people with disabilities. Accordingly, a copy of the Deputy's question has been forwarded to the chief executive officer, South Eastern Health Board, with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

135. **Mr. McGuinness** asked the Minister for Health and Children if an application for mobility allowance in the name of a person (details supplied) in County Carlow will be approved; and if a decision will be expedited in view of the fact that the original application was made on 17 July 2003. [6446/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The assessment of entitlement to and payment of the mobility 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 chief executive officer, South Eastern Health Board, with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

136. **Mr. McGuinness** asked the Minister for Health and Children if an appointment will be expedited for a person (details supplied) in County Kilkenny at County Clinic, James Green, Kilkenny, with a person (details supplied) with regard to their heart condition and qualification for domiciliary care allowance. [6447/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The assessment

[Mr. T. O'Malley.]

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 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.

Hospital Services.

137. **Mr. McGuinness** asked the Minister for Health and Children the reason for the delay in providing treatment for throat cancer for a person (details supplied) in County Kilkenny; if there is a waiting list for such patients; the action he is taking in the matter; if treatment will be expedited for this person; the action he will take in this case; and if he will make a statement on the matter. [6448/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of hospital services for people resident in County Kilkenny is a matter for the South Eastern Health Board.

My Department has, therefore, asked the chief executive of the South Eastern Health Board to investigate the matter and reply directly to the Deputy.

Disabled Drivers.

138. **Mr. McGuinness** asked the Minister for Health and Children if a primary medical certificate will be issued to a person (details supplied) in Dublin 8; and if a mobility allowance will also be sanctioned in this case. [6449/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The medical assessment for the purpose of the disabled drivers and disabled passengers tax concessions scheme is carried out by the senior area medical officer in the relevant health board. This function is to assist the Department of Finance which has statutory responsibility for the scheme.

Accordingly, my Department has asked the regional chief executive of the Eastern Regional Health Authority to investigate this case and reply directly to the Deputy as a matter of urgency.

A mobility allowance is a means tested monthly health board allowance. The purpose of this allowance is to provide 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.

A maximum amount of €142 per month, from 1 January 2004, is available only to eligible persons who do not benefit from the disabled drivers and disabled passengers tax concessions scheme. Those who benefit from both the disabled drivers and disabled passengers — tax concessions — scheme and mobility allowance will receive a mobility allowance up to a

maximum amount of €71 per month from 1 January 2004.

The granting of a primary medical certificate is not a prerequisite for the provision of a mobility allowance. The application for mobility allowance would be considered separately. The individual concerned should apply directly to the health board.

Child Care Services.

139. **Mr. McGuinness** asked the Minister for Health and Children the reason an operation urgently required by a person (details supplied) in County Kilkenny has not been arranged by the SEHB at Manchester Children's Hospital; if the advice and arrangements as set out by the consultant paediatrician at St. Luke's Hospital, Kilkenny in December 2003 will be followed; and if this operation will be carried out without further delay. [6450/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services for people resident in County Kilkenny is, in the first instance, a matter for the South Eastern Health Board.

My Department has, therefore, asked the chief executive officer of the South Eastern Health Board to investigate the matter and reply directly to the Deputy.

Hospital Services.

140. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for assessment for a knee replacement to Galway Regional Hospital and placed on the waiting list. [6451/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has, therefore, asked the chief executive officer of the board to reply directly to the Deputy in relation to the matter raised.

Health Board Communications.

141. **Mr. Ring** asked the Minister for Health and Children the reason Question No. 672 of 27 January 2004 has not been replied to in full. [6452/04]

Minister for Health and Children (Mr. Martin): Responsibility for all meetings held by the Western Health Board rests with the board, as previously stated. My Department has therefore asked the chief executive officer to investigate further the matters raised by the Deputy and reply to him directly.

142. **Mr. Ring** asked the Minister for Health and Children the reason Parliamentary Question No. 735 of 27 January 2004 has not been replied to in full. [6453/04]

Minister for Health and Children (Mr. Martin): I understand from the Western Health Board that a reply has issued directly to the Deputy.

Health Board Services.

143. **Mr. Wall** asked the Minister for Health and Children when a decision will be made in regard to a nursing subvention application for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [6485/04]

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 County Kildare 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.

Services for People with Disabilities.

144. **Mr. Wall** asked the Minister for Health and Children the reason a person (details supplied) in County Offaly is confined to their living room without proper facilities; if he will investigate the problems attached to this person with a view to having them rectified; and if he will make a statement on the matter. [6486/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of services for people with disabilities is a matter for the relevant health board. Accordingly, a copy of the Deputy's question has been referred to the chief executive officer, Midland Health Board, with a request that he examine the case and reply to the Deputy directly as a matter of urgency.

Health Board Services.

145. **Mr. Durkan** asked the Minister for Health and Children when a residential place will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [6514/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services to persons with an intellectual disability and those with autism in the Kildare area is a matter, in the first instance, for the Eastern Regional Health Authority. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

Cancer Screening Programme.

146. **Mr. Durkan** asked the Minister for Health and Children if screening for breast cancer can be provided for young women in view of the fact that those in the younger age group are regularly affected; and if he will make a statement on the matter. [6516/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Since 1997 there has been a cumulative additional investment in excess of €550 million in the development of appropriate treatment and care services for people with cancer, including symptomatic breast services. The benefit of the investment is reflected in the significant increase in activity that occurred and breast cancer surgery increased by 39% nationally.

In March 2000 the national breast screening programme commenced. Phase one of the programme covers the Eastern Regional Health Authority, Midland Health Board and North Eastern Health Board areas. Screening is offered every two years, free of charge, to all women in those areas in the target age group of 50 to 64 years. The target population consists of approximately 136,000 women and represents about 50% of the national target population.

Last year I announced the extension of the BreastCheck programme to counties Carlow, Kilkenny and Wexford and also the national roll-out to the southern and western counties. When the programme is sufficiently developed and it is assured that a quality service is being delivered at national level, consideration will be given to extending the upper age limit to 69 years. There are no plans to target women below the age of 50 years.

This position is consistent with the report on development of services for symptomatic breast disease. It states that clear proof of the value of population based breast screening has, up to now, been confined to women over the age of 50 years. It is also consistent with a recent recommendation adopted by the European Union. This advocates the introduction of cancer screening programmes that have demonstrated their efficacy having regard to professional expertise and priority setting for health care resources.

Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should contact her GP. She will be referred, where appropriate, to the symptomatic services in her region.

Driving Licences.

147. **Mr. Blaney** asked the Minister for Transport the plans he has to reform the legislation whereby drivers who reside here and who drive Northern Ireland category A company vehicles are treated differently to drivers of category B company vehicles in similar circumstances; and if he will make a statement on the matter. [6402/04]

Minister for Transport (Mr. Brennan): A category A vehicle is a motorcycle and a category B vehicle is a car or small van. A person who holds a driving licence issued by an EU member state or the European economic area, including Iceland, Liechtenstein and Norway, in the appropriate category is licensed to drive a vehicle

[Mr. Brennan.]
of that category in Ireland for so long as that licence remains valid. My officials will be in touch with the Deputy directly on the matter.

Taxi Hardship Panel.

148. **Mr. M. Higgins** asked the Minister for Transport the structures being put in place to administer the taxi hardship panel; the number of staff employed; the administrative costs involved; the number of persons compensated to date; the total sum expended; and the amount expected to be expended over the next year. [6428/04]

Minister for Transport (Mr. Brennan): The taxi hardship payments scheme is implementing the recommendations of the taxi hardship panel report. Area Development Management Limited has been engaged to administer and manage the scheme. It recruited a team of ten persons on a contract basis.

Last August it was estimated that it would cost €536,000 and take nine months to administer the scheme. ADM operates as a non-profit-making organisation. It must recoup all of the costs incurred when administering schemes or projects on behalf of the State. The costs will be met over and above any hardship payments made under the taxi hardship payments scheme.

Under the scheme 203 persons have received a total of €2,458,000 up to 4 February. The payments do not represent compensation but rather compassionate payments in respect of extreme personal financial hardship.

The hardship panel estimated, based on consideration of the submissions made to it, that the total claims under any future scheme should not exceed €15 million. At present it is not possible to say how much the scheme will cost as it will depend on the number of applications received and whether the persons applying qualify for payments.

CIE Properties.

149. **Mr. M. Higgins** asked the Minister for Transport the talks that have taken place between officials of his Department and CIE in Galway on the future use or disposal of CIE property; the plans that have been discussed with local authorities; the bodies with which talks have taken place; and the conclusions that have been reached on the future provision of adequate integrated rail and bus facilities for public transport in Galway. [6429/04]

Minister for Transport (Mr. Brennan): The disposal of property is a matter for the CIE group.

CIE had discussed the development of integrated bus and rail facilities in Galway with local authorities. At present the matter is being planned and no final decisions have been made.

Prison Building Programme.

150. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the plans, timescale and details for the relocation of Mountjoy Prison, Dublin 7; and if he will make a statement on the matter. [6441/04]

167. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the timescale for the building of a new prison and sale or disposal of the existing Mountjoy Prison; and if he will make a statement on the matter. [6509/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 150 and 167 together.

An advertisement was placed in the national newspapers seeking a suitable replacement site for the Mountjoy complex within 25 kilometres of Dublin city centre, convenient to and accessible from the main public transport and road networks. It must also be available for immediate development, subject to the relevant planning requirements.

Last Monday was the closing date for expressions of interest. I received 23 proposals and their examination and rating is under way. I expect to make a determination on them by the end of next month.

I intend to close the Mountjoy complex as soon as a suitable replacement prison has been built. The capital generated by the sale of the complex will be used to acquire a site and finance a new prison.

Question No. 151 answered with Question No. 17.

Prisoner Transfers.

152. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if he will investigate the transfer of a person (details supplied) in County Kildare from St. Patrick's Institution to Shelton Abbey; and if he will make a statement on the matter. [6401/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The prisoner concerned is serving a cumulative sentence of two years for the unauthorised taking of an MPV, criminal damage, no insurance, assault and trespass. He is scheduled to be released, with standard remission, on 27 July 2005. Therefore, I am not prepared to consent to his transfer to an open centre at this time.

Garda Recruitment.

153. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform when he intends to hold the next phase of Garda recruitment; the strength of the force; and if he will make a statement on the matter. [6432/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of

resources, including personnel. They have informed me that the personnel strength of the force, including all ranks, as at 23 February is 11,920.

In April 2000 the Government agreed, *inter alia*, to a system of delegated authority. This means that recruitment is carried out to maintain the strength of the force at an agreed level. In April 2002 the Government agreed to increase the approved strength of the force by 200 to 12,200.

During 2003 the Garda college accepted 690 trainees. The Commissioner has projected, based on an anticipated rate of retirement, that authorised strength of 12,200 will be achieved during this year. He also indicated that 342 trainees are required to meet the demand created by compulsory retirements and projected voluntary retirements and other discharges for 2004. He cautions that all projections are based on variables and are therefore subject to change. At present recruitment is carried out to maintain the force at its authorised maximum strength.

Asylum Applications.

154. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the process being pursued regarding persons (details supplied). [6488/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the cases concerned, the wife arrived in the State in July 2002 and made an asylum application, the husband arrived in the State in December 2002 and made an asylum application. Both applications were unsuccessful. They also applied for residency on the basis of parentage of an Irish child born in December 2002.

Following the decision of the Supreme Court in the cases of L & O, the separate procedure that existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases outstanding on that date. At present there are a large number of such cases outstanding, including the case referred to by the Deputy.

Since the persons in question do not have an alternative legal basis for remaining in this jurisdiction the issue of permission to remain will be considered. This will be done only in the context of a ministerial proposal to deport them. They have already been notified of such a proposal and were given an opportunity to make representations. If, in the light of representations and a range of factors set out in section 3(6) of the Immigration Act 1999, the Minister decides not to make a deportation order they will be given leave to remain on a humanitarian basis.

At present I cannot say when the file will be further examined because of the large number of such cases on hand.

155. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the process being pursued regarding a person (details supplied) in County Cork. [6489/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The person in question made an application for asylum and is currently awaiting a final determination. She is entitled to remain in the State pending the result being issued to her.

The person also made an application for permission to remain in the State based on parentage of an Irish child born in September 2002. Following the decision of the Supreme Court in the cases of L & O, the separate procedure that existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases outstanding on that date. At present there are a large number of such cases outstanding, including the case referred to by the Deputy.

Permission to remain on the basis of parentage of an Irish born child will only be considered in the context of a ministerial proposal to deport her. It will only occur if she is refused refugee status in the State. In that context she would be notified of the proposal and given an opportunity to make representations. If, in the light of representations and a range of factors set out in section 3(6) of the Immigration Act 1999, the Minister decides not to make a deportation order she will be given leave to remain on a humanitarian basis.

Garda Deployment.

156. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when the number of gardaí will be increased in the stations throughout County Kildare in accordance with commitments entered into in the programme for Government and demographic trends; and if he will make a statement on the matter. [6496/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I have been informed by the Garda authorities that the personnel strength of the Carlow-Kildare division, as at 24 February 2004, was 324. It represents an increase of 32 personnel or 10.9% since 31 December 1997. Garda management will continue to appraise the policing and administrative strategy employed in the division with a view to ensuring that an effective Garda service is maintained.

The matter will be kept under review. When additional personnel next become available the needs of the division will be considered in the context of the overall needs of Garda divisions.

Courts Service.

157. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the extent backlogs are caused in the courts by failure to

[Mr. Durkan .]
complete a book of evidence or other reasons; the extent he can address the issue; and if he will make a statement on the matter. [6497/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The prosecution of offences is a matter primarily for the Director of Public Prosecutions and, as Minister, I have no direct role. I have a general responsibility for the efficient working of the criminal justice system but I am concerned about delays in proceedings. I invited the National Crime Council to conduct a study of delays in the criminal justice system and I met the council with a view to expediting the development.

Delays in bringing cases to trial can, on occasion, be caused by a failure on the part of the prosecution to complete books of evidence in the time prescribed. The report of the working group on the jurisdiction of the courts contain a recommendation that the existing 42 day period set for the service of the book of evidence is too short and that it should be extended to 90 days. The recommendation was made on the basis that the existing period is "unrealistically short in a great many cases".

The group also agreed with the view that the requirement that depositions be taken in the District Court is cumbersome and can contribute to delays in proceedings. It recommended that the Criminal Procedure Act 1967 should be amended to provide that evidence directed to be taken under section 4F of the Act, whether by way of sworn deposition or by video link, be taken before a judge of the court to which the return for trial has been made. My Department is considering both recommendations.

Garda Recruitment.

158. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when he will deliver on the commitment given in the programme for Government to provide an extra 2,000 gardaí; and if he will make a statement on the matter. [6498/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of resources, including personnel. They informed me that the personnel strength of the force, including all ranks, as at 23 February 2004 is 11,920.

In April 2000 the Government agreed, *inter alia*, to a system of delegated authority under which recruitment is carried out to maintain the strength of the force at an agreed level. In April 2002 the Government agreed to increase the approved strength by 200 to 12,200.

During 2003 the Garda college accepted 690 trainees. The Commissioner has projected, based on an anticipated rate of retirement, that authorised strength of 12,200 will be achieved during this year. He also indicated that 342

trainees are required to meet the demand created by compulsory retirements and projected voluntary retirements and other discharges for 2004. 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 the year when historically a higher number of applications are received.

I have already made it quite clear that I will not be content with raising the strength of the force to an historic high of 12,200 by the end of 2004. As soon as budgetary circumstances permit I intend, with Government approval, to move towards the target of 14,000 provided in the programme for Government.

Legal Aid Service.

159. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the cost to his Department or the State through his Department of providing free legal aid for organised crime; and if he will make a statement on the matter. [6499/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In 2003 the cost of legal aid was €37.35 million. Statistical details of the type or nature of crimes alleged against persons granted legal aid are not maintained.

Garda Operations.

160. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of times leaders or activists in criminal gangs have been questioned, arrested or detained in the past month, having particular regard to the well publicised activities of such groups; and if he will make a statement on the matter. [6500/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that there is continual analysis of criminal intelligence by specialist units. It allows for a varied Garda response to particular trends in criminal activity. It is not the practice or policy of the force to comment on operations carried out by specialist national units.

Garda management adopted a strategy of tackling organised criminal groups through targeted intelligence led operations. They yielded excellent results during the past year and covered several areas of criminal activities, including armed robberies and trafficking in illicit drugs. When such operations are launched by the force arrests are made where warranted.

Courts Service.

161. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will offer extra resources to the Courts Service to expedite cases, particularly in the family law courts; and if he will make a statement on the matter. [6502/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Courts Service is responsible for the day-to-day management of the courts under the Courts Service Act 1998. I am responsible for ensuring that it is adequately funded and €97.49 million will be provided in 2004.

The service allocates resources and implements its strategic plans and policies and maintains an appropriate level of service. However, judicial resources are being reviewed.

Garda Patrols.

162. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when he will increase the number of gardaí available for all day foot and mobile patrols in the greater Dublin area, having particular regard to the commitment given prior to the general election 2002; and if he will make a statement on the matter. [6503/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of resources, including personnel. They have informed me that mobile, both uniform and plain clothes, carry out regular patrols throughout the Dublin metropolitan region.

The region's management places a great emphasis on foot patrols. It is Garda policy to ensure that as many personnel as possible are engaged on foot patrols and as further personnel resources become available, they are assigned to foot patrol duty. In addition, dedicated foot patrols are also in place by way of various operations and initiatives.

Mobile and foot patrols are continually reviewed to ensure that they address the policing needs of an area. They target areas of high crime and where public order issues frequently arise.

Garda management in the Dublin metropolitan region are satisfied that adequate personnel and resources are currently in place to meet policing needs.

163. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when he will increase the number of gardaí patrolling the Ballymun and Finglas areas; and if he will make a statement on the matter. [6504/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of resources, including personnel. They have informed me that the Ballymun and Finglas areas are patrolled by mobile and foot patrols on a 24 hour basis. This includes personnel from uniform units, detective units, divisional task force units and community police personnel.

Local Garda management in each area are satisfied with the current level of patrols. The capacity of to respond to contemporary demands is kept under review and resources are deployed accordingly.

When additional personnel next become available the needs of Ballymun and Finglas Garda stations will be considered in the overall context of the needs of all stations.

Punishment Shootings.

164. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he has taken to address the issue of IRA or criminal punishment shootings, having particular regard to obvious information at his disposal; if he has issued instructions to combat this menace; and if he will make a statement on the matter. [6505/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There has been no recent reported incident in this jurisdiction of the kind referred to by the Deputy. Any such incident would be fully investigated by the Garda Síochána.

The Deputy will be aware of reports of such vicious and cruel incidents occurring in Northern Ireland. I have clearly outlined my views on the matter. Such incidents are discussed, *inter alia*, at regular meetings involving myself, the Secretary of State for Northern Ireland, the Garda Commissioner and the Chief Constable of the Police Service of Northern Ireland.

Prison Accommodation.

165. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the way in which adequate prison places exist at present, in view of the fact that two prisons are closed and it is proposed to build a newer, bigger prison in order to accommodate prisoners; and if he will make a statement on the matter. [6506/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The provision of approximately 1,300 new prison spaces in recent years has meant that the Irish Prison Service is in a far better position to accommodate prisoners for the duration of their sentences and has resulted in the virtual elimination of the "revolving door" syndrome which brought the criminal justice system into disrepute in the mid-1990's. However, this is not to say that I am totally satisfied with the number of spaces currently available. For example, it is clear that we do not have sufficient capacity in our female prison facilities and, accordingly, steps will have to be taken to rectify this situation. In this context, it is recognised that it is difficult to predict precisely the number of spaces which we will need in the future and a number of factors will impact on this including the level of crime and the sentences imposed by our courts. These factors will be taken into consideration in the planning and design of the proposed replacement campus for the Mountjoy complex.

The most pressing accommodation issues actually relate to the quality rather than the quantity of prison spaces. In my view, it is not

[Mr. McDowell.] acceptable in this day and age to subject prisoners to the slopping out process which takes place in some of our older prisons each morning. This is one of the fundamental reasons behind the Government decision to replace the Mountjoy complex, which dates from the mid-19th century, with a modern prison facility.

The recent mothballing of Fort Mitchel and the Curragh Places of Detention are an unrelated matter and, as I have already stated, were deemed necessary because of the crippling overtime levels which are prevalent in the prison system and which I am currently addressing in the context of an ongoing industrial relations process. I cannot stress strongly enough that reforming manning levels and working arrangements in the prisons is key to ensuring value for money for the taxpayer. In any event, the net effect of these temporary closures was a loss of only 25 prison spaces as the closures were offset by the making available of additional places at both the Midlands and Limerick Prisons.

Asylum Applications.

166. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the legal options open to persons (details supplied); if the application on the grounds of their child's birth here will be processed in view of the fact that they made it prior to the Supreme Court judgement; and if not, if they can revert to their original application as asylum seekers. [6507/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The wife arrived in the State in October 2002 and made an asylum application. Her husband arrived in the State in December 2002 and made his asylum application. Both persons subsequently withdrew their asylum applications and applied for residency on the basis of parentage of an Irish child born in December 2002.

Following the decision of the Supreme Court in the cases of L & O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases which were outstanding on that date. There are a large number of such cases outstanding at present, including the case to which the Deputy refers.

Since the persons in question do not have an alternative legal basis for remaining in this jurisdiction the issue of permission to remain will be considered, but only in the context of a ministerial proposal to deport them. They have been notified of such proposal on 18 February 2004 and have an opportunity to make representations in this regard. If, in the light of those representations and the range of factors set out in section 3(6) of the Immigration Act 1999, the Minister decides not to make a deportation

order they will be given leave to remain on a humanitarian basis.

Any query by the persons concerned regarding the question of reverting to their original asylum applications should be addressed by them to the Office of the Refugee Applications Commissioner.

Question No. 167 answered with Question No. 150.

Refugee Status.

168. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the status of the refugee application of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [6511/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, under the Refugee Act 1996, two independent statutory offices were established to consider applications/appeals for refugee status and make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

These two offices are the Office of the Refugee Applications Commissioner, which considers applications for a declaration as a refugee at first instance, and the Refugee Appeals Tribunal which considers applications for a declaration at appeal stage.

A final decision will be made in this case upon receipt of the recommendation of the Office of the Refugee Applications Commissioner.

Asylum Applications.

169. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [6512/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned, who is from the Democratic Republic of Congo, entered the State on 9 January 2000 and applied for asylum. His application was refused and was informed of this on 19 September 2000. He appealed this decision to the Refugee Appeals Tribunal. The decision was affirmed on appeal and he was informed of this on 10 August 2001.

In accordance with section 3 of the Immigration Act 1999, he was informed on 19 September 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 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 10 October 2001. No further representations have been received

from the person concerned, or his legal representative, since this date.

The case file in this matter must be examined having regard to the criteria set down in section 3(6) of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of *refoulement*. In this latter respect, *refoulement* has been an issue in respect of the Democratic Republic of Congo and consideration of the file has been postponed pending developments in this regard. It is noted that the situation in that country is improving and other EU member states have begun returning persons there. I expect, therefore, that the case file will be submitted to me for a decision shortly.

Citizenship Applications.

170. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in respect of naturalisation in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [6517/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by officials in the citizenship section of my Department that one of the persons concerned is already an Irish citizen, through registration in the foreign births register, and that there is no record of an application for naturalisation having been received from his non-national spouse. I am not in a position to advise on the eligibility for naturalisation of the spouse without receiving further details.

However, I can advise the Deputy that a declaration of post-nuptial citizenship from the spouse was received in my Department in November 2002. One of the statutory requirements for post-nuptial citizenship is that the Irish spouse has been an Irish citizen for three years at the time of declaration. Since the husband only registered in the foreign births register on 16 July 2001, the declaration and associated papers were returned to the declarant on 15 May 2003 with an explanatory letter. It was made clear in that letter that a post-nuptial declaration could be made at any time after 16 July 2004, when the Irish spouse will have been an Irish citizen for three years, provided that the other statutory conditions are satisfied at that time.

Garda Deployment.

171. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform when a garda sergeant will be replaced (details supplied) in County Donegal; and if he will make a statement on the matter. [6518/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply to her Parliamentary Question No. 447 of Tuesday, 24 February 2004, where this information was provided.

Architectural Heritage.

172. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the proposals or plans he has for the future of Doneraile Court and demesne, County Cork; and if he will make a statement on the matter. [6403/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The re-roofing of Doneraile Court was completed during 2001 at a cost of some €900,000 with assistance from EU Structural Funds, under the Tourism Operational Programme 1994-1999.

A further sum of €2.54 million has been allocated under the National Development Plan 2000-2006 for the carrying out of works to enable Doneraile Court to be opened to the public.

My Department is in consultation with the Office of Public Works to devise a scheme of improvement works for the court but the estimated cost of the project greatly exceeds the NDP funding allocation. Other possible sources of funding are being investigated but it is not possible at this stage to predict the outcome of this exercise.

A number of minor capital works were carried out at Doneraile Wildlife Park in 2003 and the park will continue to be managed to its present high standard and kept open for the enjoyment of the general public as heretofore.

Greenhouse Gas Emissions.

173. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government his views on the major increase in ozone pollution levels recorded in 2003; the steps his Department is taking to ensure that the public is aware of health effects of ozone pollution; if he will ensure that levels of ozone which exceed EU standards will be notified to the public so that those suffering from health problems can take precautionary steps; and if he will make a statement on the matter. [6466/04]

184. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government his views on the major increase in ozone pollution levels recorded in 2003, which exceeded EU standards; the steps he intends to take to deal with this problem; if he intends to make it mandatory that such episodes are made public so that those suffering from health problems can take precautions; and if he will make a statement on the matter. [6465/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 173 and 184 together.

Monitoring and reporting of ozone levels have been the responsibility of the Environmental Protection Agency under the Environmental Protection Agency 1992 (Ozone) Regulations 1997. I made new regulations — Ozone in Ambient Air Regulations 2004 — on 11 February

[Mr. Cullen.] 2004, transposing Directive 2002/3/EC of 12 February 2002 relating to ozone in ambient air, which repealed the 1997 regulations. Under the 1997 regulations extant in 2003 the agency was required to measure concentrations of ozone in the air and to inform the public, with the assistance of Met Éireann, whenever ozone levels exceed either the population information threshold, 180 µg/m³, or the population warning threshold, 360 µg/m³, for the mean value over one hour. The 2004 regulations strengthen the public information requirements by requiring the agency to routinely inform the public on at least a daily basis and, wherever appropriate and practicable on an hourly basis, of the concentrations of ozone in ambient air. The agency is doing this, *inter alia*, through its new air quality website, which I launched last month.

Under the 2004 regulations the agency is required, where the information threshold — 180 µg/m³ — or the new, more stringent alert threshold — 240 µg/m³ — is or, where practicable, is predicted to be exceeded, to make certain information publicly available as soon as possible and by appropriate means. This information includes any such exceedance, its location, start time, duration, forecasted changes in concentrations, the type of population groups potentially at risk, possible health effects and recommended conduct, and preventive action to reduce pollution or exposure to it.

Due to Ireland's geographical location and meteorological circumstances, ozone pollution is not a problem here. No exceedances of the lower information threshold were reported by the EPA on behalf of Ireland during the last seven summer seasons — 1997-2003 — when hot weather conditions, and the presence of ozone precursors which chemically react in sunlight, caused ozone pollution episodes in many parts of mainland Europe.

I understand from the agency that in 2003 one relatively minor exceedance of the population information threshold was recorded at a concentration level of 181.2 µg/m³. This occurred on 18 April, Good Friday, between 4 p.m. and 5 p.m. and lasted for one hour. Due to a problem earlier in the day with the data transmission element of the agency's automatic monitoring system this specific concentration level was not notified to Met Éireann for public information broadcast though levels above 160 µg/m³ were so notified; as these notifications were below 180 µg/m³ they did not trigger a Met Éireann broadcast. When contacted the following day by Met Éireann about the anomalous repetition of the same notification, the agency discovered the transmission error and rectified the problem immediately. Given the relatively minor nature of the exceedance, its short duration, and the maintenance of subsequent readings below 180 µg/m³, the agency did not ask Met Éireann

to issue any public information alert as the exceedance had happened the previous day.

Water and Sewerage Schemes.

174. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the way in which the Ringsend waste water plant is funded; if the polluter pays principle applies; and if he will make a statement on the matter. [6412/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The capital cost of the Ringsend waste water treatment plant was primarily co-financed by the Exchequer and the EU Cohesion Fund, supplemented by contributions raised by Dublin City Council from non-domestic consumers in accordance with Government water pricing policy.

The operational phase of the design, build and operate contract will be funded by a combination of local government fund moneys in respect of the domestic share of the operational costs and contributions from the non-domestic sector in respect of such costs attributable to that sector.

175. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government when the polluter pays principle will be introduced for water and sewerage; and if he will make a statement on the matter. [6413/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Charges for non-domestic users of water services are already provided for in legislation and are widely established. It is Government policy to bring greater uniformity to these arrangements by requiring that all non-domestic users of water services meet the costs of providing them with these services on a metered basis by 2006. This is in line with the proper application of the polluter pays principle and the requirements of the EU water framework directive.

The Local Government (Financial Provisions) Act 1997 precludes the charging of domestic users of water services and there is no proposal for amendment of this provision.

176. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the number of sewerage schemes and water schemes funded in 2003 and 2004 in each local authority area; the way in which they are being funded; and if he will make a statement on the matter. [6414/04]

177. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if he will give details of the best practice in regard to water and sewerage schemes; and if he will make a statement on the matter. [6415/04]

178. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the criteria used in deciding the method of funding new or upgrading water and sewerage

schemes; and if he will make a statement on the matter. [6416/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 176 to 178, inclusive, together.

My Department's Water Services Investment Programme 2003 — 2005, a copy of which is available in the Oireachtas Library, 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, schemes have been identified to advance through planning to which construction start dates will be assigned in future phases of the programme. The selection of small public water, group water and sewerage scheme proposals for funding under the devolved rural water programme is a matter for the local authorities concerned within general guidelines laid down by my Department.

My Department has established the public private partnership approach, employing the design/Build/operate — DBO — model, as the standard practice for the procurement and management of new water and wastewater treatment infrastructure under the water services investment programme. In this context, DBO offers a number of distinct advantages over traditional procurement, including: single point responsibility for design, construction, operation and maintenance, which incentivises the contractor to optimise the whole life cost of the project; acceleration of infrastructure provision and reduced exposure to construction inflation as the operational phase, and the related payments to the contractor, do not commence until construction has been completed; better allocation of risk, resulting in greater certainty of final capital cost; and use of new and innovative technologies with associated technical and economic advantages.

Local authorities are being assisted in the implementation of this policy through a range of guidance and other supports produced by my Department.

Capital funding of the water services investment programme is primarily Exchequer based, supplemented by contributions raised by local authorities from the non-domestic sector in accordance with Government water pricing policy. Exchequer funding in respect of approved schemes is recouped to authorities by my Department on an individual scheme basis.

The devolved rural water programme is funded through a combination of annual Exchequer block grant allocations by my Department to individual local authorities, supplemented by authorities' own resources and other non-

Exchequer funding, including capital contributions by group water scheme members.

Electronic Voting.

179. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if all surpluses will be distributed at elections under the electronic voting system; and if he will make a statement on the matter. [6418/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The count rules to be applied at the June polls are the same as set out in current legislation, including the provisions regarding the treatment of surpluses.

Water and Sewerage Schemes.

180. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government when he envisages works to be carried out on the Clonlara sewerage scheme and upgrading the water scheme; and if he will make a statement on the matter. [6420/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Clonlara sewerage scheme has been approved for funding in my Department's Water Services Investment Programme 2003-2005 under the serviced land initiative. I approved a brief for the appointment of consultants to prepare a preliminary report for the scheme in October 2003, and it is now a matter for Clare County Council to advance the preparation of this report.

The Gillogue water supply scheme, which I understand will provide an improved water supply to Clonlara, has also been approved for funding under the serviced land initiative. I approved contract documents for stage 2, phase 1, of this scheme in August 2003. My Department is now awaiting Clare County Council's tender report in respect of the works involved.

Heritage Delegation.

181. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he or officials of his Department recently met with a visiting delegation from UNESCO; the purpose of the meeting; the matters discussed; and if he will make a statement on the matter. [6460/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Officials of my Department met with the UNESCO delegation to assist them with their mission to report to the World Heritage Committee on the state of conservation generally of the Brú na Bóinne world heritage site and on any impact on this site from the proposed thermal waste facility at Carranstown, County Meath.

My Department facilitated the delegation with a visit to the site and a programme of meetings. The delegation met with elected local representatives, officials of Meath County

[Mr. Cullen.]

Council, local interested parties including NGO representatives, officials from the OPW and my Department, and Indaver Ireland. The delegation will submit a report to the World Heritage Committee at its meeting to take place this summer.

Waste Disposal.

182. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the arrangements or procedures that are in place for the safe removal and disposal of small amounts of asbestos (details supplied); and if he will make a statement on the matter. [6461/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Primary responsibility for the management of any waste lies with the holder or producer of the waste. The Waste Management Acts 1996-2003 prohibit any person from holding, transporting, recovering or disposing of waste in a manner which causes or is likely to cause environmental pollution, defined in section 5 to include action which would to a significant extent endanger human health.

The European Communities (Protection of Workers)(Exposure to Asbestos) (Amendment) Regulations 2000 implement Article 7 of Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos by amending the requirements of the plan, provided for in Article 12 of Directive 83/477/EEC, which must be prepared prior to any demolition work involving asbestos. The effect of the amending regulations is to ensure that the demolition of buildings, structures and installations containing asbestos and the removal thereof of asbestos or materials containing asbestos fibres or dust do not cause significant environmental pollution; the regulations also provide for the protection of workers on the site. This plan must be made available on request to, *inter alia*, an inspector of the Health and Safety Authority.

In addition, the Air Pollution Act 1987 provides a basis for a local authority to monitor the nature, extent and effects of such emissions, including asbestos emissions, as the local authority may consider necessary for the performance of its functions under the Act or as they may be directed by the Minister to carry out.

The movement of hazardous waste, including asbestos waste, within the State is subject to a notification procedure, involving the provision of consignment notes to local authorities of dispatch and destination. The Waste Management (Movement of Hazardous Waste) Regulations 1998 also transpose EU requirements regarding the labelling of waste containers and the mixture of wastes. Article 7 of the Waste Management (Hazardous Waste) Regulations 1998 prohibits emissions of asbestos fibres or dust during transport of such waste.

The Environmental Protection Agency, EPA, is responsible for waste licensing and is empowered under relevant waste management licensing regulations to attach conditions to licences to give effect to provisions of EU directives, including Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos.

An information leaflet entitled Asbestos in your Home, Briefing Sheet 29, is available from ENFO, my Department's public information service on environmental matters. This includes advice on the maintenance of asbestos materials, and their removal and disposal. The leaflet advises the public to contact the Health and Safety Authority to obtain information on the handling and use of asbestos. Relevant advice on the disposal of asbestos would also be available on request from local authorities and the EPA.

Hunting Licences.

183. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government the numbers and so on of all deer released and not recaptured as per condition two of the licence for the Ward Union Hunt for each year 1999-2003. [6463/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department is responsible for issuing an annual licence to the Ward Union Hunt Club under section 26 (1) (ii) of the Wildlife Act 1976, as amended. One of the conditions attached to the licence in recent years requires that "the Ward Union Hunt Club shall inform the Minister of the number and sex of all deer released and not recaptured together with an indication of where such deer were last sighted".

The following figures on deer releases were received from the Ward Union Hunt Club for the period requested — a havier is a castrated male deer:

Season	Sex	Total Number
1998/1999	8 Stag & 2 Havier	10 Deer
1999/2000	7 Stag & 3 Havier	10 Deer
2000/2001	9 Stag & 4 Havier	13 Deer
2001/2002	8 Stag & 1 Havier	9 Deer
2002/2003	16 Stag	16 Deer

Question No. 184 answered with Question No. 173.

Register of Electors.

185. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the measures that have to be taken to inform non-nationals of their voting entitlements in the upcoming local and European elections; if measures to encourage voter registration among this group have been taken; and if he will make a statement on the matter. [6468/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The form used by registration authorities to compile the 2004-2005 register of electors contains information for non-nationals in regard to their eligibility to vote and to stand at the 2004 European and local elections. In accordance with EU Directive 93/109, EU citizens, apart from Irish or UK citizens, who are resident in Ireland, other than those who were registered at the 1994 or 1999 European elections, must complete an application form and declaration in order to be registered as European electors. It is understood that registration authorities are contacting such potential European electors as are known to them to ensure they are aware of these additional requirements. In addition, advertising will also be undertaken in 2004 to alert nationals of EU applicant member states of their eligibility to take part in the 2004 polls, as well as all non-nationals who may be entitled to be registered for local elections.

National Compensation Scheme.

186. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when details of the SAC national compensation scheme will be published; and when farmers will be able to apply. [6481/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I expect that full details of the scheme to be operated by my Department will be available by mid-2004, and farmers will be able to apply for a farm plan under the scheme from that time. The scheme, which will be available to those farmers who do not choose to join REPS, will be applicable to lands in Natura 2000 sites — special areas of conservation and special protection areas — and commonages, and will reflect the same habitat and species management requirements as apply in REPS measure A. Compensation under this scheme, however, will be assessed on the basis of actual losses derived from the farm plan, as distinct from the area based calculation in REPS.

SAC Appeals.

187. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the reason for the backlog in the SAC Appeals

Advisory Board; and the further reason one particular appeal is outstanding since September 2000. [6482/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department has recently met with representatives of the Appeals Advisory Board to address ways and means of reducing the present backlog of appeal cases. Arrangements have now been put in place to expedite the hearing of appeals, including of the case referred to.

Social Welfare Benefits.

188. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs the plans she has to increase the earning limit for the one parent family payment, or make allowance for those with more than eight children; when the present limit of €293 was last increased; and if she will make a statement on the matter. [6427/04]

Minister for Social and Family Affairs (Mary Coughlan): Policy under the one parent family payment is to encourage and facilitate lone parents in moving into the paid labour force so that they may avoid long-term welfare dependency. The main element of this policy is an earnings disregard of €146.50 per week. Earnings above this limit are assessed at 50%, up to a maximum of €293 per week. These limits have been in place since 1997. The earnings disregard is designed to assist in overcoming the particular obstacles which lone parents may face in taking up employment and training opportunities and to encourage them to return to employment, instead of remaining dependent on social welfare payments. Lone parents who exceed the upper income limit applying under the one parent family payment may be eligible for the family income supplement.

The family income supplement, by providing cash support for employees with families on low earnings, preserves the incentive to remain in employment in circumstances where the employee might only be marginally better off than if s/he were claiming other social welfare payments.

I am satisfied that the social welfare arrangements in place for lone parents are appropriate and support general policy in this area, which is to provide income support for lone parents while at the same time encouraging them to consider employment as a realistic alternative to long-term welfare dependency. The position is being kept under review and changes will be considered when necessary.

189. **Mr. Durkan** asked the Minister for Social and Family Affairs when a companion pass will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [6433/04]

Minister for Social and Family Affairs (Mary Coughlan): People in receipt of an invalidity

[Mary Coughlan.]

pension who are medically certified as unfit to travel alone are entitled to a companion free travel pass from my Department.

The person concerned is in receipt of an invalidity pension and a standard free travel pass which entitles her to travel free. Late last year she applied for a companion free travel pass. The medical report forwarded by her in support of her application was sent to my Department's chief medical adviser for his advice.

The chief medical adviser considered that the person concerned did not satisfy the medical criteria for receipt of a companion free travel pass, and that she is fit to travel unaccompanied. Based on this advice, the Department refused her application. The case was further reviewed following an examination by another medical adviser and following further information supplied by the person concerned the decision was unchanged. However, I am having the case examined again in the light of the Deputy's representations on the matter.

190. **Mr. McGuinness** asked the Minister for Social and Family Affairs if the rent allowance being awarded to persons (details supplied) in County Kilkenny will be increased in view of their medical and financial circumstances. [6480/04]

Minister for Social and Family Affairs (Mary Coughlan): Subject to certain conditions, the supplementary welfare allowance scheme 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 and who do not have accommodation available from any other source.

The scheme is administered on behalf of my Department by the health boards and neither I nor my Department have any function in deciding entitlement in individual cases.

Rent supplements are subject to a means test and are normally calculated to ensure that a

person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution, currently €13.

In addition to the minimum contribution, each applicant is required to contribute towards his or her rent any additional assessable means that he or she may have over and above the appropriate rate of basic supplementary welfare allowance.

The South Eastern Health Board was contacted on behalf of the family in question and has advised that the amount of rent supplement in payment, which incorporates a disregard of €120 per week in respect of rehabilitative earnings, is the maximum amount payable in this case.

191. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason rent allowance has been reduced in the case of a person (details supplied) in County Kildare whose rent has remained at its present level for the past two years; and if she will make a statement on the matter. [6515/04]

Minister for Social and Family Affairs (Mary Coughlan): One of the conditions for receipt of rent supplement is that applicants are required to make a minimum contribution towards their rent from their own resources.

With effect from 5 January 2004, the rate of the minimum contribution increased from €12 to €13 per week. This increase maintains the relationship between the minimum contribution and the personal rate of basic supplementary welfare allowance which was increased by €10 in the recent budget.

The South Western Area Health Board was contacted on behalf of the individual in question and has advised that the recent reduction in the amount of rent supplement in payment is a result of the increase in the rate of minimum contribution required from all rent supplement recipients.